

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the SmartEnergy )  
Holdings, LLC Annual Alternative )  
Energy Portfolio Status Report for 2013 )**

**Case No. 14-0630-EL-ACP**

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Findings and Recommendations of the PUCO Staff

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**I. Statutory Background**

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to electric distribution utilities and electric service companies. The AEPS is addressed principally in sections 4928.64 and 4928.65, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for **2013** are as follows:

- Renewable Energy Resources = **2.00%** (includes solar requirement)
- Solar Energy Resources = **0.09%**

In addition, there is a requirement that at least half of the renewable energy resources, including the solar energy resources, shall be met through facilities located in this state.

The PUCO further developed rules to implement the Ohio AEPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

4901:1-40-05(A), OAC:

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual alternative energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable alternative energy portfolio benchmarks and planning requirements have or will be met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the alternative energy portfolio standard.

4901:1-40-05(C), OAC:

Staff shall review each electric utility's or electric services company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

## **II. Company Filing Summarized**

SmartEnergy Holdings, LLC (SmartEnergy or Company) filed its AEPS compliance status report for the 2013 compliance year on April 15, 2014.<sup>1</sup> In its compliance filing, the Company indicated that it had zero Ohio retail electric sales during 2010, 2011, and 2012. With no Ohio sales history during the three years preceding the compliance year, SmartEnergy proposed a baseline of 1,264 megawatt-hours (MWHs) which it indicated represents its actual sales for 2013.<sup>2</sup> Applying the statutory benchmarks to its proposed baseline, SmartEnergy calculated its 2013 compliance obligations to be as follows:

- 1 Solar MWH which must originate from an Ohio facility
- 24 Non-Solar MWHs, of which at least 12 MWHs must originate from Ohio facilities

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and solar REC (S-REC) to satisfy its 2013 compliance obligations.

## **III. Filed Comments**

No persons filed comments in this proceeding.

## **IV. Staff Findings**

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

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<sup>1</sup> When initially filed, the compliance status report appeared on the Docketing Information System as a "source file" associated with the waiver request. Staff requested that the Company re-file its status report, which the Company did on December 12, 2014. The Staff considers the compliance report to have been timely filed.

<sup>2</sup> The Company filed a waiver request seeking authority to use its actual 2013 sales rather than a reasonable projection of sales for a full calendar year. As of this writing, the Commission had not ruled on this waiver request.

- (1) That SmartEnergy is an electric services company in Ohio with retail electric sales in the state of Ohio, and therefore the Company had an AEPS obligation for 2013.
- (2) That the baseline proposed by SmartEnergy is reasonable, and given the proposed baseline and the 2013 statutory benchmarks, SmartEnergy accurately calculated its AEPS compliance obligations.
- (3) That the Company has transferred RECs and S-RECs to its PJM EIS Generation Attributes Tracking System (GATS) reserve subaccount for Ohio compliance purposes.
- (4) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its total non-solar<sup>3</sup> obligation, while exceeding the specific minimum in-state non-solar requirement, for 2013. The RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2013.
- (5) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its total solar obligation, as well as the specific minimum in-state solar requirement, for 2013. The S-REC that the Company transferred to its GATS reserve subaccount was sourced from a generating facility certified by the Commission and was appropriately associated with electricity generated between August 1, 2008, and December 31, 2013.

## **V. Staff Recommendations**

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends the following:

- (1) That SmartEnergy is found to have satisfied its 2013 AEPS compliance obligations.
- (2) That for future compliance years in which the Company is utilizing GATS to demonstrate its Ohio compliance efforts, the Company initiates the transfer of the appropriate RECs and S-RECs to its GATS reserve subaccount between

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<sup>3</sup> Staff uses "non-solar" in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific "non-solar" requirement in the applicable statute.

March 1<sup>st</sup> and April 15<sup>th</sup> so as to precede the filing of their Ohio annual compliance status report with the Commission.

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Staff Review and Recommendation electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff