

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Alternative)	
Energy Portfolio Status Report of)	
Switch Energy, LLC)	Case No. 15-0699-EL-ACP
And)	
Plan for Compliance with Advanced)	
And Renewable Energy Benchmarks)	
For Compliance Year 2013)	

**APPLICATION FOR WAIVER OF ADMINISTRATIVE CODE 4901:1-40-03(B)(2)(b)
REQUIREMENT**

Pursuant to Ohio Administrative Code § 4901:1-40-02(B), Switch Energy, LLC (“Switch”) hereby respectfully requests a waiver of the requirement contained in Admin. Code § 4901:1-40-3(B)(2)(b). Switch requests that it be permitted to calculate its initial baseline for purposes of its 2013 Alternative Energy Portfolio Status Report by using its actual retail electric sales for 2013 instead of a reasonable projection. Switch submits that good cause exists to grant this requested waiver.

A memorandum in Support of this Application for Waiver is attached hereto.

Respectfully submitted,

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Advisor to Switch Energy, LLC

Date: 04/14/2015

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MEMORANDUM IN SUPPORT

As a competitive retail electric service provider and electric services company (as defined in Ohio Rev. Code § 4928.01(A)(4) and § 4928.01(A)(9), respectively) Switch Energy, LLC (“Switch”) is required to file an annual alternative energy portfolio status report.¹ Pursuant to Admin Code § 4901:40-03-(B), any electric services company that has had no retail sales during the preceding three (3) calendar years is instructed to calculate its initial baseline by using a reasonable projection of its retail electric sales for a full calendar year. Switch did not begin operations until October 2013; thus, Switch had no retail electric sales for the 2010, 2011, and 2012 calendar years.

Under Admin Code § 4901:1-40-02(B), “[t]he commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.” The requirement present in Admin. Code § 4901:1-40-03(B)(2)(b) is not an requirement mandated by the corresponding Revised Code § 4928.64. Accordingly, the Commission has discretion to waive the requirement to use a projected baseline and, instead, allow Switch to calculate its initial baseline from its actual 2013 retail electric sales.

¹ Admin. Code 4901:1-40-05(A).

Good cause exists for the Commission to grant Switch's application for waiver. Admin. Code § 4901:1-40-03(B)(1) allows an electric services company to compute its initial baseline using an average of three (3) years *actual* sales data. Similarly, Rev. Code § 4928.64(B) enumerates the same approach for calculation. For an electric services company with limited experience in the Ohio market, calculating the initial baseline by using actual sales for the 2013 calendar year is a more accurate and equitable approach than utilizing a projection. In the past, the Commission has granted such waivers of Admin. Code § 4901:1-40-03(B)(2)(b) and allowed electric services companies to utilize actual sales data in lieu of projections when the company had no sales for the preceding three (3) years. See *In the Matter of AEP Retail Energy's 2010 Annual Alternative Energy Portfolio Status Report*, Case No. 11-2453-EL-ACP, June 2013 Finding and Order, Finding No. (7). Accordingly, good cause exists for granting Switch's request.

For the foregoing reasons, Switch Energy, LLC respectfully requests the Commission find good cause exists to waive the initial baseline projection requirement found in Admin. Code § 4901:1-40-03(B)(2)(b) and allow Switch to compute its initial baseline using its 2013 retail electric sales data.

Respectfully submitted,

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Summary: Application Application for Waiver electronically filed by Mr. Todd M Williams on behalf of Switch Energy, LLC