

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Alternative Energy Portfolio Standard) Case No. 14-2328-EL-ACP
Report to the General Assembly for the)
2013 Compliance Year.)

ENTRY

The attorney examiner finds:

- (1) Am.Sub.S.B. No. 221 (SB221) of the 127th General Assembly (2008 Ohio Laws S221, effective July 31, 2008), created Ohio's Alternative Energy Portfolio Standard (AEPS), now codified in R.C. Chapter 4928. The AEPS contains specific compliance benchmarks for the total renewable energy resources of electric distribution utilities (EDUs) and competitive retail electric service (CRES) providers, including a specific solar requirement.
- (2) R.C. 4928.64(D)(1) requires the Commission to submit a report to the General Assembly describing the compliance of EDUs and CRES providers with R.C. 4928.64(B), including the average annual cost of renewable energy credits (RECs) purchased by EDUs and CRES providers for the compliance year, and any strategy for compliance or for encouraging the use of alternative energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts. The statute also requires the Commission to solicit and consider public comments on the report prior to its submission to the General Assembly. Ohio Adm.Code 4901:1-40-09 provides for a 30-day public comment period prior to the submission of the report to the General Assembly.
- (3) By Entry issued February 26, 2015, each EDU and CRES provider with a 2013 AEPS compliance requirement was directed to file by March 12, 2015, the average cost data for the RECs that it has retired, or will be retiring, to demonstrate compliance with its 2013 Ohio AEPS obligations. All reporting companies wanting to protect their average REC cost data for the 2013 compliance year from public disclosure were directed to file the information under seal with a motion for protective order pursuant to Ohio Adm.Code 4901-1-24.
- (4) Motions for protective order were filed by the following companies:

ArcelorMittal USA LLC,
Border Energy Electric Services, Inc.,

CenStar Energy Corp.,
Champion Energy Services, LLC.,
Commerce Energy Inc., dba Just Energy,
Consolidated Edison Solutions, Inc.,
Constellation New Energy Inc.,
The Dayton Power and Light Company,
Direct Energy Business, LLC,
Direct Energy Services, LLC,
DPL Energy Resources Inc.
DTE Energy Supply, Inc.,
Duke Energy Ohio, Inc.,
Duke Energy Retail Sales, LLC,
Energy Plus Holdings LLC,
energy.me midwest llc, dba energy.me,
The FirstEnergy EDUs: Ohio Edison Company,
Cleveland Electric Illuminating Company and
Toledo Edison Company,
Hess Corporation,
Hudson Energy,
Independence Energy Group LLC,
Integrays Energy Services, Inc.,
Interstate Gas Supply, Inc.,
MidAmerican Energy Company,
Nordic Energy Services, LLC,
NextEra Energy Services Ohio LLC,
Ohio Power Company
Reliant Energy Northwest LLC, and
Switch Energy, LLC

These motions allege that the average REC cost data contained in these filings should be protected from public disclosure as trade secrets. No objections to any of these motions have been filed.

- (5) As these motions for protective orders appear reasonable and no opposition has been filed to any motion, these motions should be granted for a period of 24 months from the issuance of this Entry. Each of the foregoing companies should note that, pursuant to Ohio Adm.Code 4901:1-24(F), any motion to extend such period of confidential treatment should be filed at least 45 days in advance of the expiration date, pursuant to Ohio Adm.Code 4901-1-24(F), or this information may be released without further notice.
- (6) Palmco Power OH, LLC (Palmco) also filed a redacted version of its compliance requirements with a cover letter on March 6, 2015, and the confidential version under seal on March 9, 2015,

but no motion for protective order appears in this docket. Palmco should file a motion for protective order by December 7, 2015, if the company desires that this information remain under seal. If no motion is filed by that date, this document may be made publicly available without further notice.

- (7) On November 4, 2014, Staff filed a draft of the 2013 AEPS report in this docket. Pursuant to Ohio Adm.Code 4901:1-40-09, interested persons are invited to file comments regarding the draft AEPS report by December 7, 2015. Any reply comments should be filed by December 14, 2015.

It is, therefore,

ORDERED, That interested persons are invited to file comments regarding the proposed AEPS report to be submitted to the General Assembly pursuant to R.C. 4928.64(D)(1), by December 7, 2015. Any reply comments should be filed by December 14, 2015. It is, further,

ORDERED, That each motion for protective order filed pursuant to Ohio Adm.Code 4901-1-24, be granted for a period of 24 months from the issuance of this Entry. It is, further,

ORDERED, That notice or a copy of this Entry be served via the electric-energy listserve, and upon all Ohio EDUs and CRES providers, and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Richard M. Bulgrin

By: Richard M Bulgrin
Attorney Examiner

JRJ/dah

Entered in the Journal

Barcy F. McNeal

Barcy F. McNeal
Secretary

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in

Case No(s). 14-2328-EL-ACP

Summary: Attorney Examiner Entry ordering that interested persons are invited to file comments regarding the proposed AEPS report to be submitted to the General Assembly pursuant to R.C. 4928.64(D)(1), by December 7, 2015. Any reply comments should be filed by December 14, 2015; and that each motion for protective order filed pursuant to Ohio Adm. Code 4901-1-24, be granted for a period of 24 months from the issuance of this Entry - electronically filed by Debra Hight on behalf of Richard M. Bulgrin, Attorney Examiner.