

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Max)
Borenstein for Certification of an Eligible) Case No. 15-1143-EL-REN
Ohio Renewable Energy Resource)
Generating Facility.)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4928.64 and 4928.645 contain the renewable energy resource requirements for electric utility and electric services companies providing electric retail generation in Ohio. R.C. 4928.01(A)(37) defines the types of renewable energy resource generating facilities that qualify in meeting the statutory mandates. Pursuant to Ohio Adm.Code 4901:1-40-04(F), any entity that desires to be designated an eligible renewable energy resource generating facility for the state of Ohio shall file an application for certification that demonstrates the facility satisfies the requirements of R.C. 4928.64 and 4928.645.
- (2) On June 26, 2015, an application was filed for certification of a solar photovoltaic system located at the residence of Max Borenstein (Applicant) in Hatfield, Pennsylvania, as an eligible Ohio renewable energy resource generating facility, pursuant to R.C. 4928.64.
- (3) Ohio Adm.Code 4901:1-40-04(F)(2) provides for automatic approval of an application for certification of an eligible Ohio renewable energy resource generating facility unless the Commission suspends the application within 60 days. The automatic approval process was suspended by an entry issued on August 24, 2015, to provide Staff with additional time to investigate the application. Supplemental documentation was filed on behalf of the Applicant on November 19, 2015.
- (4) On February 10, 2016, Staff filed a report of its review of the application and supplemental information, indicating that the facility appears to satisfy the statutory requirements for certification as a renewable energy facility, and recommending that the application be approved.

- (5) Pursuant to R.C. 4928.64 and 4928.645, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:
- (a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to R.C. 4928.64(B)(3).
 - (b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to R.C. 4928.64(A)(1) and 4928.01(A)(37), or a new technology that may be classified by the Commission as a renewable energy resource pursuant to R.C. 4928.64(A)(2).
 - (c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1), which requires that a facility have been placed-in-service on or after January 1, 1998, or have been modified or retrofitted to create a renewable energy resource after January 1, 1998.
- (6) First, pursuant to R.C. 4928.64(B)(3), the Commission considers whether the facility is located in this state or whether the resource can be shown to be deliverable into this state. The application seeks to certify a solar photovoltaic array that installed at the Applicant's residence in Hatfield, Pennsylvania. The application indicates that this facility is distributed generation that is grid-connected. Accordingly, the Commission finds that the application satisfies the first criterion.
- (7) *Second, the Commission considers whether the resource to be utilized by the generating facility is recognized as a renewable energy resource under Ohio law. The application seeks certification of a solar photovoltaic system. Solar photovoltaic energy is specifically recognized as a renewable resource pursuant to R.C. 4928.01(A)(37). Therefore, the Commission finds that the second criterion is satisfied.*

- (8) Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.64(A)(1). The application indicates that the placed-in-service date for this system was March 21, 2015, and, thus, was after January 1, 1998, satisfying the requirement of R.C. 4928.64(A)(1). As such, the Commission finds that the application meets the third criterion.
- (9) In addition to satisfying the above-cited criteria, R.C. 4928.645(B)(2) provides that renewable energy resource generating facilities should be registered with an approved attribute tracking system for the facility's renewable energy credits to be used for compliance with Ohio's renewable energy portfolio standards. The application demonstrates that the facility in this case is registered with an approved attribute tracking system.
- (10) Accordingly, the Commission finds that the solar photovoltaic system installed at the Applicant's residence satisfies the requisite statutory criteria and should be certified as an eligible Ohio renewable energy resource generating facility. In the event of any substantive changes in the facility's operational characteristics or significant changes in the information provided in the application, the Applicant or owner must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of this certification.

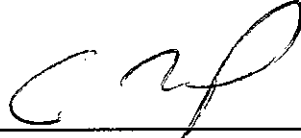
It is, therefore,

ORDERED, That the application is approved. It is, further,

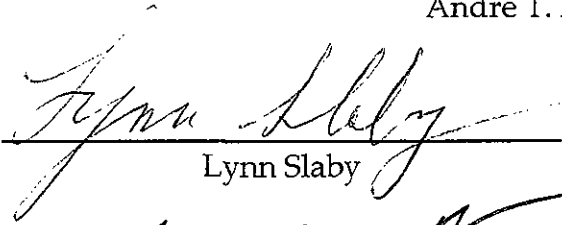
ORDERED, That the Commission's Docketing Division issue the Applicant a certificate for the facility as an eligible Ohio renewable energy resource generating facility. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



Lynn Slaby



Asim Z. Haque



M. Beth Trombold

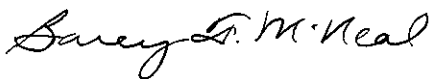


Thomas W. Johnson

RMB/dah

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MAR 02 2016



Barcy F. McNeal
Secretary