

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Constellation)	
NewEnergy, Inc. 2016 Renewable)	Case No. 17-1074-EL-ACP
Portfolio Standard Status Report)	

Staff Findings and Recommendations

I. Statutory Background

Amended Substitute Senate Bill 221, of the 127th General Assembly (2008 Ohio Laws S221, effective July 31, 2008), established Ohio's renewable portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in Ohio Revised Code (R.C.) 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

According to R.C. 4928.64(B)(2), the compliance obligations for **2016** are as follows:

- Renewable Energy Resources = **2.50%** (includes solar requirement)
- Solar Energy Resources = **0.12%**

The Public Utilities Commission of Ohio (PUCO or Commission) further developed rules to implement the Ohio RPS, contained within Ohio Administrative Code (Ohio Adm.Code) 4901:1-40.

Ohio Adm.Code 4901:1-40-05(A), states:

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.

Ohio Adm.Code 4901:1-40-05(C), states:

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

Constellation NewEnergy, Inc. (CNE or Company) filed its RPS compliance status report for the 2016 compliance year on April 14, 2017. In its compliance filing, CNE proposed a baseline of 6,588,321 megawatt-hours (MWHs) which it indicated was an average of its actual retail electric sales for 2013, 2014, and 2015.¹ Applying the statutory benchmarks to its proposed baseline, CNE calculated its 2016 compliance obligations to be as follows:

- 7,906 Solar MWHs
- 156,802 Non-Solar MWHs

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and solar RECs (S-RECs) to satisfy its 2016 compliance obligations. The Company further indicated that it had transferred RECs and S-RECs to both its PJM EIS Generation Attributes Tracking System (GATS) and Midwest Renewable Energy Tracking System (M-RETS) reserve subaccounts for Ohio compliance purposes.²

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:

¹ The Company indicated that the sales volumes used in the calculation of the baseline include a small quantity of annual sales for a separate CRES provider. Email dated January 3, 2018.

² The Company retired S-RECs on both GATS and M-RETS, while it retired RECs exclusively on GATS.

- (1) CNE was an electric services company in Ohio with retail electric sales in the state of Ohio during 2016, and therefore the Company had an RPS obligation for 2016.³
- (2) The baseline proposed by the Company is reasonable, and given the proposed baseline and the 2016 statutory benchmarks, CNE accurately calculated its RPS compliance obligations.
- (3) The Company has transferred 855 S-RECs and 156,802 RECs to its GATS reserve subaccount for 2016 Ohio compliance purposes. In addition, the Company retired 7,051 S-RECs via its M-RETS account.
- (4) Following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its non-solar⁴ obligation for 2016. 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, 2016.
- (5) Following a review of the Company's reserve subaccount data on GATS and M-RETS, Staff confirmed that the Company satisfied its solar obligation for 2016. The S-RECs that the Company transferred to its GATS and M-RETS reserve subaccounts were sourced from solar generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2016.

V. Staff Recommendations

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

- (1) CNE is found to have satisfied its 2016 RPS compliance obligations.
- (2) 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

³ CNE was certified to provide power marketer and power broker services in Ohio during 2016; see PUCO Case No. 00-1717-EL-CRS.

⁴ 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 1st and April 15th so as to precede the filing of their Ohio annual compliance status report with the Commission.

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