

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
ANTHONY HARRINGTON FOR  
CERTIFICATION AS AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY.

CASE NO. 17-2039-EL-REN

## FINDING AND ORDER

Entered in the Journal on March 14, 2018

### I. SUMMARY

{¶ 1} The Commission denies Anthony Harrington's application for certification as an eligible Ohio renewable energy resource generating facility.

### II. DISCUSSION

#### A. *Procedural History*

{¶ 2} On October 31, 2017, Avery Sellers, on behalf of Anthony Harrington, filed the above-captioned application, pursuant to Ohio Adm.Code 4901:1-40-04(F), for certification as an eligible Ohio renewable energy resource generating facility as defined by R.C. 4928.01(A)(37). According to the application, Mr. Harrington owns a solar photovoltaic electricity generator in Flora, Illinois with a capacity of 12.42 kilowatts. The generator is located within the geographic area of PJM Interconnection and will be distributing generation through a net metering and interconnection agreement with a utility, Clay Electric Cooperative Inc.

{¶ 3} On December 19, 2017, the attorney examiner issued an Entry suspending the automatic approval of Mr. Harrington's application pursuant to Ohio Adm.Code 4901:1-40-04(F)(2).

{¶ 4} On January 23, 2018, Staff filed its review and recommendation regarding Mr. Harrington's application, indicating that the facility does not satisfy the statutory requirements for certification as a renewable energy facility and recommending that the application be denied.

***B. Applicable Law***

{¶ 5} 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.

{¶ 6} 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);
- (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); and
- (c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1).

{¶ 7} 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.

{¶ 8} Ohio Adm.Code 4901:1-40-04(F) specifies the process for the filing of an application for certification of a facility as an eligible renewable energy resource generating facility for the state of Ohio that satisfies the requirements of R.C. 4928.64 and 4928.645.

Ohio Adm.Code 4901:1-40-04(F)(2) provides for automatic approval of an application for certification unless the Commission suspends the application within 60 days.

{¶ 9} Ohio Adm.Code 4901:1-40-01(I) provides that generation is deemed to be deliverable into the state of Ohio if the facility is connected to the electric grid within a state contiguous to Ohio. Electricity originating from other locations may also be deemed to be deliverable into the state of Ohio, based upon a demonstration that the electricity could be physically delivered to the state.

**C. Staff Recommendation**

{¶ 10} In its report, Staff explains that if a facility is not located within Ohio or a contiguous state, an applicant must present a power flow study by a regional transmission organization which demonstrates an impact on a transmission line in Ohio that is greater than five percent and an energy delivery value greater than one MW. *See In re Koda Energy LLC*, Case No. 09-555-EL-REN, Entry (Mar. 23, 2011) at 4. Staff notes Mr. Harrington did not provide a power flow study as part of the application. Staff further states that Mr. Harrington's solar photovoltaic electricity generator is interconnected to the distribution grid and is too small to be modeled on PJM's power flow study. Consequently, Staff concludes that the energy from Mr. Harrington's facility is not physically deliverable to Ohio using Commission-approved methodology, thereby failing to satisfy the deliverability criterion. As such, Staff recommends denial of the application, even though Mr. Harrington's application satisfies the other criteria to be certified as a renewable energy resource generating facility.

**D. Commission Conclusion**

{¶ 11} The Commission finds that Staff has correctly determined that Mr. Harrington did not include a power flow study as part of his application and his generator is too small to be modeled on PJM's power flow study. Given that the application fails to demonstrate that the facility satisfies the requisite criteria to become certified as an eligible Ohio

renewable energy resource generating facility, the Commission finds that the application should be denied.

### III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Anthony Harrington's application for certification as an eligible Ohio renewable energy resource generating facility be denied. It is further,

{¶ 14} ORDERED, That a copy of this Finding and Order be served upon all parties of record in this case.

#### THE PUBLIC UTILITIES COMMISSION OF OHIO



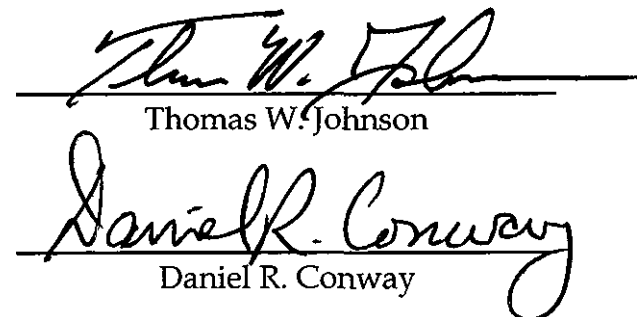
Asim Z. Haque, Chairman

M. Beth Trombold

Thomas W. Johnson



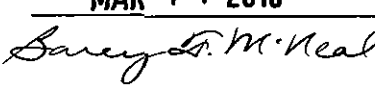
Lawrence K. Friedeman



Daniel R. Conway

AS/vrm  
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**MAR 14 2018**



Barcy F. McNeal  
Secretary