

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Dynegy Energy)	
Services (East), LLC 2014 Renewable)	Case No. 15-0726-EL-ACP
Portfolio Standard Status Report)	

In the Matter of the Dynegy Energy)	
Services (East), LLC 2015 Renewable)	Case No. 16-0820-EL-ACP
Portfolio Standard Status Report)	

In the Matter of the Dynegy Energy)	
Services (East), LLC 2016 Renewable)	Case No. 17-1040-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 **2014**, **2015**, and **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 Filings Summarized

2014

Dynegy Energy Services (East), LLC (DES-East or Company) filed its RPS compliance status report for the 2014 compliance year on April 15, 2015. In its compliance filing, DES-East proposed a baseline of 6,580,244 megawatt-hours (MWHs) which it indicated was the actual retail electric sales by Duke Energy Retail Sales, LLC (DERS) for 2014.¹ Applying the statutory benchmarks to its proposed baseline, DES-East calculated its 2014 compliance obligations to be as follows:

- 7,896 Solar MWHs
- 156,610 Non-Solar MWHs

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and solar RECs (S-RECs) to satisfy its 2014 compliance obligations. The Company further indicated that it had transferred RECs and S-RECs to its PJM EIS Generation Attributes Tracking System (GATS) reserve subaccount for Ohio compliance purposes.

¹ In April 2015, Dynegy Resource I, LLC acquired Duke Energy Retail Sales, LLC (DERS). DERS was subsequently transferred to become a wholly owned subsidiary of Dynegy Energy Services, LLC and was renamed Dynegy Energy Services (East), LLC; DES-East compliance status report, p. 1.

2015

DES-East filed its RPS compliance status report for the 2015 compliance year on April 15, 2016. In its compliance filing, DES-East proposed a baseline of 7,766,186 MWHs which it indicated was its actual retail electric sales for 2015.² Applying the statutory benchmarks to its proposed baseline, DES-East calculated its 2015 compliance obligations to be as follows:

- 9,319 Solar MWHs
- 184,835 Non-Solar MWHs

The Company indicated that it had obtained the necessary RECs and S-RECs to satisfy its 2015 compliance obligations. The Company further indicated that it had transferred RECs and S-RECs to its GATS reserve subaccount for Ohio compliance purposes.

2016

DES-East filed its RPS compliance status report for the 2016 compliance year on April 17, 2017. In its compliance filing, DES-East proposed a baseline of 9,197,530 MWHs which it indicated was its actual retail electric sales for 2016. Applying the statutory benchmarks to its proposed baseline, DES-East calculated its 2016 compliance obligations to be as follows:

- 11,037 Solar MWHs
- 218,901 Non-Solar MWHs

The Company indicated that it had obtained the necessary RECs and S-RECs to satisfy its 2016 compliance obligations. The Company further indicated that it had transferred RECs and S-RECs to its GATS reserve subaccount for Ohio compliance purposes.

III. Filed Comments

No persons filed comments in these proceedings.

IV. Staff Findings

Following its review of the annual status reports and any timely comments submitted in these proceedings, Staff makes the following findings:

² The 2015 sales figure consists of one quarter of sales data from DERS combined with DES-East sales data for the final three quarters of 2015. E-mail correspondence dated March 19, 2018.

- (1) DES-East was an electric services company in Ohio with retail electric sales in the state of Ohio during 2014, 2015 and 2016, and therefore the Company had an RPS obligation for 2014, 2015 and 2016.³
- (2) The baselines proposed by the Company are reasonable, and given the proposed baselines and the applicable statutory benchmarks, DES-East accurately calculated its 2014, 2015, and 2016 RPS compliance obligations.
- (3) The Company transferred 7,896 S-RECs and 156,610 RECs to its GATS reserve subaccount for 2014 Ohio compliance purposes. These S-RECs and RECs were all sourced from renewable facilities certified by the Commission. These retirements were sufficient to address the Company's 2014 compliance obligation.
- (4) The Company transferred 9,319 S-RECs and 184,835 RECs to its GATS reserve subaccount for 2015 Ohio compliance purposes. These S-RECs and RECs were all sourced from renewable facilities certified by the Commission. These retirements were sufficient to address the Company's 2015 compliance obligation.
- (5) The Company transferred 11,037 S-RECs and 218,901 RECs to its GATS reserve subaccount for 2016 Ohio compliance purposes. These S-RECs and RECs were all sourced from renewable facilities certified by the Commission. These retirements were sufficient to address the Company's 2016 compliance obligation.

V. Staff Recommendations

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

- (1) DES-East is found to have satisfied its 2014, 2015, and 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 Duke Energy Retail Sales, LLC ("DERS") was certified to provide retail generation, aggregation and power marketer services in Ohio in 2014. In April 2015, DERS was renamed Dynegy Energy Services (East), LLC ("DES-East"). DES-East was certified to provide retail generation, aggregation, and power marketer services in Ohio in 2015 and 2016. See PUCO Case No. 04-1323-EL-CRS.

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 for the 2014, 2015, and 2016 RPS compliance years electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff