

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE 2018 LONG-TERM FORECAST REPORT OF OHIO POWER COMPANY AND RELATED MATTERS.**

**CASE NO. 18-501-EL-FOR**

**IN THE MATTER OF THE APPLICATION OF OHIO POWER COMPANY FOR APPROVAL TO ENTER INTO RENEWABLE ENERGY PURCHASE AGREEMENTS FOR INCLUSION IN THE RENEWABLE GENERATION RIDER.**

**CASE NO. 18-1392-EL-RDR**

**IN THE MATTER OF THE APPLICATION OF OHIO POWER COMPANY FOR APPROVAL TO AMEND ITS TARIFFS.**

**CASE NO. 18-1393-EL-ATA**

**ENTRY**

Entered in the Journal on November 30, 2018

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the Company) is an electric distribution utility as defined in R.C. 4928.01(A)(6) and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.143(B)(2)(c) provides that an electric security plan (ESP) may include a nonbypassable surcharge for the life of an electric generating facility that is owned or operated by an electric distribution utility, was sourced through a competitive bid process, and is newly used and useful on or after January 1, 2009. The statute directs the Commission to determine, in advance of authorizing any surcharge, whether there is need for the facility based on resource planning projections submitted by the electric distribution utility.

{¶ 3} R.C. 4935.04(C) requires certain electric transmission line owners to furnish to the Commission, on an annual basis, a long-term forecast report (LTFR), including, among other information, a year-by-year, ten-year forecast of annual energy demand,

peak load, reserves, and a general description of the resource planning projections to meet demand. Pursuant to Ohio Adm.Code 4901:5-3-01(A) and 4901:5-5-06(A), an electric transmission owner or electric utility is required to file its LTFR, including an integrated resource plan, by April 15 of each year.

{¶ 4} R.C. 4935.04(D)(3) provides that the Commission shall hold a public hearing regarding a LTFR upon the showing of good cause to the Commission by an interested party. If a hearing is held, the Commission shall fix a time for the hearing, which shall be not later than 90 days after the report is filed, and publish notice of the date, time of day, and location of the hearing in a newspaper of general circulation in each county in which the person furnishing the report has or intends to locate a major utility facility and will provide service during the period covered by the report. The notice shall be published not less than 15 nor more than 30 days before the hearing and shall state the matters to be considered.

{¶ 5} On April 16, 2018, AEP Ohio filed its LTFR for 2018 in Case No. 18-501-EL-FOR (*LTFR Case*). AEP Ohio corrected and supplemented its LTFR on May 31, 2018, and June 26, 2018, at the request of Staff.

{¶ 6} On June 7, 2018, pursuant to Ohio Adm.Code 4901-1-12 and 4901:5-5-02(C), AEP Ohio filed a motion for waiver, requesting that the Commission waive certain portions of the LTFR requirements for electric utilities and electric transmission owners. In its motion, AEP Ohio stated that it intended to file an amendment to its 2018 LTFR to demonstrate the need for at least 900 megawatts (MW) of renewable energy projects in Ohio, consistent with the Commission's orders in the Company's recent ESP proceedings and its earlier power purchase agreement (PPA) proceedings. *In re Ohio Power Co.*, Case No. 16-1852-EL-SSO, et al. (*ESP Case*), Opinion and Order (Apr. 25, 2018); *In re Ohio Power Co.*, Case No. 14-1693-EL-RDR, et al. (*PPA Rider Case*), Opinion and Order (Mar. 31, 2016), Second Entry on Rehearing (Nov. 3, 2016), Fifth Entry on Rehearing (Apr. 5, 2017). AEP Ohio explained that the stipulation and recommendation approved by the Commission

in the *PPA Rider Case* includes an agreement and commitment by the Company and its affiliates to develop a total of at least 500 MW nameplate capacity of wind energy projects in Ohio and at least 400 MW nameplate capacity of solar energy projects in the state, subject to Commission approval. AEP Ohio noted, however, that it must first submit a demonstration of need filing pursuant to R.C. 4928.143(B)(2)(c), as a predicate for advancing project-specific proposals through subsequent EL-RDR filings.

{¶ 7} With respect to its waiver request, AEP Ohio asserted that the designated information required by certain LTFR rules is not necessary for an efficient review of the Company's integrated resource plan that will be the focus of the LTFR amendment. AEP Ohio added that the information required by the rules is voluminous and would be time consuming for the Company to prepare, while much of the information is publicly available in the Company's Federal Energy Regulatory Commission Form 715.

{¶ 8} By Entry dated September 19, 2018, the Commission granted AEP Ohio's unopposed motion for waiver, subject to certain conditions.

{¶ 9} On September 19, 2018, AEP Ohio filed the amendment to its 2018 LTFR, along with supporting testimony.

{¶ 10} On September 21, 2018, Staff filed a motion for a hearing in the *LTFR Case*.

{¶ 11} On September 27, 2018, in Case No. 18-1392-EL-RDR and Case No. 18-1393-EL-ATA (*Tariff Cases*), AEP Ohio filed an application seeking approval of the inclusion of two solar energy resources totaling 400 MW of nameplate capacity in the Company's Renewable Generation Rider (RGR), as well as approval to establish a new Green Power Tariff under which customers may purchase renewable energy certificates (RECs) for the solar energy resources' environmental attributes. AEP Ohio states that, in accordance with the *PPA Rider Case* and the *ESP Case*, the Company has executed 20-year renewable energy purchase agreements (REPAs) for the energy, capacity, and environmental

attributes associated with two solar energy projects to be constructed in Highland County, Ohio - a 300 MW nameplate capacity solar facility known as Highland Solar and a 100 MW nameplate capacity solar facility known as Willowbrook Solar. AEP Ohio further states that, although the solar facilities would be operated on its behalf, the Company would be responsible for the dispatch of the resources in the wholesale markets. AEP Ohio requests that the Commission find that it is reasonable and prudent for the Company to enter into the REPAs associated with the two solar energy projects and that the Company should be authorized under R.C. 4928.143(B)(2)(c) to recover through the RGR its REPA costs and debt equivalency costs for the life of the facilities. With respect to the Green Power Tariff, AEP Ohio notes that it requests approval to establish the tariff under R.C. 4909.18, as an application not for an increase in rates, in order to provide all customers, whether served by the Company's standard service offer or by a competitive retail electric service provider, the opportunity to purchase RECs to cover some or all of their usage.

{¶ 12} Also on September 27, 2018, AEP Ohio filed a motion seeking to consolidate the *LTFR Case* and the *Tariff Cases*.

{¶ 13} By Entry dated October 22, 2018, the attorney examiner granted, to the extent set forth in the Entry, Staff's motion for a hearing in the *LTFR Case* and AEP Ohio's motion to consolidate the above-captioned proceedings. The attorney examiner determined that the consolidated cases should proceed in two phases, with the first phase to consist of a hearing on the issue of need, while, in the second phase of the consolidated proceedings, a separate hearing will be held to consider the issues raised by AEP Ohio's application in the *Tariff Cases*. Additionally, the attorney examiner established a procedural schedule for the first phase of the consolidated proceedings. Pursuant to the procedural schedule, motions to intervene in the consolidated cases were due by October 29, 2018.

{¶ 14} On various dates, timely motions to intervene were filed by the following movants: Ohio Energy Group; Industrial Energy Users-Ohio; Ohio Partners for Affordable Energy; Sierra Club; Ohio Manufacturers' Association Energy Group; Interstate Gas Supply, Inc. and IGS Solar, LLC; Ohio Consumers' Counsel; The Kroger Co.; Ohio Environmental Council; Natural Resources Defense Council; Direct Energy, LP (Direct Energy);<sup>1</sup> Ohio Coal Association; Retail Energy Supply Association; One Energy Enterprises LLC; Ohio Hospital Association; Mid-Atlantic Renewable Energy Coalition; Calpine Retail Holdings, LLC; and PJM Power Providers Group and Electric Power Supply Association. No memoranda contra were filed. The attorney examiner finds that the motions for intervention are reasonable and should be granted.

{¶ 15} Gov. Bar R. XII, Section 2(A) provides rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Gov. Bar R. XII, Section 2(A)(7), motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court Office of Attorney Services.

{¶ 16} On October 3, 2018, a motion to appear pro hac vice and certificate of pro hac vice registration were filed by Tony G. Mendoza on behalf of Sierra Club. On November 26, 2018, a motion to appear pro hac vice and certificate of pro hac vice registration were filed by Mark J. Silberman on behalf of Ohio Coal Association. The attorney examiner finds that the motions are reasonable and should be granted.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That the motions for intervention filed by the movants listed in Paragraph 14 be granted. It is, further,

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<sup>1</sup> Although Direct Energy did not seek to intervene in the *Tariff Cases*, the attorney examiner notes that Direct Energy should nonetheless be deemed a party to all three of the above-captioned cases.

{¶ 19} ORDERED, That the motions to appear pro hac vice filed by Tony G. Mendoza and Mark J. Silberman be granted. It is, further,

{¶ 20} ORDERED, That a copy of this Entry be served upon all parties and other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

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By: Sarah J. Parrot  
Attorney Examiner

MJA/sc

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**Case No(s). 18-0501-EL-FOR, 18-1392-EL-RDR, 18-1393-EL-ATA**

Summary: Attorney Examiner Entry granting motions for intervention filed by the movants and granting motions to appear pro hac vice filed by Tony G. Mendoza and Mark J. Silberman electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio