

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ASPIRITY
ENERGY, LLC 2016 RENEWABLE
PORTFOLIO STANDARD STATUS REPORT.

CASE NO. 17-1067-EL-ACP

ENTRY

Entered in the Journal on January 2, 2019

{¶ 1} Ohio's renewable portfolio standard (RPS), applicable to electric distribution utilities and electric service companies, have been established by statute, and are implemented through the Commission's rules contained in Ohio Adm.Code 4901:1-40. The RPS is addressed principally in R.C. 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

{¶ 2} 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 a 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.

{¶ 3} Ohio Adm.Code 4901:1-40-05(C), states:

Staff shall review each electric utility's or electric service company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

{¶ 4} Further, Ohio Adm.Code 4901:1-40-05 provides that the Commission may schedule a hearing on any alternative energy portfolio status report.

{¶ 5} On April 14, 2017, Aspirity Energy, LLC (Aspirity or Company) filed its RPS compliance status report for the 2016 compliance year. In its compliance filing, Aspirity proposed a baseline of 11,800 megawatt hours (MWHs) which it indicated was its Ohio electric sales for 2016. Applying the statutory benchmarks to its proposed baseline, Aspirity calculated its 2016 compliance obligations to be 14 Solar MWHs and 281 Non-Solar MWHs. With the exception of one renewable energy credit (REC), Aspirity indicated that it had obtained the necessary 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 its PJM EIS Generation Attribute Tracking system (GATS) reserve subaccount for Ohio compliance purposes. To address its one REC shortfall, the Company proposed to pay an alternative compliance payment of \$49.75.

{¶ 6} Upon its review of Aspirity's RPS compliance status report for the 2016 compliance year, Staff issued, on March 14, 2018, a report of its findings and recommendations. Staff found that Aspirity, as an electric services company with retail sales in the state of Ohio during 2016, had an RPS obligation for 2016. Additionally, Staff found that Aspirity accurately calculated its 2016 RPS compliance obligations. However, upon its review of the Company's GATS reserve subaccount for 2016, Staff has found that the GATS data does not show evidence of any RECs or S-RECs having been retired for 2016 Ohio compliance. To date, Staff's attempts to contact the Company to get clarification on its compliance status have been unsuccessful.

{¶ 7} With no apparent retirements for 2016, Staff submits that an alternative compliance payment is warranted. Using the baseline proposed by Aspirity, Staff calculates a solar obligation of 14.16 MWHs. In the event of a compliance payment, this solar obligation would, consistent with Ohio Adm.Code 4901:1-40-08(A), be rounded up to 15 MWHs. For the non-solar obligation, Staff calculates an amount of 280.84 MWHs, which it would

similarly round to 281 MWHs. Thus, Staff calculates a total alternative compliance payment due of \$18,479.75.

{¶ 8} In order to resolve the issue of the amount of the alternative compliance payment that Aspirity must make in order to satisfy its 2016 RPS obligation, the attorney examiner finds it necessary to schedule a hearing. Accordingly, a hearing shall be scheduled for February 8, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio 43215. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 9} Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding should be filed and served upon all parties no later than seven days before the commencement of the hearing.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled as indicated in Paragraph 8. It is, further,

{¶ 12} ORDERED, That any party intending to present direct, expert testimony comply with Paragraph 9. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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Summary: Attorney Examiner Entry scheduling hearing for 02/08/2019 in accordance with Paragraph 8 and directing any party intending to present direct, expert testimony to comply with Paragraph 9 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio