

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Ohio Power 2012 Renewable Portfolio Standard Status Report ) Case No. 13-0880-EL-ACP  
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In the Matter of the Ohio Power 2013 Renewable Portfolio Standard Status Report ) Case No. 14-0250-EL-ACP  
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**Staff Findings and Recommendations**

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**I. Statutory Background**

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's renewable energy portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in sections 4928.64, 4928.643, 4928.644, and 4928.645, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for **2012 and 2013** are as follows:

<b>Compliance Year</b>	<b>Renewable Resources (including solar)</b>	<b>Solar Resources</b>
2012	1.5%	0.06%
2013	2.0%	0.09%

In addition, there was, until compliance year 2014, a requirement that at least half of the renewable energy resources, including the solar energy resources, shall be met through facilities located in this state.

The PUCO further developed rules to implement the Ohio RPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

4901:1-40-05(A), OAC:

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.

4901:1-40-05(C), OAC:

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

### Compliance year 2012

Ohio Power Company (Ohio Power or the Company) filed its RPS compliance status report for the 2012 compliance year on April 15, 2013. In its report, the Company proposed a compliance baseline of 40,560,626 megawatt-hours (MWhs) comprised of an average of its Ohio retail electric sales from 2009, 2010, and 2011. The compliance baseline has been adjusted for the load of customers with economic development arrangements with the Company. This adjustment was approved by the Commission in case no. 14-0559-EL-ACP.

	MWh Sales Unadjusted	Proposed Adjustments	MWh Sales Adjusted
2009	45,466,718	4,104,903	41,361,815
2010	46,808,205	4,029,891	42,778,314
2011	43,707,876	6,166,126	37,541,750
Baseline for 2012 Compliance Obligation			40,560,626

With its proposed baseline, the 2012 statutory benchmarks, the Company computed its 2012 compliance obligations as follows:

- 24,336 Solar MWhs
- 12,168 In-state<sup>1</sup> Solar MWhs

<sup>1</sup> During the 2012 and 2013 compliance years at least 50% of the compliance obligation must be met by resources located in the state of Ohio. The In-state portion is included in the total MWhs required.

- 584,073 Non-Solar<sup>2</sup> Renewable MWHs
- 292,037 In-state Non-Solar Renewable MWHs

The Company asserted in its annual compliance status report filing that it fully satisfied its 2012 compliance obligations.

### Compliance year 2013

Ohio Power Company filed its RPS compliance status report for the 2013 compliance year on April 15, 2014. In its report, the Company proposed a compliance baseline of 35,346,281 megawatt-hours (MWHs) comprised of an average of its Ohio retail electric sales from 2010, 2011, and 2012. The compliance baseline has been adjusted for the load of customers with economic development arrangements with the Company. This adjustment was approved by the Commission in case no. 14-0559-EL-ACP.

	MWH Sales Unadjusted	Proposed Adjustments	MWh Sales Adjusted
2010	46,808,205	4,029,891	42,778,314
2011	43,707,876	6,166,126	37,541,750
2012	31,585,376	5,866,596	25,718,780
Baseline for 2013 Compliance Obligation			35,346,281

With its proposed baseline, the 2013 statutory benchmarks, the Company computed its 2013 compliance obligations as follows:

- 31,812 Solar MWHs
- 15,906 In-state Solar MWHs
- 675,114 Non-Solar Renewable MWHs
- 337,557 In-state Non-Solar Renewable MWHs

The Company asserted in its annual compliance status report filing that it fully satisfied its 2013 compliance obligations.

### III. Filed Comments

No persons filed comments in these proceedings addressing the respective compliance status reports.

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<sup>2</sup> Staff uses “non-solar” in this context and throughout this document 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

#### IV. Staff Findings

Following its review of the annual status reports, Staff makes the following findings:

- (1) That the Company is an electric distribution utility in Ohio with retail electric sales in the state of Ohio during 2012 and 2013 and therefore the Company had RPS compliance obligations.
- (2) That the Company submitted its annual compliance status report for 2012 RPS compliance activities on April 15, 2013 and for 2013 RPS compliance activities on April 15, 2014.
- (3) That the Company's proposed baselines includes adjustments for economic development.
- (4) That the adjustments for economic development were approved in the February 20, 2019 Finding and Order in Case 14-559-EL-ACP.
- (5) That the compliance baselines proposed by the Company are reasonable.
- (6) That the Company accurately calculated its compliance obligations for 2012 and 2013.
- (7) That the Company has transferred RECs and S-RECs to its GATS reserve subaccount to demonstrate compliance with its 2012 RPS compliance obligations:

2012 SRECs/RECs needed for compliance			
Solar total	24,336	In-state minimum	12,168
Non-Solar total	584,073	In-state minimum	292,037

2012 SRECs/RECs in GATS reserve subaccount			
Solar total	24,336	In-state total	12,168
Non-Solar total	584,073	In-state total	292,037

- (8) That the Company has transferred RECs and S-RECs to its GATS reserve subaccount to demonstrate compliance with its 2013 RPS compliance obligations:

2013 SRECs/RECs needed for compliance			
Solar total	31,812	In-state minimum	15,906
Non-Solar total	675,114	In-state minimum	337,557

2013 SRECs/RECs in GATS reserve subaccount			
Solar total	31,812	In-state total	15,906
Non-Solar total	675,114	In-state total	337,557

- (8) That when evaluating the Company’s GATS reserve subaccounts for the 2012 and 2013 periods, Staff found that the Company satisfied its non-solar obligations, including the in-state minimums, as well as its total and in-state solar obligations.

**V. Staff Recommendations**

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

- (1) That the Company be found to have satisfied its RPS compliance obligations for 2012 and 2013.
- (2) That 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 March 1<sup>st</sup> and April 15<sup>th</sup> 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 Mark C Bellamy on behalf of PUCO Staff