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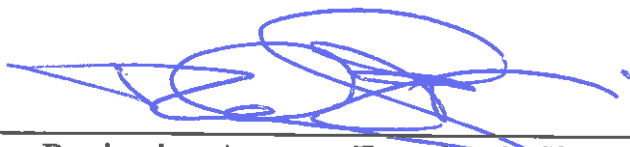
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Case Number	Document Description	Date filed	Page Count	Not Scan	Close Date
14-2328-EL-ACP	Average Cost Data	3/23/2015	1	not scan	3/22/2017
14-2328-EL-ACP	2013 aepe Compliance Requirements	3/17/2015	1	not scan	3/16/2017
14-2328-EL-ACP	2013 aepe Compliance Requirements	3/17/2015	1	not scan	3/16/2017
14-2328-EL-ACP	2013 aepe Compliance Requirements	3/13/2015	1	not scan	3/12/2017
14-2328-EL-ACP	2013 aepe Compliance Requirements	3/13/2015	1	not scan	3/12/2017
14-2328-EL-ACP	Average Cost Data	3/12/2015	1	not scan	3/11/2017
14-2328-EL-ACP	Average Cost Data	3/12/2015	1	not scan	3/11/2017
14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
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14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
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14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
14-2328-EL-ACP	Average Renewable Cost Data	3/12/2015	2	not scan	3/11/2017
14-2328-EL-ACP	Exhibit C-3	3/11/2015	2	not scan	3/10/2017
14-2328-EL-ACP	Average Renewable Cost Data	3/11/2015	5	not scan	3/10/2017
14-2328-EL-ACP	Average REC Cost Data	3/11/2015	2	not scan	3/10/2017
14-2328-EL-ACP	Average Cost Data	3/11/2015	2	not scan	3/10/2017
14-2328-EL-ACP	2013 REC's	3/10/2015	3	not scan	3/9/2017
14-2328-EL-ACP	2013 AEPS obligations	3/9/2015	1	not scan	3/8/2017
14-2328-EL-ACP	2013 REC's	3/9/2015	1	not scan	3/8/2017
14-2328-EL-ACP	2013 AEPS Average Cost Data	3/4/2015	1	not scan	3/3/2017
14-2328-EL-ACP	Average Cost Data	3/2/2015	2	not scan	3/1/2017

13-1909-EL-ACP	2012 Average Cost Liberty Power Holding LLC	11/19/2013	2	not scan	11/19/2015
13-1909-EL-ACP	2012 Average REC purchase cost of NextEra Energy services Ohio, LLC	11/15/2013	2	not scan	11/15/2015
13-1909-EL-ACP	2012 Average REC purchase cost of Inerstate Gas Supply, Inc. dba IGS Energy	11/15/2013	2	not scan	11/15/2015
13-1909-EL-ACP	2012 Average REC purchase cost of Public Power, LLC	11/15/2013	2	not scan	11/15/2015
13-1909-EL-ACP	2012 Average REC purchase cost of Cincinnati Bell Energy, LLC	11/15/2013	2	not scan	11/15/2015
13-1909-EL-ACP	2012 Average REC purchase cost Constellation NewEnergy, Inc.	11/15/2013	2	not scan	11/15/2015
13-1909-EL-ACP	Exhibit A	11/15/2013	1	not scan	11/15/2015
13-1909-EL-ACP	2012 Average REC purchase cost Duke Energy Retail Sales	11/14/2013	1	not scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost Noble Americas Energy	11/14/2013	2	not scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost Commerce Energy	11/14/2013	2	not scn	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost Direct Energy	11/14/2013	2	not scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost AEP Energy	11/14/2013	1	not scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost AEP	11/14/2013	3	not scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost DPL Energy Resources	11/14/2013	2	nor scan	11/14/2015
13-1909-EL-ACP	2012 Average REC purchase cost	11/14/2013	2	not scan	11/14/2015
13-1909-EL-ACP	Portfolio report	11/13/2013	1	not scan	11/13/2015

13-1909-EL-ACP	Trade Secrets	11/12/2013	1	not scan	11/12/2015
13-1909-EL-ACP	corres.	11/12/2013	2	not scan	11/12/2015
13-1909-EL-ACP	Cost for 2012 Ohio AEPS obligations	11/8/2013	2	not scan	11/8/2015
13-1909-EL-ACP	Information renewable energy credits	11/6/2013	3	not scan	11/6/2015
10-462-EL-ACP	Finding and Recommendations	4/5/2011	4	not scan	4/4/2013
10-462-EL-ACP	Alternative Energy Resources Report for 2009, Duke Energy	4/15/2010	15	not scan	4/14/2012

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Case # 10-462-EL-ACP

➤ Page Count 19

➤ Date Filed 4/5/11

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❖ *Summary of document:*

Finding & Recommendations

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

10-462

In the Matter of the Alternative Energy)
Resources Report for Calendar Year 2009)
For Semptra Energy Solutions, LLC)

Case No. 10-0462-EL-ACP

Findings and Recommendations of the PUCO Staff

PUCO

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I. Statutory Background

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to electric distribution utilities and electric service companies. The AEPS is addressed principally in sections 4928.64 and 4928.65, 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 2009 are as follows:

- Renewable Energy Resources = 0.25% (includes solar carve-out)
- Solar Energy Resources = 0.004%

In addition, there is 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 AEPS, 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.

II. Company Filing Summarized

Sempra Energy Solutions, LLC¹ (Sempra or Company) filed both a public and confidential version of its alternative energy resources report for calendar year 2009. Sempra also filed a motion for protective order, a motion that was subsequently approved by the Commission².

Sempra indicated in its filing that it did not have any Ohio retail electric sales in 2006, 2007, or 2008. Therefore, the Company proposed a baseline comprised of a projection of its 2009 Ohio electric retail sales. The baseline proposed by Sempra was 325,956 megawatt-hours (MWHs).

With its proposed baseline and the 2009 statutory benchmarks, Sempra computed its 2009 compliance obligation as 13 solar MWHs and 815 non-solar³ MWHs.

Sempra concluded in its filing that it fully satisfied the non-solar portion of its 2009 compliance obligation, through the acquisition of 815 non-solar renewable energy credits (RECs) including 408 from Ohio facilities. Sempra indicated that it did not secure any solar renewable energy credits (S-RECs). Sempra requested a *force majeure* determination in Case No. 10-0428-EL-ACP, a request that was granted by the Commission.⁴ As a result, Sempra asserted that it complied with its revised solar obligation for 2009.

III. Filed Comments

No persons filed comments in this proceeding.

¹ On 9/30/2010, Sempra filed notice of a name change with Sempra Energy Solutions LLC becoming Noble Americas Energy Solutions LLC. For purposes of its Findings and Recommendations, Staff continues to refer to Sempra as that was the applicable name at the time of the status report filing.

² Entry dated 8/4/2010

³ Staff uses "non-solar" in this context to refer to the total renewable energy requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific "non-solar" requirement in the applicable statute.

⁴ Finding & Order dated 4/28/2010

IV. Staff Findings

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) Sempra is an electric services company in Ohio with retail electric sales in the state of Ohio, and therefore Sempra has an AEPS compliance obligation for 2009.
- (2) Sempra filed its alternative energy resources report in this proceeding on April 14, 2010.
- (3) Although Sempra indicated that it had no Ohio retail electric sales in 2006, 2007, or 2008, Staff's records indicate sales of 3,795 MWHs in the first quarter of 2006. In response to Staff questions on the topic, Sempra indicated that its retail contracts expired in 2005 and any sales in 2006 were due to unintended accounting and administrative issues. Sempra indicated to Staff that its preference would be to defer to the baseline it proposed in its filing.
- (4) The projected sales volume proposed by Sempra for 2009 is in fact its actual sales for 2009. Section 4901:1-40-03(B)(2)(b), OAC, envisions a projection in the case where an electric services company has no retail sales during the preceding three calendar years. This use of a projection was intended to provide the electric services company with an indicator of its compliance obligation earlier in the year for planning purposes. However, Staff does not oppose Sempra's proposed use of actual sales data in this scenario.
- (5) Sempra computed its 2009 solar obligation as 13 MWHs. Staff calculates a solar compliance obligation of 13.038 MWHs, which rounds up to 14 MWHs of which at least 7 must originate from Ohio facilities.
- (6) Sempra incorrectly computed its non-solar obligation, the result of which was to overstate its non-solar requirement. Sempra's calculation uses 0.25% for the non-solar obligation, while Staff believes that the figure should be 0.246% (i.e., 0.25% minus the solar requirement of 0.004%). The result of Staff's calculation is a non-solar obligation of 801.85 MWHs, rounded up to 802 MWHs. Therefore, Staff finds that Sempra's non-solar obligation for 2009 is 802 MWHs, of which at least 401 MWHs must originate from Ohio facilities.
- (7) Staff reviewed Sempra's reserve subaccount with GATS. The reserve subaccount details indicated a total of 815 non-solar RECs assigned to Ohio compliance. Four hundred and eight of the RECs were Ohio-based, while the remaining RECs came from a facility in an adjacent state. These non-solar RECs originated from

generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2009.

- (8) Staff found that Sempra's 2009 GATS reserve subaccount included more RECs than were needed to satisfy its 2009 non-solar compliance obligation. Specifically, it included an additional 7 Ohio non-solar RECs and 6 non-Ohio non-solar RECs. Due to GATS limitations, these RECs cannot be removed from the reserve subaccount now as they are considered retired.
- (9) Staff concludes that Sempra complied with its 2009 total non-solar compliance obligation, as well as the specific in-state non-solar requirement. Consistent with the Commission decision in Case No. 10-0428-EL-ACP, Staff finds that Sempra complied with its revised solar obligation for 2009.

V. Staff Recommendations

Following its review of the information submitted in this proceeding, Staff recommends the following:

- (1) That Sempra be found to be in compliance with its 2009 non-solar compliance obligations and its revised solar obligations.
- (2) That Sempra's 2010 compliance benchmark include an additional 14 S-RECs, of which at least 7 should come from certified in-state facilities, consistent with the Commission's ruling on the Sempra *force majeure* request in Case No. 10-0428-EL-ACP; and,
- (3) That the 7 Ohio non-solar and 6 adjacent state non-solar RECs currently in Sempra's GATS reserve subaccount, which were not needed for 2009 compliance efforts, be eligible to be applied to Sempra's 2010 non-solar compliance obligations.

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COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER
ALTERNATIVE ENERGY RESOURCES REPORT FOR CALENDAR YEAR 2009

Case No. 10-462-EL-ACP

Sempra Energy Solutions LLC (hereinafter "CRES") in accordance with Sections 4928.64 and 4928.65, Revised Code and Commission Rules 4901:1-40-03 and 4901:1-40-05 hereby submits this Annual Alternative Energy Report ("AER") detailing compliance with the Ohio Alternative Energy Portfolio Standards.

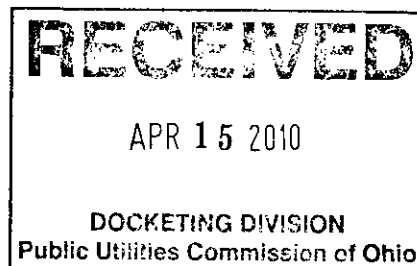
I. Determination that an Alternative Energy Resource Report is Required (check one)

- ☒ During calendar year 2009 the CRES states that it conducted retail sales of generation to customers who utilized the generation in a load center located within the state of Ohio.
- ☐ During calendar year 2009 the CRES states that it did not conduct retail sales of generation to customers who utilized the generation in a load center located within the state of Ohio. (If this block is checked proceed to the signature line)

II. Determination of the sales baseline for 2009

- a. During the past three calendar years the CRES made retail sales of generation in the amounts shown below
- 2006 0 MWh
- 2007 0 MWh
- 2008 0 MWh
- b. The average annual sales of the active years listed above (sum of the active years' MWh / no. of active years) 0 (hereinafter "Baseline Sales")
- c. If conditions exist that merit an adjustment to the Baseline Sales please list the adjusted Baseline Sales on this line N/A and attach as an exhibit to this AER a full explanation of the reason(s) for the adjustment(s).
- d. If the CRES was not active during calendar years 2006, 2007 and 2008 but did make sales during calendar year 2009, please project the amount of retail electric generation sales anticipated for the whole of calendar year 2009 as would have been projected on the first day retail generation sales were made in Ohio.

325,956 MWh



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III. Determination of the number of Solar and Total Renewable Energy Credits (RECs) required and Statement of the Number of RECs Claimed

RENEWABLE ENERGY CREDITS REQUIRED AND OBTAINED FOR 2009

Types	No. of RECs Required (a)	No. of RECs Obtained (b)	Registry (c)	No. of RECs Sited in OH (d)
Solar	13	N/A ¹	N/A ¹	N/A ¹
Non Solar	815	815	GATS	408
Total	828	815		408

- a. Column a above lists the unadjusted number of Solar and Total RECs Required for the CRES in 2009. The determinations were calculated by multiplying the Baseline Sales or Adjusted Baseline Sales or the Projected Sales (circle one) by 4 thousandths of one per cent (0.004%) for Solar RECs and one quarter of one quarter percent (0.25%) for total RECS. Total RECs include both Solar and Non Solar RECs.
- b. The CRES states that it has obtained in accordance with the Commission's Rules the number of Solar and Non Solar RECs listed in column b above for 2009.
Sempra Energy Solutions LLC has applied to the Commission for a postponement until the 2010 Compliance Year to fulfill the 2009 Solar RECs obligation.
- c. Approved registry being used by the CRES. This could be GATS, M-RETS, or if the CRES has RECs with both registries GATS and M-RETS.
Sempra Energy Solutions LLC used the PJM GATS Registry.
- d. The CRES states that of the RECs it has obtained for 2009 the number listed in column d represents the RECs with generation facilities sited within the state of Ohio.
Sempra Energy Solutions LLC states that the RECs in Column (d) in the above table represent the renewable RECs with generation facilities sited in the state of Ohio.
- e. CRES states that it has (circle one) : a) received a *force majeure* determination for Solar RECs; b) sought but has yet to receive a ruling on a *force majeure* determination for Solar RECs; or c) did not seek or sought and did not receive a *force majeure* determination for Solar RECs.

IV. Compliance (check one)

☐ CRES states that it has obtained the required number of Solar RECs and Total RECs without adjustments permitted pursuant to Rule 4901:1-40-05(A)(3).

☒ CRES states that it has obtained the required number of Solar RECs and Total RECs after adjustments permitted pursuant to Rule 4901:1-40-05(A)(3). The type

¹Sempra Energy Solutions LLC has applied to the Commission for a postponement until the 2010 Compliance Year to fulfill the 2009 Solar RECs obligation.

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of adjustment, reason for the adjustment and merit for making the requested adjustment of the proposed adjustments are detailed in Exhibit A attached to this Report.

- ☐ CRES states that it is not in compliance with number of Solar REC's or Total REC's required for 2009.

V. Ten Year Forecast

a. Ten Year Forecast of Solar and Non Solar REC's

In accordance with Rule 4901:1-40-03(C) the CRES hereby provides a projection for the next 10 years for REC's and Solar REC's.

<u>Year</u>	<u>Est. Sales</u>	<u>Est. Solar</u>	<u>Est. Non-Solar</u>	<u>Est. Total REC's</u>
2010	325,956	33	1,597	1,630
2011	325,956	98	3,162	3,260
2012	325,956	196	4,694	4,889
2013	325,956	293	6,226	6,519
2014	325,956	391	7,758	8,149
2015	325,956	489	10,920	11,409
2016	325,956	587	14,081	14,668
2017	325,956	717	17,211	17,928
2018	325,956	848	20,340	21,187
2019	325,956	978	23,469	24,447

b. Supply Portfolio projection

Sempra Energy Solutions LLC states that it intends to purchase all required REC's, both Solar REC's and Non-Solar REC's from suppliers who have received a renewable energy facility certificate from the Public Utilities Commission, have joined an approved REC registry and will transfer REC's from the generator's account to the CRES account.

c. Methodology used to evaluate compliance

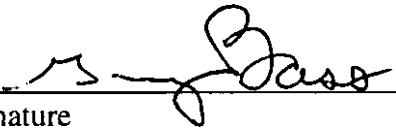
Because the generation market is one of great volatility and because customers are free to contract with any CRES supplier, governmental aggregator or utilize a utility standard service offer, Sempra Energy Solutions LLC has projected out sales to the end of the current Electric Security Plan period for each of the utility service areas in which it conducts sales based on its most current business plan available at the time of submission of this Report. Since the price to compare will change at the end of the Electric Security Plan, projecting the ability to maintain sales, let alone increase sales, is problematic at best. Thus, the CRES has assumed that load will remain constant, and the increase in total REC's comes from the increase in requirement percentages.

d. Comments on any perceived impediment(s) to achieving compliance with the Solar and Non Solar REC requirements, as well as any discussion addressing such impediments.

Sempra Energy Solutions LLC has no comments at this time

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I, Greg Bass, am the duly authorized representative of Sempra Energy Solutions LLC.
To the best of my knowledge all the information contained in the foregoing report
including any exhibits and attachments are true, accurate and complete.



Signature

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Due to difficulties with functionality in the PJM-GATS system, Sempra Energy Solutions LLC ("SES") is unable to retire the specified number of RECs in time for this filing. However, the specific RECs that SES owns and is planning to retire are as follows:

Unit ID	Month of Generation	Certificate Serial Numbers	Quantity	OH State Number
NON34271	2009/06	62610 - 1 to 408	408	IO-BIO-OH-GATS- 0017
MSET89752801	2009/11	80365 - 42938 to 43344	407	09-WND-IN-GATS- 001

As soon as SES receives the necessary functionality in the PJM-GATS system, SES will send a print screen from the PJM-GATS system showing that the above RECs have been retired into the Ohio Subaccount.

Exhibit A

FIL

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of)
RESA for an Amendment to the) Case No. 10-428-EL-ACP
2009 Solar Energy Resource Benchmark)
Pursuant to R.C. Section 4928.64(C)(4))

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**APPLICATION FOR A FORCE MAJEURE DETERMINATION
and
Request for Expedited Review**

Now comes the Retail Electric Supply Association (RESA), a trade association of retail electric and natural gas suppliers.¹ Several of RESA's members are certificated competitive retail electric service providers (CRES) who are active in the Ohio electric market and have made retail electric generation sales in Ohio in 2009. As such, the RESA CRES² providers will have to submit on or before April 15, 2010 a Renewable Energy Report for calendar year 2009. In that Report, all CRES providers who have made retail sales in calendar year 2009 pursuant to Rule 4901:1-40-03 will have to either certify that they have purchased Solar Renewable Energy Credits ("S-RECs") in an amount equal to .004% of their baseline sales or pay a penalty.³ For the reasons detailed below, RESA believes that S-RECs were not only unavailable for the electric distribution companies of FirstEnergy Corp. and American Electric Power to meet 2009

¹ RESA's members include ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Business, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Gexa Energy; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; Sempra Energy Solutions LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

² Constellation NewEnergy, Inc.; Direct Energy Business, LLC; Gexa Energy; Integrys Energy Services, Inc. and Sempra Energy Solutions LLC.

³ See Section 4928.64(B)(2), Revised Code. The S-REC benchmark is set at .004% of baseline sales, half of which must be met with resources located within the State of Ohio.

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requirements, but also were unavailable for the RESA CRES providers. Further, for the policy and equity reasons detailed in the numbered paragraphs below, RESA urges that the S-REC requirements for 2009 be postponed, as opposed to waived, and integrated into the 2010 S-REC reporting period.

In further support of its application, RESA states as follows:

1. That all certificated RESA CRES providers meet the definition of "electric services company" as that term is defined in Section 4928.01(A)(9), Revised Code.
2. Section 4928.64(B), Revised Code, requires all electric services companies to provide a portion of their electricity supply for retail customers in Ohio from alternative energy resources, including a specific requirement that a portion of the renewable energy portfolio include solar power. Further, the Commission rules require that for purposes of verification, compliance with the S-REC requirement be documented by use of S-RECs registered with an approved registry which tracks generation from solar facilities which have previously received a renewable energy certificate from the Commission.
3. Pursuant to Section 4928.64(B)(2), Revised Code and Rule 4901:1-40-03(A)(2) of the Ohio Administrative Code, all CRES providers must have S-RECs equal to .004% of all their Ohio kilowatt-hours baseline sales half of which must be from facilities located within the State of Ohio.
4. Section 4928.65, Revised Code, and Rule 4901:1-40-04(D) of the Ohio Administrative Code permits the use of renewable energy credits including S-RECs at any time in the five calendar years following the date of their purchase or acquisition for the purpose of complying with the renewable energy and solar energy resource requirements of Section 4928.64(B)(2), Revised Code.

5. For the past year and a half, the Commission has conducted a rulemaking proceeding in Case No. 08-888-EL-ORD to develop rules implementing the S-REC statutory requirement. These rules recently became effective on December 10, 2009.

6. No S-REC market with sufficient liquidity exists, and few S-RECs are available through bilateral contracts.

7. The Commission on January 7, 2010 in Case No. 09-987-EEC determined that a *force majeure* condition existed as to the availability of S-RECs in the Ohio Power Company and Columbus Southern Power Company service areas. The Commission granted a waiver to these two utilities whose service territories cover southeastern and central Ohio from meeting the 2009 S-RECs, on condition that the S-RECs for 2009 are made up in 2010 as presented in the Renewable Energy Report due no later than April 15, 2011. The Commission's market monitoring website indicates that during calendar year 2009, CRES made retail sales in the Columbus Southern Power service area and thus face the same unavailability of S-RECs that Columbus Southern Power experienced.

8. The Commission on March 10, 2010 in Case No. 09-1922-EL-ACP determined that a *force majeure* condition existed as to the availability of S-RECs for the Cleveland Electric Illuminating Company, The Ohio Edison Company, and the Toledo Edison Company service areas. The Commission granted a waiver to these three utilities whose service territories cover the northern third of Ohio, from meeting the 2009 S-RECs, on condition that the S-RECs for 2009 are made up by the time of the 2010 renewable energy report. The Commission's market monitoring website indicates that CRES providers accounted for a significant proportion of the retail sales of these three companies during calendar year 2009. Thus, CRES providers

experienced the same dearth of S-RECs experienced by the FirstEnergy utilities which led the Commission to declare a *force majeure*.

9. RESA states that its members face the same inability to obtain S-RECs as the five utilities covered by the *force majeure* findings made by the Commission.

10. In addition, RESA notes that a review of the Commission's own statistics as to the issuance of S-RECs supports the conclusion that S-RECs for 2009 simply were not available.

11. Attached as Exhibit A to this petition and incorporated herein is a chart showing all the facilities, both in Ohio and outside of Ohio, for whom the Commission has issued a Renewable Energy certificate as of March 28, 2010. Projects known not to be on line for 2009 based on information contained in public filings, are listed on Exhibit A as being unavailable. The sum of the solar generation capacity for all certificated solar facilities deliverable into Ohio as demonstrated by Exhibit A is a mere 1.092 MW of capacity. Assuming that all of the listed projects were available for every clock hour in 2009, which is highly unlikely, and an optimistic assumption of 25% capacity for a solar facility in Ohio and the surrounding states, the maximum MWh that could have been generated for 2009 would less than 3,000 MWh.⁴ The Commission website lists total utility sales alone in Ohio at over 116 million MWh. Compliance with the rule would require entities to acquire roughly twice the number of S-RECs available – once again assuming all of the facilities listed were available for every clock hour of the year and were not under contract for delivery in another state.

12. Since the 2009 requirement for S-RECs is only 4 thousandths of one percent, many CRES providers will not have an S-REC obligation of a megawatt hour, which is the size of an S-REC. It would be inequitable to make small suppliers have to carry a significantly larger

⁴ Each S-REC consists of one MWh.

S-REC obligation than the utilities simply because the Commission Rule 4901:1-40-08 requires rounding up to the nearest S-REC. Combining reporting years 2009 and 2010 would help alleviate this barrier for smaller suppliers.

13. Section 4928.64(C)(4)(a), Revised Code empowers the Commission to make a *force majeure* determination with respect to all suppliers ability to meet their Ohio solar power requirement. The Commission is further permitted, pursuant to Section 4928.64(C)(4)(c) and Rule 4901:1-40-06 of the Ohio Administrative Code to modify electric service company compliance obligation to accommodate a finding that S-RECs are not reasonably available. Given the lack of operating solar facilities which have been certified at this time, the Commission should grant the RESA CRES providers the same type of compliance postponement granted to the operating utilities of American Electric Power and FirstEnergy Corp.

14. The Commission as of this writing has over 275 facilities in the queue which claim the capability of solar generation. Thus, it may be possible for electric service providers to meet a 2010 S-REC requirement.

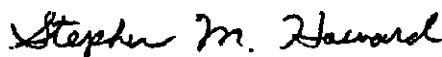
15. In addition to the Commission's previous findings of *force majeure* for Columbus Southern Power (Case No. 09-987-EL-EEC) and Ohio Power Company (Case No. 09-988-EL-EEC), and Toledo Edison, Ohio Edison and Cleveland Electric Illuminating (Case Nos. 09-1922-EL-EEC), there are *force majeure* petitions pending before the Commission from the Dayton Power and Light Company, (Case No. 09-1989-EL-ACP), and its CRES affiliate DPL Energy Resources, Inc. (Case No. 09-2006-EL-ACP).

16. RESA on behalf of its CRES members further requests a waiver, pursuant to Rule 4901:1-40-02(B) of the Ohio Administrative Code, of any requirement of Chapter 4901:1-40 necessary in granting the relief requested in this application.

17. In light of the fact that the 2009 renewable energy reports are due on April 15, 2010, RESA requests the Commission expedite its review of this petition and grant relief on an expedited basis.

WHEREFORE, RESA respectfully requests that the Commission approve this application and issue a Finding and Order, pursuant to Section 4928.64(C)(4), Revised Code, and Rule 4901:1-40-06 of the Ohio Administrative Code, waiving the S-RECs requirement for all CRES for calendar year 2009, and increasing the REC requirement for 2010 to include a number of S-RECs equal to baseline sales for both calendar years 2009 and 2010 by April 15, 2011.

Respectfully submitted,



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EL-REN : Solar Applications – Exhibit A

D. D'Angelo Residence	09-1027-EL-REN	12-2-09	09-SPV-PA-GATS-0055	36 kW
L. Hollish Residence	09-1028-EL-REN	12-2-09	09-SPV-PA-GATS-0056	9 kW
J. Leichter Residence	09-1029-EL-REN	12-16-09	09-SPV-PA-GATS-0071	5.1 kW
D. Miller Residence	09-1030-EL-REN	12-9-09	09-SPV-PA-GATS-0060	4.4 kW
J. Neary Residence	09-1031-EL-REN	12-2-09	09-SPV-PA-GATS-0057	5.3 kW
D. Platt Residence	09-1032-EL-REN	1-13-10	10-SPV-PA-GATS-0018	3.1 kW
G. Schappell Residence	09-1033-EL-REN	12-9-09	09-SPV-PA-GATS-0061	2.1 kW
K. Senecal Residence	09-1034-EL-REN	12-2-09	09-SPV-PA-GATS-0058	8.1 kW
C. Tourtellot Residence	09-1035-EL-REN	12-9-09	09-SPV-PA-GATS-0062	2 kW
P. Yost Residence	09-1038-EL-REN	1-7-10	10-SPV-OH-GATS-0009	6.8 kW
E. Roberts Solar Array	09-1049-EL-REN	12-16-09	09-SPV-KY-GATS-0081	3.33 kW
J. Blais Residence	09-1072-EL-REN	12-16-09	09-SPV-PA-GATS-0070	5.3 kW
D. Bunnell Residence	09-1073-EL-REN	12-16-09	09-SPV-PA-GATS-0076	8.4 kW
M.J. Comey Residence	09-1074-EL-REN	12-16-09	09-SPV-PA-GATS-0077	19.2 kW
G. Eby Residence	09-1075-EL-REN	12-16-09	09-SPV-PA-GATS-0078	5.7 kW
K. Edleman Residence	09-1076-EL-REN	12-16-09	09-SPV-PA-GATS-0069	4.8 kW
K. Erdman Residence	09-1077-EL-REN	12-16-09	09-SPV-PA-GATS-0072	7.2 kW
D. Hoover Residence	09-1078-EL-REN	12-16-09	09-SPV-PA-GATS-0073	9 kW
B. Lindsey Residence	09-1079-EL-REN	12-16-09	09-SPV-PA-GATS-0074	6 kW
M. Rubinger Residence	09-1080-EL-REN	12-16-09	09-SPV-PA-GATS-0075	10.4 kW
Croatian Solar Array	09-1084-EL-REN	1-13-10	10-SPV-KY-GATS-0015	9.2 kW
Bennett Solar Array	09-1085-EL-REN	1-13-10	10-SPV-KY-GATS-0016	3.4 kW
A. Bragoli Residence	09-1098-EL-REN	1-13-10	10-SPV-PA-GATS-0011	5.4 kW
W. Ealey Residence	09-1099-EL-REN	1-13-10	10-SPV-PA-GATS-0012	2.7 kW
L. Hake Residence	09-1800-EL-REN	1-13-10	10-SPV-PA-GATS-0013	3.8 kW
K. Small Residence	09-1801-EL-REN	1-13-10	10-SPV-PA-GATS-0014	5.5 kW
J. Smith Residence	09-1802-EL-REN	1-13-10	10-SPV-PA-GATS-0019	9.8 kW
D. Carpenter Residence	09-1910-EL-REN	1-7-10	10-SPV-OH-GATS-0010	4.8 kW

Wyandot Solar LLC	09-521-EL-REN	9-9-09	09-SPV-OH-GATS-0002	Not available now
21 st Century Solar	09-528-EL-REN	8-26-09	09-SPV-OH-GATS-0001	41 kW (DC)
Exelon-Epouon Solar Energy	09-611-EL-REN	1-7-10	10-SPV-PA-GATS-0001	Not available now
Crayola Solar	09-664-EL-REN	10-7-09	09-SPV-PA-GATS-0009	Not available now
Marcus Residence	09-671-EL-REN	9-9-09	09-SPV-OH-GATS-0003	6.3 kW (DC)
G. Checco Residence	09-701-EL-REN	1-7-10	10-SPV-OH-GATS-0003	5.4 kW
Solaris Blackstone Energy,	09-763-EL-REN	10-28-09	09-SPV-OH-GATS-0024	10.5 kW
Michel Residence	09-767-EL-REN	10-28-09	09-SPV-OH-GATS-0025	4.1 kW
DiPaola Residence	09-820-EL-REN	1-7-10	10-SPV-OH-GATS-0004	4.2 kW
METRO Regional Transit	09-826-EL-REN	12-9-09	09-SPV-OH-GATS-0067	134 kW
Univ. of Toledo - SP Campus	09-827-EL-REN	11-24-09	09-SPV-OH-GATS-0045	Not available 2009
McKeown Residence	09-837-EL-REN	10-28-09	09-SPV-PA-GATS-0026	26.2 kW
Downing Enterprises Inc.	09-840-EL-REN	10-28-09	09-SPV-OH-GATS-0027	44.8 kW
P. Williams Residence	09-850-EL-REN	10-28-09	09-SPV-PA-GATS-0028	18.2 kW
J. Alackness Residence	09-856-EL-REN	11-24-09	09-SPV-PA-GATS-0046	15.6 kW
Daniel Doyle Residence	09-858-EL-REN	10-28-09	09-SPV-PA-GATS-0029	7.6 kW
R&R PV Electric	09-879-EL-REN	10-28-09	09-SPV-PA-GATS-0032	4.0 kW
CSP - Athens Service Center	09-880-EL-REN	10-28-09	09-SPV-OH-GATS-0030	70.2 kW
OPC - Newark Service	09-881-EL-REN	10-28-09	09-SPV-OH-GATS-0031	69.1 kW
G. Bodnar Residence	09-884-EL-REN	1-7-10	10-SPV-PA-GATS-0005	3.2 kW
Bortz Residence	09-885-EL-REN	11-4-09	09-SPV-PA-GATS-0033	6.3 kW
Evergreen Lane Property	09-886-EL-REN	11-18-09	09-SPV-PA-GATS-0043	5.1 kW
Ralston Instruments, Inc.	09-888-EL-REN	12-9-09	09-SPV-OH-GATS-0068	33 kW
M. Glaser Residence	09-927-EL-REN	11-12-09	09-SPV-PA-GATS-0034	6.7 kW
J. Obelcz Residence	09-928-EL-REN	11-12-09	09-SPV-PA-GATS-0035	7.7 kW
G. Riedel Residence	09-929-EL-REN	12-9-09	09-SPV-OH-GATS-0065	90 kW
W. Sharp Residence	09-935-EL-REN	11-24-09	09-SPV-PA-GATS-0047	6 kW
G. Kemper Residence	09-936-EL-REN	11-12-09	09-SPV-PA-GATS-0036	7.7 kW
J. Vigilante Residence	09-937-EL-REN	11-12-09	09-SPV-PA-GATS-0037	7.2 kW
F. Harro Residence	09-939-EL-REN	11-12-09	09-SPV-PA-GATS-0038	5.4 kW

Early Pine	09-940-EL-REN	11-12-09	09-SPV-PA-GATS-0039	24.8 kW
R. Coin Residence 1	09-942-EL-REN	1-7-10	10-SPV-OH-GATS-0006	2.5 kW
D. Auker Residence	09-945-EL-REN	11-12-09	09-SPV-PA-GATS-0040	13.5 kW
R. Coin Residence 2	09-948-EL-REN	1-7-10	10-SPV-OH-GATS-0007	2.4 kW
Sanderson Solar Array	09-956-EL-REN	11-12-09	09-SPV-KY-GATS-0041	11.2 kW
Lacey Electric, Inc.	09-959-EL-REN	1-7-10	10-SPV-PA-GATS-0008	64.3 kW
Doran Manufacturing PV	09-960-EL-REN	12-9-09	09-SPV-OH-GATS-0066	45 kW
J. Gibboney Residence	09-969-EL-REN	11-18-09	09-SPV-PA-GATS-0044	5.2 kW
P. Getchell Residence	09-982-EL-REN	11-24-09	09-SPV-PA-GATS-0048	8.2 kW
D. Lehman Residence	09-983-EL-REN	11-24-09	09-SPV-PA-GATS-0049	8.2 kW
D. Rhine Residence	09-986-EL-REN	11-24-09	09-SPV-PA-GATS-0050	10.5 kW
J. Mumper Residence	09-991-EL-REN	11-24-09	09-SPV-PA-GATS-0051	4.4 kW
J. Haldeman Residence	09-992-EL-REN	11-24-09	09-SPV-PA-GATS-0052	7.2 kW
M. Cooper Residence	09-998-EL-REN	11-24-09	09-SPV-PA-GATS-0053	4.6 kW

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