

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
JACK DEPPE FOR CERTIFICATION OF A
RENEWABLE ENERGY RESOURCE
GENERATING FACILITY.

CASE NO. 19-1259-EL-REN

FINDING AND ORDER

Entered in the Journal on December 18, 2019

I. SUMMARY

{¶ 1} The Commission approves this application for certification as an eligible Ohio renewable energy resource generating facility.

II. DISCUSSION

{¶ 2} R.C. 4928.64 and 4928.645 contain the renewable energy resource requirements for electric utility and electric services companies providing electric retail generation in Ohio. R.C. 4928.01(A)(37) defines the types of renewable energy resource generating facilities that qualify in meeting the statutory mandates. Pursuant to Ohio Adm.Code 4901:1-40-04(F), any entity that desires to be designated an eligible renewable energy resource generating facility for the state of Ohio shall file an application for certification that demonstrates the facility satisfies the requirements of R.C. 4928.64 and 4928.645.

{¶ 3} On May 31, 2019, Sol Systems, LLC, on behalf of Jack Deppe (Deppe), filed an application for certification of a 0.00899 megawatt (MW) roof-mounted solar photovoltaic facility installed at Deppe's residence in Evansville, Indiana as an eligible Ohio renewable energy resource generating facility, as defined in R.C. 4928.01.

{¶ 4} Ohio Adm.Code 4901:1-40-04(F)(2) provides for automatic approval of an application for certification as an eligible Ohio renewable energy resource generating facility unless the Commission suspends the application within sixty days. This application was suspended by attorney examiner Entry on July 30, 2019, to allow Staff additional time to review the application and obtain additional information from Deppe.

{¶ 5} Deppe filed additional information for the application on October 8, 2019.

{¶ 6} On October 11, 2019, Staff filed a report of its review of the application, indicating that the facility satisfies the statutory requirements for certification as a renewable energy facility, and recommending that the application be approved.¹

{¶ 7} Pursuant to R.C. 4928.64 and 4928.645, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:

- (a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to R.C. 4928.64(B)(3).
- (b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to R.C. 4928.64(A)(1) and 4928.01(A)(37), or a new technology that may be classified by the Commission as a renewable energy resource pursuant to R.C. 4928.64(A)(2).
- (c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1), which requires that a facility have been placed-in-service on or after January 1, 1998, or have been modified or retrofitted to create a renewable energy resource after January 1, 1998.

¹ Staff's recommendation supersedes its recommendation from October 8, 2019, wherein Staff determined that the application appears to satisfy the Commission's certification requirements, and recommended that the application be approved by operation of law pursuant to Ohio Adm.Code 4901:1-40-04(F). Staff's supplemental filing clarifies its recommendation that the application be affirmatively approved, rather than approved by expiration of Staff's review time period.

{¶ 8} First, pursuant to R.C. 4928.64(B)(3), the Commission considers whether the facility is located in this state or whether the resource can be shown to be deliverable into this state. This application seeks to certify a solar photovoltaic roof-mounted facility installed at 5801 Newburgh Road, Evansville, Indiana. The application indicates that this facility is distributed generation that is grid-connected. Accordingly, the Commission finds that the application satisfies the first criterion.

{¶ 9} Second, the Commission considers whether the resource to be utilized by the generating facility is recognized as a renewable energy resource by Ohio law. The application seeks certification of a solar photovoltaic roof-mounted facility. A solar photovoltaic facility is specifically recognized as a renewable resource pursuant to R.C. 4928.01(A)(37)(a)(i). Therefore, the Commission finds that the second criterion is satisfied.

{¶ 10} Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.64(A)(1). The application indicates that the placed-in-service date for this system was April 10, 2019, and thus was after January 1, 1998, satisfying the requirement of R.C. 4928.64(A)(1). As such, the Commission finds that the application meets the third criterion.

{¶ 11} In addition to satisfying the above-cited criteria, R.C. 4928.645(B)(2) provides that renewable energy resource generating facilities should be registered with an approved attribute tracking system for the facility's renewable energy credits to be used for compliance with Ohio's alternative energy portfolio standards. The application indicates that the facility is registered with an approved attribute tracking system.

{¶ 12} Accordingly, Deppe's 0.00899 MW solar photovoltaic facility installed at 5801 Newburgh Road, Evansville, Indiana will be certified as an eligible Ohio renewable energy resource generating facility. In the event of any substantive changes in the facility's operational characteristics, or significant changes in the information provided in the

application, the applicant or owner must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of this certification.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Deppe's application be approved. It is, further,

{¶ 15} ORDERED, That the Commission's Docketing Division issue the applicant a certificate as an eligible Ohio renewable energy resource generating facility. It is, further,

{¶ 16} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

MLW/hac

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Case No(s). 19-1259-EL-REN

Summary: Finding & Order that the Commission approves this application for certification as an eligible Ohio renewable energy resource generating facility. electronically filed by Docketing Staff on behalf of Docketing.