

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
LENNON GENERATING FACILITY FOR  
CERTIFICATION OF AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY.

CASE NO. 19-1103-EL-REN

## FINDING AND ORDER

Entered in the Journal on January 15, 2020

### I. SUMMARY

{¶ 1} The Commission denies the certification application of Lennon Generating Facility 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 June 19, 2019, an application was filed by Lennon Generating Facility (Lennon) for certification as an eligible Ohio renewable energy resource generating facility. Commission Staff sent an initial list of questions to Lennon on July 9, 2019; Lennon responded on July 10, 2019.

{¶ 4} In an Entry issued July 19, 2019, the attorney examiner suspended the 60-day automatic approval process pursuant to Ohio Adm.Code 4901:1-40-04(F), in order that Staff could review the application further.

{¶ 5} Staff filed its Review and Recommendation on October 28, 2019. Staff noted that, pursuant to R.C. 4928.64 and 4928.65, 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)(35), 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).

{¶ 6} While Staff observes that Lennon's application satisfies the three statutory requirements stated above, Staff nonetheless concludes that Lennon should not be certified as an eligible Ohio renewable energy resource generating facility. Specifically, Staff notes that a renewable energy resource generating facility must register 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. R.C. 4928.64(B)(2). Staff explains that Lennon indicated that it is registered with the Michigan Renewable Energy Certification System (MIRECS). Pursuant to Ohio Adm.Code 4901:1-40-04, M-RETS and the PJM EIS Generation Attribute Tracking System are the only currently recognized attribute tracking systems for Ohio; therefore, Staff recommends denial of Lennon's application.

{¶ 7} The Commission finds reasonable Staff's recommendation to deny the application for certification. We agree that the Commission has not approved MIRECS and has previously denied certification to facilities intending to register with MIRECS.

See *In re the Application of Pine Tree Acres for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 11-4171-EL-REN, Finding and Order (June 6, 2012); *In re the Application of Gendler, Stephen Residence for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 11-4998-EL-REN, Entry (May 15, 2013). Therefore, Lennon's application should be denied.

### III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the Lennon's application for certification be denied. It is, further,

{¶ 10} 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

JML/hac

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**Case No(s). 19-1103-EL-REN**

Summary: Finding & Order that the Commission denies the certification application of Lennon Generating Facility as an eligible Ohio renewable energy resource generating facility electronically filed by Docketing Staff on behalf of Docketing