

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATIONS  
FOR CERTIFICATION OF A RENEWABLE  
ENERGY RESOURCE GENERATING  
FACILITY FILED BY:

MICHAEL PROCACCIO,	CASE No. 20-364-EL-REN
PEICHENG CHU,	CASE No. 20-366-EL-REN
WEST KENTUCKY AQUAPONICS,	CASE No. 20-388-EL-REN
JUSTIN ICE,	CASE No. 20-436-EL-REN
ASHISH CHATTERJEE,	CASE No. 20-455-EL-REN
MARY SLAWSON,	CASE No. 20-459-EL-REN
DAVID MOODY,	CASE No. 20-472-EL-REN
SUE KIDD,	CASE No. 20-739-EL-REN
JEROME TURNWALD,	CASE No. 20-778-EL-REN
MATTHEW BURKHART,	CASE No. 20-860-EL-REN
ANDREW AND JANIS WELKIE,	CASE No. 20-861-EL-REN
EDWARD L. ZUG,	CASE No. 20-862-EL-REN
LINDEN GROVE WOODWORKING,	CASE No. 20-864-EL-REN
TERRY MEITZLER,	CASE No. 20-865-EL-REN
PAULA WILSON,	CASE No. 20-866-EL-REN
DONA CUPPETT,	CASE No. 20-869-EL-REN
NATHAN AND KRISTEN KAUFFMAN,	CASE No. 20-871-EL-REN
MICHAEL KROLL,	CASE No. 20-873-EL-REN

LANDYSHADE DAIRY FARMS, LLC,	CASE No. 20-875-EL-REN
DR. ANDREW WELKIE,	CASE No. 20-876-EL-REN
BROWNSTONE ACRES PROPERTIES, LLC,	CASE No. 20-877-EL-REN
LOREN STONER,	CASE No. 20-878-EL-REN
GATE 7, LLC,	CASE No. 20-881-EL-REN
TBI WINDY HILL, LLC,	CASE No. 20-882-EL-REN
CHERRY CREST FARM PROPERTY HOLDINGS, LP,	CASE No. 20-883-EL-REN
CHERRY CREST FARM, LLC,	CASE No. 20-884-EL-REN
STEVEN EATON,	CASE No. 20-885-EL-REN
PAULA WILSON,	CASE No. 20-886-EL-REN
BENJAMIN EGGELER,	CASE No. 20-887-EL-REN
MR. WIZARD CAR WASH, LLC,	CASE No. 20-888-EL-REN
ROBERT POWELL,	CASE No. 20-889-EL-REN
JOHN DEMILLION,	CASE No. 20-890-EL-REN
PATRICIA FUNCK,	CASE No. 20-891-EL-REN
DON SHINER,	CASE No. 20-892-EL-REN
TIM HALDEMAN, AND	CASE No. 20-893-EL-REN
RONALD KLIMES.	CASE No. 20-894-EL-REN

## FINDING AND ORDER

Entered in the Journal on May 20, 2020

## I. SUMMARY

{¶ 1} The Commission approves the applications in the above-captioned proceedings for certification as eligible Ohio renewable energy resource generating facilities.

## 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} Applications were filed in the above-captioned proceedings for certification of various generation facilities as eligible Ohio renewable energy resource generating facilities, 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.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order

was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 6} On March 16, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC, directing that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter, including the 60-day automatic approval process for applications for certification as an eligible Ohio renewable energy resource, as well as the 90-day period for the Commission to approve or deny a suspended application, be suspended. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis. *In re The Proper Procedures and Process for the Commission's Operations and Proceedings during the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 16, 2020) at ¶ 5.

{¶ 7} The applications filed in the above-captioned proceedings were, thus, subject to the March 16, 2020 Entry and suspended from automatic approval during the state of emergency.

{¶ 8} Staff filed reports of its review of each application, indicating that the facilities satisfy the statutory requirements for certification as renewable energy facilities, and recommending that the applications be approved.

{¶ 9} 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); and
- 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.

{¶ 10} 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. These applications seek to certify facilities in this state or can be shown to be deliverable into this state. Accordingly, the Commission finds that the applications satisfy the first criterion.

{¶ 11} 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 applications seek certification of facilities specifically recognized as renewable resources pursuant to R.C. 4928.01(A)(37). Therefore, the Commission finds that the second criterion is satisfied.

{¶ 12} Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.64(A)(1). Upon review, the Commission finds that the applications also meet the third criterion.

{¶ 13} 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 applications indicate that the facilities are registered with an approved attribute tracking system.

{¶ 14} Accordingly, the facilities identified in the applications will be certified as eligible Ohio renewable energy resource generating facilities. In the event of any substantive changes in the facilities' operational characteristics, or significant changes in the information provided in the applications, the applicants or owners of each respective application must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of these certifications.

### III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the applications filed in the above-captioned cases be approved. It is, further,

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

{¶ 18} 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

DMH/kck

**This foregoing document was electronically filed with the Public Utilities**

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**5/20/2020 3:09:22 PM**

**in**

**Case No(s). 20-0364-EL-REN, 20-0366-EL-REN, 20-0388-EL-REN, 20-0436-EL-REN, 20-0455-EL-REN,**

Summary: Finding & Order approving the applications in the above-captioned proceedings for certification as eligible Ohio renewable energy resource generating facilities. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio