

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
CULLISON, DAVID RESIDENCE – 9.10 kW
FOR CERTIFICATION OF A RENEWABLE
ENERGY RESOURCE GENERATING
FACILITY.

CASE NO. 21-64-EL-REN

FINDING AND ORDER

Entered in the Journal on April 21, 2021

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 December 31, 2020, David Cullison (Applicant) filed an application for certification of the David Cullison Residence (Facility) a 9.10 kilowatt (kW) facility comprised of 28 solar panels, located in Newburgh, 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(D)(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 thirty days. This application was

suspended by attorney examiner Entry on January 22, 2021, to allow Staff additional time to review the application and obtain additional information from Applicant.

{¶ 5} Staff filed Applicant's responses to Staff questions concerning the application on February 22, 2021.

{¶ 6} On March 3, 2021, 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.

{¶ 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.

{¶ 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 energy generating facility with an aggregate capacity of 9.10 kW located in Newburgh, Indiana. In its report, Staff explains that to be a qualifying renewable energy resource under Ohio Adm.Code 4928.64(B)(3), the facility must be located within Ohio or deliverable into this state. One way for a facility to demonstrate deliverability is to be located within a state contiguous to Ohio. Staff states in its report that because the Facility is located in Indiana, a state contiguous to Ohio, the first factor is satisfied. Further, the application indicates that the 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 generation facility. Solar photovoltaic energy 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 the turbines was May 8, 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 GATS, an approved attribute tracking system. Further, under Ohio Adm.Code 4901:1-40-04(C)(2)(e), electric generating facilities above 6 kW must measure their renewable output with a utility-grade meter. Staff states that the application

indicates that the Facility's output will be measured by a revenue-grade meter, which satisfies this requirement.

{¶ 12} Finally, Staff states that information provided as part of the completed application indicates that the Facility includes a battery storage component. Staff notes that depending on its configuration, a solar photovoltaic plus storage system's battery could be charged by either the solar panels or the electric grid, and that in order to maintain the integrity of the Facility's renewable energy portfolio, the energy reported to the tracking system not be generated from the grid. Staff concludes that, based on responses to its questions, the Facility's battery is programmed to only be charged by the solar panels and that the Applicant would only report output from the solar panels to GATS.

{¶ 13} Accordingly, we find that Applicant's application, as supplemented, should be approved and that the 9.10 kW solar energy facility located at 1566 Red Brush Road in Newburgh, 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, including, but not limited to, reprogramming the battery to allow it to be charged from the electric grid, 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

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That Applicant's application be approved. It is, further,

{¶ 16} ORDERED, That the Applicant be issued a certificate for an eligible Ohio renewable energy resource generating facility. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JMD/mef

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Case No(s). 21-0064-EL-REN

Summary: Finding & Order approving this application for certification as an eligible Ohio renewable energy resource generating facility electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio