

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Planet)	
Energy Corp. 2020 Renewable)	Case No. 21-0223-EL-ACP
Portfolio Standard Status Report)	

Staff Findings and Recommendations

I. Statutory Background

Amended Substitute Senate Bill 221, of the 127th General Assembly (2008 Ohio Laws S221, effective July 31, 2008), established Ohio’s renewable portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in Ohio Revised Code (R.C.) 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

According to R.C. 4928.64(B)(2), the renewable energy compliance obligation for 2020 is 5.5%.

The Public Utilities Commission of Ohio (PUCO or Commission) further developed rules to implement the Ohio RPS, contained within Ohio Administrative Code (Ohio Adm.Code) 4901:1-40.

Ohio Adm.Code 4901:1-40-05(A), states:

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 renewable energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable renewable energy portfolio benchmarks have been met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the renewable energy portfolio standard.

Ohio Adm.Code 4901:1-40-05(C), states:

Staff shall review each electric utility's or electric services company's renewable energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

II. Company Filing Summarized

Planet Energy Corp. (PEC or Company) filed its RPS compliance status report for the 2020 compliance year on March 12, 2021. In its compliance filing, PEC proposed a baseline of 22,477 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2020. Applying the statutory benchmark to its proposed baseline, PEC calculated its 2020 compliance obligation to be 1,236 renewable MWHs.

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and/or solar RECs (S-RECs) to satisfy its 2020 compliance obligation. The Company further indicated that it had transferred RECs and/or S-RECs to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount for Ohio compliance purposes.

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the Company's annual status report, other relevant compliance materials, and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) PEC was an electric services company in Ohio with retail electric sales in the state of Ohio during 2020, and therefore the Company had an RPS obligation for 2020.¹
- (2) The baseline proposed by the Company is not reasonable, in that it is not consistent with R.C. 4928.643(C). The Company used its compliance year sales as

¹ PEC was certified to provide power marketer services in Ohio during 2020; see PUCO Case No. 13-2156-EL-CRS.

its baseline for the 2017 and 2018 RPS compliance years.² The Company then switched to the “three-year average” approach when calculating its baseline for the 2019 RPS compliance year.³ While R.C. 4928.643 allows companies to switch from using compliance year sales to the “three-year average” approach, section (C) requires that the Company then use the “three-year average” approach for at least three consecutive compliance years before again using the compliance year sales. As such, Staff concludes that the Company’s 2020 RPS baseline should have been calculated using the “three-year average” approach.⁴

- (3) Using the three-year average methodology, Staff calculates a 2020 baseline of 11,827 MWHs for PEC. This calculation incorporates 2017 and 2018 sales from the Company’s RPS filing last year, and 2019 sales from the Company’s Annual Report for Fiscal Assessment.⁵
- (4) With a baseline of 11,827 MWHs, Staff calculates a 2020 compliance obligation of 650 renewable MWHs.
- (5) The Company has transferred 1,236 RECs and/or S-RECs to its GATS reserve subaccount for 2020 Ohio compliance purposes.
- (6) Following a review of the Company’s reserve subaccount data on GATS, Staff confirmed that the Company satisfied its renewable obligation for 2020. The RECs and/or S-RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were of appropriate vintages.
- (7) Based on Staff calculations, the Company retired an excess of 586 RECs all of which are vintage 2019 or 2020.

V. Staff Recommendations

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends that (1) PEC is found to have satisfied its 2020 RPS compliance obligation,

² See PUCO Case Nos. 18-0562-EL-ACP and 19-0625-EL-ACP.

³ See PUCO Case No. 20-0720-EL-ACP.

⁴ Based on the current statute, the Company’s 2021 RPS baseline would be calculated using the three-year average approach as well.

⁵ $((6,728 + 10,183 + 18,569)/3) = 11,827$

and (2) PEC apply the excess retirements detailed above in Finding (7) to its 2021 RPS obligations.

Staff further recommends that this annual compliance status report be suspended within sixty days of the filing of Staff's findings and recommendations consistent with Ohio Adm.Code 4901:1-40-05(D).

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Summary: Staff Review and Recommendation electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff