

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Establishing the Solar                     )  
Generation Fund Rider Pursuant to R.C.                 ) Case No. 21-447-EL-UNC  
3706.46.   )

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**INITIAL COMMENTS OF HILLCREST SOLAR I, LLC**

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Hillcrest Solar I, LLC (“Hillcrest”) timely submits these comments in response to the Entry issued in this docket on April 27, 2021 to solicit stakeholder comments regarding implementation of Am. Sub H. B. 128 (“HB 128”) by the Public Utilities Commission of Ohio (“Commission” or “PUCO”). HB 128, which has an effective date of June 30, 2021, amends a mechanism set forth in Ohio Revised Code (“R.C.”) 3706.46 and 3706.55 collect revenue for funding of payments to qualifying generation resources through the Ohio Air Quality Development Authority (“OAQDA”). Specifically, HB 128 eliminates the payments to qualifying nuclear resources through that fund, while leaving in place the payments to qualifying Hillcrest resources (“Solar Generation Fund”), with an annual revenue requirement of \$20 million. Innergex respectfully requests that the Commission act expeditiously to implement a rider to collect the necessary revenue for this standalone Solar Generation Fund (“Rider SGF”).

Hillcrest is the owner of the Hillcrest Solar Project (“Hillcrest”), a 200 MWac solar PV project located in Brown County, Ohio. On March 23, 2020, OAQDA approved Hillcrest’s application and deemed it eligible for payments from the Solar Generation Fund. Revenue collection through utility riders approved by the Commission was originally scheduled to begin on January 1, 2021 pursuant to R.C. 3706.46(A)(1). However, on December 30, 2020, the Commission issued an order vacating the relevant riders as directed in a preliminary injunction

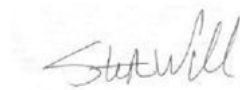
issued by the Franklin County Court of Common Pleas in connection with litigation related to the nuclear funding element of R.C. 3706.46 and 3706.55.<sup>1</sup> As a result there has already been a four month delay in revenue collection for the Solar Generation Fund.

Innergex therefore urges the Commission to minimize any further delay by acting quickly to establish Rider SGF to support implementation of the Solar Generation Fund. If the Commission issues an order authorizing Ohio utilities to put Rider SGF in place concurrent with the June 30, 2021 effective date of HB 128 – after full stakeholder input through initial and reply comments – and sets the rider at a revenue requirement sufficient to fund payments due for generation reported to OAQDA to date and going forward, that will avoid confusion and hopefully avoid the need to remedy overdue payments under R.C. 3706.59. Any revenue over-collection that may result would be refunded to ratepayers through an annual rider update process as described in the recommendation of Commission Staff. These steps would ensure the faithful implementation of the Solar Generation Fund as provided in Ohio law.

We appreciate the Commission's consideration of these comments, and hope the Commission will move swiftly to carry out the overdue establishment of a revenue collection mechanism for the Solar Generation Fund.

May 18, 2021

Respectfully submitted,



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<sup>1</sup> *In the Matter of Establishing the Clean Air Fund Rider Pursuant to R.C. 3706.46*, Case No. 20-1143-EL-UNC, Entry (Dec. 30, 2020).

## **CERTIFICATE OF SERVICE**

The e-filing system of the Public Utilities Commission of Ohio will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail on May 18, 2021.

/s/ Madeline Fleisher  
Madeline Fleisher

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Summary: Comments - Initial Comments of Hillcrest Solar I, LLC electronically filed by Ms. Madeline Fleisher on behalf of Hillcrest Solar I, LLC