

**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 INVENERGY RENEWABLES LLC**

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The Public Utilities Commission of Ohio (“Commission” or “PUCO”) opened this docket on April 15, 2021, after Am. Sub H. B. 128 (“HB 128”) was signed into law with an effective date of June 30, 2021. HB 128 amends Ohio Revised Code (“R.C.”) 3706.46 and 3706.55 to repeal a previous requirement for Ohio electric distribution utilities to collect a charge from customers to fund payments for qualifying Ohio nuclear generation resources through the Ohio Air Quality Development Authority (“OAQDA”). However, HB 128 retained the statutory program providing for payments to qualifying solar resources (“Solar Generation Fund”), with an annual revenue requirement of \$20 million. Invenergy Renewables LLC (“Invenergy”) submits these comments pursuant to the Entry issued April 27, 2021 to solicit stakeholder input on establishment of a Solar Generation Fund rider (“Rider SGF”) to implement this program. Invenergy supports the rate design recommended by Commission Staff in its April 19, 2021 comments and urges the Commission to quickly take action to provide the overdue financing for the Solar Generation Fund.

Invenergy is a utility-scale developer of clean and renewable energy resources. To date, we have developed, contracted and/or built more than 28,000 megawatts of utility-scale wind, solar, natural gas, and energy storage projects globally. Invenergy has been developing projects

in Ohio for nearly a decade, including three projects eligible for the Solar Generation Fund under HB 128: Hardin Solar I, Hardin Solar II, and Vinton Solar.

Invenergy requests that the Commission complete this proceeding as swiftly as possible. The Ohio legislature enacted the Solar Generation Fund to compensate generators in the program for Renewable Energy Credits based on generation from January 2020 through December 2026, with revenue collection to begin January 1, 2021 as directed by R.C. 3706.46(A)(1). Under R.C. 3706.55, OAQDA was to begin disbursing credit payments to qualifying resources on April 21, 2021 based on generation in the first quarter of 2020, and make payments each subsequent quarter to reflect generation in the quarter twelve months prior. As recognized in Staff comments, HB 128 does not change the April 21, 2021 start date for payments to solar resources, but to date no charges have been collected or payments made under R.C. 3706.46 and 3706.55.

We therefore ask that the Commission act expeditiously to approve the rate design recommended by Commission Staff and ensure the collection of adequate funds under Rider SGF. Hardin Solar I commenced commercial operation in February 2021, and would therefore be eligible for Solar Fund payments starting in April 2022, while other payments for qualifying resources may already be due for any generation reported in 2020. Meanwhile, Rider SGF may not be in place until fall of 2021. The comments by Commission Staff do not expressly address this potential funding gap caused by this delayed revenue collection. We note that R.C. 3706.59 provides a clear mechanism for OAQDA to apply Rider SGF revenues toward any overdue payments. Accordingly, we request that the Commission direct the collection of a sufficient revenue requirement, determined in consultation with OAQDA, to ensure that Rider SGF funding is adequate to cover payments for credits based on generation reported for 2020 and

projected for 2021. The Commission can easily address any over-collection that may result through the annual Rider SGF update process recommended by Commission Staff.

We thank the Commission for consideration of these comments and for moving swiftly to implement HB 128.

May 18, 2021

Respectfully submitted,

/s/ Kaley Bangston

Kaley Bangston

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## **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 Invenergy Renewables LLC electronically filed by Ms. Madeline Fleisher on behalf of Invenergy Renewables LLC