

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Liberty Power	)	
Holdings, LLC 2020 Renewable	)	Case No. 21-0442-EL-ACP
Portfolio Standard Status Report	)	

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**Staff Findings and Recommendations**

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**I. Statutory Background**

Amended Substitute Senate Bill 221, of the 127<sup>th</sup> 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**

Liberty Power Holdings, LLC (LPH or Company) filed its RPS compliance status report for the 2020 compliance year on April 15, 2021. In its compliance filing, LPH proposed a baseline of 126,716 megawatt-hours (MWHs) which it indicated was the average of its Ohio retail electric sales for 2017, 2018, and 2019.<sup>1</sup> Applying the statutory benchmark to its proposed baseline, LPH calculated its 2020 compliance obligation to be 6,969 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.<sup>2</sup>

## **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) LPH 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.<sup>3</sup>

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<sup>1</sup> Page 1 of the Company's compliance report suggests the use of compliance year sales for its baseline, while the compliance worksheet attached to its report indicates use of the three-year average. Staff confirmed with the Company its intent to use the three-year average approach.

<sup>2</sup> The Company's filing indicates that the retirement was completed in GATS, but in fact it was completed in the Midwest Renewable Energy Tracking System (M-RETS).

<sup>3</sup> LPH was certified to provide power marketer services in Ohio during 2020; see PUCO Case No. 06-1388-EL-CRS.

- (2) The baseline proposed by the Company is reasonable, and given the proposed baseline and the 2020 statutory benchmark, LPH accurately calculated its RPS compliance obligation.
- (3) The Company has transferred 6,969 RECs and/or S-RECs to its M-RETS reserve subaccount for 2020 Ohio compliance purposes.
- (4) Following a review of the Company's reserve subaccount data on M-RETS, Staff confirmed that the Company satisfied its renewable obligation for 2020. The RECs and/or S-RECs that the Company transferred to its M-RETS reserve subaccount were sourced from generating facilities certified by the Commission and were of appropriate vintages.

#### **V. Staff Recommendations**

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends that LPH is found to have satisfied its 2020 RPS compliance obligation. Staff further recommends that this annual compliance status report be automatically approved 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