

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Moraine Wind LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 21-516-EL-REN
)	
In the Matter of The Application of Rugby Wind LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 21-517-EL-REN
)	
In the Matter of The Application of Elm Creek II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 21-531-EL-REN
)	
In the Matter of The Application of Buffalo Ridge II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 21-532-EL-REN
)	
In the Matter of The Application of Barton Windpower 1 for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 21-544-EL-REN
)	

**REPLY IN SUPPORT
OF
AMENDED JOINT MOTION TO CONSOLIDATE
BY
BLUE DELTA ENERGY, LLC**

Pursuant to Ohio Adm.Code 4901-1-02(A)(6), 4901-1-12(B), and 4901-1-27, Blue Delta Energy, LLC (Blue Delta) respectfully submits a reply in support of the Amended Joint Motion to Consolidate filed on August 6, 2021 by Applicant Avangrid Renewables, LLC, and its wholly-

owned subsidiaries, Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Barton WindPower LLC, and Buffalo Ridge II LLC (collectively, the Applicants).

On May 7, 2021, Carbon Solutions Group, LLC (CSG) filed a Motion to Intervene, Consolidate, and Establish a Procedural Schedule (CSG’s Motion) in each of the above-captioned cases. CSG’s Motion asserted that CSG has a general interest in the proceedings, “in preserving the value of [renewable energy credits (RECs)] to renewable generators located in Ohio and PJM.”¹ CSG seeks to artificially inflate the value of RECs by applying a different standard for deliverability, which has no basis in Ohio law, regulations, or precedent of the Public Utilities Commission of Ohio (Commission), and which the Commission has rejected previously.²

In response to CSG’s attempts to resurrect this rejected proposal, on August 6, 2021, the Applicants filed an Amended Joint Motion to Consolidate “for the limited purpose of determining the threshold issue—CSG’s challenge to the Commission’s test for deliverability pursuant to Ohio law.”³ CSG filed a Memorandum Contra the Amended Joint Motion to Consolidate on August 23, 2021. Pursuant to Ohio Adm.Code 4901-1-12(B), Blue Delta hereby files a reply memorandum to CSG’s Memorandum Contra.

¹ CSG’s Motion at 6.

² See, e.g., *In the Matter of the Amendment of Ohio Administrative Code Chapter 4901:1-40 Regarding the Alternative Energy Portfolio Standard, to Implement Am. Sub. S.B. 315*, Case Nos. 12-2156-EL-ORD, *et al.*, Finding and Order at ¶¶ 180, 181 (Dec. 19, 2018) (Noting that deliverability “does not need to be expanded to include any generation originating within the PJM or MISO transmission systems.”); *Id.* at ¶181, *quoting In the Matter of the Adoption of Rules for Alternative and Renewable Energy Technology, Resources, and Climate Regulations, and Review of Chapters 4901:5-1, 4901:5-5, and 4901:5-7 of the Ohio Administrative Code, Pursuant to Chapter 4928.66, Revised Code, as Amended by Amended Substitute Senate Bill No. 221*, Case No. 08-888-EL-ORD, Opinion and Order at 28 (Apr. 15, 2009) (Affirming a prior holding that “a demonstration of delivery via a power flow study...should be necessary, although not to the extent of requiring signed contracts.”).

³ See Amended Joint Motion to Consolidate at 14 (Aug. 6, 2021).

As explained in Blue Delta's memorandum in support of Applicant's motion to consolidate,⁴ which is incorporated by reference herein as if fully rewritten herein, Blue Delta supports the Applicants' Joint Motion to Consolidate.⁵ Consolidation of the five above-captioned cases for facilities with the same ownership in order to determine the threshold issue raised by CSG regarding the deliverability standard and the Commission's test for deliverability will avoid unnecessary delay, prevent the presentation of irrelevant or cumulative evidence, and assure that the initial hearing proceeds in an orderly and expeditious manner.⁶

Previous attempts by CSG to consolidate various cases have been confusing and often directly contradict previous motions.⁷ Given that those cases frequently involved separate facilities in separate states with separate owners, consolidation of the evidentiary hearings did not make sense and would not have avoided unnecessary delay, prevented the presentation of irrelevant or cumulative evidence, or assured that the initial hearing proceeds in an orderly and expeditious manner.⁸ On the other hand, the Applicants' Joint Motion seeking to consolidate cases involving five facilities with the same owner, for the limited purpose of addressing a shared threshold

⁴ See Memorandum in Support of Amended Joint Motion to Consolidate by Blue Delta Energy, LLC (August 18, 2021). Contrary to CSG's claim, Blue Delta's Memorandum in Support of Applicants' Joint Motion filed prior to the Memorandum Contra deadline was proper under Ohio Adm.Code 4901-1-12 and Commission precedent. See CSG's Memorandum Contra at n.2.

⁵ *Id.*

⁶ See Ohio Adm.Code 4901-1-27(B)(4), (7).

⁷ See, e.g., CSG's Motion at 2 (requesting to consolidate the five Avangrid REN cases); *In the Matter of The Application of Wessington Wind Farm for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-110-EL-REN, Motion for Leave to Intervene Out of Time, Motion to Consolidate, and Motion to Establish a Procedural Schedule of Carbon Solutions Group, LLC at 2 (Apr. 7, 2021) (requesting consolidation of five REN cases); *In the Matter of The Application of Quilt Block Wind Farm for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*; Case No. 21-576-EL-REN, Motion to Intervene, Motion to Consolidate, and Motion to Establish a Procedural Schedule of Carbon Solutions Group, LLC at 2 (June 1, 2021) (requesting to consolidate fourteen cases, including the cases from both previous Motions).

⁸ See Case No. 21-110-EL-REN, Motion for Leave to Intervene Out of Time and Motion to Leave to File Memorandum Contra, Instantanr, Carbon Solutions Group, LLC's Motion at 15-16 (May 13, 2021). See also Ohio Adm.Code 4901-1-27(B)(4), (7).

question between them, makes sense. Doing so will allow the Commission to address CSG's challenge in one proceeding in a more timely and efficient manner, while preserving the individual determinations of whether each facility qualifies as a "qualifying renewable energy resource" under R.C. 4928.64. As such, consolidation for the limited purposes proposed by the Applicants is proper and should be granted.

Respectfully submitted,

/s/ Kimberly W. Bojko

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on August 30, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
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Case No(s). 21-0516-EL-REN, 21-0517-EL-REN, 21-0531-EL-REN, 21-0532-EL-REN, 21-0544-EL-REN

Summary: Reply in Support of Amended Joint Motion to Consolidate by Blue Delta Energy, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of Blue Delta Energy, LLC