

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the nTherm,)	
LLC 2019 Renewable Portfolio)	Case No. 20-1063-EL-ACP
Standard Status Report)	

In the Matter of the nTherm,)	
LLC 2020 Renewable Portfolio)	Case No. 21-0426-EL-ACP
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 compliance obligations for **2019** and **2020** are as follows:

RPS Compliance Year	Total Renewables	Solar Requirement	“Non-Solar” Requirement ¹
2019	5.50%	0.22%	5.28%
2020	5.50%	0.00%	5.50%

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:

¹ Staff uses “non-solar” in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific “non-solar” requirement in the applicable statute.

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 Filings Summarized

2019 Compliance Year

nTherm, LLC (nTherm or Company) filed its RPS compliance status report for the 2019 compliance year on May 18, 2020. In its compliance filing, nTherm proposed a baseline of 21,145 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2019. Applying the statutory benchmarks to its proposed baseline, nTherm calculated its 2019 compliance obligations to be as follows:

- 47 Solar MWHs
- 1,116 Non-Solar MWHs

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and solar RECs (S-RECs) to satisfy its 2019 compliance obligations. The Company further indicated that it had transferred RECs and S-RECs to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount for Ohio compliance purposes.²

² The Company inadvertently neglected to complete its retirements for 2019 when initially planned. Therefore, it completed its retirements for both 2019 and 2020 at the same time (3/25/2021).

2020 Compliance Year

nTherm filed its RPS compliance status report for the 2020 compliance year on April 14, 2021. In its compliance filing, nTherm proposed a baseline of 63,687 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2020. Applying the statutory benchmark to its proposed baseline, nTherm calculated its 2020 compliance obligation to be 3,503 renewable MWHs.

The Company indicated that it had obtained the necessary RECs and/or S-RECs to satisfy its 2020 compliance obligations. The Company further indicated that it had transferred RECs and/or S-RECs to its GATS reserve subaccount for Ohio

III. Filed Comments

No persons filed comments in these proceedings.

IV. Staff Findings

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

- (1) nTherm was an electric services company in Ohio with retail electric sales in the state of Ohio during 2019 and 2020, and therefore the Company had an RPS obligation for 2019 and 2020.³
- (2) The 2019 baseline proposed by the Company is reasonable, and given the proposed baseline and the 2019 statutory benchmarks, nTherm accurately calculated its 2019 RPS compliance obligations.
- (3) The 2020 baseline proposed by the Company is reasonable, and given the proposed baseline and the 2020 statutory benchmark, nTherm accurately calculated its 2020 RPS compliance obligation.
- (4) The Company's 2019 and 2020 RPS obligations totaled 4,666 renewable MWHs, including 47 solar MWHs for the solar requirement that applied in 2019.

³ nTherm was certified to provide retail generation, aggregation, power marketer, and power broker services in Ohio during 2019 and 2020; see PUCO Case No. 18-1368-EL-CRS.

- (5) In March 2021, the Company transferred 3,316 S-RECs and 1,350 RECs to its GATS reserve subaccount for 2019 and 2020 Ohio compliance purposes.⁴
- (6) Following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its renewable obligations for 2019 and 2020. The S-RECs and/or RECs that the Company transferred to its GATS 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 these proceedings and other relevant data, Staff recommends that nTherm is found to have satisfied its 2019 and 2020 RPS compliance obligations. Staff further recommends that these annual compliance status reports be automatically approved consistent with Ohio Adm.Code 4901:1-40-05(D).

⁴ 3,316 + 1,350 = 4,666

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Summary: Staff Review and Recommendation for the 2019 and 2020 RPS Compliance Years
electronically filed by Mr. Stuart M. Siegfried on behalf of PUCO Staff