

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Kiwi Energy NY,)	
LLC 2020 Renewable Portfolio)	Case No. 21-0375-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 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

Kiwi Energy NY, LLC (Company) filed its RPS compliance status report for the 2020 compliance year on April 14, 2021. In its compliance filing, Kiwi Energy proposed a baseline of 23,110 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2020. Applying the statutory benchmark to its proposed baseline, Kiwi Energy calculated its 2020 compliance obligation to be 1,271 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.

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) Kiwi Energy 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 2020.¹
- (2) The baseline proposed by the Company is reasonable, and given the proposed baseline and the 2020 statutory benchmark, Kiwi Energy accurately calculated its RPS compliance obligation.

¹ Kiwi Energy was certified to provide power marketer services in Ohio during 2020; see PUCO Case No. 16-2159-EL-CRS.

- (3) The Company has transferred 1,271 RECs and/or S-RECs to its GATS reserve subaccount for 2020 Ohio compliance purposes.
- (4) Following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its renewable obligation for 2020. The RECs and/or S-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 this proceeding and other relevant data, Staff recommends that Kiwi Energy 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 Kristin DuPree on behalf of PUCO Staff