

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Realgy, LLC)	
2019 Renewable Portfolio)	Case No. 20-0780-EL-ACP
Standard Status Report)	

In the Matter of the Realgy, LLC)	
2020 Renewable Portfolio)	Case No. 21-0424-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

Realgy, LLC d/b/a Realgy Energy Services (Realgy or Company) filed its RPS compliance status report for the 2019 compliance year on April 13, 2020. In its compliance filing, Realgy proposed a baseline of 13,195 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2019. Applying the statutory benchmarks to its proposed baseline, Realgy calculated its 2019 compliance obligations to be as follows:

- 29 Solar MWHs
- 297 Non-Solar MWHs

Rather than obtaining and retiring the necessary renewable energy credits (RECs) and solar RECs (S-RECs), the Company has proposed an alternative compliance payment of \$42,476.14 to satisfy its 2019 compliance obligations.

2020 Compliance Year

Realgy filed its RPS compliance status report for the 2020 compliance year on April 14, 2021. In its compliance filing, Realgy proposed a baseline of 53,409 MWHs which it indicated was its Ohio retail electric sales for 2020. Applying the statutory benchmark to its proposed baseline, Realgy calculated its 2020 compliance obligations to be 2,937 renewable MWHs.

Rather than obtaining and retiring RECs or S-RECs, the Company has proposed an alternative compliance payment of \$157,100.13 to satisfy its 2020 compliance obligations.

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) Realgy was an electric services company with retail electric sales in Ohio in 2019 and 2020, and therefore the Company had an RPS compliance obligation for 2019 and 2020.²
- (2) The Company has not retired any RECs or S-RECs for 2019 or 2020 Ohio compliance purposes, but instead it has proposed to make an alternative compliance payment for each compliance year.
- (3) For 2019, the Company proposed a compliance payment of \$42,476.14. Staff calculates a 2019 compliance payment of \$44,717.84, which is slightly higher than that of the Company due to Staff's use of a higher baseline that matches the 2019 sales reported by the Company in its [2019 Annual Report for Fiscal Assessment](#).³
- (4) For 2020, the Company proposed a compliance payment of \$157,100.13. Staff calculates a 2020 compliance payment of \$157,153.62, which is slightly higher than that of the Company due to Staff's rounding up of the obligation consistent with Commission rule.⁴
- (5) Staff finds that a total compliance payment of \$201,871.46 is required to address the Company's compliance obligations for 2019 and 2020. The Staff's aggregated payment is \$2,295.19 higher than that proposed by the Company.

² Realgy was certified to provide retail generation, aggregation, and power marketer services in Ohio during 2019 and 2020; see PUCO Case No. 18-1327-EL-CRS.

³ 13,853 MWHs * 0.22% = 30.4766 solar MWHs, which rounds to 31; 13,853 MWHs * 5.28% = 731.4384, which rounds to 732; ((31*\$200.00) + (732*\$52.62)) = \$44,717.84

⁴ 53,409 MWHs * 5.5% = 2,937.495 MWHs, which rounds to 2,938 MWHs; 2,938 MWHs * \$53.49 = \$157,153.62.

V. Staff Recommendations

Following its review of the information submitted in these proceedings and other relevant data, Staff concludes that Realgy did not satisfy its 2019 or 2020 RPS compliance obligations, and therefore alternative compliance payments are warranted.

The Company should be directed to remit payment to the Commission in the amount of \$201,871.46 consistent with the requirement set forth in Ohio Adm.Code 4901:1-40-08. Payment should not be made until such time as directed by the Commission.

The payment should be directed to the PUCO, payable to "Treasurer State of Ohio". A letter should also be attached to the check stating that it is a compliance payment required by R.C. 4928.64 for deposit to the credit of the Advanced Energy Fund, under the control of the Ohio Development Services Agency and created under R.C. 4928.61. The letter should also cite the Commission cases ordering the payment. The address for the PUCO is as follows:

Public Utilities Commission of Ohio
180 E. Broad Street, 4th Floor Finance
Columbus, OH 43215

The Company should be directed to file an attestation in these cases consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08(D). These filings should be completed within 30 (thirty) days of the Commission issuing its decision in these cases.

Staff further recommends that these cases be suspended within sixty days of the filing of Staff's findings and recommendations consistent with Ohio Adm.Code 4901:1-40-05(D).

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Case No(s). 20-0780-EL-ACP, 21-0424-EL-ACP

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