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November 8, 2021

Tanowa M. Troupe, Secretary
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215
Via U.S. Postal Service

2021 NOV 16 PM 12:07
PUCO

RE: In the Matter of Establishing the Solar Generation Fund Rider Pursuant to R.C. 3706.46, Case No. 21-447-EL-UNC

Dear Ms. Troupe,

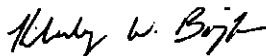
Attached please find a copy of the Ohio Manufacturers' Association Energy Group's (OMAEG) notice of appeal of the Public Utilities Commission of Ohio's (Commission) July 14, 2021 Entry and September 8, 2021 Entry on Rehearing issued in Case No. 21-447-EL-UNC.

The notice of appeal has been timely filed with the Supreme Court of Ohio and the Commission on November 8, 2021 and served upon all parties of record via electronic mail, consistent with Ohio Adm. Code 4901-1-36 and R.C. 4903.13. Ohio Adm. Code 4901-36 further provides that a notice of appeal of a Commission decision must be served:

unless waived, upon the chairman of the commission, or, in his absence, upon any public utilities commissioner, or by leaving a copy at the offices of the commission at Columbus. Service of the notice of appeal of a commission order to the Ohio supreme court may not be delivered via fax or e-filing upon the chairman or a commissioner.

This letter and the accompanying notice of appeal hereby constitutes service upon Commission Chair Jenifer French in accordance with Ohio Adm. Code 4901-1-36.

Sincerely,



Kimberly W. Bojko

cc: Commission Chair Jenifer French

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
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IN THE SUPREME COURT OF OHIO

In the Matter of Establishing the Solar
Generation Fund Rider Pursuant to R.C.
3706.46.

) Case No. 21-1374
)
) Appeal from the Public Utilities
) Commission of Ohio
)
) Public Utilities Commission of Ohio
) Case No. 21-447-EL-UNC
)

**NOTICE OF APPEAL
OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

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**NOTICE OF APPEAL OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

The Ohio Manufacturers' Association Energy Group ("OMAEG" or "Appellant"), consistent with R.C. 4903.11 and 4903.13, and S.Ct.Prac.R. 3.11(B)(2), 3.11(D)(2), and 10.02, hereby gives notice to this Court and the Public Utilities Commission of Ohio ("PUCO") of this appeal taken to protect its members and other electric distribution utility ("EDU") customers from unjust, unreasonable, and unlawful charges under Am. Sub. H.B. 128 ("H.B. 128"). The decisions being appealed are the PUCO's Entry entered in its Journal on July 14, 2021 (Attachment A) and the PUCO's Entry on Rehearing entered in its Journal on September 8, 2021 (Attachment B).¹ Under R.C. 4903.20, this appeal should be taken up and disposed by this Court out of order on its docket.

Appellant was and is a party of record in PUCO Case No. 21-447-EL-UNC. In its Entry, the PUCO established a nonbypassable rate mechanism, named the Solar Generation Fund Rider ("Rider SGF"), for the retail recovery of \$20 million annually for disbursements required from the solar generation fund for the period up to December 31, 2027.² The Entry also established Rider SGF's rate design and the method for allocating the \$20 million annual revenue requirement to each EDU.³ See Attachment A. On August 13, 2021, Appellant timely filed an Application for Rehearing from the PUCO's July 14, 2021 Entry in accordance with R.C. 4903.10, where Appellant raised the same issues that are the subject of this appeal.⁴ Subsequently, through its

¹ Pursuant to S.Ct.Prac.R. 10.02(A)(2), the decisions being appealed are attached hereto.

² *In the Matter of Establishing the Solar Generation Fund Rider Pursuant to R.C. 3706.46*, Pub. Util. Comm. No. 21-447-EL-UNC, Entry at ¶ 1 (July 14, 2021).

³ *Id.* at ¶ 19.

⁴ *In the Matter of Establishing the Solar Generation Fund Rider Pursuant to R.C. 3706.46*, Pub. Util. Comm. No. 21-447-EL-UNC, OMAEG's Application for Rehearing (August 13, 2021).

September 8, 2021 Entry on Rehearing, the PUCO denied Appellant's Application for Rehearing with regards to the issues raised in this appeal.

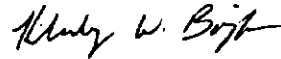
Appellant files this Notice of Appeal complaining and alleging that the PUCO's Entry entered in its Journal on July 14, 2021 (Attachment A) and the PUCO's Entry on Rehearing entered in its Journal on September 8, 2021 (Attachment B) are unlawful and unreasonable, and that the PUCO erred as a matter of law in the following respects, as set forth in Appellant's Application for Rehearing:

1. The PUCO erred by unjustly, unreasonably, and unlawfully establishing a revenue requirement that exceeds the amount required for disbursements from the Solar Generation Fund in violation of R.C. 3706.46, 3706.55, and 4903.09. (See OMAEG's Application for Rehearing at 5-8).
2. The PUCO erred by unjustly, unreasonably, and unlawfully establishing the nonbypassable Rider SGF on a per account basis instead of on a per customer basis in violation of R.C. 3706.46(B). (See OMAEG's Application for Rehearing at 9-12).
3. The PUCO erred by unjustly, unreasonably, and unlawfully applying the \$242 monthly cost cap to any nonresidential customers eligible to become self-assessing purchasers instead of only industrial customers eligible to become self-assessing purchasers in violation of R.C. 3706.46(B). (See OMAEG's Application for Rehearing at 13-14).
4. The PUCO erred by unjustly, unreasonably, and unlawfully including the Commercial Activity Tax in Rider CAF in violation of Ohio law. (See OMAEG's Application for Rehearing at 14-17).
5. The PUCO erred by unjustly, unreasonably, and unlawfully failing to require refund language in Rider SGF's tariffs. (See OMAEG's Application for Rehearing at 17-18).

WHEREFORE, Appellant respectfully submits that the PUCO's Entry entered in the PUCO's Journal on July 14, 2021 and its Entry on Rehearing entered in the PUCO's Journal on September 8, 2021 are unreasonable, unjust, and unlawful in regards to the errors delineated above,

and should be reversed or modified with instructions to the PUCO to correct the errors complained of herein.

Respectfully submitted,

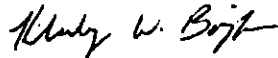


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CERTIFICATE OF FILING

I certify that this Notice of Appeal has been filed with the docketing division of the Public Utilities Commission of Ohio as required by S.Ct.Prac.R.3.11(D)(2), and Ohio Adm. Code 4901-1-02(A) and 4901-1-36, on November 8, 2021.

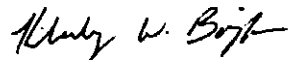


Kimberly W. Bojko

COUNSEL FOR APPELLANT,
THE OHIO MANUFACTURERS'
ASSOCIATION ENERGY GROUP

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal by the Ohio Manufacturers' Association Energy Group was served in accordance with S.Ct.Prac.R. 3.11(D)(1) and R.C. 4903.13 by leaving a copy at the Office of the Commission in Columbus and upon all parties of record via electronic transmission on November 8, 2021.



Kimberly W. Bojko

COUNSEL FOR APPELLANT,
THE OHIO MANUFACTURERS'
ASSOCIATION ENERGY GROUP

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ATTACHMENT A

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ESTABLISHING THE
SOLAR GENERATION FUND RIDER
PURSUANT TO R.C. 3706.46.

CASE NO. 21-447-EL-UNC

ENTRY ON REHEARING

Entered in the Journal on September 8, 2021

I. SUMMARY

{¶ 1} The Commission denies the application for rehearing filed by the Ohio Manufacturers' Association Energy Group on August 13, 2021.

II. DISCUSSION

A. *Procedural Background*

{¶ 2} Am. Sub H. B. 128 (H.B. 128), which was signed into law on March 31, 2021, and became effective on June 30, 2021, required the Commission to establish a rate mechanism for the retail recovery of costs related to the solar generation fund for the period up to December 31, 2027. R.C. 3706.46

{¶ 3} With respect to the establishment or operation of the rate mechanism, the Commission was required to: (1) determine the method to allocate the revenue requirement to each electric distribution utility (EDU) based on the relative number of customers, relative quantity of kilowatt hour (kWh) sales, or some combination of these factors; (2) ensure rate increases that are (a) not to exceed ten cents per month for residential, (b) not to exceed two hundred forty-two dollars per month for industrial customers eligible to become self-assessing purchasers, and (c) avoidant of abrupt or excessive total net bill impacts for typical nonresidential customers; and, (3) provide that the charges it approves are subject to adjustment to reconcile actual collected revenues with the required annual revenues. R.C. 3706.46

{¶ 4} On July 14, 2021, the Commission established the Solar Generation Fund Rider (Rider SGF) in compliance with the H.B. 128 mandates. Among other terms, Rider SGF was

established at an annual amount of \$20 million by (1) setting a monthly charge for residential customers at \$0.10, and (2) recovering the remaining solar generation fund costs from non-residential customers through a dollar per kWh rate for each non-residential customer's usage up to 833,000 kWhs per month, with charges for non-residential customers eligible to become self-assessing purchasers expressly capped at \$242 per month. Further, in regard to implementing the rider, we determined that (1) recoveries shall begin on a bills rendered basis beginning November 1, 2021, (2) EDUs shall begin sending recoveries to the solar generation fund by December 1, 2021, and (3) recoveries for 2021 shall be prorated such that the \$20 million requirement shall be reduced by the months that were not subject to collection this calendar year.

{¶ 5} Pursuant to R.C. 4903.10, any party to a Commission proceeding may apply for rehearing with respect to matters determined by the Commission within 30 days after the Commission order is journalized.

{¶ 6} The Ohio Manufacturers' Association Energy Group (OMAEG) filed an application for rehearing on August 13, 2021, seeking the Commission's reconsideration of our decision as to five claimed assignments of error.

{¶ 7} The Dayton Power and Light Company (DP&L) filed a memorandum contra OMAEG's application for rehearing on August 23, 2021.

B. Summary of the Application for Rehearing and Memorandum Contra

{¶ 8} OMAEG asserts five assignments of error, each of which was previously addressed and rejected as part of our consideration of this matter: (1) Rider SGF was improperly established at a revenue requirement that exceeds the amount required for disbursement from the solar generation fund; (2) Rider SGF was unlawfully established on a "per account" instead of a "per customer" basis; (3) Rider SGF was improperly established with a \$242 monthly cost cap to any nonresidential customers eligible to become self-assessing purchasers, instead of only industrial customers eligible to become self-assessing

customers; (4) Rider SGF unlawfully includes CAT; and (5) Rider SGF was unlawfully established without requiring tariff refund language.

{¶ 9} In its memorandum contra application for rehearing, DP&L opposed OMAEG's claimed errors in regard to whether Rider SGF (1) was lawfully established on a "per account" basis, and (2) should include CAT amounts.

C. *Commission Conclusion*

{¶ 10} We reject the arguments raised by OMAEG and affirm our decision from July 14, 2021.

{¶ 11} Relative to establishing Rider SGF at an annual amount of \$20 million, we disagree with OMAEG's claim that the language in R.C. 3706.46(A)(1) permits, let alone requires, our independent judgment as to the amounts required to be collected by Rider SGF. We disagree with OMAEG's claim that the word "sufficient" within the statute somehow requires us to independently determine the annual amounts required to be collected by the rider. Instead, we affirm our plain reading of the statute, which is that the rider must produce a \$20 million annual revenue requirement.

{¶ 12} Relative to our determination to establish Rider SGF on a "per account" rather than "per customer" basis, we disagree with OMAEG's claimed error. As we described, we previously considered and rejected OMAEG's argued interpretation as to "customer" rate cap language in R.C. 4928.148(A)(2), which addressed the establishment of the prior LGR Rider. *In the Matter of Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, Case No. 19-1808-EL-UNC, Entry (Nov. 21, 2019) at ¶27 (LGR Rider Case); Entry on Rehearing (Jan. 15, 2020) at ¶13. In its consideration of H.B. 128, which included establishing "customer" rate caps in R.C. 3706.46, the legislature was aware of our interpretation of its prior directive. Yet the legislature did not act to change the language in the manner that OMAEG claims is consistent with its

intention as to this issue. We find that the legislative action to not change the rate cap language as part of H.B. 128 demonstrates agreement with our interpretation as to this issue.

{¶ 13} Relative to whether Rider SGF was improperly established with a \$242 monthly cost cap applicable to any nonresidential customers eligible to become self-assessing purchasers, instead of only industrial customers eligible to become self-assessing customers, we reject OMAEG's claimed error. As we described, the monthly cost cap applicable to all nonresidential customers is consistent with our approach in the LGR Rider Case and CAF Case¹, mitigates bill increases across nonresidential customers, and is consistent with the legislative direction to establish the rider in a manner that avoids rate shocks and unreasonable bill outcomes. Accordingly, we affirm the rate caps as we previously outlined.

{¶ 14} Relative to whether CAT amounts are properly included for recovery in Rider SGF, we again reject OMAEG's claimed error. Consistent with our analysis earlier herein, the legislature was aware of our prior statutory interpretation as to this issue, which disfavored reducing rider recoveries to account for any CAT offset, when it enacted H.B. 128. We clarify that the residential customer charge of \$0.10 per month is the fixed amount required by the statute without regard to any CAT offset and is not subject to further adjustment. Subject to this clarification, we affirm that the enactment of H.B. 128 without any modification regarding CAT recoveries speaks to the legislative intent as to this issue. Accordingly, we reject OMAEG's claimed error.

{¶ 15} Relative to whether Rider SGF was lawfully established without requiring tariff refund language, we reject OMAEG's claimed error. Again, we stress that our prior rulings in the LGR Rider Case and CAF Rider Case signaled our interpretation that the Commission lacked authority to establish refund mechanisms beyond those provided in statute. LGR Rider Case at ¶31; CAF Rider Case at ¶23. Had the legislature intended for us

¹ *In the Matter of Establishing the Clean Air Fund Rider Pursuant to R.C. 3706.46*, Case No. 20-1143-EL-UNC, Entry (Aug. 26, 2020) at ¶19 (CAF Rider Case).

to take a different approach in establishing SGF Rider, it would have modified the enacting language in H.B. 128 to signal that intention - it did not. Accordingly, we affirm our interpretation that R.C. 3706.55(B) precludes the Commission from imposing any refund language beyond the reconciliation and refund provision described therein.

{¶ 16} For the reasons stated above, the Commission finds that OMAEG's application for rehearing should be denied.

III. ORDER

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That the application for rehearing filed by OMAEG on August 13, 2021, be denied. It is, further,

{¶ 19} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Dennis P. Deters

MLW/hac

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 21-0447-EL-UNC

Summary: Entry denying the application for rehearing filed by the Ohio Manufacturers' Association Energy Group on August 13, 2021 electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio

ATTACHMENT B

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ESTABLISHING THE
SOLAR GENERATION FUND RIDER
PURSUANT TO R.C. 3706.46.

CASE NO. 21-447-EL-UNC

ENTRY

Entered in the Journal on July 14, 2021

I. SUMMARY

{¶ 1} In accordance with applicable legislative directives, the Commission establishes a rate mechanism for the retail recovery of costs related to the solar generation fund pursuant to R.C. 3706.46 for the period up to December 31, 2027.

II. FACTS AND PROCEDURAL BACKGROUND

{¶ 2} Am. Sub H. B. 128 (H.B. 128), which was signed into law on March 31, 2021, and became effective on June 30, 2021, requires the Commission to establish a rate mechanism for the retail recovery of costs related to the solar generation fund for the period up to December 31, 2027. R.C. 3706.46

{¶ 3} With respect to the establishment or operation of the rate mechanism, the Commission shall: (1) determine the method to allocate the revenue requirement to each electric distribution utility (EDU) based on the relative number of customers, relative quantity of kilowatt hour (kWh) sales, or some combination of these factors; (2) ensure rate increases that are (a) not to exceed ten cents per month for residential, (b) not to exceed two hundred forty-two dollars per month for industrial customers eligible to become self-assessing purchasers, and (c) avoidant of abrupt or excessive total net bill impacts for typical nonresidential customers; and, (3) provide that the charges it approves are subject to adjustment to reconcile actual collected revenues with the required annual revenues. R.C. 3706.46

{¶ 4} Staff reviewed the legislative requirements of R.C. 3706.46 and filed a proposal for the establishment of a nonbypassable rate mechanism on April 19, 2021. Staff proposed the establishment of the Solar Generation Fund Rider (Rider SGF) as the nonbypassable rate

mechanism to be billed and collected by each EDU. Rider SGF would be funded by (1) setting a monthly charge for residential customers at \$0.10, (2) recovering the remaining solar generation fund costs from non-residential customers through a dollar per kWh rate for each non-residential customer's usage up to 833,000 kWhs per month, with charges for non-residential customers eligible to become self-assessing purchasers expressly capped at \$242 per month.

{¶ 5} In consideration of its obligation to establish a rate mechanism to produce \$20,000,000 annually for solar generation fund disbursements required by R.C. 3706.55, the attorney examiner opened this case for comment on April 27, 2021. Interested stakeholders were invited to file initial comments on or before May 18, 2022 and reply comments by May 28, 2021.

{¶ 6} Motions to intervene were filed by the Ohio Consumers' Counsel (OCC) and the Ohio Manufactures Association Energy Group (OMAEG). No objections were made to these motions. Accordingly, the Commission grants the motions to intervene filed by these entities.

{¶ 7} Comments were filed by Industrial Energy Users-Ohio (IEU-Ohio), Hillcrest Solar I, LLC (Hillcrest Solar), Invenergy Renewables LLC (Invenergy), and OMAEG.

{¶ 8} Reply comments were filed by Ohio Power Company (AEP Ohio), OMAEG, OCC, and DP&L d/b/a AES Ohio (AES Ohio).

III. SUMMARY OF THE COMMENTS

{¶ 9} In their initial comments, IEU-Ohio, Hillcrest Solar, and Invenergy support Staff's proposal. IEU-Ohio notes that the proposed rate design was adopted for another charge authorized by H.B 6 such that customers are familiar with the methodology, and that the proposal avoids rate shocks or other unreasonable outcomes. Further, Hillcrest Solar and Invenergy urge the Commission to act quickly to establish the solar generation funding

mechanism in order to avoid confusion and minimize any potential overdue payments to eligible qualifying resources, as directed by R.C. 3706.59.

{¶ 10} In its initial comments, OMAEG asserts that (1) the Commission should not set Rider SGF at an amount in excess of the revenue requirements necessary to fund required solar generation fund disbursements, (2) Rider SGF should be reduced to account for commercial activity tax (CAT) obligations of solar generation fund recipients, (3) Rider SGF should be charged on a per customer basis, (4) the customer cap of \$242 per month should apply only as to industrial customers, (5) consistent with Staff's recommendation, Rider SGF should be calculated using a statewide per kWh charge for non-residential customers, and (6) Rider SGF should be subject to customer refunds if charges are later deemed unlawful.

{¶ 11} In their separate reply comments, AES Ohio and AEP Ohio agree that Rider SGF should (1) not be reduced to account for CAT, (2) be charged on a per account, non-aggregated, basis, and (3) not be subject to customer refunds. AEP Ohio further independently asserts that the rider's \$242 monthly rate cap should apply to all non-residential, rather than solely industrial, customers.

{¶ 12} In their separate reply comments, OMAEG and OCC share recommendations as to (1) establishing Rider SGF collections according to actual revenue requirements needed to make payments to qualified solar generation resources where those amounts are less than \$20 million per year, (2) excluding CAT from Rider SGF collections, and (3) subjecting Rider SGF to potential refunds. Additionally, OMAEG restates the argument from its initial comments as to its claim that non-residential customer caps of \$242 per month should apply on a per customer basis.

IV. ANALYSIS OF THE COMMENTS

A. *Rider SGF is established in order to recover annual revenue of \$20 million with collections beginning for bills issued after November 1, 2021.*

{¶ 13} As amended by H.B. 128, R.C. 3706.46(A) requires the Commission to establish a revenue recovery method to collect \$20 million annually from retail electric customers in

order to fund the solar generation fund that is established in R.C. 3706.49. Contrary to claims of OMAEG and OCC, the amount of the recovery is fixed by statute and not subject to the Commission's discretion. Accordingly, we find that Rider SGF is established at an annual amount of \$20 million. Further, in order to allow time for EDUs to plan for implementation of the rider, we find that (1) recoveries shall begin on a bills rendered basis beginning November 1, 2021, (2) EDUs shall begin sending recoveries to the solar generation fund by December 1, 2021, and (3) recoveries for 2021 shall be prorated such that the \$20 million requirement shall be reduced by the months that were not subject to collection this calendar year.

B. Rider SGF recovery shall not be adjusted by CAT amounts.

{¶ 14} Contrary to positions of OMAEG and OCC, we find that R.C. 3706.46 requires that the SGF is established, without consideration of any CAT adjustment, at an annual amount of \$20,000,000. As we determined in our previous consideration of this statutory language, we continue to conclude that had the legislature intended to establish the SGF at an adjusted amount to account for any CAT offset, it would have expressly done so. *In the Matter of Establishing the Clean Air Fund Rider Pursuant to R.C. 3706.46*, Case No. 20-1143-EL-UNC, Entry (Aug. 26, 2020) at ¶18 (CAF Rider Case). Accordingly, we continue to find that the legislative intention is that the EDUs should collect the fixed amount required by the solar generation fund without regard to any CAT offset.

C. The \$242 monthly bill cap shall apply to all nonresidential customers that are eligible to become self-assessing purchasers.

{¶ 15} The Commission accepts Staff's recommendation to cap bills for all nonresidential customers that are eligible to become self-assessing purchasers, rejecting the argument that the cap should apply only to industrial customers. Consistent with our decision in CAF Rider Case, we again conclude that (1) Staff's proposal to apply a nonresidential cap is (a) consistent with our prior ruling involving the Rider LGR cost

recovery mechanism, which established a cap at \$1,500 per nonresidential customer¹, and (b) mitigates bill increases across nonresidential customers, (2) had the legislature intended to prohibit a cap on increases for any customer class, it could have defined the class and specified the cap, and (3) Staff's proposal avoids rate shocks and unreasonable bill outcomes, consistent with the legislative direction in this area.

D. Nonresidential customer accounts shall not be aggregated for purposes of applying the \$242 rate cap.

{¶ 16} OMAEG argues that Rider SGF charges should be aggregated across the entirety of a nonresidential user's operations for purposes of applying the rate cap provided in R.C. 3706.46(B). OMAEG previously raised this argument in LGR Rider Case, which determined the application of a similar rate cap set forth in R.C. 4928.148(A)(2). Once again, we reject OMAEG's argument. Applying our prior reasoning, we conclude that the legislative use of the word "customer" in R.C. 3706.46(B) is clear and unambiguous. (LGR Rider Case ¶27.) Accordingly, we find that Rider SGF will be collected in the same manner that all other riders are collected by EDUs - in connection with each billing account established in accordance with the applicable contract or tariff. As a result of this finding, nonresidential customers shall not be permitted to aggregate or group their billing accounts in order to avoid paying Rider SGF amounts.

E. Rider SGF is not subject to reconciliation and refund.

{¶ 17} OMAEG and OCC argue for the inclusion of refund language in the Rider SGF tariffs. Consistent with our prior analysis of this issue in LGR Rider Case and CAF Rider Case, we decline this request. (LGR Rider Case ¶31; CAF Rider Case ¶23.) R.C. 3706.55 does not establish any prudence determination in connection with Rider SGF. Moreover, the statute explicitly provides for reconciliation and refund as of December 31, 2027, minus any remittances that are required up to January 21, 2028. Accordingly, we conclude that the

¹ *In the Matter of Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, 19-1808-EL-UNC, Entry (Nov. 21, 2019) (LGR Rider Case).

legislature addressed the manner in which Rider SGF is to be administered. We decline to impose any additional refund requirements, finding that they are inconsistent with the legislative intent as to the rider.

V. RIDER SGF RATE DESIGN

{¶ 18} The Commission establishes the Rider SGF rate design to be effective November 1, 2021, through December 31, 2027, subject to final reconciliation.

{¶ 19} Details of the Rider SGF rate design are as follows:

- (a) Each EDU will charge its residential customers \$0.10 per month, including CAT.
- (b) The remainder (nonresidential portion) of its total revenue requirement shall be calculated by subtracting the revenue projected to be collected from residential customers from the total revenue requirement.
- (c) The monthly charge for all nonresidential customers shall be a dollar per kWh (\$/kWh) charge for all kWhs up to 833,000 per month per customer.
- (d) Charges for all customers eligible to become self-assessing purchasers shall be equal to the nonresidential monthly charge and shall not exceed two hundred forty-two dollars per month.
- (e) Each EDU shall update its Rider SGF annually to adjust for any over/under revenue recovery of revenues for the prior period.
- (f) Each EDU shall provide to Staff the necessary data to calculate the nonresidential charge 60 days prior to the effective date of Rider SGF. This data shall include the projected annual number of residential bills and the projected nonresidential annual kWh up to 833,000 kWh per customer per month.
- (g) Each EDU shall file its annual application filing no later than 45 days prior to the effective date of the proposed Rider SGF.
- (h) Each EDU shall file semi-annual reports to Staff that provide the monthly revenues collected from its residential and nonresidential customers through Rider SGF.

VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 20} R.C. 3706.46 requires the Commission to establish a nonbypassable rate mechanism to produce \$20,000,000 annually for disbursements required by R.C. 3706.55.

{¶ 21} On April 19, 2021, Staff filed comments proposing a rate mechanism through the creation of the Rider SGF.

{¶ 22} On April 27, 2021, the attorney examiner opened this case to receive comments regarding establishing the nonbypassable recovery mechanism for solar generation fund costs.

{¶ 23} Initial comments were received on May 18, 2021. Reply comments were received on May 28, 2021.

{¶ 24} In consideration of the statutory obligation to establish the recovery mechanism for solar generation fund costs, the comments, and the reply comments filed in this case, the Commission establishes the Rider SGF as described in paragraph 19.

VII. ORDER

{¶ 25} It is, therefore,

{¶ 26} ORDERED, That Rider SGF is established as described. It is, further,

{¶ 27} ORDERED, That EDUs responsible for collecting Rider SGF file proposed tariffs consistent with this Entry 45 days prior to the annual effective dates of Rider SGF, subject to review and approval by the Commission. It is, further,

{¶ 28} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MLW/kck

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Case No(s). 21-0447-EL-UNC

Summary: Entry establishing a rate mechanism for the retail recovery of costs related to the solar generation fund pursuant to R.C. 3706.46 for the period up to December 31, 2027 electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio