

**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
	)	

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**REPLY COMMENTS  
OF  
APPLICANTS MORaine WIND LLC, RUGBY WIND LLC,  
ELM CREEK WIND II LLC, BUFFALO RIDGE II LLC,  
BARTON WINDPOWER LLC, AND AVANGRID RENEWABLES, LLC**

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**I. INTRODUCTION**

Through each of the above-captioned certification proceedings, Avangrid Renewables, LLC (Avangrid Renewables) and its wholly-owned subsidiaries, Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Barton Windpower 1, and Buffalo Ridge II Wind LLC (collectively, the Applicants) filed applications demonstrating that the out-of-state facilities satisfy

the requirements to qualify for certification as renewable energy (REN) resource generating facilities (collectively, Avangrid Renewables REN Cases).<sup>1</sup>

As stated in Applicants' initial comments, R.C. 4928.64(B)(3) and Ohio Adm.Code 4901:1-40-01(F) and 4901:1-40-04 establish the certification requirements for out-of-state facilities. A facility may qualify for REN certification in Ohio if the facility is a qualifying renewable energy resource, has been placed-in-service on or after January 1, 1998, and demonstrates that the energy produced at the facility "can be shown to be deliverable into this state." The Commission determines whether or not the energy is "deliverable" based on a test it adopted in *In the Matter of Koda Energy LLC* (the *Koda Test*).<sup>2</sup> The *Koda Test* requires "a demonstration of delivery via a power flow study and/or deliverability study...although not to the extent of requiring signed contracts."<sup>3</sup> The power flow study must show that "the absolute value of a facility's impact on a transmission line in Ohio must be greater than 5 percent and greater than 1 megawatt (MW)."<sup>4</sup>

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<sup>1</sup> See *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, Application (Apr. 30, 2021); *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, Application (Apr. 30, 2021); *In the Matter of the Application of Elm Creek II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-0531-EL-REN, Application (May 3, 2021); *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, Application (May 3, 2021); and *In the Matter of The Application of Barton Windpower I for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-544-EL-REN, Application (May 4, 2021).

<sup>2</sup> *In the Matter of the Application of Koda Energy LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 09-0555-EL-REN (*Koda*), Finding and Order (Mar. 23, 2011).

<sup>3</sup> *In the Matter of the Commission's Review of its Rules for Energy Efficiency Programs Contained in Chapter 4901:1-39 of the Ohio Administrative Code*, Case Nos. 12-2156-EL-ORD, *et al.*, Finding and Order at ¶ 181 (Dec. 19, 2018).

<sup>4</sup> See *In the Matter of the Application of Wessington Springs Wind Energy Center for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-0110-EL-REN, Staff Report (Mar. 1, 2021).

In each of the Avangrid Renewables REN Cases, Commission Staff issued a Report and Recommendation (collectively, Staff Reports), recommending that the Commission approve each application for REN certification.<sup>5</sup> The Staff Reports noted that each of the facilities satisfied the renewable energy resource, placed-in-service, and deliverability requirements for certification.<sup>6</sup> In response, the Commission invited “interested persons” to file comments regarding Staff’s recommendations in these cases.<sup>7</sup> Accordingly, Applicants,<sup>8</sup> Blue Delta Energy, LLC (Blue Delta),<sup>9</sup> and 3Degrees Group Inc. (3Degrees)<sup>10</sup> filed initial comments supporting Staff’s conclusions and recommendations. However, Carbon Solutions Group, LLC (CSG) filed comments purporting to contest Staff’s conclusions and recommendations, but in reality raising a series of irrelevant arguments and incorrect claims.<sup>11</sup>

The initial comments submitted by Applicants, Blue Delta, and 3Degrees all demonstrate that each of the facilities in the five Avangrid Renewables REN Cases should be certified as a qualified resource pursuant to R.C. 4928.64(B)(3) and Ohio Adm.Code 4901:1-40-01(F) and

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<sup>5</sup> See *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, Staff Report (Aug. 20, 2021) (Moraine Staff Report); *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, Staff Report (Aug. 20, 2021) (Rugby Staff Report); *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, Staff Report (Aug. 20, 2021) (Elm Creek Staff Report); *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, Staff Report (Aug. 20, 2021) (Buffalo Ridge Staff Report); *In the Matter of The Application of Barton Windpower I for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-544-EL-REN, Staff Report (Aug. 20, 2021) (Barton Staff Report).

<sup>6</sup> *Id.*

<sup>7</sup> See Entry at ¶ 9 (Oct. 19, 2021).

<sup>8</sup> See Comments of Applicants Moraine Wind, LLC, Rugby Wind, LLC, Elm Creek Wind II, LLC, Buffalo Ridge II, LLC, Barton Windpower, LLC, and Avangrid Renewables, LLC (Nov. 18, 2021) (Applicants Comments).

<sup>9</sup> See Comments of Blue Delta Energy, LLC (Nov. 18, 2021) (Blue Delta Comments).

<sup>10</sup> See Initial Comments of 3Degrees Group, Inc. to the Review and Recommendation (Nov. 18, 2021) (3Degrees Comments).

<sup>11</sup> See Initial Comments of Carbon Solutions Group, LLC (Nov. 18, 2021) (CSG Comments).

4901:1-40-04. Additionally, the comments submitted by Applicants, Blue Delta, and 3Degrees emphasize why the Commission should retain its longstanding and reasonable application of the *Koda* Test. CSG’s arguments to the contrary are without merit and should be rejected.

## II. COMMENTS

### A. Applicants have satisfied their burden to demonstrate that each facility satisfies the Commission’s requirements for certification as a renewable energy facility.

The Applicants have demonstrated that each of the facilities in the five Avangrid Renewables REN Cases satisfies the statutory and regulatory requirements for certification. Pursuant to the Ohio Revised Code and the Ohio Administrative Code, the Commission primarily considers three criteria.<sup>12</sup> First, the facility must be a “renewable energy resource,” which includes wind energy.<sup>13</sup> Second, the plant must meet the applicable placed-in-service requirement, which is January 1, 1998 for wind energy.<sup>14</sup> Third, a qualifying renewable energy resource must either have a facility located in Ohio, or produce energy which is deliverable into Ohio.<sup>15</sup> Ohio regulations consider electricity from facilities located in states not contiguous to Ohio to be deliverable into Ohio “pending a demonstration that the electricity is *physically deliverable* to the state.”<sup>16</sup>

To determine whether or not energy from the facility is “physically deliverable to the state,”<sup>17</sup> and therefore satisfies the deliverability requirement,<sup>18</sup> the Commission applies the

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<sup>12</sup> Moraine Staff Report at 1; Rugby Staff Report at 1; Elm Creek Staff Report at 1; Buffalo Ridge Staff Report at 1; Barton Staff Report at 1.

<sup>13</sup> See R.C. 4928.01(A)(37)(ii); Ohio Adm.Code 4901:1-40-04(A)(2); Ohio Adm.Code 4901:1-40-04(C)(2).

<sup>14</sup> See R.C. 4928.64(A)(1)(a); Ohio Adm.Code 4901:1-40-04(A)(2); Ohio Adm.Code 4901:1-40-04(C)(2).

<sup>15</sup> See R.C. 4928.64(B)(3); Ohio Adm.Code 4901:1-40-04(C)(2).

<sup>16</sup> Ohio Adm.Code 4901:1-40-01(F) (emphasis added).

<sup>17</sup> *Id.*

<sup>18</sup> See R.C. 4928.64(B)(3); Ohio Adm.Code 4901:1-40-04(C)(2).

longstanding *Koda* Test. Under the *Koda* Test, Commission Staff evaluates the results of distribution factor (DFAX) or power flow studies modeled by either PJM Interconnection, L.L.C. (PJM) or the Midcontinent Independent System Operator, Inc. (MISO),<sup>19</sup> which are both Regional Transmission Organizations (RTOs) located in the Eastern Interconnection. These power flow studies measure Transfer Distribution Factor (TDF), or the percentage of a transaction between a point of injection and a point of withdrawal that flows across a particular element of a transmission system.<sup>20</sup> When evaluating these power flow studies, Staff considers both the highest value for a transmission line with *either* a start or end point in Ohio, and the highest value for a transmission line with *both* a start or end point in Ohio.<sup>21</sup>

To satisfy the *Koda* Test, a facility's power flow study results must meet two benchmarks. The results must demonstrate that "the absolute value of the impact on a transmission line in Ohio must be greater than 5% and greater than 1 MW."<sup>22</sup> The *Koda* Test's use of a five percent DFAX cutoff eliminates facilities that have minimal impact on the transmission system, while the 1 MW minimum eliminates facilities that have a higher DFAX impact but a limited actual total impact.<sup>23</sup>

In the Staff Reports, Commission Staff found that all five Avangrid Renewables facilities satisfy all three statutory criteria, including deliverability pursuant to the *Koda* Test. Staff correctly noted that each of the five Avangrid Renewables facility is a wind energy resource, which

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<sup>19</sup> *Koda*, Staff Review and Recommendation at 4 (Feb. 28, 2011).

<sup>20</sup> Applicants Comments, Attachment A, Expert Report at ¶ 3.2.

<sup>21</sup> *See id.* at ¶ 4.1.1 ("The DFAX impact column contains two values. The first value is the highest DFAX for the case where either the start or end of the line is in Ohio. The second value is the highest DFAX for a transmission line which has both a starting point and end point in Ohio."); *id.* at ¶ 4.2.1 ("The MW impact column contains two values. The first value is based on the highest DFAX for the case where either the start or end of the line is in Ohio. The second value is based on the highest DFAX for a transmission line which has both a starting point and end point in Ohio.").

<sup>22</sup> *Koda*, Staff Review and Recommendation at 6-7 (Feb. 28, 2011).

<sup>23</sup> Applicants Comments, Attachment A, Expert Report at ¶¶ 4.1, 4.2.



satisfied the requirement.<sup>24</sup> Applicants, Blue Delta,<sup>25</sup> and 3Degrees<sup>26</sup> all supported Staff's findings in their respective comments that each of the wind facilities at issue constitutes a "renewable energy resource."<sup>27</sup> Staff also correctly found that each one of the five Avangrid Renewables facilities was placed in service after January 1, 1998, thereby satisfying the second requirement.<sup>28</sup> Again, Applicants, Blue Delta, and 3Degrees all supported this finding.<sup>29</sup>

Lastly, Staff correctly found that each of the five Avangrid Renewables facilities satisfied the deliverability element by satisfying the *Koda* Test. Contrary to CSG's misstatement of the facts,<sup>30</sup> for each of the five facilities at issue in the Avangrid Renewables REN Cases, the Applicants requested that PJM perform a DFAX study, which PJM provided to the Applicants. Applicants then "provided [to Staff the] DFAX power flow study which was performed by PJM"<sup>31</sup> for each facility.

When considering the results of the DFAX studies for each facility, Staff looked for both the highest value for a transmission line with *either* a start or end point in Ohio, and the highest value for a transmission line with *both* a start or end point in Ohio.<sup>32</sup> For each of the facilities,

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<sup>24</sup> Moraine Staff Report at 3; Rugby Staff Report at 3; Elm Creek Staff Report at 3; Buffalo Ridge Staff Report at 3; Barton Staff Report at 3.

<sup>25</sup> See Blue Delta Comments at 5.

<sup>26</sup> See 3Degrees Comments at 6.

<sup>27</sup> See R.C. 4928.01(A)(37)(ii); Ohio Adm.Code 4901:1-40-04(A)(2); Ohio Adm.Code 4901:1-40-04(C)(2).

<sup>28</sup> Moraine Staff Report at 3; Rugby Staff Report at 3; Elm Creek Staff Report at 3; Buffalo Ridge Staff Report at 3; Barton Staff Report at 3; See also R.C. 4928.64(A)(1)(a); Ohio Adm.Code 4901:1-40-04(A)(2); Ohio Adm.Code 4901:1-40-04(C)(2).

<sup>29</sup> See Applicants Comments at 6; Blue Delta Comments at 5; 3Degrees Comments at 6.

<sup>30</sup> CSG Comments at 8 ("It is CSG's understanding that the applicants did not request these studies from PJM and turn them over to Staff; Staff requested the studies from PJM directly.").

<sup>31</sup> See, e.g., Moraine Staff Report at 2; Rugby Staff Report at 2; Elm Creek Staff Report at 2; Buffalo Ridge Staff Report at 2; Barton Staff Report at 2.

<sup>32</sup> See Applicants Comments, Attachment A, Expert Report at ¶ 4.1.1 ("The DFAX impact column contains two values. The first value is the highest DFAX for the case where either the start or end of the line is in Ohio. The second value is the highest DFAX for a transmission line which has both a starting point and end point in Ohio."); *id.* at ¶ 4.2.1 ("The MW impact column contains two values. The first value is based on the highest DFAX for the case where either

even if the lower of the two numbers is used,<sup>33</sup> each facility satisfied both requirements of the *Koda* Test. Given that the results for each facility were significantly beyond both the 5% and 1 MW benchmarks,<sup>34</sup> Staff found that each facility met the deliverability standard by satisfying the *Koda* Test.<sup>35</sup> Again, Applicants, Blue Delta, and 3Degrees agreed with the Staff's findings as to deliverability.<sup>36</sup> Because the Applicants demonstrated that each of the facilities in the five Avangrid Renewables REN Cases met all three criteria, Commission Staff "determined that the Facility satisfies the Commission's requirements for certification as a renewable energy facility" and recommended that the Applications be approved.<sup>37</sup>

CSG, however, argues against granting certification to all of the five facilities.<sup>38</sup> But CSG does not attempt to argue that any of the five Avangrid Renewables facilities fail to meet either the first or second criteria.<sup>39</sup> Similarly, CSG does not attempt to provide any data refuting the findings of the DFAX studies which PJM performed and which Staff evaluated.<sup>40</sup> Although CSG refers to "[questions] about the validity of the data," it either cannot or will not articulate what

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the start or end of the line is in Ohio. The second value is based on the highest DFAX for a transmission line which has both a starting point and end point in Ohio.").

<sup>33</sup> For each of these facilities, the lower value was the line entirely within Ohio.

<sup>34</sup> See Applicants Comments at 8.

<sup>35</sup> Moraine Staff Report at 2; Rugby Staff Report at 2; Elm Creek Staff Report at 2; Buffalo Ridge Staff Report at 2; Barton Staff Report at 2.

<sup>36</sup> See Applicants Comments at 9; Blue Delta Comments at 5; 3Degrees Comments at 2.

<sup>37</sup> Moraine Staff Report at 3; Rugby Staff Report at 3; Elm Creek Staff Report at 3; Buffalo Ridge Staff Report at 3; Barton Staff Report at 3.

<sup>38</sup> See CSG Comments at 2.

<sup>39</sup> See generally, CSG Comments.

<sup>40</sup> CSG Comments at 8 ("Questions about the validity of the data Staff relied on can be left for another day.").

those questions are or what other data it possess that refutes Staff's conclusions.<sup>41</sup> Instead, CSG falls back on the same tired, baseless argument—against the *Koda* Test itself.

**B. The DFAX studies required by the *Koda* Test properly demonstrate physical deliverability into the state of Ohio and between regional transmission organizations.**

CSG makes the curious claim that it “did not intervene in these cases to challenge the *Koda* test or certification process.”<sup>42</sup> Yet, in its comments, CSG challenges the very methodology underlying the *Koda* Test. Pursuant to the Commission's ruling in *Koda*, Staff requires “a power flow study” for an applicant “to demonstrate the physical deliverability of energy into Ohio.”<sup>43</sup> CSG argues that “Staff's approach is not ‘consistent with’ *Koda*.”<sup>44</sup> But it is CSG's argument that is inconsistent with *Koda*, not Staff's approach. The Commission, in *Koda*, specifically directed applicants to produce power flow studies demonstrating physical deliverability across transmission lines from non-contiguous states.<sup>45</sup> CSG claims that Staff's use of these same power flow studies to evaluate physical deliverability across transmission lines from non-contiguous states “is not ‘consistent with’ *Koda*.”<sup>46</sup>

CSG argues that “an approach ‘consistent with’ *Koda* would have examined power flows across both grids, as both grids are necessary to ‘physically deliver’ power from the Upper

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<sup>41</sup> See CSG Comments at 8. Additionally, given CSG's failure to respond to the Applicants' discovery requests, one must wonder if CSG possesses *any* data contrary to the evidence in this case.

<sup>42</sup> *Id.* at 10.

<sup>43</sup> *Koda*, Finding and Order at ¶ 8 (The Commission finds that Staff's proposed methodology and recommended definition of ‘significant impact’ are reasonable and should be adopted. Accordingly, any applicant seeking to demonstrate the physical deliverability of energy into Ohio from a generating facility located outside of Ohio or a contiguous state may do so with a power flow study, performed by an RTO, offering evidence of a significant impact on power flows over transmission lines located in the state of Ohio.”) (Mar. 23, 2011).

<sup>44</sup> CSG Comments at 8.

<sup>45</sup> *Koda*, Finding and Order at ¶ 8 (Mar. 23, 2011).

<sup>46</sup> CSG Comments at 8.

Midwest to Ohio.”<sup>47</sup> According to CSG, Staff “[fails] to acknowledge” that the facilities at issue in the above-captioned cases “are connected to a different grid.”<sup>48</sup> CSG either ignores, or does not understand, that PJM and MISO are not separate ‘grids.’ PJM and MISO are RTOs, which coordinate the flow of electricity across a portion of the larger electric grid. In fact, both PJM and MISO are part of the *same* electric grid—the Eastern Interconnection.

Nevertheless, according to CSG, the Staff Reports are not consistent with *Koda* because “Staff assumed a transmission pathway to Ohio.”<sup>49</sup> CSG falsely suggests, without evidence, that “physical or economic constraints inhibit flows to Ohio in the first place.”<sup>50</sup> But “a transmission pathway to Ohio” clearly physically exists. Staff is assuming, correctly, that electricity flows across the existing and operational transmission lines that form the interconnections between MISO and PJM. In fact, a Joint Operating Agreement (JOA) exists between the two RTOs to ensure that power flows between the two RTOs. Additionally, certain Ohio electric distribution utilities (specifically, Duke Energy Ohio and the FirstEnergy utilities) previously were part of MISO, and when they moved to PJM they were not physically disconnected from MISO. It is CSG making the improper assumption that there are *no* interconnections between the RTOs and that the two RTOs operate in isolation.

As explained in the Expert Report jointly sponsored by the Applicants and Blue Delta, DFAX studies readily demonstrate the flow of electricity between MISO and PJM. Under their JOA, PJM and MISO collectively analyze the system for coordinated planning, operation, and

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<sup>47</sup> CSG Comments at 2 (citations omitted).

<sup>48</sup> *Id.* at 9, *citing* Staff Reports at 2.

<sup>49</sup> *Id.* at 2.

<sup>50</sup> *Id.* at 9.

congestion management.<sup>51</sup> Each of the RTOs uses the same DFAX studies to evaluate the impact of an interconnection request to the other RTO.<sup>52</sup> If electricity did not flow between PJM and MISO, there would be no need for an RTO to analyze the impact of new facilities on the other RTO.

Furthermore, the results of the DFAX studies submitted by the Applicants in the Avangrid Renewables REN Cases affirmatively demonstrate a transmission pathway into Ohio. When it reviewed the results of the DFAX studies, Staff considered two numbers: the highest value for a transmission line with *either* a start or end point in Ohio, and the highest value for a transmission line with *both* a start or end point in Ohio.<sup>53</sup> For each of the facilities, the higher of the two numbers was actually on a line creating a transmission pathway into Ohio.<sup>54</sup> As Staff noted in the Staff Reports, the “highest DFAX value...within Ohio occurred on American Electric Power’s Marysville (OH) – Sorenson (IN) 765 kilovolt transmission line.”<sup>55</sup>

Accordingly, the results of the DFAX studies requested by the Applicants, performed by PJM, and submitted to Staff affirmatively demonstrate that electricity from the facilities is physically deliverable into Ohio. Furthermore, the Staff Reports submitted in each of the Avangrid Renewables REN Cases explicitly mentions a transmission path into Ohio. Although CSG, without evidence, attempts to argue otherwise, the evidence in these cases clearly and plainly

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<sup>51</sup> Applicants Comments, Attachment A, Expert Report at ¶ 4.1.

<sup>52</sup> *See id.*

<sup>53</sup> *See id.* at ¶ 4.1.1 (“The DFAX impact column contains two values. The first value is the highest DFAX for the case where either the start or end of the line is in Ohio. The second value is the highest DFAX for a transmission line which has both a starting point and end point in Ohio.”); *id.* at ¶ 4.2.1 (“The MW impact column contains two values. The first value is based on the highest DFAX for the case where either the start or end of the line is in Ohio. The second value is based on the highest DFAX for a transmission line which has both a starting point and end point in Ohio.”).

<sup>54</sup> *Id.*, Table 4-1, 4-2.

<sup>55</sup> *See* Moraine Staff Report at 2; Rugby Staff Report at 2; Elm Creek Staff Report at 2; Buffalo Ridge Staff Report at 2; Barton Staff Report at 2.

demonstrates that the energy from each facility is physically deliverable into Ohio pursuant to Ohio Adm.Code 4901:1-40-01(F).

**C. CSG is either misrepresenting the facts or does not understand the certification process or the DFAX studies.**

Unless CSG is intentionally misrepresenting the basic facts underlying the REN certification process and the *Koda* Test, it appears that CSG does not properly understand either. CSG's comments are replete with easily refutable factual inaccuracies about even the most basic elements of the Commission's deliverability standard.

For example, CSG boldly, but incorrectly, states "that the applicants did not request these studies from PJM and turn them over to Staff; Staff requested the studies from PJM directly."<sup>56</sup> CSG's statement is simply not true. As discussed above, the Applicants requested the studies from PJM. The RTO then performed the studies and supplied the results of the studies to the Applicants. The Applicants then submitted the results of the studies to Commission Staff, who evaluated the results as part of their analysis. It is unclear how CSG could possibly come to any other understanding, as in the Staff Reports, Staff plainly states as much: "The Applicant provided a DFAX power flow study which was performed by PJM Interconnection, LLC."<sup>57</sup> If CSG seeks to opine on these Staff Reports, it should, at the very least, read the Staff Reports.

CSG also claims, without evidence, that PJM "performed these 'studies' as a courtesy to Staff, and not because they demonstrate anything of relevance to PJM"<sup>58</sup> Again, this is untrue. Typically, PJM performs these studies at the request of the renewable facility owner. And given

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<sup>56</sup> CSG Comments at 8

<sup>57</sup> Moraine Staff Report at 2; Rugby Staff Report at 2; Elm Creek Staff Report at 2; Buffalo Ridge Staff Report at 2; Barton Staff Report at 2.

<sup>58</sup> CSG Comments at 8. Applicants are unclear why the word "studies" appears in quotation marks in CSG's pleading, unless CSG is arguing that the studies are not actually studies.

that these studies objectively demonstrate an impact on Ohio transmission lines—which are part of PJM—the results of these studies very clearly demonstrate information relevant to PJM.

CSG’s statements, coupled with CSG’s misconceptions regarding the interconnection between PJM and MISO<sup>59</sup> raise questions regarding CSG’s capacity to render any sort of informed opinion in this case. Despite lacking a functional understanding of the *Koda* Test for deliverability, CSG seeks to challenge the *Koda* Test, or at least as CSG claims, Staff’s application of the *Koda* Test. Essentially, CSG seeks to opine on something of which it has no knowledge. As 3Degrees noted in its comments, “‘deliverability’ is inherently a term that will require a Commission-approved framework for assessment.”<sup>60</sup> “A replacement test would need to be developed and then analyzed to understand its alignment with the statute and the implications of revising the existing rule.”<sup>61</sup> The Commission-approved framework should be well-reasoned and supported by facts, as the *Koda* Test is. CSG’s arguments, on the other hand, are neither well-reasoned nor supported by facts.

**D. CSG continues to delay the certification of additional resources.**

CSG utterly fails to offer even a shred of objective evidence supporting its convoluted and confused argument against the well-reasoned and factually-supported application of the *Koda* Test. Nor does CSG even attempt to articulate any sort of alternative to determining *physical* deliverability pursuant to Ohio Adm.Code 4901:1-40-01(F). Nevertheless, throughout its comments, CSG suggests that given more time it would be able to do so.<sup>62</sup> The Commission should

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<sup>59</sup> See *supra* Part II.C.

<sup>60</sup> 3Degrees Comments at 5.

<sup>61</sup> *Id.*

<sup>62</sup> See CSG Comments at 3, fn.4 (“At a hearing, CSG would present evidence demonstrating the shortcomings of *Koda* and alternative approaches to more accurately determine physical deliverability. For present purposes, these comments will focus on Staff’s flawed attempt to apply *Koda*.”); *id.* at 4 (“CSG does not necessarily agree with this premise [the use of power flow studies], but the Commission may accept it for now”) *id.* at 8 (“CSG is confident that at a hearing,

reject this contention, which is merely another futile attempt by CSG to drag out this proceeding, delaying the granting of certifications to numerous similarly-situated applicants.

As the Applicants and Blue Delta pointed out in their comments, CSG's repeated attempts to impede any progress in this docket have negatively impacted the Ohio REC market, which will harm Ohio ratepayers by increasing the cost of compliance, while benefiting CSG and its clients.<sup>63</sup> Since the inception of CSG's legal challenges to the certification of many renewable facilities, the price of RECs have greatly increased, leading to increased costs of compliance with Ohio renewable portfolio standards and greater costs to ratepayers, while creating a favorable market for CSG. Anticipating this delay, the Applicants requested, months ago, that the Commission consolidate the Avangrid Renewables REN Cases for the limited purpose of addressing CSG's challenges.<sup>64</sup> CSG opposed this request, arguing that it should be given the chance to have its day in court and to present evidence.<sup>65</sup> CSG now has its opportunity to file comments and present evidence. Instead of using that opportunity to articulate an alternative deliverability test or present evidence contradicting the current application of the *Koda* Test, CSG instead claims it would do so at a hearing.<sup>66</sup> But no such hearing has been scheduled and the Commission is not obligated to

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PJM would testify that it performed these "studies" as a courtesy to Staff, and not because they demonstrate anything of relevance to PJM—including whether the power flows it modelled are deliverable into PJM."); *id.* ("Questions about the validity of the data Staff relied on can be left for another day.").

<sup>63</sup> See Applicants Comments at 17-18; see Blue Delta Comments at 12-16.

<sup>64</sup> See Amended Joint Motion To Consolidate and Memorandum in Support By Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower LLC, and Avangrid Renewables, LLC (Aug. 6, 2021).

<sup>65</sup> See Memorandum Contra Amended Joint Motion to Consolidate and Memorandum Contra Joint Motion for Leave to File Memorandum Contra CSG's Motion to Intervene at 9 (Aug. 23, 2021) ("In any event, it is CSG, not Avangrid, who has asked the Commission to consolidate these cases for purposes of developing an evidentiary record to address common questions of fact and law."); *id.* ("The Applicants are not entitled to a ruling *before any comments are filed or evidence presented.*") (emphasis original).

<sup>66</sup> See CSG Comments at 3, fn.4 ("At a hearing, CSG would present evidence demonstrating the shortcomings of *Koda* and alternative approaches to more accurately determine physical deliverability. For present purposes, these comments will focus on Staff's flawed attempt to apply *Koda*."); *id.* at 4 ("CSG does not necessarily agree with this premise [the use of power flow studies], but the Commission may accept it for now") *id.* at 8 ("CSG is confident that at a hearing, PJM would testify that it performed these "studies" as a courtesy to Staff, and not because they demonstrate anything



schedule one. Thus, the time to introduce this so called evidence is now, through the scheduled comments.

Additionally, in its discovery responses to the Applicants, CSG declined to provide *any* responses or produce any documents. More specifically, CSG declined to respond to each of the Applicants' interrogatories and requests for production of documents based on *just two* objections:

1. The purpose of discovery is to enable parties to prepare for hearing. The Commission has not scheduled a hearing. Therefore, this discovery request is premature.
2. CSG's business and operations, in Ohio or elsewhere, are irrelevant to whether any applicant meets the criteria for certification as an Ohio renewable energy resource. Nor is such information reasonably calculated to lead to the discovery of admissible evidence.<sup>67</sup>

Such responses lead to two possible conclusions: either CSG is doing everything it can to prevent a just and expeditious resolution of these proceedings, or CSG simply does not have *any* evidence to support its case. If CSG does have any such evidence, it is legally obligated to present it, regardless of whether or not a hearing is set. According to Ohio Adm.Code 4901-1-16(A), the purpose of discovery "is to encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings." Ohio Adm.Code 4901-1-17(A) allows discovery to begin immediately after a proceeding is commenced and to complete it expeditiously as possible. As such, the Commission typically affords parties full discovery rights, even in proceedings without scheduled hearings.<sup>68</sup>

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of relevance to PJM—including whether the power flows it modelled are deliverable into PJM."); *id.* ("Questions about the validity of the data Staff relied on can be left for another day.")

<sup>67</sup> See Attachment A, CSG Responses to Avangrid Discovery Requests.

<sup>68</sup> See, e.g., *In the Matter of the Commission's Investigation into PALMco Power OH, LLC DBA Indra Energy and PALMco Energy OH, LLC DBA Indra Energy's Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 19-2153-GE-COI Entry at ¶ 15 (Mar. 9, 2020) (scheduling a discovery conference in a Commission investigation prior to granting any stakeholder intervention or determining that a hearing would be held); *In the Matter of the Application of Verde Energy USA Ohio, LLC for Certification as a Competitive Retail Electric Service Supplier*, Case Nos. 11-5886-EL-CRS, et al., Entry at ¶ 11 (Mar. 3, 2020) (establishing a deadline to respond to discovery requests in a Commission investigation before granting any

By not providing any substantive responses, CSG indicates either that it has no evidence, or it has no intention of contributing to a just and expeditious resolution of this case. After eight months, it is unclear if CSG *ever* intends to provide evidence to support its baseless assertions. Either way, the Commission should reject this further attempt to unduly delay these proceedings at the expense of Ohio ratepayers.

**E. The Commission should strike CSG’s comments in this case.**

CSG’s refusal (or inability) to present any evidence against the Staff’s application of the *Koda* Test, or to articulate any sort of workable alternative, alone demonstrate why its comments should not be considered in this case. However, in its discovery responses, CSG also makes the argument that it *has no interest* in this case. Accepting this premise at face value, the Commission should strike CSG’s intervention and other pleadings from the case.

When CSG first sought to participate in this proceeding, it argued that its “interest is in preserving the value of RECs to renewable generators located in Ohio and PJM” since CSG’s clients use RECs “in the development and financing of renewable generation resources.”<sup>69</sup> Essentially, since CSG is in the business of RECs, it claimed an interest in preserving the market of RECs by making the deliverability test more restrictive. While the Applicants never accepted this premise,<sup>70</sup> they nonetheless sought clarification regarding CSG’s alleged interest through discovery.

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stakeholder intervention or determining that a hearing would be held). The Commission recently rejected this exact same argument, granting a motion to compel discovery where a utility argued that it was not yet determined “whether there might be a hearing or not.” See *In the Matter of the Review of the Distribution Modernization Rider of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 17-2474-EL-RDR, Transcript at 18, 24 (Apr. 19, 2021).

<sup>69</sup> CSG Motion at 3-5.

<sup>70</sup> See Memorandum Contra Amended Joint Motion to Consolidate and Memorandum Contra Joint Motion for Leave to File Memorandum Contra CSG’s Motion to Intervene at 10-11 (Aug. 23, 2021).

In response to Applicants' discovery, CSG answered that it had no interest. According to CSG, its "business and operations, in Ohio or elsewhere, are irrelevant to whether any applicant meets the criteria for certification as an Ohio renewable energy resource."<sup>71</sup> The Applicants agree with this premise. CSG's furtherance of its position in the REC market is entirely irrelevant to whether the Applicants meet the criteria for certification as an Ohio renewable energy resource, and therefore to this proceeding. To this end, Applicants agree with CSG that CSG has no interest in this case. Given that CSG has admitted that it has no interest in this case, its participation is improper. The Applicants therefore respectfully request that CSG's pleadings and comments are stricken from the record.

### **III. CONCLUSION**

The Applicants have met their burden to demonstrate that the facilities in each of the Avangrid Renewables REN Cases qualifies for REN certification pursuant to R.C. 4928.64(B)(3) and Ohio Adm.Code 4901:1-40-01(F) and 4901:1-40-04. The DFAX studies performed by PJM at the Applicants request, the Staff Reports, and the comments filed by the Applicants, Blue Delta, and 3Degrees all demonstrate why the Staff's application of the *Koda* Test properly demonstrates physical deliverability pursuant to Ohio Adm.Code 4901:1-40-01(F). CSG's comments, on the other hand, rely on factual inaccuracies and circular arguments to further improperly delay the certification of the facilities at issue in each of the Avangrid Renewables REN Cases. By doing so, CSG seeks to enrich itself at the expense of Ohio ratepayers. CSG's arguments demonstrate that it lacks the fundamental understanding necessary to opine on the *Koda* Test. Given this, and the overwhelming evidence in this case, the Commission should reject CSG's arguments and grant REN certification to each of the Avangrid facilities.

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<sup>71</sup> Attachment A, CSG Responses to Avangrid Discovery Requests.

Respectfully Submitted,

/s/ Angela Paul Whitfield

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Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II  
LLC, Barton Windpower LLC, and Avangrid  
Renewables, LLC*

## **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 December 8, 2021 upon the parties listed below.

/s/ Angela Paul Whitfield

Angela Paul Whitfield (0069402)

*Counsel for Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Buffalo Ridge II Wind LLC, and Avangrid Renewables, LLC*

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# **ATTACHMENT A**

**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
	)	
	)	

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**RESPONSES AND OBJECTIONS TO FIRST SET OF DISCOVERY  
PROPOUNDED UPON CARBON SOLUTIONS GROUP, LLC  
BY MORaine WIND LLC, RUGBY WIND LLC,  
ELM CREEK WIND II LLC, BUFFALO RIDGE II LLC,  
BARTON WINDPOWER LLC, AND AVANGRID RENEWABLES, LLC**

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## **INTERROGATORIES**

INT-01-001: Do You currently own or operate any renewable energy resource generating facilities located in the state of Ohio?

**RESPONSE:** CSG objects to this interrogatory for the following reasons:

1. The purpose of discovery is to enable parties to prepare for hearing. The Commission has not scheduled a hearing. Therefore, this discovery request is premature.
2. CSG's business and operations, in Ohio or elsewhere, are irrelevant to whether any applicant meets the criteria for certification as an Ohio renewable energy resource. Nor is such information reasonably calculated to lead to the discovery of admissible evidence.

INT-01-002: If the answer to INT-01-001 is affirmative, which, if any, of these facilities are certified as eligible renewable energy resource generating facilities in Ohio?

**RESPONSE:** **See objections to INT-01-001**

INT-01-003: If the answer to INT-01-001 is affirmative, which, if any, of these facilities are certified as eligible renewable energy resource generating facilities in other states (please identify the facility and the state(s) for which each such facility is certified)?

**RESPONSE:** **See objections to INT-01-001**

INT-01-004: Do you currently own or operate any renewable energy resource generating facilities located in any states other than Ohio?

**RESPONSE:** **See objections to INT-01-001**

INT-01-005: If the answer to INT-01-004 is affirmative, which, if any, of these facilities are certified as eligible renewable energy resource generating facilities in Ohio?

**RESPONSE:** **See objections to INT-01-001**

INT-01-006: If the answer to INT-01-004 is affirmative, which, if any, of these facilities are certified as eligible renewable energy resource generating facilities in other states (please identify the facility and the state(s) for which each such facility is certified)?

**RESPONSE:** **See objections to INT-01-001**



INT-01-007: Do You currently have contracts to purchase RECs from any Ohio certified renewable energy resource generating facilities located in the state of Ohio?

**RESPONSE:** See objections to INT-01-001

INT-01-008: If the answer to INT-01-007 is affirmative, which Ohio certified renewable energy resource generating facilities located in Ohio do you have REC contracts with?

**RESPONSE:** See objections to INT-01-001

INT-01-009: If the answer to INT-01-007 was affirmative, what is the aggregate amount of RECs from Ohio certified facilities located in Ohio that you have agreed to purchase for each year for 2021, 2022, and 2023?

**RESPONSE:** See objections to INT-01-001

INT-01-010: Do you currently have contracts to purchase RECs from any renewable energy resource generating facilities certified in Ohio that are located in any states other than Ohio?

**RESPONSE:** See objections to INT-01-001

INT-01-011: If the answer to INT-01-010 is affirmative, which Ohio certified renewable energy resource generating facilities located in states other than Ohio do you have REC contracts with?

**RESPONSE:** See objections to INT-01-001

INT-01-012: If the answer to INT-01-010 is affirmative, what is the aggregate amount of RECs from Ohio certified facilities not located in Ohio that you have agreed to purchase for each year for 2021, 2022, and 2023?

**RESPONSE:** See objections to INT-01-001

INT-01-013: Do you currently have contracts to purchase RECs from any renewable energy resource generating facilities not certified in Ohio that are located in Ohio?

**RESPONSE:** See objections to INT-01-001

INT-01-014: If the answer to INT-01-013 is affirmative, which renewable energy resource generating facilities located in Ohio that are not certified in Ohio do you have REC contracts with?

**RESPONSE:** See objections to INT-01-001

INT-01-015: If the answer to INT-01-013 is affirmative, what is the aggregate amount of RECs from facilities located in Ohio that are not certified in Ohio that you have agreed to purchase for each year for 2021, 2022, and 2023?

**RESPONSE:** See objections to INT-01-001

INT-01-016: When the Toledo Edison, Ohio Edison, and the Cleveland Electric Illuminating Company (collectively, FirstEnergy) and Duke Energy Ohio electric distribution utilities switched their participation in regional transmission organizations and moved from MISO to PJM, was there any change to the grid that resulted in substantially more or less power being physically delivered from PJM to FirstEnergy or Duke Ohio electric distribution utilities?

**RESPONSE:** See objections to INT-01-001

INT-01-017: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for the statement: “CSG is prepared to show that, like any modelling technique, the output of a power flow study is heavily influenced by the inputs?”

**RESPONSE:** See objections to INT-01-001

INT-01-018: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for the statement: “there is no indication that these facilities have or intend to actually deliver electricity into Ohio?”

**RESPONSE:** See objections to INT-01-001

INT-01-019: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for claiming that “‘deliverability’ under R.C. 4928.64 has both a physical and financial dimension?”

**RESPONSE:** See objections to INT-01-001

INT-01-020: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, does CSG maintain that the “contract path of electricity” demonstrates actual physical deliverability of that electricity?

**RESPONSE:** See objections to INT-01-001

INT-01-021: If the answer to INT-01-020 is affirmative, please explain how the “contract path of electricity” demonstrates actual physical deliverability of that electricity.

**RESPONSE:** See objections to INT-01-001

INT-01-022: Referring to page 5 of the Motion to Intervene filed by CSG in the above-captioned cases, which “[load] centers within PJM do not contract for renewable resources generated outside the PJM?” (Please identify with specificity.)

**RESPONSE:** See objections to INT-01-001

INT-01-023: Referring to page 5 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for the statement: “[load] centers within PJM do not contract for renewable resources generated outside the PJM?”

**RESPONSE:** See objections to INT-01-001

INT-01-024: Are You aware of any new renewable energy resource generating facility projects that have gone into planning, development, or construction in response to the increased price for RECs which would not have gone into development absent the increased price for REC?

**RESPONSE:** See objections to INT-01-001

INT-01-025: If the answer to INT-01-024 was affirmative, please identify each such project.

**RESPONSE:** See objections to INT-01-001

INT-01-026: If the answer to INT-01-024 was negative, at what cost would you expect the increased price for RECs to begin incentivizing new development?

**RESPONSE:** See objections to INT-01-001

INT-01-027: State the names, addresses, telephone numbers, place of employment, and job title of every person whom You have retained to advise You and/or assist with drafting comments in this matter.

**RESPONSE:** See objections to INT-01-001

INT-01-028: Identify each expert witness You will call or may call at hearing in relation to this matter and describe each expert's qualifications, the subject matter on which each expert is expected to testify and the substance of the facts and opinions to which each expert is expected to testify, and a summary of each experts' anticipated testimony. To the extent You have not made a final determination as to which witnesses it intends to call to testify on its behalf, please supplement this response when the final determination is made.

**RESPONSE:** See objections to INT-01-001

INT-01-029: Identify each Person that You will call or may call as a lay witness at hearing in relation to this matter state the subject matter upon which each such witness is expected to testify, and summarize each such witness's anticipated testimony. To the extent You have not made a final determination as to which witnesses it intends to call to testify on its behalf, please supplement this response when the final determination is made.

**RESPONSE:** See objections to INT-01-001

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

RFP-01-001: Please provide copies of all responses to interrogatories, data requests, and documents that CSG has provided or produced to any other party in the above-captioned proceedings.

**RESPONSE:** CSG objects to this request for production for the following reasons:

1. The purpose of discovery is to enable parties to prepare for hearing. The Commission has not scheduled a hearing in these matters. Therefore, this discovery request is premature.
2. CSG's business and operations, in Ohio or elsewhere, are irrelevant to whether any applicant meets the criteria for certification as an Ohio renewable energy resource. Nor is such information reasonably calculated to lead to the discovery of admissible evidence.

RFP-01-002: Please provide copies of all responses to data requests and documents that CSG has provided or produced to Staff in the above-captioned proceedings.

**RESPONSE:** See objections to RFP-01-001

RFP-01-003: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-017.

**RESPONSE:** See objections to RFP-01-001

RFP-01-004: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-018.

**RESPONSE:** See objections to RFP-01-001

RFP-01-005: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-019.

**RESPONSE:** See objections to RFP -01-001

RFP-01-006: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-020.

**RESPONSE:** See objections to RFP-01-001

RFP-01-007: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-021.

**RESPONSE:** See objections to RFP-01-001

RFP-01-008: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-023.

**RESPONSE:** See objections to RFP-01-001

RFP-01-009: Please produce any documents, spreadsheets, workpapers, calculations, data, or notes relied on or used in Your Response to INT-01-027.

**RESPONSE:** See objections to RFP-01-001

RFP-01-010: Produce and attach all documents you intend to refer to, rely on, or admit as an exhibit at hearing on this matter.

**RESPONSE:** See objections to RFP-01-001

RFP-01-011: Produce and attach each and every report or other document reviewed or relied upon by the person retained by You listed in response to INT-01-027 related to this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-012: Produce and attach each and every report or other document prepared by the person retained by You listed in response to INT-01-027 related to this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-013: Produce and attach each and every report or other document reviewed or relied upon when drafting CSG's comments to be filed in this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-014: Produce and attach each and every report or other document prepared by the expert listed in response to INT-01-028 relating to any testimony or potential testimony to be submitted in this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-015: Produce and attach each and every report or other document reviewed or relied upon by the expert listed in response to INT-01-028 related to any testimony or potential testimony to be submitted in this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-016: Produce and attach each and every report or other document prepared by the non-expert listed in response to INT-01-029 relating to any testimony or potential to be submitted in this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-017: Produce and attach each and every report or other document reviewed or relied upon by the non-expert listed in response to INT-01-029 related to any testimony or potential testimony to be submitted in this proceeding.

**RESPONSE:** See objections to RFP-01-001

RFP-01-018: For each Person identified in response to INT-01-027 and INT-01-028, please produce a copy of that Person's resume and/or curriculum vitae and of all articles or other published written documents authored by that Person.

**RESPONSE:** See objections to RFP-01-001

### **REQUESTS FOR ADMISSION**

RFA-01-001: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-516-EL-REN, finding that energy from the Moraine Wind, LLC facility is physically deliverable into Ohio.

**RESPONSE:** Admitted

RFA-01-002: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-516-EL-REN, recommending approval of the application of Moraine Wind, LLC.

**RESPONSE:** Admitted

RFA-01-003: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation on August 20, 2021, in Case No. 21-517-EL-REN, finding that energy from the Rugby Wind, LLC facility is physically deliverable into Ohio.

**RESPONSE:** Admitted

RFA-01-004: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-517-EL-REN, recommending approval of the application of Rugby Wind, LLC.

**RESPONSE:** Admitted

RFA-01-005: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation on August 20, 2021, in Case No. 21-531-EL-REN, finding that energy from the Elm Creek II Wind, LLC facility is physically deliverable into Ohio.

**RESPONSE:** Admitted

RFA-01-006: Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-531-

EL-REN, recommending approval of the application of Elm Creek II Wind, LLC.

**RESPONSE:**       **Admitted**

RFA-01-007:       Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation on August 20, 2021, in Case No. 21-532-EL-REN, finding that energy from the Buffalo Ridge II Wind, LLC facility is physically deliverable into Ohio.

**RESPONSE:**       **Admitted**

RFA-01-008:       Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-532-EL-REN, recommending approval of the application of Buffalo Ridge II Wind, LLC.

**RESPONSE:**       **Admitted**

RFA-01-009:       Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation on August 20, 2021, in Case No. 21-544-EL-REN, finding that energy from the Avangrid Renewables, LLC and Barton Windpower, LLC facility is physically deliverable into Ohio.

**RESPONSE:**       **Admitted**

RFA-01-010:       Please admit that the Staff of the Public Utilities Commission of Ohio issued a Review and Recommendation, on August 20, 2021, in Case No. 21-544-EL-REN, recommending approval of the application of Avangrid Renewables, LLC and Barton Windpower, LLC.

**RESPONSE:**       **Admitted**

RFA-01-011:       Please admit that power placed into the transmission grid operated by MISO is physically deliverable to Ohio.

**RESPONSE:**       CSG cannot admit or deny this request based on the limited information provided. Numerous factors influence whether electricity generated from facilities within MISO is physically deliverable to Ohio. This is why Commission Staff evaluate physical deliverability on a case-by-case basis.

RFA-01-012:       Please admit that power placed into the transmission grid operated by PJM is physically deliverable to Ohio.



**RESPONSE:** CSG cannot admit or deny this request based on the limited information provided. Numerous factors influence whether electricity generated from facilities within PJM is physically deliverable to Ohio. This is why Commission Staff evaluate physical deliverability on a case-by-case basis.

Dated: December 1, 2021

As to objections,

/s/ Mark A. Whitt

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served upon the parties of record via electronic mail on December 1, 2021.

/s/ *Lucas A. Fykes*  
On of the Attorneys for  
Carbon Solutions Group, LLC

**This foregoing document was electronically filed with the Public Utilities  
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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 Reply Comments of Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower LLC, and Avangrid Renewables, LLC electronically filed by Mrs. Angela Whitfield on behalf of Moraine Wind LLC and Rugby Wind LLC and Elm Creek Wind II LLC and Buffalo Ridge II LLC and Barton Windpower LLC and Avangrid Renewables, LLC