

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|-------------------------------|
| In the Matter of the Application of Moraine |) | |
| Wind LLC for Certification as an Eligible |) | Case No. 21-516-EL-REN |
| Ohio Renewable Energy Resource |) | |
| Generating Facility |) | |

| | | |
|--|---|-------------------------------|
| In the Matter of the Application of Rugby |) | |
| Wind LLC for Certification as an Eligible |) | Case No. 21-517-EL-REN |
| Ohio Renewable Energy Resource |) | |
| Generating Facility |) | |

| | | |
|--|---|-------------------------------|
| In the Matter of the Application of Elm |) | |
| Creek II Wind LLC for Certification as an |) | Case No. 21-531-EL-REN |
| Eligible Ohio Renewable Energy Resource |) | |
| Generating Facility |) | |

| | | |
|---|---|-------------------------------|
| In the Matter of the Application of Buffalo |) | |
| Ridge II for Certification as an Eligible Ohio |) | Case No. 21-532-EL-REN |
| Renewable Energy Resource Generating |) | |
| Facility |) | |

| | | |
|---|---|-------------------------------|
| In the Matter of the Application of Barton |) | |
| Windpower 1 for Certification as an Eligible |) | Case No. 21-544-EL-REN |
| Ohio Renewable Energy Resource |) | |
| Generating Facility |) | |

**REPLY COMMENTS OF 3DEGREES GROUP, INC.
TO THE REVIEW AND RECOMMENDATION**

Pursuant to the Attorney Examiner’s October 19, 2021 Entry, 3Degrees Group Inc. (“3Degrees”) respectfully submits the following reply comments in response to the Initial Comments filed on November 18, 2021 by (1) Blue Delta Energy, LLC (“Blue Delta”); (2) the Applicants in the above-referenced matters (the “Applicants”); and (3) Carbon Solutions Group, LLC (“CSG”). These Reply Comments supplement the Initial Comments filed by 3Degrees on November 18, 2021 regarding the Review and Recommendation Submitted on

Behalf of the Staff of the Public Utility Commission of Ohio (“Commission”) filed in the above-referenced matters on August 20, 2021.

I. 3DEGREES SUPPORTS THE INITIAL COMMENTS FILED BY THE APPLICANTS AND BLUE DELTA.

The Applicants’ and Blue Delta’s Initial Comments are well-reasoned and supported by Commission precedent. As such, 3Degrees supports the position of the Applicants and Blue Delta for the reasons stated in their Initial Comments. The deliverability test set forth in *Koda*¹ is appropriate and consistent with industry standards. Therefore, the Staff Reports correctly determine that the Applicants satisfied the deliverability requirements for certification under Ohio law, and 3Degrees agrees with and supports the Staff’s conclusions. As discussed in 3Degrees’ Initial Comments, this REN application is not an appropriate venue to comprehensively assess the costs and benefits of various definitions of deliverability.

II. THE MISGUIDED NOTION ADVANCED BY CSG THAT THE PJM POWER FLOW STUDIES ARE IRRELEVANT CONFLICTS WITH THE COMMISSION’S PRECEDENT.

At its core, CSG’s Initial Comments assert that electricity originating in a nonadjacent state in PJM is more deliverable to the state than electricity originating in an adjacent state on another regional transmission organization (“RTO”). Not only is CSG’s assertions unsupported, the argument has been previously and continually considered and then rejected by this Commission.

First, CSG stated that “[s]ince *Koda*, testimony by a former Chair of the Commission reveals that as of April 2019, of nearly 10,000 facilities certified as qualified renewable

¹ *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, Finding and Order (Mar. 23, 2011).

resources, only two have been granted to facilities in states not contiguous to Ohio.” [CSG In. Comments at 5.] Although that may have been true in 2019, it ignores the fact that in the past twelve months alone, the Commission has granted certification to several applications to such facilities, which involve MISO, PJM and other RTOs.² Review and approval of applications for facilities in states not contiguous to Ohio is not rare, and CSG infers through its initial comments that the Commission has mistakenly and erroneously approved all of those applications based solely on CSG’s unsupported arguments.

Second, and more importantly, CSG’s assertion that the Staff Reports “reflect an entirely hypothetical and irrelevant exercise” because the RTO “who will manage flows from the applicants’ facilities (*i.e.*, MISO) has contributed no information” is misplaced at best. [CSG In. Comments at 9.] The Commission has already rejected a similar argument that deliverability depends on the RTO and should include “any electricity originating from a source located in MISO or PJM.”³ The Commission determined that the definition did not need to be expanded in such a way. Similarly, CSG provides no evidence that electricity originating from a nonadjacent state in PJM is more deliverable to Ohio than electricity originating in a nonadjacent state on another RTO.

² See, e.g., *In the Matter of the Application of Harvest Ridge Wind Farm, LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 21-0987-EL-REN, Finding and Order (Dec. 1, 2021); *In the Matter of the Application of Pioneer Trail Wind Farm, LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 20-1821-EL-REN, Finding and Order (Mar. 24, 2021).

³ *In the Matter of the Amendment of Ohio Administrative Code Chapter 4901:1-40 Regarding the Alternative Energy Portfolio Standard to Implement Am. Sub. S.B. 315*, Case Nos. 12-2156-EL-ORD, *et seq.*, Finding and Order, ¶ 180 (Dec. 19, 2018).

III. CONCLUSION

For the foregoing reasons and those stated in 3Degrees' Initial Comments, the Commission should adopt the Staff's Review and Recommendations in the above-captioned matters.

Respectfully Submitted,

/s Christopher L. Miller

Christopher L. Miller (0063259)

Counsel of Record

Nicole R. Woods (0084865)

Ice Miller, LLP

250 West Street

Columbus, Ohio 43215

T: (614) 462-2700

F: (614) 222-4707

Christopher.miller@icemiller.com

Nicole.woods@icemiller.com

Counsel for 3Degrees Group Inc.

(Willing to accept service via email)

CERTIFICATION OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 8th day of December, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s Christopher L. Miller

Christopher L. Miller

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

12/8/2021 4:59:37 PM

in

Case No(s). 21-0517-EL-REN

Summary: Reply Reply Comments of 3Degrees Group, Inc. To The Review and
Recommendation electronically filed by Mr. Christopher L. Miller on behalf of
3Degrees Group, Inc.