

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the First Point	)	
Power, LLC 2019 Renewable Portfolio	)	Case No. 20-0824-EL-ACP
Standard Status Report	)	

In the Matter of the First Point	)	
Power, LLC 2020 Renewable Portfolio	)	Case No. 21-0360-EL-ACP
Standard Status Report	)	

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**Staff Findings and Recommendations**

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**I. Statutory Background**

Amended Substitute Senate Bill 221, of the 127<sup>th</sup> General Assembly (2008 Ohio Laws S221, effective July 31, 2008), established Ohio’s renewable portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in Ohio Revised Code (R.C.) 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

According to R.C. 4928.64(B)(2), the compliance obligations for **2019** and **2020** are as follows:

RPS Compliance Year	Total Renewables	Solar Requirement	“Non-Solar” Requirement <sup>1</sup>
2019	5.50%	0.22%	5.28%
2020	5.50%	0.00%	5.50%

The Public Utilities Commission of Ohio (PUCO or Commission) further developed rules to implement the Ohio RPS, contained within Ohio Administrative Code (Ohio Adm.Code) 4901:1-40.

Ohio Adm.Code 4901:1-40-05(A), states:

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<sup>1</sup> Staff uses “non-solar” in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific “non-solar” requirement in the applicable statute.

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual renewable energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable renewable energy portfolio benchmarks have been met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the renewable energy portfolio standard.

Ohio Adm.Code 4901:1-40-05(C), states:

Staff shall review each electric utility's or electric services company's renewable energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

## **II. Company Filings Summarized**

### 2019 Compliance Year

First Point Power, LLC (FPP or Company) filed its RPS compliance status report for the 2019 compliance year on April 15, 2020. In its compliance filing, FPP proposed a baseline of 21 megawatt-hours (MWHs) which it indicated was its Ohio retail electric sales for 2019. Applying the statutory benchmarks to its proposed baseline, FPP calculated its 2019 compliance obligations to be as follows:

- 0 Solar MWHs
- 1 Non-Solar MWH

Rather than obtaining and retiring the necessary renewable energy credits (RECs) or solar RECs (S-RECs), the Company has proposed an alternative compliance payment of \$52.62 to satisfy its 2019 compliance obligations.

### 2020 Compliance Year

FPP filed its RPS compliance status report for the 2020 compliance year on April 8, 2021. In its compliance filing, FPP proposed a baseline of 2 MWHs which it indicated was its Ohio retail electric sales for 2020. Applying the statutory benchmark to its proposed baseline, FPP calculated its 2020 compliance obligation to be 1 renewable MWH.

The Company indicated that it had obtained the necessary RECs and/or S-RECs to satisfy its 2020 compliance obligation. The Company further indicated that it had transferred RECs and/or S-RECs to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount for Ohio compliance purposes.

### **III. Filed Comments**

No persons filed comments in these proceedings.

### **IV. Staff Findings**

Following its review of the Company's annual status reports, other relevant compliance materials, and any timely comments submitted in these proceedings, Staff makes the following findings:

- (1) FPP was an electric services company in Ohio with retail electric sales in the state of Ohio during 2019 and 2020, and therefore the Company had an RPS obligation for 2019 and 2020.<sup>2</sup>
- (2) The 2019 baseline proposed by the Company is reasonable.
- (3) FPP proposed an alternative compliance payment of \$52.62 to address its 2019 RPS obligation. When incorporating the rounding requirements in OAC 4901:1-40-08, Staff calculates an alternative compliance payment totaling \$305.24.<sup>3</sup>
- (4) The 2020 baseline proposed by the Company is reasonable, and given the proposed baseline and the 2020 statutory benchmark, FPP accurately calculated its 2020 RPS compliance obligation.
- (5) The Company transferred 1 REC and/or S-REC to its GATS reserve subaccount for 2020 Ohio compliance purposes.
- (6) Following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its renewable obligation for 2020. The S-REC and/or REC that the Company transferred to its GATS reserve subaccount was sourced from a generating facility certified by the Commission and was of appropriate vintage.

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<sup>2</sup> FPP was certified to provide aggregation and power marketer services in Ohio during 2019 and 2020; see PUCO Case No. 16-1591-EL-CRS.

<sup>3</sup>  $((1 \text{ S-REC} * \$200/\text{S-REC}) + (2 \text{ RECs} * \$52.62/\text{REC})) = \$305.24$

## **V. Staff Recommendations**

Following its review of the information submitted in these proceedings and other relevant data, Staff recommends that FPP is found to have satisfied its 2020 RPS compliance obligation. However, Staff concludes that FPP did not satisfy its 2019 RPS compliance obligation, and therefore an alternative compliance payment is warranted.

The Company should be directed to remit payment to the Commission in the amount of \$305.24 consistent with the requirement set forth in Ohio Adm.Code 4901:1-40-08. Payment should not be made until such time as directed by the Commission.

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

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

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

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

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**in**

**Case No(s). 20-0824-EL-ACP, 21-0360-EL-ACP**

Summary: Staff Review and Recommendation for the 2019 and 2020 RPS  
Compliance Years electronically filed by Mr. Stuart M. Siegfried on behalf of PUCO  
Staff