

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the HIKO)	
Energy, LLC 2019 Renewable Portfolio)	Case No. 20-0685-EL-ACP
Standard Status Report)	

In the Matter of the HIKO)	
Energy, LLC 2020 Renewable Portfolio)	Case No. 21-0308-EL-ACP
Standard Status Report)	

Staff Findings and Recommendations

I. Statutory Background

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

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

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

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

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

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

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

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

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

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

II. Company Filings Summarized

2019 Compliance Year

HIKO Energy, LLC (HIKO or Company) filed its RPS compliance status report for the 2019 compliance year on April 15, 2020. In its compliance filing, HIKO indicated it did not have any Ohio retail electric sales during 2019.

2020 Compliance Year

HIKO filed its RPS compliance status report for the 2020 compliance year on April 12, 2021. HIKO indicated in its compliance report that it did not have any Ohio retail electric sales during 2020.

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) HIKO was an electric services company in Ohio during 2019 and 2020, and therefore the Company had an RPS filing obligation for 2019 and 2020.²
- (2) In its compliance reports, HIKO indicated that it had zero Ohio retail electric sales during 2019 and 2020.
- (3) Ohio Adm.Code 4901:1-40-02, Purpose and Scope, indicates the following:

Parties affected by these renewable portfolio standard rules include all Ohio electric utilities and all electric services companies serving retail electric customers in Ohio. With the exception of the filing requirements set forth in 4901:1-40-05 of the Administrative Code, any entities that do not serve Ohio retail electric customers during a given calendar year shall not be required to comply with the terms of the renewable portfolio standard during that calendar year.
- (4) As HIKO did not serve Ohio retail electric customers in 2019 or 2020, the Company did not have an RPS compliance obligation in 2019 or 2020.³

V. Staff Recommendations

Following its review of the information submitted in these proceedings and other relevant data, Staff recommends that HIKO's filing in these proceedings be accepted. Staff further recommends that these annual compliance status reports be automatically approved consistent with Ohio Adm.Code 4901:1-40-05(D).

² HIKO was certified to provide retail generation services in Ohio during 2019 and a portion of 2020 before its CRES certificate was cancelled effective June 18, 2020. See PUCO Case No. 12-1611-EL-CRS.

³ With no sales during the compliance year, a CRES Provider would not be required to comply with the statutory renewable obligations contained within R.C. 4928.64(B)(2). However, the CRES Provider must satisfy the filing requirement contained within Ohio Adm.Code 4901:1-40-05, which Staff finds has been satisfied by HIKO in these proceedings.

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

3/21/2022 8:29:16 AM

in

Case No(s). 20-0685-EL-ACP, 21-0308-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