

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
MIDDLETOWN COKE COMPANY LLC FOR
CERTIFICATION AS AN ELIGIBLE OHIO
RENEWABLE ENERGY RESOURCE
GENERATING FACILITY.

CASE NO. 21-912-EL-REN

FINDING AND ORDER

Entered in the Journal on March 23, 2022

I. SUMMARY

{¶ 1} The Commission approves the application of the Middletown Coke Company LLC for certification as an eligible Ohio renewable energy resource generating facility.

II. DISCUSSION

{¶ 2} On September 1, 2021, SunCoke Energy, Inc., filed an application on behalf of Middletown Coke Company, LLC (Applicant), for certification of a waste energy recovery (WER) system as an eligible Ohio renewable energy resource generating facility, as defined in R.C. 4928.01.

{¶ 3} Ohio Adm.Code 4901:1-40-04(D)(2) provides for automatic approval of an application for certification as an eligible Ohio renewable energy resource generating facility unless the Commission suspends the application within 30 days. By Entry filed on September 20, 2021, the attorney examiner suspended the application in the above-captioned case to allow Staff additional time to review the application and obtain additional information from the Applicant.

{¶ 4} On November 29, 2021, and again on December 22, 2021, the Applicant filed responses to Staff's data requests.

{¶ 5} On January 20, 2022, Staff filed a report of its review of the application, indicating that the facility satisfies the statutory requirements for certification as a renewable energy facility, and recommending that the application be approved.

{¶ 6} R.C. 4928.64 and 4928.645 contain the renewable energy resource requirements for electric utility and electric services companies providing electric retail generation in Ohio. R.C. 4928.01(A)(37) defines the types of renewable energy resource generating facilities that qualify in meeting the statutory mandates. Pursuant to Ohio Adm.Code 4901:1-40-04(D), any entity that desires to be designated an eligible renewable energy resource generating facility for the state of Ohio shall file an application for certification that demonstrates the facility satisfies the requirements of R.C. 4928.64 and 4928.645.

{¶ 7} Pursuant to R.C. 4928.64 and 4928.645, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:

- a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to R.C. 4928.64(B)(3);
- b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to R.C. 4928.64(A)(1) and 4928.01(A)(37), or a new technology that may be classified by the Commission as a renewable energy resource pursuant to R.C. 4928.64(A)(2); and
- c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1), which requires that a facility have been placed-in-service on or after January 1, 1998, or have been modified or retrofitted to create a renewable energy resource after January 1, 1998.

{¶ 8} First, pursuant to R.C. 4928.64(B)(3), the Commission considers whether the facility is located in this state or whether the resource can be shown to be deliverable into this state. This application seeks to certify a grid-connected facility located in Ohio. The

Commission finds that the application satisfies the first criterion as the facility is located in this state.

{¶ 9} Second, the Commission considers whether the resource to be utilized by the generating facility is recognized as a renewable energy resource by Ohio law. The application seeks certification of a WER system, specifically recognized as a renewable resource pursuant to R.C. 4928.01(A)(38)(a)(i). The facility Applicant seeks to certify generates electricity exclusively using exhaust heat from an adjacent cokemaking process, which Staff finds satisfies the requirement that the resource be recognized as a renewable resource. Therefore, the Commission finds that the second criterion is satisfied.

{¶ 10} Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.01(A)(38)(a)(i) that WER systems to qualify must have been either placed in serve or retrofitted on or after September 10, 2012. Because numerous retrofits to components occurred at the facility between 2013 and 2020, Staff concludes that the Facility satisfies this requirement. Upon review, the Commission finds that the application also meets the third criterion requiring the facility to be placed in service after January 1, 1998, under R.C. 4928.64(A)(1).

{¶ 11} In addition to satisfying the above-cited criteria, R.C. 4928.645(B)(2) provides that renewable energy resource generating facilities should be registered with an approved attribute tracking system for the facility's renewable energy credits to be used for compliance with Ohio's alternative energy portfolio standards. The application indicates that the facility is registered with an approved attribute tracking system.

{¶ 12} Additionally, Ohio Adm.Code 4901:1-40-04(C)(2)(e) requires that facilities above six kilowatts measure their renewable output with a utility-grade meter. In its report, Staff explains that the meter described in the application satisfies this requirement.

{¶ 13} Finally, Staff notes that WER systems are not eligible renewable energy resources if they are or were included in an energy efficiency program of an electric

distribution utility on or after January 1, 2002. The Applicant confirmed, Staff notes, that the WER system has not been included in any electric distribution utility efficiency program.

{¶ 14} Accordingly, the facility identified in the application will be approved for certification as an eligible Ohio renewable energy resource generating facility.

III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the application filed by Middletown Coke Company, LLC be approved. It is, further,

{¶ 17} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Dennis Deters

JMD/mef

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

3/23/2022 2:23:28 PM

in

Case No(s). 21-0912-EL-REN

Summary: Finding & Order approving the application of the Middletown Coke Company LLC for certification as an eligible Ohio renewable energy resource generating facility. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio