

**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. 21-0516-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. 21-0517-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. 21-0531-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. 21-0532-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. 21-0544-EL-REN
)	
)	

In the Matter of The Application of Barton Windpower, LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	
)	Case No. 22-0380-EL-REN
)	
)	

**DIRECT TESTIMONY OF RORY GOPAUL
ON BEHALF OF
CARBON SOLUTIONS GROUP, LLC**

August 26, 2022

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1 **I. INTRODUCTION**

2 **Q1. Please introduce yourself to the Commission.**

3 A1. My name is Rory Gopaul. I am a Managing Partner at Carbon Solutions Group, LLC
4 (CSG). My business address is 2045 W. Grand Avenue Suite B, Chicago, Illinois
5 60612.

6 **Q2. What is CSG's business?**

7 A2. CSG develops, owns and operates electric vehicle charging stations and serves as a
8 REC aggregator throughout the PJM and MISO regions, including Ohio.

9 **Q3. Please summarize your education and work experience.**

10 A3. I studied Finance & Management and graduated Magna Cum Laude from Iowa State
11 in 2001. I worked for energy brokerage Lind Waldock after college until joining
12 Carbon Solutions Group in 2006, where I worked as a consultant for utility
13 customers. In 2014, I helped establish CSG's solar renewable energy credit (SREC)
14 aggregation business and lead that business today.

15 **Q4. What is the purpose of your testimony?**

16 A4. My testimony explains why the "deliverability" issue is important to CSG. CSG's
17 business includes aggregating S-REC's for more than 12,000 individual customers,
18 mostly owners of residential solar panels. The ability to generate and sell RECs is a
19 valuable incentive for homeowners to make this type of investment. If out-of-state
20 resources that cannot actually deliver renewable energy to Ohio are permitted to
21 generate RECs, the value of these incentives to Ohioans would not only decrease but
22 would be siphoned out of state.

II. PARTICIPATION IN PROCEEDING

Q5. How did the “deliverability” issue discussed throughout this proceeding first come to your attention?

A5. After H.B. 6 passed in 2019, there seemed to be a noticeable uptick in REN certification filings by out of state entities, and this phenomenon led to me investigate and eventually seek legal counsel.

Q6. What did you hope to accomplish by hiring legal counsel?

A6. I did not seek counsel with any specific objective, other than to share my concerns and explore options. One of the options presented to me was to ask for the Commission’s permission to intervene in some recently filed applications, and that’s what CSG decided to do.

Q7. Did you ask your legal counsel to intervene solely to delay certification or did you have some other objective in mind?

A7. I certainly had no interest in delay for the sake of delay because this is an important issue for CSG and its clients, and we were hoping to get a resolution as quickly and efficiently as possible. We filed requests to intervene in several pending cases on April 7, 2021 and asked the Commission to consolidate them so the deliverability issue could be decided in one case at that time. As more applications were filed in 2021, we continued to request consolidation with each motion to intervene.

Q8. How did the facility owners react to CSG’s requests to intervene and consolidate?

A8. Most never responded and eventually decided not to pursue certification. Between the time they filed their applications and the time they announced they were not going to pursue the applications, other parties, including Blue Delta, began to take an interest in the cases and also intervened. CSG explored attempts with these other parties to have the Commission decide the deliverability issue without a testimony or

hearing, but those parties declined.

Q9. Please provide more detail about CSG's attempt to address the deliverability issue without a hearing.

A9. At an April 2021 prehearing conference in Case No. 21-110-EL-REN for the Wessington Springs Wind Energy Center, CSG's counsel proposed that instead of going through the regular hearing process, the parties agree to the facts in writing and submit legal briefs. This would allow the Commission to decide the deliverability issue without going through the process that CSG has been involved in for the past several months and remains involved in. These parties, which included Blue Delta, agreed to consider this possibility but when presented with CSG's proposed facts, they rejected it.

Q10. What specifically did CSG present?

A10. Our counsel sent a draft stipulation of facts to other lawyers in the case, include counsel for Blue Delta, on June 15, 2021. A copy of that document is attached to my testimony as Attachment 1. To my knowledge those parties did not propose any additional facts or explain why they disagreed with any of those proposed by CSG. They just weren't interested in this process. The applicant dismissed the certification request a few weeks later, on June 29, 2021.

Q11. When did attention to the applications filed throughout 2021 begin to shift to Avangrid?

A11. The first application by an Avangrid-related entity was filed on April 30, 2021 and others eventually followed, but Avangrid did not file anything in these dockets indicating it had retained legal counsel until early August 2021. In most if not all the Avangrid applications, we knew who the lawyers were for Blue Delta and other intervenors before we knew who was representing Avangrid.

74 **Q12. Once Avangrid retained counsel, did anyone approach CSG about alternatives**
75 **to resolving the issues without a hearing, similar to what CSG had proposed in**
76 **the Wessington Springs matter?**

77 A12. No. I was never approached, and I assume that if our legal counsel was approached,
78 he would have told me.

79 **Q13. Does it matter to you that all the facilities involved in this proceeding have a**
80 **connection with Avangrid?**

81 A13. No. As I mentioned, CSG's goal from the beginning has simply been to present its
82 issue to the Commission as quickly and efficiently as possible. In every case we have
83 asked to participate our position has been the same: combine the most recent
84 application with the applications where we previously made the same request.
85 Avangrid is the only owner involved in these cases because other owners decided not
86 to pursue certification, and not because CSG is "targeting" Avangrid for some
87 reasons.

88 **Q14. Once the Avangrid applications were consolidated, has CSG continued to**
89 **monitor whether similarly situated facilities have also filed for certification?**

90 A14. Not really. We generally try to keep abreast with Ohio filings but are no longer on
91 the lookout for applications from non-PJM facilities the way we once were. CSG's
92 goal from the beginning was to just get the Commission to hear our concerns as
93 quickly and efficiently as possible. The Commission gave us what we asked for by
94 consolidating the Avangrid applications and granting our request for a hearing. When
95 we became aware of a more recent Avangrid application earlier this year we asked
96 that it be consolidated with these cases as well, but only because it was another
97 Avangrid facility. CSG is not interested in tracking every single REN filing and
98 objecting to filings just to create more cases and duplicating efforts we are already
99 undertaking in this case.

100

101 **III. RESPONSE TO BLUE DELTA**

102 **Q15. Mr. Nelson accuses CSG of “delaying certification in this proceeding” solely to**
103 **“disrupt the REC market.” Is that a fair characterization?**

104 A15. No, it is not. And if Mr. Nelson has reviewed all the filings in these cases, I am not
105 sure how he came to this conclusion about CSG’s motive. As I just explained, CSG
106 had been asking for consolidation since its first intervention request in early April
107 2021. In June 2021, CSG sought buy in from other parties on a process that would
108 have resolved the issues without a formal hearing. Blue Delta rejected that approach.
109 Once Avangrid became involved in August 2021, Avangrid and Blue took control of
110 the agenda and forced the proceedings into a formal process. The past year of
111 litigation and delay is the direct result of Blue Delta and Avangrid’s actions, not
112 CSG’s, and the delay Mr. Nelson is complaining about is exactly what we wanted to
113 avoid.

114 **Q16. How do REC prices impact customers who have installed their own wind or**
115 **solar?**

116 A16. REC prices are part of the financial picture that informs the decision whether to
117 invest in solar panels or a small wind turbine. Enforcing the deliverability
118 requirement may have the indirect effect of increasing REC prices, but that is not
119 what this case is about to us. The deliverability requirement should be enforced so
120 that the REC market incentivizes and rewards the intended recipients for the intended
121 behavior.

122 **Q17. Would Ohio ratepayers benefit from lower REC prices?**

123 A17. The Applicants and Blue Delta want the Commission to believe that, but the answer
124 is “no” because any “benefit” resulting from lower RPS compliance costs is illusory
125 and ignores the long-term costs. Avangrid is not here as a charitable endeavor to

126 lower RPS compliance costs that eventually get passed along to Ohio ratepayers.
127 Avangrid is here because this market provided the lowest barriers to entry relative to
128 price. It wants the benefits of certification without providing the renewable energy
129 this benefit is supposed to represent, and that is wrong.

130 **IV. CONCLUSION**

131 **Q18. Does this conclude your direct testimony?**

132 A18. Yes.

Subject: 21-110 stipulation
Date: Tuesday, June 15, 2021 at 10:32:20 AM Eastern Daylight Time
From: Mark Whitt
To: rdove (rdove@keglerbrown.com), Kimberly W. Bojko, Jodi Bair
CC: Lucas Fykes
Attachments: Stipulation of Facts - 6.15.21 draft.docx, image001.png, image002.png, image003.png

Counsel –

Thanks for your patience. Attached for your consideration is a proposed stipulation of facts. We welcome your comments. Thanks

Mark A. Whitt

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

STIPULATION OF FACTS

In accordance with the Entry in this proceeding dated June 4, 2021, Carbon Solutions Group, LLC (CSG), NextEra Energy (NextEra), [others?], and Staff of the Public Utilities Commission of Ohio (Staff), collectively the “Signatory Parties,” stipulate to the following facts:

1. CSG is a limited liability company based in Chicago, Illinois. CSG is a project development, environmental asset management and advisory firm renewable energy developers and facilities throughout the PJM Interconnection, LLC (PJM) region, including Ohio.
2. NextEra Energy [identify specific entity/affiliate] is the owner of a wind energy generation facility known as Wessington Springs Wind Farm located in Wessington Springs, South Dakota (the “Wessington Facility”). NextEra is the Applicant in this proceeding.
3. Southwest Power Pool, Inc. (SPP) is a regional transmission organization (RTO) that manages and operates the electric transmission grid in 17 central and western states, including South Dakota.
4. Figure 1 below depicts the current FERC- approved RTOs. As shown in Figure 1, SPP and PJM are not physically contiguous.



Figure 1: (Source: Ferc.gov, “Electric Power Markets”)

5. Western Area Power Administration (WAPA) is a power marketing administration within the U.S. Department of Energy. WEPA markets and transmits hydroelectric power generated by approximately 57 facilities located in 15 western and central states through an integrated high-voltage transmission system. WAPA’s customers include investor- owned utilities, rural electric cooperatives, municipalities, and power marketers. WAPA serves customers under an Open Access Transmission Tariff (OATT) filed with the Federal Energy Regulatory Commission (FERC).¹

6. The Wessington Facility is comprised of 34 GE wind turbines with an aggregated capacity of 51 MW. The facility was first placed into service in February 2009, taken out of service in [month/year], and returned to service in December 2019.

7. The Wessington Facility is connected to a transmission substation owned by WAPA. WAPA owns and maintains a SEL-734 meter that measures generation and

¹ See <http://www.oasis.oati.com/WAPA/WAPAdocs/WAPA-OATT-Effective-2021-0201.pdf>

consumption of the facility.

8. Renewable energy credits (RECs) from the Wessington Facility are registered with M-RETS under unit M496. WAPA reports generation data directly to M-RETS.

9. Under a Power Purchase Agreement, 100% of the energy from the Wessington Facility is sold to Heartland Consumers Power District (Heartland). Heartland provides wholesale energy to cities and municipal electric systems in South Dakota, Iowa, Minnesota and Nebraska. SPP maintains functional control of the transmission system serving Heartland.

10. The term of the NexEra/Heartland PPA is from [date] to [date]. [PPA terms regarding RECs]

11. Pursuant to the PJM Open Access Transmission Tariff (OATT)² there are three options for securing transmissions rights needed to deliver electricity generated outside the PJM footprint into PJM: (1) Long-term Transmission Rights; (2) Dynamic Scheduling, and (3) Psuedo-Tie Agreement.

12. Long-Term Transmission Rights are secured via a Transmission Service Request through the PJM OASIS and, in the case of Long-Term Firm Transmission Service, must be evaluated along with the other requests for service in the PJM New Services Queue. PJM performs a Feasibility Study to evaluate New Service Requests. Requests for Long Term Firm Transmission Service by generators outside PJM must be submitted at least 18 months in advance of the commencement of Firm Transmission Service.

13. Dynamic Scheduling permits transmission service on an as-available basis. This option is typically reserved for addressing short-term energy imbalances (shortfalls) within PJM. In order to dynamically schedule, an applicant must submit a Dynamic Transfer Request to PJM

² See <https://pjm.com/directory/merged-tariffs/oatt.pdf>

and pass an Electrical Distance test as well as a Market-to-Market Flowgate Test. A generation owner must notify its native balancing authority of its intent to participate in PJM's market prior to any request being considered final by PJM.

14. A Psuedo Tie functions as a "virtual" physical connection to PJM. The external RTO (*i.e.*, SPP, MISO) must complete and submit an evaluation for PJM's review. The generator (*i.e.*, NextEra) must submit a Transmission Service Request and execute a Psuedo Tie Agreement with PJM. The Psuedo Tie Agreement must be submitted to PJM at least 18 months, but no more than 36 months, prior to the delivery year of the power. A generator must secure transmission rights to get power to the PJM system and notify its native balancing authority of their intent to participate in PJM's market prior to any request being considered final by PJM.

15. NextEra does not have transmission rights to deliver electricity generated by the Wessington Facility to load centers within PJM.

16. Heartland does not serve wholesale or retail customers within PJM.

17. Heartland's wholesale customers do not have retail customers within PJM.

18. Heartland does not have transmission rights to deliver electricity generated by the Wessington Facility to load centers within PJM.

19. In support of its Application in this proceeding, NextEra requested from PJM, and PJM performed, a distribution factor (DFAX) study. This study estimates the flow of power on the system without determining the impact of that power flow on system congestion or determining the capability of the system to deliver the power from the source to the State of Ohio. PJM utilizes DFAX to determine whether the addition of new generation will materially impact system reliability within PJM and to allocate costs for any system upgrades required to facilitate new generation additions.

20. The Signatory Parties stipulate to the admission of the following exhibits:

Application filed February 3, 2021	Joint Exhibit 1
Response to Staff Questions filed February 22, 2021	Joint Exhibit 2
Staff Review and Recommendation filed March 1, 2021	Joint Exhibit 3
NextEra/Heartland PPA	Joint Exhibit 4
DFAX Study	Joint Exhibit 5

Respectfully submitted,

/s/ Mark A. Whitt

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[Other Parties]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Stipulation of Facts was served by
electronic mail this ____ day of _____, 2021 to the following:

/s/ Lucas A. Fykes

One of the Attorneys for Carbon Solutions
Group

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Direct Testimony was served by electronic mail this 26th day of August, 2022, to the following:

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/s/ Mark A. Whitt

One of the Attorneys for Carbon Solutions Group,
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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, 22-0340-EL-RDR**

Summary: Testimony Direct Testimony of Rory Gopaul electronically filed by Ms.
Valerie A. Cahill on behalf of Carbon Solutions Group, LLC