

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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

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

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

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

In the Matter of The Application of)
Barton Windpower, LLC for) Case No. 22-380-EL-REN
Certification as an Eligible Ohio)
Renewable Energy Resource Generating)
Facility.)

**SUPPLEMENTAL TESTIMONY OF KEN NELSON
ON BEHALF OF
BLUE DELTA ENERGY, LLC**

November 14, 2022

1 **I. INTRODUCTION**

2 ***Q1. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE***
3 ***RECORD.***

4
5 ***A1.*** My name is Ken Nelson. My business address is 458 Grand Avenue, Suite 201,
6 New Haven, Connecticut 06513.

7
8 ***Q2. ARE YOU THE SAME KEN NELSON WHO PREVIOUSLY FILED***
9 ***TESTIMONY IN THIS PROCEEDING?***

10 ***A2.*** Yes. I previously filed direct testimony with the Public Utilities Commission of
11 Ohio (PUCO) on August 12, 2022 in this proceeding. I adopt and incorporate my
12 experience, background, and statements that I previously made in my prior
13 testimony regarding the applications of six renewable energy facilities (Applicants'
14 Facilities) to become certified as qualifying renewable energy resources in
15 Ohio(REN certification).

16
17 **II. SUPPLEMENTAL TESTIMONY**

18 ***Q3. WHAT IS THE PURPOSE OF YOUR TESTIMONY?***

19 ***A3.*** The purpose of my testimony is to respond to Carbon Solutions Group, LLC's
20 (CSG) witnesses, Rory Gopaul and Travis Stewart filed August 26, 2022. In
21 particular, I discuss the portion of CSG Witness Gopaul's testimony titled
22 "Response to Blue Delta." Among other things, I challenge his assertions and
23 assumptions as to Blue Delta's actions and motivations, as well as his claims
24 regarding his ability to unilaterally decide the intentions of the Ohio Legislature
25 and his beliefs on how Ohio ratepayers would benefit from higher renewable energy

1 credit (REC) prices. I also respond to the testimony filed by Staff's witnesses,
2 Kristin Clingan and Jason Cross.

3

4 ***Q4. DO YOU AGREE WITH CSG WITNESS GOPAUL'S CHARACTERIZATION***
5 ***OF THE PROCEDURAL HISTORY OF THESE PROCEEDINGS?***

6 ***A4.*** Not at all. CSG Witness Gopaul's company, CSG, has been responsible for
7 numerous, continued delays in this case. In his answer to Question 15, on page 5
8 of his testimony, CSG Witness Gopaul incorrectly states that "[t]he past year of
9 litigation and delay is the direct result of Blue Delta (sic) and Avangrid's actions,
10 not CSG's." This statement is simply not supported by the facts or record of the
11 case. CSG has delayed this case at every stage of the proceedings.

12

13 For example, the Applicants filed a motion asking the PUCO to consolidate their
14 cases for the limited question of addressing the deliverability question and CSG's
15 challenge to the PUCO's *Koda* Test. CSG opposed that motion, forcing the parties
16 to participate in a full evidentiary hearing, even though the six cases each concern
17 separate facilities. At the same time, CSG has also failed to meaningfully respond
18 to discovery, despite multiple orders from the PUCO, leading to the evidentiary
19 hearing being further delayed in this case. After the hearing was delayed, CSG
20 filed a motion, asking the attorney examiner to *again* reschedule the hearing. On
21 top of this, as I described in my previous testimony, CSG has offered various
22 contradictory statements about what it plans to argue or what its position is in this
23 proceeding, making it nearly impossible to understand what CSG's concerns or
24 arguments actually are regarding the PUCO's deliverability test.

1 **Q5. DO YOU AGREE WITH CSG WITNESS GOPAUL'S DESCRIPTION OF**
2 **BLUE DELTA'S POSITION IN THIS CASE?**

3 **A5.** No. In response to Question 15, on page 5 of his testimony, CSG Witness Gopaul
4 claims that Blue Delta "rejected" an offer to settle a previous case. This is incorrect
5 and misleading for several reasons. First, there was no offer of settlement to resolve
6 the case. Second, CSG Witness Gopaul was not a party to the settlement
7 negotiations and he is clearly mistaken as to what was discussed in those
8 confidential settlement discussions. Third, that case involved an entirely different
9 applicant and different renewable facilities seeking REN certification than those
10 involved in this proceeding. Even assuming that there was an offer of settlement
11 by CSG (which there was not), Blue Delta did not have the authority to settle a case
12 for another party, the applicant. But even if that case would have been settled, it
13 would not have resolved the present cases, so it is irrelevant. Essentially, CSG
14 attempts to point to confidential settlement discussions in another, unrelated case
15 where he was not present as justification for the year-and-a-half of delays it has
16 caused in this proceeding.

17
18 With regard to the proceeding before the PUCO currently, settlement discussions
19 were not fruitful and CSG has yet to provide any substantive facts supporting its
20 argument, or to suggest alternative certification criteria.

21
22 **Q6. DO YOU BELIEVE THAT CSG BENEFITS FINANCIALLY FROM**
23 **FURTHER DELAYS IN THIS CASE?**

24 **A6.** Yes. In response to Question 16, on page 5 of his testimony, CSG Witness Gopaul
25 attempts to claim CSG's actions are not driven by financial interests but by some

1 sort of higher purpose, namely “so that the REC market incentivizes and rewards
2 the intended recipients for the intended behavior.” The fact is, as I noted in my
3 initial testimony, the delays in certification have caused a price increase for RECs
4 in Ohio, and CSG, not Ohio customers, stands to benefit from that increase. CSG
5 Witness Gopaul asserts that “Avangrid is not here as a charitable endeavor,” but
6 seems to imply that CSG *is*. This is simply not the case. CSG is a for-profit
7 business that stands to profit from higher REC prices. CSG’s ability to delay REC
8 certification (and dissuade new applicants from applying) has led to higher REC
9 prices.

10

11 Even if CSG’s intention really is to maximize the value of RECs for those Ohio
12 customers “who have installed their own wind and solar” whose interests CSG
13 Witness Gopaul claims CSG is representing rather than its own, the fact is that those
14 customers would *in every instance* be better served by monetizing their RECs in
15 RPS markets outside the state of Ohio under the current PJM REC market
16 economics. In fact, this has been the case ever since the Ohio General Assembly
17 ended the solar carve-out as a part of House Bill 6 (HB6). Additionally, CSG
18 Witness Gopaul seems to be making assumptions in determining the intention of
19 the General Assembly in creating the Ohio Alternative Energy Portfolio Standard
20 (AEPS).

21

22

23

1 **Q7. DO YOU AGREE WITH CSG WITNESS GOPAUL'S CLAIM AS TO THE**
2 **GENERAL ASSEMBLY'S INTENT REGARDING OHIO'S AEPS?**

3 **A7.** No. The General Assembly first removed the in-state requirement of the AEPS
4 through Senate Bill 310 in 2014 (the in-state requirement was placed into law in
5 Am. Sub. Senate Bill 221 in 2008). Then, the General Assembly removed the solar
6 carve-out from Ohio's AEPS in 2019 through HB 6. This history seems to
7 contradict CSG Witness Gopaul's claim about "the intended recipients [and] the
8 intended behavior" that the General Assembly sought to incentivize.

9
10 **Q8. DO YOU AGREE WITH CSG WITNESS GOPAUL'S ASSERTION THAT**
11 **CUSTOMERS BENEFIT FROM HIGHER REC PRICES?**

12 **A8.** No. In response to Question 17, on pages 5 through 6 of his testimony, CSG
13 Witness Gopaul makes an unsubstantiated claim that ratepayers would somehow
14 not benefit from paying a lower price for AEPS compliance. He states that "any
15 'benefit' resulting from lower RPS compliance costs is illusory and ignores the long
16 term costs" without even identifying what those long term costs may be. Using that
17 bizarre logic, would he also contend that ratepayers would benefit by paying more
18 for electricity as well? The statement is really self-serving, as it would seem CSG
19 Witness Gopaul is arguing, without support, that ratepayers should be happy to pay
20 more for AEPS compliance and CSG's higher-priced RECs.

21
22 **Q9. DO YOU AGREE WITH CSG WITNESS GOPAUL'S ASSERTION THAT**
23 **CUSTOMERS DO NOT BENEFIT FROM OUT OF STATE RESOURCES?**

24 **A9.** No. The truth of the matter is that the regional flow of power across the Eastern
25 Interconnect is becoming more important rather than less important. Earlier this

1 year the United States Department of Energy released its “Building a Better Grid
2 Initiative” with the specific intent of reducing bottlenecks to increase the flow of
3 power between regions. The Department of Energy noted that:

4 Transmission is critical to addressing the climate crisis through the
5 decarbonization of the power sector and electrification of
6 transportation and other sectors. The climate crisis accelerates the
7 need for the United States to modernize its electric grid... Multiple
8 pathways exist for the United States to meet these clean energy
9 goals, but all require upgrading and expanding the Nation’s
10 transmission infrastructure. In particular, they require deploying
11 interstate high-voltage lines connecting areas with significant
12 renewable energy resources to demand centers and linking together
13 independently operated grid regions.¹

14 In three of the states surrounding the State of Ohio (Kentucky, Indiana, and
15 Michigan), the majority of power generation assets are *not* located within PJM. The
16 PUCO’s rules governing the Ohio AEPS explicitly classify facilities from states
17 adjacent to Ohio as deliverable. Arguing that power from one of those states is
18 somehow less “deliverable” to Ohio than power from a PJM facility located in a
19 state like North Carolina or New Jersey makes little sense and cuts against any
20 deliverability arguments that CSG appears to be making.

21

22 ***Q10. DO YOU AGREE WITH CSG’S CLAIM THAT ALLOWING OUT OF STATE***
23 ***RENEWABLES TO BE CERTIFIED IN OHIO HARMS OHIOANS?***

24 ***A10.*** No. In addition to the unsubstantiated claims in CSG Witness Gopaul’s testimony,
25 CSG Witness Stewart states that allowing REN certification of non-PJM resources
26 will allegedly harm Ohioans. This is incorrect and misleading. CSG has not
27 provided any evidence that an increase in REC costs has led to more renewable

¹ Federal Register, Vol. 87, No. 12, January 19, 2022, page 2769.

1 generation resources being sited in Ohio.² Rather, the temporary pause in REN
2 certification for facilities located in non-contiguous MISO states has simply led to
3 a significant increase in the use of RECs generated by facilities located in
4 contiguous MISO states, which are automatically deemed deliverable. In fact, it
5 seems that for 2022 and beyond, the majority of RECs that will be used for AEPS
6 compliance in Ohio will originate from MISO. Additionally, the effects of
7 pollution do not magically stop at state or RTO borders. Lastly, a PJM renewable
8 generation resource located in North Carolina or New Jersey does not have a greater
9 effect on air quality in Ohio than a non-PJM resource does, simply by virtue of
10 being in a PJM state.

11
12 ***Q11. DID TESTIMONY FROM CSG WITNESS GOPAUL OR CSG WITNESS***
13 ***STEWART CLARIFY WHAT CSG'S CHALLENGE IS TO THE PUCO'S***
14 ***DELIVERABILITY STANDARDS?***

15 ***A11.*** No. Candidly, I am still struggling to understand CSG's position regarding the
16 *Koda* Test which appears to lie at the heart of its attack on the pending Applications
17 and the PUCO's precedent. In its pleadings in this case, CSG explained that it did
18 not understand how the DFAX power flow studies that are used in the *Koda* Test
19 were conducted, and made the unfounded accusation that the Applicants were
20 "massaging the inputs" to arrive at a desired result. This of course is simply
21 incorrect. The studies are performed by PJM's Transmission Planning Department
22 with no input from Applicants. CSG has not provided any evidence to support its
23 claim and it should be rejected out of hand.

² Attachment A, CSG Revised Supplemental Discovery Responses, Response to INT-01-024.

1

2 Additionally, CSG has at various times argued that:

- 3 • That Staff improperly focused on physical deliverability instead of the contract
4 path of electricity;³
- 5 • That it is not opposing the *Koda* Test, but “Staff’s approach is not at all
6 consistent with *Koda*,”⁴
- 7 • That the PUCO has never heard arguments for or against the so-called *Koda*
8 test;⁵ and
- 9 • That the Staff’s method of determining deliverability is not binding on the
10 PUCO.⁶

11 In other words, at times it seems as though CSG is signaling they could ‘support’ the
12 *Koda* Test, but that Staff is not applying it correctly; but at other times, CSG seems to
13 be asking the PUCO to reject the use of the *Koda* Test altogether.

14

15 CSG has never stated its position clearly. Reading between the lines, however, I have
16 inferred that CSG’s position (though never stated clearly, and despite parties’ requests
17 for CSG to detail what they reference as “the appropriate methodology for making this
18 [deliverability] determination”) is that they wish for the PUCO to throw out the *Koda*
19 Test and adopt a new deliverability test that is based on contract paths and physical
20 deliverability that directly benefits CSG. Notably, CSG Witnesses Gopaul does not
21 attempt to specify what his deliverability test would be if the *Koda* Test is not used or
22 how it would be applied to the facilities at issue in this proceeding. In response to

³ Motion to Intervene, Consolidate, and Establish a Procedural Schedule at 5 (May 7, 2021).

⁴ Initial Comments of Carbon Solutions Group, LLC at 2 (Nov. 18, 2021).

⁵ Memorandum Contra Amended Joint Motion to Consolidate at 3-4 (Aug. 23, 2021).

⁶ *Id.* at 3.

1 Question 24, on page 11 of his testimony, CSG Witness Stewart even says that he is
2 “not recommending a specific ‘test’ for deliverability that the Commission should
3 require for facilities in states not contiguous to Ohio and outside PJM.” To be clear,
4 there is no mention anywhere in the AEPS statute of any of the concepts that may be
5 garnered from CSG’s testimony that would link REN Certification and RPS eligibility
6 to only in-state generation, generation within a particular RTO, capacity, or contract
7 paths. In fact, as stated above, some of these concepts have been specifically removed
8 or not included in the current version of the law. CSG’s participation in this case is
9 purely a manufactured controversy in an attempt to raise the cost of Ohio RECs to
10 financially benefit CSG at the expense of its competitors and Ohio ratepayers.

11
12 ***Q12. DID CSG’S REVISED SUPPLEMENTAL DISCOVERY RESPONSES***
13 ***CLARIFY WHAT CSG’S CHALLENGE IS TO THE PUCO’S***
14 ***DELIVERABILITY STANDARDS?***

15 ***A12.*** No. In its Revised Supplemental Discovery Responses,⁷ CSG does not provide
16 support for various claims it has made throughout the proceeding, and instead
17 points to the testimony filed by CSG Witnesses Gopaul and Stewart. However,
18 these witnesses do not explain these concepts either. For example, when the
19 Applicants asked CSG to explain how “the output of a power flow study is heavily
20 influenced by the inputs,” CSG responded that the claim “is further explained in
21 CSG’s comments and reply comments...and in the Direct Testimony of Travis
22 Stewart.”⁸ However, the comments and reply comments do not have any support

⁷ Attachment A, CSG Revised Supplemental Discovery Responses.

⁸ *Id.*, Response to INT-01-017.

1 for this claim, and CSG Witness Stewart’s testimony does not address this claim at
2 all. CSG responded in the same manner to questions about its claim that “there is
3 no indication that these facilities have or intend to actually deliver electricity into
4 Ohio” and about CSG’s argument that deliverability “has both a physical and
5 financial dimension.”⁹ CSG simply has not provided any support or explanation
6 for these positions in its testimony, comments, or discovery responses.
7

8 ***Q13. DO YOU AGREE WITH THE CONCLUSIONS MADE BY STAFF WITNESS***
9 ***CROSS?***

10 ***A13.*** Yes. Staff Witness Cross explained Staff’s criteria for evaluating the DFAX studies
11 pursuant to the *Koda* Test. Staff Witness Cross further determined that each of the
12 Applicant’s facilities passes the *Koda* Test. As I previously stated on page 5 of my
13 testimony filed August 12, 2022, I agree with that conclusion.
14

15 ***Q14. DO YOU AGREE WITH THE CONCLUSIONS MADE BY STAFF WITNESS***
16 ***CLINGAN?***

17 ***A14.*** Yes. Staff Witness Clingan supported the findings of the Staff Report filed in each
18 case, which concluded that each of the Applicants’ Facilities qualifies for REN
19 certification under Ohio law and PUCO regulations. As I previously stated on page
20 8 of my testimony filed August 12, 2022, I reached the same conclusions as the
21 Staff Reports.
22
23

⁹ Attachment A, CSG Revised Supplemental Discovery Responses, Responses to INT-01-018-INT-01-019.

1 **III. CONCLUSION**

2 ***Q15. WHAT ARE YOUR RECOMMENDATIONS?***

3 ***A15.*** As I explained in my testimony filed August 12, 2022, and in this supplemental
4 testimony, I support the conclusions reached by Staff that each of the Applicants’
5 Facilities satisfies the requirements for REN certification. I urge the PUCO to
6 adopt those conclusions, reject the unsupported arguments made by CSG, and
7 certify the Applicants’ Facilities.

8

9 ***Q16. DOES THIS CONCLUDE YOUR SUPPLEMENTAL TESTIMONY?***

10 ***A16.*** Yes. However, I reserve the right to incorporate new information that may
11 subsequently become available through outstanding discovery or otherwise.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on November 14, 2022 upon the parties listed below.

/s/Kimberly W. Bojko
Kimberly W. Bojko

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Attachment A

INT-01-017: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for the statement: “CSG is prepared to show that, like any modelling technique, the output of a power flow study is heavily influenced by the inputs?”

RESPONSE: See objections to INT-01-001.

REV. SUPP. RESPONSE: ~~CSG objects to this interrogatory for the following reasons:~~

- ~~1. The April 5, 2022 Entry granting intervention to CSG renders the information requested irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.~~
- ~~2. The phrase quoted in this interrogatory is an argument, not a statement of fact, and the “factual basis and/or support” for the argument is apparent from CSG’s subsequent motions, responses, and comments filed in this proceeding. Accordingly, this interrogatory is improper under Rule 4901-1-16(G) (“A discovery request under rules 4901-1-19 to 4901-1-22 of the Administrative Code may not seek information from any party which is available in prefiled testimony, prehearing data submissions, or other documents which that party has filed with the commission in the pending proceeding. Before serving any discovery request, a party must first make a reasonable effort to determine whether the information sought is available from such sources.”).~~
- ~~3. The phrase quoted in this interrogatory is from a legal filing prepared by CSG’s legal counsel. To the extent the “factual basis and/or support” for the statement is not apparent from the motion to intervene or subsequent filings, any further explanation of the statement would require disclosure of information constituting attorney work product.~~

~~Subject to these objections, CSG states that it is unable to speak for its counsel. The referenced statement explained CSG’s intentions if granted intervention. The statement is further explained in CSG’s comments and reply comments filed on November 18 and December 8, 2021 and in the Direct Testimony of Travis Stewart, filed on August 26, 2022.~~

INT-01-018: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for the statement: “there is no indication that these facilities have or intend to actually deliver electricity into Ohio?”

RESPONSE: See objections to INT-01-001.

REV. SUPP. RESPONSE: ~~CSG objects to this interrogatory for the following reasons:~~

- ~~1. The April 5, 2022 Entry granting intervention to CSG renders the information requested irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.~~
- ~~2. The phrase quoted in this interrogatory is an argument, not a statement of fact, and the “factual basis and/or support” for the argument is apparent from CSG’s subsequent motions, responses, and comments filed in this proceeding. Accordingly, this interrogatory is improper under Rule 4901-1-16(G) (“A discovery request under rules 4901-1-19 to 4901-1-22 of the Administrative Code may not seek information from any party which is available in prefiled testimony, prehearing data submissions, or other documents which that party has filed with the commission in the pending proceeding. Before serving any discovery request, a party must first make a reasonable effort to determine whether the information sought is available from such sources.”).~~
- ~~3. The phrase quoted in this interrogatory is from a legal filing prepared by CSG’s legal counsel. To the extent the “factual basis and/or support” for the statement is not apparent from the motion to intervene or subsequent filings, any further explanation of the statement would require disclosure of information constituting attorney work product.~~

~~Subject to these objections, CSG states that, while it is unable to speak for its counsel, n~~**None of the Applications contain information demonstrating that electricity from any Applicants’ facility will be actually delivered into Ohio. CSG’s construction of the term “delivered” or “deliverable” is futher explained in CSG’s comments and reply comments filed on November 18 and December 8, 2021 and in the Direct Testimony of Travis Stewart, filed on August 26, 2022.**

INT-01-019: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, what is the factual basis and/or support for claiming that “‘deliverability’ under R.C. 4928.64 has both a physical and financial dimension?”

RESPONSE: See objections to INT-01-001.

REV. SUPP. RESPONSE: ~~CSG objects to this interrogatory for the following reasons:~~

- ~~1. The April 5, 2022 Entry granting intervention to CSG renders the information requested irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.~~
- ~~2. The phrase quoted in this interrogatory is an argument, not a statement of fact, and the “factual basis and/or support” for the argument is apparent from CSG’s subsequent motions, responses, and comments filed in this proceeding. Accordingly, this interrogatory is improper under Rule 4901-1-16(G) (“A discovery request under rules 4901-1-19 to 4901-1-22 of the Administrative Code may not seek information from any party which is available in prefiled testimony, prehearing data submissions, or other documents which that party has filed with the commission in the pending proceeding. Before serving any discovery request, a party must first make a reasonable effort to determine whether the information sought is available from such sources.”).~~
- ~~3. The phrase quoted in this interrogatory is from a legal filing prepared by CSG’s legal counsel. To the extent the “factual basis and/or support” for the statement is not apparent from the motion to intervene or subsequent filings, any further explanation of the statement would require disclosure of information constituting attorney work product.~~

~~Subject to these objections, CSG states that while it is unable to speak for its counsel, the interrogatory appears to mischaracterize the referenced statement. The support for this statement is explained in the rest of the paragraph in which the statement appears, and in the first paragraph on page 5. The “deliverability” concept is further discussed and explained in CSG’s comments and reply comments filed on November 18 and December 8, 2021 and in the Direct Testimony of Travis Stewart, filed on August 26, 2022.~~

INT-01-020: Referring to page 4 of the Motion to Intervene filed by CSG in the above-captioned cases, does CSG maintain that the “contract path of electricity” demonstrates actual physical deliverability of that electricity?

RESPONSE: See objections to INT-01-001.

SUPP. RESPONSE: CSG objects to this interrogatory for the following reasons:

1. The April 5, 2022 Entry granting intervention to CSG renders the information requested irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

commission in the pending proceeding. Before serving any discovery request, a party must first make a reasonable effort to determine whether the information sought is available from such sources.”).

3. The phrase quoted in this interrogatory is from a legal filing prepared by CSG’s legal counsel. To the extent the “factual basis and/or support” for the statement is not apparent from the motion to intervene or subsequent filings, any further explanation of the statement would require disclosure of information constituting attorney work product.

Subject to these objections, CSG states that it is unable to speak for its counsel. However, the statement is consistent with CSG’s general observation, informed by CSG’s experience in the relevant market

INT-01-024: Are You aware of any new renewable energy resource generating facility projects that have gone into planning, development, or construction in response to the increased price for RECs which would not have gone into development absent the increased price for REC?

RESPONSE: ~~See objections to INT-01-001.~~

REV. SUPP. RESPONSE: ~~CSG objects to this interrogatory for the following reasons:~~

- ~~1. The interrogatory is vague and overbroad because, among other reasons, it fails to identify a time period, geographic location, or type of renewable energy resource; fails to define “planning, development, or construction;” and erroneously assumes that REC prices are the only factor project owners consider in determining whether to develop projects.~~
- ~~2. Answering this interrogatory would require CSG to have personal knowledge of the extent to which REC prices influenced the decision to construct the tens of thousands of renewable energy facilities currently operating in the United States, or for which “planning, development, or construction” is currently underway. CSG does not have such knowledge.~~

~~Subject to these objections, CSG states: RECs are a source of capital to renewable energy developers, so developers consider the current and projected value of RECs when evaluating project economics. Behavioral economists have come to accept that the producer of any good or~~

~~commodity has an incentive to increase output when supplies are scarce and prices are high, and to curtail output when supplies are abundant and prices are low. There is no reason to believe that renewable energy developers respond to price signals any differently. Therefore, it is reasonable to assume that REC prices directly influence whether certain projects are built, and that there is a positive correlation between renewable energy development and REC prices.~~

CSG does not have personal knowledge of all factors considered by any individual developer in deciding whether to plan, develop or construct an individual project; therefore, the answer is “No.”

INT-01-025: If the answer to INT-01-024 was affirmative, please identify each such project.

RESPONSE: ~~See objections to INT-01-001.~~

REV. SUPP. RESPONSE: ~~See objections and~~ response to INT-01-24.

INT-01-026: If the answer to INT-01-024 was negative, at what cost would you expect the increased price for RECs to begin incentivizing new development?

RESPONSE: See objections to INT-01-001.

SUPP. RESPONSE: See objections and response to INT 01-024.

INT-01-027: State the names, addresses, telephone numbers, place of employment, and job title of every person whom You have retained to advise You and/or assist with drafting comments in this matter.

RESPONSE: See objections to INT-01-001.

SUPP. RESPONSE: To the extent CSG or its counsel have retained or employed non-testifying experts or other individuals to assist CSG in anticipation of litigation or preparation for hearing, the identity of such individuals and their work product is beyond the scope of discovery. *See DMS Constr. Enterprises, L.L.C. v. Homick*, 2020-Ohio-4919, ¶¶ 29-36.

Subject to this objection, CSG states: Rory Gopaul, Managing Partner, Carbon Solutions Group, 2045 W. Grant Ave. Suite B, Chicago, IL 60612. Mr. Gopaul may be contacted through counsel.

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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, 22-0380-EL-REN**

Summary: Testimony Supplemental Testimony of Ken Nelson electronically filed by
Mrs. Kimberly W. Bojko on behalf of Blue Delta Energy, LLC