

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PURE ENERGY
USA OH, LLC 2020 RENEWABLE
PORTFOLIO STANDARD STATUS REPORT.

CASE NO. 21-451-EL-ACP

FINDING AND ORDER

Entered in the Journal on January 11, 2023

I. SUMMARY

{¶ 1} The Commission finds that Pure Energy USA OH, LLC has not satisfied its renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Pure Energy to remit to the Commission payment, as required under R.C. 4928.64, in the amount identified by Staff.

II. DISCUSSION

{¶ 2} Pure Energy USA OH, LLC (Pure Energy) is an electric services company as defined in R.C. 4928.01(A)(9) and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4928.64(B)(2) establishes benchmarks for electric services companies to acquire a portion of their electricity supply for retail customers in Ohio from renewable energy resources. R.C. 4928.645 provides that an electric utility or electric services company may use renewable energy credits (RECs) and solar renewable energy credits to meet its respective renewable energy and solar benchmarks. Ohio Adm.Code 4901:1-40-01(W) defines a REC as the environmental attributes associated with one megawatt hour of electricity generated by a non-solar renewable energy resource or its non-electric equivalent.

{¶ 4} Ohio Adm.Code 4901:1-40-05(A) requires each electric services company to annually file by April 15 a renewable portfolio standard compliance status report (RPS report), unless otherwise ordered by the Commission. The RPS report must analyze all activities the company undertook in the previous year in order to demonstrate how pertinent alternative energy portfolio benchmarks have been met. Staff then conducts an

annual compliance review of the company's filing and the records of the applicable attribute tracking system to ensure that RECs were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated for the compliance period.

{¶ 5} Pure Energy filed an RPS compliance report for the 2020 calendar year with the Commission on April 15, 2021. In its RPS compliance report, Pure Energy proposed to pay \$5,188.53.

{¶ 6} Staff filed a review and recommendation (Staff Report) in this case on October 27, 2021. Given the facts in this case, Staff has agreed to allow Pure Energy to make the following compliance payment:

| Entity | Compliance Year | Amount Owed |
|--------------------------|-----------------|-------------|
| Pure Energy USA, OH, LLC | 2020 | \$5,188.53 |

{¶ 7} The automatic approval process was suspended by the attorney examiner on December 2, 2021, pursuant to Ohio Adm.Code 4901:1-40-05.

{¶ 8} Upon review of Pure Energy's RPS report and the records of these proceedings, we adopt Staff's recommendation for the compliance payment identified above. As such, the following payment should be remitted within 30 days of this Finding and Order because Pure Energy did not meet its 2020 compliance obligation and, therefore, must make an alternative compliance payment.

{¶ 9} Pure Energy's payment should be directed to the Public Utilities Commission of Ohio (PUCO), payable to "Treasurer State of Ohio." A letter should also be attached to the payment 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 Pure Energy's case number 21-451, under which the Commission has ordered the payment. The address for the PUCO: Public Utilities Commission of Ohio, 180 East Broad Street, 4th Floor Finance, Columbus, Ohio 43215.

{¶ 10} Also, Pure Energy should file an attestation consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08. This filing should be completed within 30 days of this Finding and Order.

{¶ 11} Finally, to the extent Staff has made any other recommendation regarding future compliance years, Pure Energy is directed to comply with Staff's recommendations.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Pure Energy remit an alternative compliance payment within 30 days of this Finding and Order in accordance with the directives contained in Paragraphs 6-9. It is, further,

{¶ 14} ORDERED, That Pure Energy file an attestation pursuant to Ohio Adm.Code 4901:1-40-08 within 30 days of this Finding and Order. It is, further,

{¶ 15} ORDERED, That Pure Energy comply with Staff's recommendations for future compliance years. It is, further

{¶ 16} 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
Daniel R. Conway
Dennis P. Deters

MJA/IMM/dmh

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Case No(s). 21-0451-EL-ACP

Summary: Finding & Order finding that Pure Energy USA OH, LLC has not satisfied its renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Pure Energy to remit to the Commission payment, as required under R.C. 4928.64, in the amount identified by Staff. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio