

**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. 21-516-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. 21-517-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. 21-531-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. 21-532-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. 21-544-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. 22-380-EL-REN
)	

**INITIAL POST-HEARING BRIEF
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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On Behalf of the Staff of
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INTRODUCTION

This case concerns applications by six entities for the certification of each named facility as an eligible Ohio renewable energy resource generating facility as defined in R.C. 4928.01. Staff determined that each facility meets the criteria for certification under the Commission-approved test. Staff therefore recommends that the Commission approve the applications.

PROCEDURAL HISTORY

On various dates, Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Buffalo Ridge II Wind LLC, Avangrid Renewables LLC, and Barton Windpower LLC (Applicants) filed their applications pursuant to Ohio Adm.Code 4901:1-40-04(D), for the certification of each named facility as an eligible Ohio renewable energy resource generating facility as defined in R.C. 4928.01.

The attorney examiner suspended the automated approval process for the applications pursuant to Ohio Adm.Code 4901:1-40-04(D), which provides that upon good cause shown, the Commission may suspend the certification of an application to allow the Commission and its Staff to further review the application. Prehearing conferences were conducted on various days in July and August, 2021.

Staff filed its review and recommendation in each respective docket. In each report, Staff recommended the application be approved. Specifically, Staff determined that each facility satisfies the Commission's requirements for certification as a renewable energy resource facility.

On May 7, 2021, Carbon Solutions Group, LLC (Carbon Solutions) filed motions to intervene, motions to consolidate, and motions to establish a procedural schedule. On August 3, 2021, Avangrid Renewables, LLC, the owner of Applicants, filed a motion to consolidate the cases. On August 6, 2021, Applicants, rather than their parent company, filed an amended joint motion to consolidate.

On April 5, 2022, the Attorney Examiner consolidated these cases, granted motions to intervene, and established a procedural schedule. The schedule was modified by the Attorney Examiner in an entry dated September 1, 2022.

The evidentiary hearing began on December 5, 2022. At the hearing, Applicants presented the testimony of Pete Landoni, John Chiles, and Ken Nelson. Carbon Solutions presented the testimony of Travis Stewart. Staff presented testimony by Kristin Clingan and Jason Cross. At the conclusion of the hearing, the Attorney Examiners established a briefing schedule. This initial post-hearing brief is timely submitted in accordance with that schedule on behalf of the Commission Staff.

ARGUMENT

I. Each Facility meets the criteria for certification.

As explained by Staff witness Clingan, renewable facilities wishing to participate as renewable energy resource generating facilities under Ohio's renewable portfolio standards (RPS) must be certified by the Commission. A facility's participation in Ohio's RPS is voluntary, but participation requires certification. Clingan (Staff Ex. 2 at 2.) Ms. Clingan described the certification process in her testimony. Staff's consideration of applications for certification of renewable energy resource facilities consists primarily,

but not exclusively, of three statutory criteria regarding: (1) the resource/technology used at the facility, (2) the facility's placed in-service date, and (3) the deliverability of the facility's output to the state of Ohio. (Staff Ex. 2 at 2-3.) Under Commission rules, Staff also confirms: (A) the facility is registered with, or commits to register with, an attribute tracking system recognized by the Commission, (B) the facility's output is measured by a utility-grade meter for facilities with a generating capacity over 6 kW, and (C) other administrative details as delineated in the certification application. *See* Ohio Adm.Code 4901:1-40-04(C)(2).

The pertinent statute defines "qualifying renewable energy resources," in part, as a) facilities located in this state; or b) resources that can be shown to be deliverable into this state. R.C. 4928.64(B)(3). Ohio Adm.Code 4901:1-40-01(F) defines "deliverable into this state" as facilities within a state contiguous to Ohio. It may also include electricity originating from other locations, pending a demonstration that the electricity is physically deliverable to the state. Ohio Adm.Code 4901:1-40-01(F).

As explained by Ms. Clingan, the deliverability standard was established by the Commission in 2011 in Case No. 09-0555-EL-REN, known as the *Koda* decision. *In re the Application of Koda Energy LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, Case No. 09-0555-EL-REN (*Koda*), Finding and Order (March 23, 2011). The *Koda* facility, located in Minnesota, was the first application received from a state noncontiguous to Ohio following enactment of Ohio's RPS laws in 2008. Therefore, the applicant needed to demonstrate physical deliverability to Ohio.

The methodology recommended by Staff, and ultimately approved by the Commission, is that a demonstration of deliverability may include a power flow study performed by the transmission operator(s) which offers evidence of any significant impact on power flows over transmission lines located in the state of Ohio and serving loads connected to distribution lines located in Ohio due to electricity produced at the renewable generating facility's location. *Koda* at 2-3. If any significant impact was evident in the studies, Staff would consider this as evidence of deliverability. *Koda* at 2-3.

Ms. Clingan explained that it is impossible to physically track energy from a specific generating facility to a specific load location. (Staff Ex. 2 at 4.) Therefore, computer models that measure change in power flows are widely used in the power industry. (Staff Ex. 2 at 4.) Power flow analysis is also known as distribution factor (DFAX) analysis. (Staff Ex. 2 at 4.) It measures the effects of a generator putting its power onto the system. (Staff Ex. 2 at 4.)

Ms. Clingan explained "significant impact" as used in the *Koda* test. As she explained, the methodology recommended by Staff, and approved by the Commission, is that the absolute value of the impact on a transmission line in Ohio must be greater than 5 percent (%) and greater than 1 megawatt (MW), as determined by an adequate power flow study, such as a DFAX study. (Staff Ex. 2 at 4). The *Koda* facility did not meet the 5% and 1 MW thresholds necessary to demonstrate deliverability to Ohio, and therefore the application was denied. *Koda* at 5.

The Commission has consistently used the *Koda* test when considering applications from facilities in non-contiguous states. As Ms. Clingan explained, including

Koda, Staff has reviewed 28 applications from facilities located in states noncontiguous to Ohio. (Staff Ex. 2 at 5.) Applying the same deliverability methodology consistently in each case, Staff recommended that 16 applications be denied and 12 applications be approved. (Staff Ex. 2 at 5). The Commission has issued an order in 25 cases, with 3 cases being auto-approved based on Staff's recommendation. (Staff Ex. 2 at 5.)

Staff witness Jason Cross provided additional details concerning Staff's analysis of the deliverability requirement. (Staff Ex. 1 At 2-3.) According to Mr. Cross, the applicant submits to Staff a distribution factor (DFAX) analysis completed by PJM Interconnection, LLC. (Staff Ex. 1 at 2-3.) The DFAX analysis displays the percentage of impact the facility would have on transmission lines located in and around Ohio. (Staff Ex. 1 at 2-3.) DFAX values from transmission lines where at least one segment is located within Ohio are reviewed based on the highest absolute percentage. (Staff Ex. 1 at 3.) If no DFAX values on Ohio transmission lines are greater than 5%, the facility is considered not deliverable into Ohio. (Staff Ex. 1 at 3.) If DFAX values greater than 5% exist on transmission lines in Ohio, then the first criterion has been met. (Staff Ex. 1 at 3.).

To determine if the second criterion is satisfied, the following analysis is applied:

- a. Multiply the DFAX value by the facility's nameplate capacity (DFAX percentage * Facility Capacity = Megawatt equivalence).
- b. If the Megawatt equivalence is greater than 1 MW the facility meets the second criterion and is deemed deliverable into Ohio.

(Staff Ex. 1 at 3.) Mr. Cross confirmed that all of the facilities applying for certificates in these cases meet the Commission-approved deliverability standard. (Staff Ex. 1 at 3.)

CONCLUSION

As demonstrated above, in each of these cases, Staff applied the deliverability standard approved by the Commission in the Koda decision. Each applicant meets the requirements adopted by the Commission for certification as renewable resource generating facilities. Therefore, Staff recommends approval of each application.

Respectfully submitted,

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**On Behalf of the Staff of
The Public Utilities Commission of Ohio**

PROOF OF SERVICE

I hereby certify that a true copy of the Foregoing **Initial Post-Hearing Brief**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via United States mail or electronic mail, upon the following Parties of Record, this 17th day of January 2023.

/s/ Thomas G. Lindgren

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REN, 21-0544-EL-REN, 22-0380-EL-REN**

Summary: Brief Initial Post-Hearing Brief Submitted On Behalf Of The Staff Of The
Public Utilities Commission Of Ohio electronically filed by Mrs. Kimberly M. Naeder
on behalf of PUCO