

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Texas Retail Energy LLC)
2022 Renewable)
Portfolio Standard Status Report)

Case No. 23-0264-EL-ACP

Staff Findings and Recommendations

I. Statutory Background

Amended Substitute Senate Bill 221, of the 127th General Assembly (2008 Ohio Laws S221, effective July 31, 2008), established Ohio's renewable portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in Ohio Revised Code (R.C.) 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

According to R.C. 4928.64(B)(2), the renewable energy compliance obligation for **2022** is 6.5%.

The Public Utilities Commission of Ohio (PUCO or Commission) further developed rules to implement the Ohio RPS, contained within Ohio Administrative Code (Ohio Adm.Code) 4901:1-40.

Ohio Adm.Code 4901:1-40-05(A), states:

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual renewable energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable renewable energy portfolio benchmarks have been met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the renewable energy portfolio standard.

Ohio Adm.Code 4901:1-40-05(C), states:

Staff shall review each electric utility's or electric services company's renewable energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

II. Company Filing Summarized

Texas Retail Energy LLC (Texas Retail or Company) filed its RPS compliance status report for the 2022 compliance year on March 22, 2023. In its compliance filing, Texas Retail proposed a baseline of 567,700 megawatt-hours (MWHs) which it indicated was the average of its Ohio retail electric sales for 2019, 2020 and 2021. Applying the statutory benchmark to its proposed baseline, Texas Retail calculated its 2022 compliance obligation to be 36,901 renewable MWHs.

The Company indicated that it had obtained the necessary renewable energy credits (RECs) and/or solar RECs (S-RECs) to satisfy its 2022 compliance obligation. The Company further indicated that it had transferred RECs and/or S-RECs to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount for Ohio compliance purposes.

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the Company's annual status report, other relevant compliance materials, and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) Texas Retail was an electric services company in Ohio with retail electric sales in the state of Ohio during 2022, and therefore the Company had an RPS obligation for 2022.¹
- (2) The baseline proposed by the Company is reasonable, and given the proposed baseline and the 2022 statutory benchmark, Texas Retail accurately calculated its RPS compliance obligation.

¹ Texas Retail was certified to provide power marketer services in Ohio in 2022; see PUCO Case No. 11-2944-EL-CRS.

- (3) The Company transferred 36,901 RECs and/or S-RECs to its GATS reserve subaccount for 2022 Ohio compliance purposes.
- (4) Following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its renewable obligation for 2022. The RECs and/or S-RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were of appropriate vintages.

V. Staff Recommendations

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends that Texas Retail is found to have satisfied its 2022 RPS compliance obligation. Staff further recommends that this annual compliance status report be automatically approved consistent with Ohio Adm.Code 4901:1-40-05(D).

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Summary: Staff Review and Recommendation electronically filed by Barbara Cote
on behalf of Staff.