

IN THE SUPREME COURT OF OHIO

Carbon Solutions Group, LLC,	:	
	:	Case No. _____
Appellant,	:	
	:	Appeal from the Public Utilities
v.	:	Commission of Ohio
	:	
Public Utilities Commission of Ohio,	:	PUCO Case Nos.
	:	21-516-EL-REN
Appellee.	:	21-517-EL-REN
		21-531-EL-REN
		21-532-EL-REN
		21-544-EL-REN
		22-380-EL-REN

NOTICE OF APPEAL OF CARBON SOLUTIONS GROUP, LLC

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Notice of Appeal of Carbon Solutions Group, LLC

Appellant Carbon Solutions Group, LLC (CSG) is an intervenor in Case Nos. 21-516-EL-REN, 21-517-EL-REN, 21-531-EL-REN, 21-532-EL-REN, 21-544-EL-REN, and 22-380-EL-REN before the Public Utilities Commission of Ohio. Each proceeding involves an application by the owners (collectively, the Applicants) of wind generation facilities in North and South Dakota, Minnesota, and Iowa for certification of such facilities as “qualifying renewable energy resources” under R.C. 4928.64(A)(1) and thus eligible to participate in Ohio’s renewable energy credit (REC) market. The applications were consolidated for hearing and on September 20, 2023, the Commission issued a Finding and Order approving the applications. *See* Attachment A.

As set forth in CSG’s October 20, 2023 Application for Rehearing, the September 20, 2023 Finding and Order (Order) is unreasonable and unlawful because:

1. The finding that energy from the Applicants’ facilities is “deliverable into this state” within the meaning of R.C. 4928.64(B)(3) is against the manifest weight of the evidence and clearly unsupported by the record, in violation of R.C. 4903.09. The evidence relied on as the basis for this finding does not demonstrate deliverability under the standard set forth in the Order or R.C. 4928.64.

2. The statutes and rules governing the proceeding were not followed and CSG was unduly prejudiced. The finding that CSG was “provided ample due process” (Order ¶ 56) is contrary to law and ignores record violations of R.C. 4903.082, R.C. 4905.26, and O.A.C. Chapters 4901-1 and 4901:1-40.

Under R.C. 4903.10(B), “If the Commission does not grant or deny such application for rehearing within thirty days from the date of filing thereof, it is denied by operation of law.” Although the Commission’s November 16, 2023 Entry on Rehearing (*see* Attachment B) “grant[s]” the October 20, 2023 application “for further consideration of the matters specified,” the Entry on Rehearing does not rule on the merits of any “matter specified in such application” or “specify the scope of the additional evidence, if any, that will be taken” upon rehearing of any such matter “within thirty days from the date of filing thereof [.]” Attachment B ¶¶ 1, 17, 19; R.C. 4903.10(B). Therefore, the October 20, 2023 Application for Rehearing was “denied by operation of law” as of November 20, 2023, and the sixty-day deadline for filing this notice of appeal is January 19, 2024. R.C. 4903.10(B); R.C. 4903.11. This notice of appeal is, therefore, timely and proper.

Appellant CSG respectfully requests an order from this Court finding that the Commission’s September 20, 2023 Finding and Order is unreasonable and unlawful, and granting all other necessary and proper relief.

Dated: January 17, 2024

Respectfully submitted,

/s/ Mark A. Whitt
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**COUNSEL FOR APPELLANT,
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CERTIFICATE OF FILING

I hereby certify that, in accordance with S.Ct.Prac.R. 3.11(D)(2), the foregoing Notice of Appeal has been filed with the Docketing Division of the Public Utilities Commission of Ohio by leaving a copy at the office of the Commission in Columbus, Ohio, in accordance with Ohio Adm. Code 4901-1-02(A) and 4901-1-36, on January 17, 2024.

/s/ Mark A. Whitt
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Counsel for Appellant
Carbon Solutions Group, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Carbon Solutions Group, LLC's Notice of Appeal was served by electronic mail this 17th day of January 2024, to the following:

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/s/ Mark A. Whitt

One of the Attorneys for Carbon Solutions
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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: Notice Notice of Appeal electronically filed by Mr. David Weru on behalf
of Carbon Solution Group LLC..