

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE SUNWAVE USA
HOLDINGS INC. 2021 RENEWABLE
PORTFOLIO STANDARD STATUS REPORT.

CASE NO. 22-381-EL-ACP

ENTRY

Entered in the Journal on April 29, 2024

{¶ 1} Sunwave USA Holdings Inc. (Sunwave or the Company) 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.

{¶ 2} 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. In the event that an electric services company fails to comply with the applicable benchmark, the Commission shall impose a renewable energy compliance payment on the company, which payment is calculated according to a statutory formula and may not be passed through to consumers. R.C. 4928.64(C)(2).

{¶ 3} 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.

{¶ 4} On April 13, 2022, Sunwave filed its annual RPS compliance report for 2021 pursuant to Ohio Adm.Code 4901:1-40-05. In its RPS compliance report, Sunwave acknowledged it did not meet the applicable benchmark and proposed an alternative compliance payment of \$27,936.24.

{¶ 5} On June 23, 2023, Staff filed its findings and recommendations regarding the Company's RPS report. Staff states that, following its review of the RPS report, Staff concludes that Sunwave did not satisfy its 2021 compliance obligations and, therefore, an alternative compliance payment is warranted. Further, given the facts of the case, Staff concurs with the Company's calculations and finds that a compliance payment of \$27,936.24 is appropriate.

{¶ 6} Ohio Adm.Code 4901:1-40-05(D) provides that, if the Commission takes no action with respect to an annual compliance status report within 60 days of the filing of Staff's findings and recommendations, the report is deemed automatically approved on the 61st day after Staff's filing.

{¶ 7} The Commission took no action within the provided 60 days regarding Sunwave's RPS report following Staff's findings and recommendations, rendering the RPS report automatically approved.

{¶ 8} Accordingly, the administrative law judge (ALJ) directs Sunwave to remit the proposed and approved alternative compliance payment of \$27,936.24. 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 control of the Ohio Development Services Agency and created under R.C. 4928.61. The letter should also cite Case No. 22-381-EL-ACP and be sent to the PUCO at: Public

Utilities Commission of Ohio, 180 East Broad Street, 4th Floor Finance, Columbus, Ohio 43215.

{¶ 9} The ALJ further directs Sunwave to file an attestation consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08(D). This filing should be completed within 30 days of this Entry.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Sunwave remit an alternative compliance payment within 30 days of this Entry in accordance with the instructions contained in Paragraph 8. It is, further,

{¶ 12} ORDERED, That, within 30 days of the date of this Entry, Sunwave file an attestation consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08(D), as stated in Paragraph 9. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

MJA/dmh

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0381-EL-ACP

Summary: Administrative Law Judge Entry ordering that Sunwave remit an alternative compliance payment within 30 days of this Entry in accordance with the instructions contained in Paragraph 8; and that, within 30 days of the date of this Entry, Sunwave file an attestation consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08(D), as stated in Paragraph 9 electronically filed by Ms. Donielle M. Hunter on behalf of Patricia A. Schabo, Administrative Law Judge, Public Utilities Commission of Ohio.