



## Ohio Administrative Code Rule 4901:1-40-03 Requirements.

Effective: [March 26, 2020](#)

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(A) All electric utilities and affected electric services companies shall ensure that, by the end of the year 2027 and each year thereafter, electricity from qualifying renewable energy resources equals the benchmarks set forth in division (B)(2) of section 4928.64 of the Revised Code. Non-electric sources as permitted by law and certified by the commission may be used to satisfy the renewable energy resource requirements.

(1) The qualifying renewable energy resources implemented by the utility or company shall be met either through facilities located in this state or with resources that can be shown to be deliverable into this state.

(2) The qualifying electricity or non-electric source supplied from renewable energy resources, including solar energy resources, shall be provided in accordance with the annual benchmarks detailed in division (B)(2) of section 4928.64 of the Revised Code.

(3) All costs incurred by an electric utility in complying with the requirements of section 4928.64 of the Revised Code shall be avoidable by any consumer that has exercised choice of electricity supplier during such time that a customer is served by an electric services company.

(B) The baseline for compliance with the qualified renewable energy resource requirements of section 4928.64 of the Revised Code shall be determined as follows:

(1) For electric utilities, the baseline shall be computed using one of the following methodologies:

(a) The average of total kilowatt hours sold by the utility in the preceding three calendar years to any and all retail electric customers whose electric load centers are served by that electric utility and are located within the electric utility's certified territory.

(b) The total kilowatt hours sold to any and all retail electric consumers whose electric load centers



are served by that utility and are located within the utility's certified territory in the applicable compliance year. An electric utility that opts to use this methodology may in subsequent compliance years switch to the methodology described in paragraph (B)(1)(a) of this rule, but in so doing, the electric utility shall be required to use the methodology described in paragraph (B)(1)(a) of this rule for at least three consecutive compliance years.

(c) The annual sales used to compute the baseline under methodologies listed in paragraph (B)(1)(a) or (B)(1)(b) of this rule shall be based upon the annual sales as reported in the electric utility's forecast reports or reporting forms.

(2) For electric services companies, the baseline shall be computed using one of the following methodologies:

(a) The average of total kilowatt hours sold annually by the company in the preceding three calendar years to any and all retail electric consumers served by the company in the state. If an electric services company has not been continuously supplying Ohio retail electric customers during the preceding three calendar years, the baseline shall be computed as an average of annual sales data for all calendar years during the preceding three years in which the electric services company was serving retail customers.

(b) The total number of kilowatt hours sold to any and all retail electric customers who are served by the company and are located within this state during the compliance year. An electric services company that opts to use this methodology may in subsequent compliance years switch to the methodology described in paragraph (B)(2)(a) of this rule, but in so doing, the electric services company shall be required to use the methodology described in paragraph (B)(2)(a) of this rule for at least three consecutive compliance years.

(c) The annual sales used to compute the baseline under methodologies in paragraphs (B)(2)(a) and (B)(2)(b) of this rule shall be based upon the annual sales as reported in the electric services company's "Annual Reports for Fiscal Assessment" or as otherwise directed by the commission.

(3) An electric utility or electric services company may request a reduced baseline to reflect new economic growth in its service territory or service area. A company requesting a reduced baseline



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shall file an application with the commission seeking approval for such reduction.