Ohio Administrative Code

Rule 4901:1-40-04 Qualified resources.

Effective: March 26, 2020

(A) The following resources or technologies, if they have a placed-in-service date of January 1, 1998, or after, are qualified resources for meeting the qualified renewable energy resource benchmarks:

(1) Solar photovoltaic or solar thermal energy.

(2) Wind energy.

(3) Hydroelectric energy.

(4) Geothermal energy.

(5) Solid waste energy derived from fractionalization, biological decomposition, or other process that does not principally involve combustion.

(6) Biomass energy.

(7) Energy from a fuel cell.

(8) A storage facility, if it promotes the better utilization of a renewable energy resource. The amount of energy that may qualify from a storage facility is the amount of electricity discharged from the storage facility.

(9) Abandoned coal mine methane energy.

(10) Waste energy recovery system placed into service or retrofitted on or after September 10, 2012, as defined in division (A)(38)(a) of section 4928.01 of the Revised Code. The portion of the electricity production that is generated from recovered waste energy shall be recognized as

renewable.

(11) A waste energy recovery system defined in division (A)(38)(b) of section 4928.01 of the Revised Code, provided that it was placed into service between January 1, 2002, and December 31, 2004.

(12) A renewable energy resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998.

(13) Ohio run-of-the-river hydroelectric facility.

(14) Small hydroelectric facility, regardless of placed in-service date.

(15) Biologically-derived methane gas resources, including biologically derived methane gas resources that are not converted to electricity, excluding biologically-derived methane gas resources used solely for the purpose of flaring. This includes heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas; and compressed natural gas produced from biologically derived methane gas.

(a) The producer of the biologically derived methane gas must adequately demonstrate measurement, verification, and quantity of biologically derived methane gas produced on a continuing basis. The method used for measuring and calculating the biologically derived methane gas produced must be approved in advance by the commission as part of the facility certification process.

(b) Biologically derived methane gas that has been certified and tracked is not eligible again for certification and may not be double-counted.

(c) The energy derived from biologically derived methane gas shall be measured and verified in accordance with applicable tracking system requirements. For the purposes of converting the quantity of energy derived from biologically derived methane gas to an electricity equivalent, one megawatt hour equals 3,412,142 British thermal units. The producer must demonstrate adequate energy content, in British thermal units, and metering accuracy. Biologically derived methane gas shall be reported in megawatt hours.

(16) Distributed generation system used by a customer to generate electricity from one of the resources or technologies listed in paragraphs (A)(1) to (A)(15) of this rule.

(B) The following new or existing mercantile customer-sited resources may be qualified resources for meeting electric utilities annual renewable energy resource benchmarks, as applicable, provided that it uses a renewable energy resource and that the mercantile customer commits the resource for integration into the electric utility's demand-response, energy efficiency, or peak-demand reduction programs pursuant to rule 4901:1-39-07 of the Administrative Code and division (A)(2)(c) of section 4928.66 of the Revised Code:

(1) Electric generation equipment that uses a renewable energy resource and is owned or controlled by a mercantile customer.

(2) A resource that improves the relationship between real and reactive power.

(3) A mercantile customer-owned or controlled resource that makes efficient use of waste heat or other thermal capabilities.

(4) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics.

(5) Electric generation equipment owned or controlled by a mercantile customer that uses a renewable energy resource.

(C) An electric utility or electric services company may use RECs and S-RECs, as applicable, to satisfy all or part its qualifying renewable energy resource benchmarks, including a solar energy resource benchmark.

(1) To be eligible for use towards satisfying a benchmark, a REC or S-REC must originate from a facility that has been certified by the commission under paragraph (D) of this rule.

(2) To become certified under paragraph (D) of this rule, an electric generating facility or a

qualifying non-electric source, must demonstrate that it satisfies the following:

(a) The definition of a renewable energy resource, including solar energy resources;

(b) The applicable placed in-service date;

(c) The deliverability requirement;

(d) It is registered with, or commits to become registered with, an attribute tracking system recognized by the commission;

(e) The facilitys electrical output is measured by a utility-grade meter in compliance with paragraph (B) of rule 4901:1-10-05 of the Administrative Code, for facilities with generating capacity of more than six kilowatts. Gas meters for measuring qualifying gas resources shall comply with the accuracy requirements in section 4933.09 of the Revised Code; and

(f) All other requirements as delineated in the certification application.

(3) To demonstrate compliance with a renewable energy resource benchmark, an electric utility or electric services company must retire the RECs and S-RECs with any of the following attribute tracking systems:

(a) The PJM EIS generation attributes tracking system (GATS);

(b) The midwest renewable energy tracking system (M-RETS); or

(c) Another credible tracking system approved for use by the commission.

(4) A REC or S-REC may be used for compliance any time in the five calendar years following the date of its initial purchase or acquisition.

(5) Double counting is prohibited.

(6) The RECs and S-RECs must be associated with electricity that was generated no earlier than July 31, 2008 for resources or technologies included in the definition of renewable energy resources by Amended Substitute Senate Bill 221 (127th General Assembly). For resources or technologies added to the definition of renewable energy resources by Amended Substitute Senate Bill 315 (129th General Assembly), the RECs must be associated with electricity that was generated no earlier than September 10, 2012. For resources or technologies added to the definition of renewable energy resources by Substitute Senate Bill 310 (130th General Assembly), the RECs must be associated with electricity that was generated, or a qualifying non-electric source that was produced, no earlier than September 12, 2014.

(7) The RECs and S-RECs must be associated with electricity, or a qualifying non-electric source, that was generated no later than the end of the compliance year.

(D) An entity seeking facility qualification shall file an application for certification of its electric generating facility, or qualifying non-electric source, upon such forms as may be prescribed by the commission. The application shall include a determination of deliverability to the state in accordance with paragraph (F) of rule 4901:1-40-01 of the Administrative Code.

(1) Any interested person may file a motion to intervene and file comments and objections to any application filed under this rule within twenty days of the date of the filing of the application.

(2) An application is deemed automatically approved within thirty days after the application is filed, unless suspended by order of the commission.

(3) If the commission suspends the application, the applicant shall be notified of the reasons for such suspension and may be directed to furnish additional information.

(4) Upon commission approval, the applicant shall receive notification of approval and a numbered certificate where applicable. The commission shall provide this certificate number to the appropriate attribute tracking system.

(5) If an applicant withdraws an application prior to commission approval, then the case shall be closed without further action from the commission.

(6) Representatives of certified facilities must notify the commission within thirty days of any material changes in information previously submitted to the commission during the certification process. Failure to do so may result in revocation of certification status.

(7) The commission may revoke a certificate due to changes that negate the facilitys certification eligibility. In the event a certificate is revoked, the commission may recognize as viable compliance resources the RECs or S-RECs generated during the time of certification unless specifically stated otherwise by the commission.

(8) Certification of a resource or technology shall not predetermine compliance with annual benchmarks, and does not constitute any commission position regarding cost recovery.

(E) At its discretion, the commission may classify any new technology as a qualifying renewable energy resource. Any interested person may request a hearing on such classification.