



Ohio Administrative Code

Rule 4901:1-40-05 Annual status reports and compliance reviews.

Effective: [March 26, 2020](#)

(A) 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.

(1) The annual review will include compliance with the most recent applicable renewable and solar energy resource benchmark.

(2) The annual compliance reviews shall consider any under-compliance an electric utility or electric services company asserts is outside its control, including but not limited to, the following:

(a) Weather-related causes.

(b) Equipment shortages for renewable energy resources.

(c) Resource shortages for renewable energy resources.

(3) The renewable energy portfolio status reports filed by each electric utility and electric services company for the applicable compliance year shall include at least the following content that, with the exception of paragraph (A)(3)(d) of this rule, shall be made publicly available:

(a) The actual annual sales volumes used to compute the compliance baseline, including identification of the source of the sale volume figures.

(b) A quantification in megawatt-hours of all applicable renewable energy portfolio standard compliance requirements.



- (c) An indication of the compliance status relative to each of the applicable renewable energy portfolio standard compliance requirements.
- (d) Demonstration of status relative to the statutory three percent cost provision, for the compliance year addressed in the annual status report, pursuant to the calculation methodology described in rule 4901:1-40-07 of the Administrative Code.
- (e) Identification of the attribute tracking system(s) used to demonstrate compliance.
- (f) A discussion of any perceived impediments to achieving compliance with required benchmarks, as well as suggestions for addressing any such impediments.
- (g) An electric services company may omit the contents required in paragraph (A)(3)(d) of this rule if the company affirms in its compliance status report that it will not seek compliance relief under division (C)(3) of section 4928.64 of the Revised Code for that year.
- (B) Any person may file comments regarding an electric utility's or electric services company's renewable energy portfolio status report within thirty days of the filing of such report.
- (C) 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.
- (D) An annual compliance status report is deemed automatically approved unless suspended by the commission within sixty days of the filing date of staff's findings and recommendations. The commission may schedule a hearing on the renewable energy portfolio status report.