



Ohio Administrative Code Rule 4901:1-40-08 Compliance payments.

Effective: June 15, 2023

(A) Any electric utility or electric services company that does not achieve an annual renewable energy resource benchmark shall remit a compliance payment based on the amount of noncompliance rounded up to the next megawatt hour (MWh), unless the commission has identified the existence of force majeure conditions or the commission has granted relief under the three per cent cost-cap provision.

(1) The payment for noncompliance with any renewable energy resource benchmark shall be calculated by quantifying the level of noncompliance, rounded to the next MWh, and multiplying this figure by an amount determined by the commission.

(a) The per MWh payment for renewable energy resources for the year 2009 is forty-five dollars.

(b) Beginning in the year 2010, the per MWh payment for renewable energy resources will be adjusted annually to reflect the annual change to the consumer price index as defined in section 101.27 of the Revised Code. Such adjustment will be performed by staff no later than June first of each calendar year, and calculated using the following formula:

$$= ((\text{CPIYR2}/\text{CPIYR1}) * \text{current per MWh payment})$$

(B) Any electric utility or electric services company found to be liable for a compliance payment is prohibited from passing compliance payments on to consumers. In the event that a compliance payment is required, an electric utility or electric services company shall file an attestation, signed by a company officer or designee, indicating that it will not seek to recover the specific compliance payment from consumers. Such attestation shall be filed within thirty days of the imposition of any compliance payment requirement.
