

**4100            GENERAL PROVISIONS; SCOPE, APPLICABILITY AND  
                 AVAILABILITY OF STANDARD OFFER SERVICE;  
                 ELIGIBILITY FOR STANDARD OFFER SERVICE**

- 4100.1            The purpose of this chapter is to set forth the policies and procedures for the implementation of the “Retail Electric Competition and Consumer Protection Act of 1999,” as amended.
- 4100.2            This chapter establishes the Public Service Commission of the District of Columbia (“Commission”) Rules and Regulations Governing the Provision of Standard Offer Service (“SOS”), the terms and conditions for wholesale electric power supply procurement for SOS, reporting and monitoring procedures, pricing and true-up procedures, other services, and miscellaneous provisions and reservations. The procurement process is for full-requirements wholesale electric supply service to meet the SOS retail load. This chapter shall be cited as the “District of Columbia Standard Offer Service Rules.”
- 4100.3            This chapter shall be applicable to the SOS Administrator to retail customers in the Electric Company’s distribution service territory. This chapter also establishes the rules by which the SOS Administrator shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and will apply to wholesale bidders who compete for the provision of wholesale full requirements services to the SOS Administrator. This chapter also establishes the rules by which the SOS Administrator shall obtain electric supply from Community Renewable Energy Facilities (“CREFs”) as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013. The provisions of this chapter are promulgated pursuant to authority set forth in Sections 34-1509(c), 34-1518.01(b), 34-1518.01(c), and 34-1504(c)(7) of the D.C. Official Code.
- 4100.4            All Electric Company distribution customers are eligible for SOS from the SOS Administrator and are subject to the general terms and conditions of the Electric Company’s tariffs and the Commission’s regulations, as they may change from time to time subject to the Commission’s approval or adoption of new regulations.
- 4100.5            SOS shall be available to: (1) customers who contract for electricity with a Competitive Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier; and (3) customers who do not choose a Competitive Electricity Supplier.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4101            SELECTION OF WHOLESALE SOS PROVIDERS**

- 4101.1            The Electric Company shall continue as the SOS Administrator for retail customers in the Electric Company's distribution service territory until such time as the Commission directs otherwise.
- 4101.2            The SOS Administrator shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and pursuant to the CREA. The procurement process shall solicit all of the electric supply for SOS customers except for the electric supply that is provided by CREFs.
- 4101.3            The specific procurement format, form of request, process, timeline, and evaluation process, evaluation criteria and process and model contract for electricity supply shall be submitted for Commission approval by the SOS Administrator by August 1 of the previous year. The SOS Administrator shall coordinate with other jurisdictions to ensure that bidding days do not coincide for multiple jurisdictions in the Mid-Atlantic area.
- 4101.4            Subject to the review and approval of the Commission, the SOS Administrator shall solicit for wholesale full requirements service pursuant to a Wholesale Full Requirements Service Agreement ("WFRSA") with the Wholesale SOS Providers, which shall include the provision of electric energy, energy losses, generation capacity, ancillary services and any other PJM- or FERC-approved services associated with the SOS Administrator's load obligation, except for network integration transmission service, which will be obtained by the SOS Administrator. The Wholesale SOS Provider shall be responsible for all congestion costs up to the delivery point at which the SOS Administrator takes the power to serve its SOS load.
- 4101.5            The SOS Administrator shall solicit seasonally differentiated summer and winter prices.
- 4101.6            Contracts for electricity supply may be of varied duration, as approved by the Commission, to stabilize prices for customers.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4102 COMPETITIVE WHOLESALE BID STRUCTURE**

- 4102.1 The SOS Administrator shall procure full requirements service to meet its SOS obligations using a competitive wholesale procurement process described in this chapter, as amended from time to time and as adjusted for offsetting electric supply procured from CREFs, for each SOS Customer Group (as those SOS Customer Groups are defined in Subsection 4102.3), until the Commission orders, following the major policy review outlined in Subsection 4102.2 below, that an alternative SOS procurement process shall be implemented.
- 4102.2 The Commission will conduct a review of the SOS Administrator's SOS program every other year, beginning in 2010, to make any appropriate adjustments to SOS as competitive developments in the District of Columbia change. All adjustments shall be prospective and all contracts entered into prior to these changes shall remain in full force and effect pursuant to the contract terms.
- 4102.3 The SOS Administrator shall establish three (3) groups of customers ("SOS Customer Groups"):
- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R, AE, R-TM, R-TM-EX, RAD, and Master Metered Apartment customers, subject to any revisions made to those tariff sheets made by the Commission;
  - (b) Small Commercial Customers shall include the customers served under Electric Company Rate Schedules: GS-LV non-demand, GS-3A non-demand, T, SL, TS, TN and SL-TN, subject to any revisions made to those tariff sheets made by the Commission; and
  - (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial Customers.
- 4102.4 The SOS Administrator shall issue Requests For Proposals ("RFPs") to competitive wholesale bidders for contracts for the supply of SOS in order to maintain the following contract term balances for the various customer portfolios:
- (a) Residential Customers: The SOS Administrator shall solicit fixed-price offers for terms of one year, two years, or three or more years. The SOS Administrator's portfolio shall contain contracts such that three or more year offers comprise at least forty percent (40%) of each year's portfolio, unless the Commission has directed the SOS Administrator to solicit fixed-price offers based on a different mix of terms. The SOS Administrator and other parties may propose alternative portfolios of supply options for consideration by the Commission. The SOS Administrator shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The SOS Administrator shall select conforming offers to meet the Commission's percentage target(s) in accordance with the evaluation provision included in the RFP. Unless the Commission has directed otherwise, the final contract mix should include contracts of at least three years for no less than forty percent (40%) of the total load.

- (b) **Small Commercial Customers:** The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one, two, and three or more year terms. The SOS Administrator shall compile a portfolio of one, two, and three or more year terms conforming offers such that at least forty percent (40%) of the load will be served under contracts of three or more year terms. The SOS Administrator shall select one, two, and three or more year conforming offers to meet this percentage target in accordance with the evaluation provision included in the RFP. The SOS Administrator and other parties may propose an alternative portfolio of supply options for consideration by the Commission; and
- (c) **Large Commercial Customers:** The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for one and/or two year terms.

The RFP shall alert the competitive wholesale bidders to the fact that final service requirements may be adjusted to accommodate offsetting electric supply obtained by the SOS Administrator from CREFs.

- 4102.5 The SOS Administrator shall continue to solicit offers for Wholesale Full Requirements Service for each SOS Customer Group until the Commission orders otherwise, subsequent to Commission review of the SOS procurement process.
- 4102.6 The SOS Administrator shall solicit wholesale bids for SOS supply using the existing rate structures of its existing rate classes. Nothing herein, however, precludes the SOS Administrator from filing for a different rate structure for any rate schedule or SOS Customer Group, subject to Commission review and approval, and provided that any such changes, adjustments, alterations, or modifications do not change or impact existing WFRSAs.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4103            STANDARD OFFER SERVICE RETAIL RATES**

4103.1            The retail rates to SOS customers will consist of the sum of the following components:

- (a)            The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service for each SOS Customer Group;
- (b)            Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges (“NITS”) and related charges and any other PJM charges and costs incurred by the SOS Administrator directly related to the SOS Administrator’s SOS load obligation for each SOS Customer Group;
- (c)            PJM Locational Marginal Price for energy in the Pepco District of Columbia sub-Zone, adjusted for ancillary service charges as specified in Subsection 906.4, for all unsubscribed electric supply purchased from CREFs;
- (d)            An administrative charge; and
- (e)            Applicable taxes.

4103.2            When the winning wholesale bidder(s) are selected, the SOS Administrator shall submit to the Commission: (1) the names of the winning bidders, which shall remain confidential subject to Subsection 4111.5 of this chapter, and (2) the retail rates for all the customer classes according to the Commission pre-approved time schedule. Such rates shall consist of all the components included in Subsection 4103.1. The filing required herein shall also include: (1) a detailed calculation and explanation of an administrative charge and (2) administrative charge true-up provisions.

4103.3            Parties to the proceedings can file comments within seven (7) calendar days and reply comments within twelve (12) calendar days of the SOS Administrator’s submission of the retail rates and administrative charge pursuant to Subsection 4103.2. The Commission shall thereafter issue an Order approving or rejecting the retail rates and/or administrative charge. The SOS Administrator shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission’s Order approving those rates and charge.

4103.4            The Administrative Charge will be designed to recover the SOS Administrator’s incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as described in Subsection 4110.1), wholesale SOS bidding expenses, working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to Wholesale SOS Provider administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, costs related to the purchases of electric supply from CREFs and legal and regulatory filing expenses related to SOS requirements.

- 4103.5 Prior to the submission of bids, the SOS Administrator shall file a request with the Commission (with notice to all the Parties) for determination of the appropriate amount of its Administrative Charge to be included in the retail rates to SOS customers. In calculating the Administrative Charge, any return component on the Administrative Charge, if the inclusion of a return component is approved by the Commission, shall not be reflected for ratemaking purposes in the establishment of the Electric Company's distribution rates, including the determination of the Electric Company's return for providing distribution service.
- 4103.6 All customers eligible for SOS will be informed of the applicable SOS retail rates, to the extent practical, for the service at least two (2) months prior to the beginning of each service year. If it is not practicable to provide such notice, the SOS Administrator shall file with the Commission and serve upon the Parties notice of that fact, the reasons for the delay, and the expected date for the provision of such information.
- 4103.7 Retail prices to customers shall be adjusted at least twice a year to reflect seasonal pricing and other appropriate price changes. Prior to each year of SOS, the SOS Administrator shall file with the Commission, estimates of actual incremental costs for the upcoming year. Such costs will be collected from customers, on a load weighted average, subject to an annual adjustment to reflect actual costs.
- 4103.8 All investment, revenue and expenses associated with the provision of SOS by the Electric Company when serving as the SOS Administrator shall be separate from investment, revenues and expenses associated with the Electric Company's distribution service so that there will be no subsidization of the Electric Company's distribution rates.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4104                    COMPETITIVE                    WHOLESALE                    BIDDING                    AND CONTRACTING PROCESS**

- 4104.1                    The SOS Administrator shall solicit offers for Wholesale Full Requirements Service via the RFP approved by the Commission. The SOS Administrator shall remain the NITS provider and shall be the designated PJM Load Serving Entity (“LSE”) for all SOS. The SOS Administrator, as the PJM LSE, shall provide the rights to nomination and make available to the Wholesale SOS Providers all Firm Transmission Rights/Auction Revenue Rights (“FTR/ARRs”) to which it has rights pursuant to the PJM procedures applicable to FTR and ARR.
- 4104.2                    The SOS Administrator shall solicit seasonally differentiated and, if applicable, time-of-use differentiated prices. In the case of multi-year-term contracts, prices shall, in addition, be annually specified. The solicitation shall be conducted through as many as four bidding rounds, as specified in the RFP.
- 4104.3                    The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each Wholesale SOS Provider will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Subsection 4109.1. The SOS Administrator may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.
- 4104.4                    SOS service years shall continue annually beginning on June 1 of each year and ending on May 31 of the following year, consistent with PJM planning periods, until modified by Commission Order.
- 4104.5                    Potential Wholesale SOS Providers must demonstrate their qualifications to provide Wholesale Full Requirements Service by providing proof that they are qualified to participate in the PJM Markets and have all the necessary FERC authorizations to enter into wholesale energy contracts. Furthermore, the RFP and WFRSA shall specify the financial credit requirements that potential or actual Wholesale SOS Suppliers must demonstrate.
- 4104.6                    The SOS Administrator’s RFP will include specific forms of bid request, evaluation plan, and the WFRSA. The evaluation plan contained in the RFP will specify that all bids to serve the load associated with a specific SOS Customer Group and for a specific contract length will be compared on a discounted price basis to select the lowest cost winning bids.
- 4104.7                    Upon completion of the bid evaluation process, the SOS Administrator will notify the winning bidders and execute a WFRSA with each winning bidder. Such contract execution will be contingent, however, on Commission approval of the bid awards, contracts and credit support provisions therein. The contract(s) will be deemed approved

by the Commission unless the Commission orders otherwise within two (2) business days following their submission. Winning bidders will receive the actual prices in their offers for each year of the term of their supply contract. Winning bidders will not be permitted to revise prices or any other terms and conditions of the WFRSA, except as provided for in the WFRSA.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).



**4105                    ESTABLISHMENT            AND            RE-ESTABLISHMENT            OF  
STANDARD OFFER SERVICE; CUSTOMER SWITCHING  
RESTRICTIONS**

- 4104.1            The SOS Administrator shall solicit offers for Wholesale Full Requirements Service via the RFP approved by the Commission. The SOS Administrator shall remain the NITS provider and shall be the designated PJM Load Serving Entity (“LSE”) for all SOS. The SOS Administrator, as the PJM LSE, shall provide the rights to nomination and make available to the Wholesale SOS Providers all Firm Transmission Rights/Auction Revenue Rights (“FTR/ARRs”) to which it has rights pursuant to the PJM procedures applicable to FTR and ARR.
- 4104.2            The SOS Administrator shall solicit seasonally differentiated and, if applicable, time-of-use differentiated prices. In the case of multi-year-term contracts, prices shall, in addition, be annually specified. The solicitation shall be conducted through as many as four bidding rounds, as specified in the RFP.
- 4104.3            The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each Wholesale SOS Provider will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Subsection 4109.1. The SOS Administrator may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.
- 4104.4            SOS service years shall continue annually beginning on June 1 of each year and ending on May 31 of the following year, consistent with PJM planning periods, until modified by Commission Order.
- 4104.5            Potential Wholesale SOS Providers must demonstrate their qualifications to provide Wholesale Full Requirements Service by providing proof that they are qualified to participate in the PJM Markets and have all the necessary FERC authorizations to enter into wholesale energy contracts. Furthermore, the RFP and WFRSA shall specify the financial credit requirements that potential or actual Wholesale SOS Suppliers must demonstrate.
- 4104.6            The SOS Administrator’s RFP will include specific forms of bid request, evaluation plan, and the WFRSA. The evaluation plan contained in the RFP will specify that all bids to serve the load associated with a specific SOS Customer Group and for a specific contract length will be compared on a discounted price basis to select the lowest cost winning bids.
- 4104.7            Upon completion of the bid evaluation process, the SOS Administrator will notify the winning bidders and execute a WFRSA with each winning bidder. Such contract execution will be contingent, however, on Commission approval of the bid awards,

contracts and credit support provisions therein. The contract(s) will be deemed approved by the Commission unless the Commission orders otherwise within two (2) business days following their submission. Winning bidders will receive the actual prices in their offers for each year of the term of their supply contract. Winning bidders will not be permitted to revise prices or any other terms and conditions of the WFRSA, except as provided for in the WFRSA.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

**4105            ESTABLISHMENT        AND        RE-ESTABLISHMENT        OF  
STANDARD OFFER SERVICE; CUSTOMER SWITCHING  
RESTRICTIONS**

- 4105.1            SOS shall be provided to any customer who purchases a new service within the District of Columbia and who does not obtain electric generation service from a Competitive Electricity Supplier at that time. There shall be no fee for a customer to establish SOS in this manner.
- 4105.2            Any customer taking service from a Competitive Electricity Supplier may terminate service with the Competitive Electricity Supplier and elect SOS upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9.
- 4105.3            Any customer taking service from a Competitive Electricity Supplier who defaults may terminate service with the defaulting Competitive Electricity Supplier upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9.
- 4105.4            Any customer who is slammed or switched to a Competitive Electricity Supplier by mistake can terminate service with the Competitive Electricity Supplier upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9, and such customer shall be returned to the service that the customer was receiving prior to being slammed or the mistake occurring as if the slamming or the mistake had not occurred.
- 4105.5            All residential customers shall be eligible to switch from SOS to Competitive Electricity Suppliers and return to SOS without restrictions.
- 4105.6            If a non-residential customer who has elected to purchase generation services from a Competitive Electricity Supplier subsequently returns to SOS, such non-residential customer shall be obligated to remain on SOS for a minimum term of twelve (12) months, provided, that in the case of a non-residential customer who returns to SOS as a result of a default by that non-residential customer's Competitive Electricity Supplier, such non-residential customer may within a grace period of three full billing cycles thereafter elect to purchase or contract for generation services from another Competitive Electricity Supplier or elect to receive service from the SOS Administrator at Market Price Service rates in which event the minimum term of twelve (12) months does not apply. A Competitive Electricity Supplier default occurs when the PJM Interconnection L.L.C. notifies the PJM members that the Competitive Electricity Supplier is in default.
- 4105.7            A non-residential customer who ceases to receive generation services from a Competitive Electricity Supplier may elect to receive service from the SOS Administrator at Market Price Service rates rather than Standard Offer Service rates. The minimum stay provisions stated in Subsection 4105.6 shall not apply to customers receiving service under Market Price Service rates. The Market Price Service rates shall be set in accordance with a tariff previously filed and approved by the Commission. The tariff shall contain a formula that reflects only the following components, or their functional equivalents in the future: the PJM locational marginal price for energy for the Electric Company zone, the PJM posted and verifiable market capacity price, transmission, ancillary services, line losses, appropriate taxes and a fixed retail adder of x mills per kWh. (The amount of the retail adder will be determined in the administrative cost

proceeding.) The Market Price Service rates may vary by customer class and reflect actual costs.

4105.8 The contract provisions and exit fees of the Competitive Electricity Supplier remain valid and shall be enforced before a customer will be permitted to switch to SOS or another Competitive Electricity Supplier.

4105.9 Notice of Transfers; Transfer of Service; Bill Calculation:

- (a) Notice of Transfer into SOS: A Customer who intends to transfer into SOS shall do so by notifying (by telephone, in writing, Internet or other technological means), both the Electric Company and the SOS Administrator, or by canceling service with its Competitive Electricity Supplier;
- (b) Notice of Transfer out of SOS: Notice (by telephone, in writing, Internet or other technological means) that a SOS Customer will terminate SOS and obtain service from a Competitive Electricity Supplier shall be provided to the Electric Company and the SOS Administrator by the Customer's Competitive Electricity Supplier pursuant to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations; and
- (c) The Electric Company shall transfer a Customer to a Competitive Electricity Supplier in no later than three (3) business days after the receipt of the notice of an enrollment transaction from the Competitive Electricity Supplier. The Electric Company shall transfer a Customer to SOS in no later than three (3) business days after receiving the customer's request. The Electric Company will accept the last enrollment received at the relevant days' end.

SOURCE: Final Rulemaking published at 56 DC 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015); as amended by Final Rulemaking published at 65 DCR 13537 (December 14, 2018).

## **4106 FINANCIAL CAPABILITY REQUIREMENTS**

- 4106.1 Financial capability requirements shall be imposed on Wholesale SOS Providers and shall be consistent with provisions established herein.
- 4106.2 Each Wholesale SOS Provider shall obtain and file with the Commission a bond, a letter of credit, or a corporate guarantee that will provide assurances of financial integrity and funding for replacement service in the event that the Wholesale SOS Provider fails to provide for uninterrupted service. If a corporate guarantee is obtained, it must conform to the Commission-approved form.
- 4106.3 The amount of the financial capability requirement for the Wholesale SOS Provider in the Electric Company's service territory shall be equal to fifteen (15) percent of the Wholesale SOS Provider's bid obligation for the SOS class(es) the provider is awarded, and expected to serve, in the Electric Company's service territory.
- 4106.4 The amount of the financial capability requirement shall be commensurate with the remaining outstanding bid obligation of the Wholesale SOS Provider throughout the term of the Wholesale SOS Provider's awarded contract period, and reduced annually from the initial amount determined at the beginning of the term of the Wholesale SOS Provider's service.
- 4106.5 The proceeds of the bond, or letter of credit, or corporate guarantee, as necessary, shall be payable to the SOS Administrator to whom the wholesale bidder is obligated to provide service. The proceeds of the bond, letter of credit, or corporate guarantee shall be used only to defray the additional costs of replacement SOS in the event of interrupted service. For purposes of this provision, additional costs are all costs that are incurred or will be incurred to acquire replacement SOS, including supply and administrative costs, through the remaining SOS term that exceed the amounts paid or to be paid by SOS customers at the SOS rates in effect at the time of the Commission's declaration of a Wholesale SOS Provider's default.
- 4106.6 A corporate guarantee permitted by Subsections 4106.2, 4106.3, and 4106.4, may be issued by an affiliate of the Wholesale SOS Provider or a third party that meets the financial credit requirements set forth in Subsections 4106.2, 4106.3, and 4106.4.
- (a) The corporate guarantee must meet all of the requirements of Subsections 4106.2, 4106.3, and 4106.4, and shall be unconditional and irrevocable and provide for payment within five (5) business days for the period of the standard offer term.
  - (b) A corporate guarantee may be used to satisfy the requirement of Subsections 4106.2, 4106.3, and 4106.4, if the corporate guarantor meets the following financial qualifications and capabilities:
    - (1) The senior unsecured debt obligations of the guarantor are publicly rated, at a minimum, "BBB-" from S&P or Fitch, or "Baa3" from Moody's;
    - (2) The total assets of the guarantor are at least 5.0 times the amount of the corporate guarantee amount required by Subsections 4106.2, 4106.3, and

4106.4; and

- (3) The total common equity of the guarantor is at least 2.5 times the amount of the corporate guarantee amount required by Subsections 4106.2, 4106.3, and 4106.4.
- (c) If a corporate guarantor's senior unsecured debt obligations are rated by: (i) two of the agencies listed in Subsection 4106.6(b)(1), the guarantor's rating will be determined by the lower assigned rating; or (ii) all three of the agencies listed in Subsection 4106.6(b)(1), two of those agencies must have assigned ratings equal to or higher than the required ratings described above.
- (d) If, at any time, the senior unsecured debt obligations of the corporate guarantor fail to meet the requirements of Subsection 4106.6(b), the corporate guarantor or the Wholesale SOS Provider shall immediately notify the Commission in writing.
- (e) If the corporate guarantor fails to meet any of the financial capability requirements, the Commission may, at its option, require the Wholesale SOS Provider to post a bond or file a letter of credit as described in Subsections 4106.2, 4106.3, and 4106.4.

4106.7 If at any time during the term of the supplier agreement between the Wholesale SOS Provider and the SOS Administrator, the SOS Administrator's credit rating is downgraded below investment grade, as defined in Section 4199, the Wholesale SOS Provider has the right to require the SOS Administrator to make payments to the Wholesale SOS Provider on an accelerated basis during the downgrade period. Payments made under the acceleration clause may be made on a weekly basis.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4107            REPORTING REQUIREMENTS AND TRUE UP PROVISIONS**

- 4107.1            Within ninety (90) days of the conclusion of each year of SOS bidding, the Electric Company shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, and on the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service) and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the Electric Company.
- 4107.2            If the Electric Company conducts wholesale bidding for a type of service on the basis of aggregated rate classes, the Electric Company shall make any needed true-ups on an aggregated basis.
- 4107.3            In addition to the other true-ups described herein, the Electric Company shall true-up its total costs for providing each type of service (Residential, Small Commercial, and Large Commercial) with its total billed revenues for that service. If the service type is still being provided when the true-up is completed, rates will be adjusted to reflect any over- or under-recoveries established in the true-up. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13. All retail price changes resulting from the true-up filings shall be reviewed annually by the Commission.
- 4107.4            The Electric Company will conduct the true-ups described herein to reflect the start of summer rates and concurrent with the start of non-summer rates. The Electric Company may conduct more frequent true-ups if it so chooses. Any revisions to retail electric rates resulting from the application of the true-up provisions shall be reflected in the prices posted on the Electric Company's web page. The true-ups are subject to audit by the Commission.
- 4107.5            The Electric Company shall true-up its billings to retail customers for services provided pursuant to Section 4103.1(a) against its payments to wholesale suppliers. The Electric Company shall also true-up its billings to retail customers to reflect any net damages recovered by the Electric Company from a defaulting supplier in accordance with Section 4110.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13.
- 4107.6            For the purpose of determining such true-up, the Electric Company's payments to its wholesale suppliers shall exclude payments made with respect to the upward adjustment in the suppliers' load arising from the activation of the Electric Company's load response programs.
- 4107.7            The retail price to Residential, Small Commercial, and Large Commercial customers posted pursuant to Section 4103.7 shall not change until after the first billing cycle

following the start of service. Any difference between the Electric Company's incremental cost for serving SOS load and the Electric Company's revenue from serving SOS load based on the awarded bid prices shall be included as part of the retail rate true-up.

- 4107.8      Price Elements – Section 4103.1(a) shall include the additional costs (if any) that a wholesale supplier incurs in meeting any future statutory renewables requirements with respect to Residential, Small Commercial, and Large Commercial SOS. In the event that legislation is enacted that provides for a renewable energy resource requirement during the term of any WFRSA that has already been executed, wholesale suppliers under the WFRSA may pass through their commercially reasonable additional costs, if any, associated with complying with the new requirement.
- 4107.9      If at any time any additional price elements resulting from a change in law and directly related to the SOS are identified by the Electric Company or a wholesale supplier, the Electric Company and/or the wholesale supplier may file a request with the Commission (with notice to all the Parties) for approval of recovery of those costs and, to the extent the costs are found to be incurred because of a change in law in connection with the provision of SOS and are prudently incurred as determined by the Commission, the costs will thereafter be included in the service price.
- 4107.10     The net costs included in retail prices pursuant to Section 4103.1(b) shall be recovered on a cents/kWh basis (energy basis) for non-demand tariff schedules and/or on a \$/kW basis (demand basis) for demand tariff schedules. However, the Electric Company may request Commission approval to use alternate rate designs to recover NITS-related costs. The Electric Company may true-up its billings to retail customers for transmission services provided pursuant to Section 4103.1(b) against its payments for these services to PJM. The Commission may audit these true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13.
- 4107.11     To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to elimination of through-and-out transmission charges will be included in the charges under Section 4103.1(b). Pursuant to the WFRSA, the wholesale suppliers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. Subject to the transmission rate deadband specified in Section 4103.1, the Electric Company will not bear the risk of any changes in regulation or PJM rules related to such costs or charges. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the Electric Company may recover them through retail rates:
- (a)      The Electric Company will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the Electric Company's retail rates under Section 4103.1(b); and



(b) The wholesale supplier will charge the Electric Company only for those new costs that the Commission determines may be recovered in rates by the Electric Company. In no event will the Electric Company bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the Electric Company's retail transmission rates for SOS service, except to the extent (if any) provided in Section 4103.1.

4107.12 The actual administrative costs for a given SOS year shall be used to true-up the estimated administrative costs for that same year, and any over- or under-collection of costs shall be applied to the estimated administrative costs for the next SOS program year for each SOS Customer Group. The Commission may audit such true-ups annually.

4107.13 At the end of any SOS period for a Customer Group, and after actual costs incurred by the Electric Company pursuant to Section 4103.1 have been determined, the parties to the proceeding will agree upon a mechanism with respect to actual costs, to return any over-collection to, and to collect any under-collection from, all active customers who would have been eligible for the service type at the conclusion of any service type period. If the parties to the proceeding fail to agree within a reasonable period, the matter will be submitted to the Commission for decision.

Source: Final Rulemaking published at 56 DCR 5404, 5415 (July 3, 2009).

**4108                    BID DOCUMENTS AND INFORMATION PROVIDED BY THE  
ELECTRIC COMPANY TO POTENTIAL BIDDERS**

4108.1                The Request For Proposal (“RFP”) is the document pursuant to which the Electric Company shall solicit Wholesale Full Requirements Service to meet its SOS obligations. The RFP shall include the bid request process, the bid evaluation methodology, the timeline for the RFP process, and the following five appendices:

- (a)        Expression of Interest Form;
- (b)        Confidentiality Agreement;
- (c)        Credit Application;
- (d)        Bid Form Spreadsheets; and
- (e)        Binding Bid Agreement.

4108.2                The Electric Company shall provide to potential SOS bidders the following actual and historical information for the thirty-six (36) months preceding the month in which the data is to be submitted to the Commission. The Electric Company shall provide such data on its RFP website on a date to be specified by the Commission.

- (a)        Monthly and hourly demand, energy consumption and load profile data, as defined by the Commission, aggregated for each SOS customer class. For Large Commercial customers, if an individual customer’s load data will be disclosed, customer written consent is required;
- (b)        Number of customers in each SOS customer class and the number of customers taking SOS within each customer class;
- (c)        Representative load shapes for each of the Electric Company’s profile group and sub-groups by month, provided that if an individual customer’s load shape will be disclosed, written customer consent is required;
- (d)        Hourly delivery data;
- (e)        Billing determinants on electronic spreadsheets;
- (f)        System losses; and
- (g)        Other information as determined by the Commission to be necessary or useful to wholesale bidders.

4108.3                The general requirements and conditions for information submitted by the Electric Company to potential SOS bidders are as follows:

- (a)        Aggregate data: All information required to be provided by Section 4108.3 shall be provided on an aggregate class basis. Individual customer information shall not be provided without the customer’s written consent.

- (b) Historic Data Period: All information provided will reflect usage during the most recent thirty-six (36) month period. Information describing factors that would cause the information to be unrepresentative of electricity usage during the SOS period shall also be provided.
- (c) Due Care; Corrections: The Electric Company shall use due care in compiling the required information with the understanding that bidders will be relying on the data to formulate SOS bids. The Electric Company shall have the duty to correct any inaccuracies promptly upon discovery.
- (d) Affiliated Interests: The Electric Company shall not provide any information to an affiliated competitive provider that is not provided to all potential SOS bidders. The Electric Company must comply with the code(s) of conduct adopted by the Commission.
- (e) Electronic Form; Standard Software: The Electric Company shall provide all information in electronic form usable by standard personal computer software packages; and
- (f) Scope and Format: The Commission will determine the scope and detail of the information required by Sections 4108.2, 4108.3(a), 4108.3(b), and 4108.3(e).

Source: Final Rulemaking published at 56 DCR 5404, 5417 (July 3, 2009).

## **4109 DISTRIBUTION LEVEL GENERATION**

- 4109.1 Community Renewable Energy Facilities (“CREFs”) may provide electric supply to the SOS Administrator that shall be used to offset SOS purchases from Wholesale SOS Providers. All electric supply provided by CREFs shall become the property of the SOS Administrator, but shall not be counted toward the SOS Administrator’s total retail sales for purposes of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 et seq.).
- 4109.2 If the electric production of a CREF is fully subscribed, the SOS Administrator shall pay the CREF through a CREF Community Net Metering (“CNM”) credit on the accounts of all of the CREF’s Subscribers. The SOS Administrator shall make no additional payment to the CREF.
- 4109.3 If the electrical production of a CREF is not fully subscribed, the SOS Administrator shall pay the CREF for the subscribed energy through a CNM credit on the accounts of all of the CREF’s Subscribers and shall purchase the unsubscribed energy produced by the CREF at the PJM Locational Marginal Price for energy in the PEPCO District of Columbia sub-Zone, adjusted for ancillary service charges as specified in Subsection 906.4. The SOS Administrator shall pay the Subscriber Organization for the purchased energy on a monthly basis consistent with Subsections 906.4 and 907.9.
- 4109.4 Transactions identified in Subsections 4109.1 through 4109.3 are outside of the WFRSA and not part of the Wholesale Full Requirement Service.
- 4109.5 The SOS Administrator shall file with the Commission for approval a draft of a contract to be used by the SOS Administrator to acquire energy generated by a CREF from a Subscriber Organization within forty-five days of the date this revised rule becomes effective as set out in the Notice of Final Rulemaking published in the *D.C. Register*.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4110            MARKET MONITOR CONSULTANT**

- 4110.1        The Consultant RFP is the document to be issued to hire the Commission's Market Monitoring Consultant ("Consultant"). The SOS Administrator shall procure and pay for an independent consultant hired pursuant to the Consultant RFP. The Consultant shall be responsible for monitoring all aspects of the procurement of the SOS services. Specifically:
- (a)        The Consultant shall be selected by, shall take its direction from, and shall provide its consultation and work products to the Commission.
  - (b)        The costs incurred by the SOS Administrator in hiring the Consultant may be included in the SOS Administrator's incremental costs and may be recovered through the Administrative Charge, subject to Commission review and approval.
  - (c)        The Consultant shall provide the Commission and the Office of the People's Counsel with a final report as to each supply procurement and award.
  - (d)        The Commission shall determine the qualifications of and evaluate all bidders. The Commission shall further direct the SOS Administrator, in writing, as to which bidder to award a contract for consulting service and the terms and conditions of that contract with the exception of the terms and conditions specifically described in this Section. The SOS Administrator shall execute the contract with the Consultant no later than four (4) weeks prior to the date of the initial pre-bid conference. The SOS Administrator shall be required to pay only for work that the Consultant does in reviewing the SOS Administrator's compliance with Section 4104 and any other work that the Commission asks the Consultant to perform.
  - (e)        The contract term for the contract between the SOS Administrator and the Consultant shall be for one-year, with an option to extend the contract for two (2) additional one-year terms. The option(s) shall be exercised by the Commission in its sole discretion; and
  - (f)        Prior to the expiration of the initial contract awarded under this section, the second and subsequent consultant services contracts shall be awarded and administered consistent with Subsections 4110.1(a)-(e) herein.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

## **4111 MISCELLANEOUS PROVISIONS**

- 4111.1 The SOS Administrator may at any time request Commission approval to make changes in the Electric Company's tariffs. However, to the extent that those tariff changes would require conforming changes to either the RFP, the WFRSA generally, or any WFRSA that may be in effect from time to time:
- (a) No such tariff changes may alter the rights and obligations of any Wholesale SOS Provider with respect to any WFRSA for which an RFP has already been issued, unless the Wholesale SOS Provider consents to have its rights or obligations changed;
  - (b) The SOS Administrator shall serve notice of the requested tariff change and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
  - (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the SOS Administrator is subject.
- 4111.2 If, after conducting the bid procedures in accordance with the RFP, the SOS Administrator still has SOS load that has not been awarded to a Wholesale SOS Provider and cannot be supplied by CREFs, then:
- (a) The SOS Administrator shall initially supply the unserved load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such unserved load, and shall include all the costs of such purchases in the retail rates charged for the service for which the purchases are made.
  - (b) Within five (5) business days of it being determined by the SOS Administrator that the load is unserved, the SOS Administrator shall convene a meeting of all parties to the proceeding and Commission staff to discuss alternative ways to fill the unserved load, including but not limited to a rebid or a bilateral contract. The meeting process will conclude within ten (10) business days of the load being determined to be unserved, and within twenty (20) calendar days of it being determined that the load is unserved, the SOS Administrator shall file with the Commission, and serve upon the all parties to the proceeding, any proposal it has for serving the load in lieu of the procedure set forth in Subsection 4111.2(a); and
  - (c) The Commission will resolve the SOS Administrator's filing on an expedited basis. Any alternative means that the Commission approves will expressly provide that the SOS Administrator's costs for filling the load will be recovered in retail rates in the same manner as all other charges pursuant to Subsection 4103.1. Until the Commission approves an alternate means of filling the load, Subsection 4111.2(a) will apply.
- 4111.3 If any load is left unserved after a Wholesale SOS Provider defaults:

- (a) The SOS Administrator shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting Wholesale SOS Provider, in the retail rates charged for the service for which the purchases are made; and
- (b) As soon as practicable after it is determined by the SOS Administrator that the load is unserved, the SOS Administrator shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA. Such a plan shall be submitted to the Commission within ten (10) business days after a Wholesale SOS Provider default. Until the Commission approves a plan to fill the remaining term of the defaulted WFRSA, Subsection 4111.3(a) will apply.

4111.4 Access to confidential information relating to the SOS Administrator's procurement of SOS power supply will be governed by the OPC Confidentiality Agreement, the Consultant's Confidentiality Agreement contained in the Bidder RFP, and the Confidentiality Agreement contained in the RFP and the confidentiality provisions of the WFRSA (collectively the "Confidentiality Agreements").

4111.5 Ninety (90) days following the Commission's approval of the selection of winning bidders for the final tranche, the Commission will disclose upon request (a) the total number of bidders, and (b) the names of the winning bidders.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015).

**4111 – 4197            RESERVED**

Source: Final Rulemaking published at 56 DCR 5404, 5422 (July 3, 2009).



**4198            WAIVER OR EXEMPTION**

- 4198.1            Upon the request of any person subject to the provisions of these regulations or upon its own motion, the Commission, for good cause, may waive any of the requirements of these regulations that are not required by statute. No waiver granted pursuant to this provision shall apply retroactively to any wholesale supply agreement.

SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009).

## 4199 DEFINITIONS

4199.1 When used in this chapter, the following terms and phrases shall have the following meaning:

**Aggregator** – means a person who acts on behalf of customers to purchase electricity by organizing customers into a single purchasing unit.

**Availability of Standard Offer Service** – means the Standard Offer Service available on and after the initial implementation date to: (1) customers who contract for electricity with a Competitive Electricity Supplier , but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier ; and (3) customers who do not choose a Competitive Electricity Supplier.

**Behind-the-meter generator** – an on-site generator that is located behind a retail customer’s meter such that no Electric Company-owned transmission or distribution facilities are used to deliver the energy from the generating unit to the on-site load.

**Commission** – means the Public Service Commission of the District of Columbia.

**Competitive Electricity Supplier or CES** – means a person, other than the SOS Administrator, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or, markets electricity for sale to customers, and shall have the same meaning as the term “Electricity Supplier” set forth Section 101 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501).

**Community Renewable Energy Facility or CREF** – means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as tier one renewable sources in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15), as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and CREF Rider with the Electric Company.

**Distribution Customer Class** – means the tariffed rate class under which a customer takes distribution delivery service from the Electric Company.

**Electric company** – includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers, excluding any person or entity distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer’s meter. In addition, the term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The

term also excludes a Person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

**Electricity supplier** – means a person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers. The term excludes the following:

- (A) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;
- (B) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- (C) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (i) Take title to electricity; (ii) Market electric services to the individually-metered tenants of his or her building; or (iii) Engage in the resale of electric services to others;
- (D) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (E) Consolidators;
- (F) Community Renewable Energy Facilities (CREFs) as defined in Section 4199.1 and as described in Sections 4109.1 through 4109.3 of Title 15, pursuant to the Community Renewable Energy Amendment Act of 2013 (D.C. Law 20-47; D.C. Official Code §§ 34-1518 *et seq.*);
- (G) An Electric Company; and
- (H) Any Person or entity that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

**Fitch** – means Fitch Ratings.

**Investment Grade** – means a BBB- or Baa3 credit rating with S&P or Moody's respectively; provided, that if the SOS Administrator's credit ratings by S&P and Moody's are not equivalent, the lower of the credit ratings shall govern for purposes of these rules.

**Moody's** – means Moody's Investor Services, Inc.

**Network Integrated Transmission Service or NITS** – is the transmission service provided pursuant to the rates, terms, and conditions set forth in the PJM tariff.

**PJM** – means the Pennsylvania-New Jersey-Maryland Interconnection, LLC, or any successor thereto.

**Retail Access** – means the right of Competitive Electricity Suppliers and consumers to use and interconnect with the electric distribution system on a nondiscriminatory basis in order to distribute electricity from any Competitive Electricity Supplier to any customer. Under this right, consumers shall have the opportunity to purchase electricity supply from their choice of licensed Competitive Electricity Suppliers.

**S&P** – means the Standard & Poor's Rating Group (a division of McGraw-Hill, Inc.).

**Slamming** – means the unauthorized switching of a customer's electricity service to a Competitive Electricity Supplier.

**SOS Administrator** – means the provider of Standard Offer Service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**Standard Offer Service or SOS** – means electricity supply made available to: (1) customers who contract for electricity with a Competitive Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier; and (3) customers who do not choose a Competitive Electricity Supplier.

**Standard Offer Classes** – means the customer groupings within the Electric Company's utility service territory as specified in Section 4102.3 of this chapter.

**Subscriber** – means a retail customer of a Competitive Electricity Supplier or a SOS customer of the Electric Distribution Company in the District of Columbia who owns a subscription in a CREF and who has identified an individual billing meter within the District of Columbia to which the subscription shall be attributed.

**Subscriber Organization** – means any individual or for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more CREFs for the benefit of Subscribers.

**Subscription** – means a percentage interest in a CREF's electrical production.

**Tranche** – means a round of bidding for a set of bid blocks for each customer group—Residential, Small Commercial, and Large Commercial.

**Wholesale Full Requirements Service** – means all necessary energy delivered to the PJM grid, capacity, transmission other than Network Integrated Transmission Service, ancillary services, energy losses from transmission and distribution, and congestion management, as all these services are defined pursuant to the PJM tariffs and procedures.

**Wholesale Full Requirements Service Agreement** – is the document that will specify the terms and conditions that govern the contractual relationship between the SOS Administrator and each of the Wholesale SOS Providers that is awarded a contract pursuant to the bidding procedures specified in the RFP.

**Wholesale Standard Offer Service Provider(s) or Wholesale SOS Provider(s)** – means the entity(ies) selected pursuant to this chapter to provide all or a specified portion of electric generation service to consumers receiving Standard Offer Service.

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SOURCE: Final Rulemaking published at 56 DCR 5404 (July 3, 2009); as amended by Final Rulemaking published at 62 DCR 5707 (May 8, 2015); as amended by Final Rulemaking published at 65 DCR 11025 (October 5, 2018).