Title: 15 PUBLIC UTILITIES AND CABLE TELEVISION

Chapter 29 RENEWABLE ENERGY PORTFOLIO STANDARD

2900 APPLICABILITY

2900.1 This chapter establishes the Public Service Commission's (Commission) rules and regulations governing the Renewable Energy Portfolio Standard (RPS) applicable to all District of Columbia (District) retail electricity sales as provided in D.C. Official Code Sections 34-1431 through 34-1440.

SOURCE: Notice of Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Notice of Final Rulemaking published at 59 DCR 2313 (March 23, 2012); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).

SOURCE: Notice of Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Notice of Final Rulemaking published at 59 DCR 2313 (March 23, 2012); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).

2901 RPS COMPLIANCE REQUIREMENTS

2901.1 An Electricity Supplier shall meet the RPS requirement by obtaining Renewable Energy Credits (RECs) that equal the annual percentage requirement for electricity sold at retail or by paying the specified compliance fee. An Electricity Supplier shall not apply any surplus RECs derived from voluntary purchases of energy from qualified renewable sources toward its mandatory compliance requirements.

2901.2 An Electricity Supplier shall meet the solar portion of the Tier One requirement by obtaining the equivalent amount of RECs from Solar Energy Systems no larger than fifteen megawatts (15 MW) in capacity that are located within the District or in locations served by a distribution feeder serving the District. However, an Electricity Supplier may also meet the solar requirement by obtaining RECs from Solar Energy Systems larger than fifteen megawatts (15 MW) in capacity, provided that these Solar Energy Systems are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia. In addition, Electricity Suppliers may meet the non-solar portion of the Tier One renewable source requirement of the RPS by obtaining RECs from Solar Energy Systems that are not located within the District or in locations served by a distribution feeder serving the District, regardless of capacity.

2901.3 Each Electricity Supplier shall establish and maintain a PJM Environmental Information Services, Inc. Generation Attribute Tracking System (GATS) account for the load it serves within the District.

2901.4 Compliance with the RPS is on a calendar year basis as prescribed by D.C. Official Code Section 34-1432(c).

2901.5 An Electricity Supplier may apply the Solar Energy RECs (SRECs), retired for compliance with the solar energy requirement, to meet the Tier One renewable energy requirement as well.

2901.6 Effective January 1, 2020, RECs from a Tier Two renewable source shall not apply toward meeting the RPS requirements.

2901.7 Each Electricity Supplier shall make available to the Commission through its GATS account all RECs and the total price paid in order to comply with the RPS.

2901.8 Each Electricity Supplier shall prepare and submit an annual compliance report to the Commission, in a format that may be updated pursuant to a Public Notice. The compliance report shall include, but shall not be limited to, the following information:

(a) The quantity of its annual District retail electricity sales;

(b) A calculation of the annual quantity of required Tier One and SRECs;

(c) The quantity of Tier One and SRECs purchased and evidence of those purchases;

(d) The quantity of Tier One and SRECs transferred to the Electricity Supplier by an on-site Renewable Generator;

(e) A calculation of any compliance fees that the Electricity Supplier owes;

(f) A summary report of RECs retired during the reporting period;

(g) For the year following the filing of the annual compliance report, an estimate of the amount of compliance fees to be paid;

(h) All documentation supporting the data appearing in the annual compliance report; and

(i) Certification of the accuracy and veracity of the compliance report.

2901.9 An Electricity Supplier's annual compliance report shall be submitted to the Commission by March 25 of the calendar year following the Compliance Year.

After notification of a decision of non-compliance by the Commission, the Electricity Supplier shall, within five (5) business days, take the actions necessary to come into compliance, or file its response contesting the decision of non-compliance, or file a response indicating that it will submit the appropriate compliance fee.

2901.10 Any Electricity Supplier that fails to meet its RPS requirements shall submit to the District of Columbia Department of Energy and Environment the required annual compliance fee payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The Electricity Supplier shall concurrently file proof of payment with the Commission.

2901.11 The compliance fee shall be:

(a) Fifty dollars ($50) for each REC shortfall for Tier One sources;

(b) For each REC shortfall for solar energy:

(1) Five hundred dollars ($500) in 2016 through 2023;

(2) Four hundred and eighty dollars ($480) in 2024;

(3) Four hundred and sixty dollars ($460) in 2025;

(4) Four hundred and forty dollars ($440) in 2026;

(5) Four hundred and twenty dollars ($420) in 2027;

(6) Four hundred dollars ($400) in 2028;

(7) Three hundred and eighty dollars ($380) in 2029;

(8) Three hundred and sixty dollars ($360) in 2030;

(9) Three hundred and forty dollars ($340) in 2031;

(10) Three hundred and twenty dollars ($320) in 2032;

(11) Three hundred dollars ($300) in 2033 through 2041; and

(12) One hundred dollars ($100) in 2042 and thereafter.

2901.12 Any Electricity Supplier that fails to file the annual compliance report as required by this chapter and D.C. Official Code Section 34-1434(a) may be subject to:

Commission action to compel submission of the required report, the issuance of an Order to Show Cause by the Commission, or sanctions as set forth in D.C. Official Code Section 34-1508(b)(1).

2901.13 The following subsections pertain to Energy Supply Contracts executed prior to March 10, 2023.

(a) Energy Supply Contracts executed prior to March 10, 2023, shall not be subject to the increased solar energy requirements in D.C. Official Code Section 34-1432(c) through March 10, 2026.

(b) However, any extension or renewal of such contracts, executed on or after March 10, 2023, shall be subject to the increased solar energy requirements in D.C. Official Code Section 34-1432(c).

SOURCE: Final Rulemaking published at 55 DCR 561 (January 18, 2008); as amended by Final Rulemaking published at 56 DCR 7839 (October 2, 2009), incorporating text of Proposed Rulemaking published at 56 DCR 2596 (April 3, 2009); as amended by Final Rulemaking published at 59 DCR 2313 (March 23, 2012); as amended by Final Rulemaking published at 61 DCR 11422 (October 31, 2014); as amended by Final Rulemaking published at 62 DCR 14087 (October 30, 2015); as amended by Final Rulemaking published at 63 DCR 4874 (April 1, 2016); as amended by Final Rulemaking published at 64 DCR 4231 (May 5, 2017); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024); as amended by Final Rulemaking published at 71 DCR 016350 (December 27, 2024).

2902 GENERATOR CERTIFICATION AND ELIGIBILITY

2902.1 Renewable Generators, including behind-the-meter (BTM) generators, shall be certified as qualified resources by the Commission:

(a) Solar Energy Systems no larger than fifteen megawatts (15 MW) in capacity (unless a facility is located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia in which case the facility can be larger than fifteen megawatts (15 MW) in capacity) that are located within the District or in locations served by a distribution feeder serving the District are eligible for certification to meet the solar portion of the Tier One requirement of the RPS;

(b) (1) A Solar Energy System which is currently connected to the Electric Company's distribution system, is not located in the District, and is not currently served by a distribution feeder serving the District shall not be eligible for certification to meet the solar portion of the Tier One requirement of the RPS through an extension of the distribution system and/or a new service connection. The Electric Company shall not reconfigure its

distribution system, including extensions of the system or new service connections, solely to allow a Solar Energy System to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS; and

(2) A Solar Energy System which is not currently connected to the Electric Company's distribution system and is not located in the District may be eligible for certification to meet the solar portion of the Tier One requirement of the RPS, if the appropriate connection point as determined by the Electric Company is on a distribution feeder serving the District. The Electric Company shall not reconfigure its distribution system, including extensions of the system or new service connections, solely to allow a Solar Energy System to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS.

(c) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, regardless of capacity, may be certified to meet the non-solar portion of the Tier One requirement of the RPS if the Solar Energy System is within the PJM Interconnection Region;

(d) Eligibility for certification to meet the solar portion of the Tier One requirement of the RPS, for Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, is based on the Electric Company's current Cross Border Feeder Map posted on its website;

(e) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, will remain certified and in good standing to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS; and

(f) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, may be expanded or replaced and continue to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, provided that the Solar Energy System is served by a distribution feeder serving the District at the time of the replacement or expansion, subject to approval consistent with the provisions of Subsection 2902.14 of this chapter.

2902.2 Renewable Generators, including BTM generators, may be certified as a Tier One source. In order to be certified, applicants shall complete the Commission's "Application for Certification as an Eligible District of Columbia Renewable Energy Standards Generating Facility."

2902.3 An applicant submitting an Application for certification as a renewable source shall state, at a minimum:

(a) The name of the renewable energy facility for which the Application is made and its address;

(b) The name of the owner of the facility and the owner's contact information;

(c) The name of the operator of the facility and the operator's contact information;

(d) The name of a contact person and the person's contact information;

(e) The renewable fuel type(s) and capacity information;

(f) The operational start date;

(g) Whether the facility is a BTM generator;

(h) Whether the facility uses net metering;

(i) The type of meter used to measure solar energy production;

(j) The type of facility (residential, Community Renewable Energy Facility (CREF), District government, or Federal government, if applicable);

(k) The date of the final approved interconnection;

(l) Whether the facility is owned by a third party; and

(m) Whether the facility has a Power Purchase Agreement (PPA).

2902.4 In addition to the information required in Subsection 2902.3, an applicant submitting an Application shall also attach:

(a) A current Certificate of Good Standing for the applicant issued by the state in which the business was formed, if applicable;

(b) A copy of the U.S. Department of Energy, Energy Information Administration Form EIA 860, if the rated capacity is greater than one megawatt (1 MW);

(c) A Certificate of Authorization to Conduct Business in the District, if applicable;

(d) Documentation of authority to sign on behalf of the applicant;

(e) Documentation that the energy output of non-residential solar heating, cooling, or process heat property systems producing or displacing greater than ten thousand kilowatt hours (10,000 kWh) per year is determined by an on-site energy meter that meets performance standards established by the International Organization of Legal Metrology (OIML) and the solar collectors used have an OG-100 certification based on the most current adopted standard from the Solar Rating and Certification Corporation (SRCC), if applicable;

(f) Documentation that the energy output of non-residential solar heating, cooling, or process heat property systems producing or displacing ten thousand (10,000) or less kilowatt-hours per year is determined by the most current adopted SRCC OG-300 annual system performance rating protocol applicable to the property or by an on-site energy meter that meets performance standards established by OIML and the solar collectors used have an OG-100 certification based on the most current adopted standard from the SRCC, if applicable;

(g) Documentation that the energy output of residential solar thermal energy systems is determined by the most current adopted SRCC OG-300 annual rating protocol or by an on-site energy meter that meets performance standards established by OIML and the solar collectors used have an OG-100 certification based on the most current adopted standard from the SRCC, if applicable;

(h) Interconnection Application and Agreement approval for the Renewable Generator, if applicable; and

(i) Documentation of site maps, string drawings, or construction drawings which identify the Solar Energy System's capacity, number of panels, tilt and azimuth, and inverter manufacturer and model, if applicable. These maps and/or drawings shall include any as-built modifications, even if they are different from the site maps or construction drawings that were submitted to the appropriate jurisdictional permitting authority.

2902.5 An applicant submitting an Application shall attest to:

(a) Environmental compliance, if the fuel type is not solar energy;

(b) General compliance that all information contained in the Application is true and accurate;

(c) General compliance with all Commission rules; and

(d) General compliance, once certified, with production reporting requirements, terms of use, and the operating rules of GATS.

2902.6 An Application shall be submitted through the Commission's website at www.dcpsc.org using the RPS Portal. Applications may be submitted through the RPS Portal twenty-four (24) hours a day, seven (7) days a week. Review of applications in accordance with Subsections 2902.7 and 2902.8 shall commence on the next business day if the Application is submitted after 5:30 p.m. on a business day or if submitted on a non-business day.

2902.7 An Application shall be accepted for filing and docketed within fifteen (15) business days of the submission date provided no additional information is requested.

2902.8 The Commission shall issue a decision on the Application within thirty (30) business days of the submission date subject to the procedures set forth in Subsection 2902.6, except where the Commission has issued a request for additional information. If the Commission is unable to render a decision within the allotted time, the applicant shall request a review compelling the Commission to act upon the Application.

2902.9 In cases where the Commission determines that an Application is insufficient or incomplete, the Commission or its staff will send a written request for additional information within fifteen (15) business days of the submission date subject to the conditions set forth in Subsection 2902.6.

2902.10 A request for additional information from the Commission shall toll the deadline in Subsection 2902.8 for issuing a decision on the Application.

2902.11 After receiving a written request for additional information, the applicant shall have fifteen (15) days to submit the additional information.

2902.12 Upon receipt of the additional information from the applicant or its authorized representative, the Application shall be accepted for filing and docketed, and the

Commission shall issue a decision on the Application in accordance with the time periods prescribed in Subsection 2902.8.

2902.13 Upon approval of an Application, the Commission shall assign a unique GATS certificate number to the eligible renewable energy generating resource.

2902.14 The following Subsections pertain to "Amended Applications," when a currently certified Renewable Generator undergoes an alteration or modification.

(a) The Commission shall be notified of any alterations or modifications in the operating characteristics of a certified Renewable Generator by submission of an Amended Application within thirty (30) days after the alteration or modification takes place. An alteration or modification includes but is not limited to changes in: (1) generation capacity, whether from hardware modification, change in azimuth or tilt, change in efficiency measures, or any other tangible alteration that has an effect on total capacity; (2) facility ownership; (3) fuel type; (4) facility location; (5) facility interconnection status; or (6) facility generator type. The RPS applicant shall submit the Amended Application with documentation of the alteration or modification taking place.

(b) The Commission shall issue a decision on the Application within thirty (30) business days of the submission date. Should an Amended Application be denied, the Renewable Generator will not acquire any RECs associated with the alteration or modification**.**

(c) Any Amended Application that includes a change in a Solar Energy System's orientation or system size shall include documentation of site maps or construction drawings which identify the system's capacity, number of panels, tilt and azimuth. These maps and/or drawings shall include any as-built modifications, even if they are different from the site maps or construction drawings that were submitted to the appropriate jurisdictional permitting authority.

(d) For an Amended Application registered with the RPS Portal to be approved, the RPS applicant shall submit the Amended Application through the RPS Portal. For an Amended Application registered with the Commission e-Docket system to be approved, the RPS applicant shall submit the Amended Application through the Commission e-Docket system.

2902.15 Owners or operators of District-certified Renewable Generators shall notify the Commission, in accordance with Subsection 2902.14(d), of any substantive changes in the information provided in an original or Amended Application

including but not limited to changes in contact information within thirty (30) days.

2902.16 Every facility using qualifying biomass to generate electricity and certified as a qualifying resource by the Commission shall submit annually by June 1, information demonstrating each system's total system efficiency for the current calendar year consistent with the definitions of "total system efficiency," "fuel input," and "useful thermal energy output" in Subsection 2999.1.

SOURCE: Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Final Rulemaking published at 56 DCR 2727 (April 10, 2009); as amended by Final Rulemaking published at 56 DCR 7839 (October 2, 2009), incorporating text of Proposed Rulemaking published at 56 DCR 2596 (April 3, 2009); as amended by Final Rulemaking published at 59 DCR 2313, 2316 (March 23, 2012); as amended by Final Rulemaking published at 62 DCR 654 (January 16, 2015); as amended by Final Rulemaking published at 62 DCR 14087 (October 30, 2015); as amended by Final Rulemaking published at 63 DCR 4874 (April 1, 2016); as amended by Final Rulemaking published at 64 DCR 4231 (May 5, 2017); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Final Rulemaking published at 68 DCR 5434 (May 21, 2021); as amended by Final Rulemaking published at 69 DCR 002772 (April 1, 2022); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024); as amended by Final Rulemaking published at 71 DCR 016350 (December 27, 2024).

2903 GENERATOR DECERTIFICATION

2903.1 A Renewable Generator may be decertified by the Commission if it is determined to no longer be an eligible Tier One renewable source due to fraud, gross negligence, or a material change in the nature of the source including but not limited to the removal or replacement of the Renewable Generator, a change in the location of the Renewable Generator, or a change in the fuel type of the Renewable Generator.

(a) To make this determination, and to generally determine if Renewable Generators are in compliance with the RPS rules, the Commission or its authorized representative, may (1) conduct a physical inspection or audit, as deemed appropriate, on any Renewable Generator to certify its production claims in the GATS and/or (2) temporarily deactivate the GATS account of the Renewable Generator as appropriate.

(b) Before decertification, an owner of a Renewable Generator will be given thirty (30) days written notice and an opportunity to show cause why it should not be decertified unless (1) the owner or operator requests the system to be decertified or (2) there is Commission action consistent with changes in District laws.

2903.2 Any Renewable Generator that is decertified due to fraud may not create any District RECs for a three (3)-year period and may not create Retroactive RECs for that same three (3)-year period.

2903.3 Any subsequent unrelated owner of the decertified Renewable Generator, pursuant to Subsection 2903.2, is not subject to the three (3)-year exclusion beginning with its effective date of ownership.

2903.4 As of March 22, 2019, Tier One sources located within an Adjacent PJM State shall not be eligible for certification as qualified sources by the Commission. Until January 1, 2029, a generating facility that was certified, as of March 22, 2019, as a Tier One source located within an Adjacent PJM State, shall be eligible to generate RECs for the District's RPS program.

SOURCE: Notice of Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Notice of Final Rulemaking published at 59 DCR 2313, 2321 (March 23, 2012); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Final Rulemaking published at 69 DCR 002772 (April 1, 2022); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).

2904 CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS

2904.1 RECs, including Retroactive RECs, shall be created and tracked through the GATS.

2904.2 BTM generators and CREFs shall submit to GATS actual production data from a Revenue-Grade Generation Meter, or Inverter-Based Revenue-Grade Generation Measurement Equipment. The reporting shall comply with the production reporting requirements, terms of use, and the operating rules of the GATS. The RPS applicant shall provide accurate production data to GATS or risk facing the actions outlined in Subsections 2903.1 and 2903.2. BTM generators that are certified or were submitted to the Commission for certification before the effective date of this Subsection and currently use engineering-based estimates in GATS may continue using estimates to report output. A BTM generator that is currently permitted to use engineering estimates shall report actual production data from a Revenue-Grade Generation Meter or Inverter-Based Generation Measurement Equipment once a request for a change in the generation capacity of the BTM generator has been approved. For Solar Thermal Energy Systems that do not generate electricity:

(a) If the output is to be estimated, the Commission will provide GATS with the output in kilowatt-hour savings for the system, based on SRCC's estimated annual system performance of OG-300 certified systems; or

(b) If the Solar Thermal Energy System uses an energy meter that meets the performance standards established by OIML, then the solar thermal energy produced by the system shall be credited with one kilowatt hour (1 kWh) of electricity generated for each three thousand four hundred twelve British thermal units (3,412 BTUs) produced by the Solar Thermal Energy System.

2904.3 Production data from BTM generators and CREFs shall be recorded in GATS no less than semi-annually in order to be eligible for compliance. Estimated production shall not be allowed if the metering equipment fails. However, production data may be submitted after the equipment failure has been corrected and a full month of data has been accurately recorded.

2904.4 In the event of a clerical error that results in incorrect estimated or actual production data being reported, the eligibility of the RECs subject to that error is dictated by the following subsections:

(a) If an RPS account holder discovers a clerical error that resulted in fewer RECs recorded than was generated, and the RPS account holder wishes to be credited the difference, the RPS account holder shall notify GATS of the error within thirty (30) days of discovering the clerical error. The RPS account holder shall copy the Commission on the notification to GATS. The Commission will then credit the difference between the number of RECs recorded and the number of RECs generated to the RPS account holder's GATS account as Retroactive RECs within thirty (30) business days of when notice was first given to the Commission. Any under-reported RECs attributable to a clerical error occurring before January 1st of the year that notice was given to the Commission will be deemed forfeited.

(b) If an RPS account holder discovers a clerical error that resulted in more RECs recorded than was generated, the RPS account holder shall notify GATS within thirty (30) days of the error being discovered. The RPS account holder shall copy the Commission on the notification to GATS. The Commission will then retire the difference between the number of RECs recorded and the number of RECs generated from the RPS account holder's GATS account within thirty (30) business days of when notice was first given to the Commission.

2904.5 REC eligibility shall be as follows:

(a) RECs shall be valid for a three-year period from the date of generation, except that SRECs produced by Solar Energy Systems which meet the requirements of D.C. Official Code Section 34-1432(e)(1) and which may,

therefore, be used to meet the solar energy portion of the Tier One requirement shall be valid for a five (5)-year period from the date of generation. These SRECs shall be valid for a five (5)-year period from the date of generation provided they were generated as of or after March 22, 2019. A newly certified Renewable Generator can produce RECs starting back from January 1st of the year in which it was certified. Any RECs produced between January 1st of the certification year and the actual date of certification are deemed Retroactive RECs. Any Renewable Generator certified in January of any year can produce Retroactive RECs starting January 1st of the year before that certification.

(b) After December 31, 2028, the RECs that had been produced by generating facilities, on or before that date, that were certified as a Tier One source and located within an Adjacent PJM State on or before March 22, 2019, shall be valid for the remainder of the three (3)-year period from the date of generation. After December 31, 2024, the SRECs that had been produced by generating facilities, on or before that date, that were certified as a Tier One source and not located within the District or in locations served by a distribution feeder serving the District shall be valid for the remainder of the five (5)-year period from the date of generation.

2904.6 A REC shall be retired after it is used to comply with any state's Renewable Energy Portfolio requirement.

SOURCE: Notice of Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Notice of Final Rulemaking published at 59 DCR 2313, 2322 (March 23, 2012); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024); as amended by Final Rulemaking published at 71 DCR 016350 (December 27, 2024).

2905 RECOVERY OF FEES AND COSTS

2905.1 Recovery of any fees and costs by the Electric Company and Electricity Suppliers shall be in accordance with D.C. Official Code Section 34-1435.

2905.2 No Electricity Supplier shall recover any compliance fee levied pursuant to D.C. Official Code Section 34-1434 from its customers without receiving prior approval from the Commission.

2905.3 Pursuant to D.C. Official Code Section 34-1435(a), the Electric Company may recover prudently incurred RPS compliance costs, including REC purchases and any compliance fees.

2905.4 Electric Company compliance costs for Standard Offer Service (SOS) shall be considered prudent if SOS energy suppliers are selected through a competitive bid process and the cost of complying with the RPS is included in the supplier's bid prices.

2905.5 Any cost recovery approved by the Commission may be in the form of a non-bypassable surcharge to current applicable customers and shall be disclosed on their bills.

SOURCE: Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Final Rulemaking published at 59 DCR 2313, 2323 (March 23, 2012); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 67 DCR 11091 (September 18, 2020); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).

2906 WAIVER

2906.1 The Commission may upon request, or on its own initiative after notice to the parties of its intention to do so, waive any provision of this chapter for good cause.

SOURCE: Notice of Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Notice of Final Rulemaking published at 59 DCR 2313, 2323 (March 23, 2012); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).

2906-2998 RESERVED

2999 DEFINITIONS

2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

Adjacent PJM State – Alabama, Arkansas, Georgia, Iowa, Mississippi, Missouri, New York, South Carolina, and Wisconsin are deemed to be adjacent to the PJM Interconnection region, as are those portions of Illinois, Indiana, Kentucky, Michigan, North Carolina, Tennessee, and Virginia which are not within the PJM Interconnection region.

Amended Application – a form to be filled out, either through the RPS Portal or the Commission e-Docket, pursuant to Subsection 2902.14 by a currently certified Renewable Generator that has undergone an alteration or modification. This form will include documentation of the alteration or modification and has the purpose of notifying the Commission of the facility alterations and modifications and giving the Commission an opportunity to approve or deny them.

Azimuth – the angle between the horizonal direction of the sun and a reference to the direction (North) of a solar panel. This direction is non-magnetic unless so specified.

Behind-the-meter generator or BTM generator – an on-site Renewable Generator that is located behind a retail customer meter such that no utility-owned transmission or distribution facilities are used to deliver the energy from the generating unit to the on-site generator's load.

Black liquor – the spent cooking liquor from the Kraft process of paper making.

Brush – shrubs and stands of short, scrubby trees that do not reach merchantable size.

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

Community Renewable Energy Facility or CREF – an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as a Tier One renewable source; (b) is located within the District; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and a CREF Rider with the Electric Company.

Compliance Year – the calendar year for which the Electricity Supplier seeks to establish compliance with the District's RPS by filing a compliance report.

Dunnage – loose materials or padding used to support or protect cargo within shipping containers.

Energy Supply Contract – a contract between an Electricity Supplier and a customer for the retail sale of electricity.

Electric Company – includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District to retail electric customers, excluding any person or entity distributing electricity from a BTM 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 – 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) CREFs;

(g) An Electric Company; and

(h) Any person or entity that owns a BTM 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.

Fuel input – the higher heating value of the input fuel type, measured in BTU/LB, based on the standardized heating type of fuel type, multiplied by the annual fuel used in as delivered tons, multiplied by 2000.

Inverter-Based Revenue-Grade Generation Measurement Equipment – electrical inverter equipment, advanced inverters (upon commercial availability), or inverter communicating equipment—used by a BTM generator or CREF—that measures the generated electricity output at the inverter, is capable of recording the cumulative kilowatt-hours that the generator produces which meets the latest American National Standards Institute (ANSI) C-12.20 standard including an accuracy deviation no greater than +/- 0.5%, and that easily displays all collected data and retains lifetime production even in the event of a power outage.

PJM Environmental Information Services, Inc. Generation Attribute Tracking System or GATS – the platform owned and administered by PJM Environmental Information Services, Inc. that creates and tracks a generator-specific electronic certificate for every megawatt-hour (MWh) of electricity produced by a generator.

PJM Interconnection, L.L.C. – the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia and is regulated by the Federal Energy Regulatory Commission.

PJM Interconnection region – the area within which the movement of wholesale electricity is coordinated by the PJM Interconnection, L.L.C. This area includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

Power Purchase Agreement or PPA – an agreement to purchase electric supply from renewable resources.

Qualifying biomass – a solid, non-hazardous, cellulosic waste material that is segregated from other waste materials, and is derived from any of the following forest-related resources, with the exception of old growth timber, construction and demolition-derived wood and whole trees that are not part of a closed-loop biomass system, cleared solely for the purpose of energy production, unsegregated solid waste, or post-consumer wastepaper:

(a) Mill residue;

(b) Slash;

(c) Brush;

(d) Yard waste;

(e) A waste pallet, crate, or dunnage;

(f) Agricultural sources, including tree crops, vineyard materials, grain, legumes, sugar, and other crop by products or residues; or

(g) Cofired biomass.

Renewable Energy Credit or REC – a credit representing one megawatt hour (1

MWh) of energy produced by a Tier One renewable source located within the PJM Interconnection region; or until January 1, 2029, a Tier One renewable source located within an Adjacent PJM State that was certified by the Commission as of March 22, 2019.

Renewable Energy Portfolio Standard or RPS – the percentage of electricity sales at retail in the District that is to be derived from Tier One renewable sources in accordance with D.C. Official Code Section 34-1432(c).

Renewable Generator – a generator that produces energy from a Tier One renewable source.

Retroactive Renewable Energy Credit or Retroactive REC – a form of REC accredited to its producer at a different month than it was actually created for reasons including but not limited to:

(a) A facility was temporarily deactivated, which ceased REC accreditation for a period of time (*see* Subsection 2903.1(a));

(b) A clerical error caused an under-reporting of RECs that was corrected at a later date (*see* Subsection 2904.4); or

(c) The facility started generating before certification (*see* Subsection 2904.5).

Revenue-Grade Generation Meter – a meter used by a BTM generator or CREF that measures the generated electricity at the AC output of an inverter, is capable of recording the cumulative kilowatt-hours that the generator produces which meets the latest American National Standards Institute (ANSI) C-12.20 standard including an accuracy deviation no greater than +/- 0.5%, and that easily displays all collected data and retains lifetime production even in the event of a power outage.

RPS Portal – a system on the Commission's website that allows users to submit and track their RPS applications with the Commission and certify their Renewable Generator.

Slash – (a) Tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations; or (b) Tree debris left after a natural catastrophe.

Solar energy – radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy, that is collected, generated, or stored for use at a later time.

Solar Energy System – a system that produces Solar Energy consistent with the definition of Solar Energy in this chapter.

Solar Thermal Energy System – a system that converts solar energy into useful thermal energy output, consistent with the definitions in this chapter.

Tier One renewable source – one (1) or more of the following types of energy sources:

(a) Solar energy;

(b) Wind;

(c) Qualifying biomass used at a generation unit that achieves a total system efficiency of at least sixty-five percent (65%) on an annual basis, can demonstrate that it achieved a total system efficiency of at least 65% on an annual basis through actual operational data after one year, and that started commercial operation after January 1, 2007;

(d) Methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;

(e) Geothermal;

(f) Ocean, including energy from waves, tides, currents, and thermal differences;

(g) Fuel cells producing electricity from a Tier One renewable source under paragraph (c) or (d) of this paragraph; and

(h) Raw or treated wastewater used as a heat source or sink for a heating or cooling system.

Tier Two renewable source – one (1) or more of the following types of energy sources:

(a) Hydroelectric power other than pumped storage generation;

(b) Waste-to-energy; or

(c) Qualifying biomass used at a generation unit that started commercial operation on or before December 31, 2006; or achieves a total system efficiency of less than 65%; or uses black liquor.

Tilt – The vertical orientation to the sun of a solar panel in reference to level ground.

Total system efficiency – the sum of the net useful thermal energy output measured in BTUs divided by the total fuel input.

Useful thermal energy output – energy in the form of direct heat, steam, hot water, or other thermal form that are used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. Useful thermal energy output does not include thermal energy used for the purpose of drying or refining biomass fuel.

Waste-to-energy – waste treatment, including the use of a licensed facility that burns waste resources in high-efficiency furnaces or boilers, to produce electricity. Such resources include municipal solid waste but exclude waste coal.

SOURCE: Final Rulemaking published at 55 DCR 000561 (January 18, 2008); as amended by Final Rulemaking published at 59 DCR 2313, 2323 (March 23, 2012); as amended by Final Rulemaking published at 63 DCR 4874 (April 1, 2016); as amended by Final Rulemaking published at 64 DCR 4231 (May 5, 2017); as amended by Final Rulemaking published at 65 DCR 11025 (October 5, 2018); as amended by Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Final Rulemaking published at 68 DCR 5434 (May 21, 2021); as amended by Final Rulemaking published at 69 DCR 002772 (April 1, 2022); as amended by Final Rulemaking published at 71 DCR 003262 (March 22, 2024).