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 retail electricity sales as provided in D.C. Official Code §§ 34-1431 through 34-1439.

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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018).

2901 RPS COMPLIANCE REQUIREMENTS

2901.1 An Electricity Supplier shall meet the Renewable Energy Portfolio Standard 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 of Columbia or in locations served by a distribution feeder serving the District of Columbia, except that RECs generated by solar energy facilities that are not located within the District of Columbia nor in locations served by a distribution feeder serving the District of Columbia that the Commission certified prior to February 1, 2011, may be used to meet the solar requirement. 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 renewable energy portfolio standard by obtaining renewable energy credits from solar energy systems that are not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, regardless of capacity.

2901.3 Each Electricity Supplier shall establish and maintain a Generation Attribute Tracking System (GATS) account for the load it serves within the District of Columbia.

2901.4 Compliance with the Renewable Energy Portfolio Standard is on a calendar year basis.

2901.5 Each Electricity Supplier must 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 of Columbia retail electricity sales;

(b) A calculation of the annual quantity of required Tier One, Tier Two, and Solar Energy RECs;

(c) The quantity of Tier One, Tier Two, and Solar Energy RECs purchased and evidence of those purchases;

(d) The quantity of Tier One, Tier Two, and Solar Energy Credits transferred to the Electricity Supplier by a Renewable On-Site 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 Compliance Years 2019, 2020, and 2021 include:

(1) The number of the energy supply contracts that were executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Official Code § 34-1434, note);

(2) The length of each such energy supply contract; and

(3) The amount of electricity sold pursuant to each such energy supply contract for the current Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021.

(h) For Compliance Years 2019, 2020, and 2021 include:

(1) The number of the energy supply contracts that were executed prior to March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257):

(2) The length of each such energy supply contract; and

(3) The amount of electricity sold pursuant to each such energy supply contract for the Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021;

(i) For the year following the Compliance Year that is the subject of each compliance report being filed, an estimate of the amount of Compliance Fees to be paid;

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

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

2901.6 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 Renewable Energy Portfolio Standard.

2901.7 An Electricity Supplier's annual compliance report shall be submitted to the Commission by April 1 of the calendar year following the Compliance Year. After notification of a decision of non-compliance by the Commission, the supplier shall, within ten (10) calendar 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 payment to the District of Columbia Department of Energy & Environment 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 supplier shall concurrently file proof of payment with the Commission.

2901.8 Any Electricity Supplier that fails to file the annual compliance report as required by this chapter and D.C. Official Code § 34-1434 (a) may be subject to Commission action to compel submission of the required report. Such action may include the issuance of an Order to Show Cause by the Commission.

2901.9 Any Electricity Supplier that fails to meet its Renewable Energy Portfolio Standard requirements shall submit to the District of Columbia Department of Energy & 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 supplier shall concurrently file proof of payment with the Commission.

2091.10 An Electricity Supplier may apply the Solar Energy RECs, retired for compliance with the Solar Energy requirement, to meet the Tier One Renewable Energy requirement as well.

2901.11 After December 31, 2019, RECs from a Tier Two renewable resource shall not apply toward meeting the Renewable Energy Portfolio Standard requirements.

2901.12

(a) Energy supply contracts executed prior to August 1, 2011, shall not be subject to the increased solar energy requirement established by the Distributed Generation Amendment Act of 2011 (D.C. Law 19-36); but any extension or renewal of such contracts, executed on or after August 1, 2011, shall be subject to the increased Solar Energy requirement as required by this act;

(b) Energy supply contracts executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Law 21-154), shall not be subject to the increased solar energy compliance fees as required by this act until October 8, 2021; but any extension or renewal of such contracts, executed on or after October 8, 2016, shall be subject to the increased solar energy compliance fee as required by that act; and

(c) Energy supply contracts executed prior to March 22, 2019, the effective

date of the CleanEnergy Act, shall not be subject to the increased Tier One and Solar Energy requirements required by the CleanEnergy Act through January 1, 2022; but any extension or renewal of such contracts, executed on or after March 22, 2019, shall be subject to the increased Tier One and Solar Energy requirements as required by the CleanEnergy Act.

2901.13 The Compliance Fee shall be:

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

(b) Ten dollars ($10) for each REC shortfall for Tier Two resources; and

(c) Three hundred dollars ($300) for each REC shortfall for Solar Energy resources in 2008; five hundred dollars ($500) for each REC shortfall for Solar Energy resources in 2009 through 2023; four hundred dollars ($400) for each REC shortfall for Solar Energy resources in 2024 through 2028; three hundred dollars ($300) for each REC shortfall for Solar Energy resources in 2029 through 2041; and one hundred dollars ($100) for each REC shortfall for Solar Energy resources in 2042 and thereafter.

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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Notice of Final Rulemaking published at 67 DCR 0900 (January 31, 2020).

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 renewable energy portfolio standard (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;

(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;

(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 Section 2902.12 of this chapter; and

(g) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, but were certified by the Commission prior to February 1, 2011, may continue to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, at the capacity of the system as originally certified by the Commission. Any SRECs produced by any expansions or replacements of such systems, including the replacement of individual solar panels, not previously approved by the Commission, shall not be eligible to meet the solar portion of the Tier One requirement of the RPS.

2902.2 Renewable generators, including BTM generators, may be certified as a Tier One or Tier Two resource. In order to be certified, applicants must 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 resource 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;

(g) The operational start date; and

(h) Whether the facility is a "behind-the-meter" generator.

2902.4 In addition to the information required in § 2902.3, an applicant submitting an Application must 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 of Columbia, 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 Approval for the renewable generator, if applicable; and

(i) Documentation of site maps or construction drawings which identify the solar energy system's capacity, number of panels, tilt and azimuth, if applicable. These maps and/or drawings must include any as-built modifications, even if they are different from the site maps or

construction drawings that were submitted to the Department of Consumer and Regulatory Affairs (DCRA), or the appropriate jurisdictional permitting authority.

2902.5 An applicant submitting an Application must 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 the PJM Environmental Information Service GATS (PJM-EIS GATS).

2902.6 An Application shall be submitted through the Commission's website at www.dcpsc.org using the RPS interactive feature in the eDocket system. Applications may be submitted through the RPS interactive feature twenty-four (24) hours a day, seven (7) days a week. Review of applications in accordance with §§ 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 The Commission shall issue a decision on the Application within thirty (30) business days of the submission date subject to the conditions set forth in § 2902.6 filing. The generation resource shall be considered certified if the Commission has not acted within the thirty (30) business-day period, except where the Commission has issued a request for additional information.

2902.8 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 § 2902.6. In such cases, the applicant shall have fifteen (15) days to submit the additional information.

2902.9 An application shall be accepted for filing and docketed within fifteen (15) business days of the submission date provided no additional information is requested.

2902.10 A request for additional information from the Commission shall toll the deadline in § 2902.7 for issuing a decision on the applicant's Application.

2902.11 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 § 2902.7.

2902.12 Upon approval of an application, the Commission shall assign a unique GATS certificate number to the eligible renewable energy generating resource.

(a) The Commission shall be notified of any planned substantive changes in the operating characteristics of a certified generating facility at least thirty (30) days prior to the effective date of such changes. Substantive changes include, but are not limited to, changes in fuel type, fuel mix, generating capacity, generating resource tilt and/or azimuth, and generator type.

(b) A revised application or amendments shall be submitted for Commission review, subject to the time periods prescribed in § 2902.7. In addition, applicants and District-certified generating facilities shall notify the Commission of any substantive changes in information provided in an original or amended application within thirty (30) days.

(c) Any application for 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 DCRA, or the appropriate jurisdictional permitting authority.

2902.13 A renewable generator may be decertified by the Commission if it is determined to no longer be an eligible renewable resource due to fraud, gross negligence, or a material change in the nature of the resource. 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 conduct a physical inspection or audit, as deemed appropriate, on any renewable generator to certify its production claims in the PJM-EIS GATS system. 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.

2902.14 Any renewable generator that is decertified due to fraud may not create any District of Columbia RECs for a three (3)-year period and may not retroactively create RECs for that same three (3)-year period.

2902.15 Any subsequent unrelated owner of the decertified renewable generator, pursuant to § 2902.14, is not subject to the three (3)-year exclusion beginning with its effective date of ownership.

2902.16 As of March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257), Tier One or Tier Two sources located within an Adjacent PJM State shall not be eligible for certification as qualified sources by the Commission. After December 31, 2019, a generating facility certified as a Tier Two renewable source shall not be eligible to generate RECs for the District of Columbia's RPS program. Until January 1, 2029, a generating facility that was certified, as of March 22, 2019, the effective

date of the CleanEnergy Act, as a Tier One source located within an Adjacent PJM State, shall be eligible to generate RECs for the District of Columbia's RPS program.

2902.17 Every facility using qualifying biomass to generate electricity and certified as a qualifying resource by the Commission shall submit annually by June 1, starting in 2016, 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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Notice of Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Notice of Final Rulemaking published at 68 DCR 5435 (May 21, 2021); as amended by Notice of Final Rulemaking published at 69 DCR 2772 (April 1, 2022).

2903 CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS

2903.1 RECs shall be created and tracked through the PJM-EIS GATS.

2903.2 Behind-the-meter generators and CREFs shall submit to PJM-EIS 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 PJM-EIS GATS. The RPS applicant shall provide accurate production data to PJM-EIS GATS or risk facing the actions outlined in sections 2902.13 and 2902.14. Behind-the-meter 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 PJM-EIS GATS may continue using estimates to report output. For solar thermal energy systems that do not generate electricity:

(a) If the output is to be estimated, the Commission will provide PJM-EIS 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.

2903.3 Production data from behind-the-meter 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.

2903.4

(a) RECs shall be valid for a three-year period from the date of generation, except that Solar RECs produced by Solar Energy systems which meet the requirements of D.C. Official Code § 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 Solar RECs 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, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257). A newly certified Renewable Generator can produce RECs starting from January 1st of the year in which it was certified, except that any Renewable Generator certified in January of any year can produce 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 located within an Adjacent PJM State on or before March 22, 2019, the effective date of the CleanEnergy Act, shall be valid for the remainder of the three (3)-year period from the date of generation. The Solar RECs produced by such facilities, on or before December 31, 2028, shall be valid for the remainder of the five (5)-year period from the date of generation.

2903.5 A REC shall be retired after it is used to comply with any state's Renewable Energy Portfolio requirement.

2903.6 Retroactively created RECs must be created and tracked through PJM-EIS GATS.

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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Notice of Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Notice of Final Rulemaking published at 69 DCR 2772 (April 1, 2022).

2904 RECOVERY OF FEES AND COSTS

2904.1 Recovery of any fees and costs by the local electric distribution company and electric suppliers shall be in accordance with D.C. Official Code § 34-1435.

2904.2 No Electricity Supplier shall recover any compliance fee levied pursuant to D.C. Official Code § 34-1434 from its customers without receiving prior approval from the Commission.

2904.3 Pursuant to D.C. Official Code § 34-1435(a), the local electric distribution company may recover prudently incurred Renewable Energy Portfolio Standard compliance costs, including REC purchases and any compliance fees.

2904.4 Local electric distribution 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 Renewable Energy Portfolio Standard is included in the supplier's bid prices.

2904.5 Local electric distribution company compliance costs for Market Price Service shall be recovered through the Market Price Service Procurement Rate Schedule.

2904.6 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: 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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018).

2905 WAIVER

2905.1 The Commission may upon request, or on its own initiative after notice to the parties of its intention 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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018); Final Rulemaking published at 67 DCR 011091 (September 18, 2020).

2906 – 2998 [RESERVED]

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).

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.

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

Behind-the-meter generator or BTM generator – a renewable on-site 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 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) (2019 Repl.), 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 a CREF Rider with the Electric Company.

Compliance Year – the calendar year for which the electricity supplier seeks to establish compliance with the District of Columbia's renewable energy portfolio standard by filing a compliance report.

Customer generation – generation that is not principally dedicated for sale into the wholesale electricity market.

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

Energy Office – the District of Columbia Department of Energy & Environment's Energy Office.

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 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 Subsection 4199.1 and as described in Subsections 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.

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.

Fund – the District of Columbia Renewable Energy Development Fund.

Inverter-Based Revenue-Grade Generation Measurement Equipment – Electrical inverter equipment, advanced inverters (upon commercial availability), or inverter communicating equipment—used by a behind-the-meter 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 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.

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, subject to the condition under D.C. Official Code § 34-1433(f).

Renewable Energy Credit or REC – a credit representing one megawatt hour (1 MWh) of energy produced by Tier One or Tier Two renewable source located within the PJM Interconnection region; or until January 1, 2029, a Tier One or Tier Two renewable source located within an Adjacent PJM State that was certified by the Commission as of March 22, 2019, effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (D.C. Law 22-257).

Renewable energy portfolio standard or standard – the percentage of electricity sales at retail in the District of Columbia that is to be derived from Tier One renewable sources and Tier Two renewable sources in accordance with D.C. Official Code § 34-1432(c).

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

Revenue-Grade Generation Meter – A meter used by a behind-the-meter 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.

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 is 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 Notice of Final Rulemaking published at 65 DCR 13524 (December 14, 2018); as amended by Notice of Final Rulemaking published at 67 DCR 0900 (January 31, 2020); as amended by Notice of Final Rulemaking published at 68 DCR 5437 (May 21, 2021); as amended by Notice of Final Rulemaking published at 69 DCR 2772 (April 1, 2022).