

4200 **APPLICABILITY**

4200.1 This Chapter establishes the Public Service Commission's ("Commission") regulations governing the disclosure of fuel mix and emissions applicable to an Electricity Supplier as provided in D.C. Official Code §§ 34-1504(c)(2) and 34-1517(b)-(c).

AUTHORITY: D.C. Official Code § 34-1504(b) (2007 Supp.).

SOURCE: Final Rulemaking published at 55 DCR 9737 (September 12, 2008), incorporating by reference the text of Proposed Rulemaking published at 55 DCR 7572 (July 11, 2008).

4201 FUEL MIX AND EMISSIONS DISCLOSURE REQUIREMENTS

4201.1 Each active District of Columbia Electricity Supplier and the Electric Company shall report every six (6) months the fuel mix of electricity sold and the emissions produced in accordance with D.C. Official Code §§ 34-1504(c)(2)(A)(i) and 34-1517(b).

4201.2 Each active Electricity Supplier and the Electric Company must submit a semi-annual Fuel Mix and Emissions Report (“Fuel Mix Report”) to the Commission on June 1 and December 1. The June 1 report shall provide fuel mix and emissions information for the prior calendar year. The December 1 report shall provide fuel mix and emission information for the period January through June of the current year.

4201.3 Each Fuel Mix Report must contain the following information in accordance with D.C. Official Code §§ 34-1504(c)(2)(A)(i) and 34-1517(b):

- (a) The percentage of electricity generated from the following energy sources:
 - (1) Coal;
 - (2) Oil;
 - (3) Natural gas;
 - (4) Nuclear;
 - (5) Solar;
 - (6) Wind;
 - (7) Biomass;
 - (8) Captured methane gas from landfill gas or wastewater treatment plant;
 - (9) Water, including hydroelectric and ocean;
 - (10) Geothermal;
 - (11) Municipal solid waste; and
 - (12) Other.
- (b) The emissions in pounds per megawatt-hour of:
 - (1) Carbon dioxide;

- (2) Nitrogen oxides; and
 - (3) Sulfur dioxide.
- 4201.4 In the Fuel Mix Report, the percentages for § 4201.3(a)(5) through (11) above should also be added together and designated as the “Renewable Energy Resources Subtotal.”
- 4201.5 For electricity sold by an Electricity Supplier or the Electric Company that is from a specific generation resource, including any renewable energy credits associated with generation in the reporting period, the Electricity Supplier or the Electric Company shall include the specific generation resource in its Fuel Mix Report.
- 4201.6 For electricity sold by an Electricity Supplier or the Electric Company that is not from specific generation resources, the Electricity Supplier or the Electric Company shall include the PJM Environmental Information Services, Inc. (“PJM EIS”) average residual fuel mix statistics, by generation resource, in its Fuel Mix Report. Pursuant to § 4201.2 for the Fuel Mix Reports to be submitted by December 1 covering the time period January through June of the current year, Electricity Suppliers and the Electric Company may use estimates, if the actual numbers are unavailable, when reporting residual fuel mix statistics.
- 4201.7 A Fuel Mix Report shall be in a format similar to the information provided by the PJM EIS.
- 4201.8 Each Electricity Supplier and the Electric Company shall provide a Fuel Mix Report to its customers in the District of Columbia within the June and December billing cycles each year in accordance with D.C. Official Code §§ 34-1504(c)(2)(B)-(C) and consistent with § 4201.3 of this Chapter. The Fuel Mix Report submitted to the Commission shall indicate that the information is also being disclosed to customers.
- 4201.9 If an Electricity Supplier or the Electric Company fails to file a semi-annual Fuel Mix Report or to disclose the information to its customers as required by this Chapter and D.C. Official Code §§ 34-1504(c)(2)(B)-(C), that company may be subject to Commission action. In addition, pursuant to D.C. Official Code § 34-1508, failure to file a Fuel Mix Report or disclose information to customers may result in suspension or revocation of a license to supply electricity or imposition of a civil penalty up to \$ 10,000 per violation.

SOURCE: Final Rulemaking published at 55 DCR 9737 (September 12, 2008), incorporating by reference the text of Proposed Rulemaking published at 55 DCR 7572 (July 11, 2008).

4202 WAIVER

4202.1 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: Final Rulemaking published at 55 DCR 9737 (September 12, 2008), incorporating by reference the text of Proposed Rulemaking published at 55 DCR 7572 (July 11, 2008); Final Rulemaking published at 67 DCR 011091 (September 18, 2020).

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SOURCE: Final Rulemaking published at 55 DCR 9737 (September 12, 2008), incorporating by reference the text of Proposed Rulemaking published at 55 DCR 7572 (July 11, 2008).

4299 DEFINITIONS

4299.1 For the purposes of this chapter:

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.

Biomass – means a solid, nonhazardous, 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, unsegregated solid waste, or post-consumer waste paper: (a) mill residue, (b) precommercial soft wood thinning, (c) slash, (d) brush, (e) yard waste, (f) waste pallet, crate or dunnage, and (g) agricultural sources, including tree crops, vineyard materials, grain, legumes, sugar, and other crop by-products or residues.

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

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.

Hydroelectric – means power produced through conventional hydroelectric turbines.

Ocean – means power produced from currents, tides, waves, and thermal differences.

PJM Environmental Information Services – means the wholly-owned subsidiary of PJM Technologies, Inc. that provides environmental and emissions attributes' reporting and tracking services to its subscribers.

Residual fuel mix – means the net amount of generation remaining after subtracting from the total generation occurring during a year any generation that has been removed through specific claims on such generation.

SOURCE: Final Rulemaking published at 55 DCR 9737 (September 12, 2008), incorporating by reference the text of Proposed Rulemaking published at 55 DCR 7572 (July 11, 2008); as amended by Final Rulemaking published at 65 DCR 11025 (October 5, 2018).