900 GENERAL PROVISIONS

900.1 The purpose of this chapter is to set forth the policies and procedures for implementation of the net energy metering and community net metering provisions of the "Retail Electric Competition and Consumer Protection Act of 1999," [1] as amended, and the Clean and Affordable Energy Act of 2008 ("CAEA"), [2] the "Community Renewable Energy Amendment Act of 2013" ("CREA"),[3] and the Community Renewable Energy Credit Rate Clarification Amendment Act of 2016 ("CRECRCAA").

900.2 This chapter establishes the Public Service Commission of the District of Columbia's Rules and Regulations governing Net Energy Metering and Community Net Metering, including eligibility for participating in Net Energy Metering and Community Net Metering, a bill crediting mechanism, Net Energy Metering and Community Net Metering billing requirements for participants, net metering-related equipment requirements, requirements for reporting and contractual arrangements, and safety and performance standards. This chapter shall be cited as the "District of Columbia Net Energy Metering and Community Net Metering Rules."

900.3 The provisions of this chapter are promulgated pursuant to the authority set forth in Section 34-1518 of the D.C. Official Code.

SOURCE: Final Rulemaking published at 52 DCR 1587 (February 18, 2005); as amended by 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249 (June 18, 2010); as amended by Final Rulemaking published at 62 DCR 5694 (May 8, 2015); as amended by Final Rulemaking published at 63 DCR 16089 (December 30, 2016).

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[1] The Retail Electric Competition and Consumer Protection Act of 1999 was enacted January 18, 2000. *See D.C. Act 13-0256.* Retail Electric Competition and Consumer Protection Act of 1999 became effective May 9, 2000. *See D.C. Law 13-107 (May 9, 2000).*

[2] The Clean and Affordable Energy Emergency Act of 2008 ("CAEA") was enacted September 25, 2008. *See D.C Act 17-508.* The permanent version of the CAEA became law on October 22, 2008. *See D.C Law 17-250 (September 25, 2008)*.

[3] D.C. Law 20-0047 (December 13, 2013).

901 ELIGIBLE CUSTOMER-GENERATORS

901.1 Eligible customer-generators utilizing renewable resources, cogeneration, fuel cells, or microturbines may elect and shall be afforded the opportunity to participate in net energy metering. An eligible customer-generator's facility shall meet all applicable safety and performance standards established by the National Electrical Code ("NEC"), National Electrical Safety Code ("NESC"), the Institute of Electrical and Electronics Engineers ("IEEE"), Underwriters Laboratories ("UL") and any other relevant standards specified by the Commission.

901.2 For the purpose of net metering throughout this chapter, eligible customer-generators with net energy metering are allowed to incrementally increase its generation threshold, when filing a new or amended interconnection application, beyond one hundred percent (100%) of the customer historical twelve (12)-month usage annually as follows:

(a) Allowable Generation Threshold Schedule:
(1) 120% in 2020,
(2) 140% in 2021,
(3) 160% in 2022,
(4) 180% in 2023, and
(5) 200% in 2024.

(b) On or before October 1, 2021, and each October 1 thereafter, if the Electric Company identifies a reliability, safety, or cost impact on the electric distribution system caused by the implementation of the Generation Threshold Schedule in Subsection (a), the Electric Company may request suspension of the increase in the following year. The Electric Company's filing should identify the specific reliability, safety, and cost impacts identified and provide a timeline for developing a plan to address those impacts. Absent such a request, the increase will take place automatically on January 1 each year. The allowable generation threshold for 2020 will become effective upon publication of these final rule amendments in the *D.C. Register*.

SOURCE: Final Rulemaking published at 52 DCR 1587 (February 18, 2005); as amended by 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249, 5250 (June 18, 2010); Final Rulemaking published at 67 DCR 9742 (August 14, 2020).

902 NET ENERGY BILLING AND CREDITING FOR CUSTOMERS OF COMPETITIVE ELECTRICITY SUPPLIERS

902.1 A customer that has elected net energy billing may obtain generation service from any Competitive Electricity Supplier that agrees to provide service on a net energy basis. In such circumstances, the net inflow or outflow of electricity supplied to or by the customer-generator will be billed or credited at the Competitive Electricity Supplier's energy rate specified in the agreement between the customer-generator and the Competitive Electricity Supplier. The Competitive Electricity Supplier shall be responsible for calculating the net energy bill (or credit) amount for each billing period.

902.2 For customer-generators purchasing generation and transmission service from a Competitive Electricity Supplier, if the customer-generator's kilowatt-hour usage during the billing period exceeds the kilowatt-hours generated by the customer-generator during that period, the customer-generator will be billed for the net energy delivered by the Electric Company at the full retail distribution rate for distribution service. In no event shall distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.

902.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to one hundred (100) kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer generator's next monthly bill will be credited by the Electric Company for the excess generation at the full retail distribution rate. At the end of the calendar year (December), excess generation that exceeds one hundred percent (100%) of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than twenty-five dollars ($25) at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than $25, the remaining credit, calculated at the full retail distribution rate shall be carried over until such time as the full credit has been exhausted. In no event shall such distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.

902.4 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer and/or demand charges, as applicable.

SOURCE: Final Rulemaking published at 52 DCR 1587 (February 18, 2005); as amended by Final Rulemaking published at 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249 (June 18, 2010); Final Rulemaking published at 67 DCR 9742 (August 14, 2020).

903 NET ENERGY BILLING AND CREDITING FOR SOS CUSTOMERS

903.1 This section governs the billing practices applicable to participating net energy billing customers receiving SOS generation service during a billing period. In no event shall transmission or distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.

903.2 If the value of the generation (generation value) used to supply the customer's usage exceeds the generation value of the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed for the difference between the generation value of the energy consumed and the energy supplied.

903.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to 1,000 kilowatts, if the generator value of the electricity generated by the customer's net metering facility exceeds the generation value of the electricity used to supply the customer's usage during the billing period, the customer-generator's next bill will be credited for the difference between the generation value of the energy supplied and the energy consumed. The credit for the difference in generation value shall be expressed as a dollar value on the customer-generator's bill. If the full credit is not exhausted during the next billing period, the remaining credit shall be carried over until such time as the full credit has been exhausted.

903.4 If the customer's kWh usage exceeds the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed transmission and distribution related usage charges on the net energy supplied to the customer during the billing period.

903.5 For a customer-generator with an electric generating facility that has a capacity less than or equal to 100 kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer-generator's next monthly bill will be credited for the excess generation at the full retail rate for transmission and distribution service applicable during the billing period in which the excess generation occurred. At the end of the calendar year (December), excess generation that exceeds 100% of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than $25 at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than $25, the remaining credit, calculated at the full retail rate for transmission and distribution service, shall be carried over until such time as the full credit has been exhausted. In no event shall such transmission- and distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.

903.6 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer, demand and/or minimum charges, as applicable.

SOURCE: Final Rulemaking published at 52 DCR 1588 (February 18, 2005); as amended by 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249, 5251 (June 18, 2010); Final Rulemaking published at 67 DCR 9742 (August 14, 2020).

904 NET METERING-RELATED EQUIPMENT

904.1 The metering equipment installed for net energy metering shall be capable of measuring the flow of electricity in two directions.

904.2 Nothing in this section shall prohibit the Electric Company from installing additional meters to separately record electricity supplied to an eligible customer-generator from the electric grid and the electricity generated and supplied to the electric grid by the eligible customer-generator. However, no customer-generator that elects to be billed on a net energy basis shall be charged directly for the cost of the additional meters or other necessary equipment.

SOURCE: Final Rulemaking published at 52 DCR 1588 (February 18, 2005); as amended by 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249, 5252 (June 18, 2010).

905 STANDARD CONTRACT

905.1 The Electric Company shall develop a standard contract that implements these rules, which shall be subject to the review and approval of the Commission. Such standard contract shall be consistent with the provisions of this chapter, as well as with the Energy Policy Act of 2005 and the Commission's Interconnection Rules under Chapter 40 of Title 15 of the DCMR.[4]

SOURCE: Final Rulemaking published at 52 DCR 1588 (February 18, 2005); as amended by 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249, 5252 (June 18, 2010).

[4] Energy Policy Act of 2005, Pub.L. 109-58, 119 Stat. 594 (2005); *F.C. 1050, 56 D.C. Reg.* 001415-001487 (February 13, 2009) to be codified as 15 D.C.M.R. Chapter 40, District of Columbia Small Generator Interconnection Rules ("DCSGIR").

906 COMMUNITY RENEWABLE ENERGY FACILITIES

906.1 A CREF: (a) shall be interconnected with the Electric Company's distribution system and shall execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers or cause the CREF to exceed five (5) megawatts in capacity; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances shall a CREF sell Subscriptions totaling more than one hundred percent (100%) of its energy generation.

906.2 The owners of any Subscriber Organization controlling a CREF: (a) shall not be considered public utilities or electricity suppliers solely as a result of their interest or participation in the CREF; (b) shall own any Renewable Energy Credits ("RECs") associated with the electricity generated by the CREF, unless the RECs were explicitly contracted for through a separate transaction independent of any interconnection agreement or contract; (c) shall follow all procedures and all standards for performance and safety for interconnection set forth in Chapter 40 of Title 15 of the District of Columbia Municipal Regulations; and (d) shall be subject to the distribution level generation requirements set forth in Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Section 4109.

906.3 Prices paid for Subscriptions and contractual matters between the CREF owner, Subscriber Organization, and Subscribers shall not be subject to the jurisdiction of the Commission.

906.4 All electricity exported to the grid by a CREF shall become the property of the SOS Administrator, pursuant to Section 118a(h) of the amended Retail Electric Competition and Consumer Protection Act of 1999, but shall not be counted toward the SOS Administrator's total retail sales pursuant to the Renewable Energy Portfolio Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et seq.*). If the electrical production of a CREF is not fully subscribed, the SOS Administrator shall purchase the unsubscribed energy produced by the CREF at the PJM Locational Marginal Price for energy in the Pepco District of Columbia sub-zone. If applicable, the price shall be adjusted to include ancillary service charges for distribution services. The SOS Administrator shall use unsubscribed energy to offset purchases from wholesale suppliers for Standard Offer Service, and shall recover the cost for the purchase of the unsubscribed energy from SOS customers, in accordance with Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Subsection 4103.1.

906.5 A CREF shall have no less than two (2) Subscribers. In the event that a CREF falls below two (2) Subscribers, the CREF shall notify the Electric Company within seventy-two (72) hours. A CREF with fewer than two (2) Subscribers for more than thirty (30) days shall not provide energy for CREF credit pursuant to

Subsection 907.6 or sell any energy supply to the SOS Administrator pursuant to Subsections 906.4 and 907.7 and is subject to disconnection by the Electric Company. The Electric Company shall provide notice of any CREFs which fall below two (2) Subscribers to the Commission, upon request.

906.6 The Electric Company shall be responsible for ensuring that public safety and system reliability is maintained, including during the interconnection and disconnection of a CREF.

906.7 A CREF applicant shall apply for an Interconnection Agreement as a generating facility that is authorized to export power pursuant to Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.

906.8 Within thirty (30) days of this rulemaking, the Electric Company shall create and submit to the Commission for approval a separate CREF Tariff with terms and conditions related to CREFs including but not limited to establishing and monitoring the annual level of a Subscriber's CNM credits, and applying CNM credits to the billing accounts of Subscribers. The Electric Company shall also create and submit to the Commission a CREF Rider to the existing Interconnection Agreement that sets out the additional terms and conditions related to the interconnection of a CREF Subscriber Organization and the Electric Company, including but not limited to the procedures for the installation and inspection of the interval production meter and the suspension or disconnection of operations when a Subscriber Organization has less than two Subscribers.

SOURCE: Final Rulemaking published at 52 DCR 1587 (February 18, 2005); as amended by Final Rulemaking published at 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249 (June 18, 2010); as amended by Final Rulemaking published at 62 DCR 5694 (May 8, 2015); as amended by Final Rulemaking published at 67 DCR 4764 (May 1, 2020) .

907 BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS

907.1 Each Subscription is intended to offset part or all of the Subscriber's own historical electrical requirements. In no event may a Subscriber offset more than one hundred and twenty percent (120%) of the Subscriber's billing meter electricity consumption over the previous twelve (12) months. To determine the Subscriber's previous twelve (12) months of electricity consumption, the Electric Company shall use the Subscriber's electricity consumption for the twelve (12) months immediately prior to the first billing cycle upon which a Subscriber is eligible to receive a credit for CREF generation. If the Subscriber does not have a twelve (12) month billing history as of that first billing cycle, the Electric Company shall allow the Subscriber to choose to use as a proxy for the Subscriber's previous twelve (12) months consumption either: (1) the twelve (12) month billing history associated with the Subscriber's premises, including the billing history of the Subscriber and/or the billing history of previous customers in the premises; or (2) the then current average annual consumption of a customer in the Subscriber's distribution service rate class, The Electric Company shall update the Subscriber's previous twelve (12) months of consumption once each year upon reaching the anniversary date of the first billing cycle that the Subscriber was eligible to receive a Community Net Metering Credit.

907.2 All individual billing meters for CREF Subscriptions shall be within the District of Columbia.

907.3 If a Subscriber designates a set of individual meters that are combined for billing purposes for its Community Net Metering Credit, the CNM Credit shall be applied to the single billing account and shall not be more than one hundred and twenty percent (120%) of the combined total of electricity consumption of all of the individual billing meters over the previous twelve (12) months.

907.4 The amount of electricity generated by a CREF each month and available for purchase as subscribed or unsubscribed energy shall be determined by a revenue quality interval meter (production meter) installed and paid for by the Subscriber Organization. The interval meter shall be capable of recording energy production based on intervals of at least five minutes. After installation of the interval meter, it shall be the Electric Company's responsibility to determine that the revenue quality interval meter has been properly installed, in accordance with industry standards. It shall also be the responsibility of the Electric Company to read the revenue quality interval meter. In no event shall the electricity generated by a CREF be eligible for net energy billing.

907.5 The determination of the monetary value of credits allocated to each Subscriber of a particular CREF shall be based on each Subscriber's percentage interest of the total production of the CREF.

907.6 Each billing period, the Electric Company shall calculate the value of the CNM Credit for subscribed energy allocated to each Subscriber by multiplying the quantity of kilowatt hours allocated to each Subscriber by the CREF Credit Rate.

If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy exceeds the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the remaining value of the CNM Credit shall carry over from month to month until the value of any remaining CNM Credit is used. If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy is less than the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the Subscriber shall be billed for the difference between the amount shown on the bill and the value of the available CNM Credit.

907.7 If the Subscriber is served by a Competitive Electricity Supplier, the Subscriber shall be billed by the Competitive Electricity Supplier for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the CES billing rate. If the Subscriber is served by SOS, the Subscriber shall be billed by the Electric Company for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the SOS billing rate. Each billing period, the SOS Administrator shall transfer SOS funds equal to the value of the Subscriber's applicable CNM Credit to the Electric Company for purposes of settling against the total charges for electric supply that appear on the Subscriber's bill.

907.8 The CNM credit, as well as the kWh and price upon which it is based, shall be line items on a Subscriber's Electric Company bill.

907.9 Any unsubscribed energy purchased by the SOS Administrator pursuant to Subsection 906.4 will be paid to the CREF Subscriber Organization on a monthly basis.

907.10 If the Electric Company determines that a Subscriber's share of CREF production has offset more than one hundred and twenty percent (120%) of the Subscriber's electricity consumption over the previous twelve (12) months, the Subscriber shall not be eligible for any additional CNM Credit for any billing periods between (i) the date the Subscriber reached the maximum allowable consumption offset and (ii) the next anniversary date of the first billing cycle that the Subscriber was eligible to receive a CNM Credit for CREF production, Beginning with the Subscriber's next anniversary date, the Subscriber shall once again be eligible to receive a CNM Credit. Any CREF production allocable to a Subscriber in excess of the Subscriber's maximum allowable consumption offset shall be deemed unsubscribed energy and be made available for purchase by the SOS Administrator.

907.11 The Electric Company may require that a CREF and its Subscribers have their meters read on the same billing cycle. Subscribers shall be eligible to receive CNM Credits so long as the CREF continues to generate and provide electric supply to the Electric Company's distribution grid, regardless of the bankruptcy or contractual default of any Subscriber or of the Subscriber Organization, unless otherwise directed by a judicial order.

SOURCE: Final Rulemaking published at 62 DCR 5694 (May 8, 2015).

908 REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES

908.1 Each CREF shall register with the Electric Company. The Electric Company shall develop a Registration Form within thirty (30) days of these rules becoming final. The Registration Form shall include:

(1) Name of Subscriber Organization;

(2) Address of CREF;

(3) City Ward where the CREF is located;

(4) Generating technology used by the CREF;

(5) Name Plate AC generating capacity of the CREF;

(6) Copy of Interconnection Agreement between the CREF and the Electric Company, when obtained and executed;

(7) Type of Organization that owns the CREF (if a for-profit making entity, a copy of the current DC Business License); and

(8) List of CREF Subscribers, if available, including:

(a) Name and address of Subscriber,

(b) Address of the individual billing meter in the District of Columbia to which the CNM credit will be applied,

(c) Electric Company Account number, and

(d) Percentage ownership in the CREF.

908.2 If an Interconnection Agreement has not been obtained and executed at the time that the CREF Registration Form is initially submitted, the CREF owner or operator shall submit it to the Electric Company once it is obtained and executed. No CREF shall begin operation until a list of at least two (2) Subscribers has been submitted to the Electric Company.

908.3 The CREF owner or operator may change the list of Subscribers or change the Subscribers' billing meters in its CREF on a monthly basis or more frequently when the number of Subscribers falls below two (2). When there are changes to the list, the CREF owner or operator shall provide an updated list of its CREF Subscribers and their billing meters to the Electric Company monthly by a date certain established by the Electric Company or more frequently when the number of Subscribers falls below two (2).

908.4 Within forty-five (45) days of this rulemaking, the Electric Company shall submit to the Commission, for the Commission's approval, a procedural manual, including related sample documents where appropriate, for the implementation of CREA that shall include, but not be limited to:

(1) The arrangement between the Electric Company, the SOS Administrator and the CREF related to the SOS Administrator taking title to CREF output at the point of common connection between the CREF and the Electric Company's distribution grid;

(2) The arrangement between the Electric Company, the SOS Administrator and the CREF relating to the SOS Administrator's purchase of, and payment for, unsubscribed energy from the CREF at the price specified in these rules;

(3) The arrangement between Electric Company, the SOS Administrator and the CREF for the Electric Company to create the CNM Credit based on CREF output and the price specified in the rules;

(4) Arrangement between the Electric Company, and the CREF to credit individual CREF Subscribers with the CNM Credit based on each Subscriber's ownership share in the CREF and the CREF's monthly output and to modify the list of Subscribers and the amount of each Subscriber's Subscription; and

(5) Arrangement between the Electric Company and Competitive Electricity Suppliers to reflect the payments of the energy supply charges for CES customers who are also CREF subscribers.

908.5 Within one hundred twenty (120) days of the issuance of the final rulemaking, the Electric Company shall add a CREA page to its website with links to the procedural manual and the forms referenced therein.

908.6 Within thirty (30) days of this rulemaking, the Electric Company shall submit to the Commission for its approval the form of the line item on the Electric Company's bill for a Subscriber's CNM Credit.

908.7 Within ten (10) days of the end of the second and fourth quarter of each year the Electric Company shall submit to the Commission a report that provides:

(1) An overview of the CREFs operating in the District including summary statistics as to the number of CREFs, the number of Subscribers, and the amount of electric supply being generated;

(2) A listing of each CREF including:

(a) Name and location (including zip code and Ward) of CREF,

(b) Name of Subscriber Organization,

(c) Type of Subscriber Organization,

(d) Type of generating technology used by the CREF,

(e) Name Plate AC generating capacity of the CREF,

(f) Monthly CREF output as measure by production meter,

(g) Number of CREF Subscribers,

(h) Any problems created by CREFs to the distribution system that are of concern to the Electric Company, with as much specificity as possible and quantified to the extent possible, including the nature, extent, and location of the problem(s), and

(i) To the extent possible, the benefits to the distribution system from CREFs including use of CREFs to supply ancillary services including, but not limited to, voltage support, volt-ampere reactive (VAR) support, and frequency regulation.

(3) The identification of any feeder which approaches a net energy export within a ten percent (10%) margin (*i.e.*, a feeder where the total production from CREF and other net metering facilities is ninety percent (90%) or more of the total energy consumption for the feeder).

908.8 Any net costs for the implementation of Community Net Metering incurred by the Electric Company that are approved by the Commission shall be recovered solely through a rate assessment on Subscribers in a base rate case, pursuant to Section 122 of the amended Retail Electric Competition and Consumer Protection Act of 1999.

SOURCE: Final Rulemaking published at 62 DCR 5694 (May 8, 2015); as amended by Notice of Final Rulemaking published at 69 DCR 003869 (April 22, 2022).

909 DISPUTE RESOLUTION

909.1 Any dispute related to the CREF Subscriber's bill regarding the accuracy or calculation of the bill is subject to the Commission's Complaint Procedures under Chapter 3 of Title 15 of the DCMR (rules for residential customer complaints), or Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.2 The owner of a CREF may file a complaint with the Commission to object to or appeal the cessation of payments to the CREF for unsubscribed energy supply or for the CREF's disconnection from the grid. As a Non-Residential entity, the CREF is subject to Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.3 Any dispute regarding the contract between the CREF and its Subscribers is not within the jurisdiction of the Commission.

SOURCE: Final Rulemaking published at 62 DCR 5694 (May 8, 2015).

Chapter 9, NET ENERGY METERING, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, § 910, is amended to read as follows:

910 WAIVER

910.1 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 67 DCR 011091 (September 18, 2020).

999 DEFINITIONS

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

Back-up generation – Any electric generating facility, as defined in D.C. Official Code Section 34-205, which is connected to the electric distribution system in the District of Columbia and not subject to the Commission's Small Generator Interconnection Rules because it does not operate parallel to the electric distribution system or operates in parallel less than 100 milliseconds.

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.

Capacity – means the maximum output, expressed in kilowatts, of an electric generator under specific conditions designated by the manufacturer, as indicated on a nameplate physically attached to the generator.

Cogeneration facility or **combined heat and power (CHP) facility –** A system that produces both electric energy, steam, or other forms of useful energy (such as heat) that are used for industrial, commercial, residential, heating or cooling purposes.

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

Community Net Metering or CNM – means a billing arrangement under which the monetary value of electric energy generated by a Community Renewable Energy Facility and delivered to the Electric Company's local distribution facilities is used to create a billing credit for CREF Subscribers.

Community Net Metering Credit or CNM Credit – means the credit realized by the Subscriber, based on its ownership share in the CREF. The credit will be reflected on the Subscriber's bills from the Electric Company.

Community Renewable Energy Facility or **CREF –** means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as 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) 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.

Competitive Electricity Supplier or CES – means a person, other than the SOS Administrator, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers, and shall have the same meaning as the term "Electricity Supplier" set forth Section 101 of the Retail Electric Competition and Consumer

Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501).

CREF Credit Rate – means a credit rate applied to subscribers of community renewable energy facilities, which shall be equal to: (a) For residential subscribers, the full retail rate, which includes generation, transmission, and distribution charges for the standard offer service General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon Section 118 of the CREA; and (b) For commercial subscribers, the standard offer service rate – including generation and transmission charges for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon Section 118 of the CREA.

Customer-generator – means a residential or commercial customer that owns (or leases or contracts) and operates an electric generating facility that: (a) has a capacity of not more than 1000 kilowatts; (b) uses renewable resources, cogeneration, fuel cells, or microturbines; (c) is located on the customer's premises; (d) is interconnected with the Electric Company's transmission and distribution facilities; and (e) is intended primarily to offset all or part of the customer's own electricity requirements.

Demand response – A reduction or modification in the consumption of electric energy by customers from their expected consumption in response to an increase in the price of electric energy or to incentive payments, or behavioral signals designed to induce lower consumption of electric energy.

Distributed energy resource or DER – A resource sited close to the customer's load that can provide all or some of the customer's energy needs, can also be used by the system to either reduce demand (such as demand response) or increase supply to satisfy the energy, capacity, and/or ancillary service needs of the distribution or transmission system. Types of DER include, but are not limited to: photovoltaic solar, wind, cogeneration, energy storage, demand response, electric vehicles, microturbines, biomass, waste-to-energy, generating facilities, and energy efficiency.

Distributed generation – Any electric generating facility, as defined in D.C. Official Code § 34-205, which is connected to the electric distribution system in the District of Columbia and subject to the Commission's Small Generator Interconnection Rules.

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.

Electric vehicle – A vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

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.

Eligible customer-generator or **net energy metering facility –** means a customer-generator whose net energy metering system for renewable resources, cogeneration, fuel cells, and or microturbines meets all applicable safety and performance standards.

Energy storage – A resource capable of absorbing electric energy from the grid, from a behind-the-meter generator, or other DER, storing it for a period of time and thereafter dispatching the energy for use on-site or back to the grid, regardless of where the resource is located on the electric distribution system. These resources include all types of energy storage technologies, regardless of their size, storage medium (*e.g.*, batteries, flywheels, electric vehicles, compressed air), or operational purpose

Fly-wheel – A device that is able to store electrical energy in the form of kinetic energy, and convert that energy into electricity.

Fossil fuel generator – Any electric generating facility that utilizes coal, natural gas, or any petroleum product as a fuel.

Fuel cell – A device that produces electricity through a chemical reaction between a source fuel and an oxidant.

Full Retail Distribution Rate – means the per kilowatt-hour distribution charges applicable to the net energy billing customer during the billing period.

Full Retail Transmission Rate – means the per kilowatt-hour transmission charges applicable to the net energy billing customer during the billing period.

Generation value – means the product of the applicable SOS kilowatt-hour rate times the number of kilowatt-hours consumed and/or supplied, during the time period(s) associated with such usage and/or supply.

Individual Billing Meter – means an individual meter within the District of Columbia or a set of individual meters within the District of Columbia when meters are combined for billing purposes.

Microgrid – A collection of interconnected loads, generation assets, and advanced control equipment, installed across a limited geographic area and within a defined electrical boundary that is capable of disconnecting from the larger electric distribution system. A microgrid may serve a single customer with several structures or serve multiple customers. A microgrid can connect and disconnect from the distribution and or transmission system to enable it to operate in both interconnected or island mode.

Microturbine – A small combustion turbine with an output of 25 kW to 500 kW

Net energy billing – means a billing and metering practice under which a customer-generator is billed on the basis of net energy over the billing period.

Net energy metering – means the difference between the kilowatt-hours consumed by a customer-generator and the kilowatt-hours generated by the customer-generator's facility over any time period determined as if measured by a single meter capable of registering the flow of electricity in two directions.

Renewable Energy Credit or REC – shall have the same meaning as that provided in Section 3(10) of the Renewable Energy Portfolio Standard Act of

2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(10)).

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

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

Standard Offer Service Provider – means a provider of standard offer service chosen pursuant to Chapter 29 of the Commission's rules.

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

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

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

Tier One Renewable Source – shall have the same meaning as that provided in Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15)), as amended.

SOURCE: Final Rulemaking published at 52 DCR 1587 (February 18, 2005); as amended by Final Rulemaking published at 55 DCR 7302 (July 4, 2008); as amended by Final Rulemaking published at 57 DCR 5249 (June 18, 2010); as amended by Final Rulemaking published at 62 DCR 5694 (May 8, 2015); as amended by Final Rulemaking published at 63 DCR 16089 (December 30, 2016); as amended by Final Rulemaking published at 65 DCR 11025 (October 5, 2018).