

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF EMERGENCY RULEMAKING**RM29-2021-01, IN THE MATTER OF 15 DCMR CHAPTER 29 – RENEWABLE ENERGY PORTFOLIO STANDARD,**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 2-505 (2016 Repl.), including its emergency rulemaking authority under § 2-505 (c) (2016 Repl.), and § 34-802 (2019 Repl.), hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 29 (Renewable Energy Portfolio Standard) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), whereby the Commission adopts revisions to Commission Rule 2902.12 to no longer permit “deemed approval” of amendments to solar energy system capacity or orientation within fifteen (15) business days after receipt of an amendment application or within fifteen (15) business days after a request for more information is satisfied. Specifically, any person or entity seeking an amendment to a certified solar energy system’s capacity and/or orientation must submit as-built construction drawings that include the tilt and azimuth measurements. These amendment applications will be subject to an action by the Commission approving or disapproving the amendments.

2. Currently pending before the Commission is a large number of amendment applications, seeking changes to solar energy system capacity and/or orientation. In an effort to address these requests, the Commission has determined that providing construction drawings for amendments to system capacity and/or orientation will help ensure accuracy in production reporting. These documents help verify claims of capacity, tilt, and azimuth, which are then used by the PJM-Environmental Information Service Generation Attribute Tracking System (PJM-EIS GATS) to confirm whether reported production falls within a range of reasonableness. Requiring this additional documentation necessitates more oversight by the Commission. Therefore, the Commission is amending Subsection 2902.12 on an emergency basis to no longer have amendments to solar energy capacity and/or orientation deemed approved within fifteen (15) business days due to Commission inaction. Additions are shown in bold and underline text; deletions are shown in bold and strikethrough text.

3. This emergency rulemaking was adopted on September 29, 2021, and became effective immediately.¹ This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring January 27, 2022, unless superseded beforehand.

¹ See also, *RM29-2021-01, In the Matter of 15 DCMR Chapter 29 – Renewable Energy Portfolio Standard*, Order No. 21025, rel. September 30, 2021.

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended by amending § 2902.12 as follows:

2902.12 Upon approval of an application, the Commission shall assign a unique GATS certificate number to the eligible renewable energy generating resource. The Commission should 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, and generator type. A revised application should 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. ~~If a system is already certified, the changes to the system or facility shall be deemed approved unless the Commission requests additional information within fifteen (15) business days. If a request for additional information is issued for a system that is already certified, the changes to the system or facility shall be deemed approved within fifteen (15) business days after a response is received, unless further information is requested.~~ Any person or entity seeking amendments to a certified solar energy system's capacity and/or orientation shall submit as-built construction drawings that include the tilt and azimuth measurements. The Commission may request any additional information that it deems necessary to review amendments to systems or facilities that have already been certified.