AN ACT

D.C. ACT 19-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2011

Codification District of Columbia Official Code

2001 Edition

2011 Fall Supp.

To amend, on an emergency basis, the Renewable Energy Portfolio Standard Act of 2004 to permit certain solar thermal systems to be a part of the Renewable Energy Portfolio market, to modify requirements for energy suppliers to obtain credits from distributed solar generation systems serving the District of Columbia, to change the alternative compliance fees and levels from 2011 to 2023 and beyond, to require surcharges charged to the District of Columbia government to be paid for out of the Renewable Energy Development Fund, and to repeal the requirement that the District Department of the Environment make recommendations to the Council regarding alternative compliance fees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Distributed Generation Emergency Amendment Act of 2011".

Sec. 2. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 34-1432) is amended as follows:

Note, § 34-1432

(1) Subsection (a-1) is amended to read as follows:

"(a-1)(1) For nonresidential solar heating, cooling, or process heat property systems producing or displacing greater than 10,000 kilowatt hours per year, the solar collectors used shall be SRCC OG-100 certified and the energy output shall be determined by an onsite energy meter that meets performance standards established by OIML.

"(2) For nonresidential solar heating, cooling, or process heat property systems producing or displacing 10,000 or less than 10,000 kilowatt hours per year, the solar collectors used shall be SRCC OG-100 certified and the energy output shall be determined by the SRCC OG-300 annual system performance rating protocol or the solar collectors used shall be SRCC OG-100 certified and the energy output shall be determined by an onsite energy meter that meets performance standards established by OIML; and

"(3) For residential solar thermal systems, the systems shall be SRCC OG-300 system certified and the energy output shall be determined by the SRCC OG-300 annual rating protocol or the solar collectors used shall be SRCC OG-100 certified and the energy output shall

be determined by an onsite energy meter that meets performance standards established by OIML.".

(2) Subsection (c) is amended to read as follows:

"(c) The renewable energy portfolio standard shall be as follows:

"(1) In 2011, 4% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.40% from solar energy;

"(2) In 2012, 5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.50% from solar energy;

"(3) In 2013, 6.5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.50% from solar energy;

"(4) In 2014, 8% from tier one renewable sources; 2.5% from tier two renewable sources, and not less than 0.60% from solar energy;

"(5) In 2015, 9.5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.70% from solar energy;

"(6) In 2016, 11.5% from tier one renewable sources, 2% from tier two renewable sources, and not less than 0.825% from solar energy;

"(7) In 2017, 13.5% from tier one renewable sources, 1.5% from tier two renewable sources, and not less than 0.98% from solar energy;

"(8) In 2018, 15.5% from tier one renewable sources, 1% from tier two renewable sources, and not less than 1.15% from solar energy;

"(9) In 2019, 17.5% from tier one renewable sources, 0.5% from tier two renewable sources, and not less than 1.35% from solar energy;

"(10) In 2020, 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 1.58% from solar energy;

"(11) In 2021, 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 1.85% from solar energy;

"(12) In 2022, 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.175% from solar energy; and

"(13) In 2023 and thereafter, 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.50% from solar energy.".

(3) Subsection (e) is amended to read as follows:

"(e)(1) Subject to subsections (a) and (c) of this section, an electricity supplier shall meet the solar requirement by obtaining the equivalent amount of renewable energy credits from solar energy systems no larger than 5MW in capacity located within the District or in locations served by a distribution feeder serving the District.

"(2)(A) After January 31, 2011, the Commission shall not certify any tier one renewable source solar energy system larger than 5MW in capacity or any tier one renewable source solar energy system not located within the District or in locations served by a distribution feeder serving the District.

"(B) Any tier one renewable source solar energy system larger than 5MW

in capacity shall be decertified by the Commission. Any tier one renewable source solar energy system not located within the District or in locations served by a distribution feeder serving the District, first certified by the Commission between February 1, 2011, and the effective date of this act shall be decertified by the Commission.".

(b) Section 6 (D.C. Official Code § 34-1434) is amended as follows: Note, § 34-1434

(1) Subsection (c) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

"(3) Fifty cents in 2011 through 2016; 35 cents in 2017; 30 cents in 2018; 20 cents in 2019 through 2020; 15 cents in 2021 through 2022; and 5 cents in 2023 and thereafter for each kilowatt-hour of shortfall from required solar energy sources.".

(B) Paragraph (4) is redesignated as subsection (d).

(C) Paragraph (5) is redesignated as subsection (e).

(2) The newly designated subsection (e) is repealed.

(c) Section 8 (D.C. Official Code § 34-1436) is amended as follows: Note, § 34-1436

(1) Subsection (a) is amended by striking the phrase "account of the District of Columbia" and inserting the phrase "account of the District of Columbia, except as delineated in this section" in its place.

(2) A new subsection (g) is added to read as follows:

"(g) Any compliance fees paid into the Fund by an electricity supplier that were charged to the District of Columbia government through a cost recovery surcharge authorized in section 7(c) shall be transferred from the Fund to the General Fund of the District of Columbia and used to cover any surcharge owed by the District of Columbia government.".

Sec. 3. Applicability.

This act shall not apply to energy supply contracts entered into prior to the effective date of this act.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Distributed Generation Amendment Act of 2011, passed on 2nd reading on July 12, 2011 (Enrolled version of Bill 19-10), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

Approved
August 1, 2011