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Public Service Commission of the District of Columbia  
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March 31, 2009

**VIA HAND DELIVERY**

Cynthia Brock-Smith  
Secretary to the Council  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

RECEIVED

2009 MAR 31 P 5:20

PUBLIC SERVICE COMMISSION  
DISTRICT OF COLUMBIA

**Re: *Fourth Annual Report on the Renewable Energy Portfolio Standard***

Dear Ms. Brock-Smith:

Attached is the Public Service Commission of the District of Columbia's ("Commission") Report on the Renewable Energy Portfolio Standard, which is filed in accordance with § 34-1439 of the District of Columbia Official Code. Specifically, this section requires the Commission to file a report with the Council on or before April 1 of every year on the status of implementation of the Renewable Energy Portfolio Standard Act, including: the availability of tier one renewable resources; certification of the number of credits generated by the utilities meeting the requirements of § 34-1432; and any other such information as the Council shall consider necessary.

Thank you. If you have any questions, please do not hesitate to contact me.

Sincerely,

Dorothy Wideman  
Commission Secretary

Attachment (1)

cc: The Honorable Betty Ann Kane, Chairman, Public Service Commission  
The Honorable Richard E. Morgan, Commissioner, Public Service Commission  
The Honorable Lori Murphy Lee, Commissioner, Public Service Commission  
The Honorable Muriel Bowser, Councilmember (Ward-4)  
The Honorable Mary M. Cheh, Councilmember (Ward-3)  
The Honorable Jim Graham, Councilmember (Ward-1)  
The Honorable Harry Thomas, Jr., Councilmember (Ward-5)  
The Honorable Michael A. Brown, Councilmember (At-Large)

**Public Service Commission**

**of the**

**District of Columbia**

**Fourth Annual  
Report on the Renewable Energy Portfolio  
Standard**

**March 31, 2009**

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## EXECUTIVE SUMMARY

On January 19, 2005, the District of Columbia Council enacted the Renewable Energy Portfolio Standard Act ("REPS Act"), which established a renewable energy portfolio standard ("RPS") through which a minimum percentage of District electric providers' supply must be derived from renewable energy sources beginning January 1, 2007, with an ultimate target of 11 percent by 2022. Renewable energy sources are separated into two categories, Tier I and Tier II, with Tier I resources including solar energy, wind, biomass, methane, geothermal, ocean, and fuel cells, and Tier II resources including hydroelectric power other than pumped storage generation and waste-to-energy.

The REPS Act requires that the Commission adopt regulations, or orders, governing the application and transfer of renewable energy credits and implementation of the REPS Act. The RPS rules became effective upon the publication of the Notice of Final Rulemaking in the *D.C. Register* on January 18, 2008. As part of its RPS rules, the Commission has established a process for certifying eligible generators. The certification process includes a streamlined application that the Commission developed, which has performed fairly smoothly. Renewable generators do not need to submit as much documentation for the streamlined application and the Commission is able to respond in a shorter period of time. At this time, there do not appear to be any problems that need to be addressed.

To date the Commission has approved sixty-five (65) renewable generators. Of the 65 facilities, fifty-two (52) use Tier I resources (including biomass, methane from landfill gas, solar, and wind) and thirteen (13) use Tier II resources (including hydroelectric and municipal solid waste). Since these renewable generators may be certified in other states that have a RPS as well, the renewable energy credits ("RECs") associated with the generating capacity are not necessarily fully available to meet the District's RPS.

Electricity suppliers filed their first RPS compliance reports for the 2007 compliance year pursuant to the RPS rules, which require the submission of annual compliance reports to the Commission by May 1 of the calendar year following the year of compliance. Pursuant to the Commission's RPS rules, all active electricity suppliers with retail sales in 2007—a total of fourteen (14)—submitted a compliance report for that calendar year. All the suppliers met the RPS requirements either through acquiring RECs or by submitting a compliance payment.

The Commission did not receive any solar generator applications to satisfy the 2007 compliance year requirements. Thus, there were no solar RECs available for the District's RPS program in 2007. As a result, electricity suppliers paid the compliance fee of \$300 per MWH shortfall in order to meet the solar requirement. The total amount of money generated from the compliance fees was \$196,490. This money was deposited

into the Renewable Energy Development Fund administered by the District Department of the Environment's Energy Office ("DDOE").

The majority of the Tier I RECs used for compliance were from qualifying biomass resources, including black liquor and wood waste. Methane from landfill gas accounted for the remaining Tier I RECs. Tier II RECs were primarily from hydroelectric facilities, with the remainder accounted for by municipal solid waste. About 76 percent of the RECs used for compliance were generated in 2006. After reviewing the compliance reports, the Commission issued various Orders to ensure compliance with the RPS rules.

With respect to the availability of resources, the generation of electricity in the PJM region provides one perspective. In terms of the PJM system fuel mix, the overall renewable resources in the PJM region represent less than three percent of the available fuels. Hydroelectric power accounts for the largest share among renewable resources, close to one percent. Among other renewable sources, municipal solid waste represents the second largest resource, comprising less than one percent.

On October 22, 2008, the permanent version of the Clean and Affordable Energy Act of 2008 became law. This legislation, in part, amended the REPS Act and, among other things, changed the definition of solar energy to allow solar thermal applications that do not generate electricity, raised the RPS requirements to 20 percent by 2020, and increased certain compliance fees.

The Commission continues to address issues to implement the RPS. Through its website, the Commission is also making forms and the rules available, to help facilitate the process. In addition, a list of approved renewable generating facilities is posted on the Commission's website.

## **I. Introduction**

The District of Columbia Council enacted the Renewable Energy Portfolio Standard Act (“REPS Act”) on January 19, 2005 and established a renewable energy portfolio standard (“RPS”), through which a minimum percentage of District electric providers’ supply must be derived from renewable energy resources beginning January 1, 2007.<sup>1</sup> The RPS minimum requirements, among other things, were amended by the Clean and Affordable Energy Act (“CAE Act”) of 2008.<sup>2</sup>

Renewable energy resources are divided into two categories, Tier I and Tier II, with Tier I resources including solar energy, wind, biomass, methane, geothermal, ocean, and fuel cells, and Tier II resources including hydroelectric power other than pumped storage generation and waste-to-energy. Although minimum percentage requirements are specified for Tier I and Tier II resources, Tier I resources can be used to comply with the Tier II standard. In addition, a minimum requirement is carved out specifically for solar energy. The REPS Act allows an electricity supplier to begin receiving and accumulating renewable energy credits as of January 1, 2006.

The REPS Act requires that the Commission adopt regulations, or orders, governing the application and transfer of renewable energy credits (“RECs”) and implementation of the REPS Act. The Commission is also tasked with establishing standards to account for customer generation from eligible renewable resources. The RPS rules became effective upon the publication of the Notice of Final Rulemaking in the *D.C. Register* on January 18, 2008.

The Commission must also provide a report to the Council, on or before April 1 of each year, on the status of implementation of the Act, including the availability of Tier I renewable sources, certification of the number of credits generated by the utilities meeting the requirements of D.C. Official Code § 34-1432—which outlines the minimum percentages to be derived from certain renewable resources—and any other such information as the Council shall consider necessary. This annual report fulfills the reporting requirement outlined in the REPS Act.

In Section II, we provide an update on the steps that the Commission has taken to implement the RPS in the District. Section III reviews the RPS compliance report submitted for the first compliance year of 2007. In Section IV, we present some information on the current availability of renewable resources. Section V addresses the impact of the Clean and Affordable Energy Act of 2008 on the District’s RPS program. Finally, Section VI summarizes other ongoing actions to implement the RPS in the District and next steps. In addition, we include Attachment 1, which provides a national perspective on what other states are doing with respect to the implementation of a renewable portfolio standard. Attachment 2 contains a list of selected orders that the Commission has issued to implement the RPS.

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<sup>1</sup> D.C. Official Code § 34-1432(c) (2008 Supp.). See D.C. Law 17-250.

<sup>2</sup> The permanent version of the CAE Act became law on October 22, 2008.

## II. Update on the Implementation of the Renewable Energy Portfolio Standard

This section provides a brief description of the history of actions that the Commission has undertaken to implement the RPS. In order to establish a record and to begin implementation of the Act, the Commission issued Order No. 13566 on April 29, 2005, inviting interested parties to submit their views on twelve (12) RPS-related issues. The twelve issues addressed:

- the process and timeline that the Commission should adopt to implement the Act;
- the procedure to apply for, verify, and transfer renewable energy credits (“RECS”);
- the type(s) of renewable energy projects that are feasible within the District;
- the process for certifying the eligibility of generating facilities;
- the standards that should apply to customer generators;
- the information that should be submitted in an electricity supplier’s annual compliance report;
- the appropriate procedures for cost recovery by PEPCO;
- the standards that the Commission should employ for determining whether the compliance costs claimed by PEPCO were prudently incurred;
- the verification of an electricity supplier’s compliance with the RPS;
- the imposition of an administrative fee;
- the data and confidentiality concerns of stakeholders; and
- the states that qualify as being within or adjacent to the PJM Interconnection Region.

In Order No. 13766, released on September 23, 2005, the Commission addressed the various issues based on the record developed in response to Order No. 13566. Among other things, the Commission directed interested parties to form a RPS Working Group to examine in more detail certain issues related to the implementation of the REPS Act, and to propose a timeline and recommendations for a two-phased approach to resolving those issues.<sup>3</sup> The Commission also indicated that the PJM Environmental Information Service (“PJM-EIS”) Generation Attribute Tracking System (“GATS”) would be used in the implementation of the Act. In addition, the Commission indicated its intent to establish regulations to govern the application and transfer of RECs, on an interim basis, prior to January 1, 2006.

### RPS Rules

Based on input from the Working Group, the Commission established interim RPS rules in Order No. 13840 (December 28, 2005). These rules were subsequently amended in Order No. 13899 (March 27, 2006) and Order No. 14225 (March 2, 2007). The Commission eventually established a formal rulemaking process and on November 2, 2007 a Notice of Proposed Rulemaking (“NOPR”) appeared in the *D.C. Register* requesting comments on revised RPS rules that were based, in part, on the interim RPS

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<sup>3</sup> In Attachment A of Order No. 13766, the Working Group was asked to address 23 issues.

rules. After receiving and reviewing comments on the NOPR, the Commission issued Order No. 14697 (January 10, 2008) and adopted Chapter 29 of Title 15 District of Columbia Municipal Regulations (“Final Rules”). The Final Rules became effective upon the publication of the Notice of Final Rulemaking (“NOFR”) in the *D.C. Register* on January 18, 2008.

On October 3, 2008, a Notice of Proposed Rulemaking (“NOPR”) appeared in the *D.C. Register* that contained revisions to the RPS rules that would, among other things, allow an applicant seeking to certify a renewable generator for the District’s RPS program to provide a self-certified Affidavit of Environmental Compliance. This Affidavit helps provide documentation that the renewable generating facility complies with all applicable state and federal environmental requirements. OPC filed comments on November 3, 2008. On January 2, 2009, the Commission issued an amended NOPR that superseded the October 3 NOPR. OPC filed comments on February 11, 2009. The Commission is preparing to issue a Notice of Final Rulemaking.

The following issues are addressed in the RPS rules. In particular, the current rules establish definitions for various terms consistent with the REPS Act, compliance requirements for electricity suppliers, certification of renewable generators, policies regarding the creation and tracking of RECs, and directives concerning the recovery of fees and costs.

### ***Compliance Requirements for Electricity Suppliers***

The RPS rules include compliance requirements for electricity suppliers beginning in 2007. Suppliers are to file annual reports that include the following components: (1) the quantity of annual District retail electricity sales; (2) the quantity of any exempt retail electricity sales to a customer with a Renewable On-Site Generator; (3) a calculation of the annual quantity of required Tier I, Tier II, and Solar Energy Credits; (4) the quantity of Tier I, Tier II, and Solar Energy Credits purchased and evidence of those purchases; (5) the quantity of Tier I, Tier II, and Solar Energy Credits transferred to the electricity supplier by a Renewable On-Site Generator; (6) a calculation of any compliance fees owed by the energy supplier; (7) certification of the accuracy and veracity of the report; (8) all documentation supporting the data in the annual compliance report; (9) a list of all RECS used to comply with the RPS; (10) a summary report of RECs retired during the reporting period; and (11) the total price paid for Tier I, Tier II, and Solar Energy Credits. Suppliers that purchase RECs solely via bundled products are exempt from including the total price paid for Tier I, Tier II, and Solar Energy Credits in their annual compliance report. The Commission allows the information in item (11) to be filed confidentially. An electricity supplier that fails to meet its RPS requirements must submit an annual Compliance Fee to the District of Columbia Renewable Energy Development Fund administered by the District Department of the Environment’s Energy Office (“DDOE”) by May 1 of the calendar year following the year of compliance.

To facilitate the compliance reporting, the Commission issued Order No. 14782 on April 10, 2008 and adopted a 2007 Compliance Report form for the District’s RPS

Program, along with the associated filing instructions. This material was made available on the Commission's website. Electricity suppliers used the form to submit the 2007 compliance reports due May 1, 2008. A revised compliance reporting form was included in the January 2, 2009 NOPR.

### ***Certification of Renewable Generators***

The RPS rules outline the process for certifying renewable generating facilities within a certain period of time. Renewable generators, including behind-the-meter ("BTM") generators, must be certified as a qualified Tier I or Tier II resource through the completion of an application form approved by the Commission.<sup>4</sup> In situations where the applicant has obtained certification as a renewable energy resource by another PJM state where the Commission determines certification to be comparable to the RPS requirements in the District, the applicant may submit a "streamlined" application that requires less documentation to be filed. The Commission assigns a unique certification number to each eligible renewable generator that is approved. Renewable generators may be decertified by the Commission if they are determined to no longer be an eligible renewable resource due to a material change in the nature of the resource, or fraud. Before being decertified, a renewable generator will be given thirty (30) days' written notice and an opportunity to show cause why it should not be decertified.

In Order No. 14809, issued May 12, 2008, the Commission directed the RPS Working Group to comply with the RPS rules and submit an update for the Tier I and Tier II eligibility matrices. The matrices allow an applicant that has already been certified by another PJM state to use the streamlined process for certification, provided that the Commission determines that the certification by the other PJM state is comparable to the RPS requirements in the District. The Working Group responded on October 31, 2008 that no update was required. Subsequently, the Commission issued Order No. 15192 on February 18, 2009, directing the RPS Working Group to again comply with the rules and submit an update for the Tier I and Tier II eligibility matrices within 60 days of the date of the Order. The Commission noted in that Order that since 2007, four (4) additional states that are part of the PJM Interconnection region—Illinois, Michigan, North Carolina, and Ohio—have adopted renewable energy portfolio standards and/or begun certifying renewable energy generators.

### ***Creation and Tracking of RECs***

The RPS rules specify that RECs shall be created and tracked through PJM-EIS GATS beginning January 1, 2006. Through the GATS system, PJM-EIS collects generation data from facilities certified for RPS programs in various states. Upon issuance of a District-specific RPS certification number, a facility may open a GATS account for use with the District's RPS program. Facilities often are eligible for participation in several state RPS programs and, thus, will be certified with multiple

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<sup>4</sup> A behind-the-meter generator is defined as 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.

states and receive multiple state certification numbers. GATS creates renewable energy credits ("RECs") at the end of each month—one REC represents one megawatt-hour of electricity from a renewable resource. The number of RECs created reflects the amount of electricity associated with renewable resources. Each REC tracked has a unique serial number that aids in ensuring against the double counting of RECs and helps distinguish between RECs that are created by a certain facility and by fuel type, in a given month.

According to the RPS rules, RECs shall be valid for a three-year period from the date of generation beginning January 1, 2006, except where precluded by statute. A REC shall be retired after it is used to comply with any state's RPS requirement. The accumulation of retroactive RECs created before January 1, 2006 is not allowed. In Order No. 13804, the Commission noted that the intent of the REPS Act is to encourage the production and siting of renewable resources prospectively, so as to reduce the need for the use of retroactive RECs.

With respect to BTM generators, the RPS rules require an authorized representative of the renewable on-site generator to file a BTM generator report with the Commission. RECs created by BTM generators must be recorded in GATS at least once each calendar year, in order to be eligible for compliance. The BTM generator report will contain, at a minimum, the following information: (a) a certification that the RECs attributable to the on-site generation have not expired, been retired, been transferred, or been redeemed; and (b) a report or statement indicating the quantity of electricity generated as determined by an engineering estimate (if appropriate) or revenue-quality meter.

To ensure that all BTM generators were in compliance with the Commission's rules, Order No. 14798 (issued April 29, 2008) directed BTM generators certified for the District's RPS program to submit a BTM generation report by May 20, 2008. In addition, as part of the approval of 20 solar generators in Order No. 15185 (issued February 9, 2009), the Commission pointed out that these generators must provide BTM generation reports consistent with the RPS rules.

### *Recovery of Fees and Costs*

The RPS rules state that the local electric distribution company may recover prudently incurred RPS compliance costs, including REC purchases and any compliance fees. The rules also state that the electric distribution company's 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 RPS is included in the supplier's bid prices. With respect to the distribution company's compliance costs for Market Price Service ("MPS"), recovery shall be through the MPS Procurement Rate Schedule.<sup>5</sup> Any cost recovery approved by the Commission may be in the form of a nonbypassable surcharge to current applicable customers and shall be disclosed on their bills. The RPS rules also indicate that no electric supplier shall recover

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<sup>5</sup> Market Price Service refers to a variable price service option where the rates change hourly.

any compliance fee levied pursuant to D.C. Official Code § 34-1434 from its customers without receiving prior approval from the Commission.

### III. RPS Compliance Reports for 2007

Pursuant to the Commission's RPS rules, all active electricity suppliers with retail sales in 2007—a total of fourteen (14)—submitted a compliance report for that calendar year; including BGE Home Products and Services; Consolidated Edison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Hess Corporation; Horizon Power and Light; Integrys Energy Services; Liberty Power District of Columbia, LLC; Pepco Energy Services; Potomac Electric Power Company; Reliant Energy Solutions East, LLC; Sempra Energy Solutions LLC; SUEZ Energy Resources NA, Inc.; and Washington Gas Energy Services. All the suppliers met the RPS requirements either through acquiring RECs or by submitting a compliance payment.

#### *Renewable Energy Credits ("RECs") and Compliance Payments*

The Commission did not receive any solar generator applications to satisfy the 2007 compliance year requirements. Thus, there were no solar RECs available for the District's RPS program in 2007. As a result, electricity suppliers paid the compliance fee of \$300 per MWH shortfall in order to meet the solar requirement. However, electricity suppliers generally did not have to pay a compliance fee for meeting the Tier I or Tier II requirements.<sup>6</sup> The total amount of money generated from the compliance fees was \$196,490. This money was deposited into the Renewable Energy Development Fund administered by the District Department of the Environment's Energy Office ("DDOE").

Some suppliers used Tier I RECs to meet their Tier II requirement based on § 34-1433(a)(2) of the D.C. Official Code, which indicates that energy from a Tier I resource may be applied to the percentage RPS requirements for either Tier I or Tier II renewable sources.<sup>7</sup> The majority of the Tier I RECs used for compliance were from qualifying biomass resources, including black liquor and wood waste. Methane from landfill gas accounted for the remaining Tier I RECs.<sup>8</sup> Tier II RECs were primarily from hydroelectric facilities, with the remainder accounted for by municipal solid waste. A breakdown of the number of RECs submitted by fuel type is provided in the table below:

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<sup>6</sup> Only one electricity supplier did not acquire sufficient RECs to meet its Tier II requirement, resulting in a payment based on a fee of \$10 per MWH shortfall. The Commission does not believe that this reflects a problem in acquiring RECs at this time.

<sup>7</sup> In particular, seven (7) of the suppliers used Tier I RECs to meet the Tier II requirement. Five (5) of the seven (7) suppliers used only Tier I RECs.

<sup>8</sup> According to § 34-1433(f) of the D.C. Official Code, on or before December 31, 2009, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from methane.

### Renewable Energy Credits

	No. of RECs	Share of Tier
<b>Tier I Resource</b>		
Black Liquor	133,695	56.7%
Methane from Landfill Gas	78,987	33.5%
Wood Waste	23,185	9.8%
<b>Tier II Resource</b>		
Hydroelectric	233,322	98.7%
Municipal Solid Waste	3,182	1.3%

The Commission had certified three (3) wind generators eligible to provide RECs for the 2007 compliance year—two in Illinois and one in Pennsylvania—but suppliers did not submit RECs from those facilities.

The majority of the RECs were generated in 2006. In particular, about 76 percent of the RECs used for compliance were generated in 2006. Section 2903.2 of the RPS Rules indicates that RECs shall be valid for a three-year period from the date of generation, beginning January 1, 2006, except where precluded by statute.

Most suppliers provided the REC prices for all their resources. The range and weighted average price of a REC, by fuel type, is provided in the table below:

### REC Pricing

	Avg. Price
<b>Tier I Resource</b>	
Black Liquor	\$1.56
Methane from Landfill Gas	\$1.03
Wood Waste	\$0.55
<b>Tier II Resource</b>	
Hydroelectric	\$0.51
Municipal Solid Waste	\$1.00

With respect to REC pricing across states, Figures 1 and 2 below were taken from a report by the Lawrence Berkeley National Laboratory.<sup>9</sup> That report indicated that spot REC prices have varied substantially across regions and resource types, with significant price fluctuations possible within a particular state over time.<sup>10</sup> In particular, the report notes that **“Class I REC prices in Connecticut have shown particularly striking swings, largely reflecting policy changes in resource eligibility rules over time. New Jersey’s Class I REC prices rose partly because that state’s renewable energy targets are increasing and partly because the growth in RPS requirements in the PJM region is placing greater competition on available supply. The sudden spike**

<sup>9</sup> Ryan Wisser and Galen Barbose, *Renewables Portfolio Standards in the United States: A Status Report with Data Through 2007*, Lawrence Berkeley National Laboratory (April 2008) (“LBNL Report”).

<sup>10</sup> The data was obtained from Evolution Markets.

and then (more modest) drop in prices may also have reflected, to some degree, an (incorrect) belief that supply was severely limited and/or hoarding of RECs by some parties. Prices trended downwards in Texas, Maryland (Class I), and Washington D.C. (Class I) due to a surplus of eligible renewable energy supply relative to RPS-driven demand in those markets. New Jersey's solar RECs, on the other hand, continue to fetch more than \$200/MWh due to the underlying cost of solar electricity."<sup>11</sup> For Tier II prices, the report mentions that "prices for 'Class II' or 'existing tier' RECs remained low, and trended downwards in most markets. Prices in these cases appear to largely reflect transaction (rather than supply) costs, since REC supply appears to far exceed REC demand in all of these markets."<sup>12</sup> Based on the report, Tier I and Tier II REC prices for the District are comparable to Maryland.

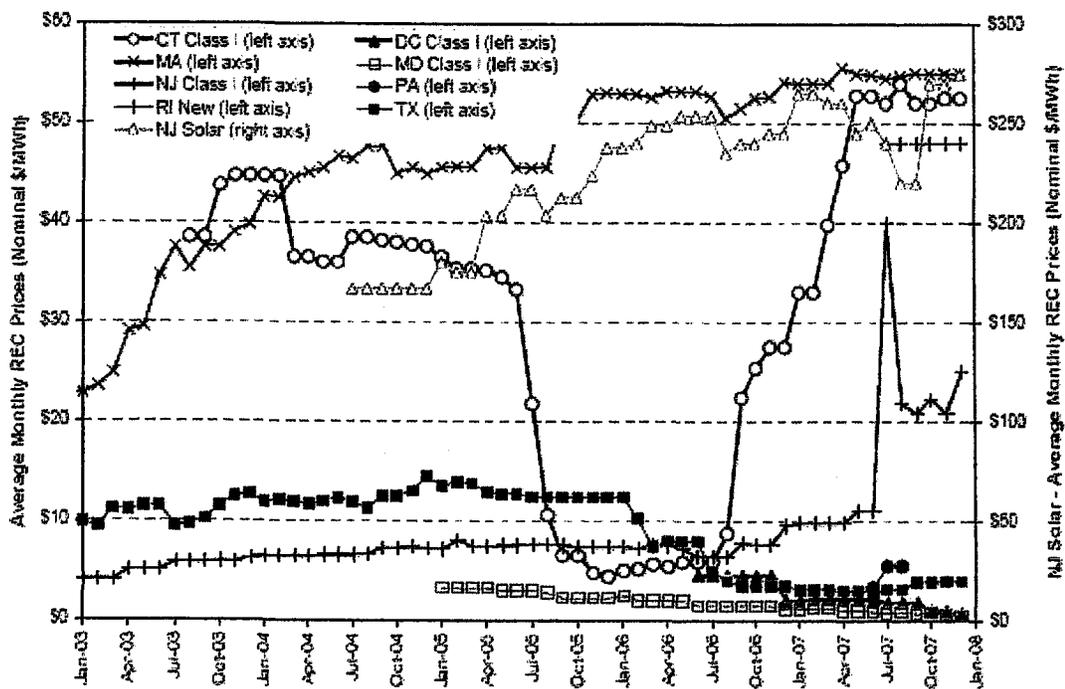
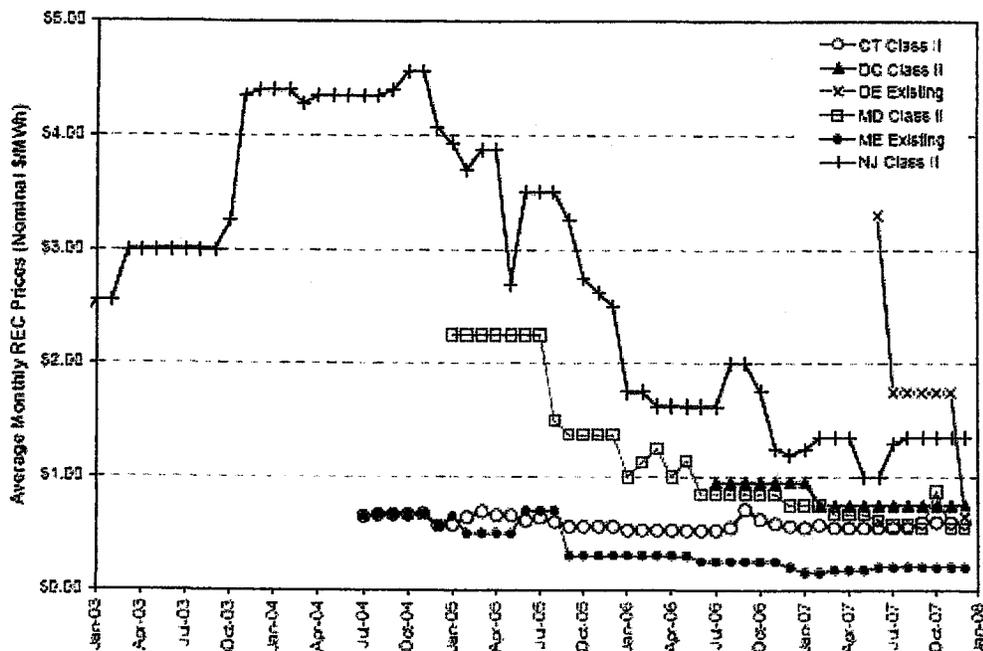


Figure 1. REC Prices in RPS Compliance Markets (Main Tier and Class I)

<sup>11</sup> LBNL Report at 28.

<sup>12</sup> Ibid.



**Figure 2. REC Prices in RPS Compliance Markets (Existing Tier and Class II)**

To ensure compliance with the RPS rules, after reviewing the various compliance reports, the Commission subsequently released various Orders to address certain issues. In Order No. 14885, issued August 11, 2008, the Commission directed certain suppliers to file evidence that a Generation Attribute Tracking System account was established and that the renewable energy credits (“RECs”) reported in their Compliance Reports were properly retired. By Order No. 15077, issued October 1, 2008, the Commission denied Washington Gas Energy Services’ request to waive the compliance fee for solar RECs because the existing legislation does not allow an exception.

#### IV. The Availability of Renewable Resources

This section discusses the availability of Tier I renewable sources, as required in the Act. The issue of available resources is affected by geographic restrictions in the RPS. The REPS Act indicates that a:

“Renewable energy credit” or “credit” means a credit representing one megawatt-hour of electricity consumed within the PJM Interconnection Region that is derived from a Tier I renewable source or a Tier II renewable source that is located:

1. In the PJM Interconnection region or in a state that is adjacent to the PJM Interconnection Region; or

2. Outside the area described in subparagraph (1) of this paragraph but in a control area that is adjacent to the PJM Interconnection region, if the electricity is delivered into the PJM Interconnection Region.

The REPS Act does not provide a definition for adjacent states or an adjacent control area. In its third report, the Working Group was not able to reach a consensus on the definition of “adjacent” states and, thus, presented two different interpretations. Ultimately, the Commission adopted the broader definition of “adjacent” and determined that states “adjacent” to the PJM Interconnection Region (“PJM”) should help lessen the cost that ratepayers will have to pay for the renewable portion of their fuel mix.<sup>13</sup> In particular, the following states are currently deemed adjacent to PJM: Alabama, Arkansas, Georgia, Iowa, Mississippi, Missouri, New York, South Carolina, and Wisconsin.

Table 1 below provides a measure of some of the renewable resources available in the PJM region for 2008. The following information provides a perspective on the renewable resources in the PJM region associated with the generation of electricity:

**Table 1: PJM System Fuel Mix  
2008**

Fuel	Share
Coal	55.62%
Nuclear	34.92%
Natural Gas	6.75%
Oil	0.27%
Hydroelectric	0.93%
Other Renewable	1.51%
Captured Methane Gas (Landfill and Coal Mine)	0.24%
Geothermal	0.00%
Solar	0.00%
Municipal Solid Waste	0.56%
Wind	0.49%
Wood, other biomass	0.22%
<b>Total</b>	<b>100.00%</b>

Source: PJM-EIS GATS

Based on Table 1, the overall renewable resources in the PJM region represent less than three percent of the available fuels. Hydroelectric power accounts for the largest share among renewable resources, close to one percent. Among other renewable sources, municipal solid waste represents the second largest resource, still comprising less than one percent. Both hydroelectric and municipal solid waste would be counted as Tier II resources under the District’s renewable portfolio standard. Methane gas and wood-related fuels are approximately 0.2 percent each.<sup>14</sup> Wind energy is approximately 0.5

<sup>13</sup> The RPS rules indicate that states within the PJM Interconnection Region are currently defined to include: Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

<sup>14</sup> Coal mine methane gas is not generally eligible under most RPS policies.

percent. Thus, Tier I related resources represent a very small share of the current fuel mix in the PJM system—less than 1 percent.

Through the Reliable Energy Trust Fund, the District Department of the Environment's Energy Office ("DDOE") previously administered the Renewable Energy Demonstration Project ("REDP"), approved by the Commission in Order No. 12778 (issued on July 9, 2003). The objective of the REDP was to increase the awareness and use of renewable energy grid-connected technologies by District ratepayers. Through the REDP, DDOE awarded grants to help finance renewable energy projects in the District. The CAE Act replaced the REDP with a Renewable Energy Incentive Program ("REIP").<sup>15</sup>

To date, the Commission has certified sixty-five (65) renewable generators for the District's RPS program (see Table 2).<sup>16</sup> Of the 65 facilities, fifty-two (52) use Tier I resources (including biomass, methane from landfill gas, solar, and wind) and thirteen (13) use Tier II resources (including hydroelectric and municipal solid waste). Since these renewable generators may be certified in other states that have a RPS as well, the RECs associated with the generating capacity are not necessarily fully available to meet the District's RPS.

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<sup>15</sup> As part of its Renewable Energy Incentive Program, DDOE mentioned that it will assist in helping applicants obtain generator status in PJM-EIS GATS, as well as maintain an accurate accounting of the RECs produced by an apparatus that benefits from the program (see the "Guide to DC Photovoltaic Incentives," available at the following link:

[http://green.dc.gov/green/lib/green/pdfs/REIP.Guide.Photovoltaic\\_Incentives.pdf](http://green.dc.gov/green/lib/green/pdfs/REIP.Guide.Photovoltaic_Incentives.pdf).

<sup>16</sup> The streamlined application process that the Commission developed has performed fairly smoothly. Renewable generators do not need to submit as much documentation and the Commission is able to respond in a shorter period of time. At this time, there do not appear to be any problems that need to be addressed.

**Table 2: Renewable Generators Approved for the District's RPS Program**

S. No.	Facility	Date Approved	Renewable Fuel Type	Rated Capacity (MW)	State
1	Des Plaines	4/11/2006	Methane from landfill	3.5	IL
2	Westchester	4/11/2006	Methane from landfill	3.5	IL
3	Luke Mill	5/19/2006	Black Liquor	65	MD
4	Coshocton Mill	6/7/2006	Wood Waste	16.5	OH
5	Hopewell Mill	6/9/2006	Black Liquor, Wood Waste	47.6	VA
6	Hannibal Hydroelectric	6/15/2006	Hydroelectric	29	WV
7	School Street Hydro	7/10/2006	Hydroelectric	34.8	NY
8	Mallard Lake Electric	7/13/2006	Methane from landfill	25	IL
9	Charlotte Motor Speedway Electric	7/13/2006	Methane from landfill	5	NC
10	Richmond Electric	7/13/2006	Methane from landfill	3	VA
11	Arbor Hills Electric	7/13/2006	Methane from landfill	25	MI
12	Quad Cities Electric	7/13/2006	Methane from landfill	2	IL
13	South Barrington Electric	7/13/2006	Methane from landfill	1.6	IL
14	Rockford Electric	7/13/2006	Methane from landfill	2	IL
15	C&C Electric	7/13/2006	Methane from landfill	3	MI
16	Lyon Development	7/13/2006	Methane from landfill	5	MI
17	Allegheny No. 5	7/13/2006	Hydroelectric	9.5	PA
18	Allegheny No. 6	7/13/2006	Hydroelectric	8.6	PA
19	Escanaba Paper Mill	9/5/2006	Black Liquor, Wood Waste	103	MI
20	P.H. Glatfelter - Chillicothe Facility	9/5/2006	Black Liquor, Wood Waste	92.8	OH
21	I-95 Phase 1	9/21/2006	Methane from landfill	3.2	VA
22	I-95 Phase 2	9/21/2006	Methane from landfill	3.2	VA
23	Beecher	9/25/2006	Methane from landfill	2.1	IL
24	Pittsylvania	9/29/2006	Wood Waste	83	VA
25	Altavista	9/29/2006	Wood Waste	63	VA
26	Covington Facility	11/2/2006	Black Liquor, Wood Waste	80	VA
27	Southern Facility	12/8/2006	Methane from landfill	4.2	DE
28	Central Facility	12/8/2006	Methane from landfill	3.2	DE
29	Montgomery County Resource Recovery Facility	12/19/2006	Municipal Solid Waste	55	MD
30	Fries Hydropower Plant	1/30/2007	Hydroelectric	5.2	VA
31	Gauley - Summersville Facility	1/30/2007	Hydroelectric	80	WV
32	Safe Harbor, Units 1 - 12	2/20/2007	Hydroelectric	417	PA
33	Franklin Mill	3/29/2007	Black Liquor	36.1	VA
34	Archbald Power Station	5/11/2007	Methane from landfill	20	PA
35	Snowden Hydro	5/15/2007	Hydroelectric	0.5	VA
36	Big Shoals Hydro	5/15/2007	Hydroelectric	0.5	VA
37	Holcomb Rock Hydro	5/15/2007	Hydroelectric	0.9	VA
38	Coleman Falls Hydro	5/15/2007	Hydroelectric	0.5	VA
39	High Trail Wind Farm	7/16/2007	Wind	198	IL
40	PN Allegheny Ridge 1 WF	9/26/2007	Wind	80	PA
41	Old Trail Wind Farm	1/9/2008	Wind	198	IL

S. No.	Facility	Date Approved	Renewable Fuel Type	Rated Capacity (MW)	State
42	Southeastern Public Service Authority's Waste-to-Energy Facility	5/12/2008	Municipal Solid Waste	60	VA
43	Loch Residence	11/13/2008	Solar PV	0.01	DE
44	Solar Services	2/5/2009	Solar Thermal	0.00318	VA
45	Crawford Residence	2/9/2009	Solar PV	0.0058	MD
46	Rose Residence 1	2/9/2009	Solar PV	0.0036	VA
47	Rose Residence 2	2/9/2009	Solar PV	0.003	VA
48	Rose Residence 3	2/9/2009	Solar PV	0.003	VA
49	Arenheim Residence	2/9/2009	Solar PV	0.00504	MD
50	Brentjens Residence	2/9/2009	Solar PV	0.0021	NC
51	Johnson Residence	2/9/2009	Solar PV	0.002171	VA
52	O'Brien Residence	2/9/2009	Solar PV	0.00225	VA
53	Federov Residence	2/9/2009	Solar PV	0.00152	VA
54	Dunleavy Residence	2/9/2009	Solar PV	0.00225	VA
55	Miller Residence	2/9/2009	Solar PV	0.00473	VA
56	Jenkins Residence	2/9/2009	Solar PV	0.0028	NC
57	Dulay Residence	2/9/2009	Solar PV	0.0028	VA
58	Silverman Residence	2/9/2009	Solar PV	0.003024	PA
59	Ottman Residence	2/9/2009	Solar PV	0.00336	VA
60	Bohlman Residence	2/9/2009	Solar PV	0.00228	VA
61	Schein Residence	2/9/2009	Solar PV	0.00432	VA
62	Solar Services Facility 2	2/9/2009	Solar PV	0.0086	VA
63	Swanner Residence	2/9/2009	Solar PV	0.0042	NC
64	Cunningham Residence	2/9/2009	Solar PV	0.00147	VA
65	Ned Power Mount Storm	2/11/2009	Wind	264	WV

## V. **New Legislation Impacting the RPS**

On October 22, 2008, the permanent version of the CAE Act became law. This legislation amended the REPS Act and the amendments are discussed briefly below. The Commission plans to address these amendments in a NOPR.

### A. Solar Energy Definition

The RPS Rules currently defines “solar energy” to mean radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy. The CAE Act now defines “solar energy” to mean (new language in bold):

“...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.**”

### B. Solar System Ratings

The CAE Act allows solar thermal energy as follows:

“For nonresidential solar heating, cooling, or process heat property systems producing or displacing greater than 10,000 kilowatt hours per year, the solar systems shall be rated and certified by the SRCC [Solar Rating and Certification Corporation] and the energy output shall be determined by an onsite energy meter that meets performance standards established by OIML [International Organization of Legal Metrology].”

“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 systems shall be rated and certified by the SRCC and the energy output shall be determined by the SRCC OG-300 annual system performance rating protocol applicable to the property, by the SRCC OG-100 solar collector rating protocol, or by an onsite energy meter that meets performance standards established by OIML;” and

“For residential solar thermal systems, the system shall be certified by the SRCC and the energy output shall be determined by the SRCC OG-300 annual rating protocol or by an onsite energy meter that meets performance standards established by OIML.”

### C. RPS Requirements

The CAE Act amends the requirements for the RPS. In particular, beginning in 2011, the RPS requirements increase. By 2020, the CAE Act requires 20 percent from Tier I renewable resources only and not less than 0.4 percent from solar energy.

Previously, the RPS requirement called for 8.5 percent from Tier I resources only by 2020 and 0.329 percent from solar energy.<sup>17</sup>

D. Solar Requirement

The CAE Act now requires that:

“...an electricity supplier shall meet the solar requirement by obtaining the equivalent amount of renewable energy credits from solar energy systems interconnected to the distribution grid serving the District of Columbia. Only after an electricity supplier exhausts all opportunity to meet this requirement that the solar energy systems be connected to the grid within the District of Columbia, can that supplier obtain renewable energy credits from jurisdictions outside the District of Columbia.”

E. Compliance Fees

The CAE Act increases the compliance fees for Tier I and solar energy requirements. In particular, the Tier I fee is raised from 2.5 cents per kilowatt-hour to 5 cents per kilowatt-hour of shortfall. For solar energy resources, the compliance fee is raised from 30 cents to 50 cents in 2009 until 2018 for each kilowatt-hour of shortfall.<sup>18</sup>

F. Requirements affecting DDOE<sup>19</sup>

With respect to compliance fees, the CAE Act also requires that:

“Beginning on March 1, 2010, and annually thereafter, energy companies that sell electricity in the District of Columbia shall file an energy portfolio report for the preceding calendar year with DDOE [District Department of the Environment Energy Office], which shall include a breakdown of the average cost per kilowatt hour of electricity that the company sold in the District of Columbia by source of generation, to include coal, gas, oil, nuclear, solar, land-based wind, off-shore wind, and other renewable sources. The breakdown of cost should also include the average capital cost per kilowatt, as well as the average fixed and variable costs associated with operations and maintenance per megawatt.”

“Beginning in 2018, and every year thereafter, the DDOE shall review the data found in the energy portfolio reports, and recommend to the Council a revised annual compliance fee. The proposed alternative compliance fee shall be submitted to the Council for a 45-day period of review, excluding Saturdays,

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<sup>17</sup> The CAE Act does not make it clear that the RPS obligation is to continue after 2020. The Commission has recommended an amendment to the legislation to address this issue.

<sup>18</sup> In the January 2, 2009 NOPR, the solar energy compliance fee was indicated to be \$300 for the 2008 compliance year.

<sup>19</sup> The Commission believes that this provision is unworkable and needs to be amended. Electricity suppliers would be reluctant to provide such commercially sensitive information.

Sundays, and legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed alternative compliance fee by resolution within this 45-day review period, the proposed rules shall be deemed approved.”

Another separate requirement indicates that:

“The DDOE shall provide to the Council a quarterly report detailing:

- (1) Expenditures from the Renewable Energy Development Fund; and
- (2) The performance of programs or projects funded by the Renewable Energy Development Fund.”

In addition, the CAE Act has other provisions to promote the development of renewable energy resources in the District. In particular, the Act:

- Established a Sustainable Energy Utility to increase the renewable generating capacity in the District;
- Established a renewable energy incentive program to provide funding of up to \$2 million annually for fiscal years 2009 through 2012; and
- Tasked the Commission with opening an investigation into mechanisms to make long-term affordable financing available to energy consumers to purchase, among other things, renewable energy generating systems, including solar thermal and solar photovoltaic panels and geothermal heating and cooling systems.<sup>20</sup>

## **VI. Recent Activity and Next Steps**

The Commission is preparing to address the amendments in the CAE Act in a Notice of Proposed Rulemaking. In addition, as needed, the Commission will continue to adopt regulations or orders governing the implementation of the RPS. Moreover, the Commission will continue to certify generating facilities and update information on approved generators on the Commission’s website. Additional program information will also be made available as deemed appropriate.

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<sup>20</sup> On December 24, 2008, the Commission issued Order No. 15148 and opened Formal Case No. 1068 to address this matter. Order No. 15195, issued February 20, 2009, granted an extension of time to file comments in response to Order No. 15148. Comments are due on March 25, 2009 and reply comments are due on April 24, 2009.

## **Attachment 1**

### **Renewable Portfolio Standards in Other States**

## *Renewable Portfolio Standards in Other States<sup>1</sup>*

According to the Union of Concerned Scientists (“UCS”) and the Database of State Incentives for Renewable Energy (“DSIRE”), 28 states and the District of Columbia have adopted RPS policies or mandates. In addition, four states have renewable energy goals (see Figure 1). The 28 states include Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wisconsin. Michigan, Missouri, and Ohio were the most recent states to enact a renewable portfolio standard in 2008.

The 28 states include Minnesota, which has a mandated standard that applies separately to the regulated utility Xcel Energy, and Pennsylvania’s Alternative Energy Portfolio Standard, which includes non-renewable resources that the state considers to be “environmentally beneficial,” such as waste coal.<sup>2</sup> While the RPS standards are generally defined as a certain percentage of electricity from renewable energy resources, Iowa requires its investor-owned utilities to contract for a combined total of 105 megawatts of their generation from renewable resources. The Iowa Utilities Board allocates the 105 megawatts based upon each utility’s percentage of the total Iowa retail peak demand. In Massachusetts, after 2009 the minimum standard increases by one percent per compliance year until the Division of Energy Resources suspends the annual increase.

In addition, four states—North Dakota, South Dakota, Vermont, and Virginia—have non-binding renewable energy goals:

- North Dakota enacted legislation in March 2007 with an objective that 10 percent of all retail electricity sold in the state be obtained from renewable energy and recycled energy by 2015. “Recycled” energy refers to systems producing electricity from currently unused waste heat resulting from combustion or other processes—this does not include systems whose primary purpose is the generation of electricity.
- South Dakota enacted legislation in February 2008, establishing an objective that by 2015, 10% of all retail electricity sales be obtained from renewable and recycled energy. The objective applies to all retail providers of electricity within the state regardless of ownership. As a voluntary objective, there are no penalties or sanctions for retail providers that fail to meet the goal.
- Vermont’s renewable portfolio goal was enacted in June 2005 and amended in March 2008. Each retail electricity provider is encouraged to supply an amount of

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<sup>1</sup> This section draws from material available at [www.ucsusa.org](http://www.ucsusa.org) (Union of Concerned Scientists), [www.dsireusa.org](http://www.dsireusa.org) (Database of State Incentives for Renewable Energy), and various state agency websites.

<sup>2</sup> The 8% in Figure 1 applies only to the Tier I resources under Pennsylvania’s Alternative Energy Portfolio Standard. However, eligible Tier I resources also includes coal mine methane gas, which is not eligible under most RPS policies. Pennsylvania also has a Tier II that includes some nonrenewable resources such as waste coal and also takes into account integrated combined coal gasification technology. The Tier II requirement is 10%, yielding an 18% total from alternative sources.

new renewable energy equal to its total incremental energy growth between January 1, 2005, and January 1, 2012. The amount of renewable energy that each utility is encouraged to supply is at least 10 percent of its 2005 total retail electric sales or the amount of certain qualifying resources that came into service between January 1, 2005, and July 1, 2012, is equal to (or greater than) total statewide growth in retail electric sales during that same time period and at least 5% of the 2005 total retail electric sales in the state are provided by certain resources. If neither of the previous requirements are met by 2012, then the policy will become a mandatory renewable portfolio standard (RPS).

- In April 2007, as part of the legislation to re-regulate the state's electricity industry, Virginia enacted a voluntary renewable energy portfolio designed to achieve 12 percent of base year (2007) sales by 2022.

Utah also enacted legislation in March 2008 that contains some provisions similar to those found in renewable portfolio standards adopted by other states. However, certain provisions in the legislation may be more accurately described as a renewable portfolio goal.<sup>3</sup> Specifically, the legislation requires that utilities only need to pursue renewable energy to the extent that it is "cost-effective." The guidelines for determining the cost-effectiveness of acquiring an energy source include an assessment of whether acquisition of the resource will result in the delivery of electricity at the lowest reasonable cost, as well as an assessment of long-term and short-term impacts, risks, reliability, financial impacts on the affected utility, and other factors determined by the Utah Public Service Commission. To the extent that it is cost-effective to do so, investor-owned utilities, municipal utilities and cooperative utilities must use eligible renewable resources to account for 20% of their 2025 adjusted retail electric sales. In addition, the first year of compliance is 2025 with no interim targets, but utilities must file progress reports during the interim period at specified times. The progress reports are supposed to indicate the actual and projected amount of qualifying electricity the utility has acquired, the source of the electricity, an estimate of the cost for the utility to achieve their target, and recommendations for a legislative or program change.

The following compares the District's RPS requirement to nearby states:<sup>4</sup>

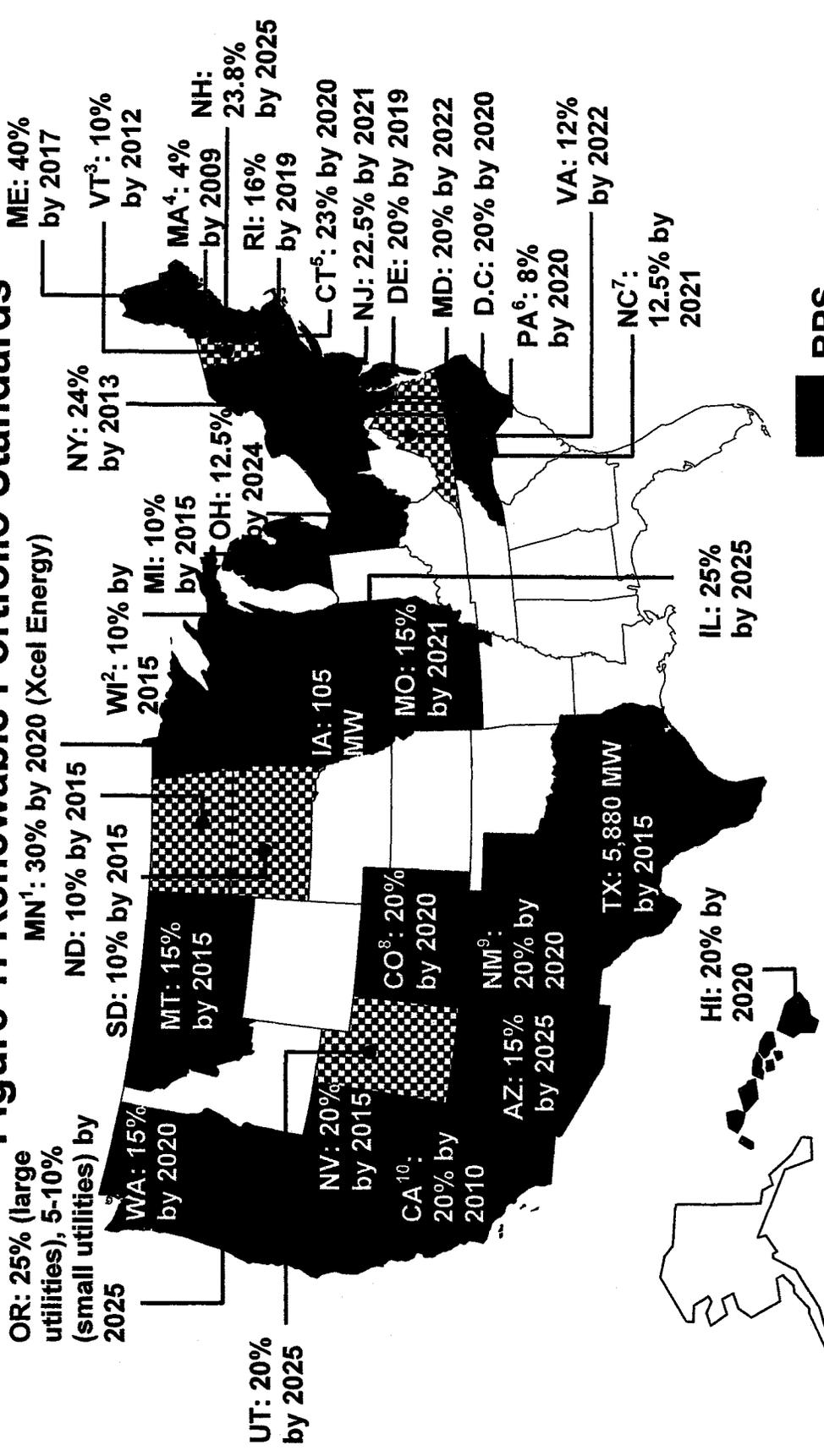
- District – 20% by 2020
- Delaware – 20% by 2019
- Maryland – 20% by 2022
- New Jersey – 22.5% by 2021
- North Carolina – 12.5% by 2021
- Pennsylvania – 8% by 2020
- Virginia – 12% by 2022

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<sup>3</sup> For purposes of preparing Figure 1 below, Utah's RPS program was considered to be a voluntary goal.

<sup>4</sup> This does not account for differences in eligible resources, specific resource requirements, and other factors.

**Figure 1: Renewable Portfolio Standards**



**RPS**  
**Voluntary Goal**

<sup>1</sup> MN also has a requirement of 25% by 2025 for all other utilities.  
<sup>2</sup> Statewide goal is 10%, but requirements can vary by utility.  
<sup>3</sup> The amount of renewable energy is at least 10% of a utility's 2005 total retail electric sales.  
<sup>4</sup> An additional 1% for each year after 2009, with no stated expiration date.  
<sup>5</sup> The 23% refers to Class I and II resources.  
<sup>6</sup> The 8% is for Tier I resources. PA also has a 10% requirement for Tier II resources that includes some nonrenewable resources.  
<sup>7</sup> The 12.5% is for investor-owned utilities. Co-ops and municipals must meet 10% by 2018.  
<sup>8</sup> The 20% is for investor-owned utilities. Co-ops and municipals must meet 10% by 2020.  
<sup>9</sup> The 20% is for investor-owned utilities. Co-ops must meet 10% by 2020.  
<sup>10</sup> State goal of 33% by 2020.

Sources: Union of Concerned Scientists. Database of State Incentives for Renewable Energy, and various state agency websites

## **Attachment 2**

### **List of Selected Commission Orders on the Implementation of the Renewable Energy Portfolio Standard**

## **List of Selected Commission Orders on the Implementation of the Renewable Energy Portfolio Standard**

Order No. 13566 (April 29, 2005): To assist in the Commission's deliberation on implementing the Act, the Order invited interested parties to submit their views on twelve (12) RPS-related issues.

Order No. 13766 (September 23, 2005): The Commission addressed various issues based on the comments filed in response to Order No. 13566. With respect to the process for implementing the Act, the Commission directed interested parties to form a RPS Working Group to examine in more detail certain issues related to the implementation of the REPS Act, and to develop a timeline and recommendations with respect to a two-phased approach to resolving those issues. The Commission also indicated that the PJM Environmental Information Service ("PJM-EIS") Generation Attribute Tracking System ("GATS") would be used in the implementation of the Act.

Order No. 13795 (October 24, 2005): The Commission adopted the RPS Working Group's proposed procedural schedule recommended in the Working Group Report (submitted October 11, 2005), including a timeline and designation of items, for addressing Phase I and Phase II issues—raised in Order No. 13766.

Order No. 13804 (November 10, 2005): This Order accepted in part and rejected in part comments filed by the parties in the Working Group Report submitted on October 25, 2005. The Commission generally approved the method for certifying individual generators. The Commission directed the Working Group to develop a list of comparable state certificates that would meet the District's RPS. The resulting list would help identify which facilities are in compliance with the District's RPS requirements. However, the Commission rejected the accrual of retroactive RECs created before January 1, 2006. The Commission noted that the intent of the REPS Act is to encourage the production and siting of renewable resources going forward, rather than looking back, which reduces the need for the use of retroactive RECs.

Order No. 13840 (December 28, 2005): In this Order the Commission approved, in part, various rules addressing Phase I issues recommended in the Working Group's third report (submitted November 23, 2005). Attachment A of the Order contains the interim rules that the Commission adopted. The interim rules, in part, established definitions for various terms consistent with the REPS Act, compliance requirements for electricity suppliers, generator eligibility, rules regarding the creation and tracking of RECs, and rules concerning the recovery of fees and costs.

Order No. 13860 (January 26, 2006): The Commission generally accepted the recommendations presented in the Working Group's report (submitted December 22, 2005) on comparable state certificates and related issues. The Commission pointed out that the use of the Tier I and Tier II eligibility matrices promotes a streamlined and

simple process for the certification of renewable resources located outside of the District, consistent with Order No. 13766.

Order No. 13899 (March 27, 2006): The Commission responded to Applications and/or Motions for Reconsideration and Clarification of Order No. 13840 filed by the Meadwestvaco Corporation, the Potomac Electric Power Company on behalf of the RPS Working Group, and jointly by Pepco Energy Services, Mirant Corporation, Washington Gas Energy Services, Inc., District of Columbia Energy Office, and Constellation. This Order, in part, amended the interim rules to indicate that retroactively created RECs must be tracked through GATS. In addition, with respect to the information to be included in the annual compliance report, the Commission amended the interim rules to indicate that suppliers purchasing RECs solely via bundled products are exempt from including the total price paid for Tier I, Tier II, and Solar Energy Credits in their report.

Order No. 14005 (July 24, 2006): The Commission accepted in part and rejected in part, recommendations contained in the Working Group report addressing Phase II issues, submitted on March 24, 2006. This Order further accepted in part and rejected in part recommendations contained in supplemental comments filed by the Office of the People's Counsel and in reply comments filed jointly by the Potomac Electric Power Company, Pepco Energy Services, Inc., and the District of Columbia Energy Office.

Order No. 14085 (October 13, 2006): The Commission denied the Application for Reconsideration of Order No. 14005 filed by the MD-DC-VA Solar Energy Industries Association.

Order No. 14114 (November 13, 2006): The Commission accepted in part and rejected in part, recommendations contained in the Working Group report (September 15, 2006) regarding: (1) the use of engineering estimates to measure the output of small solar installations; (2) the District of Columbia's adoption of Behind-the-Meter rules and regulations used in other Mid-Atlantic States; and (3) the Working Group's response to a hypothetical question involving renewable energy credit creation that was set forth in Order No. 13766.

Order No. 14225 (March 2, 2007): The Commission accepted in part and rejected in part recommendations contained in the Working Group report, addressing issues identified in Order No. 14114, submitted on December 13, 2006. In particular, the Commission amended the interim rules to address certain issues regarding behind-the-meter generation.

Order No. 14697 (January 10, 2008): After receiving comments on the Notice of Proposed Rulemaking, issued November 2, 2007, the Commission adopted Chapter 29 of Title 15 District of Columbia Municipal Regulations ("Final Rules"). The Final Rules became effective upon the publication of the Notice of Final Rulemaking in the *D.C. Register* on January 18, 2008.

Order No. 14782 (April 10, 2008): Adopted the Electricity Supplier 2007 Compliance Report Form and associated filing instructions for the District's RPS Program. Electricity suppliers were directed to use the form for the 2007 Compliance Reports due May 1, 2008.

Order No. 14798 (April 29, 2008): Directed on-site or behind-the-meter ("BTM") generators, certified by the Commission as eligible renewable generating facilities and required to file on-site or BTM generation reports under the Commission's rules, to file their reports with the Commission.

Order No. 14809 (May 12, 2008): Directed the RPS Working Group to file, consistent with the Commission's rules, an annual update to the Tier I and Tier II eligibility matrices.

Order No. 14885 (August 11, 2008): Directed certain electricity suppliers to file evidence with the Commission that each established Generation Attribute Tracking System accounts and that the renewable energy credits reported in their compliance reports have been properly retired.

Order No. 15077 (October 1, 2008): Denied Washington Gas Energy Services, Inc.'s request for a waiver of the 2007 compliance fee for solar renewable energy credits and directed the Company to file proof of payment of the 2007 compliance fee for solar renewable energy credits.

Order No. 15192 (February 18, 2009): Directed the RPS Working Group to review the available information regarding certain states and, if the Working Group identifies any Tier I or Tier II renewable energy resources whose certification requirements may be comparable to the District's RPS program, to file an annual update. In identifying new resources, the Order noted that the Working Group should be mindful of the fact that the Clean and Affordable Energy Act of 2008 has added additional certification requirements for certain solar energy facilities.