

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED 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 and 34-802,¹ hereby gives notice of its intent to amend Chapter 29 (Renewable Energy Portfolio Standard (RPS)) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. This Notice of Proposed Rulemaking (NOPR) amends Sections 2902, 2903, and 2999 of the Commission's RPS rules to generally require all renewable generating facilities, including behind-the-meter generators, to account for energy output through the use of a revenue grade production meter or inverter-based production measurement equipment. This NOPR additionally amends the Commission's current RPS application to require documentation of site maps or construction drawings and additional attestations for both new and amended applications. These drawings are necessary to ensure accuracy in production reporting as they 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. All proposed changes within the NOPR support the Commission's efforts to ensure the accuracy of system output and efficiency in the RPS program.

3. Currently, Subsection 2903.2 allows behind-the-meter generators with a capacity of less than ten kilowatts (10 kW) to submit engineering parameters of their facility (tilt, azimuth, and capacity) to both the Commission and PJM-EIS GATS. Using these parameters, PJM-EIS GATS calculates estimates of the system's production. The proposed amendments will require all systems, including previously certified renewable generating facilities, to utilize a meter or inverter-based production measurement equipment to report revenue-grade energy production data to PJM-EIS GATS. Previously certified systems will have until the end of 2022 to come into compliance. The Commission expects advanced inverters to become commercially available in the District in 2022, so these rules also accommodate utilizing metering functions on those advanced inverters to comply with the metering obligation. The application requirements in Section 2902 and the definitions in Section 2999 are also amended to reflect the updated energy output requirements.

4. Requiring all renewable generating facilities to provide construction drawings and have a production meter or inverter-based equipment will allow the Commission to obtain more accurate data about the energy output of these facilities. This information, along with additional compliance measures, will assist the District in meeting its 100% renewable energy goal in

¹ D.C. Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.).

2032.² The proposed additions to Sections 2902, 2903, and 2999 are shown by underline and the deletions by ~~strikethrough~~.

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 as follows:

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2902.4 In addition to the information required in § 2902.3, an applicant submitting an Application must also attach:

- (a) A current Certificate of Good Standing for the applicant issued by the state in which the business was formed, if applicable;
- (b) A copy of the U.S. Department of Energy, Energy Information Administration Form EIA 860, if the rated capacity is greater than one megawatt (1 MW);
- (c) A Certificate of Authorization to Conduct Business in the District of Columbia, if applicable;
- (d) Documentation of authority to sign on behalf of the applicant;
- (e) Documentation that the energy output of the non-residential solar heating, cooling, or process heat property systems producing or displacing greater than ten thousand kilowatt hours (10,000 kWh) per year is determined by an on-site energy meter that meets performance standards established by the International Organization of Legal Metrology (OIML) and the solar collectors used have a OG-100 certification from the Solar Rating and Certification Corporation (SRCC), if applicable;
- (f) Documentation that the energy output of the non-residential solar heating, cooling, or process heat property systems producing or displacing ten thousand (10,000) or less kilowatt-hours per year is determined by the SRCC OG-300 annual system performance rating protocol applicable to the property or by an on-site energy meter that meets performance standards established by OIML and the solar collectors used have a OG-100 certification from the SRCC, if applicable;
- (g) Documentation that the residential solar thermal system energy output is determined by the SRCC OG-300 annual rating protocol or by an on-site

² CleanEnergy DC Omnibus Amendment Act of 2018, D.C. Law 22-257 (effective March 22, 2019).

energy meter that meets performance standards established by OIML and the solar collectors used have a OG-100 certification from the SRCC, if applicable; **and**

- (h) Interconnection Approval for the renewable generator, if applicable; **and**
- (i) **Documentation of site maps or construction drawings submitted to the Department of Consumer and Regulatory Affairs (DCRA), or the appropriate jurisdictional permitting authority, which identify the system's capacity, number of panels, tilt and azimuth. These maps and/or drawings must include any as-built modifications.**

2902.5

An applicant submitting an Application must attest to:

- (a) Environmental Compliance, if the fuel type is not solar energy; **and**
- (b) General Compliance that all information contained in the Application is true and accurate; ~~and~~
- (c) **General Compliance with all Commission rules; and**
- (d) **General Compliance, once certified, of production reporting requirements, terms of use, and the operating rules of the PJM Environmental Information Service GATS (PJM-EIS GATS).**

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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, **generating capacity, generating resource tilt and/or azimuth,** 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. **Any application for change in system orientation or system size shall include documentation of site maps or construction drawings submitted to DCRA, or the appropriate jurisdictional permitting authority, which identify the system's capacity, number of panels, tilt and azimuth. These maps and/or drawings must include any as-built modifications.** ~~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.~~

- 2902.13 A renewable generator may be decertified by the Commission if it is determined to no longer be an eligible renewable resource due to fraud, gross negligence, or a material change in the nature of the resource. To make this determination, and to generally determine if renewable generators are in compliance with the RPS rules, the Commission or its authorized representative may conduct an audit on a renewable electricity generator's system to certify its production claims in the PJM-EIS GATS system. Before being decertified, a renewable electricity generator will be given thirty (30) days' written notice and an opportunity to show cause why it should not be decertified.
- 2902.14 Any renewable generator that is decertified ~~due to fraud~~ may not create any District of Columbia RECs for a three (3)-year period and may not retroactively create RECs for that same three (3)-year period.
- 2902.15 Any subsequent unrelated owner of the decertified renewable generator, pursuant to § 2902.14, is not subject to the three (3)-year exclusion beginning with its effective date of ownership.

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Section 2903, CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS, is amended as follows:

- 2903.1 RECs shall be created and tracked through the ~~PJM Environmental Information Service GATS~~ (PJM-EIS GATS).
- 2903.2 ~~All b~~Behind-the-meter generators ~~with a capacity of less than ten kilowatts (10 kW) may shall~~ submit to PJM-EIS GATS engineering-based estimates of their output actual production data if the generator is not directly metered by from a revenue grade production utility-meter or inverter-based revenue-grade production measurement equipment. The reporting shall comply with the production reporting requirements, terms of use, and the operating rules of the PJM-EIS GATS. The RPS applicant shall provide accurate production data to PJM-EIS GATS or risk facing the actions outlined in sections 2902.13 and 2902.14. Behind-the-meter generators that are certified or were submitted to the Commission for certification before [date of final rule adoption] and currently use production estimates in PJM-EIS GATS will have until December 31, 2022 to install metering capabilities and begin reporting metered data to PJM-EIS GATS. Beyond this date, all systems still using the production estimates option in PJM-EIS GATS will be suspended by the Commission and will not be permitted to create new RECs until the Commission has deemed these systems in compliance. Consistent with the legislative provisions in D.C. Official Code §§ 34-1432 (a-1)(1) and (a-1)(2),

solar thermal energy systems that do not generate electricity may estimate output in kilowatt-hour savings. For solar thermal energy systems that do not generate electricity:

- (a) If the output is to be estimated, the Commission will provide PJM-EIS GATS with the output in kilowatt-hour savings for the system, based on SRCC’s estimated annual system performance of OG-300 certified systems; or
- (b) If the solar thermal energy system uses an energy meter that meets the performance standards established by OIML, then the solar thermal energy produced by the system shall be credited with one kilowatt hour (1 kWh) of electricity generated for each three thousand four hundred twelve British thermal units (3,412 BTUs) produced by the solar thermal energy system.

2903.3 ~~RECs created by~~ Energy production data from behind-the-meter generators based on revenue grade production metering (except for solar thermal systems that estimate production) must be recorded in GATS ~~at least once each calendar year no less than quarterly~~ in order to be eligible for compliance. If metering equipment fails, estimated production will not be allowed and the production data may only be submitted once the failure has been corrected and a full month of data has been accurately recorded.

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Section 2999, DEFINITIONS, is amended as follows:

2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

Azimuth – The angle between the horizontal direction of the sun and a reference to direction (North) of a solar panel. This direction is non-magnetic unless so specified.

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Inverter-Based Revenue-Grade Production Measurement Equipment – Electrical inverter equipment, advanced inverters (upon commercial availability), or inverter communicating equipment that measures the generated energy output at the inverter, is capable of recording the cumulative kilowatt-hours that the generator produces which meets the latest American National Standards Institute (ANSI) C-12.20 standard including an accuracy deviation no greater than +/- 0.5%, and that easily displays all collected data and retains lifetime production even in the event of a power outage.

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Revenue-Grade Production Meter – An energy meter that measures the generated energy output at the AC output of an inverter or generator, is capable of recording the cumulative kilowatt-hours that the generator produces which meets the latest American National Standards Institute (ANSI) C-12.20 standard including an accuracy deviation no greater than +/- 0.5%, and that easily displays all collected data and retains lifetime production even in the event of a power outage.

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Tilt – The vertical orientation to the sun of a solar panel in reference to level ground.

5. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.