

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under D.C. Official Code §§ 2-505, 34-1504 and 34-1509 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 41 (The District of Columbia Standard Offer Service Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"). Chapter 41 contains The District of Columbia Standard Offer Service ("SOS") Rules, which were established pursuant to the Retail Electric Competition and Consumer Protection Act of 1999 ("1999 Act") as codified in Sections 34-1501 through 1520 of the D.C. Code. This rulemaking proposes to amend the Commission's rules regarding SOS to account for changes to the 1999 Act made by the Community Renewable Energy Amendment Act of 2013 ("CREA"), as well as make clarifying non-substantive changes to these rules. This rulemaking amends the following sections to incorporate CREA related changes: §§ 4100.3, 4101.2, 4102.1, 4102.4, 4103.1, 4103.4, 4104.3, 4107.1, 4108.2, 4108.3, and 4199.1, and adds a new Subsections 4107.14, and 4109, while non-substantive changes are made in the following sections: §§ 4100.5, 4102.3, 4103.2, 4103.3, 4105.1, 4105.5, 4105.6, 4105.7, 4105.9, 4107.5, and 4107.11. The addition of a new Section 4109 resulted in the renumbering of Sections 4110 to 4111.

Chapter 41 (The District of Columbia Standard Offer Service Rules) of Title 15 (Public Utilities and Cable Television) of the DCMR is amended as follows:

**4100 GENERAL PROVISIONS; SCOPE, APPLICABILITY AND
 AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR
 STANDARD OFFER SERVICE**

Subsection 4100.3 is amended to read as follows:

4100.3 This chapter shall be applicable to the Electric Company designated by the Commission as the SOS Administrator to retail customers in the Electric Company's distribution service territory. This chapter also establishes the rules by which the Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and will apply to wholesale bidders who compete for the provision of wholesale full requirements services to the Electric Company. This chapter also establishes the rules by which the Electric Company in its role as the SOS Administrator shall obtain electric supply from Community Renewable Energy Facilities ("CREFs") as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013. The provisions of this

chapter are promulgated pursuant to authority set forth in Sections 34-1509(c), 34-1518.01(b), 34-1518.01(c), and 34-1504(c)(7) of the D.C. Code.

Subsection 4100.5 is amended to read as follows:

- 4100.5 SOS shall be available to: (1) customers who contract for electricity with a competitive electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a competitive electricity supplier; and (3) customers who do not choose a competitive electricity supplier.

4101 SELECTION OF WHOLESALE SOS PROVIDERS

Subsection 4101.2 is amended to read as follows:

- 4101.2 The Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and pursuant to the Community Renewable Energy Amendment Act of 2013. The procurement process shall solicit all of the electric supply for SOS customers except for the electric supply that is provided by CREFs.

4102 COMPETITIVE WHOLESALE BID STRUCTURE

Subsection 4102.1 is amended to read as follows:

- 4102.1 The Electric Company shall procure full requirements service to meet its SOS obligations using a competitive wholesale procurement process described in this chapter, as amended from time to time and as adjusted for offsetting electric supply procured from CREFs, for each SOS Customer Group (as those SOS Customer Groups are defined in Subsection 4102.3), until the Commission orders, following the major policy review outlined in Subsection 4102.2 below, that an alternative SOS procurement process shall be implemented.

Subsection 4102.3 is amended to read as follows:

- 4102.3 The Electric Company shall establish three (3) groups of customers ("SOS Customer Groups"):
- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R, AE, R-TM, R-TM-EX, RAD, and Master Metered Apartment customers, subject to any revisions made to those tariff sheets made by the Commission;
 - (b) Small Commercial Customers shall include the customers served under Electric Company Rate Schedules: GS-LV non-demand, GS-3A non-

demand, T, SL, TS, TN and SL-TN, subject to any revisions made to those tariff sheets made by the Commission; and

- (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial Customers.

Subsection 4102.4 is amended to read as follows:

4102.4 The Electric Company shall issue Requests For Proposals ("RFPs") to competitive wholesale bidders for contracts for the supply of SOS in order to maintain the following contract term balances for the various customer portfolios:

- (a) Residential Customers: The Electric Company shall solicit fixed-price offers for terms of one year, two years, or three or more years. The Electric Company's portfolio shall contain contracts such that three or more year offers comprise at least forty percent (40%) of each year's portfolio, unless the Commission has directed the Electric Company to solicit fixed-price offers based on a different mix of terms. The Electric Company and other parties may propose alternative portfolios of supply options for consideration by the Commission. The Electric Company shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The Electric Company shall select conforming offers to meet the Commission's percentage target(s) in accordance with the evaluation provision included in the RFP. Unless the Commission has directed otherwise, the final contract mix should include contracts of at least three years for no less than forty percent (40%) of the total load.
- (b) Small Commercial Customers: The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one, two, and three or more year terms. The Electric Company shall compile a portfolio of one, two, and three or more year terms conforming offers such that at least forty percent (40%) of the load will be served under contracts of three or more year terms. The Electric Company shall select one, two, and three or more year conforming offers to meet this percentage target in accordance with the evaluation provision included in the RFP. The Electric Company and other parties may propose an alternative portfolio of supply options for consideration by the Commission; and
- (c) Large Commercial Customers: The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for one and/or two year terms.

The RFP shall alert the competitive wholesale bidders to the fact that final service requirements may be adjusted to accommodate offsetting electric supply obtained by the Electric Company from CREFs.

4103 STANDARD OFFER SERVICE RETAIL RATES

Subsection 4103.1 is amended to read as follows:

- 4103.1 The retail rates to SOS customers of the Electric Company will consist of the sum of the following components:
- (a) The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service for each SOS Customer Group;
 - (b) Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges ("NITS") and related charges and any other PJM charges and costs incurred by the Electric Company directly related to the Electric Company's SOS load obligation for each SOS Customer Group;
 - (c) PJM Locational Marginal Price for energy in the Pepco Zone adjusted for ancillary service charges as specified in Section 906.5 for all unsubscribed electric supply purchased from CREFs;
 - (d) An administrative charge; and
 - (e) Applicable taxes.

Subsection 4103.2 is amended to read as follows:

- 4103.2 When the winning wholesale bidder(s) are selected, the Electric Company shall submit to the Commission: (1) the names of the winning bidders, which shall remain confidential subject to Subsection 4111.5 of this chapter, and (2) the retail rates for all the customer classes according to the Commission pre-approved time schedule. Such rates shall consist of all the components included in Subsection 4103.1. The filing required herein shall also include: (1) a detailed calculation and explanation of an administrative charge and (2) administrative charge true-up provisions.

Subsection 4103.3 is amended to read as follows:

- 4103.3 Parties to the proceedings can file comments within seven (7) days calendar days and reply comments within twelve (12) calendar days of the Electric Company's submission of the retail rates and administrative charge pursuant to Subsection 4103.2. The Commission shall thereafter issue an Order approving or rejecting

the retail rates and/or administrative charge. The Electric Company shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission's Order approving those rates and charge.

Subsection 4103.4 is amended to read as follows:

- 4103.4 The Administrative Charge will be designed to recover the Electric Company's incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as described in Subsection 4110.1), wholesale bidding expenses, working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to wholesale supplier administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, costs related to the purchases of electric supply from CREFs and legal and regulatory filing expenses related to SOS requirements.

4104 COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS

Subsection 4104.3 is amended to read as follows:

- 4104.3 The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each supplier will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Section 4109.1. The Electric Company may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.

4105 ESTABLISHMENT AND RE-ESTABLISHMENT OF STANDARD OFFER SERVICE; CUSTOMER SWITCHING RESTRICTIONS

Subsection 4105.1 is amended to read as follows:

- 4105.1 SOS shall be provided to any customer who purchases a new service within the District of Columbia and who does not obtain electric generation service from a

competitive electricity supplier at that time. There shall be no fee for a customer to establish SOS in this manner.

Subsection 4105.5 is amended to read as follows:

- 4105.5 All residential customers shall be eligible to switch from SOS to competitive electricity suppliers and return to SOS without restrictions.

Subsection 4105.6 is amended to read as follows:

- 4105.6 If a non-residential customer who has elected to purchase generation services from a competitive electricity supplier subsequently returns to SOS, such non-residential customer shall be obligated to remain on SOS for a minimum term of 12 months, provided, that in the case of a non-residential customer who returns to SOS as a result of a default by that non-residential customer's competitive electricity supplier, such non-residential customer may within a grace period of three full billing cycles thereafter elect to purchase or contract for generation services from another competitive electricity supplier or elect to receive service from the Electric Company at Market Price Service rates in which event the minimum term of twelve (12) months does not apply. A competitive electricity supplier default occurs when the PJM Interconnection L.L.C. notifies the PJM members that the competitive electricity supplier is in default.

Subsection 4105.7 is amended to read as follows:

- 4105.7 A non-residential customer who ceases to receive generation services from a competitive electricity supplier may elect to receive service from the Electric Company at Market Price Service rates rather than Standard Offer Service rates. The minimum stay provisions stated in Subsection 4105.6 shall not apply to customers receiving service under Market Price Service rates. The Market Price Service rates shall be set in accordance with a tariff previously filed and approved by the Commission. The tariff shall contain a formula that reflects only the following components, or their functional equivalents in the future: the PJM locational marginal price for energy for the Electric Company zone, the PJM posted and verifiable market capacity price, transmission, ancillary services, line losses, appropriate taxes and a fixed retail adder of x mills per kWh. (The amount of the retail adder will be determined in the administrative cost proceeding.) The Market Price Service rates may vary by customer class and reflect actual costs. The floor price for Market Price Service rates will be the applicable Standard Offer Service rates.

Subsection 4105.9 is amended to read as follows:

- 4105.9 Notice of Transfers; Transfer of Service; Bill Calculation:

- (a) Notice of Transfer into SOS: A customer who intends to transfer into SOS shall do so by notifying the Electric Company or by canceling service with its competitive electricity supplier.
- (b) Transfer into SOS: If the customer notifies the Electric Company no less than seventeen (17) days before the customer's next normally scheduled meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the following meter read date. The Electric Company shall accommodate the request to the greatest extent practicable.
- (c) Notice of Transfer out of SOS: Notice that a SOS customer will terminate SOS and obtain service from a competitive electricity supplier shall be provided to the Electric Company by the customer's competitive electricity supplier pursuant to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations; and
- (d) Transfer out of SOS: If the competitive electricity supplier notifies the Electric Company no less than seventeen (17) days before the customer's next meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the subsequent meter read date.

4107 REPORTING REQUIREMENTS AND TRUE UP PROVISIONS

Subsection 4107.1 is amended to read as follows:

- 4107.1 Within ninety (90) days of the conclusion of each year of SOS bidding, the Electric Company shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, on the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service), a report on the amount of electric supply acquired from CREFs during the previous year, and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the Electric Company.

Subsection 4107.5 is amended to read as follows:

- 4107.5 The Electric Company shall true-up its billings to retail customers for services provided pursuant to Subsection 4103.1(a) against its payments to wholesale suppliers. The Electric Company shall also true-up its billings to retail customers to reflect any net damages recovered by the Electric Company from a defaulting supplier in accordance with Subsection 4111.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial),

the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

Subsection 4107.11 is amended to read as follows:

4107.11 To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to elimination of through-and-out transmission charges will be included in the charges under Subsection 4103.1(b). Pursuant to the WFRSA, the wholesale suppliers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the Electric Company may recover them through retail rates:

- (a) The Electric Company will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the Electric Company's retail rates under Subsection 4103.1(b); and
- (b) The wholesale supplier will charge the Electric Company only for those new costs that the Commission determines may be recovered in rates by the Electric Company. In no event will the Electric Company bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the Electric Company's retail transmission rates for SOS service, except to the extent (if any) provided in Subsection 4103.1.

A new Subsection 4107.14 is added to read as follows:

4107.14 On or before January 15th of each year, the Electric Company shall submit a report to the Commission that details the value of the credits made to each CREF Owner or Operator for unsubscribed energy showing the price and the amount of unsubscribed energy underlying the credits for unsubscribed energy on a monthly basis.

4108 BID DOCUMENTS AND INFORMATION PROVIDED BY THE ELECTRIC COMPANY TO POTENTIAL BIDDERS

Subsection 4108.2 is amended to read as follows:

4108.2 The Electric Company shall provide to potential SOS bidders the following actual and historical information for the thirty-six (36) months preceding the month in

which the data is to be submitted to the Commission. The Electric Company shall provide such data on its RFP website on a date to be specified by the Commission.

- (a) Monthly and hourly demand, energy consumption and load profile data, as defined by the Commission, aggregated for each SOS customer class. For Large Commercial customers, if an individual customer's load data will be disclosed, customer written consent is required;
- (b) Number of customers in each SOS customer class and the number of customers taking SOS within each customer class;
- (c) Representative load shapes for each of the Electric Company's profile group and sub-groups by month, provided that if an individual customer's load shape will be disclosed, written customer consent is required;
- (d) Hourly delivery data;
- (e) Billing determinants on electronic spreadsheets;
- (f) System losses;
- (g) The amount of electric supply acquired from CREFs and the total capacity of all authorized CREFs; and
- (h) Other information as determined by the Commission to be necessary or useful to wholesale bidders.

Subsection 4108.3 is amended to read as follows:

4108.3 The general requirements and conditions for information submitted by the Electric Company to potential SOS bidders are as follows:

- (a) Aggregate data: All information required to be provided by Subsection 4108.2 shall be provided on an aggregate class basis. Individual customer information shall not be provided without the customer's written consent.
- (b) Historic Data Period: All information provided will reflect usage during the most recent thirty-six (36) month period, where available. Information describing factors that would cause the information to be unrepresentative of electricity usage during the SOS period shall also be provided.
- (c) Due Care; Corrections: The Electric Company shall use due care in compiling the required information with the understanding that bidders will be relying on the data to formulate SOS bids. The Electric Company shall have the duty to correct any inaccuracies promptly upon discovery.

- (d) **Affiliated Interests:** The Electric Company shall not provide any information to an affiliated competitive provider that is not provided to all potential SOS bidders. The Electric Company must comply with the code(s) of conduct adopted by the Commission.
- (e) **Electronic Form; Standard Software:** The Electric Company shall provide all information in electronic form usable by standard personal computer software packages; and
- (f) **Scope and Format:** The Commission will determine the scope and detail of the information required by Subsections 4108.2, 4108.3(a), 4108.3(b), and 4108.3(e).

Add a new Section 4109, DISTRIBUTION LEVEL GENERATION, to read as follows:

4109 DISTRIBUTION LEVEL GENERATION

- 4109.1 Community Renewable Energy Facilities ("CREFs") may provide electric supply to the Electric Company that shall be used to offset SOS purchases from wholesale suppliers. All electric supply provided by CREFs shall become the property of the Electric Company, but shall not be counted toward the Electric Company's total retail sales for purposes of 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.*).
- 4109.2 If the electric supply of a CREF is fully subscribed, the Electric Company as SOS Administrator shall pay the CREF through a CREF Community Net Metering ("CNM") credit on the accounts of all of the CREF's Subscribers. The Electric Company, as SOS Administrator, shall make no additional payment to the CREF.
- 4109.3 If the electric supply of a CREF is not fully subscribed, the Electric Company as the SOS Administrator shall purchase the unsubscribed supply produced up to the 5 megawatt maximum capacity at the PJM Locational Marginal Price for energy for the PEPCO zone, adjusted for ancillary service charges as specified in Subsection 906.5 according to the procedures set out pursuant to section. Any unsubscribed energy purchased by the SOS Administrator will be distributed to CREF subscribers as credits pursuant to Subsection 907.8.
- 4109.4 Transactions identified in Subsections 4109.1 through 4109.3 are outside of the WFRSA and not part of Wholesale Full Requirement Service.

The previous Section 4109 is renumbered 4110, MARKET MONITOR CONSULTANT and is amended to read as follows:

4110 MARKET MONITOR CONSULTANT

4110.1 The Consultant RFP is the document to be issued to hire the Commission's Market Monitoring Consultant ("Consultant"). The Electric Company shall procure and pay for an independent consultant hired pursuant to the Consultant RFP. The Consultant shall be responsible for monitoring all aspects of the procurement of the SOS services. Specifically:

- (a) The Consultant shall be selected by, shall take its direction from, and shall provide its consultation and work products to the Commission.
- (b) The costs incurred by the Electric Company in hiring the Consultant may be included in the Electric Company's incremental costs and may be recovered through the Administrative Charge, subject to Commission review and approval.
- (c) The Consultant shall provide the Commission and the Office of People's Counsel with a final report as to each supply procurement and award.
- (d) The Commission will determine the qualifications of and evaluate all bidders. The Commission will further direct the Electric Company, in writing, as to which bidder to award a contract for consulting service and the terms and conditions of that contract with the exception of the terms and conditions specifically described in this section. The Electric Company will execute the contract with the Consultant no later than four (4) weeks prior to the date of the initial pre-bid conference. The Electric Company will be required to pay only for work that the Consultant does in reviewing the Electric Company's compliance with Section 4105 and any other work that the Commission asks the Consultant to perform.
- (e) The contract term for the contract between the Electric Company and the consultant shall be for one-year, with an option to extend the contract for two (2) additional one-year terms. The option(s) shall be exercised by the Commission in its sole discretion; and
- (f) Prior to the expiration of the initial contract awarded under this section, the second and subsequent consultant services contracts shall be awarded and administered consistent with Subsections 4110.1(a)-(e) herein.

The previous Section 4110 is renumbered 4111, MISCELLANEOUS PROVISIONS and is amended to read as follows:

4111 MISCELLANEOUS PROVISIONS

4111.1 The Electric Company may at any time request Commission approval to make changes in its tariffs. However, to the extent that those tariff changes would require conforming changes to either the RFP, the WFRSA generally, or any WFRSA that may be in effect from time to time:

- (a) No such tariff changes may alter the rights and obligations of any wholesale supplier with respect to any WFRSA for which an RFP has already been issued, unless the supplier consents to have its rights or obligations changed;
- (b) The Electric Company shall serve notice of the tariff changes and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
- (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the Electric Company is subject.

4111.2 If, after conducting the bid procedures in accordance with the RFP, the Electric Company still has SOS load that has not been awarded to a supplier, then:

- (a) The Electric Company shall initially supply the unserved load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such unserved load, and shall include all the costs of such purchases in the retail rates charged for the service for which the purchases are made.
- (b) Within five (5) business days of it being determined by the Electric Company that the load is unserved, the Electric Company shall convene a meeting of all parties to the proceeding and Commission staff to discuss alternative ways to fill the unserved load, including but not limited to a rebid or a bilateral contract. The meeting process will conclude within ten (10) business days of the load being determined to be unserved, and within twenty (20) calendar days of it being determined that the load is unserved, the Electric Company shall file with the Commission, and serve upon the all parties to the proceeding, any proposal it has for serving the load in lieu of the procedure set forth in Subsection 4111.2(a); and
- (c) The Commission will resolve the Electric Company's filing on an expedited basis. Any alternative means that the Commission approves

will expressly provide that the Electric Company's costs for filling the load will be recovered in retail rates in the same manner as all other charges pursuant to Subsection 4104.1. Until the Commission approves an alternate means of filling the load, Subsection 4111.2(a) will apply.

4111.3 If any load is left unserved after a wholesale supplier defaults:

- (a) The Electric Company shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting wholesale supplier, in the retail rates charged for the service for which the purchases are made; and
- (b) As soon as practicable after it is determined by the Electric Company that the load is unserved, the electric company shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA. Such a plan shall be submitted to the Commission within ten (10) business days after a supplier default. Until the Commission approves a plan to fill the remaining term of the defaulted WFRSA, Subsection 4111.3(a) will apply.

4111.4 Access to confidential information relating to the Electric Company's procurement of SOS power supply will be governed by the OPC Confidentiality Agreement, the Consultant's Confidentiality Agreement contained in the Bidder RFP, and the Confidentiality Agreement contained in the RFP and the confidentiality provisions of the WFRSA (collectively the "Confidentiality Agreements").

4111.5 Ninety (90) days following the Commission's approval of the selection of winning bidders for the final tranche, the Commission will disclose upon request (a) the total number of bidders, and (b) the names of the winning bidders.

4199 DEFINITIONS

Subsection 4199.1 DEFINITIONS is amended by adding or modifying the following terms and definitions to read as follows:

"Availability of Standard Offer Service" means the Standard Offer Service available on and after the initial implementation date to: (1) customers who contract for electricity with a competitive electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a competitive electricity supplier; and (3) customers who do not choose a competitive electricity supplier.

“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 tier one renewable sources 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)); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and CREF Rider with the Electric Company.

“CREF Credit Rate” means a rate equal to the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, that is applied as a credit to the account of a CREF subscriber for its percentage of the CREF electrical production.

“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).

“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.

“Subscription” means a percentage interest in a CREF’s electrical production.

2. All persons interested in commenting on the subject matter of this NOPR may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, DC 20005 or at the Commission’s website at www.dcpssc.org. Persons with questions concerning this Notice should call 202-626-5150.