

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM9-2015-01, IN MATTER OF 15 DCMR CHAPTER 9-NET ENERGY METERING-COMMUNITY RENEWABLE ENERGY AMENDMENT ACT OF 2013**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Sections 2-505(a) and 34-1518 of the District of Columbia Official Code,<sup>1</sup> of its intent to adopt the following amendments to Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"), in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

2. On September 12, 2014, the Commission published a Notice of Proposed Rulemaking ("NOPR") to amend the Chapter 9: Net Energy Metering ("NEM") of Title 15: Public Utilities and Cable Television Rules, in accordance with the "Community Renewable Energy Amendment Act of 2013" ("CREA").<sup>2</sup> The CREA establishes a community net metering ("CNM") program for the District's retail customers.<sup>3</sup> In the September 12, 2014 NOPR, the Commission sought comments on the proposed amendments to Chapter 9 to ensure its provisions comport with the CREA.

3. In response to the September 12, 2014 NOPR, the Commission received comments from the following entities: 1) the Potomac Electric Power Company ("Pepco"); 2) the Office of People's Counsel ("OPC"); 3) the Interstate Renewable Energy Council ("IREC"); 4) the Vote Solar Initiative ("Vote Solar"), DC Solar United Neighborhoods ("DC SUN"), and the D.C. Chapter of the Sierra Club (collectively the "VSGroup"); 5) Nixon Peabody LLP ("NPLaw"); and 6) U.S. Photovoltaics, Inc. ("USPV").<sup>4</sup> The Commission received reply

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<sup>1</sup> D.C. Official Code §§ 2-505(a) and 34-1518 (2012 Repl. & 2014 Supp.).

<sup>2</sup> The Community Renewable Energy Amendment Act of 2013 ("CREA") was enacted October 17, 2013. See *D.C. Act 20-0186*. The CREA became effective December 13, 2013. See *D.C. Law 20-0047*.

<sup>3</sup> See Sec. 2 of the CREA amending D.C. Official Code § 34-1501, Sec. 101 of the Retail Electric Competition and Consumer Protection Act of 1999.

<sup>4</sup> *RM9-2014-01*, Comments of U.S. Photovoltaics, Inc. to the September 14, 2014 NOPR ("USPV's Comments"), filed October 9, 2014; Comments of the Potomac Electric Power Company to the Notice of the Proposed Rulemaking ("Pepco's Comments"), filed October 14, 2014; Comments of the Office of People's Counsel on the Proposed Rulemaking on the Community Renewable Energy Act of 2013 ("OPC's Comments"), filed October 14, 2014; Comments on the Proposed Rules for the Interstate Renewable Energy Council, Inc. ("IREC's Comments"), which represent the positions of the Maryland DC Virginia Solar Energy Industries Association ("MDV-SEIA"), DC SUN, Skyline Innovations (d/b/a Nextility Inc.), Clean Energy Collective ("CEC"), Vote Solar, the DC Sierra Club, filed October 14, 2014; Comments of the Vote Solar Initiative, DC Solar United Neighborhoods ("DC SUN"), and the D.C. Chapter of the Sierra Club to the Notice of Proposed Rulemaking, amending Chapter 9 of Title 15 of the District of Columbia Municipal Regulations ("VSGroup's Comments"), filed October 14, 2014;

comments from the following entities: Pepco, IREC, and CleanGrid Advisors (“CleanGrid”).<sup>5</sup>

4. Based on the comments and reply comments from the interested entities, the Commission proposed to further amend the proposed rules for Chapter 9. On January 30, 2015, a Second NOPR was published in the *D.C. Register* proposing to revise the following sections of Chapter 9 of Title 15 of the DCMR: 906, 907, 908 and 999. These proposed amendments resulted in a renumbering of subsections within Sections 906, 907 and 908.<sup>6</sup> The Second NOPR replaced and superseded the NOPR, which was published in the *D.C. Register* on September 12, 2014.<sup>7</sup>

5. On February 4, 2015, the Commission issued Order No. 17794 (a companion order to the NOPR) explaining the reasoning underlying the proposed revisions. In response to the Second NOPR, the Commission received comments from the following entities: 1) the Pepco; 2) OPC; 3) VSGroup; and 4) Standard Solar.<sup>8</sup> The Commission received reply comments from 10 members of the Council for District of Columbia (“Council”), Pepco, Anya Schoolman and OPC.<sup>9</sup> After review and consideration of the parties’ comments, the Commission has made minor non-substantive changes to: 1) Subsection 906.4 by replacing “Pepco Zone” with “Pepco District of Columbia sub-Zone;” and Subsection 907.10 by adding “more than” to the first

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Comments of Nixon Peabody in Response to the Notice of Proposed Rulemaking (“NPLaw’s Comments”), filed October 14, 2014; See also IREC’s Errata Comments filed October 15, 2014.

<sup>5</sup> *RM9-2014-01*, Reply Comments of the Potomac Electric Power Company regarding the Notice of the Proposed Rulemaking (“Pepco’s Reply Comments”), filed October 27, 2014; Reply Comments on the Proposed Rules for the Interstate Renewable Energy Council, Inc. (“IREC’s Reply Comments”), filed October 27, 2014; Reply Comments of CleanGrid Advisors (“Clean Grid Advisors’ Reply Comments”), filed October 28, 2014.

<sup>6</sup> 62 *D.C. Reg.* 1395-1406 (2015).

<sup>7</sup> 61 *D.C. Reg.* 9370-9380 (September 12, 2014).

<sup>8</sup> *RM9-2015-01*, Comments of the Potomac Electric Power Company Regarding Notice of Proposed Rulemaking (“Pepco’s Comments”), filed March 2, 2015; Comments of the Office of People’s Counsel on the Second Proposed Rulemaking on the Community Renewable Energy Act of 2013 (“OPC’s Comments”), filed March 2, 2015; Joint Comments in Response to Notice of Proposed Rulemaking of Vote Solar Initiative, DC Solar United Neighborhoods (“DC SUN”), Maryland DC Virginia Solar Energy Industries Association (“MDV-SEIA”), the Grid 2.0 Working Group, the Washington, D.C. Chapter of the Sierra Club to the Notice of Proposed Rulemaking, and National Housing Trust amending Chapter 9 of Title 15 of the District of Columbia Municipal Regulations (“VSGroup’s Joint Comments”), filed March 2, 2015; Standard Solar Comments Regarding the Commission’s Conclusions about Community Renewable Energy Facilities (“Standard Solar Comments”), filed March 2, 2015.

<sup>9</sup> *RM9-2015-01*, Reply Comments of the Potomac Electric Power Company in Response to Notice of the Proposed Rulemaking (“Pepco’s Reply Comments”), filed March 16, 2015; Reply Comments of the Office of People’s Counsel on the Second Proposed Rulemaking on the Community Renewable Energy Act of 2013 (“OPC’s Reply Comments”), filed March 16, 2015; Comments of Anya Schoolman Regarding the January 30, 2015 NOPR (“Anya Schoolman’s Comments”), filed March 16, 2015; Comments from the Council for District of Columbia (“Council’s Comments”), filed March 17, 2015. Because of the timing of Ms. Schoolman’s and the Council’s comments, we will treat them as reply comments in this Order.

sentence of the provision. The final rules will become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

**Chapter 9, NET ENERGY METERING, of Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, of the DCMR is amended as follows:**

**900 GENERAL PROVISIONS**

**Subsection 900.1 is amended to read as follows:**

900.1 The purpose of this chapter is to set forth the policies and procedures for implementation of the net energy metering and community net metering provisions of the “Retail Electric Competition and Consumer Protection Act of 1999,”<sup>10</sup> as amended, the “Clean and Affordable Energy Act of 2008”<sup>11</sup> (“CAEA”), and the “Community Renewable Energy Amendment Act of 2013” (“CREA”).

**Subsection 900.2 is amended to read as follows:**

900.2 This chapter establishes the Public Service Commission of the District of Columbia’s Rules and Regulations governing Net Energy Metering and Community Net Metering, including eligibility for participating in Net Energy Metering and Community Net Metering, a bill crediting mechanism, Net Energy Metering and Community Net Metering billing requirements for participants, net metering-related equipment requirements, requirements for reporting and contractual arrangements, and safety and performance standards. This chapter shall be cited as the “District of Columbia Net Energy Metering and Community Net Metering Rules.”

**Subsection 900.3 is amended to read as follows:**

900.3 The provisions of this chapter are promulgated pursuant to the authority set forth in Section 34-1518 of the D.C. Official Code and the CREA.

**Section 906, WAIVER, is renamed and amended to read as follows:**

**906 COMMUNITY RENEWABLE ENERGY FACILITIES**

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<sup>10</sup> The Retail Electric Competition and Consumer Protection Act of 1999 was enacted January 18, 2000. *See D.C. Act 13-0256*. Retail Electric Competition and Consumer Protection Act of 1999 became effective May 9, 2000. *See D.C. Law 13-107*.

<sup>11</sup> The Clean and Affordable Energy Emergency Act of 2008 (“CAEA”) was enacted September 25, 2008. *See D.C. Act 17-508*. The permanent version of the CAEA became law on October 22, 2008. *See D.C. Law 17-250*.

- 906.1 A CREF: (a) shall be directly interconnected with the Electric Company's distribution system and shall execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers or cause the CREF to exceed five (5) megawatts in capacity; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances shall a CREF sell Subscriptions totaling more than one hundred percent (100%) of its energy generation.
- 906.2 The owners of any Subscriber Organization controlling a CREF: (a) shall not be considered public utilities or electricity suppliers solely as a result of their interest or participation in the CREF; (b) shall own any Renewable Energy Credits ("RECs") associated with the electricity generated by the CREF, unless the RECs were explicitly contracted for through a separate transaction independent of any interconnection agreement or contract; (c) shall follow all procedures and all standards for performance and safety for interconnection set forth in Chapter 40 of Title 15 of the District of Columbia Municipal Regulations; and (d) shall be subject to the distribution level generation requirements set forth in Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Section 4109.
- 906.3 Prices paid for Subscriptions and contractual matters between the CREF owner, Subscriber Organization, and Subscribers shall not be subject to the jurisdiction of the Commission.
- 906.4 All electricity exported to the grid by a CREF shall become the property of the SOS Administrator, pursuant to Section 118a(h) of the amended Retail Electric Competition and Consumer Protection Act of 1999, but shall not be counted toward the SOS Administrator's total retail sales pursuant to the Renewable Energy Portfolio Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et seq.*). If the electrical production of a CREF is not fully subscribed, the SOS Administrator shall purchase the unsubscribed energy produced by the CREF at the PJM Locational Marginal Price for energy in the Pepco District of Columbia sub-zone. If applicable, the price shall be adjusted to include ancillary service charges for distribution services. The SOS Administrator shall use unsubscribed energy to offset purchases from wholesale suppliers for Standard Offer Service, and shall recover the cost for the purchase of the unsubscribed energy from SOS customers, in accordance with Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Subsection 4103.1.
- 906.5 A CREF shall have no less than two (2) Subscribers. In the event that a CREF falls below two (2) Subscribers, the CREF shall notify the Electric Company within seventy-two (72) hours. A CREF with fewer than two (2) Subscribers for

more than thirty (30) days shall not provide energy for CREF credit pursuant to Subsection 907.6 or sell any energy supply to the SOS Administrator pursuant to Subsections 906.4 and 907.7 and is subject to disconnection by the Electric Company. The Electric Company shall provide notice of any CREFs which fall below two (2) Subscribers to the Commission, upon request.

- 906.6 The Electric Company shall be responsible for ensuring that public safety and system reliability is maintained, including during the interconnection and disconnection of a CREF.
- 906.7 A CREF applicant shall apply for an Interconnection Agreement as a generating facility that is authorized to export power pursuant to Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.
- 906.8 Within thirty (30) days of this rulemaking, the Electric Company shall create and submit to the Commission for approval a separate CREF Tariff with terms and conditions related to CREFs including but not limited to establishing and monitoring the annual level of a Subscriber's CNM credits, and applying CNM credits to the billing accounts of Subscribers. The Electric Company shall also create and submit to the Commission a CREF Rider to the existing Interconnection Agreement that sets out the additional terms and conditions related to the interconnection of a CREF Subscriber Organization and the Electric Company, including but not limited to the procedures for the installation and inspection of the interval production meter and the suspension or disconnection of operations when a Subscriber Organization has less than two Subscribers.

**Add a new Section 907, BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS, to read as follows:**

**907 BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS**

- 907.1 Each Subscription is intended to offset part or all of the Subscriber's own historical electrical requirements. In no event may a Subscriber offset more than one hundred and twenty percent (120%) of the Subscriber's billing meter electricity consumption over the previous twelve (12) months. To determine the Subscriber's previous twelve (12) months of electricity consumption, the Electric Company shall use the Subscriber's electricity consumption for the twelve (12) months immediately prior to the first billing cycle upon which a Subscriber is eligible to receive a credit for CREF generation. If the Subscriber does not have a twelve (12) month billing history as of that first billing cycle, the Electric Company shall allow the Subscriber to choose to use as a proxy for the Subscriber's previous twelve (12) months consumption either: (1) the twelve (12) month billing history associated with the Subscriber's premises, including the billing history of the Subscriber and/or the billing history of previous customers in the premises; or (2) the then current average annual consumption of a customer in

the Subscriber's distribution service rate class, The Electric Company shall update the Subscriber's previous twelve (12) months of consumption once each year upon reaching the anniversary date of the first billing cycle that the Subscriber was eligible to receive a Community Net Metering Credit.

- 907.2 All individual billing meters for CREF Subscriptions shall be within the District of Columbia.
- 907.3 If a Subscriber designates a set of individual meters that are combined for billing purposes for its Community Net Metering Credit, the CNM Credit shall be applied to the single billing account and shall not be more than one hundred and twenty percent (120%) of the combined total of electricity consumption of all of the individual billing meters over the previous twelve (12) months.
- 907.4 The amount of electricity generated by a CREF each month and available for purchase as subscribed or unsubscribed energy shall be determined by a revenue quality interval meter (production meter) installed and paid for by the Subscriber Organization. The interval meter shall be capable of recording energy production based on intervals of at least five minutes. After installation of the interval meter, it shall be the Electric Company's responsibility to determine that the revenue quality interval meter has been properly installed, in accordance with industry standards. It shall also be the responsibility of the Electric Company to read the revenue quality interval meter. In no event shall the electricity generated by a CREF be eligible for net energy billing.
- 907.5 The determination of the monetary value of credits allocated to each Subscriber of a particular CREF shall be based on each Subscriber's percentage interest of the total production of the CREF.
- 907.6 Each billing period, the Electric Company shall calculate the value of the CNM Credit for subscribed energy allocated to each Subscriber by multiplying the quantity of kilowatt hours allocated to each Subscriber by the CREF Credit Rate. If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy exceeds the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the remaining value of the CNM Credit shall carry over from month to month until the value of any remaining CNM Credit is used. If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy is less than the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the Subscriber shall be billed for the difference between the amount shown on the bill and the value of the available CNM Credit.
- 907.7 If the Subscriber is served by a Competitive Electricity Supplier, the Subscriber shall be billed by the Competitive Electricity Supplier for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the

CES billing rate. If the Subscriber is served by SOS, the Subscriber shall be billed by the Electric Company for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the SOS billing rate. Each billing period, the SOS Administrator shall transfer SOS funds equal to the value of the Subscriber's applicable CNM Credit to the Electric Company for purposes of settling against the total charges for electric supply that appear on the Subscriber's bill.

- 907.8 The CNM credit, as well as the kWh and price upon which it is based, shall be line items on a Subscriber's Electric Company bill.
- 907.9 Any unsubscribed energy purchased by the SOS Administrator pursuant to Subsection 906.4 will be paid to the CREF Subscriber Organization on a monthly basis.
- 907.10 If the Electric Company determines that a Subscriber's share of CREF production has offset more than one hundred and twenty percent (120%) of the Subscriber's electricity consumption over the previous twelve (12) months, the Subscriber shall not be eligible for any additional CNM Credit for any billing periods between (i) the date the Subscriber reached the maximum allowable consumption offset and (ii) the next anniversary date of the first billing cycle that the Subscriber was eligible to receive a CNM Credit for CREF production. Beginning with the Subscriber's next anniversary date, the Subscriber shall once again be eligible to receive a CNM Credit. Any CREF production allocable to a Subscriber in excess of the Subscriber's maximum allowable consumption offset shall be deemed unsubscribed energy and be made available for purchase by the SOS Administrator.
- 907.11 The Electric Company may require that a CREF and its Subscribers have their meters read on the same billing cycle. Subscribers shall be eligible to receive CNM Credits so long as the CREF continues to generate and provide electric supply to the Electric Company's distribution grid, regardless of the bankruptcy or contractual default of any Subscriber or of the Subscriber Organization, unless otherwise directed by a judicial order.

**Add a new Section 908, REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES, to read as follows:**

**908 REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES**

- 908.1 Each CREF shall register with the Electric Company. The Electric Company shall develop a Registration Form within thirty (30) days of these rules becoming final. The Registration Form shall include:



- (1) Name of Subscriber Organization;
- (2) Address of CREF;
- (3) City Ward where the CREF is located;
- (4) Generating technology used by the CREF;
- (5) Name Plate AC generating capacity of the CREF;
- (6) Copy of Interconnection Agreement between the CREF and the Electric Company, when obtained and executed;
- (7) Type of Organization that owns the CREF (if a for-profit making entity, a copy of the current DC Business License); and
- (8) List of CREF Subscribers, if available, including:
  - (a) Name and address of Subscriber,
  - (b) Address of the individual billing meter in the District of Columbia to which the CNM credit will be applied,
  - (c) Electric Company Account number, and
  - (d) Percentage ownership in the CREF.

908.2 If an Interconnection Agreement has not been obtained and executed at the time that the CREF Registration Form is initially submitted, the CREF owner or operator shall submit it to the Electric Company once it is obtained and executed. No CREF shall begin operation until a list of at least two (2) Subscribers has been submitted to the Electric Company.

908.3 The CREF owner or operator may change the list of Subscribers or change the Subscribers' billing meters in its CREF on a quarterly basis or more frequently when the number of Subscribers falls below two (2). When there are changes to the list, the CREF owner or operator shall provide an updated list of its CREF Subscribers and their billing meters to the Electric Company quarterly by a date certain established by the Electric Company or more frequently when the number of Subscribers falls below two (2).

908.4 Within forty-five (45) days of this rulemaking, the Electric Company shall submit to the Commission, for the Commission's approval, a procedural manual, including related sample documents where appropriate, for the implementation of CREA that shall include, but not be limited to:



- (1) The arrangement between the Electric Company, the SOS Administrator and the CREF related to the SOS Administrator taking title to CREF output at the point of common connection between the CREF and the Electric Company's distribution grid;
- (2) The arrangement between the Electric Company, the SOS Administrator and the CREF relating to the SOS Administrator's purchase of, and payment for, unsubscribed energy from the CREF at the price specified in these rules;
- (3) The arrangement between Electric Company, the SOS Administrator and the CREF for the Electric Company to create the CNM Credit based on CREF output and the price specified in the rules;
- (4) Arrangement between the Electric Company, and the CREF to credit individual CREF Subscribers with the CNM Credit based on each Subscriber's ownership share in the CREF and the CREF's monthly output and to modify the list of Subscribers and the amount of each Subscriber's Subscription; and
- (5) Arrangement between the Electric Company and Competitive Electricity Suppliers to reflect the payments of the energy supply charges for CES customers who are also CREF subscribers.

908.5 Within one hundred twenty (120) days of the issuance of the final rulemaking, the Electric Company shall add a CREA page to its website with links to the procedural manual and the forms referenced therein.

908.6 Within thirty (30) days of this rulemaking, the Electric Company shall submit to the Commission for its approval the form of the line item on the Electric Company's bill for a Subscriber's CNM Credit.

908.7 Within ten (10) days of the end of the second and fourth quarter of each year the Electric Company shall submit to the Commission a report that provides:

- (1) An overview of the CREFs operating in the District including summary statistics as to the number of CREFs, the number of Subscribers, and the amount of electric supply being generated;
- (2) A listing of each CREF including:
  - (a) Name and location (including zip code and Ward) of CREF,
  - (b) Name of Subscriber Organization,

- (c) Type of Subscriber Organization,
  - (d) Type of generating technology used by the CREF,
  - (e) Name Plate AC generating capacity of the CREF,
  - (f) Monthly CREF output as measure by production meter,
  - (g) Number of CREF Subscribers,
  - (h) Any problems created by CREFs to the distribution system that are of concern to the Electric Company, with as much specificity as possible and quantified to the extent possible, including the nature, extent, and location of the problem(s), and
  - (i) To the extent possible, the benefits to the distribution system from CREFs including use of CREFs to supply ancillary services including, but not limited to, voltage support, volt-ampere reactive (VAR) support, and frequency regulation.
- (3) The identification of any feeder which approaches a net energy export within a ten percent (10%) margin (*i.e.*, a feeder where the total production from CREF and other net metering facilities is ninety percent (90%) or more of the total energy consumption for the feeder).

908.8 Any net costs for the implementation of Community Net Metering incurred by the Electric Company that are approved by the Commission shall be recovered solely through a rate assessment on Subscribers in a base rate case, pursuant to Section 122 of the amended Retail Electric Competition and Consumer Protection Act of 1999.

**Add a new Section 909, DISPUTE RESOLUTION, to read as follows:**

**909 DISPUTE RESOLUTION**

- 909.1 Any dispute related to the CREF Subscriber's bill regarding the accuracy or calculation of the bill is subject to the Commission's Complaint Procedures under Chapter 3 of Title 15 of the DCMR (rules for residential customer complaints), or Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).
- 909.2 The owner of a CREF may file a complaint with the Commission to object to or appeal the cessation of payments to the CREF for unsubscribed energy supply or for the CREF's disconnection from the grid. As a Non-Residential entity, the CREF is subject to Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

- 909.3 Any dispute regarding the contract between the CREF and its Subscribers is not within the jurisdiction of the Commission.

**Add a new Section 910, WAIVER, to read as follows:**

**910 WAIVER**

- 910.1 Upon request of any person subject to this chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this chapter that is not required by statute or inconsistent with the purposes of this chapter.

**Section 999, DEFINITIONS, is amended by amending and adding the following terms and definitions:**

When used in this chapter; the following terms and phrases shall have the following meaning:

**“Community Net Metering” or “CNM”** means a billing arrangement under which the monetary value of electric energy generated by a Community Renewable Energy Facility and delivered to the Electric Company’s local distribution facilities is used to create a billing credit for CREF Subscribers.

**“Community Net Metering Credit” or “CNM Credit”** means the credit realized by the Subscriber, based on its ownership share in the CREF. The credit will be reflected on the Subscriber’s bills from the Electric Company.

**“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 a Tier One Renewable Source 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) as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and a CREF Rider with the Electric Company.

**“Competitive Electricity Supplier” or “CES”** means a person, other than the SOS Administrator, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers, and shall have the same meaning as the term “Electricity Supplier” set forth Section 101 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501).

**“CREF Credit Rate”** means a credit rate applied to Subscribers of Community Renewable Energy Facilities which shall be 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, based upon Section 118 of the Retail Competition and Consumer Protection Act of 1999, as amended by the Community Renewable Energy Amendment Act of 2013 effective December 13, 2013 (D.C. Law 20-0047; D.C. Official Code § 34-1501 (12A)).

**“Electric Company”** means every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively owns, leases or manages the internal distribution system serving the building and who supplies electricity and other related electricity services solely to occupants of the building for use by the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

**“Individual Billing Meter”** means an individual meter within the District of Columbia or a set of individual meters within the District of Columbia when meters are combined for billing purposes.

**“Renewable Energy Credit” or “REC”** shall have the same meaning as that provided in Section 3(10) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(10)).

**“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).

**“Standard Offer Service”** means that electric 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.

**“Subscriber Organization”** means any individual or for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more CREFs for the benefit of the Subscribers.

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

**“Tier One Renewable Source”** shall have the same meaning as that provided in 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)), as amended.

6. Comments and reply comments on the subject matter of this proposed rulemaking action must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this Notice in the *D.C. Register*. All comments and reply comments must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Once the comment period has expired, the Commission will take final rulemaking action on the proposed amendments to Chapter 9 of Title 15 of the District of Columbia Municipal Regulations.