

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET, N.W., SUITE 800
WASHINGTON, D.C. 20005**

ORDER

March 13, 2019

**RPSR-2019-01, IN THE MATTER OF ELECTRICITY SUPPLIER 2018 COMPLIANCE
REPORT FORM FOR THE DISTRICT OF COLUMBIA RENEWABLE ENERGY
PORTFOLIO STANDARD, Order No. 19859**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”), adopts the attached Electricity Supplier 2018 Compliance Report Form for the District of Columbia Renewable Energy Portfolio Standard.

2. Pursuant to D.C Code § 34-1434(a), “[e]ach electricity supplier shall submit an annual compliance report to the Commission by a date and in a form prescribed by the Commission.”¹ Which includes information that “[d]emonstrates that the electricity supplier has complied with the applicable standard under § 34-1432 and includes the submission of the required amount of renewable energy credits” or “[d]emonstrates the amount electricity sales by which the electricity supplier fails to meet the applicable renewable energy portfolio standard.”² D.C Code § 34-1434(b)(2), allows the Commission to require “any other information that the Commission by regulation or order may consider relevant.”³ By statute, the Compliance Report must be filed “by April 1 of the calendar year following the year of compliance.”⁴ In addition, the Commission’s rules require compliance fees for the previous calendar year to be submitted to District of Columbia Department of Energy & Environment (“DOEE”) by April 1 of the following year.⁵

3. Each electricity supplier shall report the amount of its electric supply that was exempt from the increased RPS solar compliance fee pursuant to the Renewable Portfolio Standard Expansion Amendment Act of 2016⁶ for calendar year 2018, provide estimates for the amount of exempted electric supply for the current calendar year and each subsequent year that the exemption applies, and provide an estimate of the amount of compliance fees to be paid for the 2019 calendar year.

¹ D.C. Code § 34-1434(a) (2018 Supp.).

² D.C. Code § 34-1434(b)(1) (A),(B) (2018 Supp.).

³ D.C. Code § 34-1434(b)(2) (2018 Supp.).

⁴ 15 D.C.M.R. § 2901.7 (2018).

⁵ 15 D.C.M.R. § 2901.9 (2018).

⁶ D.C. Code § 34-1434(c)(3) (2018 Supp.).

4. In addition, as indicated above, the Commission's rules require that compliance fees be paid by April 1. We find good cause to waive Commission Rule 2901.9 and direct electricity suppliers to submit their compliance fees for the 2018 compliance year to DOEE between October 1 and November 1, 2019.⁷

THEREFORE, IT IS ORDERED THAT:

5. The attached Electricity Supplier 2018 Compliance Report Form for the District of Columbia Renewable Energy Portfolio Standard and filing instructions are hereby **ADOPTED**;⁸

6. All electricity suppliers shall use this form in filing their calendar year 2018 Compliance Reports; and

7. The Commission **WAIVES** Rule 2901.9 and hereby **DIRECTS** all electricity suppliers to submit their compliance fees payable to the District of Columbia Renewable Energy Development Fund for the 2018 compliance year to District of Columbia Department of Energy & Environment between October 1 and November 1, 2019.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

⁷ 15 D.C.M.R. § 2905.1 (2018). The Commission reserves the right to waive any provision of these rules for good cause shown. Although the CleanEnergy DC Omnibus Amendment Act of 2018 is not projected to become law until March 28, 2019, the Council's intent, as expressed in that legislation, is for electricity suppliers to submit compliance fees between October 1 and November 1 of each year. See D.C. Act 22-583, §101(c)(2).

⁸ The Electricity Supplier 2018 Compliance Report Form for the District of Columbia Renewable Energy Portfolio Standard and filing instructions can be found on the Commission's website at <https://depsec.org/RPSFAQ>.

Electricity Supplier Annual Compliance Report District of Columbia Renewable Energy Portfolio Standard (REPS) Program

Filing Instructions

File an electronic version of the annual report and attachments with the Office of the Commission Secretary:

Commission Secretary
Public Service Commission of the District of Columbia
1325 G Street, NW
Suite 800
Washington, DC 20005

All reports must be submitted on the Commission's form for the annual report year. Each electricity supplier must use the appropriate form to submit its report. If suppliers need more space than is provided on the form or if suppliers are attaching exhibits, all attachments must be labeled or tabbed to identify the report item to which they correspond. Suppliers should also submit an electronic version of the Microsoft Excel files containing the annual compliance information.

Questions pertaining to the completion of the report may be directed to the Commission's Office of Technical and Regulatory Analysis (OTRA) at the above address or you may contact OTRA staff on: (202) 626-0558. Suppliers may also reach out with any questions to OTRA staff electronically at rfujihara@psc.dc.gov and for submitting the Excel files.

Applicable law: The evaluation of all compliance reports will be performed pursuant to the requirements of the Renewable Energy Portfolio Standard Act of 2004, D.C. Law 15-340, D.C. Official Code § 34-1431 *et. seq.*; Clean and Affordable Energy Act of 2008, D.C. Law 17-250, D.C. Official Code § 34-1431 *et. seq.*; Distributed Generation Amendment Act of 2011, D.C. Law 19-36; Renewable Portfolio Standard Expansion Amendment Act of 2016, D.C. Law 21-154; and Chapter 29 of Title 15 of the District of Columbia Municipal Regulations.

Electricity Supplier Annual Compliance Report – District of Columbia REPS Program

Name of Electricity Supplier:
Address:

Point of Contact:
Title:
Address:

Phone:
Fax:
E-mail:

Reporting Period: From: / / To: / /

Electricity Supplier Annual Compliance Report – District of Columbia REPS Program

Required Documentation:

- Confirmation that all Solar, Tier I, and Tier II RECs from PJM-EIS GATS, including the District certification number that were retired during the reporting period and the price paid for each Solar, Tier I, and Tier II REC, are available in the GATS reporting system;
- Certification of the accuracy and veracity of the report - Affidavit of General Compliance;
- Compliance Fee Report; and
- Documentation to support other data in the report.

Note: Pursuant to 15 D.C.M.R. § 2901.5(k), the total price paid may be submitted confidentially so long as the information is filed under seal pursuant to Commission Rule 150 (15 D.C.M.R. § 150) and is properly labeled.

Under penalty of perjury, the undersigned hereby affirms that he/she is authorized to and hereby does submit this Report for the Electricity Supplier and that based upon personal knowledge and information the contents of this Report are true.

Signature

Date

Print Name and Title

Electricity Supplier Annual Compliance Report – District of Columbia REPS Program

AFFIDAVIT OF GENERAL COMPLIANCE

State of _____ :
County of _____ : ss.

_____, (Name of Officer/Affiant), being duly sworn/affirmed according to law, deposes and says that:

He/she is the _____ (Title of Officer/Affiant) of _____ (Name of Electricity Supplier);

That he/she is authorized to and does make this affidavit for said Electricity Supplier.

That the Officer/Affiant herein certifies to the Public Service Commission of the District of Columbia under penalty of perjury that:

The Office/Affiant has personally examined and is familiar with all information contained in the annual compliance report, including any attachments and appendices, and further certifies that information to be true, correct, complete, and in compliance with Title 15, Section 2901.5 of the D.C. Municipal Regulations.

The Electricity Supplier submitting the annual compliance report has applied the standard required, pursuant to D.C. Official Code, § 34-1432(c) and § 34-1432(e), for each electricity product sold at retail.

Signature of Officer/Affiant

Sworn and subscribed before me this _____ day of _____, _____.

Signature of official administering oath

My commission expires _____.

Electricity Supplier Annual Compliance Report – District of Columbia REPS Program

Compliance Fee Report:

The Compliance Fee Report is required of an electricity supplier making a Compliance Payment to satisfy a Solar, Tier I and/or Tier II REC Obligation. The Compliance Fee Report is part of the Annual Compliance Report. Compliance Payments (in the form of a check made payable to the “District of Columbia Renewable Energy Development Fund”) shall be paid between October 1 and November 1, and a copy of the Compliance Fee Report shall be sent directly to the following address:

District Department of Energy and Environment
Attn: Emil King
1200 First Street, NE
5th Floor
Washington, DC 20002

A copy of the Compliance Fee Report shall also be submitted with the Annual Compliance Report to the Commission. Proof of payment shall be filed with the Commission upon submission of any check to the District Department of Energy and Environment.

**Electricity Supplier Annual Compliance Report - DC RPS Program
Compliance Year 2018**

Electricity Supplier:
Point of Contact:
Title:
Address:

Phone:
E-mail:
Fax:

Compliance Fee Report:

The calculations below reflect the prior solar REC pricing under the DGAA of 2011 and only apply to the compliance years prior to 2022.

Solar		
Solar RECs Used for Compliance		Block 5
Percentage of Retail Sales (enter a number from 0 to 1)		Block 6
Solar Energy Compliance Amount	0	Block 7 = Block 2 (Sales Tab) * Block 6
Shortfall of Solar RECs	0	Block 8
Solar REC Compliance Fee Rate	\$300	\$/MWH
Solar Energy Compliance Fee	\$0.00	Block 9

The calculations below reflect the new solar REC pricing under the RPS Expansion Amendment Act of 2016.

Solar		
Solar RECs Used for Compliance		Block 10
Percentage of Retail Sales	100.00%	Block 11 = 100% - Block 6
Solar Energy Compliance Amount	0	Block 12 = Block 2 (Sales Tab) - Block 7
Shortfall of Solar RECs	0	Block 13
Solar REC Compliance Fee Rate	\$500	\$/MWH
Solar Energy Compliance Fee	\$0.00	Block 14

Solar RECs submitted above should be included in the count toward meeting the Tier I REC requirements.

Tier I		
Tier I RECs Used for Compliance (including Solar RECs)		Block 15
Tier I Compliance Amount	0	Block 16
Shortfall of Tier I RECs	0	Block 17
Tier I Compliance Fee Rate	\$50	\$/MWH
Tier I Compliance Fee	\$0.00	Block 18

Tier II		
Tier I or Tier II RECs Used for Compliance (MSW disallowed)		Block 19
Tier II Compliance Amount	0	Block 20
Shortfall of Tier II RECs	0	Block 21
Tier II Compliance Fee Rate	\$10	\$/MWH
Tier II Compliance Fee	\$0.00	Block 22

Total Compliance Fee Due	\$0.00	Block 23
---------------------------------	---------------	-----------------

Enter the supplier contact information in the yellow highlighted area above. In addition, this worksheet only requires entries for Blocks 5, 6, 10, 15, and 19. The other sections will be calculated based on the entries.

- Block 5** Enter the number of Solar RECs retired for the grandfathered portion of retail sales.
- Block 6** Enter the percentage of retail sales, pursuant to the RPS Expansion Amendment Act of 2016 (DC Law 21-154), which allows energy supply contracts entered into prior to October 8, 2016 to be grandfathered for up to 5 years.
- Block 7** Grandfathered portion of solar energy requirement.
- Block 8** Shortfall amount for grandfathered Solar REC compliance
- Block 9** Block 9 = Block 8 * (\$350 in 2017, \$300 in 2018, \$200 in 2019 and 2020, and \$150 in 2021).
Block 9 is based on grandfathered compliance fee rates from DGAA of 2011.
- Block 10** Enter the number of Solar RECs retired for the non-grandfathered portion of retail sales.
- Block 11** Percentage of retail sales that are not grandfathered, pursuant to the RPS Expansion Amendment Act of 2016.
- Block 12** Remaining portion of non-grandfathered solar energy requirement.
- Block 13** Shortfall amount for non-grandfathered Solar REC compliance
- Block 14** Block 14 = Block 13 * (\$500 in 2016 through 2023, \$400 in 2024 through 2028, \$300 in 2029 through 2032, and \$50 in 2033 and thereafter)
- Block 15** Enter the total number of Tier I RECs retired, including the number of solar RECs retired.
Block 15 counts all the solar RECs retired with all other retired Tier I RECs toward the Tier I requirement.
- Block 16** This figure is carried over from Block 3 (Sales Tab)
- Block 17** Shortfall amount for Tier I REC compliance, Block 17 = Block 16 - Block 15
Compliance Fee Due for the Tier I Obligation.
- Block 18** Block 18 = Block 17 * \$50
- Block 19** Enter the total number of Tier I or Tier II RECs retired. MSW RECs are no longer accepted.
- Block 20** This figure is carried over from Block 4 (Sales Tab)
- Block 21** Shortfall amount for Tier II REC compliance, Block 21 = Block 20 - Block 19
Compliance Fee Due for the Tier II Obligation
- Block 22** Block 22 = Block 21 * \$10
- Block 23** Total Compliance Fee Due: Block 23=Block 9 + Block 14 + Block 18 + Block 22.

Please provide the following additional information:

Estimate of retail sales (subject to Block 6) in compliance year 2019;	
Estimate of total retail sales in compliance year 2019;	
Estimate of retail sales (subject to Block 6) in compliance year 2020;	
Estimate of total retail sales in compliance year 2020;	
Estimate of retail sales (subject to Block 6) in compliance year 2021;	
Estimate of total retail sales in compliance year 2021;	
Estimate of the total compliance fees to be paid in 2019;	