

RENEWABLE PORTFOLIO STANDARD EXPANSION AMENDMENT ACT OF 2016

2016 District of Columbia Laws 21-154 (Act 21-466)

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DISTRICT OF COLUMBIA 2015 SESSION LAWS

TWENTY-FIRST COUNCIL SESSION (2015 - 2016)

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Law 21-154

Act 21-466

RENEWABLE PORTFOLIO STANDARD EXPANSION AMENDMENT ACT OF 2016

AN ACT to amend the Renewable Energy Portfolio Standard Act of 2004 to allow raw or treated wastewater used as a heat source or sink for a heating or cooling system to qualify as a tier one renewable source, to raise the renewable portfolio standard for tier one renewable sources to 50% by 2032 and the solar requirement to 5% by 2032, to require the Public Service Commission to provide a report to the Council relating to solar energy generated in the District that could qualify to be used to meet the annual solar energy requirement, but for which renewable energy credits cannot be purchased by electricity suppliers to meet the solar energy requirement, to change the alternative compliance payment for the solar requirement through 2032, and to expand the uses of the Renewable Energy Development Fund; and to amend the Clean and Affordable Energy Act of 2008 to increase the Sustainable Energy Trust Fund fee, and to establish a Solar for All Program within the Department of Energy and Environment for the purpose of increasing the access of seniors, small local businesses, nonprofits, and low-income households to the benefits of solar power.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Renewable Portfolio Standard Expansion Amendment Act of 2016”.

Sec. 2. 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.*), is amended as follows:

<< DC CODE § 34-1431 >>

(a) Section 3(15) (D.C. Official Code § 34-1431(15)) is amended as follows:

<< DC CODE § 34-1431 >>

(1) Subparagraph (F) is amended by striking the phrase “; and” and inserting a semicolon in its place.

<< DC CODE § 34–1431 >>

(2) Subparagraph (G) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new subparagraph (H) is added to read as follows:

<< DC CODE § 34–1431 >>

“(H) Raw or treated wastewater used as a heat source or sink for a heating or cooling system.”.

<< DC CODE § 34–1432 >>

(b) Section 4 (D.C. Official Code § 34–1432) is amended as follows:

(1) Subsection (c) is amended as follows:

<< DC CODE § 34–1432 >>

(A) Paragraph (12) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (13) is amended as follows:

<< DC CODE § 34–1432 >>

(i) Strike the phrase “In 2023 and thereafter” and insert the phrase “In 2023” in its place.

(ii) Strike the period and insert a semicolon in its place.

(C) New paragraphs (14), (15), (16), (17), (18), (19), (20), (21), and (22) are added to read as follows:

<< DC CODE § 34–1432 >>

“(14) In 2024, not less than 23% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.6% from solar energy;

“(15) In 2025, not less than 26% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.85% from solar energy;

“(16) In 2026, not less than 29% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.15% from solar energy;

“(17) In 2027, not less than 32% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.45% from solar energy;

“(18) In 2028, not less than 35% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.75% from solar energy;

“(19) In 2029, not less than 38% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.1% from solar energy;

“(20) In 2030, not less than 42% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.5% from solar energy;

“(21) In 2031, not less than 46% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.75% from solar energy; and

“(22) In 2032 and thereafter, not less than 50% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.0% from solar energy.”.

<< DC CODE § 34–1432 >>

(2) Subsection (e)(1) is amended by striking the phrase “larger than 5MW” both times it appears and inserting the phrase “larger than 15MW” in its place.

(3) A new subsection (f) is added to read as follows:

<< DC CODE § 34–1432 >>

“(f) No later than March 1, 2017, the Commission shall provide a report to the Council that includes:

“(1) An estimate of the amount of solar energy generated annually by solar energy systems in the District that could qualify to be used to meet the annual solar energy requirement, but for which renewable energy credits cannot be purchased by electricity suppliers to meet the solar energy requirement; and

“(2) A recommendation for how the Commission could adjust the annual solar requirement to account for the amount of solar generation identified in paragraph (1) of this subsection.”.

(c) Section 6(c)(3) (D.C. Official Code § 34–1434(c)(3)) is amended to read as follows:

<< DC CODE § 34–1434 >>

“(3) Fifty cents in 2016 through 2023, 40 cents in 2024 through 2028, 30 cents in 2029 through 2032, and 5 cents in 2033

and thereafter for each kilowatt-hour of shortfall from required solar energy sources.”.

(d) Section 8(c) (D.C. Official Code § 34–1436(c)) is amended to read as follows:

<< DC CODE § 34–1436 >>

“(c)(1) The Fund shall be used for the purpose of:

“(A) Supporting the creation of new solar energy sources in the District, including activities that support the use of solar energy sources, such as electrical upgrades, structural improvements, and the installation of electrical or thermal storage systems;

“(B) Funding the Solar for All Program established by section 216 of the Clean and Affordable Energy Act of 2008, passed on 2nd reading on June 28, 2016 (Enrolled version of Bill 21–650);

“(C) Otherwise administering the Fund; and

“(D) Covering any costs to the District associated with implementing the Renewable Portfolio Standard Expansion Amendment Act of 2016, passed on 2nd reading on June 28, 2016 (Enrolled version of Bill 21–650).

“(2) The Fund may be used to supplement programs supporting the creation of new solar energy sources in the District through the Sustainable Energy Utility contract established by Title II of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17–250; D.C. Official Code § 8–1774.01 *et seq.*)”.

Sec. 3. Title II of the Clean and Affordable Energy Act of 2008, effective October 22 2008 (D.C. Law 17–250; D.C. Official Code § 8–1774.01 *et seq.*), is amended as follows:

<< DC CODE § 8–1774.10 >>

(a) Section 210(b) (D.C. Official Code § 8–1774.10(b)) is amended as follows:

(1) Paragraph (1) is amended as follows:

<< DC CODE § 8–1774.10 >>

(A) Subparagraph (C) is amended by striking the phrase “in fiscal year 2011 and each year thereafter.” and inserting the phrase “in fiscal year 2011 through fiscal year 2016;” in its place.

(B) A new subparagraph (D) is added to read as follows:

<< DC CODE § 8–1774.10 >>

“(D) The amount of \$.01505 in fiscal year 2017 and each year thereafter.”.

(2) Paragraph 2 is amended as follows:

<< DC CODE § 8-1774.10 >>

(A) Subparagraph (C) is amended by striking the phrase “in fiscal year 2011 and each year thereafter.” and inserting the phrase “in fiscal year 2011 through fiscal year 2016;” in its place.

(B) A new subparagraph (D) is added to read as follows:

<< DC CODE § 8-1774.10 >>

“(D) The amount of \$.001612 in fiscal year 2017 and each year thereafter.”.

(b) A new section 216 is added to read as follows:

<< DC CODE § 8-1774.16 >>

“Sec. 216. Solar for All Program.

“(a) There is established the Solar for All Program (“Program”) to increase the access of seniors, small local businesses, nonprofits, and low-income households in the District to the benefits of solar power. The Program shall reduce by at least 50% the electric bills of at least 100,000 of the District’s low-income households with high energy burdens by December 31, 2032.

“(b) The Program shall be administered by DOEE and operate until the end of Fiscal Year 2032. In administering the Program, DOEE shall coordinate with the Sustainable Energy Utility.

“(c) From Fiscal Year 2017 through Fiscal Year 2032, the Program shall be funded annually from the Renewable Energy Development Fund established by section 8 of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436).

“(d) The funding allocated in subsection (c) of this section may be used to supplement programs supporting the creation of new solar energy sources in the District through the Sustainable Energy Utility contract established by section 201.

“(e)(1) By February 1, 2017, DOEE shall develop, publish on its website, and submit to the Council a plan to implement the Program. The plan shall include:

“(A) A description of programs to be implemented by DOEE that would target seniors, small local businesses, nonprofits, and low-income households in the District;

“(B) An estimated timeline for implementation of the programs described in subparagraph (A) of this paragraph; and

“(C) Annual benchmarks for reducing by at least 50% the electric bills of at least 100,000 of the District’s low-income

households with high energy burdens by December 31, 2032.

“(2) If DOEE revises or updates the plan, DOEE shall publish on its website the revision or update within 30 days of its completion.

“(f) Beginning December 1, 2017, DOEE shall publish on its website and submit to the Council an annual report on the expenditure of the funds allocated to the Program, the amount of progress toward achieving the benchmarks established in subsection (e)(1)(C) of this section, and the number of solar systems installed pursuant to this section in the previous fiscal year.

“(g) For the purposes of this section, the term:

“(1) “Area median income” means:

“(A) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

“(B) For a household of 3 persons, 90% of the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph;

“(C) For a household of 2 persons, 80% of the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph;

“(D) For a household of one person, 70% of the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph; and

“(E) For a household of more than 4 persons, the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph, increased by 10% for each person in the household in excess of 4 persons (for example, the area median income for a household of 5 persons shall be 110% of the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph, and the area median income for a household of 6 persons shall be 120% of the area median income for a household of 4 persons, as described in subparagraph (A) of this paragraph).

“(2) “Energy burden” means the percentage of household income spent on home energy bills.

“(3) “Low-income” means a household income equal to, or less than, 80% of the area median income.

“(4) “Solar system” means a solar photovoltaic or solar thermal system.”.

<< Note: DC CODE § 34-1434 >>

Sec. 4. Applicability.

For 5 years after the effective date of this act, section 2(c) shall not apply to any contract entered into before the effective date of this act; provided, that section 2(c) shall apply to an extension or renewal of such a contract.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

APPROVED: July 25, 2016.

EFFECTIVE: October 8, 2016.