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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS

Introduced By: Representative Raymond J. Sullivan

Date Introduced: March 02, 2010

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-26-4 of the General Laws in Chapter 39-26 entitled "Renewable  
2 Energy Standard" is hereby amended to read as follows:

3 **39-26-4. Renewable energy standard.** -- (a) Starting in compliance year 2007, all  
4 obligated entities shall obtain at least three percent (3%) of the electricity they sell at retail to  
5 Rhode Island end-use customers, adjusted for electric line losses, from eligible renewable energy  
6 resources, escalating, according to the following schedule:

7 (1) At least three percent (3%) of retail electricity sales in compliance year 2007;

8 (2) An additional one half of one percent (0.5%) of retail electricity sales in each of the  
9 following compliance years 2008, 2009, 2010;

10 (3) An additional one percent (1%) of retail electricity sales in each of the following  
11 compliance years 2011, 2012, 2013, 2014, provided that the commission has determined the  
12 adequacy, or potential adequacy, of renewable energy supplies to meet these percentage  
13 requirements;

14 (4) An additional one and one half percent (1.5%) of retail electricity sales in each of the  
15 following compliance years 2015, 2016, 2017, 2018 and 2019, provided that the commission has  
16 determined the adequacy, or potential adequacy of renewable energy supplies to meet these  
17 percentage requirements;

18 (5) In 2020 and each year thereafter, the minimum renewable energy standard  
19 established in 2019 shall be maintained unless the commission shall determine that such

1 maintenance is no longer necessary for either amortization of investments in new renewable  
2 energy resources or for maintaining targets and objectives for renewable energy.

3 (b) For each obligated entity and in each compliance year, the amount of retail electricity  
4 sales used to meet obligations under this statute that is derived from existing renewable energy  
5 resources shall not exceed two percent (2%) of total retail electricity sales.

6 (c) The minimum renewable energy percentages set forth in subsection (a) above shall be  
7 met for each electrical energy product offered to end-use customers, in a manner that ensures that  
8 the amount of renewable energy of end-use customers voluntarily purchasing renewable energy is  
9 not counted toward meeting such percentages.

10 (d) To the extent consistent with the requirements of this chapter, compliance with the  
11 renewable energy standard may be demonstrated through procurement of NE-GIS certificates  
12 relating to generating units certified by the commission as using eligible renewable energy  
13 sources, as evidenced by reports issued by the NE-GIS administrator. Procurement of NE-GIS  
14 certificates from off-grid and customer-sited generation facilities, if located in Rhode Island and  
15 verified by the commission as eligible renewable energy resources, may also be used to  
16 demonstrate compliance. With the exception of contracts for generation supply entered into prior  
17 to 2002, initial title to NE-GIS certificates from off-grid and customer-sited generation facilities  
18 and from all other eligible renewable energy resources shall accrue to the owner of such a  
19 generation facility, unless such title has been explicitly deemed transferred pursuant to contract or  
20 regulatory order.

21 (e) In lieu of providing NE-GIS certificates pursuant to subsection (d) of this section, an  
22 obligated entity may also discharge all or any portion of its compliance obligations by making an  
23 alternative compliance payment to the Renewable Energy Development Fund established  
24 pursuant to section 39-26-7.

25 (f)(1) There shall be a renewable energy standard for energy from new eligible renewable  
26 energy resources with a summer capacity factor greater than seventy percent (70%) and otherwise  
27 meeting the requirements of subdivision (2) below (the “baseload renewable energy standard”).  
28 The baseload renewable energy standard shall be in addition to the renewable energy standard  
29 applicable to obligated entities and described in subsection (a) above and shall be according to the  
30 following schedule:

31 (i) In compliance year 2010, the baseload renewable energy standard shall be equal to at  
32 least five percent (5%) of the electricity sold by an obligated entity at retail to Rhode Island end-  
33 use customers, adjusted for electric line losses;

34 (ii) In each succeeding compliance year, the baseload renewable energy standard shall be

1 equal to at least: (A) One percent (1%); plus (B) The percentage of such energy produced in the  
2 year prior to such compliance year;

3 (iii) Notwithstanding the foregoing, the baseload renewable energy standard shall not  
4 exceed an aggregate of one thousand megawatts (1,000 mw) in any compliance year.

5 (2) For each compliance year, in order to qualify for the renewable energy standard in  
6 this subsection, an eligible renewable energy resource must sell all of the energy produced during  
7 such compliance year into either the day ahead or real time market operated by the ISO-New  
8 England at the otherwise prevailing hourly prices.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS

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1           This act would amend the provisions of the general laws which regulate the amount of  
2 renewable energy required to be purchased by those entities selling electric power in Rhode  
3 Island.

4           This act would take effect upon passage.

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