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Date: November 14, 2012

2012 Negative RPS Bills

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State	Bill Number	Description	Did the bill become law?
Arizona	HB2789	Amended several times. Would have required the Arizona Corporation Commission to obtain approval from the legislature to amend any rules related to the state's RPS. A subsequent amendment stipulated that utilities could not be required to meet any standards greater than those required by the rules in effect on 1/1/2012. Would have prevented ACC from pursuing more ambitious standards.	No
Delaware	HB247	Would have frozen minimum percentage of renewable energy a retail-electricity supplier or municipal electric company must provide to customers at 1/1/2012 levels.	No
Michigan	HB5447	Would have repealed the renewable energy portfolio standard for investor-owned utilities, as well as the energy optimization standards.	No
Washington	HB1890	Would have temporarily reduced RPS requirements to half of the existing targets until unemployment was below 5%. It would have also allowed hydropower projects to count toward compliance.	No
West Virginia	HB2915	Would have repealed the Alternative and Renewable Energy Portfolio Standard.	No
California	AB1771	Would have allowed hydroelectric systems of any size to qualify for the RPS.	No
Massachusetts	HB4038	Would have amended RPS to allow for large hydro; creates a carve-out for large hydro.	No
Maine	SB648	Originally would have eliminated the 100-MW limit on hydro facilities for the RPS and established long-term contracts for large hydro. Clause was eventually removed.	No

Minnesota	HB2190	Would have allowed any size hydroelectric facilities to count toward the RPS.	No
New Hampshire	SB218	Lengthens the list of resources eligible for the state's RPS and requires a new minimum standard for "useful thermal energy" generated by renewables. Thermal resources must account for 0.2% of RECs in 2013 and 0.4% in 2014; the share increases annually by 0.2% from 2015 through 2025. The new law also changed the alternative compliance payment rates for three of the four classes of renewables included in the standard. The ACP rate for new solar-electric resources was drastically reduced, from \$168.13/MWh to \$55/MWh.	Yes
Minnesota	SB1906	Would have allowed any size hydroelectric facilities to count toward the renewable energy standard.	No
New Hampshire	HBI428	Would have replaced current RPS with a new standard of 30% by 2030, allowing in-state nuclear generation.	No
Virginia	HB1102; SB413	Allows IOUs to meet 20% of RPS goal through research and development.	Yes
Washington	HB1125	Would have allowed existing hydroelectric facilities to qualify for the RPS.	No
Washington	HB2682; SB6418	Would have prevented utilities from being required to purchase electricity or RECs that are not needed to meet customers' loads, regardless of RPS targets.	No
Oregon	HB4073	Would have removed restrictions on hydroelectric facilities for RPS eligibility.	No
Washington	HJR4202	Would have amended state constitution to make existing hydroelectric facilities eligible as a renewable energy resource.	No
Ohio	SB315	Allows waste energy and cogeneration resources to be used to meet RPS requirements or EERS requirements.	Yes
West Virginia	SB529	Would have removed the limit that no more than 10% of RECs used each year to meet compliance can be from natural gas.	No

19 bills in 13 states

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2012 Positive RPS Bills

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State	Bill Number	Description	Did the bill become law?
California	SB854	Increases RPS to 40% by 2027. 50% of the RPS must be met with bundled RECs. Allows for up to tradable RECs for up to 25%.	No
California	SB971	Removes large hydro from the basis of electricity sales, effectively increasing the RPS.	No
Iowa	SB2029	Creates a new Renewable Energy Goal of at least 10,000 MW renewables by 2020, and at least 20,000 MW by 2030.	No
Indiana	HB1125	Amends Clean Energy Portfolio to limit the amount of fuels cells, hydrogen, coal bed methane, and other waste heat and gas facilities that can be counted toward the goal.	No
Kentucky	HB167	Establishes a Renewable and Energy Efficiency Portfolio Standard, with a 12.5% renewables goal by 2022. Includes solar carve-out and annual benchmarks.	No
Maryland	SB237	Creates an offshore wind carve-out under the RPS. The annual amount would be set by the PSC, not to exceed 2.5% beginning during 2017. The offshore wind carve out would reduce the amount of energy needed from non-solar Tier I resources. Makes other related provisions (cost cap, OREC price) as well.	No
Maryland	HB441	Creates an offshore wind carve-out under the RPS. The annual amount would be set by the PSC, not to exceed 2.5% beginning during 2017. The offshore wind carve out would reduce the amount of energy needed from non-solar Tier I resources. Makes other related provisions (cost cap, OREC price) as well.	No
Maryland	HB1187; SB791	Accelerates the solar carve-out compliance schedule for years beginning in 2013. The end result requires additional solar each year for 2013 - 2020 and moves the ultimate target date from 2022 to 2020. The 2% ultimate target remains the same. Also allows for solar water heating certification by other than SRCC. Amendment made minor changes to 2017 and 2018 targets.	Yes

Maryland	HB950; SB796	Creates a carve-out for small behind the meter PV and solar thermal generators of 2 MW or less. It requires that 65% of the standard in a given year be met with these facilities (unless insufficient resources exist). Also requires obligated entities to make SREC purchase offers first to small facilities, then other non-qualifying facilities.	No
Maine	Ballot Initiative	Increases the RPS to 20% by 2020.	No
Michigan	Ballot Initiative	Increases the Renewable Energy Standard to 25% by 2025.	No
Minnesota	HB1619	Requires electric utilities to generate or procure solar energy, starting at .1% by 2012 and increasing every four years to 10% by 2030.	No
Missouri	HB1487	Increases RPS to no less than 7% renewables for 2014 to 2017, no less than 12% for 2018 to 2020, and no less than 15% beginning in 2021. Allows RECs to qualify for RPS through 2016. Beginning 1/1/2017, RECs must be created in-state to qualify. Provides for cost recovery and customer charge limitations, and changes penalties for noncompliance.	No
Missouri	SB759	Removes the 2% renewable requirement for 2011-2013. Increases RPS to no less than 7% renewables for 2014 to 2017, no less than 12% for 2018 to 2020. Removes the 2% solar carve-out. Allows RECs from anywhere in the US to be used through 2016, but requires that after 2016, RECs must be produced in-state or in bordering states. Changes non-compliance penalty calculation to 2x the kWh price for the utility. Decreases the required solar rebate amount by 25 cents per year after 2013. Ends the solar rebate program after 2020. Grants ownership of RECs to the utilities for PV installed with utility rebates. Implements cost limits and customer surcharge limits.	No
Missouri	Ballot Initiative	Requires investor-owned utilities to use at least 25% of their electricity from in-state renewable energy sources by 2026.	No
New Jersey	SB2371	Pushes up the existing solar energy compliance schedule by one year (i.e., former EY2014 requirement becomes EY2013 requirement). Language requiring long-term (15 year) SREC contracts by non-utility LSEs has been removed.	No
New Jersey	SB3032	Broad energy-related bill. Increases the general renewables target from 22.5% by 2021 to 30% by 2020. As amended, no longer requires SACP set by the BPU to be higher than the value of an SREC and states that the BPU "may" (rather than "shall") adopt an EEPS for electric and gas utilities. Includes language that continues the SBC incentives for demand-side management and Class I RE technologies at the same levels in existence as of January 1, 2011.	No
New Jersey	SB1925	Multi-faceted bill. Sets percentage requirements for RPS solar carve-out in place of GWh requirements, reaching 4.227% by 2028. Sets new SACP price schedule. Creates aggregated net metering program for local government and school districts; Reclassifies hydroelectric facilities. Allows for 100 MW of	Yes

		projects on landfills and brownfields. Makes certain requirements for facilities to be grid-connected.	
New Jersey	AB2812	Increases the overall RPS requirement to 30%; Requires BPU to offer the same level of incentives for demand side management programs and Class I renewables; Requires the BPU to ensure all classes of ratepayers have access to SRECs; Requires that SACP levels be set higher than SREC values; Requires the BPU to adopt an EEPS to reduce energy consumption by up to 20% in relation to projected consumption in 2020.	No
New Jersey	AB2966	Multi-faceted bill that (1) amends the solar carve-out beginning in EY2014, reverting it to a %-based standard and increasing it in the near term (EY2014 requirement goes from 772 GWh to 1.99%); (2) defines a 15-yr SACP schedule beginning in EY2014 (\$400); (3) defines "connected to the distribution system" as behind the meter or connected at 69 kVa or less unless approved by BPU; and (4) allows virtual net metering for schools and local governments with a 3-mile radius limit. Also includes other RPS and solar carve-out related provisions.	No
New Jersey	AB3025	Multi-faceted bill. Sets percentage requirements for RPS solar carve-out in place of GWh requirements, reaching 4.227% by 2028. Sets new SACP price schedule. Creates aggregated net metering program for local government and school districts; Reclassifies hydroelectric facilities. Allows for 100 MW of projects on landfills and brownfields. Makes certain requirements for facilities to be grid-connected.	No
New York	AB5713	Creates a REC based RPS program for PV facilities beginning at 0.15% in 2013 and going to 1.5% of retail sales by IOUs and competitive suppliers by 2020. Creates a carve-out within the standard of 20% for small retail PV DG facilities (50 kW or less) and 30% for retail facilities of any size. Applies an increased standard of 2.0% by 2020 to public authorities (LIPA and NYPA). Requirements remain flat for 2021-2027 and ramp down beginning in 2028.	No
New York	AB6122	Creates an REC based RPS program for distributed generation (DG) or beginning at 0.05% in 2013 and going to 0.85% of retail sales by IOUs and competitive suppliers by 2028. Creates a carve-out within the standard of 25% for small retail DG facilities (100 kW or less). Applies an increased standard of 4.5% by 2028 to public authorities (LIPA and NYPA). Similar to AB5713 but not PV specific.	No
New York	AB9149	Requires the PSC to develop a solar program with targets of 500 MW in 2015 and 2100 MW by 2021 in regulated IOU territories. Also requires programs from LIPA and NYPA with targets of 150 MW by 2015 and 500 MW by 2021 for LIPA, and 120 MW by 2015 and 400 MW by 2021 for NYPA. Also contains prevailing wage requirements for facilities of 250 kW or larger. Amendments changed % targets to MW targets which look to be less ambitious.	No

New York	SB4178	Creates a REC-based RPS program for PV facilities beginning at 0.33% in 2012 and going to 1.5% of retail sales by IOUs and competitive suppliers by 2025. Creates a carve-out within the standard of 40% for retail (i.e, customer-sited) PV DG facilities with specific carve-outs for certain types of DG (e.g., residential 10%). Applies an increased standard of 2.5% by 2025 to public authorities (LIPA and NYPA).	No
New York	SB4195	Creates a REC based RPS program for distributed generation (DG) or beginning at 0.05% in 2013 and going to 0.85% of retail sales by IOUs and competitive suppliers by 2028. Creates a carve-out within the standard of 25% for small retail DG facilities (100 kW or less). Applies an increased standard of 4.5% by 2028 to public authorities (LIPA and NYPA). Similar to AB5713 but not PV specific.	No
Oklahoma	SB1241	Amends Oklahoma Energy Security Act to alter RPS from goal to requirement.	No
South Carolina	SB719	Establishes a Renewable Energy and Efficiency Portfolio Standard for electric power suppliers. Requires 4% by 2015, increasing each year, to 20% by 2022 and thereafter.	No
Virginia	HB69	Requires IOU participation in RPS commencing 2013.	No
Vermont	HB468	Major change to the RPS, considers two scenarios, one in which the current SPEED Goals are met and one in which the current SPEED Goals are not met. In both, the ultimate RPS is 35% by 2032. Also amends the "standard offer" significantly.	No
Vermont	SB170	Amends the RPS Goals in VT and establishes an official RPS in Vermont, creates two tiers of "new renewable energy." The ultimate standard is retail electric providers must own RECs that represent 90% of annual retail electric sales by 2025.	No

Renewables Portfolio Standards in the United States: A Status Update

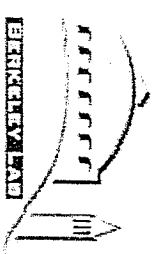
Galen Barbose & Ryan Wiser

Lawrence Berkeley National Laboratory

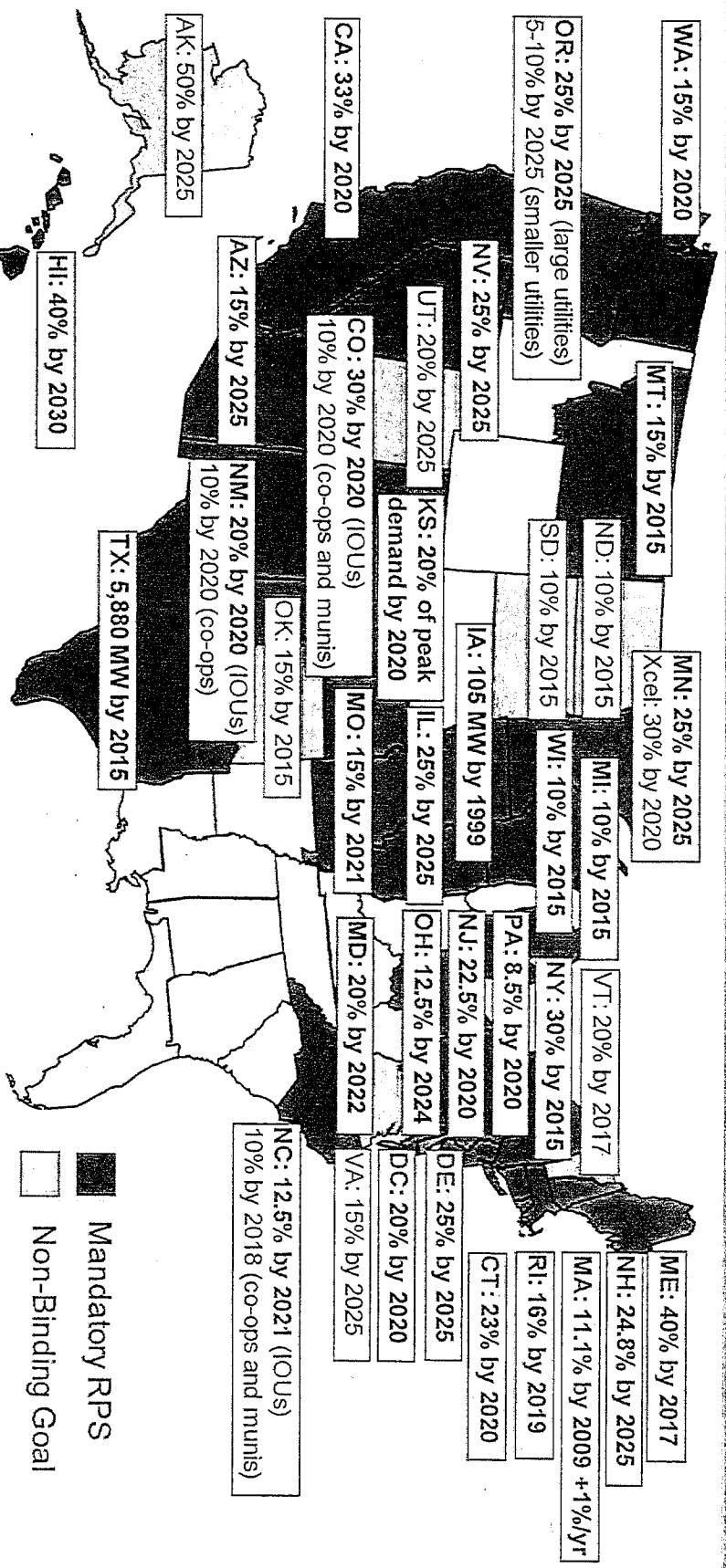
54th Annual Regulatory Studies Program

Michigan State University, Institute of Public Utilities

August 14, 2012



RPS Policies Exist in 29 States and D.C.; 7 More States Have Non-Binding Goals



Source: Berkeley Lab

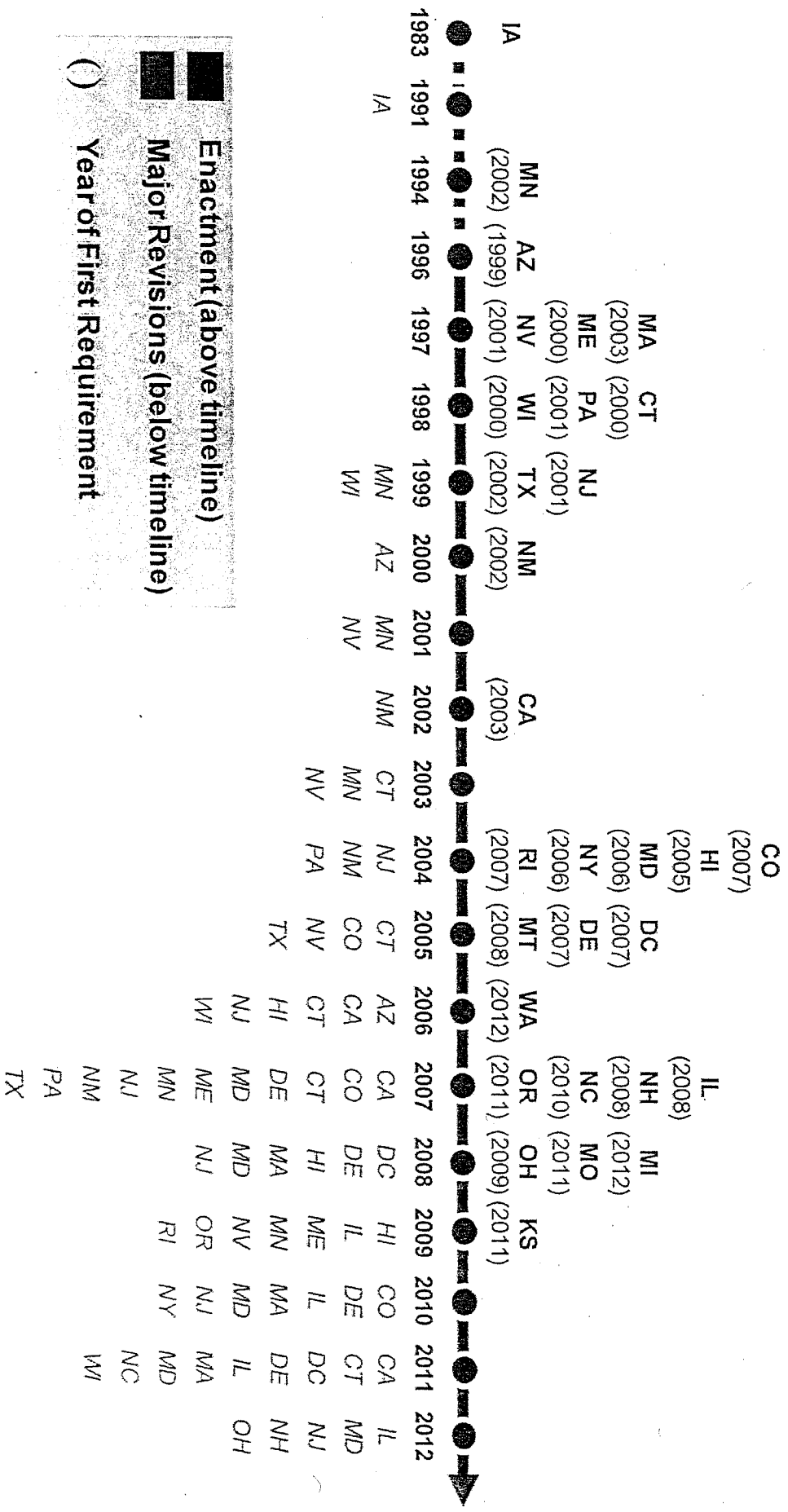
Notes: Compliance years are designated by the calendar year in which they begin. Mandatory standards or non-binding goals also exist in US territories (American Samoa, Guam, Puerto Rico, US Virgin Islands)

Most policies established through state legislation, but some initially through regulatory action (NY, AZ) or ballot initiatives (CO, MO, WA)

Environmental Energy Technologies Division • Energy Analysis Department



Enactment of New RPS Policies Is Waning, But States Continue to Hone Existing Policies



Enactment (above timeline)
 Major Revisions (below timeline)
 Year of First Requirement



State-Specific RPS Developments (2011-2012)

01

- CA: Increased/extended RPS to 33% by 2020 with specified limits on unbundled RECs and firmed/shaped products
- CT: Introduced long-term REC contracting program for small renewables
- DC: Increased solar set-aside; adopted declining SACP schedule; restricted solar set-aside eligibility to projects <5 MW connected to DC distribution system
- DE: Transferred compliance obligation to regulated distribution service provider; created long-term SREC contracting program
- IL: Created DG set-aside with procurement by IPA under multi-year contracts
- MA: Adopted 10-year, declining SACP schedule with 5% annual reductions
- MD: Accelerated solar set-aside, and expanded solar set-aside eligibility to include solar water heating; expanded Tier 1 eligibility to include waste-to-energy and several others
- NC: Expanded eligibility to include direct load control/demand response
- NJ: Accelerated solar set-aside; established 15-year SACP schedule; extended SREC lifetime
- NH: Created carve-out for thermal energy resources; reduced Class I targets while increasing targets for Class III and IV; reduced ACPs for most tiers; loosened Class I eligibility rules
- OH: Expanded eligibility to include waste energy recovery and several specific cogeneration plants
- WI: Expanded eligibility to include new large hydropower

