

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: RULES AND REGULATIONS GOVERNING : DOCKET NO. 3798
THE IMPLEMENTATION OF A RENEWABLE :
ENERGY STANDARD :

NOTICE TO SOLICIT COMMENTS

Pursuant to the provisions of Rhode Island General Laws §39-1-1 and 42-35-3, as amended, the Public Utilities Commission (“Commission”) hereby gives notice that it will solicit comment for the purpose of affording all interested persons an opportunity to submit data, views, or arguments in response to the Commission’s plan to amend its interpretation of certain of its rules entitled “Rules and Regulations Governing the Implementation of a Renewable Energy Standard” adopted by the Commission on July 27, 2007 (“RES Rules”).

Pursuant to §39-1-1, 39-26-1 et seq., as amended, the rules and regulations facilitate the implementation of the Renewable Energy Standard. The Renewable Energy Standard requires annually increasing levels of electric energy to be supplied by generation from renewable resources as defined in the statute. The goals are stabilizing long-term energy prices, enhancing environmental quality, and creating jobs in the renewable energy sector. The purpose of this Notice is to take written comments on the Commission’s interpretation of the effective date of eligibility of Renewable Energy Certificates (“RECs”) generated by Eligible Renewable Energy Resources.

Rule 6.0 of the RES Rules governs the Certification of Eligible Renewable Energy Resources which, according to Rule 6.1, is completed “by issuing statements of qualifications....” Rule 6.1 (iv) states: “The Commission’s statement of qualification will include a unique certification number for each Generation Unit....” The RES Rules are silent as to the Effective Date of eligibility where the Commission’s statement of qualification contains conditions that need to be fulfilled before the issuance of a unique certification number. The RES Rules are also silent as to the Effective Date of eligibility where a facility has achieved commercial operation prior to the Commission’s Order.

Since 2007, the Commission’s policy has been that Certification of an Eligible Renewable Energy Resource is complete upon notification of the facility’s Commercial Operation Date and assignment of a NEPOOL-GIS Asset Identification Number, at which time the Commission issues a unique, Rhode Island-specific certification number. The facility’s RECs become Rhode Island-eligible effective on the first day of the month in which the Rhode Island certification number is issued. One effect of this policy is that power generated during a unit’s testing period (prior to commercial operation) has not been eligible in Rhode Island, even when such unit is ultimately certified as an Eligible Renewable Energy Resource.

The Commission will take comments on whether the policy should be changed to the following: Certification of an Eligible Renewable Energy Resource is complete upon notification of the facility’s first date of delivery of eligible energy to the ISO-NE grid, or if a

Customer-sited or off-grid facility, first date of production of eligible energy verified by a Commission-approved Independent Verifier, and assignment of a NEPOOL-GIS Asset Identification Number, at which time the Commission issues a unique, Rhode Island-specific certification number. The facility's Renewable Energy Certificates ("RECs") become Rhode Island-eligible effective on the first day which the Rhode Island certification number is issued. All RECs associated with the production of eligible energy that are minted after the Effective Date are eligible for the RES.

The regulations apply to any person or entity that sells electrical energy to End-user customers in Rhode Island, including but not limited to National Grid, Non-regulated Power Producers and electric utility distribution companies, as defined by R.I. Gen. Laws § 39-1-2, and Obligated Entities, as defined by R.I. Gen. Laws § 39-26-1. The regulations also apply to any developer seeking Certification as an Eligible Renewable Energy Resource in Rhode Island, as defined by R.I. Gen. Laws § 39-26-5.

In the development of the proposed interpretation consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. The Commission identified the Long Term Contracting Act (R.I. Gen. Laws § 39-26.1-1 et seq.) and the Distributed Generation Standards Act (R.I. Gen. Laws § 39-26.2-1 et seq.) as laws which may have an overlap in the policy determination of this proposed change. No overlap or duplication was identified with other state agencies' laws or regulations and no significant economic impact on small businesses as defined by R.I. Gen. Laws § 42-35.1-3 was identified.

The rules and regulations are on file at the Commission Clerk's Office, 89 Jefferson Boulevard, Warwick, Rhode Island. Copies of the rules and regulations may be obtained in person, by mail, by calling 401-780-2107, or accessed under the Commission's Docket Menu, Docket No. 3798 at www.ripuc.org. Interested persons wishing to offer data, views, or arguments on the Commission's interpretation of the rules and regulations may file written comments no later than August 20, 2013 with the Commission Clerk to the following address:

Luly E. Massaro, Commission Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

An oral hearing will be granted if requested by at least twenty-five (25) persons, or by a governmental subdivision or agency. Reference is also made to R.I.G.L §§ 42-35, 39-1, 39-26.1 et seq., specifically, §§ 42-35-1, 42-35-2, 42-25-3, 42-35-4, 42-35-5, 39-1-15 and 39-26.1-3(e) and 39-26.1-5(e). The Public Utilities Commission is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Commission's office by calling 401-7801-2107, seventy-two (72) hours in advance of the hearing date.

Luly E. Massaro, Commission Clerk
July 21, 2013