

2012-2013 RPS Legislation

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2012 RPS-Strengthening Bills

State	Bill Number	Description	Did the bill become law?
California	SB854 (2011)	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 (2012)	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	Yes

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.

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	Requires investor-owned utilities to use at least 25% of their	No

	Initiative	electricity from in-state renewable energy sources by 2026.	
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 projects on landfills and brownfields. Makes certain requirements for facilities to be grid-connected.	Yes
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 GWhs to 1.99%); (2) defines a 15-yr SACP schedule beginning in EY2014 (\$400); (3) defines "connected to the	No

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.

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	No

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).

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

2013 RPS Strengthening Bills (as of 2/13/2013)

State	Bill Number	Description
Hawaii	HB757	Extends the RPS: 70% by 2040 and 100% by 2050. Current RPS is 40% by 2030.

Illinois	SB103	Directs the IPA to include RECs in procurement plans beginning 6/1/14. Requires the IPA to use funds in the Renewable Energy Resources Fund to procure RECs until the funds have been depleted. Directs the Planning and Procurement Bureau to develop procurement plans, conduct competitive procurement process for RECs related to usage of non-eligible retail customers in utility service areas as part of RPS. Ends ACPs, renewable purchase requirements for alternative retail suppliers effective May 31, 2014 and replaces with REC payments based on kWh usage.
Kentucky	HB170	Creates a renewable portfolio standard with a solar carve out for retail electric suppliers: 2.25% RE with 0.25% from solar in 2015; 5.5% RE with 0.5% from solar in 2018; 9.25% RE with 0.75% from solar in 2021; 12.5% RE with 1% from solar in 2023. Requires the PSC to develop tariff guidelines for purchasing renewable energy. Creates EERS with incremental and cumulative electricity savings beginning in 2015, increasing to 10.25% cumulative electricity savings by 2023.
Minnesota	N/A	Legislators plan to introduce a bill to increase the solar carve out in the RPS to 10% by 2030.
Montana	SB125	Raises penalties for failure to meet RPS requirements.
New Hampshire	HB374	Raises, from 6% to 20% of an electric utility's total distribution peak load in MW, cumulative maximum capacity of distributed electric generation owned by or receiving investments from an electric utility.
New Hampshire	HB542	Raises ACP for all classes of renewables, including significant increases to Class I non-thermal resources.
New York	AB1273	Creates a distributed generation (1 kW - 10 MW) target based on long-term (15 yr) REC or FIT contracts of 0.85% retail sales by 2028 for IOUs and energy suppliers; and 4.5% of retail sales by 2028 for the NYPA and LIPA. Compliance ramps up annually beginning in 2015 (0.05% for IOUs/suppliers and 0.25% for LIPA and NYPA. Also creates a carve-out of 25% of the standard for behind the meter systems of 100 kW or less. Limits ownership of resources to NY residents, LLCs with a majority of NY state residents as members, and NY registered non-profits. Appears to expand the broad NY RPS target from 30% by 2015 to 35% by 2028 as well.
New York	AB1938	Establishes a 10% RPS.
New York	AB2428	Creates a renewable energy standard for all retail electricity providers beginning at 0.5% in July 2015, increasing at 0.5% annually up to 6% and then increasing 1% annually thereafter. (Note: this language appears nearly identical to one section of AB1938).
Oklahoma	HB2268	Amends RPS from goal of 15% by 2015 to 20% by 2020; allows CHP and waste heat recovery to count toward RPS goal.
Texas	HB303	Mandates that at least 2% of RPS renewable energy generation requirement come from solar energy technology.
Virginia	HB1987	Eliminates the Performance Incentive provision in the renewable energy portfolio standard program that entitles any investor-owned electric utility to a 50 basis point increase in its authorized combined rate of return on common equity if it meets the program's RPS Goals.
Virginia	HB2090	Requires electricity generated from renewable sources be generated from a facility located in the Commonwealth, or a facility off the Commonwealth's shoreline if it is an offshore wind facility, in order to qualify as renewable

energy for purposes of the RPS.

Virginia	HB2261	Eliminates the Performance Incentive provision that entitles any investor-owned electric utility to a 50 basis point increase in its rate of return if it meets the program's RPS Goals. Rate now determined by PSC and based upon utility's performance.
Virginia	SB1259	Requires that in order to be counted toward RPS requirements, renewable energy purchased by a utility must be acquired under an agreement that transfer ownership of both energy generated and RECs. Renewable energy sources must be located in the Commonwealth, in the interconnection region of the regional transmission entity of which the participating utility is a member, or in a control area adjacent to such interconnection region.
Virginia	SB1269	Amends RPS for years 2016 -2025 in 2 areas. (1) a utility shall apply only renewable energy generated or purchased in Virginia, off its coast, or represented by a renewable energy certificate from eligible sources in Virginia or off its coast and (2) renewable energy sales/ RECs from electric energy derived from any combination of sunlight, onshore wind, offshore wind, wave motion, tides, or geothermal power to meet at least 40 % of the sales requirement for the yearly RPS Goal. Eliminates provisions that give double or triple credit toward meeting the RPS Goals for energy from solar, wind or animal waste.
Virginia	SB1339	Revises certain incentives and other provisions applicable to investor-owned electric utilities under the 2007 RPS legislation, Essentially removes 50 basis points for performance.
Virginia	SB852	Establishes requirement that electricity generated from renewable sources be from a facility located in Commonwealth or located off the Commonwealth's coastline in order to qualify for the renewable energy portfolio standard.
Washington	SB 5807 (encourages utility investment in distributed solar systems)	
Illinois	SB 103; HB 2864 Might be good/neutral, but complicated	

2012 RPS Weakening Bills

State	Bill Number	Description	Did the bill become law?
Arizona	HB2789	Amended several times. Would have required the Arizona Corporation Commission to obtain	No

		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.	
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	Yes

ACP rate for new solar-electric resources was drastically reduced, from \$168.13/MWh to \$55/MWh.

Minnesota	SB1906	Would have allowed any size hydroelectric facilities to count toward the renewable energy standard.	No
New Hampshire	HB1428	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

2013 RPS Weakening Bills (as of 2/13/2013)

State	Bill Number	Description
All	N/A	The American Legislative Exchange Council and the Heartland Institute are promoting model legislation for the repeal of state RPS standards.
Connecticut	HB5475	Extends the RPS compliance schedule as follows: The 1/1/2016 deadline is extended to 1/1/2017; the 1/1/2017 deadline is extended to 1/1/2019; the 1/1/2018 deadline is extended to 1/1/2021; the 1/1/2019 deadline is extended to 1/1/2023; the 1/1/2020 deadline is extended to

		1/1/2025.
Connecticut	HB6086	Expands definition of renewable to include all types of hydropower as a Class I renewable energy source
Hawaii	HB1107 DEFERRED	Expands the RPS to include non-renewable resources and is based on the "lifecycle greenhouse gas emissions." Provides partial credit for non-renewables as long as the efficiency of the unit is improved, among other changes.
Kansas	HB2241	Deletes 2020 RPS goal. Amends 2016 goal to 15% by 2018.
Kansas	SB82	Amends RPS to extend goals from 2016 to 2018, and goals from 2020 to 2024.
Massachusetts	S 1583	Amends RPS to allow for large hydro (greater than 30 MW in size) and creates a carve-out for it.
Minnesota	HB306; SB97	Repeals the renewable energy standard.
Missouri	HB44	Allows hydropower produced in any quantity to be used to satisfy the renewable energy standard. Hydropower generated from pumped storage will remain ineligible for the standard.
Montana	SB106	Revises the definition of eligible renewable energy sources to include flywheel storage, hydroelectric pump storage and batteries.
Montana	SB164	Exempts small utilities from RPS requirements. Utility must not have served more than 50 retail customers non 12/31/12.
Montana	SB31	Revises definition of eligible renewable resource to include new and existing hydroelectric resources. Also removes nameplate capacity limits on hydro resources.
Montana	SB45	Makes eligible for the RPS the expansion of an existing hydroelectric project that increases existing generation capacity on or after Dec. 31, 2012. The eligible resource only includes the proportion of actual hourly generation resulting from the expansion. The commission may adopt rules to calculate energy generation and RECs.
North Carolina	HB 298	Representatives are drafting legislation to limit the state's RPS requirements, freezing it at 3%.
New Hampshire	HB580 RETAINED IN COMMITTEE	Establishes moratoriums on wind farms and electric transmission projects until the state issues a comprehensive energy plan.
New Mexico	SB204	Allows "commercial scale" thermal technologies to qualify for the RPS, modifies the definition of biomass, and provides 2x credit to forest-derived biomass.
Ohio	SB 58; SB34	Senator Seitz released a memo seeking input for review of the energy efficiency and renewable portfolio standards. Input is requested by February 15, at which point a placeholder bill will be introduced.
Oklahoma	HB2268	Amends RPS from goal of 15% by 2015 to 20% by 2020; allows CHP and waste heat recovery to count toward RPS goal.
Oregon	HB2108	Exempts small electric utilities from the RPS if their share of electricity sales increases to 3% or more under certain circumstances.
Oregon	SB121	Removes age and size restrictions for hydroelectric facilities for the purposes of qualifying for the RPS.

Pennsylvania	HB208	Removes quarterly adjustment to Tier I standard created by 2008 legislation re-designating certain Tier II biomass and hydro resources as Tier I resources.
Vermont	N/A	The Electric Cooperative Board of Directors passed a resolution recommending the legislature impose a moratorium for a period of up to two years on renewable energy mandates. In addition, a statewide panel should be formed to create a transition plan that considers cost and reliability for future renewable resource mandates.
Washington	HJR4200	Amends state constitution to require hydroelectricity to be recognized as a renewable energy resource
Washington	SB5648	Allows utilities to count energy conservation in excess of EERS requirement toward the renewables target.
Wisconsin	SB 34	Allows in-state nuclear energy to be eligible for the state RPS.
California	AB 762; SB 591	Add certain hydro
Connecticut	HB 6531 (Include in-state trash-to-energy facilities); HB 6532 (reduce alt compliance payments & extend the life of RECs)	
Maryland	SB 976	(Add natural gas as renewable): SB 974 (repeal solar carve-out)
Maine	SB 237	Add large hydro (Youngblood bill)
Oregon	SB 2925	Add large hydro
Washington	HB 1415 (allow hydro); HB 1950 (certain hydro); SB 5400 (allows utilities to count renewables located within WCCC); SB 5412 (adds hydro);	
West Virginia	HB 2609 (repeal); HB 2564 (delay implementation)	
Wisconsin	SB 47 (freeze at current levels)	
Texas	Repeal	
Virginia	Repeal voluntary standard	