

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1775 Session of 2011

INTRODUCED BY GEORGE, BRIGGS, CALTAGIRONE, CARROLL, D. COSTA, DALEY, EVERETT, FABRIZIO, GOODMAN, HORNAMAN, JOSEPHS, MAHONEY, MANN, MURPHY, M. O'BRIEN, PAYTON, REED, SCAVELLO, STABACK AND THOMAS, JULY 18, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, JULY 18, 2011

AN ACT

1 Amending the act of November 30, 2004 (P.L.1672, No.213),
2 entitled, "An act providing for the sale of electric energy
3 generated from renewable and environmentally beneficial
4 sources, for the acquisition of electric energy generated
5 from renewable and environmentally beneficial sources by
6 electric distribution and supply companies and for the powers
7 and duties of the Pennsylvania Public Utility Commission,"
8 further providing for alternative energy portfolio standards.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 3(e)(12) of the act of November 30, 2004
12 (P.L.1672, No.213), known as the Alternative Energy Portfolio
13 Standards Act, added July 17, 2007 (P.L.114, No.35), is amended
14 to read:

15 Section 3. Alternative energy portfolio standards.

16 * * *

17 (e) Alternative energy credits.--

18 * * *

19 (12) Unless a contractual provision explicitly assigns

1 alternative energy credits in a different manner, the owner
2 of the alternative energy system or a customer-generator owns
3 any and all alternative energy credits associated with or
4 created by the production of electric energy by such facility
5 or customer, and the owner or customer shall be entitled to
6 sell, transfer or take any other action to which a legal
7 owner of property is entitled to take with respect to the
8 credits. The following apply:

9 (i) This paragraph shall apply to alternative energy
10 credits established under this act, whether or not
11 already deemed transferred, unless the alternative energy
12 credits were specifically transferred by explicit
13 contractual provision by the alternative energy system or
14 customer-generator. From the effective date of this
15 subparagraph, alternative energy credits may not be
16 considered owned by another entity other than the
17 alternative energy system or a customer-generator until
18 the alternative energy source enters into an agreement
19 specifically conveying the alternative energy credits to
20 some other entity, regardless of when an underlying
21 contract for the purchase of electric energy or other
22 products from the generator that qualifies as an
23 alternative energy system was executed.

24 (ii) Subparagraph (i) shall apply on or after the
25 effective date of this subparagraph regardless of when an
26 underlying contract for the purchase of electric energy
27 or other products from the generator that qualifies as an
28 alternative energy system was executed.

29 * * *

30 Section 2. Section 3.1 of the act of July 17, 2007 (P.L.114,

1 No.35), entitled "An act amending the act of November 30, 2004
2 (P.L.1672, No.213), entitled, 'An act providing for the sale of
3 electric energy generated from renewable and environmentally
4 beneficial sources, for the acquisition of electric energy
5 generated from renewable and environmentally beneficial sources
6 by electric distribution and supply companies and for the powers
7 and duties of the Pennsylvania Public Utility Commission,'
8 further providing for the definitions of 'alternative energy
9 credit,' 'customer-generator,' 'force majeure,' 'net metering'
10 and 'Tier I alternative energy source,' for alternative energy
11 portfolio standards, for portfolio requirements in other states
12 and for interconnection standards for customer-generator
13 facilities" is repealed.

14 Section 3. This act shall take effect in 60 days.