

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1835 Session of
2007

INTRODUCED BY YEWIC, CONKLIN, GRUCELA, HERSHEY, HESS, JAMES,
PALLONE, PHILLIPS, PRESTON, REICHLEY, ROHRER, SEIP, STABACK,
PAYNE AND CALTAGIRONE, SEPTEMBER 11, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 11, 2007

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 credits; and making
9 a related repeal.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

16 Section 3. Alternative energy portfolio standards.

17 * * *

18 (e) Alternative energy credits.--

19 * * *

20 (12) (i) Unless a contractual provision explicitly

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

9 (ii) This paragraph shall apply to all alternative
10 energy credits created pursuant to this act except those
11 created under contracts which were executed prior to the
12 effective date of this paragraph between an electric
13 distribution company and a cogeneration facility or a
14 small power production facility as those terms are
15 defined under the Public Utility Regulatory Policies Act
16 of 1978 (Public Law 95-617, Stat. 3117).

17 * * *

18 Section 2. Repeals are as follows:

19 (1) The General Assembly declares that the repeal under
20 paragraph (2) is necessary to effectuate the addition of
21 section 3(e)(12) of the act.

22 (2) Section 3.1 of the act of July 17, 2007 (P.L.114,
23 No.35), entitled "An act amending the act of November 30,
24 2004 (P.L.1672, No.213), entitled, 'An act providing for the
25 sale of electric energy generated from renewable and
26 environmentally beneficial sources, for the acquisition of
27 electric energy generated from renewable and environmentally
28 beneficial sources by electric distribution and supply
29 companies and for the powers and duties of the Pennsylvania
30 Public Utility Commission,' further providing for the

1 definitions of 'alternative energy credit,' 'customer-
2 generator,' 'force majeure,' 'net metering,' and 'Tier I
3 alternative energy source,' for alternative energy portfolio
4 standards, for portfolio requirements in other states and for
5 interconnection standards for customer-generator facilities,"
6 is repealed.

7 Section 3. The amendment of section 3(e)(12) of the act
8 shall apply to all alternative energy credits created under the
9 act before, on or after the effective date of this section,
10 regardless of when any underlying contract for the purchase of
11 electric energy or other products from the generator that
12 qualifies as an alternative energy system was executed.

13 Section 4. This act shall take effect immediately.