

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1283 Session of 2011

INTRODUCED BY ARGALL, RAFFERTY, YUDICHAK, M. WHITE, FERLO AND BOSCOLA, OCTOBER 4, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 4, 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 and repealing provisions of an act relating to certain order  
10 of the Pennsylvania Public Utility Commission.

11 The General Assembly of the Commonwealth of Pennsylvania

12 hereby enacts as follows:

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

17 Section 3. Alternative energy portfolio standards.

18 \* \* \*

19 (e) Alternative energy credits.--

20 \* \* \*

21 (12) (i) Unless a contractual provision explicitly  
22 assigns alternative energy credits in a different manner,

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

8 (ii) (A) This paragraph shall apply to alternative  
9 energy credits established under this act, whether or  
10 not already deemed transferred, unless the  
11 alternative energy credits were specifically  
12 transferred by explicit contractual provision by the  
13 alternative energy system or customer-generator.

14 (B) 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  
18 until the alternative energy source enters into an  
19 agreement specifically conveying the alternative  
20 energy credits to some other entity, regardless of  
21 when an underlying contract for the purchase of  
22 electric energy or other products from the generator  
23 that qualifies as an alternative energy system was  
24 executed.

25 (iii) Subparagraph (ii) shall apply regardless of  
26 when an underlying contract for the purchase of electric  
27 energy or other products from the generator that  
28 qualifies as an 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.