
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 404 Session of
2017

INTRODUCED BY SCAVELLO, ARGALL, BROWNE, COSTA, McGARRIGLE,
LEACH, GREENLEAF, YUDICHAK, KILLION, HAYWOOD, LAUGHLIN,
RAFFERTY, HUGHES, BLAKE, McILHINNEY AND FONTANA,
FEBRUARY 27, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 27, 2017

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 portfolio requirements in other states.

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

11 Section 1. Section 4 of the act of November 30, 2004
12 (P.L.1672, No.213), known as the Alternative Energy Portfolio
13 Standards Act, is amended to read:

14 Section 4. Portfolio requirements in other states.

15 (a) General rule.--If an electric distribution supplier or
16 electric generation company provider sells electricity in any
17 other state and is subject to renewable energy portfolio
18 requirements in that state, they shall list any such requirement
19 and shall indicate how it satisfied those renewable energy

1 portfolio requirements. To prevent double-counting, the electric
2 distribution supplier or electric generation company shall not
3 satisfy Pennsylvania's alternative energy portfolio requirements
4 using alternative energy used to satisfy another state's
5 portfolio requirements or alternative energy credits already
6 purchased by individuals, businesses or government bodies that
7 do not have a compliance obligation under this act unless the
8 individual, business or government body sells those credits to
9 the electric distribution company or electric generation
10 supplier. Energy derived from alternative energy sources inside
11 the geographical boundaries of this Commonwealth shall be
12 eligible to meet the compliance requirements under this act.
13 Energy derived from alternative energy sources located outside
14 the geographical boundaries of this Commonwealth but within the
15 service territory of a regional transmission organization that
16 manages the transmission system in any part of this Commonwealth
17 shall only be eligible to meet the compliance requirements of
18 electric distribution companies or electric generation suppliers
19 located within the service territory of the same regional
20 transmission organization. For purposes of compliance with this
21 act, alternative energy sources located in the PJM
22 Interconnection, L.L.C. regional transmission organization (PJM)
23 or its successor service territory shall be eligible to fulfill
24 compliance obligations of all Pennsylvania electric distribution
25 companies and electric generation suppliers. Energy derived from
26 alternative energy sources located outside the service territory
27 of a regional transmission organization that manages the
28 transmission system in any part of this Commonwealth shall not
29 be eligible to meet the compliance requirements of this act.
30 Electric distribution companies and electric generation

1 suppliers shall document that this energy was not used to
2 satisfy another state's renewable energy portfolio standards.

3 (b) Solar photovoltaic technology.--Notwithstanding any
4 provision of subsection (a), in order to qualify as an
5 alternative energy source eligible to meet the compliance
6 requirements under this act, each solar photovoltaic system must
7 directly deliver the electricity it generates to a retail
8 customer of an electric distribution company or to the
9 distribution system operated by an electric distribution company
10 operating within this Commonwealth and currently obligated to
11 meet the compliance requirements contained under this act or be
12 directly connected to the electric system of an electric
13 cooperative or municipal electric system, operating within this
14 Commonwealth.

15 (c) Certification and contracts.--Nothing in this section
16 shall affect a certification originating within the geographical
17 boundaries of this Commonwealth granted prior to the effective
18 date of this subsection of a solar photovoltaic energy generator
19 as a qualifying alternative energy source eligible to meet the
20 solar photovoltaic share of this Commonwealth's alternative
21 energy portfolio compliance requirements under this act or a
22 binding written contract for the sale and purchase of
23 alternative energy credits derived from solar photovoltaic
24 energy sources entered into prior to the effective date of this
25 subsection.

26 Section 2. The amendment of section 4 of the act shall apply
27 to contracts entered into or renewed on or after the effective
28 date of this section.

29 Section 3. This act shall take effect immediately.