At Least 24 States + Washington DC and Puerto Rico Authorize or Allow 3rd-Party Solar PV Power Purchase Agreements.

Note: This map is intended to serve as an unofficial guide; it does not constitute legal advice. Seek qualified legal expertise before making binding financial decisions related to a 3rd-party PPA. See following slides for additional important information and authority references.
Important Information Regarding 3rd-Party Solar PPAs

Authorization for 3rd-party solar PV PPAs usually lies in the definition of a “utility” in state statutes, regulations or case law; in state regulatory commission decisions or orders; and/or in rules and guidelines for state incentive programs.

Even though a state may have authorized the use of 3rd-party PPAs, it does not mean that these arrangements are allowed in every jurisdiction. For example, municipal utilities may not allow 3rd-party PPAs in their territories even though they are allowed or in use in the state’s investor-owned utility (IOU) territories.

Though a 3rd-party PPA provider may not be subject to the same regulations as utilities, additional licensing requirements may still apply.

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Authorities/References

- Arizona: ACC Decision 71795, Docket E-20690A-09-0346 (limited to schools, governments or other non-profit entities)
- Colorado: S.B. 09-051; PUC Decision C09-0990, Docket No. 08R-424E (2009) (limited to systems generating no more than 120% of the average annual electricity consumption)
- Connecticut: Clean Energy Finance and Investment Authority
- D.C.: REIP Program; PSC Order 15837 (2010)
- Florida: PSC Decision: Docket 860725-EU; Order 17009 (1987)
- Georgia: GA Territorial Act: O.C.G.A. § 46-3-1
- Hawaii: S.B. 704 (2011)
- Iowa: Iowa Supreme Court, No. 13-0642 (2014) (the Iowa Supreme Court’s decision overruled an earlier IUB’s determination that a local solar company who proposed a 3rd-party PPA would be a “public utility” under Iowa law)
- Kentucky: KRS 278.010 (3)
- Massachusetts: 220 CMR 18.00
- New Jersey: N.J. Stat. 48:3-51; N.J.A.C. §14:8-4.1 et seq.
- Nevada: NRS 704.021 (AB 186, 2009); PUC Orders 07-06024 and 07-06027 (limited to systems generating no more than 150% of the average annual electricity consumption)
- New York: NY CLS Public Service § 2.13
- New Hampshire: PUC 902.03; PUC Docket DE 10-212 (letter 1/31/12)
- North Carolina: General Statutes § 62-3(23)
- Ohio: PUC Order 06-653-EL-ORD (11/05/2008)
- Oklahoma: 17 Okl. St. § 151; O.A.C. § 165:40
- Oregon: PUC Order, Docket 08-388; O.R.S §757.005
- Pennsylvania: PUC Order, Docket M-2011-2249441
- Puerto Rico: No policy reference available; based on news reports and articles
- Texas: S.B. 981 (2011) (limited to systems generating electricity no more than the average annual electricity consumption)
- Utah: H.B. 0145 (2010) (limited to public buildings, schools or 501(c)(3) non-profits)
- Vermont: No policy reference available, based on news reports and communications
- Virginia: S.B. 1023 (2013) (limited to solar systems between 50kW and 1MW within the certificated service territory, tax exempt entities are exempt from the minimum)