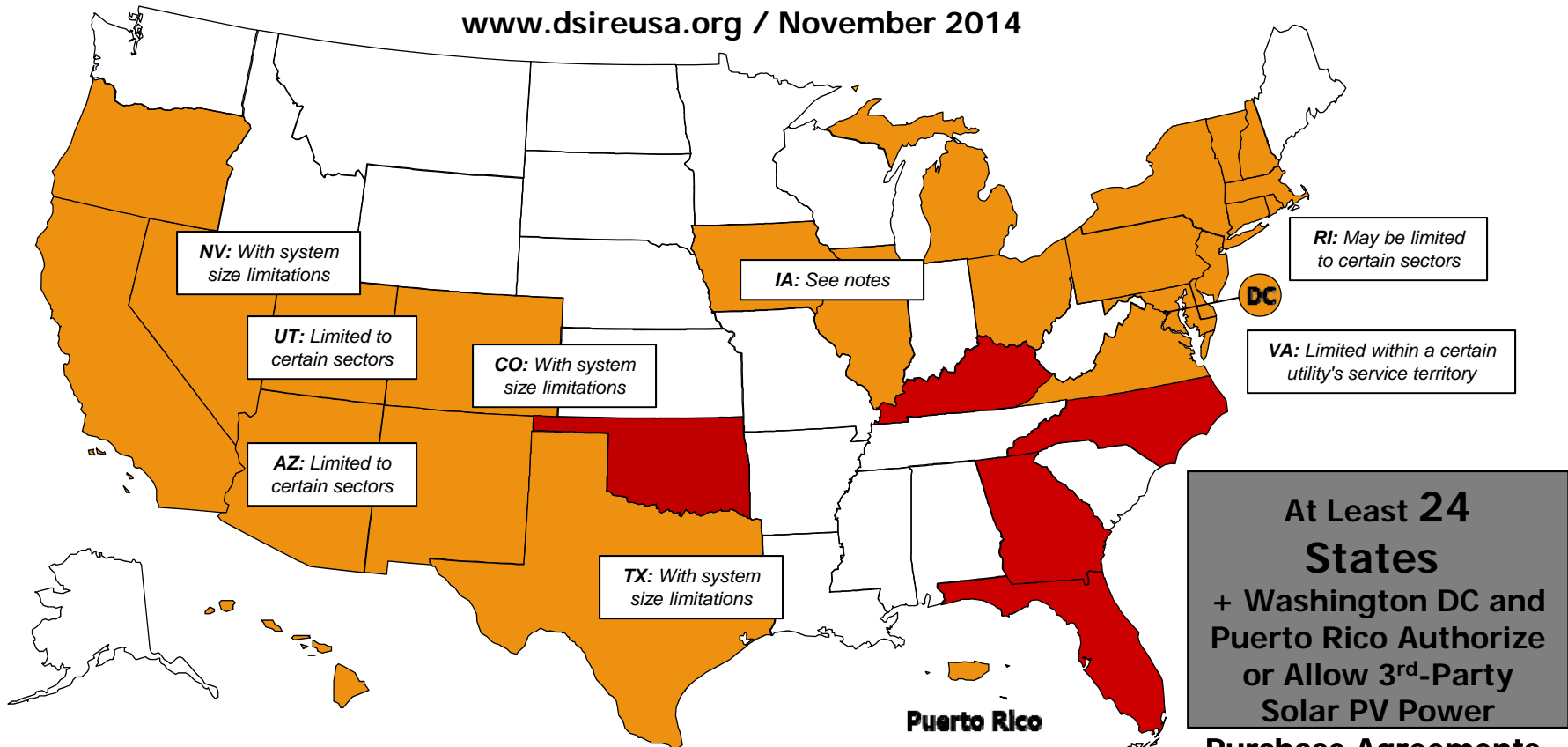


3rd-Party Solar PV Power Purchase Agreements (PPAs)

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- Authorized by state or otherwise currently in use, at least in certain jurisdictions within the state
- Apparently disallowed by state or otherwise restricted by legal barriers
- Status unclear or unknown

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.

DSIRESOLAR™

Database of State Incentives for Renewables & Efficiency

U.S. DEPARTMENT OF
ENERGY

Energy Efficiency &
Renewable Energy

 **IREC**
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NORTH CAROLINA
Solar Center

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*)
- **California:** Cal. Pub. Util. Code § 218, § 2868
- **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)
- **Delaware:** S.B. 266 and S.B. 267 (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)
- **Illinois:** 220 ILCS 5/3-105, 16-102; 83 Ill. Adm. Code, Part 465
- **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
- **Maryland:** H.B. 1057 (2009)
- **Michigan:** 2008 Public Act 286; PSC Order Docket U-15787
- **New Jersey:** N.J. Stat. 48:3-51; N.J.A.C. §14:8-4.1 et seq.
- **New Mexico:** H.B. 181 and S.B. 190 (2010)
- **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
- **Rhode Island:** R.I. Gen. Laws § 39-26.4 (2011) (*3rd-party-owned municipal financing arrangements may net meter*)
- **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*)