3rd Party Solar PV Power Purchase Agreement (PPA)

www.dsireusa.org / March 2015

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

- apparently disallowed by state or otherwise restricted by legal barriers
- authorized by state or otherwise currently in use, at least in certain jurisdictions
- status unclear or unknown
**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.

This map and information is provided as a public service and does not constitute legal advice. Seek qualified legal expertise before making binding financial decisions related to a 3rd-party PPA.
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)
- **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)
- **New York**: NY CLS Public Service § 2.13
- **New Hampshire**: PUC 902.03; PUC Docket DE 10-212 (letter 1/31/12)
- **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)*
- **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)*

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**Note**: The authorities and references listed above are meant to provide a snapshot of the legal landscape as of the publication date. It is important to consult the latest versions of the statutes, codes, and orders for current information.