

## 1 SENATE BILL NO. 197

2 INTRODUCED BY J. ELLIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE IMPLEMENTATION OF THE COMMUNITY  
5 RENEWABLE ENERGY PROJECT PROGRAM REQUIREMENTS OF THE MONTANA RENEWABLE POWER  
6 PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 69-3-2003, MCA;  
7 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 69-3-2003, MCA, is amended to read:

12 **"69-3-2003. Definitions.** As used in this part, unless the context requires otherwise, the following  
13 definitions apply:

14 (1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric  
15 power other than simple generation, transmission, or distribution. Ancillary services related to transmission  
16 services include energy losses, energy imbalances, scheduling and dispatching, load following, system  
17 protection, spinning reserves and nonspinning reserves, and reactive power.

18 (2) "Balancing authority" means a transmission system control operator who balances electricity  
19 supply and load at all times to meet transmission system operating criteria and to provide reliable electric  
20 service to customers.

21 (3) "Common ownership" means the same or substantially similar persons or entities that maintain a  
22 controlling interest in more than one community renewable energy project even if the ownership shares differ  
23 between two community renewable energy projects. Two community renewable energy projects may not be  
24 considered to be under common ownership simply because the same entity provided debt or equity or both  
25 debt and equity to both projects.

26 (4) "Community renewable energy project" means an eligible renewable resource located in the state  
27 that:

28 (a) is interconnected on the utility side of the meter in which local owners have a controlling interest

1 and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or

2 (b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate  
3 capacity.

4 (5) (a) "Competitive electricity supplier" means any person, corporation, or governmental entity that is  
5 selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or  
6 cooperative.

7 (b) The term does not include governmental entities selling electricity produced only by facilities  
8 generating less than 250 kilowatts that were in operation prior to 1990.

9 (6) "Compliance year" means each calendar year beginning January 1 and ending December 31,  
10 starting in 2008, for which compliance with this part must be demonstrated.

11 (7) "Cooperative utility" means:

12 (a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

13 (b) an existing municipal electric utility as of May 2, 1997.

14 (8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric  
15 generating resource to rapidly start, stop, increase, or decrease electricity production from that generating  
16 resource in order to respond to the balancing authority's need to match supply resources to loads on the  
17 transmission system.

18 (9) "Electric generating resource" means any plant or equipment used to generate electricity by any  
19 means.

20 (10) "Eligible renewable resource" means a facility either located within Montana or delivering  
21 electricity from another state into Montana that commences commercial operation after January 1, 2005, or a  
22 hydroelectric project expansion referred to in subsection (10)(d)(iii), any of which produces electricity from one  
23 or more of the following sources:

24 (a) wind;

25 (b) solar;

26 (c) geothermal;

27 (d) water power, in the case of a hydroelectric project that:

28 (i) does not require a new appropriation, diversion, or impoundment of water and that has a

1 nameplate rating of 10 megawatts or less;

2 (ii) is installed at an existing reservoir or on an existing irrigation system that does not have  
3 hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less; or

4 (iii) is an expansion of an existing hydroelectric project that commences construction and increases  
5 existing generation capacity on or after October 1, 2013. Engineering estimates of the average incremental  
6 generation from the increase in existing generation capacity must be submitted to the commission for review.

7 The commission shall determine an average annual incremental generation that will constitute the eligible  
8 renewable resource from the capacity expansion, subject to further revision by the commission in the event of  
9 significant changes in stream flow or dam operation.

10 (e) landfill or farm-based methane gas;

11 (f) gas produced during the treatment of wastewater;

12 (g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic  
13 fuels from wood, forest, or field residues, including wood pieces that have been treated with chemical  
14 preservatives, such as creosote, pentachlorophenol, or copper-chrome arsenic, and that are used at a facility  
15 that has a nameplate capacity of 5 megawatts or less;

16 (h) hydrogen derived from any of the sources in this subsection (10) for use in fuel cells; and

17 (i) the renewable energy fraction from:

18 (i) the sources identified in this subsection (10) of electricity production from a multiple-fuel process  
19 with fossil fuels;

20 (ii) flywheel storage as defined in 15-6-157(4)(d);

21 (iii) hydroelectric pumped storage as defined in 15-6-157(4)(e);

22 (iv) batteries; and

23 (v) compressed air derived from any of the sources in this subsection (10) that is forced into an  
24 underground storage reservoir and later released, heated, and passed through a turbine generator.

25 (11) "Local owners" means:

26 (a) Montana residents;

27 (b) general partnerships of which all partners are Montana residents;

28 (c) business entities organized under the laws of Montana that:

- 1 (i) have less than \$50 million of gross revenue; and  
2 (ii) have less than \$100 million of assets; ~~and~~  
3 ~~(iii) have at least 50% of the equity interests, income interests, and voting interests owned by Montana~~  
4 ~~residents;~~  
5 (d) Montana nonprofit organizations;  
6 (e) Montana-based tribal councils;  
7 (f) Montana political subdivisions or local governments;  
8 (g) Montana-based cooperatives other than cooperative utilities; or  
9 (h) any combination of the individuals or entities listed in subsections (11)(a) through (11)(g).
- 10 (12) "Nonspinning reserve" means offline generation that can be ramped up to capacity and  
11 synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during  
12 emergency conditions, unforeseen load swings, and generation disruptions.
- 13 (13) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter  
14 3, on January 1, 2005, including the public utility's successors or assignees.
- 15 (14) "Renewable energy credit" means a tradable certificate of proof of 1 megawatt hour of electricity  
16 generated by an eligible renewable resource that is tracked and verified by the commission and includes all of  
17 the environmental attributes associated with that 1 megawatt-hour unit of electricity production.
- 18 (15) "Renewable energy fraction" means the proportion of electricity output directly attributable to  
19 electricity and associated renewable energy credits produced by one of the sources identified in subsection  
20 (10).
- 21 (16) "Seasonality" means the degree to which an electric generating resource is capable of producing  
22 electricity in each of the seasons of the year.
- 23 (17) "Small customer" means a retail customer that has an individual load with an average monthly  
24 demand of less than 5,000 kilowatts.
- 25 (18) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and  
26 immediately responsive to frequency control and that is needed to maintain system frequency stability during  
27 emergency conditions, unforeseen load swings, and generation disruptions.
- 28 (19) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the

1 community renewable energy project and other eligible renewable resources that are:

2 (a) located within 5 miles of the project;

3 (b) constructed within the same 12-month period; and

4 (c) under common ownership."

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6 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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