February 7, 2023 HB 2227 Oral In-Person PROPONENT



From: Jessica Lucas, Clean Energy Business Council

Chairman Delperdang and Members of the Committee:

Thank you for allowing me to present proponent testimony on behalf of the Clean Energy Business Council a project of the Climate + Energy Project. We are pleased to come before you today to talk about HB 2227, a bill that would enable third-party power purchase agreements.

I've enclosed in my testimony information from Legislative Research that shows what other states are doing in regard to third-party power purchase agreements. A majority of US states allow them!

Kansas is one of only seven states in the country that prohibits third-party PPAs. The past few years we've heard a lot of testimony about our rates not being regionally competitive, specifically with Oklahoma.

The committee should note that Oklahoma permits 3<sup>rd</sup> Party PPAs, as does Missouri and Colorado. Additionally, Nebraska is not a state that has outlawed them.

Yet Kansas sits in the middle of these neighbors without a 3<sup>rd</sup> Party PPA tool, further restricting options to businesses seeking to lower their energy costs and invest in more renewables.

We urge the committee to consider a 3<sup>rd</sup> Party PPA bill. I do want to note, since the introduction of this bill, we've had many conversations with interested parties who support larger size limits to fully utilize the power of a 3<sup>rd</sup> Party PPA to meet industry needs, specifically in agricultural sector.

It's our hope we can work together to find a common sense policy that addresses these needs and ensures access to all renewable tools that provide cost-savings and long-term energy agreements.

68-West–Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504 (785) 296-3181

kslegres@klrd.ks.gov kslegislature.org/klrd

December 16, 2022

From: Kate Smeltzer, Research Analyst

**Re:** Third-party Power Purchase Agreements in the United States

## THIRD-PARTY POWER PURCHASE AGREEMENTS (PPA) IN THE UNITED STATES

According to the U.S. Department of Energy, third-party power purchase agreements (PPAs) are an arrangement in which a third-party developer installs, owns, and operates an energy system on a customer's property. The customer would then purchase the output of that system for a given period of time. The purpose of these agreements is to allow the customer to buy stable and frequently low-cost power without paying upfront development costs, and to enable the system owner to utilize tax credits and income from the sale of the system's energy generation. Third-party financing primarily occurs in two of the following forms:

- PPA: The energy system would offset the customer's electric utility bill, and the
  developer would then sell the power generated to the customer at a fixed rate,
  usually lower than local utilities.
- Leases: A customer would sign a contract with an installer/developer and would pay for the use of a system over a specified period of time.

### **States with PPAs**

Currently, 27 states allow power purchase agreements in some form. A list of these states is contained within attachment 1, State PPA Regulations. The document also provides a short summary of the authorization, and a hyperlink to said authorization when available. Please note that this list may not be exhaustive, as what constitutes a PPA can differ among states. urthermore, there are other financial tools available that are similar in structure to PPAs, but they may not necessarily be under the jurisdiction of a state regulatory authority.

### **Other Financial Arrangements**

As of 2022, Kansas does not allow PPA's. However, according to Kansas Corporation Commission (KCC) staff, wholesale generators can enter into other kinds of arrangements with

larger corporations, such as for the purchase of energy output from a wind or solar farm. With these types of arrangements, the power generated is actually added to the Southwest Power Pool's integrated market, and there is a financial settlement between the generator and customer based on the difference between the wholesale market price and the price agreed upon by the parties.

KCC staff also indicated these types of arrangement are allowed in Kansas, because the power is being sold at wholesale cost and not retail cost. Further, KCC staff stated, regulated utilities use wholesale PPAs to procure renewable energy frequently because it sidesteps the risks associated with the development of a project, and is generally preferred because in many cases it is more economical than utility ownership of the generation, noting that utility ownership can have its own intangible benefits that are considered in formal docket proceedings.

#### State Third-party Power Purchase Agreement Regulations

Kansas Legislative Research Department

December 14, 2022

Summary

Authorization

Authorization

State PA Allowed Entitles allowed Entry Source   Summary   Authorization   Legistation   Management   Legistation   Legistation   Management   Legistation   Legistat	State		Fntitios allowed		Summary	Authorization	Legislation	Year
Accessed white the Commentation of the Comment								N/A
Annates a control Triple of the control of the cont								N/A
Andersees will be consistent and security of the control of the centre of the c	Alusku	14/7 (	14/71	14// (			1.07.1	14// (
Anamass I inhald Tax carryl writy No.  Will September 1 was a compared on the year of recover cost of PAN.  Anamass I write a water to committe to grow the anamass of the september 1 was a committee to grow	Arizona	Limited	Third-party: non-profit	Solar		Arizona Corporation Commission Decision 71795.	N/A	2010
Advantage    District   Commention   Comment			рану, наприя					
An American  Note 1  Note 1  Note 2  Note 2  Note 2  Note 2  Note 2  Note 3  Note 2  Note 3  N	Arkansas	Limited	Tax exempt entity	Solar		A.C.A. § 23-18-109	2015 HB 1633; 2019 SB 14	15 2015
Software Testings Proclaman Street Residence Pro								2015
Louiseries  Ves Utility: Bird party  Defines read and and advised utilities can advise design from the region of the section of persone per generous process.  Define read and and advised utilities can advise the section of the person of the					Defines "Independent Solar Energy Producer" to mean a corporation or person employing one or more			
Celebration  Ves Utility, third-gasty  Autilities  Commentious  Autilities  Commentious  Ves Utility, third-gasty  Autilities  Commentious  Autilities  Auti					solar energy systems for the generation of electricity for any one or more of the following purposes: its own			
Colorado  Vec Usitiy mercyanty  Multiple  Oeffice related and wholeware difference of management and coloration of "feeded and coloration"  Oeffice related and wholeware difference or a distriction of management and coloration of the coloration o					use or use of tenants; or the use of, sale to, not more than two other entities or persons per generation			/
Connecticut  Ves  Uilley, Bried gardy  Author  Author  Connecticut  Ves  Uilley, Bried gardy  Author  Author  Author  Author  Connecticut  Ves  Uilley, Bried gardy  Author  Autho								
Coincedo  Ves Utility Multiple  Outlines retail and influence will tilline and eligible utilities to make received energy standards.  If executes application  Solar, writ, So	California	Yes	Utility; third-party	Solar				2009
Fleedork supplies of delibration companies fail to the special profession and instillational supplies of delibration and trigger federated compliance paperated, these is expectaglish trail these is an instillational supplies of delibration or companies of the second supplies to the second supplies of the second supplies to the second supplies of the second suppli					Exempts "Independent Solar Energy Producer" from the definition of "Electrical Corporation.'	Cal. Pub. Util. Code §218	N/A	2009
Fleedork supplies of delibration companies fail to the special profession and instillational supplies of delibration and trigger federated compliance paperated, these is expectaglish trail these is an instillational supplies of delibration or companies of the second supplies to the second supplies of the second supplies to the second supplies of the second suppli								
Fleedork supplies of delibration companies fail to the special profession and instillational supplies of delibration and trigger federated compliance paperated, these is expectaglish trail these is an instillational supplies of delibration or companies of the second supplies to the second supplies of the second supplies to the second supplies of the second suppli								
Engine Tailmanks compliance pagements. There is a presumption may page and distribution companies. The overall of author in the page of a distribution companies. The overall of author is presumed to the page of a distribution companies. The page of a distribution companies to offer into PPA comments author to commission of the page of a page of a distribution companies to offer into PPA comments author to commission of the page of a page of a distribution companies to offer into PPA comments author to comments and to the page of a distribution companies to offer into PPA comments author to comments and to the page of a distribution companies to offer into PPA comments author to comments and the page of a page of a page of the pa	Colorado	Yes	Utility	Multiple		C.R.S. 40-2-124	HB 21-1052	2019
Connecticut  Ves  Uilly, thard-party  Orange Connecticut  Ves  Uilly, thard-party  Orange Connecticut  Ves  Uilly, thard-party  And Orange Connecticut  Ves  Uilly, thard-party  Orange Connecticut  Orange Connecticut  Ves  Uilly, thard-party  Orange Connecticut  Orange Conne								
Commetticut   Ves								
Connecticus  Yes  Usility: third-pasty ying bit bitmass  Service Connecticus  Yes  Usility: third-pasty ying bitmass  Service Connecticus  Yes  Usility: third-pasty ying bitmass  Service Connecticus  Yes  Usility: third-pasty ying bitmass  All Connecticus  Yes  Usility: third-pasty ying bitmass  All Connecticus  Yes  Usility: third-pasty ying bitmass  All Connecticus  Ves  Usility: third-pasty ying bitmass  All Connecticus  All Connecticus  Ves  Usility: third-pasty ying bitmass  All Connecticus  All Connecticu								/
Connecticut Yes Uility, find-party Syde Colorass in nonemental supply to early shortage.  Connecticut Yes Uility, find-party lythol or or enemental supply to early shortage from wellfallible large-scale hydrogrower. The commissioner may select proposals from wellfallible large-scale hydrogrower. The commissioner may select proposals from wellfallible large-scale hydrogrower. The commissioner may select proposals from the select proposals from wellfallible large-scale hydrogrower. The commissioner may select proposals for most up to 5 photoner does delicated selection.  Connecticut Yes Uility, find-party lythol or or energy, capacity, and any service member and studies.  Allows for cash grants from the sales Croen Energy Fund be part to all customers and have a PPA to the party shall be any selection. When the selection is the selection of the s								/
Over the commissioner mis power to solded proposals from writinable ingrescale hydrogenes. The commissioner may select the selection of		.,				Conn Con Stat Ann \$460 36	DA 42 202	0040
commissioner may select proposals to meet up to 5 percent of load distributed only salar's electric.  distribution companies better in IPPAe  One company, couckly, and any environmental and may deet the electrical proposals.  In the company of th	Connecticut	res	Oulity; third-party	nyaro, biornass		Corin. Gen. Stat. Arin. 9 10a-31	I A 10-303	2013
Connecticut Ves Utility: hind-party Hydro Servengy, capacity, and any environmental altebulous.  Allows for caring runs from the status of Green Energy Front to be part for all customers that have a PPA for status of Control of Con								
Connecticut    Ves								
Allows for cash grains from the states Green Energy Fund to be paid to all customers that have a PPA for reversable energy ethenology and have put that technology. Febr. Spirit	Commontions	Vaa	I Hilliby thind works	Lhudro		Conn. Con. Stat. Ann. \$16a.3a	DA 12 202	2013
renewable energy technology and have put that technology in service. Pote: Staff is unable to find any statute, regulation, or commission of celet that administer, lowery, there are memorists references in Delaware Cuproration Commission dockets that indicate PPAs take place between vitilities, and state polyment implicits with quality genements an permission.  NA N	Connecticut	162	Othity, triiru-party	riyulo		COIIII. Cell. Stat. Allii. § 10a-3g	I A 15-305	2013
Salake, regulation, or commission order that authorizes PPAs. Issuer, there are numerous references in Delaware Corporation Commission dockets that indicates be place between utilities, and state PPAs. Issue option to the proposal order that a submission of the proposal order that the propos								
Delaware N/A Utility, third-party Multiple apyment fining third-party agreements any permission docket that indicate PPAs take place between utilities, and state PAs N/A								
Delaware N/A Utility, third-party Multiple party growth implies third-party agreements are permissible.]  Perfords N/A								
N/A	Delaware	N/A	Utility: third-party	Multiple		Del. Code Ann. tit. 29. §8057(d)(1)(a):	N/A	2010
Allows solar anergy procurements, which include leases and PPAs. These solar systems can be on either side of the meter and must not exceed mental capacity requirements, (14 W for residential installations and 125 percent of actuals or projected maximum annual peak demand for commercial installations and 125 percent of actuals or projected maximum annual peak demand for commercial installations and 125 percent of actuals or projected maximum annual peak demand for commercial installations among other provisions.  [§289-16, 22] PPAs; cost recovery for electric utilities. All power purchase costs, including costs related to capacity, operations and marintenance, and other costs that are incurred by an electric utility company, arising out of PPAs that have been approved by the public utilities commission and an behalfing diplications are electric utility company through one or more adjustable sucharges, which shall be established by the public utilities commission. The converse of incurred by the commission to have been incurred in bact field, out of waste, out on invalid to first. For purposes of this section, an "electric utility company" mens a public utility as defined under section 289-1, for the production, conveyance, transmission, device provides power.  Hawaii Yes Utility, third-party Solar related to the contract of the extent that the customer's provides service from that distribution system to a third-party contractor by the contractor which shall be established by the third party contractor in accordance by the third party contractor in accordance with Section 16-102.  Without the provides a provide the provident of the customer's provide that the customer's provides that is integrally and prodominatively regulated to the customer's provide that is the provident of the customer's that be established for manufacturing customer that owns its own distribution facilities, to the extent that the customer which is constructed on the customer's provident provident provident provident provident provident pro							N/A	N/A
on either aide of the meter and must not exceed peak generating capacity requirements, (10 kW for residential installations and 125 percent of activities an					Allows solar energy procurement agreements, which include leases and PPAs. These solar systems can be			_
Solar   Solar   Solar   Commercial installations) among other provisions.   N/A   Sorgia HB 57								
S269-16.22] PPAs; cost recovery for electric utilities. All power purchase costs, including costs related to capacity, operations and maintenance, and other costs that are incurred by an electric utility company, arising out of PPAs that have been aproximately by the public utilities commission and are binding obligations on the electric utility company, shall be allowed to be recovered by the utility from the customer base of the electric utility company shall be allowed to be recovered by the utility from the customer base of the electric utility company shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public utilities commission on the selectric utility company in the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public utility as defined under section 299-1, and the public under section 2					residential installations and 125 percent of actual or projected maximum annual peak demand for			
capacity, operations and maintenance, and other costs that are incurred by an electric utility company, arising out of PPAs that have been approxy by the public utilities commission and are binding obligations on the electric utility company, shall be allowed to be recovered by the utility from the customer base of the electric utility company through not evaluate, such costs are determined by the commission. The costs shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public utilities commission and promission to have been incurred in bad faith, out of waste, out of an abuse of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 28-1.  Lating the promission of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 28-1.  Lating the promission of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 28-1.  Lating the promission of law. For purposes of this section, and include of a public utility as defined under section 28-1.  Lating the promission of law. For purposes of this section, and include the promission of the purposes of the section of the customer shall be a submission. And the purposes of the section of the customer shall be a submission of the customer shall be a submission. And the customer shall be a submission of the section of the customer shall be a submission of the customer shall be a submission of the section of the section of the customer's industrial or manufacturing underly and energy contractor, which shall be a customer shall be a submission of the section of the sect	Georgia	Yes	Utility; third-party	Solar	commercial installations) among other provisions.	N/A	Georgia HB 57	2015
capacity, operations and maintenance, and other costs that are incurred by an electric utility company, arising out of PPAs that have been apply the public utilities commission and are binding obligations on the electric utility company, shall be allowed to be recovered by the utility from the customer base of the electric utility company through one or adjustable survivances, which shall be established by the public utilities commission. The costs shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public utilities commission, and the established by the public utilities commission and the established by the public utilities commission to have been incurred in bad faith, out of waste, out of an abuse of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 28-1.  L2012, c.55, \$22 NA  NIA  NIA  NIA  NIA  NIA  NIA  NIA								
arising out of PPAs that have been approved by the public utilities commission and are binding obligations on the electric utility company, through one or more adjustable surcharges, which shall be established by the public utilities commission. The costs shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public utilities commission, any such costs are determined by the commission to have been incurred in bad faith, overage of the subset of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1, for the production, conveyence, trainshing of electric power.  Hawaii Yes Utility; third-party Solar for the production, conveyence, trainshing of electric power.  N/A								
on the electric utility company, shall be allowed to be recovered by the utility from the customer base of the electric utility company through one or more adjustable surcharges, which shall be established by the public utilities commission. The costs shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public listing commission, any such costs are determined by the commission to have been incurred in bad faith, out of wask out of an abuse of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1.  Hawaii Yes Utility; third-party Solar for the production, conveyance, transmission, delivery, or furnishing of electric power.  N/A								
electric utility company through one or more adjustable surcharges, which shall be established by the public utilities commission. The costs shall be allowed to be recovered if incured as a result of such agreements unless, after review by the public utilities commission, any such costs are determined by the commission that have been incurred in bad falsh of wask, out of an abuse of discretion, or in volation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1, for the production, conveyance, roy furnishing of electric power.  It was a public utility as defined under section 269-1, in the commission of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1, in the commission of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1, in the commission of law. For purposes of this section, an "electric utility company" of furnishing of electric power and the extra that the customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and promisionally engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer's fall by transition charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base								
utilities commission. The costs shall be allowed to be recovered if incurred as a result of such agreements unless, after review by the public utilities commission, any such costs are determined by the commission to have been incurred in bad faith, out of waste, out of an abuse of discretion, or in violation of law. For purposes of this section, an "experiments" purposes of the customer factor of the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's industrial or manufacturing outsomer has elected delivery services, the customer's provided the customer's services and the customer's services and the customer's services and the customer's services ar								
unless, after review by the public utilities commission, any such costs are determined by the commission to have been incurred in bad found of an abuse of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 289-1, for the production, conveyance, transmission, delivery, or furnishing of electric power.  Idaho N/A								
have been incurred in bad faith, out of waste, out of an abuse of discretion, or in violation of law. For purposes of this section, an "electric utility company" means a public utility as defined under section 269-1, to from the production, conveyance, transmission, delivery, or furnishing of electric power.  N/A  N/A  N/A  N/A  N/A  N/A  N/A  N/								
Hawaii Ves Utility; third-party Solar for the production, conveyance, transmission, delivery, or furnishing of electric power.  Idaho N/A								
Hawaii   Yes   Utility; third-party   Solar   for the production, conveyance, transmission, delivery, or furnishing of electric power.   IL 2012, c 55, \$2   N/A								
Idaho N/A	Hawaii	Vec	Litility: third-party	Solar		II 2012 c 55 821	N/A	2012
(W) An industrial or manufacturing customer that owns its own distribution facilities, to the extent that the customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; premises that is integrally and predominantly engaged in the customer's industrial or manufacturing customer has elected delivery services, the customer shall propose and energy consumed by the third-party contractor unless such charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor unless such charges are otherwise paid by the third-party contractor in accordance with Section 16-102.  N/A  N/A  N/A  N/A  N/A  N/A  N/A  N/								N/A
customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor which shall be calculated based on electric power to the consumer at a pre-established fixed rate, thereby providing the customer with a hedge against price increases from the traditional electric utility serving the location. PPAs thus minimize the up-front cost barrier, and greatly stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private inconnegate that the traditional provide inconnegate	iuaiio	IN/A	IN/A	N/A	1.30	IVA	N/A	IN/A
premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.  Illinois  Yes  Utility  Solar  N/A  N/A  N/A  N/A  N/A  N/A  N/A  N/								
process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.  Indiana N/A								
customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party  220 Illinois Compiled Statutes 5/16-102  N/A  N/A  N/A  N/A  N/A  N/A  N/A  N/								
party contractor unless such charges are otherwise paid by the third-party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.  Indiana N/A								
Illinois   Yes   Utility   Solar   Contractor in accordance with Section 16-102.   N/A								
Illinois Yes Utility Solar contractor in accordance with Section 16-102. N/A								
Indiana N/A	Illinois	Yes	Utility	Solar		220 Illinois Compiled Statutes 5/16-102	N/A	N/A
constructed on the customer's site. The developer-owner then sells the electric power to the consumer at a pre-established fixed rate, thereby providing the customer with a hedge against price increases from the tradition all electric utility serving the location. PPAs thus minimize the up-front cost barrier, and greatly stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private income-generating entity able to take advantage of the tax benefits afforded to alternative energy developer-owner, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system. Is own Supreme Court, No. 13-0642 (2014) N/A Kansas No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations C-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287 Kentucky N/A		N/A			N/A	N/A	N/A	N/A
constructed on the customer's site. The developer-owner then sells the electric power to the consumer at a pre-established fixed rate, thereby providing the customer with a hedge against price increases from the tradition all electric utility serving the location. PPAs thus minimize the up-front cost barrier, and greatly stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private income-generating entity able to take advantage of the tax benefits afforded to alternative energy developer-owner, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system. Is own Supreme Court, No. 13-0642 (2014) N/A Kansas No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations C-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287 Kentucky N/A								
pre-established fixed rate, thereby providing the customer with a hedge against price increases from the traditional electric utility serving the location. PPAs thus minimize the up-front cost barrier, and greatly stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private income-generating entity able to take advantage of the tax benefits afforded to alternative energy development. Moreover, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system.    Idwa								
traditional electric utility serving the location. PPAs thus minimize the up-front cost barrier, and greatly stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private income-generating entity able to take advantage of the tax benefits afforded to alternative energy development. Moreover, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system.  Kansas No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations O-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287  Kentucky N/A N/A N/A N/A N/A N/A N/A								
stabilize, if not reduce, costs for the consumer thereafter. In addition, the developer-owner is ordinarily a private income-generating entity able to take advantage of the tax benefits afforded to alternative energy development. Moreover, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system.  No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations O-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287  Kentucky N/A								
private income-generating entity able to take advantage of the tax benefits afforded to alternative energy development. Moreover, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of lows.  Yes Utility: third-party Solar maintenance of the system, and is compensated based on electricity actually produced by the system.  No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations.  No NiA								
development. Moreover, the developer-owner who maintains the system, is an expert with PV technology. Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of  lowa Yes Utility; third-party Solar maintenance of the system, and is compensated based on electricity actually produced by the system.  Kansas No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations O-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287  Kentucky N/A								
lowa Yes Utility; third-party Solar Thus, under a PPA, the developer-owner absorbs the high initial costs, retains the responsibility of maintenance of the system, and is compensated based on electricity actually produced by the system. Iowa Supreme Court, No. 13-0642 (2014) N/A Kansas No Wholesale Only Wind; Solar Noilewed. Wholesale is only permitted between a wholesale generator and larger corporations O-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287 Kentucky N/A								
lowa         Yes         Utility; third-party         Solar         maintenance of the system, and is compensated based on electricity actually produced by the system.         lowa Supreme Court, No. 13-0642 (2014)         N/A           Kansas         No         Wholesale Only         Wind; Solar         Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations         Q-2016-001 Solar Power Purchase Agreements         2021 Statute 66-1287           Kentucky         N/A         N/A         N/A         N/A         N/A								
Kansas No Wholesale Only Wind; Solar Not allowed. Wholesale is only permitted between a wholesale generator and larger corporations O-2016-001 Solar Power Purchase Agreements 2021 Statute 66-1287  Kentucky N/A N/A N/A N/A N/A N/A N/A N/A N/A								4
Kentucky N/A N/A N/A N/A N/A N/A N/A N/A N/A								2014
								2021
Louisiana   NA   N/A   N/A   N/A   N/A   N/A								N/A
	Louisiana	NA	N/A	N/A	IN/A	N/A	N/A	N/A

				IAU			
				All consumers of electricity have the right to purchase generation services directly from competitive electricity providers. The commission may authorize a consumer-owned transmission and distribution utility			
Maine	Yes	Third-party	Solar	to aggregate its load for the purpose of purchasing generation services on behalf of its customers.	Title 35-A Section 3202	N/A	2007
Walle	163	Tilliu-party	Oolai	"Eligible customer-generator" means a customer that owns and operates, leases and operates, or contracts	THIC GO TY GOODING GEOLE	14// \	2007
			Biomass: micro-	with a third-party that owns and operates a biomass, micro-combined heat and power, solar, or wind			
			combined heat and	electric generating facility that is located on the customers premises, is interconnected and operated in			
			power; solar; or wind	parallel with an electric company's transmission and distribution facilities, and is intended primarily to offset			
Maryland	Yes	Third-party	electric generation	all or part of the customers own electric requirements.	N/A	HB 1057 (2009)	2009
,		<u> </u>	Solar; hydroelectric;				
			biogas/biodegradation				
			; agricultural	Purpose: to govern how distribution companies are to provide net metering services to customers			
Massachusetts	Yes	N/A	generation	consistent with the net metering provisions of M.G.L. c. 164 §§ 138 through 140	220 CMR 18.00	N/A	N/A
			Wind; biomass;				
			biogas; biofuels;	An electric utility that proposes to construct an electric generation facility, make a significant investment in			
			solar; geothermal;	an existing electric generation facility, purchase an existing electric generation facility, or enter into a PPA			
			municipal solid waste;	for the purchase of electric capacity for a period of 6 years or longer may apply. The commission shall			
			landfill gas;	include in an electric utility's retail rates all reasonable and prudent costs for an electric generation facility or			
Michigan	Yes	Third-party; public	hydroelectricity; tidal	PPA.	Public Act 286	N/A	2008
				A PPA entered into by a public utility for the purchase of capacity and energy from a resource recovery			
Michigan	Yes	Third-party	Solar	facility shall be filed with the commission and a contested case proceeding shall commence immediately.	Michigan Comp. Laws Ann. 460.60	N/A	2008
Michigan	Yes	Public; third-party	Solar	Defines the application criteria and approval standards.	Michigan Comp. Laws Ann. 460.6s	N/A	2008
Minnesota	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1		1		Allows leasing solar equipment. No rate made, deposit, or service charge demanded or received by any		1	
İ		I		public utility shall exceed that which is just and reasonable. Such utility shall furnish adequate, efficient, and		1	
İ		I		reasonable service, and may establish reasonable rules governing the conduct of its business and the		1	
İ		I		conditions under which it shall be required to render service. Such utility may employ in the conduct of its		1	
	.,			business suitable and reasonable classifications of its service, patrons, rates, deposits, and service charges.	MS Code 77-3-3 (2013)	N/A	0040
Mississippi	Yes	Third-party	Solar	I	WS Code 77-3-3 (2013)	IN/A	2013
				This act allows a contract customer to enter into a renewable energy contract with an owner or developer of a renewable energy facility for the sale of electricity to meet the customer's energy needs. Such customer			
				shall have a minimum annual peak demand of 1 MW, and such contract shall provide for the pricing and			
				duration of the contract. This act also allows an owner or developer of a renewable energy facility to enter			
			Hydropower;	into a contract for the sale of electricity to a customer of an electrical corporation if the electricity is supplied			
			biomass; wind,	by a renewable energy facility located entirely on the customer's premises and the output of which is			
Missouri	Yes	Third-party	biodiesel	intended entirely for use at the customer's premises.	N/A	SB 972	2018
Montana	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nebraska	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IVEDIASKA	IN/A	IN/A	IN/A	Allows companies to enter into a PPA without being considered as a utility. This allows third-party providers	10/1	14// \	IN/A
Novada	Ves	Litility: third-party	N/Δ	to install, own, and operate a renewable energy system such as solar on a home or facility and lease the system to the property owner without being subject to the same regulations as a utility.	AB 186	N/Δ	2009
Nevada Nevada	Yes	Utility; third-party	N/A N/A	system to the property owner without being subject to the same regulations as a utility.	AB 186_ NV Rev Stat 704.021 (2013)	N/A N/A	2009
Nevada Nevada	Yes Yes	Utility; third-party N/A	N/A		AB 186 NV Rev Stat 704.021 (2013)	N/A N/A	2009 2013
			N/A Wind; waterpower;	system to the property owner without being subject to the same regulations as a utility.			
			N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.	NV Rev Stat 704.021 (2013)	N/A	
Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal;	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.			2013
Nevada Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal;	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.	NV Rev Stat 704.021 (2013)	N/A	2013
Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal; solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)	N/A N/A	2013
Nevada Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal; solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)	N/A N/A	2013
Nevada Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal; solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  "Alternative net metering tariff" means the alternative net energy metering tariff provisions adopted by the	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)	N/A N/A	2013
Nevada Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal; solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A.9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23,	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)	N/A N/A	2013
Nevada Nevada	Yes	N/A	N/A Wind; waterpower; biomass; geothermal; solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Falternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A-9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)	N/A N/A	2013
Nevada Nevada New Hampshire	Yes Yes Yes	N/A N/A Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  "Alternative net metering tariff" means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A:9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c	N/A N/A N/A	2013
Nevada Nevada New Hampshire	Yes Yes Yes	N/A N/A Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A.9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c	N/A N/A N/A	2013
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  *Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A:9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  *Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-49, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A:9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  *Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A:9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada New Hampshire New Hampshire	Yes Yes Yes Yes	N/A  N/A  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar  N/A Solar	system to the property owner without being subject to the same regulations as a utility. Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A.9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity from such a plant to an interconnection with the transmission grid.  II. Any entity exempted by this section may seek public utility status from the commission if it so chooses.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03	N/A N/A N/A	2013 2011 1998 2012
Nevada New Hampshire New Hampshire New Hampshire New Hampshire	Yes Yes Yes Yes Yes Yes	N/A  N/A  Third-party  N/A  Third-party  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission if it so chooses.  Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada  New Hampshire  New Hampshire  New Hampshire	Yes Yes Yes Yes Yes	N/A  Third-party  N/A  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-49, XV in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid.  II. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada  New Hampshire  New Hampshire  New Hampshire	Yes Yes Yes Yes Yes Yes	N/A  N/A  Third-party  N/A  Third-party  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A.9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity from such a plant to an interconnection with the transmission rid. Il. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada New Hampshire New Hampshire New Hampshire New Hampshire	Yes Yes Yes Yes Yes Yes	N/A  N/A  Third-party  N/A  Third-party  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9. XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid.  II. Any entity exempted by this section may seek public utility status from the commission if it so chooses.  Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada  New Hampshire  New Hampshire  New Hampshire  New Hampshire	Yes Yes Yes Yes Yes Yes Yes Yes	N/A  Third-party  N/A  Third-party  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid. II. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with the stranded co	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c  NJ Rev Stat 48:3-51	N/A N/A N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020 2014 2020
Nevada New Hampshire New Hampshire New Hampshire New Hampshire	Yes Yes Yes Yes Yes Yes	N/A  N/A  Third-party  N/A  Third-party  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A.9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid. II. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with the stranded c	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c	N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020
Nevada  New Hampshire  New Hampshire  New Hampshire  New Hampshire	Yes Yes Yes Yes Yes Yes Yes Yes	N/A  Third-party  N/A  Third-party  Third-party  N/A	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar N/A Solar	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid.  II. Any entity exempted by this section may seek public utility status from the commission if its ochooses.  Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with the stranded c	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c  NJ Rev Stat 48:3-51	N/A N/A N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020 2014 2020
Nevada  New Hampshire  New Hampshire  New Hampshire  New Hampshire  New Jersey	Yes Yes Yes Yes Yes Yes Yes Yes Yes	N/A  Third-party  N/A  Third-party  Third-party  N/A  N/A	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar N/A N/A N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity for transmission of electricity from such a plant to an interconnection with the transmission grid. II. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with the	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c  NJ Rev Stat 48:3-51	N/A N/A N/A N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020 2014 2020
Nevada  New Hampshire  New Hampshire  New Hampshire  New Hampshire  New Jersey  New Jersey	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes	N/A  N/A  Third-party  N/A  Third-party  Third-party  N/A  N/A  Third-party	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar N/A N/A N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegoliations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid. II. Any entity exempted by this section may seek public utility status from the commission if it so chooses. Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with t	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c  NJ Rev Stat 48:3-51  NJ Rev Stat 48:3-61  NJ Admin. Code 14:8-41	N/A N/A N/A N/A N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020 2014 2020 2020 2010
Nevada  New Hampshire  New Hampshire  New Hampshire  New Hampshire  New Jersey	Yes Yes Yes Yes Yes Yes Yes Yes Yes	N/A  Third-party  N/A  Third-party  Third-party  N/A  N/A	N/A Wind; waterpower; biomass; geothermal; solar N/A Solar Solar N/A N/A N/A	system to the property owner without being subject to the same regulations as a utility.  Provides what public utility or utility does not include.  Provides what renewable energy means.  Mandates the commission to independently and expeditiously consider all PPA regardless of the status of any other such pending renegotiations.  Alternative net metering tariff means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017, once the utility is capable of implementing such new tariff provisions.  This order approves modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers, and reopens the program.  I. The term "public utility" shall not include any entity determined by the FERC to be an exempt wholesale generator, nor shall it include any corporation, company, association, limited liability company, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid.  II. Any entity exempted by this section may seek public utility status from the commission if its ochooses.  Provides definitions relative to competition in the electric power, gas, solar energy, and offshore wind industries.  Discusses market transition charges for stranded costs. The board shall, pursuant to findings made in connection with the stranded c	NV Rev Stat 704.021 (2013)  NV Rev Stat 704.7811 (2011)  NH Rev Stat 362-A:4-c  PUC 902.03  PUC Docket DE 10-212 (letter 01/31/12)  NH Rev Stat § 362:4-c  NJ Rev Stat 48:3-51	N/A N/A N/A N/A N/A N/A N/A N/A	2013 2011 1998 2012 2020 2014 2020

New Mexico	Yes	Third-party	N/A	Declares that owners of certain renewable energy distributed generation facilities are not public utilities	N/A	SB 190 (2010)	2010
				Currently, third-party PPAs and leases are the only financing mechanism widely available across the state.			
				New York State has specifically exempted alternative energy production from regulation as an electric			
				corporation, when the electricity is "distributed solely from one or more such facilities to users located at or			
				near a project site" (NY CLS Public Service §2.13). This regulation, along with strong financial incentives,			
				opened up the New York State market for third-party solar PPAs starting in 2011. Third-party solar PPAs			
				and leases remove the upfront cost barrier by spreading the cost of a solar system over time. As such,			
				PPAs and leases contribute to the growth of solar markets by reducing the need for traditional financing			
					NIV CLC Dublic Consists \$ 2.12 (Asserting to		
	.,			mechanisms; however, these ownership structures rely on the availability of incentives, so other financing	NY CLS Public Service § 2.13 (According to	N1/A	
New York	Yes	Third-party	Solar	mechanisms are also important for a stable solar market.	DSIRE)	N/A	N/A
						A	
						A	
						A	
				Defines "public utility" as a person, whether organized under the North Carolina laws or under the laws of		A	
				any other state or country, owning or operating in this state equipment or facilities for producing, generating		A	
				transmitting, delivering, or furnishing electricity, piped gas, steam, or any other like agency for the		A	
				production of light, heat, or power to or for the public for compensation, provided, however, that the term		A	
				"public utility" shall not include persons who construct or operate an electric generating facility for the		A	
						A	
				purpose of their own use or someone who constructs or operates an eligible solar energy facility on the site		A	
North Carolina	Yes	Third-party; public	Solar	of a customers property and leases such a facility to the customer.	General Statutes 62-3(23)	N/A	N/A
North Dakota	No	N/A	N/A	N/A	N/A	N/A	N/A
Ohio	NA	N/A	N/A	N/A	N/A	N/A	N/A
Oklahoma	Yes	Third-party	Solar	Defines "public utility" and "commission."	17 OK Stat 17-151(2015)	N/A	2015
				Governs the supply and delivery of power to the cooperative/utility's electric system by small power			
Oklahoma	Yes	Third-party	Solar	producer or co-generator (producer) of 300 kW or less.	O.A.C. 165:40	N/A	2019
	+	,,		Discusses the permissibility of a third-party-owned distributed generation source depends on whether the		+	1-3.0
Oklahoma	Yes	Third-party	Solar; wind	source is operating in unincorporated or incorporated areas of the state.	AG Opinion 2018-5	N/A	2018
Okialiollia	162	Tilliu-party	Solal, Willu	Addresses questions relating to the applicability of various Oregon statutes and Commission rules to	AG Opinion 2010-5	INA	2010
_	.,				DLIO Onden De election 000	N/A	
Oregon	Yes	Third-party	Solar	Honeywell's model of building and operating solar facilities on premises belonging to utility customers.	PUC Order Docket 08-388	N/A	2008
						A	
			Solar; wind; biogas;			A	
			waste heat;			A	
Oregon	Yes	Third-party	geothermal resources	Defines what "public utility" is and is not in the state.	ORS 757.005	N/A	N/A
Oregon	Yes	Third-party	N/A	Discusses avoided cost schedules.	ORS 758.525	N/A	N/A
Oregon	Yes	N/A	N/A	Discusses criteria for qualifying facility.	ORS 758.535	N/A	N/A
o.ogo	100	1471	1477 (	Discusses the interpretation of the term "operator" in the definition of "customer-generator" as including		<del></del>	1 477 1
				customer-generators with distributed alternative energy systems that contract with a third-party to perform			
Pennsylvania	Yes	Third-party	Solar	the operational functions of the system.	PUC Order Docket M-2011-2249441	N/A	2011
				PPAs are allowed but not required.		N/A	
Rhode Island	Yes	Third-party	Solar; wind		RI Gen Laws 39-26.6-11	N/A	2011
				SC Code § 58-27-2610E and § 58-27-2630A(9) arising from SB 1189 (2014) prohibit third-party sales but			
South Carolina	No	N/A	N/A	SB 1189 explicitly allows leasing of solar equipment.	N/A	N/A	N/A
South Dakota	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tennessee	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Texas	Yes	Third-party	Solar	Limited to systems generating electricity at no more than the average annual electricity consumption	N/A	SB 981 (2011)	2011
		a party		Excludes from the definition of a "public utility" an independent energy producer that provides service to a			
1				customer on the real property where an independent power production facility is located. The bill also		1	
			1	changes definitions to provide that a facility used to supply energy for a specific customer may qualify as a			
litale	Vaa	Third nach:	Calar	changes definitions to provide that a facility used to supply energy for a specific customer may qualify as a customer generation system.	N/A	HB 145 (2010)	2010
Utah	Yes	Third-party	Solar		N/A N/A	N/A	2010
Vermont	N/A	N/A	N/A	N/A	IN/A	IN/A	N/A
			1	The Commission shall conduct pilot programs under which a person that owns or operates a solar-powered			
			1	or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-			
			1	generator, as defined in § 56-594, shall be permitted to sell the electricity generated from such facility			
				exclusively to such eligible customer-generator under a PPA used to provide third-party financing of the		1	
				costs of such a renewable generation facility (third-party PPA), subject to listed requirements, terms,		1	
Virginia	Yes	Third-party	Wind; solar	conditions, and restrictions.	VA Code 56-594.02	N/A	N/A
3	10	puny		Expands the pilot program for renewable energy PPAs authorized under 2013 enacted legislation by		+	,,,
				directing that a pilot program be conducted by Appalachian Power. Currently, a pilot program is authorized			
				only within Dominion Power's service territory. The measure provides that within the certificated service		1	
			1				
			1	territory of Appalachian Power, non-profit, private institutions of higher education that are not being served			
			1	under a specific renewable generation tariff provision are deemed to be customer-generators eligible to			
	1			participate in the pilot program, without the requirement that they participate in the utility's net energy		1	
			1	metering program. The aggregated capacity of all generation facilities that are subject to third-party PPAs in		1	1
				Infetering program. The aggregated capacity of all generation facilities that are subject to third-party in As in			
				Appalachian Power's pilot program is capped at 7 MW. Appalachian Power's pilot program expired July 1,			
Virginia	Yes	N/A	N/A		N/A	HB 2390 (2017)	2017
Virginia	Yes	N/A	N/A	Appalachian Power's pilot program is capped at 7 MW. Appalachian Power's pilot program expired July 1, 2022.	N/A	HB 2390 (2017)	2017
				Appalachian Power's pilot program is capped at 7 MW. Appalachian Power's pilot program expired July 1, 2022.  Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July			
Virginia Virginia Washington	Yes Yes	N/A N/A	N/A N/A	Appalachian Power's pilot program is capped at 7 MW. Appalachian Power's pilot program expired July 1, 2022.	N/A N/A	HB 2390 (2017) SB 1769 (2019) N/A	2017 2019 N/A

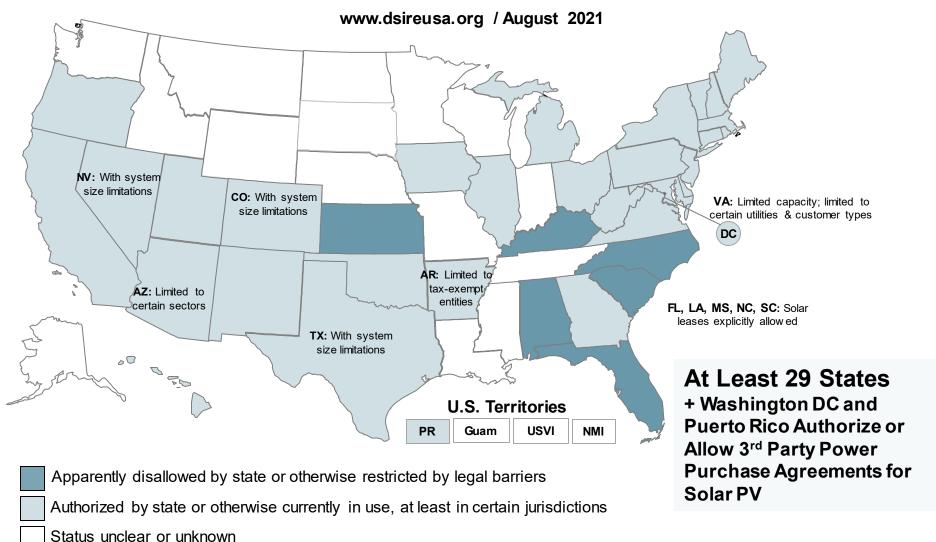
West Virginia Ye			(2) Free-market financing may provide more customers with opportunities to install solar PV energy facilities; (3) Installation of solar PV energy facilities will stabilize long-term energy costs making the state more attractive for industry and commercial investment; (4) Financing arrangements, including those in which payments are based on the performance and output of the solar PV energy facility installed on the property of a retail electric customer, will help reduce or eliminate upfront costs involved in the investments and installation by the customers; and (5) Individuals and entities which offer or receive these types of financing arrangements should not be considered or treated as public utilities.  N/A	N/A N/A	2021 N/A
Wyoming N/		N/A	N/A	N/A	N/A







# 3<sup>rd</sup> Party Solar PV Power Purchase Agreement (PPA)









## Important Information Regarding 3<sup>rd</sup>-Party Solar PPAs

State authorization of 3<sup>rd</sup>-party solar PV PPAs allows residential customers to purchase electricity generated by solar panels on their roof (usually at a price lower than the retail rate of electricity) from a third party that owns the PV system. Some states that limit or prohibit 3<sup>rd</sup>-party solar PV PPAs explicitly allow for residential solar leasing arrangements.

Legal authorization for residential 3<sup>rd</sup>-party solar PV PPA arrangements 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.

States that have authorized the use of 3<sup>rd</sup>-party PPAs may not have done so in every jurisdiction. For example, municipal utilities may not allow 3<sup>rd</sup>-party PPAs in their territories even though they are allowed or in use in the state's investor-owned utility (IOU) territories.

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

This map does not represent interstate 3<sup>rd</sup>-party solar PV PPA authorizations relevant to large generators. In states that limit or prohibit intrastate PPAs, interstate PPAs for wholesale electricity market sales may be allowed by federal laws in areas under the jurisdiction of regional, multistate transmission organization authorities.

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 3<sup>rd</sup>-party PPA.







## Authorities/References

- **Alabama:** AL code § 37-14-32
- **Arizona**: ACC Decision 71795, Docket E-20690A-09-0346 (limited to schools, governments or other non-profit entities)
- Arkansas: S.B. 145 (2019) (limited to Solar Services Agreements qualifying for safe harbor protection under 26 U.S.C. 7701(e)(3)(A) for tax-exempt entities) and explicitly allows solar leasing.
   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); PSC declaratory rulings have permitted residential solar leasing
- **Georgia**: H.B. 57 (2015)
- **Hawaii**: S.B. 704 (2011)
- Illinois: 220 ILCS 5/3-105, 16-102; 83 III. Adm. Code, Part 465
- **Iowa:** Iowa Supreme Court, No. 13-0642 (2014) (the Iowa Supreme Court's decision overruled an earlier IUB determination that a local solar company who proposed a 3<sup>rd</sup>-party PPA would be a "public utility" under Iowa law)
- Kansas: KS Department of Revenue Opinion O-2016-001
- **Kentucky:** KRS 278.010 (3)
- **Louisiana:** La. R.S. 45:121
- Maryland: H.B. 1057 (2009)
- Maine: Title 35-A section 3202
- Massachusetts: 220 CMR 18.00
- Michigan: 2008 Public Act 286; PSC Order Docket U-15787

- Mississippi: Any entity selling electricity is subject to public utility regulations stipulated in MS code § 77-3-3, but MS net metering rules explicitly allow leasing of solar equipment.
  - Nevada: NRS 704.021 (A.B. 186, 2009); PUC Orders 07-06024
  - New Hampshire: PUC 902.03; PUC Docket DE 10-212 (letter 1/31/12)
- 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)
- 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
- North Carolina: General Statutes § 62-3(23) prohibits 3<sup>rd</sup> Party Sales, but H.B. 589 (2017) explicitly allows leasing of solar equipment
- Ohio: PUC Order 06-653-EL-ORD (11/05/2008)
- Oklahoma: Attorney General Opinion 2018-5
- **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
  - **South Carolina:** SC Code Section 58-27-2610(E) and Section 58-27-2630(A)(9) arising from S.B. 1189 (2014) prohibit 3<sup>rd</sup> Party Sales, but S.B. 1189 explicitly allows leasing of solar equipment
- **Texas**: S.B. 981 (2011) (limited to systems generating electricity no more than the average annual electricity consumption)
- **Utah**: H.B. 244 (2016); Title 54 Chapter 2 )(1)(19)
- Vermont: No policy reference available, based upon news reports and communications
- **Virginia**: H.B. 2390 (2017); S.B. 1769 (2019)
- West Virginia: H.B. 3310 (2021)