

CHAPTER 69-09-08
RENEWABLE ELECTRICITY AND RECYCLED ENERGY TRACKING SYSTEM

Section

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69-09-08-01. Purpose, application, and effective date.

This chapter establishes a program to include tracking, recording, verifying, and reporting the transactions associated with certificates and credits for electricity generated from renewable electricity sources as defined by North Dakota Century Code section 49-02-25 among electric generators, utilities, and other interested entities within this state and with similar entities in other states. This chapter applies to all public utilities, electric cooperatives, and municipal electric utilities. The tracking program will be effective as specified in the commission's order that designates a program administrator and implements these rules.

History: Effective July 1, 2006; amended April 1, 2011.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-02. Definitions.

As used in this chapter:

1. "Designated representative" means a responsible individual authorized by the owner or operator of a renewable energy facility or purchaser of energy produced from a renewable resource to register that resource with the program administrator. The designated representative must have the authority to represent and legally bind the owner, operator, or purchaser in all matters pertaining to the renewable energy certificates tracking program.
2. "Existing facilities" means renewable energy facilities placed in service before January 1, 2001.
3. "New facilities" means renewable energy facilities placed in service on or after January 1, 2001.
4. "Program administrator" means the independent entity designated by commission order to carry out the administrative responsibilities related to the renewable energy certificates tracking program as set forth in this chapter.
5. "Renewable energy certificate" means a document recording one or more renewable energy credits that have been certified by the program administrator as representing electricity generated by a renewable energy facility registered with the tracking system or a certificate imported from a compatible certificates tracking system.
6. "Renewable energy certificate account" means an account maintained by the program administrator for the purpose of tracking renewable energy certificates.

7. "Renewable energy certificates tracking program" means the process of tracking renewable energy certificates as a means of meeting the requirements set forth in section 69-09-08-04.
8. "Renewable energy credit" means the intangible, generally perceived environmental benefits and attributes associated with generating one megawatt hour of renewable electricity or recycled energy that is physically metered and meets the requirements set forth in section 69-09-08-04.
9. "Renewable energy facility" means a facility generating electricity from one or more generating units that exclusively rely on an energy source or fuel included in North Dakota Century Code section 49-02-25.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-03. Renewable energy certificates tracking program.

Renewable energy certificates may be recorded, transferred, and retired as set forth in this chapter. Except where specifically stated, the provisions of this section apply uniformly to all participants in the tracking program.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-04. Facilities eligible for participation in the renewable energy certificates tracking program.

For a renewable energy facility to be eligible to participate in the tracking program, the facility must be either a new facility or existing facility as defined in section 69-09-08-02 and must also:

1. Register under section 69-09-08-07; and
2. Have output that is capable of being physically metered and verified by the program administrator. A renewable energy facility with more than one generating unit may be metered with a single meter.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-05. Responsibilities of program administrator.

At a minimum, the program administrator shall perform the following functions:

1. Create accounts that track renewable energy certificates for each participant in the tracking program;
2. Award renewable energy certificates to registered renewable energy facilities based on verified meter reads;
3. Maintain public information on the program administrator's web site that provides tracking program information to interested buyers and sellers of renewable energy certificates;
4. Facilitate private trading of renewable energy certificates;

5. Verify the accuracy of metered production data and other information identified in the renewable energy certificate; and
6. Provide an annual report to the commission. Beginning in the year following commission designation of the program administrator, the program administrator shall submit a report to the commission on or before April fifteenth of each year. At a minimum, the report must contain the amount of registered existing and new generating capacity from a renewable energy facility installed in the state, in megawatts, by technology type, the owner or operator of each facility or the facility's certificates, the date each facility began to produce electricity, and the total number of renewable energy credits certified by the program administrator during each month of the reporting period.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-06. Production and transfer of renewable energy certificates.

The program administrator shall administer a tracking program for renewable energy certificates in accordance with the requirements of this chapter.

1. The transfer of renewable energy certificates between parties is effective only when the transfer is recorded by the program administrator.
2. The program administrator shall require that renewable energy certificates be adequately identified prior to recording a transfer and shall issue a confirmation of the transaction to parties when the transfer is recorded.
3. The program administrator shall establish a procedure to ensure that the award, transfer, and retirement of certificates are accurately recorded.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-07. Registration and certification of renewable energy facilities.

To be awarded renewable energy certificates, a designated representative must complete the registration process described in this section.

1. The designated representative shall register with the program administrator each renewable energy generation unit. At a minimum, the registration must include the location, owner, technology, rated capacity of the facility, and evidence that the facility meets the resource eligibility criteria in North Dakota Century Code section 49-02-25.
2. After verifying the information required in the registration process for renewable facilities, the program administrator shall create a renewable energy certificate account for the designated representative of the renewable energy resource.
3. The commission or its program administrator may make onsite visits to any registered unit of a renewable energy resource and may revoke the registration of any unit not in compliance with applicable law and rules.
4. A renewable energy facility may not be awarded renewable energy certificates under this program if it is not registered.

5. Any disputes will be resolved using dispute resolution procedures established by the commission or its program administrator.

History: Effective July 1, 2006.

General Authority: NDCC 49-02-01, 49-02-24, 49-02-25, 49-02-26

Law Implemented: NDCC 49-02-24, 49-02-25, 49-02-26

69-09-08-08. Annual reporting requirements for retail providers.

The annual progress report required by North Dakota Century Code section 49-02-34 must be filed in the form and detail the commission may require.

History: Effective April 1, 2011.

General Authority: NDCC 49-02-34

Law Implemented: NDCC 49-02-34