

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Renewable Electricity and Recycled Energy Tracking  
Miscellaneous**

**Case No. PU-07-318**

**ORDER**

**June 4, 2008**

On July 13, 2007, APX, Inc. (APX) filed a letter with the Commission requesting that the Commission designate it as Program Administrator of the Midwest Renewable Energy Tracking System (M-RETS). The Commission is considering who will be designated program administrator under North Dakota Administrative Code Chapter 69-09-08, Renewable Electricity and Recycled Energy Tracking System.

On August 8, 2007, the Commission held an informal hearing on this matter.

On February 27, 2008 the Commission issued a Notice of Opportunity for Hearing. The issue to be considered included whether the Commission should designate M-RETS as program administrator. Comments and requests for hearing were to be received by April 1, 2008. No comments or requests for hearing were received.

M-RETS tracks renewable generation located within the state and provincial boundaries of Iowa, Manitoba, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin. It also tracks Renewable Resource Credits for the State of Wisconsin. The Wisconsin Public Service Commission awarded a 4-year contract for implementation, operation, and administration of the M-RETS program to APX on April 5, 2007.

M-RETS was launched in July 2007 and has begun registering participants and generating facilities, with the cost funded by a participant-based fee structure. Generating units, load serving entities, and marketers may participate in M-RETS. Fees will be charged according to a schedule set by M-RETS. Although participation is voluntary, electricity generation applied to North Dakota's renewable energy and recycled energy objective must be independently verified through a third party credit tracking system selected by the Public Service Commission.

North Dakota Administrative Code Chapter 69-09-08 establishes a program to include tracking, recording, and verifying 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. The

statute and the rule apply to all public utilities, electric cooperatives, and municipal electric utilities.

The program administrator is the independent entity designated by Commission order to carry out the administrative responsibilities related to the renewable energy certificates tracking program. APX originally applied to be designated Program Administrators of the M-RETS. At the present time M-RETS is using APX as its system administrator. The Commission understands that M-RETS may change its system administrator from time to time. The Commission is not choosing APX as program administrator for M-RETS because the Wisconsin Public Service Commission has already awarded a 4-year contract for system administration of the M-RETS program to APX on April 5, 2007.

In this order the Commission is designating M-RETS as the program administrator which is responsible for tracking, recording, and verifying the transactions associated with certificates and credits for electricity generated from renewable electricity sources. M-RETS has policies, practices and protocols in place to accomplish these goals. M-RETS is still working on governance issues. If any intractable governance or functionality issues arise, the Commission will reconsider this decision.

### **Order**

The Commission orders:

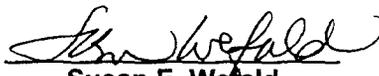
1. M-RETS, presently using APX as system administrator, is the designated program administrator under North Dakota Administrative Code Chapter 69-09-08 for the purpose of tracking, recording, and verifying the transactions associated with certificates and credits for electricity generated from renewable 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.
2. M-RETS, presently using APX as system administrator, shall comply with the North Dakota Century Code and the North Dakota Administrative Code.
3. M-RETS, presently using APX as system administrator, shall perform the following functions:
  - a. Create accounts that track renewable energy certificates for each participant in the tracking program;
  - b. Award renewable energy certificates to registered renewable energy facilities based on verified meter reads;

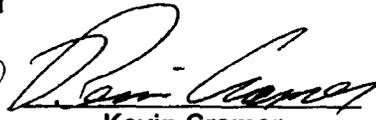
- c. Maintain public information on the program administrator's web site that provides tracking program information to interested buyers and sellers of renewable energy certificates;
- d. Facilitate private trading of renewable energy certificates;
- e. Verify the accuracy of metered production data and other information identified in the renewable energy certificate; and
- f. 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.

4. M-RETS, presently using APX as system administrator, shall administer a tracking program for the transfer of renewable energy certificates. The transfer of renewable energy certificates between parties is effective only when the transfer is recorded by the program administrator. 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. The program administrator shall establish a procedure to ensure that the award, transfer, and retirement of certificates are accurately recorded.

**PUBLIC SERVICE COMMISSION**

  
Tony Clark  
Commissioner

  
Susan E. Wehald  
President

  
Kevin Cramer  
Commissioner