



# Public Service Commission State of North Dakota

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## MEMORANDUM

To: North Dakota electric utilities, electric generators and other interested entities in this state

From: North Dakota Public Service Commission

Re: Renewable Energy Tracking and Public Reporting

Date: June 4, 2008

On June 4, 2008 the Commission approved an order designating the Midwest Renewable Energy Tracking System as program administrator under Chapter 69-09-09 of the North Dakota Administrative Code 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 Section 49-02-25 of the North Dakota Century Code among electric generators, utilities, and other interested entities within this state and with similar entities in other states.

Commencing June 30, 2009, N.D.C.C. § 49-02-34 requires retail providers to report annually on the provider's previous calendar years energy sales, including information regarding meeting the state renewable and recycled energy objective. This report must be made to the North Dakota Public Service Commission.

Section 49-02-33 of the North Dakota Century Code states that all such information must be independently verified through a third party credit tracking system selected by the Public Service Commission.

Section 69-09-08-02 of the North Dakota Administrative Code includes a definition of a "designated representative." This is the 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. N.D.A.C. § 69-09-08-07(1) states:

*...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.*

## Legislative History

In 2005 the North Dakota Legislature (Legislature) enacted N.D.C.C. § 49-02-24, **Renewable electricity and recycled energy credit trading and tracking system**, which allowed the Commission by rule to establish or participate in a program to track, record, and verify the trading of credits for electricity generated renewable and recycled heat sources among electric generator, utilities, and other interested entities within this state and with similar entities in other states. This section applies to all public utilities, electric cooperatives, and municipal electric utilities.

In 2005 the Legislature also enacted N.D.C.C. § 49-02-25 which defined renewable electricity and recycled energy. In 2007 the Legislature amended this section of law.

In 2007 the Legislature enacted N.D.C.C. § 49-02-28 **State renewable and recycled energy objective**. It also enacted N.D.C.C. Sections 49-02-29, 49-02-30, 49-02-31, and 49-02-32 which relate to application, purchase and use of renewable energy and recycled energy.

In 2007 the Legislature enacted N.D.C.C. § 49-02-33

**Verification of generation and of purchase of renewable energy and recycled energy certificates.** *Electricity generation applied to the renewable energy and recycled energy objective, as well as certificate purchases and certificate retirements, must be independently verified through a third-party credit tracking system selected by the public service commission.* (emphasis added.)

That same year the Legislature enacted N.D.C.C. Section 49-02-34

**Public reporting on progress toward meeting the renewable energy and recycled energy objective.** *Commencing on July 30, 2009, retail providers shall report annually on the provider's previous calendar year's energy sales. This report must include information regarding qualifying electricity delivered and renewable energy and recycled energy certificates purchased and retired as a percentage of annual retail sales and a brief narrative report that describes steps taken to meet the objective over time and identifies any challenges or barriers encountered in meeting the objective. The last annual report must be made on June 30, 2016. Retail providers shall report to the public service commission, which shall make data and narrative reports publicly available and accessible electronically on the internet. Distribution cooperatives may aggregate their reporting through generation and transmission cooperatives and municipal utilities may aggregate their reporting through a municipal power agency.* (emphasis added.)