

# Renewable Portfolio Standard

## Instructions for Filing

- **Annual Reports (83 Ill. Adm. Code 455.120)**
- **Alternative Compliance Payments (83 Ill. Adm. Code 455.130)**

## What to Send

### Annual reports (Section 455.120):

#### **Section 455.120 Annual Report of Compliance with Renewable Energy Portfolio Standard**

By September 1, 2010, and by September 1 of each succeeding year, each RES shall file with the Chief Clerk of the Commission and provide to the Directors of the Energy Division and the Financial Analysis Division of the Commission, or to their successors, a compliance report for the compliance year ending May 31 of that year, showing compliance with the renewable portfolio standard of Section 16-115D of the Act for the applicable compliance period. The report shall be titled "Annual Report of Compliance with Renewable Portfolio Standard".

a) At a minimum, the compliance report shall provide, contain or show, for the applicable compliance year, and for each utility service area within which the ARES serves Illinois retail customers or the electric utility serves retail customers outside its service area the following:

1) The total quantity of metered electricity supplied to Illinois retail customers by the ARES or the quantity of metered electricity supplied by an electric utility in Illinois outside the utility's service area. The report shall show this information, in megawatt-hours, by service area for each electric utility that is subject to Section 1-75(c) of the IPA Act;

2) The quantity of metered electricity supplied to Illinois retail customers by the ARES, or the quantity of metered electricity supplied by an electric utility in Illinois outside the utility's service area, pursuant to contracts executed or extended after March 15, 2009. The report shall show this information, by utility service territory, in megawatt-hours;

3) The quantity of RECs (in megawatt-hours), whether directly purchased or arising from generating electricity or purchasing electricity generated from renewable energy resources, that were retired for purposes of meeting the requirements of the renewable portfolio standard for the compliance period. The report shall also show the quantity and percentage of these RECs that were derived from wind-powered generation resources. For compliance periods starting on and after June 1, 2015, the report shall also show the quantity and percentage of these RECs that were derived from solar photovoltaic resources. All REC quantities reported shall be categorized by regional REC tracking system: PJM-GATS and M-RETS; and

4) The alternative compliance payments that were made for purposes of meeting the requirements of the renewable portfolio standard for the compliance period.

b) Compliance methods other than alternative compliance payments

1) If a RES seeks to comply with the RPS by generating electricity using renewable energy resources, purchasing electricity generated using renewable energy resources, or purchasing renewable energy credits, the only acceptable proof of compliance shall be in the form of verifiable documentation from PJM-GATS or M-RETS of the retirement of renewable energy credits associated with the production of electricity using renewable energy resources in accordance with Section 16-115D(a)(4) of the Act. Prior to identification of renewable energy resources as required under Section 16-115D(a)(4) of the Act, RECs meeting the definition of renewable energy resources as used in the Act and the type and locational requirements of Section 455.110(g) shall qualify for purposes of compliance.

2) If any of these means of compliance are used by the RES during a compliance period, the annual report shall be accompanied by documentation from PJM-GATS and M-RETS of the RECs that were retired for purposes of meeting the requirements of the renewable portfolio standard for the compliance period. At a minimum, the documentation provided shall show:

- A) the month and year that the electricity associated with the RECs was generated;
- B) the retirement status of the RECs;
- C) the State RPS for which the RECs were retired; and
- D) whether the renewable resource associated with the RECs was located in Illinois, within states that adjoin Illinois or within portions of the PJM and MISO footprint in the United States.

c) If metered electricity supplied to Illinois retail customers by an RES is supplied during the compliance period pursuant to contracts that were not executed or extended after March 15, 2009, the ARES or utility shall provide a list, by utility service area, of those Illinois retail customers who received electricity that was not supplied pursuant to contracts executed or extended after March 15, 2009. The list shall include the following information: account numbers and the quantity of electricity (in megawatt-hours) supplied to the account numbers during the compliance period that was not supplied pursuant to contracts executed or extended after March 15, 2009.

d) If the Commission has entered an order pursuant to Section 16-115D(h) of the Act determining that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to a RES, the RES shall include in its annual compliance report:

1) The docket number of the Commission proceeding in which a Commission order determined that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to the RES;

2) a statement indicating whether the conditions or circumstances giving rise to the Commission's determination continued to apply to the RES during the compliance year; and

3) the further demonstrations identified in the Commission's order of compliance with the criteria identified in Section 16-115D(h) of the Act.

e) All reports filed or provided under this Section shall be verified by an executive officer of the filing party having knowledge of the facts before either a notary public or other officer authorized to administer oaths.

#### **IMPORTANT NOTES:**

- **If sending both your annual report (455.120) and your ACP (455.130) in the same envelop, please make it very easy to distinguish between the two, and do not staple, bind, or clip them together.**
- **Please do not send photocopies of your ACP check.**
- **The "Sample Compliance Spreadsheet" found on the ICC website may be of assistance in computing REC and ACP requirements, and may be included with the annual report.**
- **If you want any portion of your annual report and accompanying documentation to be treated confidentially, please follow the instructions in Section 455.20(b) which, among other things, indicate that the RES must include**

**... an affidavit that sets forth both the reasons for the confidentiality and a public synopsis of the information as required by Section 16-115D(e) of the Act. If a report contains information filed on a confidential basis, the RES shall file both a "confidential" and a "public" version of the report and attached documentation, with all confidential information marked "Confidential".**

**As long as the RES adheres to Section 455.20(b) and the request for confidentiality is accompanied by the above-described affidavit, it is unnecessary to file a petition seeking confidential treatment.**

- **Regardless of whether or not confidential treatment is sought,**

**All reports filed or provided under this Section shall be verified by an executive officer of the filing party having knowledge of the facts before either a notary public or other officer authorized to administer oaths.**

**This requirement may be fulfilled through an affidavit signed by the executive officer.**

## Alternative Compliance Payments (Section 455.130)

### Section 455.130 Alternative Compliance Payment Requirements

a) Alternative compliance payments for each service area within which a RES supplied electricity shall be equal to the actual alternative compliance payment rate for the compliance period for the service area multiplied by the actual amount of metered electricity supplied pursuant to contracts executed or extended after March 15, 2009 to retail customers within the service area during the compliance period, multiplied by the result of one minus the ratio (which cannot exceed  $\frac{1}{2}$ ) of the quantity of renewable energy resources used to comply with the requirements of Section 16-115D within the service area to the product of the percentage of renewable energy resources required for the compliance period under Section 16-115D(a)(3) of the Act and the actual amount of metered electricity supplied pursuant to contracts executed or extended after March 15, 2009 to retail customers within the service area during the compliance period. (See 220 ILCS 5/16-115D(b) and (d)(3).) For determining the number of megawatt-hours of renewable energy credits that must be purchased for compliance, a RES may convert alternative compliance payment dollar amounts into megawatt-hour equivalents, by multiplying the payment by the total RPS percentage requirement and then dividing by the applicable alternative compliance payment rate (the latter expressed in dollars per megawatt-hour), at which point a RES may allocate in any manner desired the megawatt-hour equivalents of its alternative compliance payments toward satisfying the wind, solar photo-voltaic, and non-specific renewable energy requirements for the compliance period.

b) The dollar amount of alternative compliance payments shall be calculated using the applicable alternative compliance payment rates approved by the Commission.

c) Alternative compliance payments shall be made by September 1, 2010 for the compliance period of June 1, 2009 to May 31, 2010, and by September 1 of each succeeding year for each subsequent compliance period.

d) Alternative compliance payments shall be made by check, payable to "Illinois Commerce Commission", and shall be delivered to the following address:

Illinois Commerce Commission  
Administrative Services Division  
Attn: Manager of the Revenues Section  
Re: Illinois Power Agency Renewable Energy Resources Fund  
527 East Capitol Avenue  
Springfield IL 62701

Alternative compliance payments shall be deemed made only when actually received at the office of the Commission at the specified address. Payment by a check that does not clear after being deposited by the Commission shall be deemed to not have been made.

e) Alternative compliance payments shall be accompanied by a letter to the Chief Clerk of the Commission and the Director of the Energy Division or their successors containing the following information:

- 1) "Re: Illinois Power Agency Renewable Energy Resources Fund";
- 2) Name and address of RES;
- 3) The RES' FEIN;
- 4) Name and telephone number of person writing the letter;
- 5) Dollar amount of the check (alternative compliance payment);
- 6) Check number;
- 7) Compliance period for which the payment is being made (e.g., June 1, 2009 through May 31, 2010); and
- 8) An indication whether the payment is intended to satisfy the balance of alternative compliance payment requirements for the compliance period or whether more payments may be forthcoming.

f) The Commission shall deposit all amounts received into the Illinois Power Agency Renewable Energy Resources Fund, a special fund in the State treasury administered by the Illinois Power Agency.

g) The Commission shall carry forward to subsequent compliance periods the dollar amount of any compliance payments recognized by the Commission to be in excess of requirements, unless and to the extent to which the RES petitions for and is granted permission to apply to the Illinois Power Agency for a refund.

**IMPORTANT NOTES:**

- If sending both your annual report (455.120) and your ACP (455.130) in the same envelop, please make it very easy to distinguish between the two, and do not staple, bind, or clip them together.
- Please do not send photocopies of your ACP check.
- The “Sample Compliance Spreadsheet” found on the ICC website may be of assistance in computing the ACP amount.
- If you want the amount of the alternative compliance payment and/or any portion of the letter accompanying the ACP to be treated confidentially, please follow the instructions in Section 455.20(b) which, among other things, indicate that the RES must include  
... an affidavit that sets forth both the reasons for the confidentiality and a public synopsis of the information as required by Section 16-115D(e) of the Act. If a report contains information filed on a confidential basis, the RES shall file both a "confidential" and a "public" version of the report and attached documentation, with all confidential information marked "Confidential".

As long as the RES adheres to Section 455.20(b) and the request for confidentiality is accompanied by the above-described affidavit, it is unnecessary to file a petition seeking confidential treatment.

**Where to Send**

**Annual reports (Sections 455.120):**

<b>Send report originals to:</b>	<b>Send report copies to:</b>
Illinois Commerce Commission Office of the Chief Clerk 527 East Capitol Avenue Springfield, IL 62701	Illinois Commerce Commission Energy Division Attn: Director 527 East Capitol Avenue Springfield, IL 62701  Illinois Commerce Commission Financial Analysis Division Attn: Director 527 East Capitol Avenue Springfield, IL 62701

**Alternative Compliance Payments (Section 455.130):**

<b>Send checks and original letters to:</b>	<b>Send letter copies to:</b>
Illinois Commerce Commission Administrative Services Division Attn: Manager of the Revenues Section Re: Illinois Power Agency Renewable Energy Resources Fund 527 East Capitol Avenue Springfield IL 62701	Illinois Commerce Commission Energy Division Attn: Director 527 East Capitol Avenue Springfield, IL 62701  Illinois Commerce Commission Office of the Chief Clerk 527 East Capitol Avenue Springfield, IL 62701