

**§3603. Community-based renewable energy pilot program**

**1. Program established.** The community-based renewable energy pilot program, referred to in this section as "the program," is established to encourage the sustainable development of community-based renewable energy in the State. The program is administered by the commission. [PL 2009, c. 329, Pt. A, §4 (NEW).]

**2. Program scope; limits on generating capacity.** The commission shall limit participation in the program in accordance with this subsection.

A. The net generating capacity of a program participant may not exceed 10 megawatts. [PL 2015, c. 232, §2 (AMD).]

B. The total net generating capacity of all program participants combined may not exceed 50 megawatts. [PL 2015, c. 232, §2 (AMD).]

C. [PL 2013, c. 454, §3 (RP).]

D. Of the 50-megawatt limit on total net generating capacity under paragraph B, 2 megawatts must be reserved at the outset of the program for program participants that:

(1) Have a net generating capacity of less than 100 kilowatts; or

(2) Are located in the service territory of a consumer-owned transmission and distribution utility.

The commission may modify the amount of net generating capacity reserved under this paragraph based on program experience. [PL 2015, c. 232, §2 (AMD).]

E. The total net generating capacity of program participants that receive the renewable energy credit multiplier incentive under section 3605 may not exceed 10 megawatts. [PL 2015, c. 232, §2 (AMD).]

[PL 2015, c. 232, §2 (AMD).]

**3. Program eligibility criteria.** To be eligible to participate in the program, a community-based renewable energy project must:

A. Provide documentation of a resolution of support passed by the municipal legislative body or by the municipal officers, if the municipal legislative body has delegated this authority to the municipal officers, of the municipality in which the community-based renewable energy project is proposed to be located, except that any project that is proposed to be located wholly in an unorganized or deorganized area of the State or that has a generating capacity of less than 100 kilowatts is exempt from the requirement set forth in this paragraph; [PL 2009, c. 565, §5 (AMD).]

B. In the case of a community-based renewable energy project proposed to be located on the tribal land or territory of a federally recognized Indian tribe in this State, including any land owned by the tribe or held in trust by the United States for the tribe, provide documentation that the tribe supports the community-based renewable energy project; [PL 2009, c. 329, Pt. A, §4 (NEW).]

C. Be connected to the electric grid of this State [PL 2009, c. 329, Pt. A, §4 (NEW).]

D. Have an in-service date after September 1, 2009; and [PL 2009, c. 329, Pt. A, §4 (NEW).]

E. Satisfy the limits on generating capacity established in subsection 2. [PL 2009, c. 329, Pt. A, §4 (NEW).]

The commission shall prescribe an application form or procedure that must be used to apply to the program under this chapter. The application form or procedure must include any information that the commission determines necessary for the purpose of administering the program. The commission shall,

within 30 days of receipt of a completed application, determine whether a community-based renewable energy project qualifies to participate in the program and respond in writing.

[PL 2009, c. 565, §5 (AMD).]

**4. Program incentives.** Subject to the requirements of subsection 2, a program participant may elect one of the following program incentives:

A. A long-term contract for community-based renewable energy pursuant to section 3604; or [PL 2009, c. 329, Pt. A, §4 (NEW).]

B. The renewable energy credit multiplier pursuant to section 3605. [PL 2009, c. 329, Pt. A, §4 (NEW).]

[PL 2009, c. 329, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 2009, c. 329, Pt. A, §4 (NEW). PL 2009, c. 565, §5 (AMD). PL 2013, c. 454, §3 (AMD). PL 2015, c. 232, §2 (AMD).

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