

FIRST REGULAR SESSION

HOUSE BILL NO. 220

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

0869H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to community solar facilities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be
2 known as section 386.1050, to read as follows:

386.1050. 1. As used in this section, the following terms shall mean:

2 (1) "Bill credit", the commission-approved monetary value of each kilowatt-
3 hour of electricity generated by a community solar facility and allocated to a
4 subscriber's monthly bill to offset the subscriber's retail electric bill;

5 (2) "Community solar facility", a facility that:

6 (a) Generates electricity by means of a solar photovoltaic device whereby
7 subscribers receive a bill credit for the electricity generated based on the size of the
8 subscriptions;

9 (b) Is located within this state;

10 (c) Is connected to and delivers electricity to a distribution system operated by a
11 retail electric supplier operating in this state and in compliance with requirements
12 under this section;

13 (d) Has a nameplate capacity greater than one hundred AC kilowatts and no
14 greater than five thousand AC kilowatts;

15 (e) Has at least ten subscribers;

16 (f) Credits some or all of the electricity generated from a community solar
17 facility to the bills of subscribers; and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (g) May be located remotely from a subscriber's premises and shall not be
19 required to provide energy to an on-site load;

20 (3) "Community solar organization", an entity that owns or operates one or
21 more community solar facilities;

22 (4) "Customer-generator", the same meaning as set forth in section 386.890;

23 (5) "Low-income customer", a retail residential end user of a retail electric
24 supplier whose household income adjusted for family size does not exceed either two
25 hundred percent of the federal poverty level or eighty percent of the area median
26 income, whichever is higher. Owners or managers of apartment buildings or rental
27 units that serve low-income customers shall be considered low-income customers if fifty
28 percent or more of the tenants qualify under this definition. Certain entities,
29 organizations, and institutions that are focused on social welfare and that serve the low-
30 income customer community may also qualify including, but not limited to, homeless
31 shelters, halfway houses, soup kitchens, foster homes, orphanages, and other similar
32 organizations;

33 (6) "Retail electric supplier", any municipal utility, electrical corporation
34 regulated under chapter 386, or rural electric cooperative under chapter 394 that
35 provides retail electric service in this state;

36 (7) "Subscriber", a retail customer of a retail electric supplier who owns one or
37 more subscriptions to a community solar facility interconnected with the customer's
38 retail electric supplier. "Subscriber" shall include a retail customer who owns a portion
39 of a community solar facility. A subscriber's subscription size shall be one hundred
40 twenty percent or less of the twelve-month rolling average kilowatt-hour usage for any
41 one subscriber meter;

42 (8) "Subscriber administrator", an entity that recruits and enrolls subscribers,
43 administers subscriber participation in community solar facilities, and manages the
44 subscription relationship between subscribers and a retail electric supplier;

45 (9) "Subscription", a contract between a subscriber and subscriber
46 administrator of a community solar facility that entitles the subscriber to a bill credit
47 against the subscriber's retail electric bill;

48 (10) "Unsubscribed energy", the output of a community solar facility, measured
49 in kilowatt-hours, that is not allocated to subscribers.

50 2. Each retail electric supplier shall implement a three-year community solar
51 pilot program to run during calendar years 2024 through 2026. Retail electric suppliers
52 shall allow subscriber administrators and owners or operators of community solar
53 facilities to recruit customers as subscribers and shall process subscribers' bill credits as
54 required by subdivision (5) of subsection 3 of this section. Each retail electric supplier's

55 **community solar pilot program shall achieve subscribership equal to two percent of the**
56 **retail electric supplier's electricity sales for the previous year for each of the three years**
57 **of the pilot program.**

58 **3. (1) A community solar facility shall be authorized under the following**
59 **conditions:**

60 **(a) A community solar facility may be built, owned, or operated by a third-party**
61 **entity under contract with an owner or operator of a community solar facility or a**
62 **subscriber administrator. A subscriber administrator may contract to administer bill**
63 **credits to the subscriber's electricity bill, generated by the subscriber's share of the**
64 **community solar facility, subject to the requirements of this section. A subscriber**
65 **administrator that provides bill credits to a subscriber under this section shall not be**
66 **considered an electrical corporation or public utility under section 386.020 for purposes**
67 **of determining jurisdiction of the commission.**

68 **(b) The owner or operator of a community solar facility may serve as a**
69 **subscriber administrator or may contract with a third party to serve as a subscriber**
70 **administrator on behalf of the owner or operator. Nothing in this section shall prevent a**
71 **retail electric supplier from owning or operating a community solar facility or from**
72 **acting as a subscriber administrator as part of its own community solar pilot program.**

73 **(c) Except as provided under paragraph (d) of this subdivision, the price paid**
74 **for a subscription to a community solar facility shall not be subject to regulation by the**
75 **commission.**

76 **(d) No later than nine months after August 28, 2023, the commission shall**
77 **establish the value of the bill credit for each retail electric supplier to offset each**
78 **subscriber's retail electric bill for each kilowatt-hour subscribed from a community**
79 **solar facility. The commission shall establish the bill credit value in such a way as to**
80 **allow for the creation, financing, accessibility, and operation of community solar**
81 **facilities and to maximize customer participation so as to meet the goal of two percent of**
82 **electricity sales per year as required by subsection 2 of this section. The commission**
83 **shall establish an additional bill credit value for subscribers who are low-income**
84 **customers in such a way as to ensure that low-income customers save money on their**
85 **retail electric bills.**

86 **(2) A retail electric supplier shall allow for the transferability and portability of**
87 **subscriptions, including allowing a subscriber to retain a subscription to a community**
88 **solar facility if the subscriber relocates within the same retail electric supplier's**
89 **territory.**

90 **(3) On a monthly basis, a subscriber administrator shall update the subscriber**
91 **administrator's list of subscribers and provide all of the following information about**

92 each subscriber to the retail electric supplier in a standardized electronic format
93 approved by the commission for the purpose of bill credit to subscribers:

94 (a) The name, address, account number, and meter number;

95 (b) The kilowatt-hours of electricity generation attributable to each subscriber;

96 and

97 (c) If a subscriber administrator is using the retail electric supplier's billing
98 methods to collect subscription fees, the subscription fee for the month owed by each
99 subscriber to the subscriber administrator.

100 (4) A subscriber administrator or third party owning or operating a community
101 solar facility shall not be considered a retail electric supplier or an electric generation
102 provider solely as a result of involvement with a community solar facility as defined by
103 this chapter.

104 (5) Retail electric suppliers shall have the following duties:

105 (a) On a monthly basis, a retail electric supplier shall provide to a subscriber
106 administrator a report in a standardized electronic format indicating the total value of
107 the bill credit generated by the community solar facility in the prior month and the
108 amount of the bill credit applied to each subscriber;

109 (b) A retail electric supplier shall provide a bill credit to a subscriber's next
110 monthly electric bill for the proportional output of a community solar facility
111 attributable to the subscriber in the same manner as if the solar facility were located
112 on the customer's property;

113 (c) If requested by a subscriber administrator, a retail electric supplier shall
114 include a subscriber's subscription fee on the monthly bill and forward the collected
115 subscription fees to the subscriber administrator on a monthly basis; and

116 (d) No later than one year after the effective date of this section, a retail electric
117 supplier shall make available and update, in a commercially reasonable manner, a
118 system map showing the loading of the distribution system and indicating where in the
119 service territory the distribution system could accommodate new solar generation.

120 (6) Retail electric suppliers shall be compensated in the following manner:

121 (a) A subscriber administrator shall compensate a retail electric supplier for the
122 retail electric supplier's reasonable direct costs of interconnection of a community solar
123 facility. Such compensation shall be in the form of a one-time payment upon
124 interconnection; and

125 (b) A retail electric supplier shall be entitled to recover its reasonable direct costs
126 of complying with the requirements of this section and enabling a community solar
127 facility within its service territory including, but not limited to, added billing costs and
128 added costs of net metering and interconnection for community solar facilities. These

129 reasonable direct costs shall be in the form of an annual fee invoiced to the subscriber
130 administrator based on the total final system size of the community solar facility.

131 (7) Each community solar facility shall be subscribed with at least ten percent
132 low-income customers and twenty percent residential customers.

133 (8) A retail electric supplier shall purchase unsubscribed energy from a
134 community solar facility at the retail electric supplier's avoided cost as approved by the
135 commission. No later than nine months after August 28, 2023, the commission shall
136 establish regulations necessary to effectuate this section regarding the purchase of
137 unsubscribed energy.

138 (9) No entity, affiliated entity, or entities under common control shall develop,
139 own, or operate more than one community solar facility on the same parcel or
140 contiguous parcels of land.

141 4. Interconnection standards for community solar facilities under one hundred
142 kilowatts shall be the same as those for customer-generators under section 386.890. For
143 systems larger than one hundred kilowatts, the commission shall develop technical and
144 net metering interconnection rules for customer-generators intending to operate
145 community solar facilities or renewable on-site generators in parallel with the electric
146 utility grid, consistent with rules defined in other states within the service region of the
147 regional transmission organization that manages the transmission system in any part of
148 this state. In developing its rules, the commission shall convene a stakeholder process to
149 develop statewide technical and net metering rules for customer generators with systems
150 larger than one hundred kilowatts.

151 5. The commission shall promulgate rules and regulations to implement the
152 provisions of this section within nine months of August 28, 2023. Any rule or portion of
153 a rule, as that term is defined in section 536.010, that is created under the authority
154 delegated in this section shall become effective only if it complies with and is subject to
155 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
156 chapter 536 are nonseverable and if any of the powers vested with the general assembly
157 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
158 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
159 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

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