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65-407 PUBLIC UTILITIES COMMISSION

Chapter 930: SOLAR AND WIND ENERGY REBATE PROGRAM

SUMMARY: This Chapter establishes the standards and procedures necessary to implement the solar and wind energy rebate program.

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§ 1 PURPOSE

The purpose of this Chapter is to implement the solar and wind energy rebate program, including procedures and standards for qualifying for solar and wind energy system rebates.

§ 2 DEFINITIONS

- A. **Qualified Solar Photovoltaic System Installer.** “Qualified Solar Photovoltaic System Installer” is a master electrician who is certified by the North American Board of Certified Energy Practitioners or is working in conjunction with a person who is certified by the North American Board of Certified Energy Practitioners.
- B. **Qualified Solar Thermal Water System Installer.** “Qualified Solar Thermal Water System Installer” is a technician in good standing with the Commission who has successfully completed an approved solar thermal training course and carries a current license as a master plumber, master oil burner technician or propane and natural gas technician or is a class 2 or 3 nationally certified refrigeration technician.
- C. **Qualified Wind Energy System Installer.** “Qualified Wind Energy System Installer” means, with respect to the electrical components of a qualified wind energy system, a Maine licensed master electrician or a person who has been certified by the dealer of the system proposed to be installed as a factory trained and approved installer who works under the supervision of a Maine licensed master electrician.
- D. **Solar Energy System.** “Solar Energy System” means a solar photovoltaic system that has been installed by a Qualified Solar Photovoltaic System Installer or a solar thermal system that has been installed by a Qualified Solar Thermal Water System Installer.
- E. **Solar Photovoltaic System.** “Solar Photovoltaic System” means a solar energy device with a peak generating capacity of 100 kilowatts or less used for generating electricity for use in a residence or place of business that has been installed by a Qualified Solar Photovoltaic System Installer
- F. **Solar Thermal System.** “Solar Thermal System” means a configuration of solar collectors and a pump, heat exchanger and storage tank or fans designed to heat water or air for the purpose of space heating, domestic water heating or both space heating and domestic water heating. Solar thermal systems types include forced circulation, integral collector storage, thermosyphon and self-pumping systems that have been installed by a Qualified Solar Thermal System Installer.
- G. **Wind Energy System.** “Wind Energy System” means any device, such as a wind charger, windmill or wind turbine and associated facilities, that converts wind energy potential into electrical energy with a peak generating capacity of 100 kilowatts or less and that has been installed by a Qualified Wind Energy System Installer.

§ 3 SOLAR AND WIND ENERGY SYSTEM REBATES

A. Eligibility

1. **Solar Energy Rebates.** To the extent that funds are available in the solar and wind energy system rebate program fund established pursuant to section 4 of this Chapter, owners and tenants of residential or commercial properties located within Maine who are Maine residents may apply on a first-come-first-served basis to be eligible for rebates for qualified solar energy systems installed on those properties. To qualify for a solar energy system rebate, an applicant must show that the system is connected to the electrical grid and installed after July 1, 2005 in accordance with 35-A M.R.S.A. § 3211-C and this Chapter. For purposes of this section, a person may demonstrate the date a system was installed by the date of a net metering arrangement with a transmission and distribution utility or by the date on a bill of sale for the system.
2. **Wind Energy Rebates.** To the extent that funds are available in the solar and wind energy system rebate program fund established pursuant to section 4 of this Chapter, owners and tenants of residential or commercial properties located within Maine who are Maine residents may apply on a first-come-first-served basis to be eligible for rebates for wind energy systems installed on those properties. To qualify for a wind energy system rebate, an applicant must show that the system is connected to the electrical grid and installed after January 1, 2009 in accordance with 35-A M.R.S.A. § 3211-C and this Chapter and meets wind energy system site requirements under Section 6(B)(5). For purposes of this section, a person may demonstrate the date a system was installed by the date of a net metering arrangement with a transmission and distribution utility or by the date on a bill of sale for the system.
 - a. **Other Eligibility Requirements for a Wind Energy System Rebate.** In addition to meeting the requirements under Section 3(A)(2), that the following eligibility requirements apply:
 1. The subject site for a proposed wind system (including specific longitudinal and latitudinal references) must be located in a geographic area with average wind speeds of Class II or greater as recognized by wind resource databases to be designated by the Commission staff; and,
 2. The bottom of the blade of the turbine proposed at its lowest point of travel will be a minimum of thirty feet above any surrounding object within a 250 foot radius; and,
 3. The subject site must be located in an area that is free of any zoning restrictions, construction requirements, home owner association rules or other laws, rules or provisions that may prohibit the erection of the subject tower and wind turbine and/or that the applicant has obtained such necessary permits and approval prior to filing the application.

B. Eligible Systems

The following systems are eligible for rebates from the solar and wind energy rebate program fund;

1. **Solar Photovoltaic Systems.** Solar photovoltaic systems that generate electricity
2. **Solar Thermal Water Systems.** Solar thermal systems designed to heat water.
3. **Solar Thermal Air Systems.** Solar thermal systems designed to heat air.
4. **Wind Energy Systems.** Wind energy systems that generate electricity and which are located in areas of wind power potential as set forth in section 3(A)(2).

C. Rebate Amounts

The Commission shall set rebate levels by order for qualified solar and wind energy systems. In setting rebate levels, the Commission may consider market demand for qualified solar energy systems or qualified wind energy systems, program implementation experience, other financial factors such as federal or state tax incentives for systems as well as other factors relevant to the solar and wind energy rebate program. The Commission shall periodically consider revisions to the rebate levels based on the criteria in this subsection. The Commission shall post the current rebates levels on its website and include the rebate levels on the solar and wind energy rebate application forms.

D. Awarding of Rebates Contingent on Available Funding

The awarding of rebates under these rules is subject to the availability of funding. An applicant's submission of an application for a solar or wind system rebate does not create a right or entitlement to a solar or wind system rebate. The Commission may suspend the solar or wind system rebate programs for lack of funding with or without prior notice.

E. Allocation of Funding Among Programs

The Commission shall determine, by order, the allotment of the funds in each fiscal year between solar photovoltaic systems, solar thermal systems and wind energy systems, with a minimum of 20% of the funds allocated to each. In determining any additional allocation of funding among the programs, the Commission may consider, without limitation, current market demand for systems, program implementation experience, financial and economic factors such as the availability of federal or state tax incentives for systems as well as other factors that influence program participation or present market barriers.

§ 4 FUNDING LEVEL; FUND**A. Assessment**

The Commission shall assess transmission and distribution utilities to collect funds for the solar and wind energy rebate program. The assessment on transmission and distribution utilities shall not exceed .005 cents per kilowatt-hour and may differ among

transmission and distribution utilities. The Commission will not assess a transmission and distribution utility under this section for amounts that would lower the conservation fund assessment under 35-A M.R.S.A. § 1311-A below its statutory floor. The Commission may decline to assess a transmission and distribution utility if the assessment amount would be *de minimis* or would otherwise be an administrative burden. The Commission may lower the overall assessment if it determines a lower amount of funding will be needed to provide rebates to qualified solar and wind energy systems pursuant to this Chapter.

B. Fund

The Commission shall establish a solar and wind energy rebate program fund to be used for the purposes of the solar and wind energy rebate program.

1. The Commission shall deposit all assessments collected pursuant to this Chapter into the solar and wind energy rebate program fund.
2. Interest earned on funds in the solar and wind energy rebate program fund shall be credited back to the solar and wind energy program fund.
3. Funds not spent in any fiscal year will remain in the solar and wind energy rebate program fund to be used for the solar and wind energy rebate program.

C. Assessment Procedures

The Commission shall periodically assess transmission and distribution utilities based on actual sales or revenues.

§ 5 REBATE DISTRIBUTION

The Commission shall distribute rebates for qualifying solar and wind energy systems pursuant to this Chapter as long as funds are available in the solar and wind energy rebate program fund. To the extent that there are insufficient funds in the solar and wind energy rebate program, the Commission shall distribute available funds as specified in this section.

A. Application Approval

The Commission shall distribute rebates based on the date the Commission approves the application for a solar and wind energy rebate system pursuant to section 6 of this Chapter.

B. Available Funds

The Commission shall post on the Efficiency Maine website the amount of funds that are available for solar photovoltaic, solar thermal and wind energy systems as well as either the projected time periods for which the funds will be available for rebates or the number of rebates that will be awarded based upon available funding. The Commission shall inform applicants that the availability of future rebates could be altered by changes in law or contingent upon available funding. In the event that, due to statutory repeal, insufficient funds, or any other reason, the solar or wind energy rebate program lacks

sufficient funding with which to fund rebates, the Commission shall post notice on the Efficiency Maine website that rebates for the subject programs are no longer available and that the subject programs are cancelled or suspended in accordance with subsection (C) below. In the event that there are insufficient funds in the solar and wind energy system rebate program fund at the time that the Commission determines that a wind energy system or solar energy system is eligible for a rebate, the Commission shall distribute the rebate after subsequent assessment pursuant to Section 4 of this Chapter result in sufficient funds.

C. **Suspension or Cancellation of Programs**

The Commission is not obligated to approve any application for a wind or solar energy rebate that otherwise complies with the requirements of this Chapter, if such approval may result in the Commission exceeding its program budget or would be contrary to existing laws. The Commission may suspend or cancel a solar or wind energy rebate program if, at any time, there are insufficient funds in the solar and wind energy rebate program fund. In the event that a program is cancelled or suspended, the Commission shall notify applicants and the general public in the following manner:

- 1) **Notice to applicants whose materials have been submitted.** For persons who have submitted applications to the Commission prior to the suspension or cancellation of a program, and whose applications have not been processed prior to suspension or cancellation of the program, the Commission shall notify each applicant in writing that the program has been suspended and shall indicate whether and how the applicant will be considered in the future when the program resumes or whether the applicant will need to submit a new application when additional funds become available.
- 2) **Notice to prospective applicants and the public.** For persons who have not submitted applications prior to cancellation or suspension of a program and the general public, the Commission will post notice of such suspension or cancellation on the Efficiency Maine website. The Commission shall update this webpage periodically and as necessary in order to ensure that information is timely and accurate. The Commission shall post such notification on Efficiency Maine website when the program is anticipated to resume and when applications may be submitted.

§ 6 **APPLICATION**

A. **Review Process**

Applications for solar and wind energy system rebates pursuant to this Chapter shall include the information and documentation specified in this section. The Commission shall review applications and notify applicants whether the solar or wind energy system qualifies for a rebate and whether funds are available for the rebate. Applications for solar or wind energy rebates must be filed prior to the installation of the system. Information and documentation that is not practical to provide prior to the installation of the system must be submitted after installation. Applicants who have received approval prior to installation of the system pursuant to the Commission's application process must demonstrate that the system was installed consistent with the application before a rebate

is provided. The Commission may establish a date by which applicants who have received approval prior to installation must install the system to remain eligible for a rebate. To the extent funds are currently available in the solar and wind energy rebate program fund, the Commission shall set aside funds to ensure that funds remain available for applications that have received approval prior to system installation. To the extent that funds are not currently available in the solar and wind energy rebate program fund, the Commission will set aside funds as they become available. The Commission will inform the applicant that the rebate will be provided when funds become available and the time frame in which available funds are expected.

B. Requirements

1. **Applicant.** Applications shall include the address of the applicant's legal residence as demonstration of Maine residency and shall indicate whether the applicant is an owner or tenant of the premises in which the system has been installed. If system is located or will be located on premises different from the legal place of residence, the location of the system must be clearly stated. Applications shall include an affirmation by the applicant that the system location is connected to the electrical grid.
2. **System Type.** Applications shall indicate whether the system is solar photovoltaic, solar thermal–water, solar thermal–air or wind.
3. **Solar Energy System Description.** Applications for solar energy system rebates shall provide data on system components including manufacturer and model number for collectors and all peripheral equipment. Nameplate in capacity (watts) shall be provided for solar electrical systems and estimated annual energy production based on Maine specific weather data shall be provided for both solar electric and solar thermal systems. Applications shall include estimates that detail total system installed costs, as provided by vendors and/or installers.
 - a. For applications for solar thermal energy systems that are designed to heat potable water, applicants must show that such systems have been installed, or subject to review and final approval, by a licensed plumber.
4. **Wind Energy System Description.** Applications for wind energy system rebates shall also be required to provide additional data regarding the description of the system and components of the wind energy system to be installed. This information shall be specified in the wind energy rebate application and terms and conditions and shall include, but not be limited to, the following:
 - a. The make, model, manufacturer of the tower, turbine, inverter, batteries and other components of the wind energy system proposed to be installed;
 - b. The name and license number of the “Wind Energy System Installer” who is to install the electrical components of the wind energy system proposed to be installed;

- c. The estimated rated power, output voltage and peak electrical power (in kW/hrs) of the turbine and the continuous AC rating of the inverter(s) to be installed;
 - d. Verification that the height of the tower proposed to be installed meets the minimum requirements as required by the Commission in its application process; and,
 - e. Verification that the proposed turbine and tower are covered by manufacturer warranties for a minimum period of five (5) years from the date that such products are installed which shall cover any defects in design, material and workmanship of these products when used under the normal use for which they are intended; and,
 - f. Estimates that detail anticipated costs, including materials and labor, of the proposed wind energy system as provided by vendors and/or installers.
5. **Compliance With Eligibility Requirements.** Applications for wind energy system rebates shall also include information that shows that a proposed wind energy system will comply with the eligibility requirements under Section 3(B)(2)(a) of these rules.
 6. **Failure to Meet System Eligibility and Application Requirements.** If, at any time, it is found that an applicant has failed to provide any of the information required by the Commission in the application process or has failed to meet eligibility requirements under Section 3 of these rules for wind or solar energy rebates, the Commission staff may reject the subject application or refuse to provide the applicant with the requested rebate.
 7. **Site Evaluations.** The Commission's staff, or the Commission's contractor may conduct in-person evaluations of the site proposed for wind energy systems in order to verify that such sites are suitable for a wind energy system and in order to ensure that the applicant is in compliance with the terms and conditions of the application as well as these rules.
 8. **Installer Qualifications.** Applications for solar photovoltaic systems, solar thermal water systems and wind energy systems shall include proof of installer qualifications as set forth below.
 - a. Applications for solar photovoltaic systems that are installed after January 1, 2007 shall include a copy of the installer's master electricians license or license number along with a copy of a North American Board of Certified Energy Practitioners certificate issued to the installer or a person working in conjunction with the installer.
 - b. Applications for solar thermal water systems that are installed after July 1, 2005 must include a copy of the installer's plumbing license or license number, and a copy of a certificate of competency issued by the Commission to the installer or a person working in conjunction with the installer. For the purpose of this requirement, individuals who have

completed and have maintained their solar thermal certifications as required by the Commission will be considered certified by for purposes of this Chapter.

- c. Applications for solar thermal water systems that are installed after July 1, 2005, and which are designed to heat potable water, must include a copy of a certificate of competency issued by the commission to the installer and that any system that incorporates the heating of potable water must also be accompanied by a copy of the mater plumber's license or license number.
 - d. Applications for wind energy systems, which are to be installed in accordance with this subsection after January 1, 2009, must be installed by a master electrician or by a factory trained and approved dealer for the qualified wind energy system working under the supervision of a master electrician.
9. **Installation Date.** Applications shall include the date on which the system will be or was installed and documentation supporting the installation date.
 10. **Rebate.** Applications shall provide a clear statement of the rebate requested and a calculation of the rebate.
 11. **Energy Audit.** Applications for a solar photovoltaic system rebate shall include a copy of the energy audit report conducted in compliance with section 7 of this Chapter signed by the energy auditor and the customer, a copy of the energy auditor's valid certification or association card, and a copy of the audit invoice.
 12. **Other.** Applications shall include other information or documentation that the Commission deems necessary or useful in determining whether a solar energy system qualifies for a rebate pursuant to this Chapter.

§ 7 ENERGY AUDIT

A. Requirement

To qualify for a solar photovoltaic system rebate, an owner or tenant of residential or commercial property located in the State must demonstrate that an energy audit has been completed in compliance with this subsection prior to receiving a rebate. For purposes of this section, an energy audit is the completion of an on-site **walk through** audit and delivery of written recommendations for improving electrical and thermal efficiency of the property receiving the solar photovoltaic system. The owner or tenant of the property is responsible for the costs of the energy audit.

B. Prior Audit Exemption

The owner or tenant of residential or commercial property is exempt from the requirements of this section under the following circumstances:

1. The property was previously audited on or after January 1, 2000, in a manner consistent with the provisions of this section and a copy of the audit report is submitted with the rebate application.
2. The property was previously certified as ENERGY STAR or Leadership in Energy and Environmental Design at any time.

C. Audit Content

The energy audit must include the following items:

1. Identification of lighting and appliances efficiency opportunities and recommendations;
2. Identification of thermal shell insulation and air sealing opportunities and recommendations;
3. Identification of space and water heating efficiency opportunities and recommendations;
4. Identification of other electrical or thermal efficiency opportunities and recommendations;
5. Identification of any observed or perceived energy related health and safety concerns; and
6. Referral to or delivery of additional relevant information and education materials and program opportunities as identified by the Maine Solar Energy Rebate Program website.

D. Commission Review

The Commission may review energy audit reports for compliance with the requirements of this section and may perform on-site verification. If an audit report is found to be insufficient, the Commission may contact the auditor or the accrediting institution. If the audit is found to be substantially deficient, the rebate will not be provided. The Commission review process does not endorse the workmanship of any auditor or serve as a guaranty, warranty, or assumption of liability for any work proposed or carried out by an eligible auditor or as a result of the audit.

E. Auditor Qualification

1. **Residential Audits.** Individuals qualified to do residential energy audits must be certified or eligible and in good standing from one of the following organizations or accrediting institutions:
 - a. Individuals certified as an energy auditor as determined by the Maine State Housing Authority.
 - b. Residential Energy Services Network certified home energy raters or auditors.

- c. Individuals certified to participate in the Maine Home Performance with ENERGY STAR program or its successor program as determined by the Commission.
 - d. Individuals certified by the Building Performance Institute.
 - e. Individuals certified by the U.S. Green Building Council with expertise with residential buildings.
 - f. Architects and engineers who are licensed by Maine and possess relevant building efficiency energy expertise.
 - g. Individuals qualified to do commercial energy audits under subsection E (2).
2. **Commercial Audits.** Individuals qualified to do commercial energy audits must be licensed, certified, or eligible and in good standing from one of the following organizations or accrediting institutions:
- a. Individuals or firms working on behalf of, or are authorized to work for, the Efficiency Maine small business walk through audit service.
 - b. Individuals who have passed the Certified Energy Managers exam.
 - c. Individuals certified by the U.S. Green Building Council with expertise on commercial buildings.
 - d. Architects and engineers who are licensed by Maine and possess relevant building efficiency energy expertise.

§ 8 REPORT

The Commission shall report by December 1st of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a description of actions taken pursuant to this Chapter.

§ 9 PROGRAM TERMINATION

The solar energy rebate program shall terminate upon repeal of the authorizing statutes.

§ 10 WAIVER OR EXEMPTION

Upon the request of any person subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute and is not inconsistent with the purposes of this Chapter. The Commission, the Director of Energy Programs, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 1301, 3211-C

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on October 13, 2005. It was filed with the Secretary of State on October 14, 2005 (filing 2005-416) and became effective on October 19, 2005.

AMENDED: This rule was approved as to form and legality by the Attorney General on December 20, 2007. It was filed with the Secretary of State on December 21, 2007 as filing 2007-536, and became effective on December 26, 2007.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on December 31, 2008. It was filed with the Secretary of State on January 5, 2009 as filing 2009-14, and became effective on January 10, 2009.