

1
2 _____
3 Councilmember Mary Cheh

_____ Councilmember Charles Allen

4
5
6 A BILL
7
8 _____
9

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13 _____
14
15

16 To establish the Distributed Energy Resources Authority as an independent instrumentality of the District
17 of Columbia government to effectuate certain purposes by providing a platform, certain operations,
18 and technical advice to modernize the grid, improve the reliability and resilience of the electric
19 system, increase the deployment of clean and distributed energy resources, reduce utility bills for
20 ratepayers, improve information availability about the grid, and create jobs for District residents.
21

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may
23 be cited as the “Distributed Energy Resources Authority Act of 2018”.

24 TITLE I. DEFINITIONS

25 Sec. 101. Definitions.

26 For the purposes of this act, the term:

27 (1) “Advanced Metering Infrastructure” or “AMI” shall have the same definition as in
28 section 2161(1) of the Advanced Metering Infrastructure and Cost Recovery Authorization Act of 2009,
29 effective March 3, 2010, (D.C. Law 18-111; D.C. Official Code § 34-1561(1)).

30 (2) “Annual consolidated report” means a report filed by the electric company with the
31 Commission on a yearly basis that includes a comprehensive plan for the planning, design, and operation
32 of the electric distribution system within the District of Columbia.

33 (3) “Application Programming Interface” or “API” means an automated set of

34 commands, functions and protocols, established by the entity transmitting data, to transmit and receive
35 data using Internet standards with external systems.

36 (4) “Authority” means the Distributed Energy Resources Authority established by
37 section 201.

38 (5) “Board” means the Distributed Energy Resources Authority Board established by
39 section 202.

40 (6) “Commission” means the Public Service Commission established by section 493 of
41 the District of Columbia Self-Government and Governmental Reorganization Act, effective December 24,
42 1973, (Pub. L. 93-198; D.C. Official Code § 1-204.93).

43 (7) “Community renewable energy facilities” means means an energy facility with a
44 capacity no greater than five (5) megawatts that:

45 (A) uses renewable resources defined as a Tier One Renewable Source in
46 accordance with section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April
47 12, 2005, (D.C. Law 15-340; D.C. Official Code § 34-1431(15));

48 (B) is located within the District of Columbia;

49 (C) has at least two subscribers; and

50 (D) has executed an interconnection agreement and a CREF rider with the
51 electric company.

52 (8) “Consumer” means a District resident who has an account with a public utility
53 registered with the Authority.

54 (9) “Consumer energy usage data” means information relating to the amount of
55 electricity or natural gas consumed by a customer and the characteristics of such consumption, including
56 the applicable rate under which the customer is billed and all information that appears on customer bills.

57 (10) “DER production data” means all data collected by smart inverters from installed

58 distributed energy resources that are connected to the distribution system.

59 (11) “DER providers” means market participants who own or operate one or more
60 distributed energy resources that are connected to the distribution system.

61 (12) “Distributed energy resource” or “DER” means an energy resource sited close to a
62 consumer that can be used to either reduce demand or provide supply to satisfy the energy, capacity, or
63 ancillary service needs of the consumer or the electric company grid, including, solar photovoltaic, wind,
64 combined heat and power, energy storage, demand response, electric vehicles, microgrids, and energy
65 efficiency.

66 (13) “Distribution system” means the portion of the electric system that is composed of
67 medium voltage sub-transmission lines, substations, feeders, and related equipment that transport the
68 electricity commodity to and from customer homes and businesses and that link customers to the high-
69 voltage transmission system. The distribution system includes all the components of the cyber-physical
70 distribution grid as represented by the information, telecommunication, and operational technologies
71 needed to support reliable operation, integrated with the physical infrastructure comprised of
72 transformers, wires, switches and other apparatus.

73 (14) “Distribution system planning” means the process by which the electric company or
74 the Authority ensures that demand for electricity can be satisfied in an optimal way by utilizing a flexible
75 set of resources to maximize system reliability and resiliency.

76 (15) “Dynamic hosting capacity analysis” means a determination of the amount of
77 distributed energy resources that can be accommodated on each segment of the distribution system when
78 utilizing observable and controllable smart grid devices in real time to increase hosting capacity, while
79 maintaining system stability at a given time and at a given location, and without adversely impacting
80 safety, power quality, reliability or other operational criteria.

81 (16) “Dynamic hosting capacity data” means the findings of a dynamic hosting capacity

82 analysis that the Authority makes available to DER Providers.

83 (17) “Electric company” shall have the same meaning as provided in an act making
84 appropriations to provide for the expenses of the government of the District of Columbia for the fiscal
85 year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, effective March 4,
86 1913, (37 Stat. 976; D.C. Official Code § 34-207).

87 (18) “Energy data” means any data or information related to use of the distribution
88 system, including customer energy usage data, load forecasts, network characteristics, DER production
89 data, dynamic hosting capacity analysis data, and locational net benefit analysis data.

90 (19) “Energy data agreement” means an agreement between a consumer and a third party
91 granting the third party access to the consumer’s consumer energy usage data for one or more of the
92 consumer’s meters or utility accounts.

93 (20) “Gas company” shall have the same meaning as provided in an act making
94 appropriations to provide for the expenses of the government of the District of Columbia for the fiscal
95 year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, effective March 4,
96 1913, (37 Stat. 975; D.C. Official Code § 34-209).

97 (21) “HAN device” means a device that receives real-time energy information from a
98 consumer’s AMI meter.

99 (22) “HAN device agreement” means an agreement between a consumer and a third party
100 granting a third party the ability to add or remove a HAN device to the consumer’s AMI meter.

101 (23) “Home Area Network” or “HAN” means an AMI meter's network communication
102 protocol, including the ZigBee protocol, for communicating real-time consumer energy usage data to a
103 consumer’s HAN devices.

104 (24) “Hosting Capacity Analysis” or “HCA” means a determination of the amount of

105 DERs that can be accommodated on the distribution system at a given time and at a given location under
106 existing grid conditions and operations, without adversely impacting safety, power quality, reliability, or
107 other operational criteria.

108 (25) "IEEE Standard 1547" means the Institute of Electrical and Electronics Engineers,
109 Inc. Standard 1547, as defined in the "Standard for Interconnecting Distributed Resources with Electric
110 Power Systems" as amended and supplemented at the time an interconnection request is submitted.

111 (26) "Interconnection process" means the process by which a generator system can be
112 interconnected to the electric company's distribution system, including the interconnection request, any
113 studies and associated fees required to process the request, and the final determination of an
114 interconnection request.

115 (27) "Locational net benefit analysis" or "LNBA" means a determination of:

116 (A) Optimal locations for DER deployment based on opportunities for DERs to
117 cost-effectively defer or avoid traditional distribution and transmission system investments; and

118 (B) The actual or projected amounts and times of power produced and times of
119 production for a DER as compared to the amounts and times of existing load at a nearby location.

120 (28) "Machine to machine method" means an automated communications method,
121 established by the entity transmitting data, to transmit and receive data using Internet standards, such as
122 between the Authority and third parties, between the Authority and DER Providers, and between the
123 Authority and the electrical company.

124 (29) "Meter data management system" or "MDMS" means the electrical company's
125 system for gathering readings from meters, processing readings, and supplying the resulting data to related
126 applications, including billing, forecasting, customer service, system operations, and maintenance.

127 (30) "Network characteristics" means all data used as inputs and assumptions in

128 distribution system planning as well as the resulting output information, including hosting capacity
129 analysis, interconnection studies, annual short- and long-term planning, and near-term operational
130 planning. Network characteristics also includes information that lowers the overall cost of DER
131 integration, including DER market development data and customer load data that supports efficient
132 integration of DERs. Network characteristics includes energy sources, cable or conductor size, capacitor
133 bank characteristics, distributed generation characteristics, voltage regulator characteristics, breaker or
134 recloser specifications, substation characteristics, transformer characteristics, and power-flow data.

135 (31) “Non-wires alternative” or “NWA” means an electricity grid investment or project
136 that uses non-traditional transmission and distribution solutions, such as distributed energy resources,
137 aimed at deferring, mitigating, or eliminating the need for specific transmission or distribution projects by
138 reliably reducing transmission congestion or distribution system constraints in specific grid areas.

139 (32) “Non-wires alternatives analysis” or “NWAA” means a determination of
140 opportunities for non-wires alternatives to be considered as part of the electric company’s short-term and
141 long-term distribution system planning, to reduce the need for new infrastructure construction while
142 ensuring system efficiency and resiliency.

143 (33) “Notice of construction” or “NOC” means the process by which the electrical
144 company proposes and requests from the Public Service Commission rate recovery for expenses
145 associated with electric capacity expansion done through additional infrastructure construction.

146 (34) “On-site clean energy resource” means

147 (A) An asset that produces electricity from renewable resources; or

148 (B) An asset with concurrent production of electricity and useful thermal energy
149 from a single source of energy.

150 (35) “Platform” means the distributed energy platform authorized by section 301 and
151 provided by the Authority that:

152 (A) Offers control and access to energy data through graphical user
153 interfaces and application programming interfaces to electric consumers, third parties, DER
154 providers, the electric company, and agencies and entities of the District of Columbia; and

155 (B) Provides a digital means of implementing the objectives of the Distributed
156 Resources Plan established in section 801, the NWA RFP process established in section 902, and any
157 other objectives that fall within the purposes of the Authority.

158 (36) “Probabilistic load forecasting” means a forecast methodology to project electric
159 peak demand levels and overall energy consumption patterns that is mathematically based on correlation
160 and not fitting a trend or extrapolation.

161 (37) “Regional transmission organization” or means an electric power
162 transmission system operator which coordinates, controls, and monitors the multi-state electric grid that
163 includes the District of Columbia.

164 (38) “Smart inverter” means a device that operates autonomously to convert between
165 direct current and alternating current with IEEE Standard 1547 compliant voltage control and
166 communication capabilities.

167 (39) “Statistical non-disclosure practices” mean aggregation, anonymization, and other
168 statistical practices used to remove personally identifiable information or to de-identify consumers while
169 continuing to protect their privacy.

170 (40) “Third party” means:

171 (A) A person or entity that registers with the Authority to access the Platform and
172 that provides services other than retail electric service; or

173 (B) A retail electric service provider that is not the commodity supplier to a
174 consumer.

175 (41) “UL 1741” means means the standard for product safety that defines the testing and
176 certification requirements for DER systems that must meet the IEEE Std 1547 requirements.

177 (42) “Validation, editing, and estimation” means the process by which the Meter Data
178 Management System ensures the validity of meter data for billing purposes.

179 (43) “ZigBee protocol” means an open global standard for wireless communications
180 published by the ZigBee Alliance designed to use low-power digital radio signals for personal area
181 networks, including any updates thereto.

182 TITLE II. ESTABLISHMENT OF THE DER AUTHORITY

183 Sec. 201. Creation; purpose.

184 (a) The Distributed Energy Resources Authority is established as an instrumentality of the
185 District government that shall have a separate legal existence within the District government.

186 (b) The Authority is established to effectuate the following purposes:

187 (1) To identify policies that may reduce monthly utility bills for consumers, including
188 low-income households, through increased energy efficiency, demand response, distributed generation
189 and connection of other DERs to the distribution system;

190 (2) To increase the efficiency and reliability of the distribution system, through an
191 independent, transparent, stakeholder driven planning process, by facilitating the optimal conditions for
192 the integration of the DER and maintaining an agile flexible process for accommodating the evolving
193 energy needs of the District;

194 (3) To increase equity and system reliability for all District residents by
195 improving distribution system planning for underserved communities and by enabling the distribution
196 system to better accommodate DERs in community solar models;

197 (4) To grow the local energy economy by deploying competitively procured non-wires
198 alternatives solutions to meet the energy needs of the District’s distribution system;

199 (5) To improve DER project planning and shorten interconnection times for DERs by
200 increasing visibility into the distribution system for those who want to interconnect DERs to the
201 distribution system;

202 (6) To encourage a high penetration of DERs and enable intelligent cost-effective system
203 planning by providing the electric company with visibility into DER load on the distribution system;

204 (7) To reduce consumers' monthly utility bills by providing consumers access to their
205 consumer energy usage data and access to innovative energy solutions;

206 (8) To enhance research capabilities and innovation in the District by providing energy
207 data to the public in a way that maintains consumers' privacy and the security of the distribution system;
208 and

209 (9) To facilitate the growth of the District's clean energy initiatives by providing District
210 government entities with access to energy data.

211 (c) The Authority shall have all powers necessary or convenient to effectuate its purpose, as
212 follows:

213 (1) To have perpetual succession;

214 (2) To sue and be sued in its own name;

215 (3) To have an official seal and power to alter seal at will;

216 (4) To adopt, amend, and repeal bylaws and guidelines governing the manner in which it
217 may conduct its business and carry out its purposes under this act;

218 (5) To own, lease, clear, reconstruct, rehabilitate, improve, repair, maintain, manage,
219 operate, assign, encumber or sell or otherwise dispose of any real or personal property;

220 (6) To procure insurance or self-insure against any loss in connection with its property
221 and other assets;

222 (7) To establish policies for contracting and procurement that are consistent with the

223 principles of competitive procurement and, subject to District law, make and execute contracts, leases and
224 all other agreements or instruments necessary and appropriate for the exercise of its powers and
225 fulfillment of its purposes;

226 (8) To enter into agreements with other organizations, public or private, for goods and
227 services as needed for its purposes;

228 (9) To employ officers, executives, and management personnel who may formulate or
229 participate in the formulation of the plans, policies, and standards, who may administer, manage, or
230 operate the Authority and prescribe duties and other terms of employment, compensation, and benefits
231 and employ other personnel as may be necessary;

232 (10) To retain or employ advisors, consultants, and agents including auditors, engineers,
233 private consultants, and legal counsel for rendering professional, management, or technical services and
234 advice, and to fix their compensation;

235 (11) To accept contributions, gifts, grants, subsidies, real and personal property, labor,
236 services, or other things of value from any source to be used for the purpose of this act and subject to the
237 conditions upon which the contributions, gifts, grants and subsidies were received;

238 (12) To enter into contracts, memorandums of understanding and other types of
239 collaborative agreements with any department, agency or instrumentality of the United States or the
240 District of Columbia or private parties as needed to achieve its purposes;

241 (13) To engage in a joint venture and participate in a network, alliance, consortium, pool
242 or cooperative with a public or private entity to accomplish the purposes of the Authority;

243 (14) To coordinate with any similar private entity operating in an adjacent or
244 nearby jurisdiction;

245 (15) To license the Platform, authorized by section 301, if desirable or practical, and any

246 other intellectual property developed or funded by the Board, to another state government, not-for-profit
247 organization, or other entity; provided, that any proceeds from a license agreement shall first be used for
248 operating expenses of the Authority and any excess revenue shall be deposited in the DER Authority
249 Fund established pursuant to section 205; and

250 (16) To do any act necessary or convenient to the exercise of the powers granted by or
251 reasonably implied from this act.

252 Sec. 202. Distributed Energy Resources Authority Board.

253 (a) There is established a District of Columbia Distributed Energy Resources Authority Board
254 that shall govern the Authority. Board members shall be appointed as follows:

255 (1) The Board shall include 11 voting members appointed as follows:

256 (A) A chairperson of the Board, appointed by the Council, with expertise in
257 renewable energy or utility operations;

258 (B) Two members, one appointed by the Mayor and one appointed by the
259 Council, with expertise in renewable energy, energy storage, or energy efficiency;

260 (C) Two members, one appointed by the Mayor and one appointed by the
261 Council, with expertise in information technology, cyber security, or data analytics;

262 (D) One member, appointed by the Council, with expertise in utility operations;

263 (E) One member, appointed by the Council, representing the building
264 construction or management industry;

265 (F) One member, appointed by the Council, representing an environment or
266 climate change nonprofit organization;

267 (G) Two members, appointed by the Mayor, representing the electrical company;

268 (H) One member, appointed by the Mayor, representing the gas company;

269 (2) The Board shall include as non-voting members the Director of the Department of

270 Energy and Environment, or the Director's designee; and the People's Counsel of the District of
271 Columbia, or the Counsel's designee.

272 (b) The members appointed by the Mayor shall be appointed with the advice and consent of the
273 Council, in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
274 Law 2-142; District of Columbia Official Code 1-523.01(e)).

275 (c) The chairperson of the Board shall serve at the pleasure of the Chairperson of the Council.

276 (d) A member appointed to fill a vacancy for an unexpired term shall serve only for the unexpired
277 portion of the term for which he or she was appointed.

278 (e) Excepted as provided in subsections (d) and (g) of this section, each individual appointed to
279 serve as a member of the Board shall serve a 3-year term; provided, of the initial appointments of the 11
280 voting members of the Board, 4 shall be appointed for terms of 2 years, 4 shall be appointed for terms of
281 3 years, and 3 shall be appointed for terms of 4 years.

282 (f) Any member shall be eligible for reappointment.

283 (g) Any appointee serving as a Board member whose term has expired may continue to serve until
284 his or her replacement is appointed.

285 (h) A Board member shall not be entitled to compensation but may be reimbursed for actual and
286 necessary expenses, pursuant to section 203(j).

287 (i) Unless prohibited by law, a Board member may engage in private employment, a profession, or
288 a business, subject to his or her compliance with the Government Ethics Act of 2011, effective April 27,
289 2012 (D.C Law 19-124; D.C Official Code 1-1162.01 *et seq.*) and Chapter 18 of Title 6B of the District
290 of Columbia Municipal Regulations.

291 (j) A Board member shall not be held personally liable for an action taken during the course of his
292 or her official duties and responsibilities which he or she reasonable believed to be lawful and in the best
293 interests of the Authority.

294 Sec. 203. Operations of the Distributed Energy Resource Authority Board.

295 (a)(1) The powers of the Authority shall be vested in and exercised by the Board. The
296 Board may take action at a meeting held at a time and place fixed by the bylaws.

297 (2) All meetings of the Board shall be conducted pursuant to the Open Meetings
298 Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et*
299 *seq.*).

300 (b) Within 60 days after two-thirds of the Board members have been appointed, the Board shall
301 adopt bylaws, guidelines, and procedures governing its meetings and decision-making processes,
302 including a formal means for members of the Board to submit their dissent from any decision of the
303 board.

304 (c) The presence of a majority of voting Board members, excluding vacancies, shall constitute a
305 quorum of the Board for the transaction of business. A majority vote of the members present shall be
306 necessary for the Board to take any official action.

307 (d) The Board shall present a report on the progress of the Authority to the Council
308 annually, with the first report due one year after two-thirds of the Board members have been appointed.

309 (e) The Board shall hold an annual meeting to inform the public of its plans and programs. The
310 Board shall provide at least 60 days' notice of the meeting by publishing notice in the District of
311 Columbia Register.

312 (f) The Board shall meet at least 6 times each year.

313 (g) The Board may convene any subcommittees and working groups it considers appropriate
314 without any limitation as to the membership of such groups.

315 (h) The Authority's fiscal year shall coincide with the fiscal year of the District Government.

316 (i) The Authority shall provide staff resources to the Board and coordinate the involvement of
317 staff from any other agency or organization, as necessary.

318 (j) A member of the Board may be reimbursed for actual and necessary expenses incurred while
319 engaged in service for the Authority, including transportation, parking, mileage expenses and conference
320 admission fees incurred in the performance of official duties of the Board. The reimbursement shall not
321 exceed \$2,500 per Board member per year.

322 (k) The Board shall publish a quarterly update describing the Authority's current objectives,
323 operational functions, and budget.

324 (l)(1) Within 60 days after its first meeting, the Board shall create policies practices and
325 procedures for hiring employees and establishing the terms and conditions of employment for personnel
326 employed by the Authority; provided, that the Board shall retain the right to reorganize, restructure,
327 reclassify, or eliminate positions.

328 (2) The personnel system developed by the Board shall include guidelines for
329 implementing section 206.

330 Sec 204. Executive Director.

331 (a) The Board shall appoint an executive director who shall be an employee of the Authority, but
332 who shall not be a member of the Board, and who shall serve at the pleasure of the Board and receive
333 such compensation as shall be fixed by the board.

334 (b) The executive director shall administer, manage, and direct the affairs and activities of the
335 Authority in accordance with the policies, control, and direction of the Board.

336 (c) The executive director shall be a resident of the District of Columbia, or shall become a
337 resident of the District of Columbia within 180 days of his or her appointment as executive director, and
338 shall remain a District resident throughout his or her term. His or her failure to maintain District residency
339 shall result in a forfeiture of the position.

340 (d) The executive director shall be secretary to the Board. He or she shall attend the meetings of
341 the Board, shall keep a record of the proceedings of the Board, and shall maintain and be custodian of all

342 books, documents, and papers filed with the Board; of the minutes book or journal of the Board; and of its
343 official seal.

344 (e) The executive director may employ on a permanent or temporary basis such employees or
345 consultants as he or she deems necessary to operate the Authority efficiently, and shall determine their
346 qualifications, duties, and compensation.

347 (f) The Authority shall have the authority to establish its own personnel system and the District
348 of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C.
349 Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), shall not apply to employees of the Authority.

350 Sec. 205. Distributed Energy Resources Authority Fund.

351 (a) There is established as a special fund the DER Authority Fund (“Fund”) which shall be
352 administered by the Authority in accordance with subsections (c) and (d) of this section.

353 (b) Revenue from the following sources shall be deposited in the Fund:

354 (1) A transfer of \$4 million from the Sustainable Energy Trust Fund, established in section
355 210 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C.
356 Official Code § 8-1774.10), in each of the following fiscal years in which such transfer is included in an
357 approved budget and financial plan: Fiscal Year 2019, 2020, 2021, 2022, 2023, and 2024.

358 (2) Appropriated amounts;

359 (3) Federal funds;

360 (4) Subject to approval by the Board, grants, fees, donations, and gifts from public or private
361 sources, including matching funds based on funds spent on projects by the Authority, all subject to the
362 approval by the Board;

363 (5) Proceeds from any proceeding, settlement, or contract in which the District is a party and
364 the funds have been assigned to the Authority;

365 (6) Interest earned from the deposit or investment of monies from the Fund;

366 (7) All revenues, receipts, and fees of whatever source derived from the operation of the
367 Fund; and

368 (8) All other funds received by or on behalf of the Authority.

369 (c) Money in the Fund shall be used for all purposes approved by the Board and related to the
370 mission and operation of the Authority.

371 (d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the
372 General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

373 (2) Subject to authorization in an approved budget and financial plan, any funds appropriated
374 in the Fund shall be continuously available without regard to fiscal year limitation.

375 TITLE III. OPERATIONS OF THE DER AUTHORITY

376 Sec. 301. Distributed Energy Platform.

377 The Authority shall administer a secure distributed energy platform that shall provide the following
378 services:

379 (1) The Authority shall provide on the Platform an Application Programming Interface
380 (“API”) that provides consumers, and third parties that have entered into an energy data agreement with a
381 consumer, access to the consumer’s consumer energy usage data for a purpose and time period, including
382 an unlimited time period, as defined in the energy data agreement, with the capability of facilitating the
383 following:

384 (A) Consumers and third parties accessing energy usage data shall have access to
385 timestamped interval energy usage data in real time, at the interval it is collected by the meter or provided
386 by the Meter Data Management System, whichever is updated more frequently, and all updates thereto;

387 (B) Consumers and third parties accessing energy usage data shall have access to
388 at least 60 months of timestamped interval usage as recorded by the meter, and any subsequent estimates
389 or adjustments that may occur; and

390 (C) The consumer energy usage data available to consumers and third parties
391 pursuant to this subsection also shall include any other data identified by the Authority through a
392 rulemaking, pursuant to the requirements of the District of Columbia Administrative Procedure Act,
393 approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501, *et seq.*).

394 (2)(A) A consumer shall have the ability to readily connect any standards-compliant
395 HAN device to his or her advanced meter and shall have access to real-time advanced meter readings on a
396 read-only basis.

397 (B) The electric company shall not require advance approval or certification of a
398 HAN device that a consumer connects to his or her advanced meter pursuant to this subsection.

399 (3) The Authority shall provide on the Platform an API that provides consumers and third
400 parties access to anonymous energy data; provided, that:

401 (A)(i) Data provided pursuant to this subsection shall be limited in type, format,
402 And frequency of update pursuant to recommendations from a working group that includes consumers,
403 academic researchers, and third parties;

404 (ii) The recommendations described in subparagraph (A)(i) of
405 this paragraph shall be adopted through a rulemaking, pursuant to the requirements of the District of
406 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code §
407 2-501 *et seq.*);

408 (B) The Authority has developed statistical non-disclosure practices that
409 protects the privacy of consumers and the security of the distribution system prior to releasing energy data
410 to the public pursuant to this subsection; and

411 (C) Any entity receiving data has entered into a non-disclosure agreement with
412 the Authority before receiving data pursuant to this subsection.

413 (4) The Authority shall provide on the Platform an API or an appropriate data format that

414 provides the entities of the District government access to energy data, provided, that:

415 (A) Data provided pursuant to this subsection shall be limited in type, format,
416 And frequency of update pursuant to recommendations from a working group that includes
417 representatives of agencies and entities of the District;

418 (B) The recommendations described in subparagraph (A) of this paragraph shall
419 be adopted through a rulemaking, pursuant to the requirements of the District of Columbia Administrative
420 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*);

421 (5) In the course of developing the Platform, the Authority shall consult with entities of
422 the District of Columbia to include, among the data available pursuant to paragraph (3) of this section,
423 energy data collected by those entities of the District of Columbia.

424 (6) The Authority shall ensure the Platform provides whatever capabilities are necessary
425 to implement the requirements of this act, including:

426 (A) The distribution resources plan, which includes, dynamic hosting capacity
427 analysis, locational net benefit value analysis, non-wires alternatives analysis, and probabilistic load
428 forecasting, as described in title VI; and

429 (B) The non-wires alternatives request for proposals process described in
430 section 702.

431 (7) The Authority shall provide on the Platform APIs allowing DER providers,
432 the electric company, and the regional transmission organization to access all data identified in the
433 implementation of the plans described in paragraph (6) of this section.

434 Sec. 302. Confidentiality of data on the Platform.

435 (a) The Authority shall establish an automated electronic method for the registration,
436 authentication and authorization of Platform users, including consumers, third parties, DER providers,
437 entities of the District of Columbia, and the electric company.

438 (b) The Authority shall not require a consumer to create an online account in order to share a
439 consumer's energy usage information.

440 (c)(1) The Authority shall develop a standard non-disclosure agreement.

441 (2) Any entity, other than a consumer receiving his or her own energy usage data
442 pursuant to section 301(1), that receives any information through the Platform shall have a current non-
443 disclosure agreement.

444 (3) The Authority shall conduct periodic audits of every entity that receives information
445 through the Platform and is a party to a non-disclosure agreement, to ensure the confidentiality of all
446 consumers.

447 (d) The Authority shall take all reasonable precautions to ensure:

448 (1) The security of all transfers of data required pursuant to section 301; and

449 (2) That no unauthorized party shall have access to any of the information provided
450 pursuant to section 301.

451 Sec. 303. Public engagement.

452 (a) The Authority shall provide and continuously update a website that shall include:

453 (1) Detailed information on the purpose of the Authority and the services provided by the
454 Authority;

455 (2) An electronic method for registering and providing users access to the Platform; and

456 (3) All relevant technical specifications and guidelines to access the Platform.

457 (b) The Authority shall establish one or more working groups to regularly solicit feedback from
458 stakeholders on how the entity can evolve its functions and capabilities to support the evolving needs of
459 the market. The working groups shall report and make recommendations to the Authority board on an
460 ongoing basis.

461 (c) The Authority shall make available to the public on its website the following documents:

- 462 (1) The financial plan for the capital base;
463 (2) Board meeting minutes and records;
464 (3) Any conflicts and recusals; and
465 (4) Any guidelines and procedures issued pursuant to section 304(a).

466 Sec. 304. Receipt of funds; disposition thereof.

467 (a) In connection with the exercise of its powers pursuant to section 201(c)(11), the Board shall
468 issue guidelines governing the receipt of funds from a third party, and the establishment of, administration
469 of, and expenditure from, the capital base of the Authority.

470 (b) The guidelines issue pursuant to subsection (a) of this section shall be published in the District
471 of Columbia Register.

472 (c) The source of any funds received by the Authority shall be a part of the annual reporting
473 requirements pursuant to section 305.

474 (d) All assets and income of the Authority shall be exempt from taxation by the District of
475 Columbia.

476 (e) All monies of the Authority, except as otherwise authorized in this act, shall be deposited as
477 soon as practicable in the DER Authority Fund, established pursuant to section 205.

478 (f) The Authority shall contract at least once each year with an independent certified public
479 accountant to audit its books and accounts. The Authority shall transmit the audit to the Mayor and
480 Council and shall make the audit available to the public on its website within 10 days of receipt.

481 Sec. 305. Public reporting.

482 (a)(1) The Authority shall, within 90 days after the end of each fiscal year, submit an annual
483 report of its activities for the preceding year to the Mayor and the Council and shall make this document
484 available to the public on its website.

485 (2) The report shall include a complete operating financial statement of the Authority

486 during the fiscal year it covers; its projects, programs operations and accomplishments; the names of all
487 new employees and their pay schedules, titles and place of residence; its plans for the following fiscal
488 year; and its recommendations for needed action on the part of the Mayor or Council with respect to the
489 purposes of the Authority.

490 (b) The Authority shall, 3 years after the effective date of this act, conduct an assessment of
491 its activities in its first 2 years of operations and provide a report to the Mayor and Council that includes
492 recommendations on whether there is a need for additional public capital for the Authority.

493 TITLE IV. OBLIGATIONS OF PUBLIC UTILITIES

494 Sec. 401. Advanced Metering Infrastructure.

495 (a) Beginning on a date determined by the Authority and published in the D.C. Register, on the
496 Authority's website, on the electric company's website, and sent to consumers by the electric company at
497 least 90 days in advance, the electric company shall provide to the Authority all electric consumers'
498 consumer energy usage data, including all AMI data collected by advanced meters and historic billing
499 information.

500 (b) Updates to energy usage information provided pursuant to subsection (a) of this section shall be
501 provided promptly to the Authority.

502 (c) The electric company shall provide an automated, machine-to-machine method that makes
503 available to the Authority, on an ongoing basis, consumer energy usage data from the AMI head-end
504 system and MDMS. The method shall meet following requirements:

505 (1) The electric company shall make available to the Authority all data identified by the
506 Authority through a rulemaking, pursuant to the requirements of the District of Columbia Administrative
507 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*);

508 (2) The electric company shall make available to the Authority interval usage data at the

509 interval collected by the meter and shall include a description of the quality of the interval usage data as it
510 goes through the validation, editing and estimation process; and

511 (3) The electric company shall enable direct access to the AMI head-end system, meter
512 data management systems, or other information technology systems as required, on a continuous basis.

513 (d) Within 3 years after the effective date of this act, the gas company shall provide to the
514 Authority the information described in this section; provided, that the gas company has installed advanced
515 metering infrastructure.

516 Sec. 402 Home Area Network.

517 (a) The electric company shall provide to the Authority an automated, machine-to-machine method
518 for communicating to HAN devices.

519 (b) The method described in subsection (a) of this section shall, at no charge to the consumer, allow a
520 consumer with HAN-capable advanced meters the ability to connect any HAN device to his or her
521 advanced meter and receive real-time meter readings on a read-only basis.

522 (c) The electric company shall not require screening or certification of HAN devices in advance of
523 installation at a customer's premise.

524 (d) The electric company shall replace a consumer's AMI meter at no charge to the consumer if a
525 technical defect or other problem prevents the proper functioning of the Home Area Network.

526 (e) Beginning 3 years after the effective date of this act, this section shall also apply to the gas
527 company; provided, that the gas company has installed advanced metering infrastructure.

528 Sec. 403 Customer and Billing Information.

529 (a) The electric company, the gas company, and the water company shall provide to the
530 Authority, on an at least daily basis through an automated-machine to-machine method, data describing
531 the relationships between all meters, premises, accounts and customers.

532 (b) The electric company, the gas company, and the water company shall provide to the

533 Authority, on a continuous basis and through an automated machine-to-machine method, billing
534 data and all updates thereto.

535 (c)(1) The Board shall identify a list of the types of data, and any changes to that list, required
536 pursuant to subsections (a) and (b) of this section through a rulemaking pursuant to the requirements of
537 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C.
538 Official Code § 2-501 *et seq.*).

539 (2) The electric company, the gas company, and the water company shall provide to the
540 Authority, as described in subsections (a) and (b) of this section, the data identified through the
541 rulemaking pursuant to paragraph (1) of this subsection.

542 (d) The electric company, the gas company, and the water company shall take all reasonable
543 precautions to ensure:

544 (1) The security of the automated machine-to-machine method described in subsections
545 (a) and (b) of this section; and

546 (2) That no party other than the Authority shall have access to any of the information
547 provided pursuant to subsections (a) and (b) of this section.

548 Sec. 404. Electric company participation in other activities.

549 (a) The electric company shall provide to the Authority, through an automated, machine-to-
550 machine method, an up-to-date list of all interconnected DER systems on at least a daily basis, including:

551 (1) Facility name;

552 (2) D.C certification number;

553 (3) Date approved;

554 (4) Renewable fuel type; and

555 (5) The megawatt rated capacity.

556 (b) The electric company shall provide to the Authority, through an automated machine-to-
557 machine method, all network characteristics the Authority deems necessary to implement the distributed
558 resources plan as described in title VI.

559 (c) The electric company shall provide to the Authority, through an automated machine-to-
560 machine method, all data the Authority deems required to conduct the non-wires alternatives request for
561 proposals process described in section 702.

562 Sec. 405. Liability.

563 The electric company, the gas company, and the water company shall have no liability for the use
564 or misuse of energy information by Authority, or any person or entity who subsequently receives energy
565 information from the Authority; provided, that the company has taken all reasonable precautions for the
566 security of energy information while in transit to the Authority

567 Sec. 406. Cost recovery.

568 (a) The Commission may provide for the electric company and the gas company to recover, through
569 base rates, all prudently-incurred costs to implement the requirements of this act.

570 (b) The board of directors of the water company may recover, through base rates, all prudently-
571 incurred costs to implement the requirements of this act.

572 Sec. 407. Violations.

573 (a) If the Commission determines that the electric company or the gas company is in violation of this
574 title, the Commission shall impose a fine of \$100,000 per day per instance.

575 (b) Any fine paid pursuant to this section shall be deposited in the DER Authority Fund, established
576 pursuant to section 205.

577 TITLE V. DER PROVIDERS' PUBLIC OBLIGATIONS

578 Sec. 501. Interconnection Requirements.

579 (a) The electric company shall not approve an interconnection that does not employ smart inverters

580 that meet the certification requirements of the latest revision of UL 1741 and conform to IEEE Standard
581 1547, with the exception of inverters that are installed to replace inverters that were in place prior to the
582 effective date of this act.

583 (b)(1) Within 7 days after interconnection, a DER provider shall provide to the Authority, through an
584 API, all DER production data that can be collected via a smart inverter API for all DERs interconnected
585 to the distribution system after the effective date of this law.

586 (2) The DER provider shall make available DER production data at the interval collected
587 by the smart inverter.

588 (3) The DER provider shall make available at least 24 months of historical DER
589 production data or the maximum monthly intervals of data available if less than 24 months is available.

590 (c) A DER provider shall have no liability for the use or misuse of energy information by the
591 Authority or any person or entity who subsequently receives energy information from the Authority
592 provided that the DER provider has taken all reasonable precautions for the security of energy
593 information while in transit to Authority

594 TITLE VI. DISTRIBUTION RESOURCES PLAN

595 Sec. 601. Distribution Resources Plan.

596 (a) The Authority, annually starting 60 days after the end of the first year of operations of the
597 Authority, shall submit to the Commission a distribution resources plan (“DRP”), outlining how the
598 electric company can achieve the following goals:

599 (1) Accelerate the integration of intercommunicating and operationally trustworthy DER;

600 (2) Create efficient electric company distribution system planning operations;

601 (3) Increase the penetration of local clean energy generation including community
602 renewable energy facilities; and

603 (4) Reduce rates to all ratepayers the District of Columbia.

604 (b) The DRP shall be consistent with and support the goals of the Renewable Energy Portfolio
605 Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*),
606 in particular to ensure quality service for traditionally underserved communities.

607 (c) The DRP shall be developed pursuant to the provisions of sections 602 and 603 and shall
608 include the following:

609 (1) An evaluation of and proposed methodologies for incorporating the use of a dynamic
610 hosting capacity analysis into the electric company's interconnection and distribution system planning
611 process to achieve the following objectives:

612 (A) Automating and streamlining the interconnection process to accelerate DER
613 deployment while minimizing interconnection costs and studies;

614 (B) Incorporating interconnected DER into the electric company's distribution
615 system planning in a transparent manner; and

616 (C) Informing locational and temporal value of DERs

617 (2) An evaluation of and proposed methodologies for the use of a locational net benefit
618 analysis to be incorporated into the electric company's interconnection and distribution system planning
619 process. This evaluation shall consider the following:

620 (A) Reductions or increases in local generation capacity needs;

621 (B) Avoided or increased investments in distribution infrastructure;

622 (C) Safety benefits;

623 (D) Reliability benefits; and

624 (E) Any other savings the distributed resources provide to the electrical grid, or costs
625 to ratepayers of the electrical company;

626 (3) An evaluation of and proposed methodologies for the use of a non-wires alternatives

627 analysis (“NWAA”) to be incorporated into electric company’s distribution system planning. The
628 evaluation shall include recommendations for how to incorporate NWAA for short and long-term
629 distribution system planning;

630 (4) An evaluation of and proposed methodologies for incorporating the probabilistic load
631 forecasting in the electric company’s distribution system planning. The evaluation shall include the
632 following:

633 (A) Employing probabilistic simulations of weather, temperature, and humidity
634 index; and

635 (B) Utilizing energy data, including data gathered from the currently deployed
636 advanced metering infrastructure;

637 (5)(A) An evaluation of and proposed recommendations for bi-directional data access
638 between DER Providers and the electric company, in order to achieve the following objectives:

639 (i) Improved DER project planning;

640 (ii) Increased reliability; and

641 (iii) Increased efficiency in distribution system planning operations.

642 (B) The evaluation of data access needs described in subparagraph (A) of this
643 paragraph shall include a determination of the following:

644 (i) The network characteristics of the distribution system that the electric
645 company may be required to provide to DER providers; and

646 (ii) The DER related data for interconnected DERs, including DER
647 production data, that DER providers may be required to provide to the electric company;

648 (6) An evaluation of and proposed cost-effective methods to coordinate existing Commission-
649 approved programs, incentives, and tariffs to maximize the locational benefits and minimize the
650 incremental costs of DERs;

651 (7) An identification of barriers to the deployment of DERs, including safety standards
652 related to technology or operation of the distribution circuit in a manner that ensures reliable service;

653 (8) An evaluation of and proposal for additional electric company resources necessary to
654 integrate cost-effective distributed resources into distribution system planning, consistent with the goal of
655 reducing costs to ratepayers. The evaluation shall include the following:

656 (A) Migrating traditional on-premise IT systems to cloud-based solutions; and

657 (B) Upgrading power electronics and communication infrastructure;

658 (9) An evaluation of and proposal of incentives, including incentives based on system
659 performance, for the electric company to accelerate deployment of DERs. The evaluation shall include
660 recommendations for how to identify and reward overall performance impact of DERs on the distribution
661 system; and

662 (10) An evaluation and proposed opportunities to leverage the dynamic hosting capacity
663 analysis, locational net benefit analysis, and probabilistic load forecasting to prioritize system planning
664 efforts, including increasing penetration of onsite clean energy resources and improving distribution
665 system reliability in underserved communities.

666 (d) The electric company shall fund the development and implementation of the DRP performed by
667 the Authority on an ongoing basis pursuant to the provisions of sections 603 and 604 and shall recover all
668 prudently-incurred costs for the DRP development and implementation in base rates.

669 Sec. 602. DER Working Group.

670 (a) Within 90 days after its establishment, the Authority shall create a Distributed Energy
671 Resources Working Group (“Working Group”), to establish the parameters for the DRP described in
672 section 601.

673 (b) Within 120 days of the establishment of the Working Group, the Authority shall transmit to

674 the Commission a distribution resources plan roadmap (“DRP roadmap”) outlining the recommended
675 milestones and objectives to develop and implement the DRP, pursuant to the requirements of section
676 601.

677 (c) The DRP roadmap shall be made publicly accessible on the Authority’s website and be updated
678 on a continuous basis. The DRP roadmap shall include the parameters for all studies required pursuant to
679 this act and the DER data access necessary to complete the studies.

680 (d)(1) In preparing the DRP roadmap, the Working Group may consult with any stakeholders the
681 Working Group deems integral to the process of developing recommendations, but shall consult with:

682 (A) The electric company;

683 (B) The District of Columbia Department of Energy and Environment; and

684 (C) The Office of People’s Counsel.

685 (2) The Working Group shall also conduct outreach to and consider the input of a
686 representative sample of ratepayers in the District of Columbia.

687 (e) All meetings of the Working Group shall be open to the public.

688 Sec. 603. Implementation of DRP.

689 (a) After approval by the Board, the Authority shall submit recommendations for the implementation
690 of the DRP to the Commission for review.

691 (b)(1) The Commission shall review the DRP recommendations and identify demonstration projects
692 to be implemented by the Authority, in order to test the viability of the DRP recommendations to meet the
693 evolving needs of the District’s electric grid.

694 (2) The Authority shall determine a schedule of iterative implementation of the
695 demonstration projects.

696 (3) The electric company shall provide all reasonable support requested by the Authority for
697 implementation of the demonstration projects.

698 (c) The Authority shall submit the DRP to the Commission for formal adoption if the Board
699 makes a determination that the methodologies or aspects of methodologies tested by the demonstration
700 projects identified pursuant to subsection (b) of this section are robust enough to be incorporated into
701 interconnection and distribution planning.

702 (d) Upon formal adoption of the DRP by the Commission, the electric company shall replace the
703 relevant components of the Annual Consolidated Report with the DRP and incorporate the DRP into the
704 electric company's interconnection and distribution system planning operations.

705 (e) The Authority may make periodic recommendations to the Commission as to the implementation
706 of the DRP, and the Commission may modify the DRP as appropriate to meet the objectives described in
707 section 601.

708 Sec. 604. Independent distribution system planning review.

709 (a) The Authority, within 60 days of the end of the first year of operations of the Authority and
710 annually thereafter, shall issue recommendations describing:

- 711 (1) The amount of DER that can be incorporated on the distribution system; and
712 (2) Types of operationally trustworthy DER that are qualified to become part of the
713 electric company system planning.

714 (b)(1) In preparing the DRP roadmap, the Working Group may consult with any stakeholders the
715 Working Group deems integral to the process of developing recommendations, but shall consult with:

- 716 (A) The electric company;
717 (B) The District of Columbia Department of Energy and Environment; and
718 (C) The Office of People's Counsel.

719 (2) The Working Group shall also conduct outreach to and consider the input of a
720 representative sample of ratepayers in the District of Columbia.

721 (c) The Commission shall conduct an independent distribution system planning review to determine

722 whether DER deployment in the District of Columbia is consistent with the Authority's
723 recommendations.

724 (d) The Commission shall issue findings pursuant to the review described in subsection (c), which
725 the electric company shall incorporate into its interconnection and distribution system planning process
726 and which shall be applicable to the electric company's short-term (annual) and long-term (5-year)
727 planning. This distribution system planning process will replace the appropriate planning components of
728 the electric company's Annual Consolidated Report.

729 TITLE VII. NON-WIRES ALTERNATIVES MANDATE

730 Sec. 701. Non-wires Alternative Analysis Notice of Construction Requirement.

731 Upon the electric company filing with the Commission a notice of construction ("NOC") to
732 expand system capacity or enhance system reliability, with a request to recover costs of at least \$25
733 million, the Commission shall undertake a non-wires alternative analysis to determine whether a non-
734 wires alternative (NWA) can be deployed to meet the capacity/reliability needs specified in the NOC.

735 Sec. 702. Request for Proposals.

736 (a) Upon a finding, in the non-wires alternative analysis conducted pursuant to section 701, that non-
737 wires alternatives ("NWA") are appropriate for the system expansion or enhancement, the Authority, in
738 consultation with the Commission, shall commence a request for proposals ("RFP") process to solicit
739 offers for NWAs.

740 (b) The RFP process shall be subject to the following requirements:

741 (1) The Authority shall create an RFP committee that shall include the Executive Director of
742 the Authority, one technical expert selected by the Board, and the Chair of the Commission.

743 (2) The RFP committee shall draft and issue an RFP within 90 days of the submission of the
744 NOC.

745 (3) Offerors shall have at least 120 days to respond to the RFP.

746 (4) The RFP shall be open for offers from private entities and the electric company. These
747 entities may jointly submit offers.

748 (5) Offerors' NWA proposals may include a combination of onsite generation, energy
749 efficiency, demand response, and dynamic load shifting.

750 (6) Any offer that does not meet each of the following requirements shall be deemed
751 unresponsive:

752 (A) Equivalent or better reliability, security, and safety than the NOC referenced in
753 section 801;

754 (B) A total cost that is less than the cost of the NOC referenced in section 701;

755 (C) At least 35% certified business enterprise participation for the engineering,
756 procurement, and construction;

757 (D) 100% of the capacity of an offeror's proposed onsite generation must be from
758 onsite clean energy resources; and

759 (E) A guarantee that residents of the District of Columbia shall work at least 51% of
760 all hours in each job category.

761 (c) If the RFP committee receives offers that meet the requirements set forth in subsection (b) of this
762 section, the RFP committee shall select the offer or offers with the lowest combined cost; provided that if
763 two offers have proposed total costs within 5%, the Authority shall give preference as follows:

764 (1) First, to the offer that guarantees that District residents shall work a larger
765 percentage of hours in all job categories;

766 (2) Second, to the offer that guarantees a higher percentage of participation by
767 certified business enterprises; and

768 (3) Third, to the offer that proposes the lowest cost.

769 (d) If the RFP committee does not receive at least one offer that meets the requirements set forth in

770 subsection (b), the Commission shall continue with the NOC process.

771 TITLE VII. MISCELLANEOUS PROVISIONS.

772 Sec. 801. Liberal construction of act.

773 The provisions of this act shall be liberally construed so as to effectuate those powers which are
774 specifically enumerated.

775 Sec. 802. Applicability of certain laws.

776 (a) Except as required by sections 301, 401, and 402, title I of the District of Columbia
777 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et*
778 *seq.*), and the regulations implementing those provisions shall not apply to the Authority.

779 (b) The Small and Certified Business Enterprise Development and Assistance Act of 2005,
780 effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), and its
781 implementing regulations shall not apply to the Authority.

782 (c) The First Source Employment Contract Act of 1984, effective June 29, 1984 (D.C. Law 5-93;
783 D.C. Official Code § 2-219.01 *et seq.*), shall not apply to the Authority.

784 (d) The officers and employees of the Authority shall not be considered District government
785 employees for purposes of the District of Columbia Employee Non-liability Act, approved July 14, 1960
786 (74 Stat. 519; D.C. Official Code § 2-411 *et seq.*), and the District of Columbia shall not be liable for any
787 acts or occurrences of the Authority regardless of whether the Authority purchases insurance or whether
788 purchased insurance covers any act or omission of an act.

789 (e) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
790 Code 1-1162.01 *et seq.*) and Chapter 18 of Title 6B of the District of Columbia Municipal Regulations
791 shall apply to the Authority and the Board.

792 Sec. 803. Legal representation.

793 (a) The District may, upon request by the Authority and at the discretion of the Attorney General
794 for the District of Columbia (“Attorney General”), provide representation through the Office of the
795 Attorney General to the Authority and its officers and employees for legal matters related to their official
796 duties.

797 (b) The Authority may retain outside counsel, other than the Attorney General, at its own expense
798 to provide representation for the Authority and its officers and employees in actual or anticipated
799 litigation related to their official duties and functions or in any other legal proceeding, lawsuit, grievance,
800 or arbitration filed against the Authority, its officers, or its employees related to their official duties and
801 functions.

802 (c) The District and its officers and employees shall not be liable for and may not be made a party
803 to any lawsuits or claims arising from the operation of the Authority.

804 (d) The Authority may have a General Counsel who shall:

805 (1) Be appointed by the Executive Director;

806 (2) Be an attorney admitted in good-standing to the practice of law in the District of
807 Columbia;

808 (3) Be qualified by experience and training to advise the Authority with respect to legal
809 issues related to its powers and duties;

810 (4) Have an attorney-client relationship with the Authority; and

811 (5) With the consent of the Executive Director, employ staff attorneys and other
812 personnel.

813 Sec. 804. Authority of the Chief Financial Officer of the District of Columbia.

814 The CFO shall exercise authority over the Authority consistent with section 424a of the District
815 of Columbia Self-Government and Governmental Reorganization Act, effective December 24, 1973,
816 (Pub. L. 93-198; D.C. Official Code § 1-204.24a).

817 Sec. 805. Conforming amendments.

818 (a) Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;
819 D.C. Official Code § 1-523.01(e)), is amended as follows:

820 (1) Paragraph (31) is amended by striking the phrase “; and” and inserting a semicolon in
821 its place.

822 (2) Paragraph (32) is amended by striking the period and inserting the phrase “; and” in
823 its place.

824 (3) A new paragraph (33) is added to read as follows:

825 “(33) The Distributed Energy Resources Authority.”.

826 (b) Section 210(c) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C.
827 Law 17-250; D.C. Official Code § 8-1774.10), is amended as follows:

828 (1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its
829 place.

830 (2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its
831 place.

832 (3) A new paragraph (11) is added to read as follows:

833 “(11) The DER Authority Fund.”.

834 TITLE IX. APPLICABILITY, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE

835 Sec. 901. Applicability.

836 (a)(1) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget or
837 financial plan.

838 (2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
839 an approved budget and financial plan and provide notice to the Budget Director of the Council for
840 certification.

841 (3)(A) The Budget Director shall cause the notice of the certification to be published in the
842 District of Columbia Register.

843 (B) The date of publication of the notice of the certification shall not affect the
844 applicability of this section.

845 Sec. 902. Fiscal impact statement.

846 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
847 statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16,
848 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

849 Sec. 903. Effective date.

850 This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by
851 the Council to override the veto), a 30-day period of congressional review as provided in section
852 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.
853 Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.