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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 653

02/04/2021 Authored by Acomb, Stephenson, Ecklund and Bernardy
The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy

1.1 A bill for an act
1.2 relating to solar energy; modifying siting provisions governing community solar
1.3 gardens; amending Minnesota Statutes 2020, section 216B.1641.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 216B.1641, is amended to read:

1.6 216B.1641 COMMUNITY SOLAR GARDEN.

1.7 (a) The public utility subject to section 116C.779 shall file by September 30, 2013, a
1.8 plan with the commission to operate a community solar garden program which shall begin
1.9 operations within 90 days after commission approval of the plan. Other public utilities may
1.10 file an application at their election. The community solar garden program must be designed
1.11 to offset the energy use of not less than five subscribers in each community solar garden
1.12 facility of which no single subscriber has more than a 40 percent interest. The owner of the
1.13 community solar garden may be a public utility or any other entity or organization that
1.14 contracts to sell the output from the community solar garden to the utility under section
1.15 216B.164. There shall be no limitation on the number or cumulative generating capacity of
1.16 community solar garden facilities other than the limitations imposed under section 216B.164,
1.17 subdivision 4c, or other limitations provided in law or regulations.

1.18 (b) A solar garden is a facility that generates electricity by means of a ground-mounted
1.19 or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the
1.20 electricity generated in proportion to the size of their subscription. The solar garden must
1.21 have a nameplate capacity of no more than one megawatt. Each subscription shall be sized
1.22 to represent at least 200 watts of the community solar garden's generating capacity and to
1.23 supply, when combined with other distributed generation resources serving the premises,

2.1 no more than 120 percent of the average annual consumption of electricity by each subscriber
2.2 at the premises to which the subscription is attributed.

2.3 (c) The solar generation facility must be located in the service territory of the public
2.4 utility filing the plan. Subscribers must be retail customers of the public utility and, unless
2.5 the facility has a minimum setback of 100 feet from the nearest residential property, must
2.6 be located in the same county or a county contiguous to where the facility is located.

2.7 (d) The public utility must purchase from the community solar garden all energy generated
2.8 by the solar garden. The purchase shall be at the rate calculated under section 216B.164,
2.9 subdivision 10, or, until that rate for the public utility has been approved by the commission,
2.10 the applicable retail rate. A solar garden is eligible for any incentive programs offered under
2.11 section 116C.7792. A subscriber's portion of the purchase shall be provided by a credit on
2.12 the subscriber's bill.

2.13 (e) The commission may approve, disapprove, or modify a community solar garden
2.14 program. Any plan approved by the commission must:

2.15 (1) reasonably allow for the creation, financing, and accessibility of community solar
2.16 gardens;

2.17 (2) establish uniform standards, fees, and processes for the interconnection of community
2.18 solar garden facilities that allow the utility to recover reasonable interconnection costs for
2.19 each community solar garden;

2.20 (3) not apply different requirements to utility and nonutility community solar garden
2.21 facilities;

2.22 (4) be consistent with the public interest;

2.23 (5) identify the information that must be provided to potential subscribers to ensure fair
2.24 disclosure of future costs and benefits of subscriptions;

2.25 (6) include a program implementation schedule;

2.26 (7) identify all proposed rules, fees, and charges; and

2.27 (8) identify the means by which the program will be promoted.

2.28 (f) Notwithstanding any other law, neither the manager of nor the subscribers to a
2.29 community solar garden facility shall be considered a utility solely as a result of their
2.30 participation in the community solar garden facility.

2.31 (g) Within 180 days of commission approval of a plan under this section, a utility shall
2.32 begin crediting subscriber accounts for each community solar garden facility in its service

3.1 territory, and shall file with the commissioner of commerce a description of its crediting
3.2 system.

3.3 (h) For the purposes of this section, the following terms have the meanings given:

3.4 (1) "subscriber" means a retail customer of a utility who owns one or more subscriptions
3.5 of a community solar garden facility interconnected with that utility; and

3.6 (2) "subscription" means a contract between a subscriber and the owner of a solar garden.

3.7 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
3.8 final enactment and applies to all community solar gardens for which an interconnection
3.9 application has been filed with a utility on or after that date.