**Section 455.120 Annual Report of Compliance with Renewable Energy Portfolio Standard**

By September 1, 2010, and by September 1 of each succeeding year through September 1, 2019, each RES shall file with the Chief Clerk of the Commission a compliance report for the compliance year ending May 31 of that year, showing compliance with the renewable portfolio standard of Section 16-115D of the Act for the applicable compliance period. The report shall be titled "Annual Report of Compliance with Renewable Portfolio Standard". By October 1 of each year through October 1, 2019, an RES may file with the Chief Clerk of the Commission an updated compliance report based on finalized settlements with MISO.

a) At a minimum, the compliance report shall provide, contain or show, for the applicable compliance year, and for each utility service area within which the RES serves Illinois retail customers, the following:

1) The total quantity of metered electricity supplied to Illinois retail customers by the RES. The report shall show this information, in megawatt-hours, by service area for each electric utility that is subject to Section 1-75(c) of the IPA Act;

2) The quantity of metered electricity supplied to Illinois retail customers by the RES, pursuant to contracts executed or extended after March 15, 2009. The report shall show this information, by utility service territory, in megawatt-hours;

3) The quantity of RECs (in megawatt-hours), whether directly purchased or arising from generating electricity or purchasing electricity generated from renewable energy resources, that were retired for purposes of meeting the requirements of the renewable portfolio standard for the compliance period in each utility service area. The report shall also show the quantity and percentage of these RECs that were derived from each renewable energy source type. All REC quantities reported shall be categorized by regional REC tracking system: PJM-GATS and M-RETS; and

4) The alternative compliance payments that were made for purposes of meeting the requirements of the renewable portfolio standard for the compliance period by utility service area.

b) Documentation requirements for compliance methods other than alternative compliance payments

1) If a RES seeks to comply with the RPS by generating electricity using renewable energy resources, purchasing electricity generated using renewable energy resources, or purchasing renewable energy credits, the only acceptable proof of compliance shall be in the form of verifiable documentation from PJM-GATS or M-RETS of the retirement of renewable energy credits associated with the production of electricity using renewable energy resources in accordance with Section 16-115D(a)(4) of the Act. The RES shall clearly indicate the PJM-GATS and M-RETS account names and sub-account names that are included in the documentation.

2) Documentation from PJM-GATS and M-RETS shall show, at a minimum:

A) the generating facility associated with the RECs;

B) the location of each of the generating facilities associated with the RECs;

C) the quantity of RECs associated with each of those generating facilities and the month and year that the electricity associated with the RECs was generated;

D) the retirement status of the RECs; and

E) the State RPS and compliance period for which the RECs were retired.

3) If PJM-GATS and M-RETS only allow account holders to designate calendar year compliance periods, the RES shall designate the year at the end point of the Illinois compliance period. For example, for Illinois' June 2016-May 2017 compliance period, the RES shall designate 2017 if the option to designate 2016-2017 is not available.

4) For compliance periods ending on or after May 31, 2018, a certification that RECs used for compliance for the compliance period were not produced by facilities whose costs were being recovered through rates regulated by any state or states on or after January 1, 2017.

A) If the generating facility responsible for the RECs is listed by a recognized REC tracking system as an eligible supplier of RECs, the certification shall state the generating facility's presence on the REC tracking system's list is the basis for certification under this subsection (b)(4).

B) If the generating facility responsible for the RECs is not listed by a recognized REC tracking system as an eligible supplier of RECs, the RES shall provide other suitable documentation demonstrating the eligibility of the RECs under this subsection (b)(4) for purposes of supporting the IPA or ICC Staff's determination of facility eligibility. The certification required under this subsection (b)(4) shall also include the statement by an RES executive officer that the REC generating facility has been investigated and, to the best of the officer's belief, the RECs used for compliance were not produced by facilities whose costs were being recovered through rates regulated by any state or states on or after January 1, 2017. This certification shall only be considered sufficient for compliance if, after review, the generating facility is deemed IL ARES RPS compliant by the IPA or ICC Staff.

C) All RES are encouraged to submit the generating facilities that they intend to use to comply with the Illinois RPS to the IPA and ICC Staff well in advance of the September 1 deadline for filing compliance reports. In situations in which the IPA, ICC Staff and an RES disagree about the eligibility of specific generating facilities under this subsection(b)(4)(C), the RES shall file a petition with the Commission seeking a formal designation of the generating facility or facilities in question.

c) If metered electricity supplied to Illinois retail customers by an RES is supplied during the compliance period pursuant to contracts that were not executed or extended after March 15, 2009, the RES shall provide a list, by utility service area, of those Illinois retail customers who received electricity that was not supplied pursuant to contracts executed or extended after March 15, 2009. The list shall include the following information: account numbers and the quantity of electricity (in megawatt-hours) supplied to the account numbers during the compliance period that was not supplied pursuant to contracts executed or extended after March 15, 2009.

d) If the Commission has entered an order pursuant to Section 16-115D(h) of the Act determining that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to a RES, the RES shall include in its annual compliance report:

1) The docket number of the Commission proceeding in which a Commission order determined that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to the RES;

2) a statement indicating whether the conditions or circumstances giving rise to the Commission's determination continued to apply to the RES during the compliance year; and

3) the further demonstrations identified in the Commission's order of compliance with the criteria identified in Section 16-115D(h) of the Act.

e) All reports filed or provided under this Section shall be verified by an executive officer of the RES having knowledge of the facts before either a notary public or other officer authorized to administer oaths.

(Source: Amended at 41 Ill. Reg. 13580, effective October 26, 2017)