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**UNITED STATES – CERTAIN MEASURES RELATING  
TO THE RENEWABLE ENERGY SECTOR**

**REQUEST FOR CONSULTATIONS BY INDIA**

The following communication, dated 9 September 2016, from the delegation of India to the delegation of the United States and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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Upon instructions from my authorities, I hereby wish to convey the request of the Government of India for consultations with the Government of the United States of America ("U.S.") pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXIII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Article 8 of the *Agreement on Trade-Related Investment Measures* ("TRIMs Agreement"), and Articles 4, 7 and 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement"), concerning certain measures of the U.S. relating to domestic content requirements and subsidies instituted by the governments of the states of Washington, California, Montana, Massachusetts, Connecticut, Michigan, Delaware and Minnesota ("US States"), in the energy sector.

The legal instruments through which the US States establish and maintain domestic content requirements and extend subsidies include, but are not limited to the following:

- (i) **Renewable Energy Cost Recovery Incentive Payment Program ("RECIP") maintained under the authority of the Revised Code of Washington (RCW 82.16.110 through 82.16.130) and the Washington Administrative Code (WAC 458-20-273).** The RECIP provides performance-based incentives for customers of light and power business for generating electricity through solar, wind and anaerobic digestion technologies. A tax credit equivalent to the amount of payment made by them is extended to the light and power business under this program. Specifically, WAC 458-20-273 provides incentives for a variety of items such as solar modules manufactured in Washington State, solar or wind generating equipment with inverter manufactured in Washington State, anaerobic digester or other solar equipment or wind generator equipped with blades manufactured in Washington State, inverters manufactured in Washington State, wind generator equipment with both blades and inverters manufactured in Washington State, and solar stirling converters manufactured in Washington State. Higher the proportion of components manufactured in Washington State, greater is the quantum of incentive.
- (ii) **State of California Self-Generation Incentive Program ("SGIP") under the California Public Utilities Code (Sections 360-380), as modified by the Senate Bill 412, and the SGIP Handbook 2015.** The SGIP provides annual financial incentives for the installation of new qualifying technologies on the customer's side of the utility meter. These incentives are provided to retail electric and gas customers of specified investor-owned utilities in California. While incentives are generally available for all customers that satisfy the criteria specified under the program, an additional incentive is provided for installation of eligible distributed generation or Advanced Energy Storage technologies from a *California Supplier*, i.e. an entity that manufactures eligible generation technologies

at a facility located in California. The SGIP is overseen by the California Public Utilities Commission ("CPUC").

- (iii) **Los Angeles Department of Water and Power's ("LADWP") Solar Incentive Program implemented by the LADWP under the Solar Photovoltaic ("PV") Incentive Program Guidelines.** The LADWP is a utility rebate program applicable to commercial, residential, non-profit, local government sectors, in respect of electricity generated through photovoltaics. The program has several phases with declining incentive levels as certain installed megawatt targets are met. The specific aspect of the LADWP's Solar Incentive program that is the subject matter of these consultations is the provision for a Los Angeles Manufacturing Credit ("LAMC") for qualifying PV equipment manufactured in Los Angeles as approved by the LADWP. The Solar PV Incentive Program Guidelines specify that the goal of the LAMC is to promote local economic development through manufacturing and job creation within the City of Los Angeles. Energy generated from renewable energy generating systems located within the LADWP service territory and interconnected to the LADWP electrical distribution system, also benefit from the Feed-in Tariff Set Pricing Program under which LADWP purchases all the energy generated by these systems at a fixed price for a term of up to 20 years.
- (iv) **Montana Tax Incentive for Ethanol Production ("TIEP") under the Ethanol Tax Incentive and Administration Act of 1983 (Montana Code Annotated 2015, Section 15-70-522).** Under the TIEP, tax incentives are provided to ethanol distributors for distilling alcohol, if the ethanol is produced in Montana from Montana agricultural products. If the producer uses non-Montana agricultural products, the amount of the tax incentive is reduced proportionately, based on the percentage of non-Montana based agricultural or wood products used in the ethanol production.
- (v) **Montana Tax Credit for Biodiesel Blending and Storage under Montana Code Annotated 2015, Section 15-32-703.** Tax credit is available for any individual or juridical entity for biodiesel blending and storage in respect of the costs of investment in depreciable property used for storing or blending biodiesel made entirely from Montana-produced feedstock, with petroleum diesel for sale.
- (vi) **Refund for Taxes paid on Biodiesel by Distributor or Retailer under the Montana Code Annotated 2015, Section 15-70-433.** Refund of the special fuel tax on biodiesel is permissible for licensed distributors who use biodiesel made entirely from components produced in Montana. Additionally, the owner or operator of a retail motor fuel outlet may claim a refund purchased from a licensed distributor if the biodiesel is made entirely from components produced in the state of Montana.
- (vii) **Massachusetts Clean Energy Centre's Commonwealth Solar Hot Water Program, ("CSHWP") under Chapter 307 of the Acts of 2008 ("Green Jobs Act of 2008"), codified in Chapter 23J of the Massachusetts General Laws read with the Residential and Small Scale Solar Hot Water Program Manual and the Commercial Scale Solar Hot Water Program Manual.** The CSHWP offers rebates for solar hot water systems that serve residential, commercial, non-profit, and publicly owned buildings. The program is administered by the Massachusetts Clean Energy Centre ("MassCEC") which provides these rebates to reduce the upfront cost of installing a solar hot water system. An additional rebate is available for both residential-scale and commercial-scale projects if the installed system has eligible Massachusetts manufactured components. To qualify, the applicant is required to provide evidence that the solar hot water system uses components from one of the qualified companies that manufactures in Massachusetts.
- (viii) **Connecticut Residential Solar Investment Program ("CRSIP") under 2012 Connecticut General Statutes, Title 16, Chapter 283, Section 16-245ff read with 2014 Connecticut General Statutes, Title 16, Chapter 283, Section 16-245gg.** The CRSIP is administered and funded by the Clean Energy Finance and Investment Authority, now known as the Connecticut Green Bank in order to support 30 megawatts of residential solar photovoltaics (PV). Connecticut House Bill 6838 enacted on June 2015 expanded the program to support up to 300 MW of new solar PV by 2022. Under the CRSIP, two types of incentives, depending on the ownership of the PV system are offered. Homeowner Performance-based Incentive ("HOPB"): HOPB program provides upfront incentives for

consumers who purchase a solar PV system for their residence directly. Performance Based Incentive ("PBI"): For consumers who do not purchase a solar PV system directly but enter into a contract with a company that owns/operates the system, there is a performance-based incentive available to that third party owner. Under the CRSIP, incentives up to 5% for use of major system components manufactured or assembled in Connecticut, and another additional 5% incentive for use of system components manufactured or assembled in a distressed municipality, or a targeted investment community in Connecticut, are offered.

- (ix) **Michigan Energy Credits under the Clean, Renewable and Efficient Energy Act, 2008 ("CREEA"), Chapter 460, Section 27/(Section 460.1027) and 39(2)/(Section 460.1039); and Experimental Advanced Renewable Energy Program ("EARP") under Section 21/(Section 460.1021) of the CREEA read with Rule C10.3 of the Rate Book for Electric Service adopted by Consumers Energy Company and approved by the Michigan Public Service Commission..**

**A) Michigan Energy Credits under the CREEA:** The CREEA establishes a Renewable Portfolio Standard ("RPS"). The CREEA requires Michigan's investor-owned utilities, alternative retail suppliers, electric cooperatives, and municipal electric utilities to generate 10% of their retail electricity sales from renewable energy resources by 2015. Compliance with the percentage standard can be met by purchasing renewable energy credits ("RECs").

An REC is created for every megawatt-hour ("MWh") of electricity generated by a renewable energy system. The RPS also provides for a series of bonus credits, termed Michigan Incentive Renewable Energy Credits ("MIREC") for each MWh of electricity generated by certain types of systems. MIREC is in addition to the single credit that a facility receives for producing 1 MWh of electricity from a qualified resource. Thus it is possible to earn multiple credit bonuses on a single MWh of electricity generation. In addition to one renewable energy credit granted to the owner of a renewable energy system for each megawatt hour of electricity generated from a renewable energy system, the RPS offers two additional RECs for each MWh of solar power generated. Renewable electricity produced using equipment manufactured within the state of Michigan receives an additional 1/10 credit per MWh, available for three years after the in-service date of the facility.

**B) EARP under the CREEA:** The CREEA requires certain electric providers, including Consumers Energy, to file Renewable Energy Plans ("**RE Plans**") describing how the electric provider will meet the renewable energy standards under the CREEA with the Michigan Public Service Commission ("**Commission**") for its review and approval.

Consumers Energy is Michigan's largest utility provider of electric and natural gas services, a principal subsidiary of CMS Energy Corporation. Pursuant to the CREEA, Consumers Energy is required to generate 10% of its retail electricity sales from renewable energy. It is also required to submit an RE Plan and an Energy Optimization Plan ("**EO Plan**") before the Commission to demonstrate compliance with Michigan's Renewable Portfolio Standard.

Consumers Energy proposed the implementation of the EARP in its submission of its RE Plan and EO Plan under the CREEA in 2009. The EARP program encourages Consumers Energy electric customers to purchase and install solar photovoltaic (PV) systems at their home or business by offering financial incentives to help offset the out-of-pocket costs. In return, Consumers Energy receives the RECs generated by this renewable technology.

The EARP offers Consumers Energy's residential and non-residential customers a buy-back tariff program for electricity produced by solar photovoltaic (PV) systems and anaerobic digestion. Under the program, Consumers Energy will purchase all of the electricity produced by the system through a fixed-rate contract of up to 15 years. The EARP was approved by the Commission on 26 May 2009.

Consumer Energy subsequently made a July 8, 2011 filing which requested approval of the Expanded EARP. In its 26 July 2011, the Commission approved the Consumer Energy's

Expanded EARP. Consumer Energy's EARP is governed by the terms of the Commission approved EARP Tariff. In order to be eligible for the EARP, solar equipment must be manufactured in Michigan or constructed by a Michigan workforce.

- (x) **Delaware Solar Renewable Energy Credits under the Renewable Energy Portfolio Standards Act 2005 ("RPS Act"). Delaware Administrative Code, Title 26, Public Utilities, Rules and Procedures to Implement the Renewable Energy Portfolio Standard** provides that a retail electricity supplier or a rural electric cooperative shall receive an additional 10% credit toward meeting the RPS for solar or wind energy installations sited in Delaware, provided that a minimum of 50% of the cost of the renewable energy equipment, inclusive of mounting components, relates to Delaware manufactured equipment.
- (xi) **Made in Minnesota Solar Incentive Program ("MSIP") administered pursuant to the criterion established under the Made in Minnesota Solar Energy Production Incentive law (Minnesota Statute § 216C.414, subd. 2 (2013)).** MSIP offers incentives to consumers who install PV and solar thermal systems using solar modules and collectors that are certified to be "manufactured in Minnesota". The program is only available to customers of one of the Minnesota's three participating investor-owned utilities (Minnesota Power, Otter Tail Power Company, Xcel Energy). The rebate is equal to 25 percent of the system-installed cost up to a maximum of \$2,500 for residential, \$5,000 for multi-family and \$25,000 for commercial systems.

There are three incentive levels depending on the ownership and system size. In addition, amounts vary by the module manufacturer. The three levels are For-Profit Commercial, Non-Profit/Public/Tax Exempt, and Residential. Incentives for Made in Minnesota solar PV are performance-based, established by a system's energy production, and paid over 10 years.

The above US Measures shall also include any amendments, replacements, extensions, implementing measures or other related measures.

The US Measures appear to be inconsistent with:

- Article III:4 of GATT 1994 because the measures appear to provide less favourable treatment to imported products than that accorded to like products originating in the US;
- Article 2.1 of the TRIMs Agreement because the measures appear to be investment measures related to trade in goods that are inconsistent with Article III:4 of GATT 1994;
- Article XVI:1 of GATT 1994 because the measures appear to provide subsidies which operate in a manner so as to directly or indirectly reduce imports of products into the US, without any notification to the WTO Members relating to the same;
- Articles 3.1(b) and 3.2 of the SCM Agreement because the measures appear to provide a subsidy contingent upon the use of domestic over imported goods;
- Articles 5(a), 5(c), 6.3(a), and 6.3(c) of the SCM Agreement because the measures appear to cause serious prejudice to the interests of India through displacement or impedance of imports into the U.S. of like products from India, and through lost sales in the U.S. of like products imported from India;
- Article 25 of the SCM Agreement as the US has not appropriately notified any of the measures,
- Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization, because the measures do not appear to conform to the obligations of the WTO Agreements.

The US Measures identified above also appear to nullify or impair the benefits accruing to India directly or indirectly under the cited agreements.

The Government of India reserves its right to raise additional factual claims and legal matters during the course of the consultations and in any future request for panel proceedings.

Attached please find the statement of available evidence, pursuant to Articles 4 and 7 of the SCM Agreement.

We look forward to receiving your reply to the present request and to agreeing to a mutually convenient date and venue for consultations.

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**ANNEX****Statement of Available Evidence**

India's request for consultations dated 9.9.2016 identifies the US States' subsidies that are the subject of this request for consultations.

The evidence set out below is evidence available to India at this time and India reserves the right to supplement or alter this list in the future, as required.

**A. Washington Renewable Energy Cost Incentive Program**

1. *Revised Code of Washington*, Energy Independence Act, Chapter 19. 285 RCW (2007).
2. *Washington Administrative Code*, Energy Independence, Chapter 194-37 WAC (2008).
3. *Revised Code of Washington*, Renewable Energy System Cost Recovery, RCW 82.16.110 through 130.
4. *Washington Administrative Code*, Renewable Energy System Cost Recovery, WAC 458-20-273.
5. *Washington Administrative Code*, Manufacturing, Processing for hire, fabricating, WAC 458-20-136 (2005).
6. *Washington Administrative Code Emergency Rules*, Rule Making Order – Department of Revenue, WSR 12-16-046, WAC 458-20-273 Emergency Rules (July 27, 2012).
7. *Session Law*, Environmental Tax Incentives, ESSB 6170, Chapter 469, Laws of 2009 (2009).
8. *Session Law*, Community Solar Projects--Cost Recovery Incentives, ESSB 6658, Chapter 202, Laws of 2010 (2010).
9. *Engrossed Second Substitute House Bill 1301*, Amending RCW 82.16.110, RCW 82.16.120, RCW 82.16.130 (2014).
10. Washington State Department of Revenue, *Renewable Energy System Cost Recovery- Annual Incentive Payment Application*, REV 41 0100e (2011).
11. Washington State Department of Revenue, *Community Solar Project Renewable Energy System Cost Recovery- Annual Incentive Payment Application*, REV 41 0111e (2015).
12. Washington State Department of Revenue, *Renewable Energy System Cost Recovery Certification, 82.16 RCW*, REV 41 0094e (2015).
13. Washington State Department of Revenue, *Community Solar Projects Renewable Energy System Cost Recovery Certification, 82.16 RCW*, REV 41 0110e (2015).
14. Washington State Department of Revenue, Special Notice, *Renewable Energy System Cost Recovery Program – Production Incentive* (September 23, 2009).
15. Washington State Department of Revenue, Special Notice, *Solar Stirling Converter Manufactured in Washington Added to Renewable Energy Cost Recovery Incentive Payment Program* (August 30, 2011).
16. Washington State Department of Revenue, *Growth from Renewable Energy Cost Recovery Program* (August, 2013).
17. Washington State Department of Revenue, *Evaluation of Tax Incentives- Analysis of Renewable Energy System Program: Report to the Legislature* (December, 2009).

18. Washington State Department of Revenue, *Special Notice-Renewable Energy Cost Recovery Incentive Program-Modifications to Program* (May, 2010).
19. Washington State Department of Revenue, *Washington Manufacturers Equipment Approved for "Made in Washington" Renewable Energy Systems Cost Recovery Incentive Payments*, WAC 458-20-273 (March, 2013).
20. U.S. Department of Energy, Office of Scientific and Technical Information, *2012 Wind Technologies Market Report*, DOE/GO-102012-3472 (August, 2012).
21. Shoreline Community College Office of the President, *Notice of Intent addressed to Superintendent, Seattle City Light* (August 12, 2009).
22. Clark Public Utilities, *Steps for Participation in Washington State's Renewable Energy Production Incentive Program Production Metering Agreement*.
23. Mason County PUD No. 1, *In-State Production Incentives for Renewable Energy Development Program Overview*, State Doc #1 (September, 2010).
24. American Council on Renewable Energy, *Renewable Energy in Washington* (September, 2013).
25. Washington State Department of Revenue, *Summary of 2009 Tax Legislations* (May, 2009).
26. U.S. Energy Information Administration, *State of Washington Electricity Profile* (2012).
27. U.S. Energy Information Administration, *State of Washington Energy Profile* (2015).
28. U.S. Energy Information Administration, *State of Washington Renewable Electricity Profile* (2012).

#### **B. California Self Generation Incentive Program**

1. *State of California Public Utilities Code*, Division I, Part I, Chapter 2.3, Article 6 (Requirements for the Public Utilities Commission), Sections 372, 379.6 – 379.7.
2. *California Assembly Bill no. 970*, An Act to *inter alia* amend Section 372 of the Public Utilities Code (September 7, 2000).
3. *Senate Bill no. 412*, An Act to amend Section 379.6 of the Public Utilities Code, relating to electricity, Chapter 182 (October 11, 2009).
4. *Senate Bill no. 861*, An act to *inter alia* amend Sections 379.6 of the Public Utilities Code (June 20, 2014) – This bill extends the authority of the Public Utilities Commission to authorize the electrical corporations to continue making the annual collection through December 31, 2019. The bill also extends the administration of the program to January 1, 2021.
5. *Self Generation Incentive Program Handbook, 2016* (February 8, 2016).
6. California Public Utilities Commission, *Request for California Supplier status under SGIP Form*.
7. California Public Utilities Commission, *List of SGIP approved California Suppliers* (2015).
8. Application Forms available on the website of Pacific Gas and Electric Company, including but not limited to *SGIP Incentive Claim Form* (January, 2014).
9. Application Forms available on the website of Southern California Gas Company, *SGIP Incentive Claim Form*, V. 3 (2015).

10. Application Forms available on the website of Centre for Sustainable Energy California, *SGIP Incentive Claim Form*, V. 3 (2015).
11. Application Forms available on the website of South California Edison, *SGIP Incentive Claim Form*, V.2 (2015).
12. California Public Utility Commission, *Decision Adopting SGIP Annual Budget for 2012, 2013 and 2014*, Decision 11-12-030 December 15, 2011, R.10-05-004 COM/MP1/acr (Issued on December 20, 2011).
13. California Public Utility Commission, *Decision Addressing Eligible Technologies under the Self-generation Incentive Program (SGIP) and modifying the process for evaluating SGIP Program change requests Decision on Advanced Storage Technologies*, Decision 08-11-044, R.08-03-008 COM/MP1/jt2 (November 21, 2008).
14. California Public Utilities Commission, *Self Generation Incentive Program Modification Guideline (PMG)* (July 1, 2006).
15. California Public Utilities Commission, *2012 SGIP Impact Evaluation Program Outlook* (February, 2014).
16. American Council on Renewable Energy, *Renewable Energy in California* (September, 2014).
17. U.S. Energy Information Administration, *California State Electricity Profile* (2013).
18. U.S. Energy Information Administration, *California Renewable Electricity Profile* (March 8, 2012).

### **C. Los Angeles Department of Water and Power (LADWP) Solar Incentive Program**

1. *Senate Bill 1*, Chapter 132- Electricity: Solar Energy: Net Metering (Approved 2006).
2. California Energy Commission, *Guidelines For California's Solar Electric Incentive Programs (Senate Bill 1)* Fifth Edition (January, 2013).
3. Los Angeles Department of Water and Power, *Solar Photovoltaic Incentive Program Guidelines* (August 11, 2014).
4. Los Angeles Department of Water and Power, *Customer Guide to using Powerclerk* (December 4, 2015).
5. Los Angeles Department of Water and Power, *LADWP Solar Incentive Program Calculator User Guide* (October, 2011).
6. Los Angeles Department of Water and Power, *PV Preliminary Review Information Sheet*, LADWP – PR (02-2013).
7. Los Angeles Department of Water and Power, *Solar Inspection Agreement*, LADWP – SA (09-2012).
8. Los Angeles Department of Water and Power, *Residential Disclosure Agreement*, LADWP – RD (09-2012) and a Non-Residential Disclosure Agreement, LADWP – ND (09-2012)
  - *Residential Disclosure Agreement:*
  - *Non-Residential Disclosure Agreement:*
9. Los Angeles Department of Water and Power, *Request to Forward Reservation Payment*, LADWP – PF (04-2016).



10. Los Angeles Department of Water and Power, *Powerclerk User Account Request Form*, LADWP – (07-2013).
11. Los Angeles Department of Water and Power, *Solar Incentive Program Report* (April 2015)
12. Los Angeles Department of Water and Power, *Feed-in Traiff (FIT) Set Pricing Program Guidelines* (February 17, 2015).
13. Los Angeles Department of Water and Power, *Standard Offer Power Purchase Agreement between City of Los Angeles Acting by and Through The Department of Water and Power and \_\_\_\_\_*, V5.0.123114 (2014).
14. Los Angeles Department of Water and Power, *Standard Offer for Feed-in Tariff Customer Generation Interconnection Agreement between \_\_\_\_\_ (Interconnection Customer) and City of Los Angeles Acting by and Through The Department of Water and Power*, V20140715.
15. Los Angeles Department of Water and Power, *Set Pricing Document Clarification* (January 31, 2013).
16. Los Angeles Department of Water and Power, *100 MW Feed-in-Tariff Set Pricing Program*, Program Presentation (January 22, 2013).
17. Los Angeles Department of Water and Power, *FIT Process Diagram* (2014).
18. Los Angeles Department of Water and Power, *Set Pricing Fact Sheet Copy* (2015).

#### **D. Montana**

##### **D1 Tax Incentive for Ethanol Production**

1. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 70- Gasoline and Vehicle Fuel Taxes, Part 5 - Ethanol Tax Incentive and Administration, 15-70-501 to 15-70-527.
2. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 70- Gasoline and Vehicle Fuel Taxes, Part 2, Basic Gasoline License Tax, 15-70-201 to 15-70-204.
3. *Administrative Rules of Montana (ARM)*, Department – Transportation, Chapter – Motor Fuels – Gasoline Tax, Subchapter – Alcohol Tax Incentive, 18.9.601 to 18.9.608.

##### **D2 Tax Credit for Biodiesel Blending and Storage**

1. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 32 – Energy Related and Ecological Tax Incentives, Part 7 – Biodiesel Production, Section 703 – Biodiesel blending and storage tax credit -- recapture -- report to interim committee.
2. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 32 – Energy Related and Ecological Tax Incentives, Part 6 – Recycling of Material, 15-32-601 and 15-32-611.
3. *Administrative Rules of Montana*, Department – Revenue, Chapter – Tax Credits, Subchapter – Individual and Corporation-Biodiesel and Biolubricant Tax Credit, 42.4.2504.
4. Montana Department of Revenue, *Biennial Report July 1, 2012—June 30, 2014*.
5. Montana Department of Revenue, *2013 Biodiesel Blending and Storage Credit-Form*, BBSC 2015, Rev 06 15.
6. Montana Department of Environmental Quality, *Montana Financial Incentives Biodiesel Production / Oilseed Crushing and Ethanol Ventures* (December 31, 2008).

**D3 Refund on Taxes Paid on Biodiesel by Distributor or Retailer**

1. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 70- Gasoline and Vehicle Fuel Taxes, Part 4- Gasoline and Special Fuel Tax, Section 401 – Definitions, 15-70-401.
2. *Montana Annotated Code, 2015*, Title 15 - Taxation, Chapter 70- Gasoline and Vehicle Fuel Taxes, Part 4 - Gasoline and Special Fuel Tax, Section 433- Refund for taxes paid on biodiesel by distributor or retailer -- statement -- payment -- appropriation -- records -- report to interim committee, 15-70-433.
3. *Montana Annotated Code, 2015*, Title 17 – State Finance, Chapter 7 - Budgeting and Appropriations, Section 502 – Statutory Appropriations, 17-7-502.
4. Montana Department of Transportation, *Biodiesel Fuel Tax Refund Application-Form*, Rev 12/2005.
5. Montana Office of Budget and Program Planning, *2013 Biennium Executive Budget Summary- The Schweitzer Budget for 2012-2013 (Yellow Book)*.
6. Montana Office of Budget and Program Planning, *2015 Biennium Executive Budget Summary- The Schweitzer Budget for 2014-2015 (Yellow Book)*.

**D4 General Documents relevant for all Montana Measures referred to above:**

1. U.S. Energy Information Administration, *Montana State Energy Profile*.
2. U.S. Energy Information Administration, *Montana State Renewable Electricity Profiles (2010)*.
3. U.S. Energy Information Administration, *Montana State Electricity Profiles (2013)*.
4. American Council on Renewable Energy, *Renewable Energy in Montana (September, 2014)*.

**E. Massachusetts Commonwealth Solar Hot Water Program**

1. *General Laws of the Commonwealth of Massachusetts*, Massachusetts Clean Energy Technology Centre, Chapter 23J, Title II, Part I.
2. *Session Laws of the Commonwealth of Massachusetts*, An Act Relative to Green Jobs in the Commonwealth, Chapter 307 of the Acts of 2008.
3. Massachusetts Clean Energy Centre, Press Release: *MassCEC Announces New Multi Year Incentive Program for Solar Hot Water (June 28, 2012)*.
4. Massachusetts Clean Energy Centre, *Commonwealth Solar Hot Water Program-Eligible Massachusetts Manufacturers of Solar Hot Water Components*.
5. Massachusetts Clean Energy Centre, *Residential and Small Scale Solar Hot Water Program Manual (February, 2016)*.
6. Massachusetts Clean Energy Centre, *Commercial Scale Solar Hot Water Program Manual (February, 2016)*.
7. Massachusetts Clean Energy Centre, *Residential Guide to Solar Hot Water*.
8. Massachusetts Clean Energy Centre, *Massachusetts Solar Hot Water Program-Construction Application Instructions (February 19, 2014)*.
9. Massachusetts Clean Energy Centre, *Massachusetts Solar Hot Water Program-PowerClerk Online Instructions (July, 2012)*.

10. Massachusetts Clean Energy Centre, *Commonwealth Solar Hot Water Program Terms and Conditions* (February 9, 2014).
11. Massachusetts Clean Energy Centre, *Commonwealth Solar Hot Water Program Residential Frequently Asked Questions*.
12. Massachusetts Clean Energy Centre, *Commonwealth Solar Hot Water Program, Residential Performance Monitoring, Interim Report* (June 1, 2012).
13. Massachusetts Clean Energy Centre, *Massachusetts Clean Energy Industry Report* (2015).
14. American Council on Renewable Energy, *Renewable Energy in Massachusetts* (June, 2014).
15. U.S. Energy Information Administration, *Massachusetts State Energy Profile*.
16. U.S. Energy Information Administration, *Massachusetts State Renewable Electricity Profiles* (2012).
17. U.S. Energy Information Administration, *Massachusetts State Electricity Profiles* (2013).

**F. Connecticut Residential Solar Investment Program:**

1. An Act Concerning the Department of Energy and Environmental Protection and Planning for Connecticut's Energy Future. *State of Connecticut Public Act No 11-80, Senate Bill No. 1243*, Section 109 read with Section 106.
2. An Act Concerning the Encouragement of Local Economic Development and Access to Residential Renewable Energy. *State of Connecticut Public Act No. 15-194, House Bill No. 6838*, Section 1 (a)-(2), (4)(i).
3. *General Statutes of Connecticut*, Volume 9, Title 32-- Chapter 578-Commerce and Economic And Community Development, - Section 32-9p (b) *Definition of distressed municipality*--Chapter 588I, Economic Development and Manufacturing Assistance, - Section 32-222 (u) *Definition of targeted investment municipality*.
4. *General Statutes of Connecticut*, Volume 5, Title 16—Public Service Companies- Chapter 283 -Telephone, Illuminating, Power and Water Companies- Section 16 (245n) - *Connecticut Green Bank, Charge assessed against electric customers, Clean Energy Fund*.
5. *Public Act No 11-80, Senate Bill No. 1243*, An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut's Energy Future—Section 66 (d)--Establishment and functions of Clean Energy Finance and Investment Authority [now known as Connecticut Green Bank].
6. Residential Solar Incentives, *General guidelines on the available incentive types based on ownership of the system*, Energize Connecticut Initiative (December 17, 2012).
7. *Qualifications requisite for Eligible Contractors and Third Party System Owners and Customers to participate in the Residential Solar Investment Program*, Connecticut Green Bank (April 24, 2015).
8. U.S. Energy Information Administration, *State of Connecticut Electricity Profile* (2012).
9. U.S. Energy Information Administration, *State of Connecticut Energy Profile* (2015).
10. U.S. Energy Information Administration, *State of Connecticut Renewable Electricity Profile* (2012).

**G. Michigan Energy Credits and the Experimental Advanced Renewable Energy Program:**

1. *The Clean, Renewable and Efficient Act, Public Act No. 295 of 2008 – Section 27-- Requirements on electric providers to achieve a Renewable Energy Standard* (as defined in

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Section 11 (j)) – *Section 39 (2) (d)* --Grant of bonus Renewable Energy Credits (RECs) --  
*Section 41 (4)*--Authority of the Michigan Public Service Commission (MPSC) to establish  
Renewable Energy Credit Certification and Tracking System (MIRECS).

2. *The Rate Book for Electric Service* adopted by Consumers Energy Company and approved by the Michigan Public Service Commission under the *Experimental Advanced Renewable Energy Program*.
3. MPSC Press Release, *MPSC Approves Contract Designating APX, Inc. as the State's Renewable Energy Credit and Tracking Program Administrator (MIRECS)* (August 11, 2009).
4. MPSC Press Release, *Michigan's Renewable Energy Certification System Launched* (October 30, 2009).
5. MIRECS Press Release, *"APX Launches Michigan Renewable Energy Certification System"* (October 30, 2009).
6. MIRECS Registry Documents, *MIRECS Operating Procedures* (March, 2016).
7. MIRECS Registry Documents, *Incentive RECs and Intra-registry RECs* (May 2, 2014).
8. *Michigan Renewable Energy Certification System Registry, Terms of Use* (2015).
9. Michigan Public Service Commission, *Report on the Implementation of P.A. 295 Renewable Energy Standard and the Cost-Effectiveness of the Energy Standards*, In compliance with Public Act 295 of 2008 (February 12, 2016).
10. Michigan Public Service Commission, *Report on the Implementation of P.A. 295 Renewable Energy Standard and the Cost-Effectiveness of the Energy Standards*, In compliance with Public Act 295 of 2008 (February 13, 2015).
11. Michigan Public Service Commission, *Report on the Implementation of P.A. 295 Renewable Energy Standard and the Cost-Effectiveness of the Energy Standards*, In compliance with Public Act 295 of 2008 (February 14, 2014).
12. Michigan Public Service Commission, *Report on the Implementation of P.A. 295 Renewable Energy Standard and the Cost-Effectiveness of the Energy Standards*, In compliance with Public Act 295 of 2008 (February 15, 2013).
13. Michigan Public Service Commission, *Report on the Implementation of P.A. 295 Renewable Energy Standard and the Cost-Effectiveness of the Energy Standards*, In compliance with Public Act 295 of 2008 (February 15, 2012).
14. Michigan Public Service Commission- *Subsidy component in REC payments- Solar Working Group- Staff Report* (June 30, 2014).
15. *Template for Company Annual Report on Renewable Energy Plan, Public Act No. 295 Section 51 (1-3) requirements*.
16. U.S. Energy Information Administration, *State of Michigan Electricity Profile* (2012).
17. U.S. Energy Information Administration, *State of Michigan Energy Profile* (2015).
18. U.S. Energy Information Administration, *State of Michigan Renewable Electricity Profile* (2012).

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**H. Delaware Solar Renewable Energy Credits under the Renewable Energy Portfolio Standards Act 2005 ("RPS Act") read with the Delaware Administrative Code, Title 26, Public Utilities, Rules and Procedures to Implement the Renewable Energy Portfolio Standard:**

1. Delaware *Code*—TITLE 26- Chapter 1 Subchapter III-A Renewable Energy Portfolio Standards Act- Section 356 (d) (As amended by 77. Delaware Laws Chapter 451 Section 12) (2013).
2. *Rules and Procedure to Implement the Renewable Energy Portfolio Standard*, Delaware Public Service Commission (December, 2012).
3. *Order No. 8281 of January 22, 2013*- In the matter of the Application of Delmarva Power & Light Company for approval of the 2013 Program for the Procurement of Solar Renewable Energy Credits—Approval of Delmarva's Application for 2013 Program for the Procurement of Solar Renewable Energy Credits filed January 11, 2013.
4. *Consultant's Report (Consultant hired pursuant to Order No.8281 of DPSC) on the 2013 SREC Procurement Program to Delaware Public Service Commission--* Section 2.5- Delaware Equipment and Workforce Bonuses- Success Ratio of Bids that proposed to use Delaware manufactured equipment.
5. *Senate Bill No. 74* -An Act to Amend Title 26 of the Delaware Code Relating to Renewable Energy Portfolio Standards.
6. *Senate Bill No. 124*- An act to Amend Title 26 of the Delaware Code Relating to Delaware's Renewable Energy Portfolio Standards and Delaware-manufactured Fuel Cells.
7. *PSC Regulation Docket No. 56- Order No: 8026*- In the matter of the adoption of rules and procedures to implement the Renewable Energy Portfolio Standards Act, Sections 351-363, as applied to retail electricity suppliers (opened August 23, 2005; reopened September 4, 2007; August 5, 2008; September 22, 2009; August 17, 2010; September 6, 2011).
8. Form for Application, *RPS Form for Certification of Bonuses to an existing Eligible Energy Resource under the Delaware Renewable Energy Portfolio Standard to be filed with DPSC*.
9. *Terms of Reference for the Renewable Energy Taskforce established under Section 360 (d) of Renewable Energy Portfolio Standards Act- Sub Clause(2) (f)*- 'Establishing mechanisms to maximize in-state renewable energy generation and local manufacturing'.
10. *Program for the Procurement of Solar Renewable Energy Credits- Program Filing- Section 2.3—Bonus for use of In-State Equipment or Workforce- Eligibility Criteria and Determination* (2015).
11. U.S. Energy Information Administration, *State of Delaware Electricity Profile*, (2012).
12. U.S. Energy Information Administration, *State of Delaware Energy Profile*, (2015).
13. U.S. Energy Information Administration, *State of Delaware Renewable Electricity Profile*, (2012).

**I. Made in Minnesota Solar Incentive Program:**

1. *Made in Minnesota Solar Energy Production Incentive law ('MSIP') administered pursuant to Minnesota Statute § 216C.414, subd. 2* (2013)).
2. *Minnesota Department of Commerce Guidance for Completing the Made in Minnesota Solar Incentive Application*, A 2016 Reference Guide for Applicants, Minnesota Department of Commerce (December 30, 2015).

3. *Made in Minnesota (MiM) Solar Incentive Program Application Portal*, Powerclerk and the Minnesota Department of Commerce. Application portal for the MIM Solar Incentive Program. (May 10, 2016).
4. *Made in Minnesota random selection results*, Commerce Statistics. Results of random selection of applicants to participate in the MIM Solar Incentive Program (2016).
5. U.S. Energy Information Administration, *State of Minnesota Electricity Profile* (2012).
6. U.S. Energy Information Administration, *State of Minnesota Energy Profile* (2015).
7. U.S. Energy Information Administration, *State of Minnesota Renewable Electricity Profile* (2012).

Furthermore, the U.S. States' subsidies have created a chilling effect on Indian exports of like products to the U.S., causing adverse effect to its interests.

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