

(S. B. 2377)

**(No. 211)**

(Approved August 9, 2008)

## **AN ACT**

To amend Section 2, subsection (e) of Act 114 of August 16, 2007, “to direct and authorize the Electric Power Authority to establish a net metering program allowing interconnection to its electric transmission and distribution system and electricity feedback for customers who have installed solar electric equipment, a windmill or any other source of renewable energy capable of producing electric energy; to grant credits in the bills for the electricity generated by this equipment and compensate the unused excess energy generated by the same; and for other purposes,” in order to substitute the requirements for persons authorized to install equipment that use renewable energy sources to generate electricity so that they shall be expert electricians or electrical engineers duly authorized to practice the profession in Puerto Rico.

### **STATEMENT OF MOTIVES**

Act No. 114 of August 16, 2007, authorizes the Electric Power Authority to establish a net metering program that allows interconnection to its electric transmission and distribution system and electricity feedback for customers who have installed electric power generating equipments that use sources of renewable energy. However, it is established that the person responsible shall be certified by the North American Board of Certified Energy Practitioners (NABCEP) and registered at the Energy Affairs Administration. Said private entity imposes an additional cost on those expert electricians and electrical engineers who are already duly authorized to practice their profession in Puerto Rico. The NABCEP does not have offices or seat in Puerto Rico to issue the required certification, and

according to its definition by its own directors, it is a volunteer board of renewable energy stakeholder representatives which intends to standardize the technical education of installers of photovoltaic, thermal solar and aerial generator power generating equipment. The NABCEP only offers certifications of a voluntary nature in the United States, that is to say, that it is not a requirement to be certified by this entity to work as an installer of this type of equipment. In Puerto Rico, both the Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects (Section 2 et seq. of Act No. 173 of August 12, 1988, as amended), and the Board of Examiners of Expert Electricians (Section 1 et seq. of Act No. 115 of June 2, 1976, as amended), carry out a function that is more encompassing than NABCEP, since they establish and regulate the issue of licenses to engineers and electricians. Their respective associations also offer continuing education courses on the installation of renewable energy generating equipment. The functions attributed to NABCEP by Act No. 114 are adequately regulated by legislation in effect and by the criteria and requirements of the Examining Boards of these professions and their respective Associations, which have continuous and permanent presence in Puerto Rico. The imposition of a certification issued by NABCEP as requirement could have as consequence that duly trained Puerto Rican professionals are unable to do this work, but that persons who are not licensed in Puerto Rico to work with electricity can do so.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Subsection (e) of Section 2 of Act No. 114 of August 16, 2007, is hereby amended to read as follows:

“Section 2.- Eligibility

(a) .....

(b) .....

(c) .....

(d) .....

(e) be installed by an expert electrician or electrical engineer, both licensed and members of their respective associations, pursuant to the provisions of Section 23 of Act Number 115 of June 2, 1976, as amended, who have satisfactorily approved continuing education courses offered by their Associations on the installation of electric power generating equipments that use sources of renewable energy, and interconnection, measurements and tests of the National Association of Regulatory Utility Commissioners and the Institute of Electrical and Electronic Engineers; said professional shall register with the Energy Affairs Administration by enclosing a certified copy issued by the Association of which he/she is a member attesting to the approval of the continuing education courses required, which shall have an effectiveness of four (4) years as of their approval, and a copy of his/her license to practice the profession of electrical engineer or of expert electrician, as the case may be;

(f) .....

(g) .....

(h) .....”

Section 2.- The Electric Power Authority and the Energy Affairs Administration shall have thirty (30) days as of the approval of this Act to make amendments to their respective regulations in effect and authorized by Section 7 of Act 114 of August 16, 2007. If there were no regulations in effect, the term provided for the approval of the regulations authorized by said Section shall be extended for one (1) month.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 211 (S.B. 2377) of the 7<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 2, subsection (e) of Act 114 of August 16, 2007, “to direct and authorize the Electric Power Authority to establish a net metering program allowing interconnection to its electric transmission and distribution system and electricity feedback for customers who have installed solar electric equipment, a windmill or any other source of renewable energy capable of producing electric energy; etc,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 15<sup>th</sup> of July of 2009.

Solange I. De Lahongrais  
Director