

### §3303. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 141, Pt. A, §6 (NEW).]

**1. Associate.** "Associate" means any person other than a transmission and distribution utility that substantially participates in the ownership or operation of a cogeneration or small power production facility or any person that contracts to receive the thermal output of a cogeneration facility. [PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**1-A. Affiliate.** "Affiliate" means any person who, as determined by the commission:

A. Directly controls, is controlled by or is under common control with an electric generation enterprise; or [PL 1987, c. 769, Pt. A, §143 (NEW).]

B. Substantially owns, is substantially owned by or is substantially under common ownership with, an electric generation enterprise. [PL 1987, c. 769, Pt. A, §143 (NEW).]  
[PL 1987, c. 769, Pt. A, §143 (NEW).]

**2. Cogenerator.** "Cogenerator" means a municipality or person:

A. Owning or operating a facility that generates electricity and steam or other useful forms of energy that are used for commercial, industrial, heating or cooling purposes; and [PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

B. Not primarily engaged in the generation or sale of electricity, other than the electricity generated at the cogeneration facility. [PL 1987, c. 141, Pt. A, §6 (NEW).]

For purposes of this chapter, a cogenerator is considered not primarily engaged in the generation or sale of electricity if 50% or less of the equity interest in the cogeneration facility is owned by a transmission and distribution utility, a subsidiary of a transmission and distribution utility or an affiliate of a transmission and distribution utility.

[PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**3. Existing transmission and distribution line improvement costs.**

[PL 1999, c. 398, Pt. A, §77 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**4. Interconnection costs.**

[PL 1999, c. 398, Pt. A, §77 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**5. Municipal solid waste.** "Municipal solid waste" means solid waste emanating from domestic and commercial sources within the State over which municipalities are authorized to exercise control. [PL 1987, c. 141, Pt. A, §6 (NEW).]

**6. Municipal solid waste energy recovery facility.** "Municipal solid waste energy recovery facility" means a small power producer that depends upon municipal solid waste for at least 50% of its energy.

[PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**7. Qualifying facility.** "Qualifying facility" means any small power producer or cogenerator as defined in this chapter.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**8. Renewable resources.** "Renewable resources" means resources that are capable of being reproduced, replenished or restored following the use of these resources and resources that are inexhaustible. Renewable resources include biomass, wood, water, waste, solid waste, as defined by Title 38, section 1303, solar energy and wind, but do not include nuclear fuel sources, coal and oil.

[PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**9. Small power producer.** "Small power producer" means a municipality or person owning or operating a power production facility with a power production capacity that, together with any other facilities located at the same site, does not exceed 80 megawatts of electricity and that depends upon renewable resources for its primary source of energy. For purposes of this chapter, a power producer is not considered a "small power producer" if more than 50% of the equity interest in the power production facility is owned by a transmission and distribution utility, a subsidiary of a transmission and distribution utility or an affiliate of a transmission and distribution utility.

[PL 1999, c. 398, Pt. A, §77 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

#### SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 769, §A143 (AMD). PL 1999, c. 398, §A77 (AMD). PL 1999, c. 398, §§A104, 105 (AFF).

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