
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 472 Session of
2021

INTRODUCED BY SCAVELLO, LAUGHLIN, BROWNE, KEARNEY, AUMENT,
ARGALL, FONTANA, BREWSTER, MENSCH, TARTAGLIONE, CAPPELLETTI,
COMITTA, MUTH, SCHWANK, BAKER, YAW, COLLETT, SANTARSIERO,
HAYWOOD AND PHILLIPS-HILL, MARCH 23, 2021

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 23, 2021

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for community solar
3 facilities.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 30A

9 COMMUNITY SOLAR FACILITIES

10 Sec.

11 30A01. Findings and declarations.

12 30A02. Definitions.

13 30A03. Community solar facilities, electric distribution
14 companies and subscriber administrators.

15 30A04. Interconnection standards for community solar
16 facilities.

17 30A05. Unsubscribed energy.

1 30A06. Customer participation in community solar programs.

2 30A07. Location of multiple community solar facilities.

3 30A08. Land management and stewardship.

4 30A09. Grid services payment.

5 30A10. Prevailing wage for construction of community solar
6 facilities.

7 § 30A01. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) Community solar generation can foster economic
10 growth as well as opportunities for competition and
11 innovative business models.

12 (2) Growth in solar generation will provide family-
13 sustaining jobs and investments in Pennsylvania.

14 (3) Programs for community solar generation provide
15 customers with additional energy choices and access to
16 Pennsylvania-generated affordable energy options.

17 (4) Community solar programs provide customers,
18 including homeowners, renters and businesses, access to the
19 benefits of community solar energy generation that is
20 unconstrained by the physical attributes of their home or
21 business, including roof space, shading or ownership status.

22 (5) In addition to its provision of standard electricity
23 market commodities and services, local solar energy
24 generation can contribute to a more resilient grid and defer
25 the need for costly new transmission and distribution system
26 investment.

27 (6) The intent of this chapter is to:

28 (i) Allow electric distribution customers of this
29 Commonwealth to subscribe to a portion of a community
30 solar facility and have the result of the subscription be

1 guaranteed savings.

2 (ii) Reasonably allow for the creation, financing,
3 accessibility and operation of third-party owned
4 community solar generating facilities in a way that
5 ensures robust customer participation.

6 (iii) Encourage the development of community solar
7 programs that will facilitate participation by and for
8 the benefit of low-income and moderate-income customers
9 and the communities in which they live and reduce
10 barriers to participation by renters and small
11 businesses, promote affordability and improve access to
12 basic utility services.

13 (iv) Enable a community solar market through
14 innovative technologies without the need for full retail
15 rate net metering.

16 (v) Compensate the electric distribution companies
17 for efficient and reliable integration of these resources
18 into the distribution systems through cost recovery and
19 treatment of payments for grid services as regulatory
20 assets.

21 (vi) Enable a community solar marketplace in the
22 Commonwealth without requiring State or municipal tax
23 resources.

24 § 30A02. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Alternative Energy Credit." As defined in the act of
29 November 30, 2004 (P.L.1672, No.213), known as the Alternative
30 Energy Portfolio Standards Act.

1 "Bill credit." The commission-approved monetary value of
2 each kilowatt hour of electricity generated by a community solar
3 facility and allocated to a subscriber's monthly bill to offset
4 any part of the subscriber's retail electric bill.

5 "Commission." The Pennsylvania Public Utility Commission.

6 "Community solar facility." A facility that:

7 (1) Generates electricity by means of a solar
8 photovoltaic device whereby subscribers receive a bill credit
9 for the electricity generated proportional to the size of the
10 subscriptions.

11 (2) Is located within this Commonwealth.

12 (3) Is connected to and delivers electricity to a
13 distribution system operated by an electric distribution
14 company operating in this Commonwealth and in compliance with
15 requirements under this chapter.

16 (4) Generates electricity by means of a solar
17 photovoltaic device with a nameplate capacity rating that
18 does not exceed 5,000 kilowatts of alternating current.

19 (5) Has at least two subscribers.

20 (6) Has no single subscriber who subscribes to more than
21 50% of the facility capacity in kilowatts or output in
22 kilowatt hours, except for master-metered multifamily
23 residential and commercial buildings. No less than 50% of the
24 facility capacity shall be subscribed by subscriptions of 25
25 kilowatts or less.

26 (7) Credits some or all of the community solar facility
27 generated electricity to the bills of subscribers.

28 (8) May be located remotely from a subscriber's premises
29 and may not be required to provide energy to on-site load.

30 (9) Must be connected to an existing or new retail

1 electric service at the service location.

2 (10) Must be owned or operated by a community solar
3 organization.

4 "Community solar organization." An entity that owns or
5 operates one or more community solar facilities that may not be
6 required to be an existing retail electric customer, purchase
7 electricity directly from the electric distribution company,
8 serve electric load independent of the community solar facility
9 or operate under an account held by the same individual or legal
10 entity of the subscribers to the community solar facility. A
11 community solar organization may not be deemed a utility solely
12 as a result of its ownership or operation of a community solar
13 facility.

14 "Electric distribution company." As defined in section 2803
15 (relating to definitions).

16 "Electric distribution customer." A customer that takes
17 electric distribution service from an electric distribution
18 company, regardless of whether the company is the customer's
19 supplier of electric generation or not.

20 "Grid services." Services provided by smart inverter
21 technology to support the grid and enhance reliability, and
22 other commission-approved functions.

23 "Guaranteed savings." Realized savings as the difference
24 between the cost of a subscription to a community solar facility
25 and the credit received for the generation attributed to the
26 subscription.

27 "Low-income customer." A retail residential end user of an
28 electric distribution company whose household income does not
29 exceed 200% of the Federal poverty level, adjusted for family
30 size, as published periodically in the Federal Register by the

1 United States Department of Health and Human Services under the
2 Community Services Block Grant Act (Public Law 97-1135, 42
3 U.S.C. § 9902(2)).

4 "New job." A full-time equivalent job created during the
5 initial construction of community solar facilities and paying
6 the prevailing minimum wage and benefit rates for each craft of
7 classification as determined by the Labor and Industry
8 Prevailing Wage Act.

9 "PJM." PJM Interconnection LLC is a regional wholesale
10 electric market and transmission organization, approved by the
11 Federal Energy Regulatory Commission, that operates an electric
12 transmission system in the Mid-Atlantic region that includes
13 Pennsylvania.

14 "PJM day ahead energy price." The price for a Pricing Date
15 that will be that day's Specified Price per MWh of electricity
16 for delivery on the Delivery Date, stated in US Dollars,
17 published by PJM under the headings "Daily Day-Ahead LMP" or any
18 successor headings that reports prices effective on that pricing
19 date.

20 "Prevailing Wage Act." The act of August 15, 1961 (P.L.987,
21 No.442), known as the Pennsylvania Prevailing Wage Act.

22 "Price to Compare." The price per kilowatt hour an electric
23 distribution company charges, developed based on what the
24 company pays for electricity during auctions held over a two-
25 year period on the PJM wholesale energy market, and includes:

26 (1) Charges for generation and transmission.

27 (2) The State's gross receipts tax.

28 (3) The utility's charges for implementation of the
29 alternative energy portfolio standards.

30 "Smart inverter." A device that converts direct current into

1 alternating current and can autonomously contribute to grid
2 support by providing each of the following:

3 (1) Dynamic reactive and real power support.

4 (2) Voltage and frequency ride-through.

5 (3) Ramp rate controls.

6 (4) Communication systems.

7 (5) Other functions approved by the commission and
8 published under 15 Pa.C.S. Ch. 74 (relating to the
9 electricity generation choice for customers of electric
10 cooperatives).

11 "Subscriber." An electric distribution customer of an
12 electric distribution company who contracts for one or more
13 subscriptions of a community solar facility interconnected with
14 the customer's electric distribution company. The term includes
15 an electric distribution customer who owns a portion of a
16 community solar facility.

17 "Subscriber administrator." An entity that recruits and
18 enrolls subscribers, administers subscriber participation in one
19 or more community solar facilities and manages the subscription
20 relationship between subscribers and an electric distribution
21 company. A subscriber administrator may also be a community
22 solar organization and may not be considered a utility solely as
23 a result of a subscriber administrator's operation or ownership
24 of a community solar facility.

25 "Subscription." A contract between a subscriber and a
26 subscriber administrator of a community solar facility that
27 entitles the subscriber to a bill credit against the
28 subscriber's retail electric bill.

29 "Threshold date." The date by which the commission has
30 approved a tariff filed by a utility under section 30A03(a)(3)

1 (v) (relating to community solar facilities, electric
2 distribution companies and subscriber administrators) and no
3 earlier than five years from the effective date.

4 "Unsubscribed energy." The output of a community solar
5 facility, measured in kilowatt hours, that is not allocated to
6 subscribers.

7 § 30A03. Community solar facilities, electric distribution
8 companies and subscriber administrators.

9 (a) Authorization.--The following shall apply:

10 (1) A community solar facility may be developed, built,
11 owned or operated by a third-party entity under contract with
12 a community solar organization or a subscriber administrator.

13 (2) A community solar organization may serve as a
14 subscriber administrator or may contract with a third party
15 to serve as a subscriber administrator on behalf of the
16 community solar organization.

17 (3) Subscribers to community solar facilities shall
18 receive a monetary bill credit for every kilowatt hour
19 produced by their subscription that may be used to offset any
20 part of the subscriber's electric bill. The following shall
21 apply:

22 (i) A community solar facility that demonstrates
23 before the threshold date an executed interconnection
24 agreement, proof of site control, all required
25 nonministerial permits and proof that the project is in
26 compliance with section 30A10 (relating to prevailing
27 wage for construction of community solar facilities)
28 shall, for 25 years from utility permission to operate,
29 have the initial and any replacement subscribers of that
30 facility receive a bill credit equivalent to the electric

1 distribution company's price to compare. Within 90 days
2 of the effective date of this chapter, the utilities
3 shall file a tariff making the bill credit described
4 herein available. The commission shall approve the tariff
5 within 180 days of the initial filing.

6 (ii) A community solar facility that demonstrates
7 after the threshold date an executed interconnection
8 agreement, proof of site control, all required non-
9 ministerial permits and proof that the project is in
10 compliance with section 30A10 shall, for 25 years from
11 utility permission to operate, have the initial and any
12 replacement subscribers of that facility receive a bill
13 credit as determined by the commission that considers the
14 electric distribution company's value stack as described
15 in subparagraph (iv), and ensures that community solar
16 facilities are created as intended under section 30A01
17 (6)(ii) (relating to findings and declarations).

18 (iii) Subscribers to a single community solar
19 facility may not be permitted to receive compensation
20 from a bill credit described in subparagraph (ii) if the
21 community solar facility receives a grid services payment
22 authorized by section 30A09 (relating to grid services
23 payment).

24 (iv) The value stack shall consist of at least the
25 following:

26 (A) The PJM day ahead energy price.

27 (B) A capacity value based on the PJM ELCC
28 method for solar, wind and storage, as applicable.

29 (C) The environmental value as set and made
30 available by subsection (b) of the AEPS or its

1 successor.

2 (D) An avoided distribution and transmission
3 value determined by the commission. The avoided
4 distribution and transmission value shall at least:

5 (I) Use a 25-year view of avoided grid
6 infrastructure costs.

7 (II) Use a load forecast that aligns with
8 State and regional trends and goals.

9 (III) Require utility data and calculation
10 transparency.

11 (IV) Not be overly narrow in the scope of
12 what is avoidable whether the community solar
13 facility is paired with or not.

14 (v) The commission shall solicit feedback on the
15 criteria for determining the value stack through an
16 informal workshop process and shall solicit formal
17 written comments from stakeholders. After the formal
18 written comments, the commission shall propose the
19 specific methodology for determining the value stack
20 based on the criteria through a docketed proceeding.
21 Within 60 days of the approval of the methodology, the
22 commission shall use the approved methodology to
23 calculate the value stack for each utility. Within 180
24 days of the commission determination of the value stack
25 for each utility, the commission shall approve a tariff
26 based on the value stack making the bill credit value
27 determined by the commission under subparagraph (ii)
28 available to subscribers. The commission shall approve
29 the tariffs within five years of the effective date of
30 this chapter.

1 (vi) Subscription costs for low-income subscribers
2 may not exceed the value of the bill credit and may not
3 include any upfront or sign-on fees. Subscription costs
4 are nonbasic utility charges.

5 (vii) The terms and conditions of receiving the bill
6 credit may not limit or inhibit participation of
7 subscribers from any rate class.

8 (4) An electric distribution company shall allow for the
9 transferability and portability of subscriptions, including
10 allowing a subscriber to retain a subscription to a community
11 solar facility if the subscriber relocates within the same
12 electric distribution company territory.

13 (5) A subscriber administrator shall be allowed to
14 update its list of subscribers and the subscribers' relevant
15 information in a standardized electronic format approved by
16 the commission on at least a monthly basis.

17 (b) Customer protection.--The following shall apply:

18 (1) Community solar organizations and subscriber
19 administrators shall be subject to the customer protection
20 provisions under Chapters 14 (relating to responsible utility
21 customer protection) and 15 (relating to service and
22 facilities) and 52 Pa. Code Ch. 56 (relating to standards and
23 billing practices for residential public utility service).
24 The commission shall establish regulations that provide for
25 the protection of customers who have subscriptions with
26 community solar organizations or subscriber administrators.

27 (2) The commission shall develop a standardized customer
28 disclosure form that identifies key information that must be
29 provided by subscriber administrators to potential
30 subscribers including future costs and benefits of

1 subscriptions and subscribers' rights and obligations
2 pertaining to subscriptions.

3 (c) Classification.--A community solar organization, a
4 subscriber or a third party owning or operating a community
5 solar facility shall not be considered an electric distribution
6 company as defined in section 2803 (relating to definitions) or
7 an electric generation provider solely as a result of
8 involvement with a community solar facility.

9 (d) Duties of electric distribution companies.--The
10 following shall apply:

11 (1) On a monthly basis, an electric distribution company
12 shall provide to a community solar organization and
13 subscriber administrator a report in a standardized
14 electronic format indicating the total value of the bill
15 credit generated by the community solar facility in the prior
16 month, the calculation used to arrive at that, and the amount
17 of the bill credit applied to each subscriber.

18 (2) An electric distribution company shall provide a
19 bill credit to a subscriber's next monthly electric bill for
20 the proportional output of a community solar facility
21 attributable to the subscriber. Excess credits on a
22 subscriber's bill shall roll over from month to month
23 indefinitely. Excess credits will automatically be applied to
24 the final electric bill when a subscription is terminated for
25 any cause.

26 (3) If requested by a community solar organization, an
27 electric distribution company shall enter into a net
28 crediting agreement with the community solar organization to
29 include a subscriber's subscription fee on the monthly bill
30 and provide the customer with a net credit equivalent to the

1 total bill credit value for that generation period minus the
2 subscription fee, provided the subscription fee is structured
3 as a fixed percentage of bill credit value. The net crediting
4 agreement shall set forth payment terms from the electric
5 distribution company to the community solar organization and
6 electric distribution companies may charge a net crediting
7 fee to the community solar organization that may not exceed
8 one percent of the bill credit value. The electric
9 distribution company shall remain responsible for billing all
10 basic electric services, including transmission, distribution
11 and generation charges, consistent with the Public Utility
12 Code and commission regulation. Customer services provided by
13 the electric distribution company shall also be maintained,
14 at a minimum, consistent with existing standards prior to
15 implementation of a community solar organization under the
16 Public Utility Code and commission regulation.

17 (4) An electric distribution company may not charge a
18 community solar facility, a community solar organization or a
19 subscriber to a community solar facility a fee or other type
20 of charge unless the fee or charge would apply to other
21 customers that are not a community solar facility, a
22 community solar organization or a subscriber to a community
23 solar facility. The electric distribution company may not
24 require additional equipment or insurance or impose any other
25 requirement unless the additional equipment, insurance or
26 other requirement is specifically authorized by order of the
27 commission.

28 (e) Electric distribution company cost recovery and
29 compensation.--The following shall apply:

30 (1) A community solar organization shall compensate an

1 electric distribution company for the electric distribution
2 company's reasonable costs of interconnection of a community
3 solar facility.

4 (2) An electric distribution company shall be entitled
5 to recover reasonable costs, subject to approval by the
6 commission, to administer a community solar program within
7 the electric distribution company's service territory.

8 (3) An electric distribution company shall, subject to
9 approval by the commission, be entitled to recover any
10 additional costs from the bill credits in subsection (a) (3)
11 after using the energy, capacity and avoided distribution and
12 transmission value provided by community solar facilities to
13 offset the purchase requirements in PJM.

14 § 30A04. Interconnection standards for community solar
15 facilities.

16 (a) Applications.--Upon the effective date of this chapter
17 an electric distribution company shall immediately accept
18 interconnection applications for community solar facilities and
19 study the impact of interconnecting these facilities to the grid
20 using the current commission-approved interconnection rules and
21 tariffs and in accordance with best practices.

22 (b) Interconnection Working Group.--Within 90 days of the
23 effective date of this chapter, the commission shall establish
24 an Interconnection Working Group between the electric
25 distribution companies and stakeholders with oversight from
26 commission staff. The working group shall review, edit, create
27 or eliminate any policies, processes, tariffs, rules or
28 standards associated with the interconnection of community solar
29 facilities, with the goal of transparency, accuracy and
30 efficiency, to support the achievement of the objectives in this

1 chapter. The Interconnection Working Group shall report back to
2 the commission recommended changes within 270 days of the
3 effective date of this chapter and the commission shall
4 expeditiously codify any changes.

5 (c) Administrative fees.--The commission may impose an
6 administrative fee on an initial application for interconnection
7 for community solar facilities. The commission is authorized to
8 utilize up to five percent of the initial interconnection
9 application fees generated under this subsection for
10 administrative expenses directly associated with this chapter.
11 § 30A05. Unsubscribed energy.

12 The community solar organization shall be permitted to
13 rollover undistributed bill credits from one month to the next
14 on a community solar facility account, as long as it allocates
15 the bill credits to subscribers within 12 months. To the extent
16 bill credits are not allocated within 12 months, the electric
17 distribution company shall purchase the credits from a community
18 solar facility at the electric distribution company's avoided
19 energy commodity cost as approved by the commission.

20 § 30A06. Customer participation in community solar programs.

21 (a) Regulations.--Not later than 365 days after the
22 effective date of this section, the commission shall establish
23 regulations to enable participation in community solar programs
24 by each customer class and economic group. The commission may
25 establish temporary rules while permanent rules are determined.

26 The regulations shall:

27 (1) Be based on consideration of formal and informal
28 input from all stakeholders.

29 (2) Establish requirements that ensure access to
30 programs and equitable opportunities for participation for

1 residential and small commercial customer classes.

2 (b) Report.--No later than five years after the effective
3 date of this section, the commission shall submit a report to
4 the General Assembly detailing the participation in community
5 solar programs by each customer class and economic group,
6 including the participation by low-income customers and
7 moderate-income customers. The commission is directed to develop
8 metrics and on-going reporting systems similar, at a minimum, to
9 the reporting required by the commission and the electric
10 distribution companies in section 2806.1 (relating to energy
11 efficiency and conservation program), Phase I reporting
12 requirements.

13 § 30A07. Location of multiple community solar facilities.

14 The commission shall, by regulation, establish limitations on
15 the location of multiple community solar facilities in close-
16 proximity. The regulations shall:

17 (1) Prohibit an entity, affiliated entity or entities
18 under common control from developing, owning or operating
19 more than one community solar facility on the same parcel or
20 parcels of land that have been subdivided for the purpose of
21 developing additional solar projects.

22 (2) Authorize community solar facilities that are not
23 owned, developed or operated by the same entity, affiliated
24 entity or entities under common control to be located on
25 contiguous parcels.

26 § 30A08. Land management and stewardship.

27 (a) Disclosure.--The owner or operator of a ground-mounted
28 community solar facility shall publicly disclose information on
29 how the land under and around the community solar facility will
30 be managed on the community solar facility's publicly accessible

1 Internet website. The information may include a description of
2 any land use practices that can be beneficial to the health and
3 quality of waterways, wildlife, flood prevention and
4 agriculture.

5 (b) Compliance.--The disclosure requirement under subsection
6 (a) shall be satisfied if the owner or operator of a community
7 solar facility provides a copy of a pollinator-friendly solar
8 scorecard published by The Pennsylvania State University's
9 Department of Entomology on the community solar facility's
10 publicly accessible Internet website.

11 (c) Decommissioning, recycling, potential reuse and
12 photovoltaic panel removal.--The subscriber organization will be
13 responsible for a plan outlining timeframes and estimated costs
14 for decommissioning of the system, including removal, potential
15 reuse and recycling of panels, at the end of the useful life of
16 the facility. Funding mechanisms to cover the plan shall be
17 secured through bonding or other mechanisms and shall take into
18 consideration salvage value to ensure the costs are not borne by
19 landowners, the State, county or municipality.

20 § 30A09. Grid services payment.

21 (a) Tariff.--Within 90 days of the effective date of this
22 chapter, an electric utility shall file a petition with the
23 commission requesting approval of the electric distribution
24 company's tariff to provide the grid services payment to a
25 community solar facility owner. The tariff shall be available to
26 owners of community solar facilities that have installed a smart
27 inverter that applies the settings detailed in the tariff. The
28 settings shall serve the purpose of preserving reliability
29 without negatively affecting the operation or production of the
30 community solar facility. Nothing in this section shall negate

1 or supersede Institute of Electrical and Electronics Engineers
2 interconnection requirements or standards or other similar
3 standards or requirements.

4 (b) Payment.--Until the threshold date, a community solar
5 facility owner may apply for a grid services payment as provided
6 for in this section. The value shall be an annual payment of
7 \$0.225 per watt of nameplate generating capacity, measured as
8 nominal DC capacity output, of a community solar facility. The
9 payment shall be paid to a community solar facility annually for
10 the first five years of operation.

11 (c) Review.--The commission shall review the proposed tariff
12 submitted under this section and may make changes to the tariff
13 that are consistent with this section and with the commission's
14 authority, subject to notice and hearing. The commission shall
15 have 180 days to approve the tariff.

16 (d) Alternative energy credits.--Alternative energy credits
17 produced by a facility that receives a Grid Services payment may
18 not be used to meet any requirements from the act of November
19 30, 2004 (P.L.1672, No.213), known as the Alternative Energy
20 Portfolio Standards Act.

21 (e) Cost recovery.--An electric distribution company shall
22 recover from its electric distribution customers all of the
23 costs of the grid services payment made under a tariff or
24 tariffs placed into effect under this section, the value of the
25 services payments and all costs incurred by the utility to
26 comply with and implement this section, in accordance with the
27 following:

28 (1) The electric distribution company shall defer the
29 full amount of its costs incurred under this section as a
30 regulatory asset.

1 (2) After the commission has approved the prudence and
2 reasonableness of the costs that comprise the regulatory
3 asset, the electric utility shall be permitted to recover all
4 the costs and the value and recoverability through rates of
5 the associated regulatory asset may not be limited, altered,
6 impaired, or reduced.

7 § 30A10. Prevailing wage for construction of community solar
8 facilities.

9 (a) Application.--A community solar facility for which a
10 bill credit is sought and awarded to a subscriber under this
11 chapter is deemed to meet each of the minimum requirements
12 necessary to apply the wage and benefit rates, and related
13 certification of payroll records, required by the Prevailing
14 Wage Act. A community solar organization, or the community solar
15 organization's agent, and all contractors and subcontractors, of
16 every tier engaged to perform on the community solar facility
17 must comply with all provisions and requirements of the
18 Prevailing Wage Act for all new jobs and for all crafts or
19 classifications performing construction, reconstruction,
20 demolition, alteration or repair work, other than maintenance
21 work, undertaken at the community solar facility during the
22 initial construction and during any period in which bill credits
23 for subscribers are sought and awarded.

24 (b) Compliance.--The Department of Labor and Industry shall
25 enforce this section and shall apply the same administration and
26 enforcement applicable to any project of construction,
27 reconstruction, demolition, alteration or repair work, other
28 than maintenance work, undertaken under the requirements of the
29 Prevailing Wage Act to ensure compliance.

30 (c) Notification.--Prior to the solicitation of bids or

1 procedures of the proposals of any contract or subcontract
2 covered under subsection (a), the community solar organization
3 or the community solar organization's agent, shall notify the
4 Department of Labor and Industry of the solicitation and request
5 the issuance of a wage and benefit rate determination for all
6 crafts and classifications for anticipated new jobs at the
7 community solar facility. Rate requests shall be in conformity
8 with the Prevailing Wage Act, and the Department of Labor and
9 Industry shall issue rates upon request as required under this
10 section and the provisions of the Prevailing Wage Act.

11 (d) Violation.--In addition to enforcement authorized under
12 the Prevailing Wage Act and subsection (b), if, after notice and
13 hearing, the Department of Labor and Industry determines that
14 the community solar organization or the community solar
15 organization's agent intentionally failed to pay or
16 intentionally caused another to fail to pay prevailing wage
17 rates or benefit rates as set forth under section 11(h) of the
18 Prevailing Wage Act for work covered under subsection (a), or
19 ratified any intentional failure by a contractor or
20 subcontractor of the community solar organization, the community
21 solar organization or the community solar organization's agent
22 shall pay a fine equivalent to 10% of the value of the bill
23 credit multiplied by the estimated 25-year production of the
24 facility.

25 (e) Appeal.--A finding of a violation under subsection (d)
26 shall be appealable under section 2.2(e)(1) of the Prevailing
27 Wage Act and 34 Pa. Code § 213.3 (relating to appeals from
28 determinations of the secretary). Any final determination by the
29 appeals board under the Prevailing Wage Act may be appealed in
30 accordance with 2 Pa.C.S. (relating to administrative law and

1 procedure).

2 Section 2. This act shall take effect in 60 days.