

476C.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. “*Anaerobic digester system*” means a system of components that processes plant or animal materials based on the absence of oxygen and produces methane or other biogas used to generate electricity, hydrogen fuel, or heat for a commercial purpose.
2. “*Biogas recovery facility*” means an anaerobic digester system that is located in this state.
3. “*Biomass conversion facility*” means a facility in this state that converts plant-derived organic matter including, but not limited to, agricultural food and feed crops, crop wastes and residues, wood wastes and residues, or aquatic plants to generate electricity, hydrogen fuel, or heat for a commercial purpose.
4. “*Board*” means the utilities board within the utilities division of the department of commerce.
5. “*Department*” means the department of revenue.
6. “*Eligible renewable energy facility*” means a wind energy conversion facility, a biogas recovery facility, a biomass conversion facility, a methane gas recovery facility, a solar energy conversion facility, or a refuse conversion facility that meets all of the following requirements:
 - a. Is located in this state.
 - b. Is at least fifty-one percent owned by one or more of any combination of the following:
 - (1) A resident of this state.
 - (2) Any of the following as defined in section 9H.1:
 - (a) An authorized farm corporation.
 - (b) An authorized limited liability company.
 - (c) An authorized trust.
 - (d) A family farm corporation.
 - (e) A family farm limited liability company.
 - (f) A family trust.
 - (g) A revocable trust.
 - (h) A testamentary trust.
 - (3) A small business as defined in section 15.102.
 - (4) An electric cooperative association organized pursuant to chapter 499 that sells electricity to end users located in this state.
 - (5) An electric cooperative association that has one or more members organized pursuant to chapter 499.
 - (6) A cooperative corporation organized pursuant to chapter 497 or a limited liability company organized pursuant to chapter 489 whose shares and membership are held by an entity that is not prohibited from owning agricultural land under chapter 9H.
 - (7) A school district located in this state.
 - c. Has at least one owner that meets the requirements of paragraph “b” for each two and one-half megawatts of nameplate generating capacity or the energy production capacity equivalent for hydrogen fuel or heat for a commercial purpose of the otherwise eligible renewable energy facility.
 - d. Was initially placed into service on or after July 1, 2005, and before January 1, 2015.
 - e. For applications filed on or after July 1, 2011, is a facility of not less than three-fourths megawatts of nameplate generating capacity or the energy production capacity equivalent if all or a portion of the renewable energy produced is for on-site consumption by the producer.
 - f. For applications filed on or after July 1, 2011, except for wind energy conversion facilities, is a facility of no greater than sixty megawatts of nameplate generating capacity or the energy production capacity equivalent.
7. “*Energy production capacity equivalent*” means the amount of energy in a standard cubic foot of hydrogen gas or the number of British thermal units that are equal to the energy in a kilowatt-hour of electricity. For the purposes of this chapter, one kilowatt-hour shall be deemed equivalent to three thousand three hundred thirty-three British thermal units of heat or ten and forty-five one hundredths of standard cubic feet of hydrogen gas.
8. “*Heat for a commercial purpose*” means the heat in British thermal unit equivalents from refuse-derived fuel, methane, or other biogas produced in this state either for

commercial use by a producer for on-site consumption or sold to a purchaser of renewable energy for use for a commercial purpose in this state or for use by an institution in this state.

9. “*Hydrogen fuel*” means hydrogen produced in this state from a renewable source that is used in a fuel cell or hydrogen-powered internal combustion engine.

10. “*Methane gas recovery facility*” means a facility in this state which is used in connection with a sanitary landfill or which uses wastes that would otherwise be deposited in a sanitary landfill, that collects methane gas or other gases and converts the gas into energy to generate electricity, hydrogen fuel, or heat for a commercial purpose.

11. “*Producer of renewable energy*” means a person who owns an eligible renewable energy facility.

12. “*Purchaser of renewable energy*” means a person who buys electric energy, hydrogen fuel, methane gas or other biogas used to generate electricity, or heat for a commercial purpose from an eligible renewable energy facility.

13. “*Refuse conversion facility*” means a facility in this state that converts solid waste into fuel that can be burned to generate heat for a commercial purpose in this state.

14. “*Solar energy conversion facility*” means a solar energy facility in this state that collects and converts incident solar radiation into energy to generate electricity.

15. “*Wind energy conversion facility*” means a wind energy conversion system in this state that collects and converts wind into energy to generate electricity.

2005 Acts, ch 160, §7, 14; 2006 Acts, ch 1135, §5 – 8, 12; 2008 Acts, ch 1162, §136, 154, 155; 2011 Acts, ch 115, §3 – 5; 2011 Acts, ch 118, §33, 89

[T] Subsection 6, paragraph d amended

[T] Subsection 6, NEW paragraphs e and f

[T] Subsection 8 amended