

476.42 Definitions.

As used in [this subchapter](#), unless the context otherwise requires:

1. *a.* “*Alternate energy production facility*” means any or all of the following:

(1) A solar, wind turbine, electric storage unit, nuclear, waste management, resource recovery, refuse-derived fuel, agricultural crops or residues, or woodburning facility. For purposes of this definition only, “*waste management*” includes a facility using plasma gasification to produce synthetic gas, either as a stand-alone fuel or for blending with natural gas, the output of which is used to generate electricity or steam. For purposes of this definition only, “*plasma gasification*” means the thermal dissociation of carbonaceous material into fragments of compounds in an oxygen-starved environment.

(2) Land, systems, buildings, or improvements that are located at the project site and are necessary or convenient to the construction, completion, or operation of the facility.

(3) Transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

b. A facility which is a qualifying facility under [18 C.F.R. pt. 292, subpt. B](#) is not precluded from being an alternate energy production facility under [this subchapter](#).

2. “*Electric utility*” means a public utility that furnishes electricity to the public for compensation.

3. “*Next generating plant*” means an electric utility’s assumed next coal-fired base load electric generating plant, whether planned or not, based on current technology and undiscounted current cost.

4. *a.* “*Small hydro facility*” means any or all of the following:

(1) A hydroelectric facility at a dam.

(2) Land, systems, buildings, or improvements that are located at the project site and are necessary or convenient to the construction, completion, or operation of the facility.

(3) Transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

b. A facility which is a qualifying facility under [18 C.F.R. pt. 292, subpt. B](#) is not precluded from being a small hydro facility under [this subchapter](#).

[83 Acts, ch 182, §3; 90 Acts, ch 1252, §31 – 33; 92 Acts, ch 1017, §1; 2010 Acts, ch 1061, §180; 2011 Acts, ch 25, §125; 2011 Acts, ch 77, §1; 2014 Acts, ch 1026, §143; 2024 Acts, ch 1108, §2](#)

Referred to in [§15E.61, 15E.351, 260C.18A, 476.6A, 476.46, 476.49, 476.53, 476.58](#)

Subsection 1, paragraph a, subparagraph (1) amended