

73 P.S. § 1649.102

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§ 1649.102. Definitions

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

“ALTERNATIVE ENERGY PRODUCTION PROJECT.” The development or construction of the following:

- (1) A facility that utilizes waste coal, alternative fuels, biomass, solar energy, wind energy, geothermal technologies, clean coal technologies, waste energy technologies or other alternative energy sources as defined in the act of November 30, 2004 (P.L. 1672, No. 213), known as the Alternative Energy Portfolio Standards Act, to produce or distribute alternative energy.
- (2) A facility that manufactures or produces products, including component parts, that provide alternative energy or alternative fuels, improve energy efficiency or conserve energy.
- (3) A facility used for the research and development of technology to provide alternative energy sources or alternative fuels.
- (4) A project for the development or enhancement of rail transportation systems that deliver alternative fuels or high-efficiency locomotives.

“ALTERNATIVE ENERGY SYSTEM.” Energy generated from alternative energy sources as defined under the act of November 30, 2004 (P.L. 1672, No. 213), known as the Alternative Energy Portfolio Standards Act. The term shall not include a system that is defined as a demand-side management system consisting of the management of customer consumption of electricity or the demand for electricity.

“AUTHORITY.” The Commonwealth Financing Authority established under 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority).

“BUSINESS.” A corporation, partnership, sole proprietorship, limited liability company, business trust or other commercial entity approved by the authority. The term shall include not-for-profit entities.

“CLEAN ENERGY PROJECT.” A project which does any of the following:

- (1) Replaces or supplements an existing energy system that utilizes nonrenewable energy with an energy system that utilizes alternative energy.
- (2) Facilitates the installation of an alternative energy system in an existing building or in new construction or a major renovation of a building.
- (3) Facilitates the construction of a new high performance building, the retrofit of an existing building to meet high performance building standards or the preparation of a site for high performance building development, including equipment acquisition, construction, infrastructure and site preparation.
- (4) Installs equipment to facilitate or improve energy conservation or energy efficiency, including heating and cooling equipment and solar thermal equipment.
- (5) An energy service project.

“CONSUMER ENERGY CONSERVATION PROJECT.” The purchase or installation of any of the following:

- (1) Energy efficient windows and doors, including windows and doors with low-emissivity glass, coatings and glazings.
- (2) Geothermal heat pumps.
- (3) Insulation, air-sealing and other energy-saving projects approved by the department.
- (4) Energy efficient or alternative energy heating and cooling equipment or systems.
- (5) Energy efficient solid fuel residential furnaces, as approved by the Department of Environmental Protection, to include furnaces that burn coal or wood pellets.
- (6) Energy efficient lighting systems for small businesses.

“DATA CENTER.” A facility used to house computer systems and associated components, such as telecommunications and storage systems.

“DATA CENTER CONSOLIDATION PROJECT.” A project, as determined by the authority, that utilizes server virtualization technology to consolidate and reduce the required number of servers at a data center for the purpose of increased energy efficiency and reduced energy demand.

“DEPARTMENT.” The Department of Environmental Protection of the Commonwealth.

“ENERGY EFFICIENT EQUIPMENT.” Equipment purchased for manufacturing or processing which is designed to utilize significantly less energy than the industry standard at the time of purchase as determined by the Department of Environmental Protection.

“ENERGY EFFICIENT HEATING AND COOLING EQUIPMENT.” Heating and cooling equipment designed to utilize significantly less energy than the industry standard at the time of purchase as determined by the Department of Environmental Protection.

“ENERGY SERVICE PROJECT.” A project undertaken by a political subdivision pursuant to an energy savings contract with a qualified provider under 62 Pa.C.S. Ch. 37

Subch. E (relating to guaranteed energy savings contracts) and the act of May 10, 1996 (P.L. 153, No. 29), known as the Guaranteed Energy Savings Act.

“HIGH PERFORMANCE BUILDING.” A building that adheres to standards adopted by the Department of General Services, in consultation with the Department of Environmental Protection, that optimize the energy performance of buildings.

“POLLUTION CONTROL TECHNOLOGY PROJECT.” The acquisition, construction or installation of pollution control technology and equipment that enables an electric generating unit or cogeneration unit to meet any of the following requirements:

- (1) Mercury emission reductions under 25 Pa. Code Ch. 123 (relating to standards for contaminants).
- (2) The regulations adopted by the United States Environmental Protection Agency known as the Clean Air Mercury Rule codified at 40 CFR Pts. 60 (relating to standards of performance for new stationary sources), 72 (relating to permits regulation) and 75 (relating to continuous emission monitoring).
- (3) Nitrogen oxides and sulfur dioxide emission reduction under 25 Pa. Code Chs. 121 (relating to general provisions), 129 (relating to standards for sources) and 145 (relating to interstate pollution transport reduction).
- (4) The Clean Air Interstate Rule in 40 C.F.R. (relating to protection of environment).

“SERVER.” A device on a computer network that manages network resources, including devices to manage network traffic, store files or process database queries.

“SERVER VIRTUALIZATION TECHNOLOGY.” The practice of hosting a software operating system within a virtual machine.

“SITE PREPARATION PROJECT.” The construction of water and sewer lines, storm water systems, excavation, construction of access roads, parking facilities, pipelines, transformers and utility transmission lines and traffic control devices.

“SMALL BUSINESS.” A person that is engaged in a for-profit enterprise and that employs 100 or fewer individuals. The term includes an agricultural producer of a farm commodity.

“TAX REFORM CODE OF 1971.” The act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.

“VIRTUAL MACHINE.” A self-contained software operating environment that operates within a server and simulates a hardware device, such as a computer or a server.

History

Act 2008 Special Session-1 (H.B. 1), P.L. 1873, § 102, approved July 9, 2008, eff. immediately.

