sold to another entity for consideration.

d) Type of renewable energy sources. The source of the electric energy for which an incentive payment is sought must be a renewable energy source, as defined in §451.2.

e) Time of first use. The date of the first use of a newly constructed renewable energy facility, or a facility covered by paragraph (f) of this section, must occur during the inclusive period beginning October 1, 1993, and ending on September 30, 2016. For facilities whose date of first use occurred in the period October 1, 2003, through September 30, 2004, the time of first use shall be deemed to be October 1, 2004.

(f) Conversion of non-qualified facilities. Existing non-qualified facilities that are converted must meet either of the following criteria—

(1) A facility employing solar, wind ocean, geothermal or biomass sources must be refurbished during the allowed time of first use such that the fair market value of any previously used property does not exceed 20% of the facility’s total value.

(2) A facility not employing solar, wind ocean, geothermal or biomass sources must be converted in part or in whole to a qualified facility during the allowed time of first use.

(g) Location. The qualified renewable energy facility must be located in a State or in U.S. jurisdictional waters.

§ 451.6 Duration of incentive payments. Subject to the availability of appropriated funds, DOE shall make incentive payments under this part with respect to a qualified renewable energy facility for 10 consecutive fiscal years. Such period shall begin with the fiscal year in which application for payment for electricity generated by the facility is first made and the facility is determined by DOE to be eligible for receipt of an incentive payment. The period for payment under this program ends with fiscal year 2026.

§ 451.7 Metering requirements. The net electric energy generated and sold (kilowatt-hours) by the owner or operator of a qualified renewable energy facility is requested to provide notification at least 6 months in advance of when a facility is expected to be first used, providing projected information specified in §451.8 (a) through (e).

(a) Pre-application and notification. (1) An applicant may submit at any time a pre-application, containing the information described in §451.8 (a) through (e), to obtain a preliminary and conditional determination of eligibility.

(2) To assist DOE in its budget planning, the owner or operator of a qualified renewable energy facility is requested to provide notification at least 6 months in advance of when a facility is expected to be first used, providing projected information specified in §451.8 (a) through (e).

(b) Application. (1) An application for an incentive payment for electric energy generated and sold in a fiscal year must be filed during the first quarter (October 1 through December 31) of the next fiscal year, except as provided in paragraph (b)(2) of this section.

(2) For facilities whose date of first use occurred in the period October 1, 2003, through September 30, 2005, applications for incentive payments for electric energy generated and sold in fiscal year 2005 must be filed by August 31, 2006.

(3) Failure to file an application in any fiscal year for payment for energy generated in the preceding fiscal year shall disqualify the owner or operator from eligibility for any incentive payment for energy generated in that preceding fiscal year.


§ 451.8 Projected information requirements.

(a) Projected information for a facility will be used to determine eligibility and compensation for electric energy generated and sold.

(b) Each application shall contain the following information with respect to the facility:

(1) The date of the first use of a newly constructed renewable energy facility or a facility covered by paragraph (f) of this section;

(2) The name of the owner or operator of the facility;

(3) The location, in a State, of the facility;

(4) The type of renewable energy sources employed by the facility;

(5) The estimated electric energy generated by the facility in kilowatt-hours for each fiscal year during the 10-year period for which incentive payments will be made.

(6) The estimated income from electricity generated and sold by the facility in each fiscal year during the 10-year period for which incentive payments will be made.

§ 451.9 Application for payment.

(a) An application for an incentive payment shall be filed with DOE during the first quarter (October 1 through December 31) of the next fiscal year, except as provided in paragraph (b)(2) of this section.

(b) Each application shall contain the following information:

(1) The name of the owner or operator of the facility;

(2) The location, in a State, of the facility;

(3) The type of renewable energy sources employed by the facility;

(4) The date of the first use of the facility;

(5) The estimated electric energy generated by the facility in kilowatt-hours for each fiscal year during the 10-year period for which incentive payments will be made;

(6) The estimated income from electricity generated and sold by the facility in each fiscal year during the 10-year period for which incentive payments will be made.

(c) Failure to file an application in any fiscal year for payment for energy generated in the preceding fiscal year shall disqualify the owner or operator from eligibility for any incentive payment for energy generated in that preceding fiscal year.