

NET METERING, S8481/A11582

AN ACT to amend the public service law, in relation to net energy metering for non-residential wind electric generating systems

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 66-1 of the public
service
2 law, as amended by chapter 721 of the laws of 2006, is amended
to read

3 as follows:

4 Net energy metering for residential {and/or}, farm service AND
NON-RE-
5 SIDENTIAL wind electric generating systems.

6 S 2. Paragraphs (a) and (f) of subdivision 1 of section 66-1
of the

7 public service law, as amended by chapter 721 of the laws of
2006, are

8 amended and a new paragraph (c-1) is added to read as follows:

9 (a) "Customer-generator" means a residential customer
{and/or}, farm

10 service customer OR NON-RESIDENTIAL CUSTOMER of an electric
corporation,

11 who owns or operates wind electric generating equipment.

12 (f) "Wind electric generating equipment" means one or more
wind gener-

13 ators with a combined rated capacity of not more than twenty-
five kilo-

14 watts for a residential customer-generator, and not more than
{one} FIVE

15 hundred {twenty-five} kilowatts for a farm service customer-
generator,

16 AND IN THE CASE OF A NON-RESIDENTIAL CUSTOMER-GENERATOR, THE
LESSER OF

17 TWO THOUSAND KILOWATTS OR THE CUSTOMER-GENERATOR`S PEAK LOAD AS
MEASURED

18 OVER THE PRIOR TWELVE MONTH PERIOD, OR IN THE CASE THAT SUCH
TWELVE

19 MONTH PERIOD OF MEASUREMENT IS NOT AVAILABLE, THEN AS
DETERMINED BY THE

20 COMMISSION BASED ON ITS ANALYSIS OF COMPARABLE FACILITIES; that
is manu-

21 factured, installed, and operated in accordance with applicable
govern-

22 ment and industry standards, that is connected to the
electric system

23 and operated in parallel with an electric corporation`s
transmission and

24 distribution facilities, and that is operated in compliance
with any

25 standards and requirements established under this section.

26 (C-1) "NON-RESIDENTIAL CUSTOMER-GENERATOR" MEANS A CUSTOMER
OF AN
27 ELECTRIC CORPORATION WHICH OWNS OR OPERATES WIND ELECTRIC
GENERATING
28 EQUIPMENT LOCATED AND USED AT ITS PREMISES.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets
{ } is old law to be omitted.

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1 S 3. Subdivision 2 of section 66-1 of the public service
law, as
2 amended by chapter 721 of the laws of 2006, is amended to
read as

3 follows:

4 2. Interconnection and net energy metering. An electric
corporation
5 shall provide for the interconnection and net energy metering
of wind
6 electric generating equipment owned or operated by a customer-
generator;
7 provided that the customer-generator enters into a net energy
metering
8 contract with the corporation or complies with the
corporation`s net
9 energy metering schedule and complies with standards and
requirements
10 established under this section. The customer-generator shall be
respon-
11 sible for payment of one-half of the expense of such
interconnection for
12 wind electric generating equipment with a rated capacity of
more than
13 {ten} TWENTY-FIVE kilowatts.

14 S 4. Paragraphs (a), (b) and (c) of subdivision 3 of section
66-1 of
15 the public service law, as amended by chapter 721 of the laws
of 2006,
16 are amended to read as follows:

17 (a) (I) On or before three months after the effective date
of this
18 section, each electric corporation shall develop a model
contract and
19 file a schedule that establishes consistent and reasonable
rates, terms
20 and conditions for net energy metering to customer-generators,
according
21 to the requirements of this section. The commission shall render
a deci-
22 sion within three months from the date on which the schedule is
filed.

23 (II) ON OR BEFORE THREE MONTHS AFTER THE EFFECTIVE DATE
OF THIS

24 SUBPARAGRAPH, EACH ELECTRIC CORPORATION SHALL DEVELOP A MODEL
CONTRACT
25 AND FILE A SCHEDULE THAT ESTABLISHES CONSISTENT AND
REASONABLE RATES,
26 TERMS AND CONDITIONS FOR NET ENERGY METERING TO NON-RESIDENTIAL
CUSTOM-
27 ER-GENERATORS, ACCORDING TO THE REQUIREMENTS OF THIS
SECTION. THE
28 COMMISSION SHALL RENDER A DECISION WITHIN THREE MONTHS FROM THE
DATE ON
29 WHICH THE SCHEDULE IS FILED.
30 (III) Each electric corporation shall make such contract and
schedule
31 available to customer-generators on a first come, first served
basis,
32 until the total rated generating capacity for wind electric
generating
33 equipment owned or operated by customer-generators in the
corporation`s
34 service area is equivalent to {two-tenths} THREE-TENTHS
percent of the
35 corporation`s electric demand for the year two thousand {three}
FIVE, as
36 determined by the department.
37 (b) Nothing in this subdivision shall prohibit a
corporation from
38 providing net energy metering to additional customer-
generators. The
39 commission shall have the authority, after January first, two
thousand
40 {six} TWELVE, to increase the percent limits if it determines
that addi-
41 tional net energy metering is in the public interest.
42 (c) In the event that the electric corporation determines
that it is
43 necessary to install one or more dedicated transformers OR OTHER
EQUIP-
44 MENT to protect the safety and adequacy of electric service
provided to
45 its other customers, a customer-generator shall pay the electric
corpo-
46 ration`s actual costs of installing the transformer or
transformers OR
47 OTHER EQUIPMENT:
48 (i) in the case of a customer-generator with a combined rated
capacity
49 of not more than twenty-five kilowatts, up to a maximum amount
of seven
50 hundred fifty dollars; and
51 (ii) in the case of a customer-generator with a combined rated
capaci-
52 ty of not more than {one} FIVE hundred {twenty-five} kilowatts,
up to a
53 maximum of {one} FIVE thousand dollars{.}; AND
54 (III) IN THE CASE OF A NON-RESIDENTIAL CUSTOMER-GENERATOR,
SUCH COST

55 SHALL BE AS DETERMINED BY THE DEPARTMENT PURSUANT TO
STANDARDS ESTAB-
56 LISHED THEREBY.

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1 S 5. Paragraphs (b) and (c) of subdivision 4 of section 66-1
of the
2 public service law, as amended by chapter 721 of the laws of
2006, are
3 amended and a new paragraph (d) is added to read as follows:
4 (b) In the event that the amount of electricity produced by a
custom-
5 er-generator during the billing period exceeds the amount of
electricity
6 used by the customer-generator, {(i) for a customer-generator
with wind
7 electric generating equipment of not more than ten
kilowatts,} the
8 corporation shall apply a credit to the next bill for service
to the
9 customer-generator for the net electricity provided at the same
rate per
10 kilowatt hour applicable to service provided to other
customers in the
11 same service class which do not generate electricity on site{;
(ii) for
12 a customer-generator with wind electric generating equipment
of more
13 than ten kilowatts, the corporation shall record the net amount
of elec-
14 tricity provided to it by the customer-generator as a credit
at the
15 corporation`s avoided cost rate. The credit provided to the
customer-
16 generator shall be equal to the cost otherwise avoided by the
electric
17 corporation in not having to purchase such energy in the
competitive
18 market or generate the same through facilities it owns or
controls}.

19 (c) At the end of the year or annualized over the period that
service
20 is supplied by means of net energy metering, the
corporation shall
21 promptly issue payment at its avoided cost to {the} A
RESIDENTIAL OR
22 FARM SERVICE customer-generator for the value of any
remaining credit
23 for the excess electricity produced during the year or over the
annual-
24 ized period by {the} SUCH customer-generator.

25 (D) IN THE EVENT THAT THE CORPORATION IMPOSES CHARGES BASED
ON KILO-
26 WATT DEMAND ON CUSTOMERS WHO ARE IN THE SAME SERVICE CLASS
AS THE

27 CUSTOMER-GENERATOR BUT WHICH DO NOT GENERATE ELECTRICITY ON
SITE, THE
28 CORPORATION MAY IMPOSE THE SAME CHARGES AT THE SAME RATES TO THE
CUSTOM-
29 ER-GENERATOR, PROVIDED, HOWEVER, THAT THE KILOWATT DEMAND
FOR SUCH
30 DEMAND CHARGES IS DETERMINED BY THE MAXIMUM MEASURED
KILOWATT DEMAND
31 ACTUALLY SUPPLIED BY THE CORPORATION TO THE CUSTOMER-GENERATOR
DURING
32 THE BILLING PERIOD.

33 S 6. The opening paragraph of paragraph (c) of
subdivision 5 of
34 section 66-1 of the public service law, as amended by chapter
721 of the
35 laws of 2006, is amended to read as follows:
36 {An} UNLESS OTHERWISE DETERMINED TO BE NECESSARY BY THE
COMMISSION, AN
37 electric corporation may not require a customer-generator to
comply with
38 additional safety or performance standards, or perform or pay
for addi-
39 tional tests, or purchase additional liability insurance,
provided that:
40 S 7. This act shall take effect on the first of January next
succeed-
41 ing the date on which it shall have become a law; provided that,
effec-
42 tive immediately, any rules and regulations necessary to
implement the
43 provisions of this act on its effective date are authorized and
directed
44 to be completed on or before such date.