

3806--B

Cal. No. 102

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I N S E N A T E

February 19, 2013

Introduced by Sens. MAZIARZ, RITCHIE, CARLUCCI, DeFRANCISCO, GALLIVAN, GIPSON, GRISANTI, LARKIN, LATIMER, LIBOUS, MONTGOMERY, NOZZOLIO, RANZENHOFER, SAMPSON, SAVINO, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the energy law and the public service law, in relation to net-metering and on-farm energy generation

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

1 Section 1. This act shall be known and may be cited as the "repower
2 New York farms act".
3 S 2. Subdivisions 1, 2 and 3 of section 3-101 of the energy law,
4 subdivisions 2 and 3 as amended by chapter 820 of the laws of 1976, are
5 amended to read as follows:
6 1. to obtain and maintain an adequate and continuous supply of safe,
7 dependable and economical energy for the people of the state and to
8 accelerate development and use within the state of renewable energy
9 sources, all in order to promote the state's economic growth, to create
10 employment within the state, to protect its environmental values AND
11 AGRICULTURAL HERITAGE, to husband its resources for future generations,
12 and to promote the health and welfare of its people;
13 2. to encourage conservation of energy in the construction and opera-
14 tion of new commercial, industrial, AGRICULTURAL and residential build-
15 ings, and in the rehabilitation of existing structures, through heating,
16 cooling, ventilation, lighting, insulation and design techniques and the
17 use of energy audits and life-cycle costing analysis;

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

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1 3. to encourage the use of performance standards in all energy-using
2 appliances, and in industrial, AGRICULTURAL and commercial applications
3 of energy-using apparatus and processes;

4 S 3. Paragraph (d) of subdivision 1 of section 66-j of the public
5 service law, as amended by chapter 7 of the laws of 2010, is amended to
6 read as follows:

7 (d) "Solar electric generating equipment" means a photovoltaic system

8 (i) (A) in the case of a residential customer (OTHER THAN A FARM UTILIZ-
9 ING A RESIDENTIAL METER), with a rated capacity of not more than twen-
10 ty-five kilowatts; [and] (B) IN THE CASE OF A FARM UTILIZING A RESIDEN-
11 TIAL METER WITH A RATED CAPACITY OF NOT MORE THAN ONE HUNDRED KILOWATTS;
12 AND (C) in the case of a non-residential customer, with a rated capacity
13 of not more than two thousand kilowatts; and (ii) that is manufactured,
14 installed, and operated in accordance with applicable government and
15 industry standards, that is connected to the electric system and oper-
16 ated in conjunction with an electric corporation's transmission and
17 distribution facilities, and that is operated in compliance with any
18 standards and requirements established under this section.

19 S 4. Subparagraph (ii) of paragraph (c) of subdivision 3 of section
20 66-j of the public service law, as amended by chapter 546 of the laws of
21 2011, is amended to read as follows:

22 (ii) In the case of a customer-generator who owns or operates farm
23 waste electric generating equipment located and used at his or her "farm
24 operation," up to a total amount of [five] TWO thousand FIVE HUNDRED
25 dollars per "farm operation"; and

26 S 5. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 3 of
27 section 66-l of the public service law, as amended by chapter 7 of the
28 laws of 2010, are amended to read as follows:

29 (i) in the case of a residential[, farm service] or non-residential
30 customer-generator with a combined rated capacity of not more than twen-
31 ty-five kilowatts, up to a maximum amount of seven hundred fifty dollars
32 AND IN THE CASE OF A FARM SERVICE CUSTOMER-GENERATOR THE MAXIMUM AMOUNT
33 SHALL NOT EXCEED THREE HUNDRED SEVENTY-FIVE DOLLARS; and

34 (ii) in the case of a farm service customer-generator with a combined
35 rated capacity of not more than five hundred kilowatts, up to a maximum
36 of [five] TWO thousand FIVE HUNDRED dollars; and

37 S 6. This act shall take effect immediately.