S T A T E O F N E W Y O R K

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I N S E N A T E

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Introduced by Sens. GRIFFO, LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law and the public authorities law, in relation to residential net energy metering for micro-combined heat and power generating equipment

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

Section 1. The section heading and subdivision 1 of section 66-j of the public service law, the section heading and paragraphs (a), (d) and (e) of subdivision 1 as amended by chapter 452 of the laws of 2008, subdivision 1 as amended by chapter 515 of the laws of 2002 and paragraph (b) and the opening paragraph of paragraph (e) of subdivision 1 as amended by chapter 480 of the laws of 2008, are amended and a new subdivision 6-a is added to read as follows:

Net energy metering for residential solar, farm waste or non-residential solar electric generating systems; AND RESIDENTIAL MICRO-COMBINED HEAT AND POWER UNDER CERTAIN CIRCUMSTANCES. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Customer-generator" means: (i) a residential customer of an electric corporation, who owns or operates solar electric generating equipment located and used at his or her residence; (ii) a customer of an electric corporation, who owns or operates farm waste electric generating equipment located and used at his or her "farm operation," as such term is defined in subdivision eleven of section three hundred one of the agriculture and markets law; and (iii) a non-residential customer of an electric corporation which owns or operates solar electric generating equipment located and used at its premises.

(b) "Net energy meter" means a meter that measures the reverse flow of electricity to register the difference between the electricity supplied

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

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by an electric corporation to the customer-generator and the electricity provided to the corporation by that customer-generator.

(c) "Net energy metering" means the use of a net energy meter to measure, during the billing period applicable to a customer-generator, the net amount of electricity supplied by an electric corporation and provided to the corporation by a customer-generator.

(d) "Solar electric generating equipment" means a photovoltaic system (i) (A) in the case of a residential customer, with a rated capacity of not more than twenty-five kilowatts; and (B) in the case of a non-residential customer, with a rated capacity of not more than the lesser of two thousand kilowatts or such customer's peak load as measured over the prior twelve month period, or in the case that such twelve month period of measurement is not available, then as determined by the commission based on its analysis of comparable facilities; and (ii) that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

(e) "Farm waste electric generating equipment" means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming wastes and food processing wastes with a rated capacity of not more than five hundred kilowatts, that is:

i. manufactured, installed, and operated in accordance with applicable government and industry standards;

ii. connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities;

iii. operated in compliance with any standards and requirements established under this section;

iv. fueled at a minimum of ninety percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues, and food processing waste; and

v. fueled by biogas generated by anaerobic digestion with at least fifty percent by weight of its feedstock being livestock manure materials on an annual basis.

(F) "MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT" MEANS AN INTEGRATED, COGENERATING RESIDENTIAL BUILDING HEATING AND ELECTRICAL POWER GENERATION SYSTEM, OPERATING ON ANY FUEL AND OF ANY APPLICABLE ENGINE, FUEL CELL, OR OTHER TECHNOLOGY, WITH A RATED CAPACITY OF NOT MORE THAN TEN KILOWATTS ELECTRIC AND ANY THERMAL OUTPUT THAT AT FULL LOAD HAS A DESIGN TOTAL FUEL USE EFFICIENCY OF NOT LESS THAN EIGHTY PERCENT, AND THAT HAS A MAXIMUM RATE OF USEFUL HEAT ENERGY OUTPUT TO ELECTRIC ENERGY OUTPUT OF TEN THAT MAY WORK IN COMBINATION WITH SUPPLEMENTAL OR PARALLEL CONVENTIONAL HEATING SYSTEMS, THAT IS MANUFACTURED, INSTALLED, AND OPERATED IN ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, THAT IS CONNECTED TO THE ELECTRIC SYSTEM AND OPERATED IN CONJUNCTION WITH AN ELECTRIC CORPORATION'S TRANSMISSION AND DISTRIBUTION FACILITIES.

6-A. MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT. AN ELECTRIC CORPORATION MAY PERMIT NET ENERGY METERING FOR MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT IN THE SAME MANNER AND SUBJECT TO THE SAME RULES AND REQUIREMENTS AS ARE SET FORTH IN SUBDIVISIONS TWO, THREE, FOUR AND FIVE OF THIS SECTION FOR ELIGIBLE TECHNOLOGIES AND ELIGIBLE CUSTOMER-GENERATORS.

S 2. Subdivision (h) of section 1020-g of the public authorities law, as amended by chapter 452 of the laws of 2008, is amended to read as follows:

(h) To implement programs and policies designed to provide for the interconnection of: (i) (A) solar electric generating equipment owned or operated by residential customers, (B) farm waste electric generating equipment owned or operated by customer-generators, and (C) solar electric generating equipment owned or operated by non-residential customers, and for net energy metering consistent with section sixty-six-j of the public service law, to increase the efficiency of energy end use, to shift demand from periods of high demand to periods of low demand and to facilitate the development of cogeneration; [and] (ii) wind electric generating equipment owned or operated by customer-generators and for net energy metering consistent with section sixty-six-l of the public service law; AND (III) RESIDENTIAL MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT AND FOR NET ENERGY METERING CONSISTENT WITH SECTION SIXTY-SIX-J OF THE PUBLIC SERVICE LAW.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.