

3168

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I N S E N A T E

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and when printed to be committed to the Committee on Energy and Tele-
communications

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

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

12 (a) "Customer-generator" means: (i) a residential customer of an elec-
13 tric corporation, who owns or operates solar electric generating equip-
14 ment located and used at his or her residence; (ii) a customer of an
15 electric corporation, who owns or operates farm waste electric generat-
16 ing equipment located and used at his or her "farm operation," as such
17 term is defined in subdivision eleven of section three hundred one of
18 the agriculture and markets law; and (iii) a non-residential customer of
19 an electric corporation which owns or operates solar electric generating
20 equipment located and used at its premises.

21 (b) "Net energy meter" means a meter that measures the reverse flow of
22 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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1 by an electric corporation to the customer-generator and the electricity
2 provided to the corporation by that customer-generator.

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

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

8 (i) (A) in the case of a residential customer, with a rated capacity of
9 not more than twenty-five kilowatts; and (B) in the case of a non-resi-
10 dential customer, with a rated capacity of not more than the lesser of
11 two thousand kilowatts or such customer's peak load as measured over the
12 prior twelve month period, or in the case that such twelve month period
13 of measurement is not available, then as determined by the commission
14 based on its analysis of comparable facilities; and (ii) that is manu-
15 factured, installed, and operated in accordance with applicable govern-
16 ment and industry standards, that is connected to the electric system
17 and operated in conjunction with an electric corporation's transmission
18 and distribution facilities, and that is operated in compliance with any
19 standards and requirements established under this section.

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

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

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

29 iii. operated in compliance with any standards and requirements estab-
30 lished under this section;

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

35 v. fueled by biogas generated by anaerobic digestion with at least
36 fifty percent by weight of its feedstock being livestock manure materi-
37 als on an annual basis.

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

51 6-A. MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT. AN ELECTRIC
52 CORPORATION MAY PERMIT NET ENERGY METERING FOR MICRO-COMBINED HEAT AND
53 POWER GENERATING EQUIPMENT IN THE SAME MANNER AND SUBJECT TO THE SAME
54 RULES AND REQUIREMENTS AS ARE SET FORTH IN SUBDIVISIONS TWO, THREE, FOUR
55 AND FIVE OF THIS SECTION FOR ELIGIBLE TECHNOLOGIES AND ELIGIBLE CUSTOM-
56 ER-GENERATORS.

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

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

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