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

January 28, 2010

Introduced by Sens. MAZIARZ, AUBERTINE, NOZZOLIO, DeFRANCISCO, GRIFFO, O. JOHNSON, LARKIN, LITTLE, MORAHAN, PARKER, SCHNEIDERMAN, SEWARD, STACHOWSKI, THOMPSON, VALESKY, VOLKER -- (at request of the Governor) -- 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, in relation to net energy metering for certain solar and wind electric generating systems

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

Section 1. Paragraph (d) of subdivision 1 of section 66-j of the public service law, as amended by chapter 355 of the laws of 2009, is amended to read as follows:

(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.

S 2. Subparagraphs (i) and (iii) of paragraph (c) of subdivision 3 of section 66-j of the public service law, as amended by chapter 355 of the laws of 2009, are amended to read as follows:

(i) In the case of a customer-generator who owns or operates solar electric generating equipment, micro-combined heat and power generating equipment or fuel cell electric generating equipment located and used at his or her residence, OR A NON-RESIDENTIAL CUSTOMER-GENERATOR WHO OWNS OR OPERATES SOLAR ELECTRIC GENERATING EQUIPMENT WITH A RATED CAPACITY OF

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

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NOT MORE THAN TWENTY-FIVE KILOWATTS, up to a maximum amount of three hundred fifty dollars;

(iii) In the case of a non-residential customer-generator who owns or operates solar electric generating equipment WITH A RATED CAPACITY OF MORE THAN TWENTY-FIVE KILOWATTS located and used at its premises, such cost shall be as determined by the ELECTRIC CORPORATION SUBJECT TO REVIEW, UPON THE REQUEST OF SUCH CUSTOMER-GENERATOR, BY THE department[pursuant to standards established thereby].

S 3. Paragraph (f) of subdivision 1 of section 66-l of the public service law, as amended by chapter 483 of the laws of 2008, is amended to read as follows:

(f) "Wind electric generating equipment" means one or more wind generators with a combined rated capacity of not more than twenty-five kilowatts for a residential customer-generator, and not more than five hundred kilowatts for a farm service customer-generator, and [in the case of] NOT MORE THAN TWO THOUSAND KILOWATTS FOR a non-residential customer-generator[, the lesser of two thousand kilowatts or the customer-generator'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]; that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

S 4. Subparagraphs (i), (ii) and (iii) of paragraph (c) of subdivision 3 of section 66-l of the public service law, as amended by chapter 483 of the laws of 2008, are amended to read as follows:

(i) in the case of a RESIDENTIAL, FARM SERVICE OR NON-RESIDENTIAL customer-generator with a combined rated capacity of not more than twenty-five kilowatts, up to a maximum amount of seven hundred fifty dollars; and

(ii) in the case of a FARM SERVICE customer-generator with a combined rated capacity of not more than five hundred kilowatts, up to a maximum of five thousand dollars; and

(iii) in the case of a non-residential customer-generator WITH A COMBINED RATED CAPACITY OF MORE THAN TWENTY-FIVE KILOWATTS, such cost shall be as determined by the ELECTRIC CORPORATION SUBJECT TO REVIEW, UPON THE REQUEST OF SUCH CUSTOMER-GENERATOR, BY THE department [pursuant to standards established thereby].

S 5. This act shall take effect immediately.