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

5443--A

Cal. No. 1074

2011-2012 Regular Sessions

I N S E N A T E

May 23, 2011

Introduced by Sen. MAZIARZ -- 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

AN ACT to amend the public service law, in relation to net energy metering standards for non-residential customers

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

Section 1. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 1 of section 66-j of the public service law, as amended by chapter 355 of the laws of 2009, are amended and a new subparagraph (vi) is added to read as follows:

(iv) a residential customer of an electric corporation who owns, leases or operates micro-combined heat and power generating equipment located on the customer's premises; [and] (v) a residential customer of an electric corporation who owns, leases or operates fuel cell generating equipment located on the customer's premises[.]; AND (VI) A NON-RESIDENTIAL CUSTOMER OF AN ELECTRIC CORPORATION WHO OWNS, LEASES OR OPERATES FUEL CELL GENERATING EQUIPMENT LOCATED AND USED AT THE CUSTOMER'S PREMISES.

S 2. Paragraph (g) of subdivision 1 of section 66-j of the public service law, as added by chapter 355 of the laws of 2009, is amended to read as follows:

(g) "Fuel cell electric generating equipment" means:

(I)(A) IN THE CASE OF A RESIDENTIAL CUSTOMER, a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than ten kilowatts; AND (B) IN THE CASE OF A NON-RESIDENTIAL CUSTOMER, A SOLID OXIDE, MOLTEN CARBONATE,

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

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PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL WITH A COMBINED RATED CAPACITY OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED KILOWATTS; 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 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 3. Subparagraph (iii) of paragraph (c) of subdivision 3 of section 66-j of the public service law, as amended by chapter 7 of the laws of 2010, is amended to read as follows:

(iii) In the case of a non-residential customer-generator who owns or operates solar electric generating equipment OR FUEL CELL 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.

S 4. This act shall take effect immediately.