

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

10565

I N A S S E M B L Y

June 6, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) --
read once and referred to the Committee on Energy

AN ACT to amend the public service law, the public authorities law and the environmental conservation law, in relation to net metering of electric generating facilities; to repeal sections 66-j and 66-l of the public service law relating to net metering of certain residential and non-residential electric generating systems; and to repeal section 66-k of the public service law and subdivision 10-a of section 1854 of the public authorities law relating to sulfur dioxide trading credits

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

1 Section 1. Sections 66-j, 66-k and 66-l of the public service law are
2 REPEALED and a new section 66-j is added to read as follows:
3 S 66-J. NET ENERGY METERING FOR SOLAR, WIND, MICRO-HYDROELECTRIC,
4 MICRO-COMBINED HEAT AND POWER AND FUEL CELL ELECTRIC GENERATING EQUIP-
5 MENT. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS
6 SHALL HAVE THE FOLLOWING MEANINGS:
7 (A) "CUSTOMER-GENERATOR" MEANS: (I) A RESIDENTIAL CUSTOMER OF AN ELEC-
8 TRIC CORPORATION, WHO LOCATES AND USES SOLAR, WIND, MICRO-HYDROELECTRIC,
9 COMBINED HEAT AND POWER OR FUEL CELL ELECTRIC GENERATING EQUIPMENT AT
10 HIS OR HER PREMISES; (II) A FARM OPERATION CUSTOMER OF AN ELECTRIC
11 CORPORATION, WHICH LOCATES AND USES FARM WASTE OR WIND ELECTRIC GENERAT-
12 ING EQUIPMENT AT THE CUSTOMER'S FARM OPERATION, AS SUCH TERM IS DEFINED
13 IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE
14 AND MARKETS LAW; AND (III) A NON-RESIDENTIAL CUSTOMER OF AN ELECTRIC
15 CORPORATION, WHICH LOCATES AND USES SOLAR, WIND, MICRO-HYDROELECTRIC OR
16 FUEL CELL ELECTRIC GENERATING EQUIPMENT AT ITS PREMISES.
17 (B) "NET ENERGY METER" MEANS A METER THAT MEASURES THE REVERSE FLOW OF
18 ELECTRICITY TO REGISTER THE DIFFERENCE BETWEEN THE ELECTRICITY SUPPLIED
19 BY AN ELECTRIC CORPORATION TO THE CUSTOMER-GENERATOR AND THE ELECTRICITY
20 PROVIDED TO THE CORPORATION BY THAT CUSTOMER-GENERATOR.
21 (C) "NET ENERGY METERING" MEANS THE USE OF A NET ENERGY METER TO MEAS-
22 URE, DURING THE BILLING PERIOD APPLICABLE TO A CUSTOMER-GENERATOR, THE
23 NET AMOUNT OF ELECTRICITY SUPPLIED BY AN ELECTRIC CORPORATION AND

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

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1 PROVIDED TO THE CORPORATION BY A CUSTOMER-GENERATOR FROM ELECTRIC GENER-
2 ATING EQUIPMENT THAT IS: (I) MANUFACTURED, INSTALLED, AND OPERATED IN
3 ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, THAT IS
4 CONNECTED TO THE ELECTRIC SYSTEM AND OPERATED IN CONJUNCTION WITH AN
5 ELECTRIC CORPORATION'S TRANSMISSION AND DISTRIBUTION FACILITIES, AND
6 THAT IS OPERATED IN COMPLIANCE WITH ANY STANDARDS AND REQUIREMENTS
7 ESTABLISHED UNDER THIS SECTION; AND (II) MEETS THE REQUIREMENTS OF PARA-
8 GRAPH (D) OF THIS SUBDIVISION.

9 (D) (I) "SOLAR ELECTRIC GENERATING EQUIPMENT" MEANS A PHOTOVOLTAIC
10 SYSTEM THAT: (A) IN THE CASE OF A RESIDENTIAL CUSTOMER, HAS A RATED
11 CAPACITY OF NOT MORE THAN TWENTY-FIVE KILOWATTS; AND (B) IN THE CASE OF
12 A NON-RESIDENTIAL CUSTOMER, HAS A RATED CAPACITY OF NOT MORE THAN TWO
13 THOUSAND KILOWATTS.

14 (II) "FARM WASTE ELECTRIC GENERATING EQUIPMENT" MEANS EQUIPMENT
15 LOCATED AT A FARM OPERATION THAT GENERATES ELECTRIC ENERGY FROM BIOGAS
16 PRODUCED BY THE ANAEROBIC DIGESTION OF AGRICULTURAL WASTE, SUCH AS LIVE-
17 STOCK MANURE, FARMING WASTES AND FOOD PROCESSING WASTES WITH A RATED
18 CAPACITY OF NOT MORE THAN ONE THOUSAND KILOWATTS, THAT IS: (A) FUELED AT
19 A MINIMUM OF NINETY PERCENT ON AN ANNUAL BASIS BY BIOGAS PRODUCED FROM
20 THE ANAEROBIC DIGESTION OF AGRICULTURAL WASTE SUCH AS LIVESTOCK MANURE
21 MATERIALS, FARMING WASTE, CROP RESIDUES, AND FOOD PROCESSING WASTE; AND
22 (B) FUELED BY BIOGAS GENERATED BY ANAEROBIC DIGESTION WITH AT LEAST
23 FIFTY PERCENT BY WEIGHT OF ITS FEEDSTOCK BEING LIVESTOCK MANURE MATERI-
24 ALS ON AN ANNUAL BASIS.

25 (III) "WIND ELECTRIC GENERATING EQUIPMENT" MEANS A WIND GENERATION
26 SYSTEM THAT: (A) IN THE CASE OF A RESIDENTIAL CUSTOMER, HAS A RATED
27 CAPACITY OF NOT MORE THAN TWENTY-FIVE KILOWATTS; (B) IN THE CASE OF A
28 FARM OPERATION CUSTOMER, HAS A RATED CAPACITY OF NOT MORE THAN FIVE
29 HUNDRED KILOWATTS, EXCEPT THAT A FARM OPERATION CUSTOMER THAT IS ALSO A
30 NON-RESIDENTIAL CUSTOMER MAY NET METER NON-RESIDENTIAL WIND GENERATING
31 ELECTRIC EQUIPMENT AS DEFINED IN CLAUSE (C) OF THIS SUBPARAGRAPH; AND
32 (C) IN THE CASE OF A NON-RESIDENTIAL CUSTOMER, HAS A RATED CAPACITY OF
33 NOT MORE THAN TWO THOUSAND KILOWATTS.

34 (IV) "MICRO-HYDROELECTRIC GENERATING EQUIPMENT" MEANS A HYDROELECTRIC
35 SYSTEM THAT: (A) IN THE CASE OF A RESIDENTIAL CUSTOMER, HAS A RATED
36 CAPACITY OF NOT MORE THAN TWENTY-FIVE KILOWATTS; AND (B) IN THE CASE OF
37 A NON-RESIDENTIAL CUSTOMER, HAS A RATED CAPACITY OF NOT MORE THAN TWO
38 THOUSAND KILOWATTS.

39 (V) "MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT" MEANS EQUIP-
40 MENT THAT IS AN INTEGRATED, COGENERATING RESIDENTIAL BUILDING HEATING
41 AND ELECTRICAL POWER GENERATION SYSTEM, OPERATING ON ANY FUEL AND OF ANY
42 APPLICABLE ENGINE, FUEL CELL, OR OTHER TECHNOLOGY, WITH A RATED CAPACITY
43 OF AT LEAST ONE KILOWATT AND NOT MORE THAN TEN KILOWATTS ELECTRIC AND
44 ANY THERMAL OUTPUT THAT AT FULL LOAD HAS A DESIGN TOTAL FUEL USE EFFI-
45 CIENCY IN THE PRODUCTION OF HEAT AND ELECTRICITY OF NOT LESS THAN EIGHTY
46 PERCENT, AND ANNUALLY PRODUCES AT LEAST TWO THOUSAND KILOWATT HOURS OF
47 USEFUL ENERGY IN THE FORM OF ELECTRICITY THAT MAY WORK IN COMBINATION
48 WITH SUPPLEMENTAL OR PARALLEL CONVENTIONAL HEATING SYSTEMS.

49 (VI) "FUEL CELL ELECTRIC GENERATING EQUIPMENT" MEANS EQUIPMENT THAT
50 IS: (A) IN THE CASE OF A RESIDENTIAL CUSTOMER, A SOLID OXIDE, MOLTEN
51 CARBONATE, PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL WITH A
52 COMBINED RATED CAPACITY OF NOT MORE THAN TEN KILOWATTS; AND (B) IN THE
53 CASE OF A NON-RESIDENTIAL CUSTOMER, A SOLID OXIDE, MOLTEN CARBONATE,
54 PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL WITH A COMBINED
55 RATED CAPACITY OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED KILOWATTS.

2. INTERCONNECTION AND NET ENERGY METERING. AN ELECTRIC CORPORATION SHALL PROVIDE FOR THE INTERCONNECTION OF SOLAR, WIND, FARM WASTE, MICRO-HYDROELECTRIC, MICRO-COMBINED HEAT AND POWER, AND FUEL CELL ELECTRIC GENERATING EQUIPMENT BY A CUSTOMER-GENERATOR AND FOR NET ENERGY METERING, PROVIDED THAT THE CUSTOMER-GENERATOR ENTERS INTO A NET ENERGY METERING CONTRACT WITH THE CORPORATION OR COMPLIES WITH THE CORPORATION'S NET ENERGY METERING SCHEDULE AND COMPLIES WITH STANDARDS AND REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

3. CONDITIONS OF SERVICE. (A) EACH ELECTRIC CORPORATION SHALL MAKE AVAILABLE TO CUSTOMER-GENERATORS A MODEL CONTRACT AND SCHEDULES FILED WITH AND APPROVED BY THE COMMISSION THAT ESTABLISH CONSISTENT AND REASONABLE RATES, TERMS AND CONDITIONS FOR NET ENERGY METERING TO CUSTOMER-GENERATORS ON A FIRST COME, FIRST SERVED BASIS, UNTIL THE TOTAL RATED GENERATING CAPACITY FOR SOLAR, WIND, MICRO-HYDROELECTRIC, FARM WASTE, MICRO-COMBINED HEAT AND POWER, AND FUEL CELL ELECTRIC GENERATING EQUIPMENT LOCATED AND USED BY CUSTOMER-GENERATORS IN THE CORPORATION'S SERVICE AREA IS EQUIVALENT TO ONE AND THREE-TENTHS PERCENT OF THE CORPORATION'S ELECTRIC DEMAND FOR THE YEAR TWO THOUSAND FIVE, AS DETERMINED BY THE DEPARTMENT.

(B) NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A CORPORATION FROM PROVIDING NET ENERGY METERING TO ADDITIONAL CUSTOMER-GENERATORS. THE COMMISSION SHALL HAVE THE AUTHORITY, AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TO INCREASE THE PERCENT LIMITS IF IT DETERMINES THAT ADDITIONAL NET ENERGY METERING IS IN THE PUBLIC INTEREST.

(C) IN THE EVENT THAT THE ELECTRIC CORPORATION DETERMINES THAT IT IS NECESSARY TO INSTALL A DEDICATED TRANSFORMER OR TRANSFORMERS, OR OTHER EQUIPMENT TO PROTECT THE SAFETY AND ADEQUACY OF ELECTRIC SERVICE PROVIDED TO OTHER CUSTOMERS, A CUSTOMER-GENERATOR SHALL PAY THE ELECTRIC CORPORATION'S ACTUAL COSTS OF INSTALLING THE TRANSFORMER OR TRANSFORMERS, OR OTHER EQUIPMENT:

(I) IN THE CASE OF A RESIDENTIAL CUSTOMER-GENERATOR WHO LOCATES AND USES AT HIS OR HER PREMISES SOLAR, WIND, MICRO-HYDROELECTRIC, MICRO-COMBINED HEAT OR POWER OR FUEL CELL ELECTRIC GENERATING EQUIPMENT, OR A NON-RESIDENTIAL CUSTOMER-GENERATOR WHICH LOCATES AND USES AT ITS PREMISES SOLAR, WIND, MICRO-HYDROELECTRIC OR FUEL CELL ELECTRIC GENERATING EQUIPMENT WITH A RATED CAPACITY OF NOT MORE THAN TWENTY-FIVE KILOWATTS, UP TO A MAXIMUM AMOUNT OF THREE HUNDRED FIFTY DOLLARS;

(II) IN THE CASE OF A FARM OPERATION CUSTOMER-GENERATOR WHO LOCATES AND USES FARM WASTE OR WIND ELECTRIC GENERATING EQUIPMENT AT THE CUSTOMER'S FARM OPERATION, UP TO A TOTAL AMOUNT OF FIVE THOUSAND DOLLARS; AND

(III) IN THE CASE OF A NON-RESIDENTIAL CUSTOMER-GENERATOR WHO LOCATES AND USES SOLAR, WIND, MICRO-HYDROELECTRIC, OR FUEL CELL ELECTRIC GENERATING EQUIPMENT WITH A RATED CAPACITY OF MORE THAN TWENTY-FIVE KILOWATTS 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.

(D) AN ELECTRIC CORPORATION SHALL IMPOSE NO OTHER CHARGE OR FEE, INCLUDING BACK-UP, STAND BY AND DEMAND CHARGES, FOR THE PROVISION OF NET ENERGY METERING TO A CUSTOMER-GENERATOR, EXCEPT AS PROVIDED IN PARAGRAPH (D) OF SUBDIVISION FOUR OF THIS SECTION.

(E) A FARM OPERATION CUSTOMER-GENERATOR OR A NON-RESIDENTIAL SOLAR, WIND OR MICRO-HYDROELECTRIC CUSTOMER-GENERATOR THAT LOCATES AND USES ELECTRIC GENERATING EQUIPMENT WITH A NET ENERGY METER ON PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR MAY DESIGNATE ALL OR A PORTION OF THE NET METERING CREDITS GENERATED BY SUCH EQUIPMENT TO METERS AT ANY PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR WITHIN THE SERVICE

1 TERRITORY OF THE SAME ELECTRIC CORPORATION TO WHICH THE
2 CUSTOMER-GENERATOR'S NET ENERGY METERS ARE INTERCONNECTED AND BEING
3 WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL
4 PRICE AS OF THE DATE OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO
5 CONDUCT NET METERING. THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS
6 OF THE CUSTOMER BY APPLYING ANY CREDITS TO THE HIGHEST USE METER FIRST,
7 THEN SUBSEQUENT HIGHEST USE METERS UNTIL ALL SUCH CREDITS ARE ATTRIBUTED
8 TO THE CUSTOMER. ANY EXCESS CREDITS SHALL BE CARRIED OVER TO THE FOLLOW-
9 ING MONTH.

10 4. RATES. AN ELECTRIC CORPORATION SHALL USE NET ENERGY METERING TO
11 MEASURE AND CHARGE FOR THE NET ELECTRICITY SUPPLIED BY THE CORPORATION
12 AND PROVIDED TO THE CORPORATION BY A CUSTOMER-GENERATOR, ACCORDING TO
13 THESE REQUIREMENTS:

14 (A) IN THE EVENT THAT THE AMOUNT OF ELECTRICITY SUPPLIED BY THE CORPO-
15 RATION DURING THE BILLING PERIOD EXCEEDS THE AMOUNT OF ELECTRICITY
16 PROVIDED BY A CUSTOMER-GENERATOR, THE CORPORATION SHALL CHARGE THE
17 CUSTOMER-GENERATOR FOR THE NET ELECTRICITY SUPPLIED AT THE SAME RATE PER
18 KILOWATT HOUR APPLICABLE TO SERVICE PROVIDED TO OTHER CUSTOMERS IN THE
19 SAME SERVICE CLASS WHICH DO NOT GENERATE ELECTRICITY ONSITE.

20 (B) IN THE EVENT THAT THE AMOUNT OF ELECTRICITY PRODUCED BY A CUSTOM-
21 ER-GENERATOR DURING THE BILLING PERIOD EXCEEDS THE AMOUNT OF ELECTRICITY
22 USED BY THE CUSTOMER-GENERATOR, THE CORPORATION SHALL APPLY A CREDIT TO
23 THE NEXT BILL FOR SERVICE TO THE CUSTOMER-GENERATOR FOR THE NET ELEC-
24 TRICITY PROVIDED AT THE SAME RATE PER KILOWATT HOUR APPLICABLE TO
25 SERVICE PROVIDED TO OTHER CUSTOMERS IN THE SAME SERVICE CLASS WHICH DO
26 NOT GENERATE ELECTRICITY ONSITE, EXCEPT FOR MICRO-COMBINED HEAT AND
27 POWER OR FUEL CELL CUSTOMER-GENERATORS, WHO WILL BE CREDITED AT THE
28 CORPORATION'S AVOIDED COSTS. THE AVOIDED COST CREDIT PROVIDED TO MICRO-
29 COMBINED HEAT AND POWER OR FUEL CELL CUSTOMER-GENERATORS SHALL BE TREAT-
30 ED FOR RATEMAKING PURPOSES AS A PURCHASE OF ELECTRICITY IN THE MARKET
31 THAT IS INCLUDABLE IN COMMODITY COSTS.

32 (C) AT THE END OF THE YEAR OR ANNUALIZED OVER THE PERIOD THAT SERVICE
33 IS SUPPLIED BY MEANS OF NET ENERGY METERING, THE CORPORATION SHALL
34 PROMPTLY ISSUE PAYMENT AT ITS AVOIDED COST TO A RESIDENTIAL SOLAR, WIND
35 OR MICRO-HYDROELECTRIC CUSTOMER-GENERATOR OR A FARM OPERATION CUSTOMER-
36 GENERATOR FOR THE VALUE OF ANY REMAINING CREDIT FOR THE EXCESS ELECTRIC-
37 ITY PRODUCED DURING THE YEAR OR OVER THE ANNUALIZED PERIOD BY THE
38 CUSTOMER-GENERATOR.

39 (D) IN THE EVENT THAT THE CORPORATION IMPOSES CHARGES BASED ON
40 KILO-WATT DEMAND ON CUSTOMERS WHO ARE IN THE SAME SERVICE CLASS AS THE
41 CUSTOMER-GENERATOR BUT WHICH DO NOT GENERATE ELECTRICITY ON SITE, THE
42 CORPORATION MAY IMPOSE THE SAME CHARGES AT THE SAME RATES TO THE CUSTOM-
43 ER-GENERATOR, PROVIDED, HOWEVER, THAT THE KILOWATT DEMAND FOR SUCH
44 DEMAND CHARGES IS DETERMINED BY THE MAXIMUM MEASURED KILOWATT DEMAND
45 ACTUALLY SUPPLIED BY THE CORPORATION TO THE CUSTOMER-GENERATOR DURING
46 THE BILLING PERIOD.

47 5. SAFETY STANDARDS. (A) EACH ELECTRIC CORPORATION SHALL ESTABLISH
48 STANDARDS THAT ARE NECESSARY FOR THE INTERCONNECTION OF ELECTRIC GENER-
49 ATING EQUIPMENT NET METERED BY CUSTOMER-GENERATORS TO ITS SYSTEM AND
50 THAT THE COMMISSION SHALL DETERMINE ARE NECESSARY FOR SAFE AND ADEQUATE
51 SERVICE AND FURTHER THE PUBLIC POLICY SET FORTH IN THIS SECTION. SUCH
52 STANDARDS MAY INCLUDE BUT SHALL NOT BE LIMITED TO:

53 (I) EQUIPMENT NECESSARY TO ISOLATE AUTOMATICALLY THE ELECTRIC GENERAT-
54 ING EQUIPMENT NET METERED BY CUSTOMER-GENERATORS FROM THE UTILITY SYSTEM
55 FOR VOLTAGE AND FREQUENCY DEVIATIONS; AND

1 (II) A MANUAL LOCKABLE DISCONNECT SWITCH PROVIDED BY THE CUSTOMER-GEN-
2 ERATOR WHICH SHALL BE LOCATED ON THE OUTSIDE OF THE CUSTOMER'S PREMISES
3 AND EXTERNALLY ACCESSIBLE FOR THE PURPOSE OF ISOLATING ELECTRIC GENERAT-
4 ING EQUIPMENT.

5 (B) UPON ITS OWN MOTION OR UPON A COMPLAINT, THE COMMISSION, OR ITS
6 DESIGNATED REPRESENTATIVE, MAY INVESTIGATE AND MAKE A DETERMINATION AS
7 TO THE REASONABLENESS AND NECESSITY OF THE STANDARDS OR RESPONSIBILITY
8 FOR COMPLIANCE WITH THE STANDARDS.

9 (C) AN ELECTRIC CORPORATION MAY NOT REQUIRE A RESIDENTIAL OR FARM
10 OPERATION CUSTOMER-GENERATOR TO COMPLY WITH ADDITIONAL SAFETY OR
11 PERFORMANCE STANDARDS, PERFORM OR PAY FOR ADDITIONAL TESTS, OR PURCHASE
12 ADDITIONAL LIABILITY INSURANCE PROVIDED THAT THE CUSTOMER-GENERATOR'S
13 NET METERED ELECTRIC GENERATING EQUIPMENT MEETS THE SAFETY STANDARDS
14 ESTABLISHED PURSUANT TO THIS SUBDIVISION.

15 (D) IN THE EVENT THAT THE TOTAL RATED GENERATING CAPACITY OF FARM
16 WASTE AND FARM WIND ELECTRIC GENERATING EQUIPMENT THAT PROVIDES ELEC-
17 TRICITY TO AN ELECTRIC CORPORATION THROUGH A LOCAL FEEDER LINE EXCEEDS
18 TWENTY PERCENT OF THE RATED CAPACITY OF THE LOCAL FEEDER LINE, THE ELEC-
19 TRIC CORPORATION MAY REQUIRE THE CUSTOMER-GENERATOR TO COMPLY WITH
20 REASONABLE MEASURES TO ENSURE THE SAFETY OF THAT LOCAL FEEDER LINE.

21 (E) AN ELECTRIC CORPORATION MAY REQUIRE A FARM OPERATION CUSTOMER-GEN-
22 ERATOR OR A NON-RESIDENTIAL SOLAR, WIND, MICRO-HYDROELECTRIC OR FUEL
23 CELL CUSTOMER-GENERATOR WITH A RATED CAPACITY OF MORE THAN TWENTY-FIVE
24 KILOWATTS THAT PROVIDES ELECTRICITY TO THE ELECTRIC CORPORATION THROUGH
25 A LOCAL FEEDER LINE TO COMPLY WITH REASONABLE MEASURES TO ENSURE THE
26 SAFETY OF THAT LOCAL FEEDER LINE.

27 6. ELECTRIC RESTRUCTURING. NOTWITHSTANDING THE PROVISIONS OF THIS
28 SECTION, INCLUDING, BUT NOT LIMITED TO PARAGRAPH (B) OF SUBDIVISION
29 THREE OF THIS SECTION, A CUSTOMER-GENERATOR SHALL COMPLY WITH ANY APPLI-
30 CABLE DETERMINATIONS OF THE COMMISSION RELATING TO RESTRUCTURING OF THE
31 ELECTRIC INDUSTRY.

32 7. SEVERABILITY OF PROVISIONS. THE PROVISIONS OF THIS SECTION SHALL BE
33 SEVERABLE AND IF THE APPLICATION OF ANY CLAUSE, SENTENCE, PARAGRAPH,
34 SUBDIVISION, SECTION, OR PART THEREOF TO ANY PERSON OR CIRCUMSTANCE
35 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
36 SUCH JUDGMENT SHALL NOT NECESSARILY AFFECT, IMPAIR, OR INVALIDATE THE
37 APPLICATION OF ANY SUCH CLAUSE, SENTENCE, PARAGRAPH, SUBDIVISION,
38 SECTION, PART OR REMAINDER THEREOF, AS THE CASE MAY BE, TO ANY OTHER
39 PERSON, CIRCUMSTANCE, BUT SHALL BE CONFINED IN ITS OPERATION TO THE
40 CLAUSE, SENTENCE, PARAGRAPH, SUBDIVISION, SECTION OR PART THEREOF
41 DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE
42 BEEN RENDERED.

43 S 2. Subdivision (h) of section 1020-g of the public authorities law,
44 as amended by chapter 546 of the laws of 2011, is amended to read as
45 follows:

46 (h) To implement programs and policies designed to provide for the
47 interconnection AND NET METERING of[: (i) (A) solar] electric generating
48 equipment [owned or operated by residential customers, (B) farm waste
49 electric generating equipment owned or operated by customer-generators,
50 (C) solar electric generating equipment owned or operated by non-resi-
51 dential customers, (D) micro-combined heat and power generating equip-
52 ment owned, leased or operated by residential customers, (E) fuel cell
53 electric generating equipment owned, leased or operated by residential
54 customers, and (F) micro-hydroelectric generating equipment owned,
55 leased or operated by customer-generators and for net energy metering]
56 consistent with section sixty-six-j of the public service law, to

1 increase the efficiency of energy end use, to shift demand from periods
2 of high demand to periods of low demand and to facilitate the develop-
3 ment of cogeneration[; and (ii) wind electric generating equipment owned
4 or operated by customer-generators and for net energy metering consist-
5 ent with section sixty-six-l of the public service law].

6 S 3. Section 1020-cc of the public authorities law, as amended by
7 chapter 413 of the laws of 2011, is amended to read as follows:

8 S 1020-cc. Authority subject to certain provisions contained in the
9 state finance law, the public service law, the social services law and
10 the general municipal law. All contracts of the authority shall be
11 subject to the provisions of the state finance law relating to contracts
12 made by the state. The authority shall also establish rules and regu-
13 lations with respect to providing to its residential gas, electric and
14 steam utility customers those rights and protections provided in article
15 two and sections one hundred seventeen and one hundred eighteen of the
16 public service law and section one hundred thirty-one-s of the social
17 services law. The authority shall conform to any safety standards
18 regarding manual lockable disconnect switches for solar electric gener-
19 ating equipment established by the public service commission pursuant to
20 subparagraph (ii) of paragraph (a) of subdivision five [and subparagraph
21 (ii) of paragraph (a) of subdivision five-a] of section sixty-six-j of
22 the public service law. The authority shall let contracts for
23 construction or purchase of supplies, materials, or equipment pursuant
24 to section one hundred three and paragraph (e) of subdivision four of
25 section one hundred twenty-w of the general municipal law.

26 S 4. Subdivision 3 of section 19-0921 of the environmental conserva-
27 tion law, as added by chapter 36 of the laws of 2000, is amended to read
28 as follows:

29 3. The commissioner shall make a written report to the legislature
30 upon his finding that a Federal law has been enacted that will result in
31 at least a fifty percent reduction in the emissions of SO₂[, as defined
32 in section sixty-six-k of the public service law,] by electric generat-
33 ing sources pursuant to title four of the Federal Clean Air Act after
34 full implementation.

35 S 5. Subdivision 10-a of section 1854 of the public authorities law is
36 REPEALED.

37 S 6. This act shall take effect immediately.