

6270--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 11, 2011

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Introduced by M. of A. CRESPO, P. RIVERA, CROUCH, STEVENSON, N. RIVERA, HOYT, RUSSELL -- Multi-Sponsored by -- M. of A. BRENNAN, BURLING, OAKS, SCARBOROUGH, TENNEY, THIELE -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to remote net metering by farm and non-residential customer-generators

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

1     Section 1. Subdivision 3 of section 66-j of the public service law is  
2 amended by adding a new paragraph (e) to read as follows:  
3     (E) A CUSTOMER WHO OWNS OR OPERATES A FARM OPERATION AS SUCH TERM IS  
4 DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THE AGRI-  
5 CULTURE AND MARKETS LAW, OR A NON-RESIDENTIAL CUSTOMER-GENERATOR AS  
6 DEFINED BY SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION ONE OF  
7 THIS SECTION THAT LOCATES SOLAR ELECTRIC GENERATING EQUIPMENT OR FARM  
8 WASTE ELECTRIC GENERATING EQUIPMENT WITH A NET ENERGY METER ON PROPERTY  
9 OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR MAY DESIGNATE, OVER A PERIOD  
10 AS PRESCRIBED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION, ALL  
11 OR A PORTION OF THE NET METERING CREDITS GENERATED BY SUCH EQUIPMENT TO  
12 METERS AT ANY PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR WITHIN  
13 THE SERVICE TERRITORY OF THE SAME ELECTRIC CORPORATION TO WHICH THE  
14 CUSTOMER-GENERATOR'S NET ENERGY METERS ARE INTERCONNECTED AND BEING  
15 WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL  
16 PRICE AS OF THE DATE OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO  
17 CONDUCT NET METERING. THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS  
18 OF THE CUSTOMER BY APPLYING ANY CREDITS TO THE HIGHEST USE METER FIRST,  
19 THEN SUBSEQUENT HIGHEST USE METERS UNTIL ALL SUCH CREDITS ARE ATTRIBUTED  
20 TO THE CUSTOMER.  
21     S 2. Subdivision 3 of section 66-1 of the public service law is  
22 amended by adding a new paragraph (e) to read as follows:

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

LBD09483-05-1

1 (E) A CUSTOMER WHO OWNS OR OPERATES LAND USED IN AGRICULTURAL  
2 PRODUCTION AS DEFINED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED ONE  
3 OF THE AGRICULTURE AND MARKETS LAW, OR A NON-RESIDENTIAL CUSTOMER-GENER-  
4 ATOR AS DEFINED BY PARAGRAPH (C-1) OF SUBDIVISION ONE OF THIS SECTION  
5 THAT LOCATES WIND ELECTRIC GENERATING EQUIPMENT WITH A NET ENERGY METER  
6 ON PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR MAY DESIGNATE  
7 OVER A PERIOD AS PRESCRIBED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS  
8 SECTION, ALL OR A PORTION OF THE NET METERING CREDITS GENERATED BY SUCH  
9 EQUIPMENT TO METERS, AT ANY PROPERTY OWNED OR LEASED BY SUCH  
10 CUSTOMER-GENERATOR WITHIN THE SERVICE TERRITORY OF THE SAME ELECTRIC  
11 CORPORATION TO WHICH THE CUSTOMER-GENERATOR'S NET ENERGY METERS ARE  
12 INTERCONNECTED AND BEING WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE  
13 LOCATION BASED MARGINAL PRICE AS OF THE DATE OF INITIAL REQUEST BY THE  
14 CUSTOMER-GENERATOR TO CONDUCT NET METERING. THE ELECTRIC CORPORATION  
15 WILL CREDIT THE ACCOUNTS OF THE CUSTOMER BY APPLYING ANY CREDITS TO THE  
16 HIGHEST USE METER FIRST, THEN SUBSEQUENT HIGHEST USE METERS UNTIL ALL  
17 SUCH CREDITS ARE ATTRIBUTED TO THE CUSTOMER.  
18 S 3. This act shall take effect immediately.