

6270--B

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I N A S S E M B L Y

March 11, 2011

Introduced by M. of A. CRESPO, P. RIVERA, CROUCH, STEVENSON, N. RIVERA, HOYT, RUSSELL, CAHILL, ROSENTHAL, LINARES -- 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 ALL OR A
10 PORTION OF THE NET METERING CREDITS GENERATED BY SUCH EQUIPMENT TO
11 METERS AT ANY PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR WITHIN
12 THE SERVICE TERRITORY OF THE SAME ELECTRIC CORPORATION TO WHICH THE
13 CUSTOMER-GENERATOR'S NET ENERGY METERS ARE INTERCONNECTED AND BEING
14 WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL
15 PRICE AS OF THE DATE OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO
16 CONDUCT NET METERING. THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS
17 OF THE CUSTOMER BY APPLYING ANY CREDITS TO THE HIGHEST USE METER FIRST,
18 THEN SUBSEQUENT HIGHEST USE METERS UNTIL ALL SUCH CREDITS ARE ATTRIBUTED

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

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1 TO THE CUSTOMER. ANY EXCESS CREDITS SHALL BE CARRIED OVER TO THE FOLLOW-
2 ING MONTH.

3 S 2. Subdivision 3 of section 66-1 of the public service law is
4 amended by adding a new paragraph (e) to read as follows:

5 (E) A CUSTOMER WHO OWNS OR OPERATES LAND USED IN AGRICULTURAL
6 PRODUCTION AS DEFINED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED ONE
7 OF THE AGRICULTURE AND MARKETS LAW, OR A NON-RESIDENTIAL CUSTOMER-GENER-
8 ATOR AS DEFINED BY PARAGRAPH (C-1) OF SUBDIVISION ONE OF THIS SECTION
9 THAT LOCATES WIND ELECTRIC GENERATING EQUIPMENT WITH A NET ENERGY METER
10 ON PROPERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR MAY DESIGNATE 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 WITH-
13 IN 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. ANY EXCESS CREDITS SHALL BE CARRIED OVER TO THE FOLLOW-
21 ING MONTH.

22 S 3. This act shall take effect immediately.