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

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2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. MOYA, CAHILL, ENGLEBRIGHT -- read once and referred to the Committee on Energy

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, 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 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; OR IN THE CASE OF A NON-RESIDENTIAL CUSTOMER, A SOLID OXIDE, MOLTEN CARBONATE, PROTON EXCHANGE MEMBRANE OR PHOSPHORIC

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

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ACID FUEL CELL WITH A COMBINED RATED CAPACITY OF ANY SIZE 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. This act shall take effect immediately.