

7311--B

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. HEVESI, MOYA, SIMOTAS, BORELLI, SCARBOROUGH, MILLMAN, TITONE -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to net metering

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

1 Section 1. Subparagraph (iii) of paragraph (a) of subdivision 1 of
2 section 66-j of the public service law, as amended by chapter 546 of the
3 laws of 2011, is amended to read as follows:

4 (iii) a non-residential customer of an electric corporation which owns
5 or operates solar electric generating equipment located and used at its
6 premises, OR A CORPORATION THAT OWNS, LEASES, OR OPERATES SOLAR ELECTRIC
7 GENERATING EQUIPMENT ON PROPERTY OWNED OR LEASED BY A NON-RESIDENTIAL
8 CUSTOMER OF AN ELECTRIC CORPORATION;

9 S 2. Paragraph (d) of subdivision 1 of section 66-j of the public
10 service law, as amended by chapter 7 of the laws of 2010, is amended to
11 read as follows:

12 (d) "Solar electric generating equipment" means a photovoltaic system
13 (i) (A) in the case of a residential customer, with a rated capacity of
14 not more than twenty-five kilowatts; and (B) in the case of a non-resi-
15 dential customer, (1) with a rated capacity of not more than two thou-
16 sand kilowatts, OR (2) WITHIN A CITY HAVING A POPULATION OF ONE MILLION
17 OR MORE, WITH A RATED CAPACITY OF NOT MORE THAN TEN THOUSAND KILOWATTS;
18 and (ii) that is manufactured, installed, and operated in accordance
19 with applicable government and industry standards, that is connected to
20 the electric system and operated in conjunction with an electric corpo-
21 ration's transmission and distribution facilities, and that is operated

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

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1 in compliance with any standards and requirements established under this
2 section.

3 S 3. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
4 66-j of the public service law, as amended by chapter 546 of the laws of
5 2011, is amended to read as follows:

6 (iii) Each electric corporation shall make such contract and schedule
7 available to customer-generators on a first come, first served basis,
8 until the total rated generating capacity for solar and farm waste elec-
9 tric generating equipment, micro-combined heat and power generating
10 equipment, fuel cell electric generating equipment and micro-hydroelec-
11 tric generating equipment owned, leased or operated by customer-genera-
12 tors in the corporation's service area is equivalent to one percent of
13 the corporation's electric demand for the year two thousand five, as
14 determined by the department. WITHIN A CITY HAVING A POPULATION OF ONE
15 MILLION OR MORE, NO MORE THAN FORTY MEGAWATTS OF THE TOTAL AMOUNT
16 ALLOWED HEREUNDER SHALL BE RESERVED FOR SOLAR PHOTOVOLTAIC SYSTEMS WITH
17 A RATED CAPACITY OF AT LEAST ONE THOUSAND KILOWATTS, AS FURTHER
18 DESCRIBED IN ITEM TWO OF CLAUSE (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (D)
19 OF SUBDIVISION ONE OF THIS SECTION.

20 S 4. Paragraph (e) of subdivision 3 of section 66-j of the public
21 service law, as amended by chapter 546 of the laws of 2011, is amended
22 to read as follows:

23 (e) (I) A customer who owns or operates a farm operation as such term
24 is defined in subdivision eleven of section three hundred one of the
25 agriculture and markets law, or a non-residential customer-generator as
26 defined by subparagraph (iii) of paragraph (a) of subdivision one of
27 this section that locates solar electric generating equipment or farm
28 waste electric generating equipment with a net energy meter on property
29 owned or leased by such customer-generator may designate all or a
30 portion of the net metering credits generated by such equipment to
31 meters at any property owned or leased by such customer-generator within
32 the service territory of the same electric corporation to which the
33 customer-generator's net energy meters are interconnected and being
34 within the same load zone as determined by the location based marginal
35 price as of the date of initial request by the customer-generator to
36 conduct net metering. The electric corporation will credit the accounts
37 of the customer by applying any credits to the highest use meter first,
38 then subsequent highest use meters until all such credits are attributed
39 to the customer. Any excess credits shall be carried over to the follow-
40 ing month.

41 (II) AS AN ALTERNATIVE TO THE RIGHTS ESTABLISHED UNDER SUBPARAGRAPH
42 (I) OF THIS PARAGRAPH, A CUSTOMER-GENERATOR LOCATED WITHIN A CITY HAVING
43 A POPULATION OF ONE MILLION OR MORE MAY ELECT TO DESIGNATE ALL OR A
44 PORTION OF THE NET METERING CREDITS GENERATED BY SOLAR ELECTRIC GENERAT-
45 ING EQUIPMENT AS DESCRIBED IN ITEM TWO OF CLAUSE (B) OF SUBPARAGRAPH (I)
46 OF PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION PROVIDED THE EQUIP-
47 MENT WAS INSTALLED PRIOR TO JANUARY FIRST, TWO THOUSAND EIGHTEEN TO ONE
48 OR MORE METERS OF UP TO TEN CUSTOMER ACCOUNTS, PROVIDED THAT EACH SUCH
49 CUSTOMER ACCOUNT HAS AN ON-SITE LOAD OF AT LEAST ONE HUNDRED KILOWATTS;
50 AND PROVIDED, THAT ANY METERS DESIGNATED TO RECEIVE CREDITS HEREUNDER
51 MUST BE INSTALLED AT ANY PROPERTY LOCATED WITHIN THE SERVICE TERRITORY
52 OF THE SAME ELECTRIC CORPORATION TO WHICH THE CUSTOMER-GENERATOR'S NET
53 ENERGY METERS ARE INTERCONNECTED AND ARE LOCATED WITHIN THE SAME LOAD
54 ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE
55 OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO CONDUCT NET METERING.
56 THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS OF SUCH ELIGIBLE

1 CUSTOMERS AS DIRECTED BY THE CUSTOMER-GENERATOR, UNTIL ALL SUCH CREDITS
2 ATTRIBUTED TO THE CUSTOMER-GENERATOR HAVE BEEN DISTRIBUTED. ANY EXCESS
3 CREDITS SHALL BE CARRIED OVER TO THE FOLLOWING MONTH, AS FURTHER
4 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

5 S 5. Paragraph (c) of subdivision 4 of section 66-j of the public
6 service law, as amended by chapter 355 of the laws of 2009, is amended
7 to read as follows:

8 (c) At the end of the year or annualized over the period that service
9 is supplied by means of net energy metering, the corporation shall
10 promptly issue payment at its avoided cost to the customer-generator, as
11 defined in subparagraph (i) or (ii) of paragraph (a) of subdivision one
12 of this section, for the value of any remaining credit for the excess
13 electricity produced during the year or over the annualized period by
14 the customer-generator. THE CORPORATION SHALL CARRY OVER, FOR A PERIOD
15 NOT TO EXCEED ONE YEAR, REMAINING CREDITS FOR THE EXCESS ELECTRICITY
16 PRODUCED DURING THE YEAR OR OVER THE ANNUALIZED PERIOD BY THE CUSTOMER-
17 GENERATOR PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (E) OF SUBDIVISION
18 THREE OF THIS SECTION.

19 S 6. This act shall take effect immediately.