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I N A S S E M B L Y

February 14, 2014

Introduced by M. of A. PAULIN, JAFFEE, SKARTADOS, BRINDISI, TITONE, ZEBROWSKI, GUNTHER, GALEF, CRESPO, GOTTFRIED, LUPARDO, CAHILL, MOYA -- Multi-Sponsored by -- M. of A. COOK, GLICK, MAGEE, RIVERA, SCHIMEL, SCHIMMINGER, THIELE -- read once and referred to the Committee on Energy -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to net energy metering standards for non-residential customers with farm waste electric generating equipment

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

1 Section 1. Subparagraphs (vii) and (viii) of paragraph (a) of subdivi-
2 sion 1 of section 66-j of the public service law, subparagraph (vii) as
3 added and subparagraph (viii) as amended by chapter 546 of the laws of
4 2011 and as redesignated by chapter 318 of the laws of 2012, are amended
5 and a new subparagraph (ix) is added to read as follows:

6 (vii) a residential customer of an electric corporation, who owns or
7 operates micro-hydroelectric generating equipment located and used at
8 his or her residence; [and] (viii) a non-residential customer of an
9 electric corporation which owns or operates micro-hydroelectric generat-
10 ing equipment located and used at its premises[.]; AND (IX) A NON-RESI-
11 DENTIAL CUSTOMER OF AN ELECTRIC CORPORATION WHICH OWNS OR OPERATES FARM
12 WASTE ELECTRIC GENERATING EQUIPMENT LOCATED AND USED AT ITS PREMISES.

13 S 2. Subparagraph (iii) of paragraph (c) of subdivision 3 of section
14 66-j of the public service law, as separately amended by chapters 530
15 and 546 of the laws of 2011, is amended to read as follows:

16 (iii) In the case of a non-residential customer-generator who owns or
17 operates solar electric generating equipment or fuel cell electric
18 generating equipment or micro-hydroelectric generating equipment OR FARM
19 WASTE GENERATING EQUIPMENT AS DESCRIBED IN SUBPARAGRAPH (IX) OF PARA-
20 GRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, with a rated capacity of
21 more than twenty-five kilowatts located and used at its premises, such

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

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1 cost shall be as determined by the electric corporation subject to
2 review, upon the request of such customer-generator, by the department.

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

5 (H) A NON-RESIDENTIAL CUSTOMER-GENERATOR AS DEFINED BY SUBPARAGRAPH
6 (IX) OF PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION THAT LOCATES
7 FARM WASTE GENERATING EQUIPMENT WITH A NET METER ON PROPERTY OWNED OR
8 LEASED BY SUCH CUSTOMER-GENERATOR MAY DESIGNATE ALL OR A PORTION OF THE
9 NET METERING CREDITS GENERATED BY SUCH EQUIPMENT TO METERS AT ANY PROP-
10 ERTY OWNED OR LEASED BY SUCH CUSTOMER-GENERATOR WITHIN THE SERVICE
11 TERRITORY OF THE SAME ELECTRIC CORPORATION TO WHICH THE
12 CUSTOMER-GENERATOR'S NET ENERGY METERS ARE INTERCONNECTED AND BEING
13 WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL
14 PRICE AS OF THE DATE OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO
15 CONDUCT NET METERING. THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS
16 OF THE CUSTOMER BY APPLYING ANY CREDITS TO THE HIGHEST USE METER FIRST,
17 THEN SUBSEQUENT HIGHEST USE METERS UNTIL ALL SUCH CREDITS ARE ATTRIBUTED
18 TO THE CUSTOMER. ANY EXCESS CREDITS SHALL BE CARRIED OVER TO THE FOLLOW-
19 ING MONTH.

20 S 4. Paragraphs (b) and (c) of subdivision 4 of section 66-j of the
21 public service law, as amended by chapter 355 of the laws of 2009, are
22 amended to read as follows:

23 (b) In the event that the amount of electricity produced by a custom-
24 er-generator during the billing period exceeds the amount of electricity
25 used by the customer-generator, the corporation shall apply a credit to
26 the next bill for service to the customer-generator for the net elec-
27 tricity provided at the same rate per kilowatt hour applicable to
28 service provided to other customers in the same service class which do
29 not generate electricity onsite, except for micro-combined heat and
30 power or fuel cell customer-generators OR FARM WASTE GENERATING EQUIP-
31 MENT CUSTOMER-GENERATORS AS DESCRIBED IN SUBPARAGRAPH (IX) OF PARAGRAPH
32 (A) OF SUBDIVISION ONE OF THIS SECTION, who will be credited at the
33 corporation's avoided costs. The avoided cost credit provided to micro-
34 combined heat and power or fuel cell customer-generators OR FARM WASTE
35 GENERATING EQUIPMENT CUSTOMER-GENERATORS AS DESCRIBED IN SUBPARAGRAPH
36 (IX) OF PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION shall be treat-
37 ed for ratemaking purposes as a purchase of electricity in the market
38 that is includable in commodity costs.

39 (c) At the end of the year or annualized over the period that service
40 is supplied by means of net energy metering, the corporation shall
41 promptly issue payment at its avoided cost to the customer-generator, as
42 defined in subparagraph (i) [or], (ii) OR (IX) of paragraph (a) of
43 subdivision one of this section, for the value of any remaining credit
44 for the excess electricity produced during the year or over the annual-
45 ized period by the customer-generator.

46 S 5. This act shall take effect immediately.