

9931

I N A S S E M B L Y

May 30, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin, Moya, Rosenthal, Barrett, Galef, Gunther, Hooper, Jacobs, Lifton, Lupardo, Otis, Quart, Titone, Buchwald, Lentol, Magee, Rivera, Schimel, Thiele, Weisenberg) -- read once and referred to the Committee on Energy

AN ACT to amend the executive law, the public service law and the public authorities law, in relation to shared renewable facilities

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

1 Section 1. Subparagraph (i) of paragraph (b) of subdivision 4 of  
2 section 94-a of the executive law, as amended by section 12 of part A of  
3 chapter 173 of the laws of 2013, is amended to read as follows:  
4 (i) on behalf of the secretary, initiate, intervene in, or participate  
5 in any proceedings before the public service commission or the depart-  
6 ment of public service, to the extent authorized by sections three-b,  
7 twenty-four-a, SIXTY-SIX-N, seventy-one, eighty-four or ninety-six of  
8 the public service law or any other applicable provision of law, where  
9 he or she deems such initiation, intervention or participation to be  
10 necessary or appropriate;  
11 S 2. Section 2 of the public service law is amended by adding a new  
12 subdivision 2-e to read as follows:  
13 2-E. THE TERM "SHARED RENEWABLE ENERGY FACILITY" WHEN USED IN THIS  
14 CHAPTER MEANS SOLAR ELECTRIC GENERATING EQUIPMENT AS SUCH TERM IS  
15 DEFINED IN SECTION SIXTY-SIX-J OF THIS CHAPTER; AND WIND ELECTRIC GENER-  
16 ATING EQUIPMENT AS SUCH TERM IS DEFINED IN SECTION SIXTY-SIX-L OF THIS  
17 CHAPTER. SUCH FACILITIES SHALL: (A) NOT EXCEED A NAMEPLATE CAPACITY OF  
18 GREATER THAN TWO MEGAWATTS, PROVIDED THAT FACILITIES LOCATED IN A POTEN-  
19 TIAL ENVIRONMENTAL JUSTICE AREA, AS DETERMINED BY THE DEPARTMENT OF  
20 ENVIRONMENTAL CONSERVATION AS SUCH AREAS WERE DEPICTED ON MAY FIFTH, TWO  
21 THOUSAND FOURTEEN, SHALL NOT EXCEED A NAMEPLATE CAPACITY OF GREATER THAN  
22 ONE MEGAWATT; (B) BE LOCATED, CONSTRUCTED AND OPERATED, IN ACCORDANCE  
23 WITH ANY APPLICABLE LOCAL LAW, ORDINANCE OR REGULATION; (C) BE LOCATED  
24 IN A SHARED RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION  
25 ZONE AS PROVIDED FOR IN SUBDIVISION FOUR OF SECTION SIXTY-SIX-N OF THIS

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

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1 CHAPTER; (D) BE MANUFACTURED, INSTALLED AND OPERATED IN ACCORDANCE WITH  
2 APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, CONNECTED TO THE ELECTRIC  
3 SYSTEM AND OPERATED IN CONJUNCTION WITH AN ELECTRIC CORPORATION'S TRANS-  
4 MISSION AND DISTRIBUTION FACILITIES; AND (E) SHALL HAVE NO LESS THAN TEN  
5 SUBSCRIBERS.

6 S 3. Subdivision 1 of section 5 of the public service law is amended  
7 by adding a new paragraph i to read as follows:

8 I. TO THE DETERMINATION OF COMPATIBILITY, INTERCONNECTION AND OPERA-  
9 TION OF SHARED RENEWABLE ENERGY FACILITIES AS SUCH TERM IS DEFINED IN  
10 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION SIXTY-SIX-N OF THIS CHAPTER.

11 S 4. The public service law is amended by adding a new section 66-n to  
12 read as follows:

13 S 66-N. SHARED RENEWABLE ENERGY FACILITIES. 1. AS USED IN THIS  
14 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

15 (A) "SUBSCRIBER" MEANS A RESIDENTIAL OR NON-RESIDENTIAL CUSTOMER OF AN  
16 ELECTRIC CORPORATION WHO HAS: (I) ENTERED INTO A POWER SUBSCRIBER AGREE-  
17 MENT WITH A SUBSCRIBER COMPANY; AND (II) IDENTIFIED ONE OR MORE METERS  
18 TO WHICH THE PRO-RATA SHARE OF THE ELECTRICAL OUTPUT OF A FACILITY SHALL  
19 BE ATTRIBUTED PURSUANT TO HIS OR HER POWER SUBSCRIBER AGREEMENT. SUCH  
20 METERS SHALL BE WITHIN EITHER THE SAME COUNTY AS THE SHARED RENEWABLE  
21 ENERGY FACILITY TO WHICH A SUBSCRIBER HAS ENTERED INTO A POWER SUBSCRIB-  
22 ER AGREEMENT, EXCEPT THAT IN THE CASE OF A SUBSCRIBER WHOSE METERS ARE  
23 LOCATED IN A COUNTY OF TWENTY THOUSAND OR LESS, ACCORDING TO THE MOST  
24 RECENT CENSUS, THE SUBSCRIBER MAY ENTER INTO A POWER SUBSCRIBER AGREE-  
25 MENT WITH A SUBSCRIBER COMPANY WHOSE SHARED RENEWABLE ENERGY FACILITY IS  
26 LOCATED IN AN ADJACENT COUNTY OF TWENTY THOUSAND OR LESS WITHIN THE SAME  
27 SERVICE TERRITORY OF THE ELECTRIC CORPORATION OF WHICH HE OR SHE IS A  
28 CUSTOMER, AND IS LOCATED WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE  
29 LOCATION BASED MARGINAL PRICE AS OF THE DATE OF THE INITIAL REQUEST BY A  
30 SUBSCRIBER COMPANY TO INTERCONNECT A SHARED RENEWABLE ENERGY FACILITY.

31 (B) "POWER SUBSCRIBER AGREEMENT" OR "SUBSCRIBER AGREEMENT" MEANS AN  
32 AGREEMENT BETWEEN A SUBSCRIBER AND A SUBSCRIBER COMPANY THAT MEETS STAN-  
33 DARDS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIX OF THIS SECTION. SUCH  
34 AGREEMENT SHALL: (I) INCLUDE THE NAME, ADDRESS AND ELECTRIC CORPORATION  
35 ACCOUNT NUMBER TO WHICH THE SUBSCRIPTION SHALL BE ATTRIBUTED; (II) ENTI-  
36 TLE A SUBSCRIBER TO A PRO-RATA SHARE OF THE ACTUAL ELECTRICAL OUTPUT OF  
37 A SHARED RENEWABLE ENERGY FACILITY; AND (III) PROVIDE THAT A SUBSCRIB-  
38 ER'S PRO-RATA SHARE WILL BE REFLECTED AS A BILL CREDIT AGAINST THE  
39 SUBSCRIBER'S MONTHLY ELECTRIC USAGE AS METERED BY HIS OR HER ELECTRIC  
40 CORPORATION AND BILLED BY SUCH ELECTRIC CORPORATION ON A PER KILOWATT  
41 HOUR BASIS.

42 (C) "SUBSCRIPTION ROSTER" MEANS THE COMPILATION OF INFORMATION FROM  
43 POWER SUBSCRIBER AGREEMENTS FOR A PARTICULAR SHARED RENEWABLE ENERGY  
44 FACILITY WHICH IS COLLECTED BY THE SUBSCRIBER COMPANY OWNING SUCH FACIL-  
45 ITY FOR THE PURPOSES OF DIRECTING AN ELECTRIC CORPORATION TO APPLY BILL  
46 CREDITS AGAINST SUBSCRIBERS' MONTHLY ELECTRIC USAGE AS METERED AND  
47 RECOVERED BY SUCH ELECTRIC CORPORATION THROUGH A MONTHLY BILL.

48 (D) "SUBSCRIBER COMPANY" MEANS A GENERAL PARTNERSHIP, LIMITED PARTNER-  
49 SHIP, LIMITED LIABILITY COMPANY, COOPERATIVE, S-CORPORATION, C-CORPORA-  
50 TION OR NOT-FOR-PROFIT CORPORATION WHOSE PURPOSE IS TO OWN AND OPERATE A  
51 SHARED RENEWABLE ENERGY FACILITY.

52 (E) "SUBSCRIPTION" MEANS THE RIGHTS AND RESPONSIBILITIES OF A  
53 SUBSCRIBER TO A PRO-RATA PORTION OF THE ACTUAL ELECTRICAL OUTPUT OF A  
54 SHARED RENEWABLE ENERGY FACILITY, AS SET FORTH IN A SUBSCRIBER AGREE-  
55 MENT. A SUBSCRIPTION SHALL: (I) AT A MINIMUM, REPRESENT AT LEAST ONE  
56 KILOWATT OF A SHARED RENEWABLE ENERGY FACILITY'S GENERATING CAPACITY;

1 AND (II) NOT EXCEED ONE HUNDRED PERCENT OF A SUBSCRIBER'S ELECTRICAL  
2 CONSUMPTION AS MEASURED IN KILOWATT HOURS FROM THE TWELVE-MONTH PERIOD  
3 IMMEDIATELY PRECEDING THE ESTABLISHMENT OF A SUBSCRIBER AGREEMENT.

4 (F) "BILL CREDIT" MEANS A CREDIT MEASURED ON A PER KILOWATT HOUR BASIS  
5 AND APPLIED AGAINST A SUBSCRIBER'S NEXT MONTHLY BILL FOR SERVICE ISSUED  
6 BY HIS OR HER ELECTRIC CORPORATION BASED UPON THE PRO-RATA SHARE OF THE  
7 ELECTRICAL OUTPUT OF THE SHARED RENEWABLE ENERGY FACILITY TO WHICH THE  
8 CUSTOMER IS ENTITLED PURSUANT TO A SUBSCRIBER AGREEMENT.

9 2. NO LATER THAN JULY THIRTY-FIRST, TWO THOUSAND FIFTEEN, THE COMMIS-  
10 SION SHALL COMMENCE A PROCEEDING TO: (A) DEVELOP A STATEWIDE SHARED  
11 RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE MAP; (B)  
12 ESTABLISH CRITERIA FOR THE COMPATIBLE INTERCONNECTION AND OPERATION OF  
13 SHARED RENEWABLE ENERGY FACILITIES AND SUBSCRIBER PROTECTIONS; AND (C)  
14 DEVELOP SUBSCRIBER PROTECTION STANDARDS.

15 3. IN DEVELOPING THE ORDER PURSUANT TO SUBDIVISION TWO OF THIS  
16 SECTION, THE COMMISSION SHALL CONSULT WITH THE STATE DEPARTMENT OF ENVI-  
17 RONMENTAL CONSERVATION AND THE BULK SYSTEM OPERATOR SERVING NEW YORK  
18 STATE. THE COMMISSION SHALL ALSO SOLICIT PARTICIPATION AND PUBLIC  
19 COMMENT FROM STAKEHOLDER ORGANIZATIONS INCLUDING, BUT NOT LIMITED TO:

- 20 (A) ORGANIZATIONS ADVOCATING FOR ENVIRONMENTAL CONCERNS;
- 21 (B) ORGANIZATIONS REPRESENTING RENEWABLE ENERGY INDUSTRIES;
- 22 (C) ELECTRIC CORPORATIONS; AND
- 23 (D) THE LONG ISLAND POWER AUTHORITY.

24 4. THE COMMISSION MAP PURSUANT TO SUBDIVISION TWO OF THIS SECTION  
25 SHALL BE DEVELOPED ON A COUNTY-BY-COUNTY BASIS. THE COMMISSION SHALL  
26 DETERMINE WHICH COUNTIES, IF ANY, WOULD BENEFIT FROM THE INTERCON-  
27 NECTION, OPERATION AND ELECTRICAL OUTPUT OF SHARED RENEWABLE ENERGY  
28 FACILITIES, TAKING INTO CONSIDERATION FACTORS AFFECTING THE PRICE AND  
29 DELIVERABILITY OF ELECTRICITY IN EACH COUNTY. THE COMMISSION SHALL  
30 PUBLISH SUCH MAP AND ACCOMMODATE THE INTERCONNECTION OF SHARED RENEWABLE  
31 ENERGY FACILITIES WHICH MEET THE REQUIREMENTS OF THIS SECTION AND ANY  
32 RULES AND REGULATIONS OF THE COMMISSION PERTAINING THERETO NO LATER THAN  
33 JULY THIRTY-FIRST, TWO THOUSAND SIXTEEN. SUCH MAP SHALL BE UPDATED NO  
34 LATER THAN JULY THIRTY-FIRST OF EACH SUCCEEDING YEAR. IN DEVELOPING THE  
35 MAP PURSUANT TO THIS SUBDIVISION, THE COMMISSION SHALL CONSIDER ON A  
36 COUNTY-BY-COUNTY BASIS:

37 (A) THE POTENTIAL NEED FOR ADDITIONAL ELECTRIC GENERATION AND/OR TRAN-  
38 SMISSION WITHIN THE PRECEDING TEN-YEAR PERIOD;

39 (B) ELECTRIC CONGESTION ON THE HIGH VOLTAGE TRANSMISSION NETWORK WHICH  
40 HAS CREATED OR IS PROJECTED TO CREATE WITHIN TEN YEARS, A SYSTEM RELI-  
41 ABILITY PROBLEM, OR, AS DETERMINED BY THE COMMISSION, HAS CONTRIBUTED TO  
42 A SIGNIFICANT INCREASE IN THE WHOLESALE COST OF ELECTRICITY; AND

43 (C) THE POTENTIAL FOR REDUCTION IN OVERALL EMISSIONS OF CARBON DIOX-  
44 IDE, SULFUR DIOXIDE, NITROGEN OXIDE AND PARTICULATE MATTER 2.5 (PM 2.5)  
45 THAT WOULD BE ATTRIBUTABLE TO THE OPERATION OF SHARED RENEWABLE ENERGY  
46 FACILITIES.

47 5. THE ORDER ESTABLISHED BY THE COMMISSION PURSUANT TO SUBDIVISION TWO  
48 OF THIS SECTION SHALL INCLUDE STANDARDS FOR THE INTERCONNECTION AND  
49 OPERATION OF SHARED RENEWABLE ENERGY FACILITIES, INCLUDING BUT NOT  
50 LIMITED TO REQUIREMENTS THAT:

51 (A) SHARED RENEWABLE ENERGY FACILITIES SHALL BE DESIGNED TO ENSURE  
52 SAFE AND ADEQUATE OPERATION AND THAT ANY COSTS ASSOCIATED WITH EQUIPMENT  
53 AND TECHNOLOGY THE COMMISSION DEEMS NECESSARY FOR SUCH PURPOSE SHALL BE  
54 THE RESPONSIBILITY OF A SUBSCRIBER COMPANY;

55 (B) SHARED RENEWABLE ENERGY FACILITIES ARE DESIGNED TO OPERATE (I) IN  
56 THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION AND COUNTY OR

1 COUNTIES AS AUTHORIZED BY THE COMMISSION TO WHICH ITS SUBSCRIBERS ARE  
2 METERED FOR ELECTRICAL USAGE; AND (II) ARE LOCATED WITHIN THE SAME LOAD  
3 ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE  
4 OF THE INITIAL REQUEST BY A SUBSCRIBER COMPANY TO INTERCONNECT A SHARED  
5 RENEWABLE ENERGY FACILITY;

6 (C) A SHARED RENEWABLE ENERGY FACILITY'S ELECTRICAL OUTPUT WILL NOT  
7 RESULT IN ELECTRICAL CONGESTION OR CONTRIBUTE SIGNIFICANTLY TO ELECTRIC  
8 CONGESTION WITHIN THE SERVICE TERRITORY OF AN ELECTRIC CORPORATION;

9 (D) A SUBSCRIBER COMPANY SHALL ONLY SELL TO SUBSCRIBERS AND SHALL NOT  
10 SELL OR OTHERWISE MARKET TO A THIRD-PARTY, ELECTRIC CORPORATION, PUBLIC  
11 POWER AUTHORITY, RURAL ELECTRIC CO-OPERATIVE, OR WHOLESALE BULK ELECTRIC  
12 SYSTEM OPERATOR, WHETHER OR NOT SUCH WHOLESALE BULK ELECTRIC SYSTEM  
13 OPERATOR IS LOCATED IN NEW YORK; AND

14 (E) AN ELECTRIC CORPORATION SHALL NOT BE REQUIRED TO PURCHASE ENERGY  
15 PRODUCED BY A SHARED RENEWABLE ENERGY FACILITY BUT WHICH IS UNSUB-  
16 SCRIBED.

17 6. THE ORDER ESTABLISHED BY THE COMMISSION SHALL INCLUDE SUBSCRIBER  
18 PROTECTION STANDARDS TO BE INCLUDED IN THE POWER SUBSCRIBER AGREEMENT,  
19 WHICH SHALL:

20 (A) (I) ESTABLISH CLEAR AND CONSISTENT CHARGES BASED ON A SUBSCRIBER'S  
21 PRO-RATA SHARE OF A SHARED RENEWABLE ENERGY FACILITY'S OUTPUT EXPRESSED  
22 AS MONTHLY CHARGES BASED ON PER KILOWATT HOUR PRODUCTION; (II) GUARANTEE  
23 REFUNDS FROM THE SUBSCRIBER COMPANY TO THE SUBSCRIBER FOR ANY PORTION OF  
24 SUCH SHARE THAT SUCH SHARED RENEWABLE ENERGY FACILITY DOES NOT ACTUALLY  
25 PRODUCE; AND (III) GUARANTEE REFUNDS FROM A SUBSCRIBER COMPANY FOR ANY  
26 PORTION OF A SUBSCRIBER'S SHARE THAT WAS NOT ACTUALLY CONSUMED BY THE  
27 SUBSCRIBER;

28 (B) LIMIT THE TERM OF A POWER SUBSCRIBER AGREEMENT: (I) FOR SUBSCRIB-  
29 ERS WHO ARE RESIDENTIAL CUSTOMERS OF AN ELECTRIC CORPORATION, TO NO  
30 GREATER THAN FIVE YEARS; AND (II) FOR SUBSCRIBERS WHO ARE NON-RESIDEN-  
31 TIAL CUSTOMERS OF AN ELECTRIC CORPORATION, TO NO GREATER THAN TEN YEARS,  
32 PROVIDED THAT A SUBSCRIBER MAY RENEW HIS OR HER SUBSCRIPTION UPON ITS  
33 EXPIRATION FOR AN ADDITIONAL TERM;

34 (C) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY  
35 WHICH HAS NOT BEEN INTERCONNECTED UPON THE SIGNING OF A POWER SUBSCRIBER  
36 AGREEMENT, THE SUBSCRIBER COMPANY SHALL IMMEDIATELY NOTIFY EACH  
37 SUBSCRIBER UPON THE INTERCONNECTION OF SUCH SHARED RENEWABLE ENERGY  
38 FACILITY THAT HE OR SHE HAS FORTY-FIVE DAYS UPON THE RECEIPT OF THE  
39 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH TO CANCEL HIS OR HER  
40 SUBSCRIPTION WITH NO CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR  
41 HER SUBSCRIBER COMPANY, PROVIDED THAT IF A SHARED RENEWABLE ENERGY  
42 FACILITY IS NOT INTERCONNECTED WITHIN ONE YEAR OF THE COMPLETION OF A  
43 POWER SUBSCRIBER AGREEMENT, THE SUBSCRIBER AGREEMENT WILL BE NULL AND  
44 VOID;

45 (D) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY  
46 WHICH WAS INTERCONNECTED PRIOR TO THE SIGNING OF A POWER SUBSCRIBER  
47 AGREEMENT, THE SUBSCRIBER SHALL HAVE FORTY-FIVE DAYS UPON THE SIGNING OF  
48 A POWER SUBSCRIBER AGREEMENT TO CANCEL HIS OR HER SUBSCRIPTION WITH NO  
49 CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR HER SUBSCRIBER COMPANY;

50 (E) PROHIBIT A SUBSCRIBER COMPANY FROM TRANSFERRING A SUBSCRIPTION  
51 FROM ONE SHARED RENEWABLE ENERGY FACILITY TO ANOTHER, REGARDLESS OF  
52 WHETHER THE SUBSCRIBER FACILITY TO WHICH A SUBSCRIBER AGREEMENT WOULD BE  
53 TRANSFERRED IS OWNED OR OPERATED BY THE SAME COMPANY, WITHOUT A  
54 SUBSCRIBER'S CONSENT;

55 (F) ESTABLISH THAT ANY COMPLAINTS BY A SUBSCRIBER ABOUT HIS OR HER  
56 SUBSCRIPTION SHALL BE NOT BE THE RESPONSIBILITY OF THE ELECTRIC CORPO-

1 RATION BUT INSTEAD SHALL BE THE RESPONSIBILITY OF THE SUBSCRIBER COMPA-  
2 NY;

3 (G) REQUIRE A SUBSCRIBER COMPANY SEEKING TO INTERCONNECT PURSUANT TO  
4 THIS SECTION TO ESTABLISH AND MAINTAIN A COMPLAINT HANDLING PROCESS;

5 (H) PROHIBIT A SUBSCRIBER COMPANY FROM CHARGING DIFFERENTIAL  
6 SUBSCRIPTION FEES TO SUBSCRIBERS WHO ARE CUSTOMERS OF THE SAME CLASS OF  
7 ELECTRIC SERVICE WHOSE PRO-RATA SHARE OF A SHARED RENEWABLE ENERGY  
8 FACILITY'S OUTPUT IS THE SAME;

9 (I) DETERMINE THE APPROPRIATENESS OF A SUBSCRIBER COMPANY REQUIRING  
10 DEPOSITS FOR A SUBSCRIPTION IN A SHARED RENEWABLE FACILITY, AND IF SO  
11 DETERMINED, THE ALLOWANCES AND/OR LIMITATIONS FOR SUCH DEPOSITS; AND

12 (J) INCLUDE ANY ADDITIONAL CONSUMER PROTECTIONS THE COMMISSION DEEMS  
13 NECESSARY.

14 7. IN DEVELOPING ITS ORDER, THE COMMISSION SHALL CONSIDER:

15 (A) THE NECESSITY OF ADDITIONAL ELECTRIC CAPACITY IN AN ELECTRIC  
16 CORPORATION'S TRANSMISSION AND DISTRIBUTION SYSTEM TERRITORY;

17 (B) THE COST OF ELECTRIC SYSTEM UPGRADES NECESSARY TO ACCOMMODATE THE  
18 INTERCONNECTION AND OPERATION OF A SHARED RENEWABLE ENERGY FACILITY,  
19 INCLUDING THE IMPACT OF SUCH UPGRADES ON LOW-INCOME CUSTOMERS OF AN  
20 ELECTRIC CORPORATION; AND

21 (C) THE ABILITY OF A SHARED RENEWABLE ENERGY FACILITY TO PRODUCE RELI-  
22 ABLE ELECTRICITY DURING TIMES OF PEAK ELECTRIC DEMAND AS DETERMINED BY  
23 THE COMMISSION.

24 8. INTERCONNECTION OF SHARED RENEWABLE ENERGY FACILITIES AND CONDI-  
25 TIONS OF SERVICE. THE COMMISSION SHALL DEVELOP A MODEL CONTRACT TO  
26 GOVERN THE PROVISIONS OF INTERCONNECTION BETWEEN A SUBSCRIBER COMPANY  
27 AND AN ELECTRIC CORPORATION. UPON THE COMPLETION OF THE ORDER REQUIRED  
28 PURSUANT TO SUBDIVISION TWO OF THIS SECTION AN ELECTRIC CORPORATION  
29 SHALL PROVIDE FOR THE INTERCONNECTION OF SHARED RENEWABLE ENERGY FACILI-  
30 TIES PROVIDED THAT THE SUBSCRIBER COMPANY ENTERS INTO A CONTRACT WITH  
31 THE ELECTRIC CORPORATION, AND COMPLIES WITH THE ELECTRIC CORPORATION'S  
32 SCHEDULE AND WITH STANDARDS AND REQUIREMENTS OF THIS SECTION. NO ELEC-  
33 TRIC CORPORATION SHALL PERMIT THE INTERCONNECTION OF A SHARED RENEWABLE  
34 ENERGY FACILITY NOR ACCEPT A SUBSCRIPTION ROSTER FROM A SUBSCRIBER  
35 COMPANY FOR A SHARED RENEWABLE ENERGY FACILITY UNLESS SUCH FACILITY (A)  
36 HAS AT LEAST TEN SUBSCRIBERS; AND (B) IS LOCATED IN A SHARED RENEWABLE  
37 ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE AS REFLECTED ON A  
38 MAP PURSUANT TO SUBDIVISION FOUR OF THIS SECTION. EACH ELECTRIC CORPO-  
39 RATION SHALL INTERCONNECT SHARED RENEWABLE ENERGY FACILITIES LOCATED  
40 WITHIN THE BOUNDARIES OF THE SHARED RENEWABLE ENERGY FACILITY COMPAT-  
41 IBILITY AND ACCOMMODATION ZONE MAP PURSUANT TO SUBDIVISION FOUR OF THIS  
42 SECTION ON A FIRST COME, FIRST SERVED BASIS, UNTIL THE TOTAL RATED  
43 GENERATING CAPACITY ATTRIBUTABLE TO SUCH FACILITIES IS EQUIVALENT TO ONE  
44 HALF OF ONE PERCENT OF THE ELECTRIC CORPORATION'S ELECTRIC DEMAND FOR  
45 THE YEAR TWO THOUSAND FIVE, AS DETERMINED BY THE COMMISSION, PROVIDED  
46 THAT THE COMMISSION SHALL HAVE THE AUTHORITY, AFTER JANUARY FIRST, TWO  
47 THOUSAND TWENTY-FOUR, TO INCREASE THE PERCENT LIMIT IF IT DETERMINES  
48 THAT ADDITIONAL INTERCONNECTION OF SHARED RENEWABLE ENERGY FACILITIES IS  
49 IN THE PUBLIC INTEREST, PROVIDED FURTHER THAT NO GREATER THAN TWENTY  
50 PERCENT OF THE COMBINED NAMEPLATE CAPACITY OF SHARED RENEWABLE ENERGY  
51 FACILITIES AUTHORIZED PURSUANT TO THIS SECTION SHALL BE LOCATED IN A  
52 POTENTIAL ENVIRONMENTAL JUSTICE AREA AS DETERMINED BY THE DEPARTMENT OF  
53 ENVIRONMENTAL CONSERVATION, AS SUCH AREAS WERE DEPICTED ON MAY FIFTH,  
54 TWO THOUSAND FOURTEEN. IN THE EVENT THAT THE ELECTRIC CORPORATION DETER-  
55 MINES THAT IT IS NECESSARY TO INSTALL A DEDICATED TRANSFORMER OR TRANS-  
56 FORMERS, OR OTHER EQUIPMENT TO PROTECT THE SAFETY AND ADEQUACY OF ELEC-

1 TRIC SERVICE PROVIDED TO CUSTOMERS, THE SUBSCRIBER COMPANY SHALL PAY THE  
2 ELECTRIC CORPORATION'S ACTUAL COSTS OF INSTALLING THE TRANSFORMER OR  
3 TRANSFORMERS, OR OTHER EQUIPMENT.

4 9. (A) FOR A SHARED RENEWABLE ENERGY FACILITY, THE TOTAL AMOUNT OF  
5 ELECTRICAL OUTPUT AVAILABLE FOR ALLOCATION TO SUBSCRIBERS SHALL BE  
6 DETERMINED BY A PRODUCTION METER INSTALLED AT THE SHARED RENEWABLE ENER-  
7 GY FACILITY AND PAID FOR BY THE SUBSCRIBER COMPANY OWNING SUCH SHARED  
8 RENEWABLE ENERGY FACILITY. IT SHALL BE THE RESPONSIBILITY OF THE ELEC-  
9 TRIC CORPORATION TO READ THE PRODUCTION METER AND APPLY BILL CREDITS TO  
10 SUBSCRIBERS OF SUCH FACILITIES AS DIRECTED UNDER A SUBSCRIPTION ROSTER,  
11 PROVIDED THAT AN ELECTRIC CORPORATION MAY ASSESS A CHARGE TO A SUBSCRIB-  
12 ER COMPANY TO RECOVER REASONABLE EXPENSES RELATED TO THE READING OF A  
13 PRODUCTION METER.

14 (B) A SUBSCRIBER COMPANY SHALL BE RESPONSIBLE FOR PROVIDING TO THE  
15 ELECTRIC CORPORATION, AT THE BEGINNING OF EACH BILLING CYCLE, OR OTHER  
16 PERIOD AS DETERMINED BY THE COMMISSION, A SUBSCRIPTION ROSTER IDENTIFY-  
17 ING THE PRO-RATA SHARE OF ELECTRICAL OUTPUT ALLOCATED TO EACH SUBSCRIB-  
18 ER. A SUBSCRIBER COMPANY MAY ADD ADDITIONAL SUBSCRIBER AGREEMENTS TO A  
19 SUBSCRIPTION ROSTER FOR THE PRECEDING BILLING CYCLE, OR OTHER PERIOD AS  
20 DETERMINED BY THE COMMISSION.

21 (C) AT THE END OF EACH MONTH, THE ELECTRIC CORPORATION SHALL APPLY A  
22 CREDIT TO THE NEXT BILL FOR SERVICE TO EACH SUBSCRIBER BASED ON EACH  
23 SUBSCRIBER'S PRO-RATA SHARE OF THE ACTUAL ELECTRICAL OUTPUT OF SUCH  
24 FACILITY AT THE SAME RATE PER KILOWATT HOUR APPLICABLE TO SERVICE  
25 PROVIDED TO OTHER CUSTOMERS IN THE SAME SERVICE CLASS WHICH DO NOT  
26 SUBSCRIBE TO A SHARED RENEWABLE ENERGY FACILITY.

27 (D) IN THE EVENT THAT THE ELECTRICAL OUTPUT PRODUCED BY A SHARED  
28 RENEWABLE ENERGY FACILITY AND ALLOCATED TO A SUBSCRIBER DURING A BILLING  
29 PERIOD EXCEEDS THE AMOUNT OF ELECTRICITY USED BY A SUBSCRIBER, THE ELEC-  
30 TRIC CORPORATION SHALL APPLY A CREDIT FOR SUCH EXCESS OUTPUT TO THE NEXT  
31 BILL FOR SERVICE TO THE SUBSCRIBER FOR THE NET ELECTRICITY PROVIDED AT  
32 THE SAME RATE PER KILOWATT HOUR APPLICABLE TO SERVICE PROVIDED TO OTHER  
33 CUSTOMERS IN THE SAME SERVICE CLASS WHICH DO NOT SUBSCRIBE TO A SHARED  
34 RENEWABLE ENERGY FACILITY.

35 (E) IN THE EVENT THAT THE ELECTRIC CORPORATION IMPOSES CHARGES BASED  
36 ON KILOWATT DEMAND ON CUSTOMERS WHO ARE IN THE SAME SERVICE CLASS AS A  
37 SUBSCRIBER WHO IS ENTITLED TO THE OUTPUT OF A SHARED RENEWABLE ENERGY  
38 FACILITY PURSUANT TO A SUBSCRIPTION IN A SHARED RENEWABLE ENERGY FACILI-  
39 TY BUT ARE NOT SUBSCRIBERS, THE ELECTRIC CORPORATION MAY IMPOSE THE SAME  
40 CHARGES AT THE SAME RATES TO THE SUBSCRIBER, PROVIDED HOWEVER, THAT THE  
41 KILOWATT DEMAND FOR SUCH DEMAND CHARGES IS DETERMINED BY THE MAXIMUM  
42 MEASURED KILOWATT DEMAND ACTUALLY SUPPLIED BY THE ELECTRIC CORPORATION  
43 TO THE SUBSCRIBER DURING THE BILLING PERIOD.

44 10. (A) ON OR BEFORE THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS  
45 SECTION, THE COMMISSION SHALL ESTABLISH STANDARDS FOR THE SAFE AND  
46 ADEQUATE INTERCONNECTION OF SHARED RENEWABLE ENERGY FACILITIES. SUCH  
47 STANDARDS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO:

48 (I) EQUIPMENT NECESSARY TO ISOLATE AUTOMATICALLY THE FACILITY FROM THE  
49 ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM FOR VOLTAGE IN THE CASE OF  
50 VOLTAGE AND FREQUENCY DEVIATIONS, POWER OUTAGES AND OTHER EVENTS THE  
51 COMMISSION DEEMS NECESSARY; AND

52 (II) A MANUAL LOCKABLE DISCONNECT SWITCH PAID FOR AND INSTALLED BY THE  
53 SUBSCRIBER COMPANY FOR THE PURPOSE OF ISOLATING THE FACILITY AND LOCATED  
54 IN AN EASILY ACCESSIBLE AREA ON THE PREMISES OF SUCH SHARED RENEWABLE  
55 ENERGY FACILITY AND EXTERNALLY ACCESSIBLE FOR THE PURPOSE OF ISOLATING  
56 THE SHARED RENEWABLE ENERGY FACILITY.

1 (B) IN THE EVENT THAT THE TOTAL RATED GENERATING CAPACITY OF A SHARED  
2 RENEWABLE ENERGY FACILITY THAT PROVIDES ELECTRICITY TO THE ELECTRIC  
3 CORPORATION THROUGH THE SAME LOCAL FEEDER LINE EXCEEDS TWENTY PERCENT OF  
4 THE RATED CAPACITY OF THE LOCAL FEEDER LINE, THE ELECTRIC CORPORATION  
5 MAY REQUIRE THE SUBSCRIBER COMPANY OWNING SUCH SHARED RENEWABLE ENERGY  
6 FACILITY TO COMPLY WITH REASONABLE MEASURES TO ENSURE THE SAFETY OF THE  
7 LOCAL FEEDER LINE.

8 (C) UPON ITS OWN MOTION OR UPON A COMPLAINT, THE COMMISSION, OR ITS  
9 DESIGNATED REPRESENTATIVE, MAY INVESTIGATE AND MAKE A DETERMINATION AS  
10 TO THE REASONABLENESS AND NECESSITY OF THE STANDARDS OR RESPONSIBILITY  
11 FOR COMPLIANCE WITH THE STANDARDS.

12 S 5. Subdivision (h) of section 1020-g of the public authorities law,  
13 as amended by chapter 546 of the laws of 2011, is amended to read as  
14 follows:

15 (h) To implement programs and policies designed to provide for the  
16 interconnection of: (i) (A) solar electric generating equipment owned or  
17 operated by residential customers, (B) farm waste electric generating  
18 equipment owned or operated by customer-generators, (C) solar electric  
19 generating equipment owned or operated by non-residential customers, (D)  
20 micro-combined heat and power generating equipment owned, leased or  
21 operated by residential customers, (E) fuel cell electric generating  
22 equipment owned, leased or operated by residential customers, and (F)  
23 micro-hydroelectric generating equipment owned, leased or operated by  
24 customer-generators and for net energy metering consistent with section  
25 sixty-six-j of the public service law, to increase the efficiency of  
26 energy end use, to shift demand from periods of high demand to periods  
27 of low demand and to facilitate the development of cogeneration; [and]  
28 (ii) wind electric generating equipment owned or operated by customer-  
29 generators and for net energy metering consistent with section sixty-  
30 six-l of the public service law; AND (III) TO IMPLEMENT PROGRAMS AND  
31 POLICIES DESIGNED TO PROVIDE FOR THE INTERCONNECTION OF SHARED RENEWABLE  
32 ENERGY FACILITIES OWNED AND OPERATED BY SUBSCRIBER COMPANIES FOR THE  
33 BENEFIT OF RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS CONSISTENT WITH  
34 SECTION SIXTY-SIX-N OF THE PUBLIC SERVICE LAW.

35 S 6. This act shall take effect immediately.