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I N   S E N A T E

April 9, 2014

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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

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

1     Section 1. Paragraph (a) of subdivision 1 of section 66-j of the  
2     public service law, as amended by chapter 546 of the laws of 2011,  
3     subparagraphs (iv) and (v) as separately amended and subparagraph (vi)  
4     as added by chapter 530 of the laws of 2011, and subparagraphs (vii) and  
5     (viii) as redesignated by chapter 318 of the laws of 2012, is amended to  
6     read as follows:  
7     (a) "Customer-generator" means: (i) a residential customer of an elec-  
8     tric corporation, who owns [or], LEASES, operates, OR IS ENTITLED TO THE  
9     OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating equip-  
10    ment located and used at his or her residence; (ii) a customer of an  
11    electric corporation, who owns [or], LEASES, operates, OR IS ENTITLED TO  
12    THE OUTPUT FROM OR IS OTHERWISE SERVED BY farm waste electric generating  
13    equipment located and used at his or her "farm operation," as such term  
14    is defined in subdivision eleven of section three hundred one of the  
15    agriculture and markets law; (iii) a non-residential customer of an  
16    electric corporation which owns [or], LEASES, operates, OR IS ENTITLED  
17    TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating  
18    equipment located and used at [its] premises IT OWNS OR LEASES; (iv) a  
19    residential customer of an electric corporation who owns, leases [or],  
20    operates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY  
21    micro-combined heat and power generating equipment located on the  
22    customer's premises; (v) a residential customer of an electric corpo-  
23    ration who owns, leases [or], operates OR IS ENTITLED TO THE OUTPUT FROM  
24    OR IS OTHERWISE SERVED BY fuel cell generating equipment located on the  
25    customer's premises; and (vi) a non-residential customer of an electric  
26    corporation who owns, leases [or], operates OR IS ENTITLED TO THE OUTPUT  
27    FROM OR IS OTHERWISE SERVED BY fuel cell generating equipment located

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

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1 and used at [the customer's] premises IT OWNS OR LEASES; (vii) a resi-  
2 dential customer of an electric corporation, who owns [or], LEASES,  
3 operates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY  
4 micro-hydroelectric generating equipment located and used at his or her  
5 residence; and (viii) a non-residential customer of an electric corpo-  
6 ration which owns [or], LEASES, operates OR IS ENTITLED TO THE OUTPUT  
7 FROM OR IS OTHERWISE SERVED BY micro-hydroelectric generating equipment  
8 located and used at [its] premises IT OWNS OR LEASES.

9 S 2. Paragraph (c) of subdivision 3 of section 66-j of the public  
10 service law, as amended by chapter 546 of the laws of 2011, subparagraph  
11 (iii) as separately amended by chapter 530 of the laws of 2011, is  
12 amended to read as follows:

13 (c) In the event that the electric corporation determines that it is  
14 necessary to install a dedicated transformer or transformers, or other  
15 equipment to protect the safety and adequacy of electric service  
16 provided to other customers, a customer-generator shall pay the electric  
17 corporation's actual costs of installing the transformer or transfor-  
18 mers, or other equipment:

19 (i) In the case of a customer-generator who owns [or], LEASES, oper-  
20 ates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar  
21 electric generating equipment, micro-combined heat and power generating  
22 equipment, fuel cell electric generating equipment or micro-hydroelec-  
23 tric generating equipment located and used at his or her residence, or a  
24 non-residential customer-generator who owns [or], LEASES, operates OR IS  
25 ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric  
26 generating equipment with a rated capacity of not more than twenty-five  
27 kilowatts, up to a maximum amount of three hundred fifty dollars;

28 (ii) In the case of a customer-generator who owns [or], operates farm  
29 waste electric generating equipment located and used at his or her "farm  
30 operation," up to a total amount of five thousand dollars per "farm  
31 operation"; and

32 (iii) In the case of a non-residential customer-generator who owns  
33 [or], LEASES, operates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE  
34 SERVED BY solar electric generating equipment or fuel cell electric  
35 generating equipment or micro-hydroelectric generating equipment with a  
36 rated capacity of more than twenty-five kilowatts located and used at  
37 its premises, such cost shall be as determined by the electric corpo-  
38 ration subject to review, upon the request of such customer-generator,  
39 by the department.

40 S 3. Paragraphs (e), (f) and (g) of subdivision 3 of section 66-j of  
41 the public service law, paragraph (e) as amended by chapter 546 of the  
42 laws of 2011, paragraph (f) as added by chapter 318 of the laws of 2012,  
43 and paragraph (g) as added by chapter 200 of the laws of 2013, are  
44 amended to read as follows:

45 (e) A customer who owns or operates a farm operation as such term is  
46 defined in subdivision eleven of section three hundred one of the agri-  
47 culture and markets law, or a non-residential customer-generator as  
48 defined by subparagraph (iii) of paragraph (a) of subdivision one of  
49 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
50 OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating equip-  
51 ment or farm waste electric generating equipment with a net energy meter  
52 on property owned or leased by such customer-generator may designate all  
53 or a portion of the net metering credits generated by such equipment to  
54 meters at any property owned or leased by such customer-generator within  
55 the service territory of the same electric corporation to which the  
56 customer-generator's net energy meters are interconnected and being

1 within the same load zone as determined by the location based marginal  
2 price as of the date of initial request by the customer-generator to  
3 conduct net metering. The electric corporation will credit the accounts  
4 of the customer by applying any credits to the highest use meter first,  
5 then subsequent highest use meters until all such credits are attributed  
6 to the customer. Any excess credits shall be carried over to the follow-  
7 ing month.

8 (f) A customer who owns or operates a farm operation as such term is  
9 defined in subdivision eleven of section three hundred one of the agri-  
10 culture and markets law, or a non-residential customer-generator as  
11 defined by subparagraph (viii) of paragraph (a) of subdivision one of  
12 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
13 OUTPUT FROM OR IS OTHERWISE SERVED BY micro-hydroelectric generating  
14 equipment with a net energy meter on property owned or leased by such  
15 customer-generator may designate all or a portion of the net metering  
16 credits generated by such equipment to meters at any property owned or  
17 leased by such customer-generator within the service territory of the  
18 same electric corporation to which the customer-generator's net energy  
19 meters are interconnected and being within the same load zone as deter-  
20 mined by the location based marginal price as of the date of initial  
21 request by the customer-generator to conduct net metering. The electric  
22 corporation will credit the accounts of the customer by applying any  
23 credits to the highest use meter first, then subsequent highest use  
24 meters until all such credits are attributed to the customer. Any excess  
25 credits shall be carried over to the following month.

26 (g) A customer who owns or operates a farm operation as such term is  
27 defined in subdivision eleven of section three hundred one of the agri-  
28 culture and markets law, or a non-residential customer-generator as  
29 defined by subparagraph (viii) of paragraph (a) of subdivision one of  
30 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
31 OUTPUT FROM OR IS OTHERWISE SERVED BY fuel cell electric generating  
32 equipment with a net energy meter on property owned or leased by such  
33 customer-generator may designate all or a portion of the net metering  
34 credits generated by such equipment to meters at any property owned or  
35 leased by such customer-generator within the service territory of the  
36 same electric corporation to which the customer-generator's net energy  
37 meters are interconnected and being within the same load zone as deter-  
38 mined by the location based marginal price as of the date of initial  
39 request by the customer-generator to conduct net metering. The electric  
40 corporation will credit the accounts of the customer by applying any  
41 credits to the highest use meter first, then subsequent highest use  
42 meters until all such credits are attributed to the customer. Any excess  
43 credits shall be carried over to the following month.

44 S 4. Paragraph (a) of subdivision 1 of section 66-1 of the public  
45 service law, as amended by chapter 483 of the laws of 2008, is amended  
46 to read as follows:

47 (a) "Customer-generator" means a residential customer, farm service  
48 customer or non-residential customer of an electric corporation, who  
49 owns [or], LEASES, operates, OR IS ENTITLED TO THE OUTPUT FROM OR IS  
50 OTHERWISE SERVED BY wind electric generating equipment.

51 S 5. This act shall take effect immediately.