

7311--A

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

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 ASSEM-
BLY, 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
22 in compliance with any standards and requirements established under this
23 section.

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

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

4 (iii) Each electric corporation shall make such contract and schedule
5 available to customer-generators on a first come, first served basis,
6 until the total rated generating capacity for solar and farm waste elec-
7 tric generating equipment, micro-combined heat and power generating
8 equipment, fuel cell electric generating equipment and micro-hydroelec-
9 tric generating equipment owned, leased or operated by customer-genera-
10 tors in the corporation's service area is equivalent to one percent of
11 the corporation's electric demand for the year two thousand five, as
12 determined by the department. WITHIN A CITY HAVING A POPULATION OF ONE
13 MILLION OR MORE, FORTY MEGAWATTS OF THE TOTAL AMOUNT ALLOWED HEREUNDER
14 SHALL BE RESERVED FOR SOLAR PHOTOVOLTAIC SYSTEMS WITH A RATED CAPACITY
15 OF AT LEAST FIVE HUNDRED KILOWATTS, AS FURTHER DESCRIBED IN ITEM TWO OF
16 CLAUSE (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (D) OF SUBDIVISION ONE OF
17 THIS SECTION.

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

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

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

1 CREDITS SHALL BE CARRIED OVER TO THE FOLLOWING MONTH, AS FURTHER
2 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

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

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

17 S 6. This act shall take effect immediately.