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I N A S S E M B L Y

February 14, 2014

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Energy

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 (ii) of paragraph (c) of subdivision 3 of section  
14 66-j of the public service law, as amended by chapter 546 of the laws of  
15 2011, is amended to read as follows:

16 (ii) In the case of a customer-generator [who owns or operates farm  
17 waste electric generating equipment located and used at his or her "farm  
18 operation,"] AS DEFINED IN SUBPARAGRAPHS (II) AND (IX) OF PARAGRAPH (A)  
19 OF SUBDIVISION ONE OF THIS SECTION, up to a total amount of five thou-  
20 sand dollars per "farm operation" OR PREMISES; and

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

24 (e) A customer who owns or operates a farm operation as such term is  
25 defined in subdivision eleven of section three hundred one of the agri-  
26 culture and markets law, or a non-residential customer-generator as  
27 defined by subparagraph (iii) of paragraph (a) of subdivision one of

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

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1 this section, OR A NON-RESIDENTIAL CUSTOMER AS DEFINED BY SUBPARAGRAPH  
2 (IX) OF PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION that locates  
3 solar electric generating equipment or farm waste electric generating  
4 equipment with a net energy meter on property owned or leased by such  
5 customer-generator may designate all or a portion of the net metering  
6 credits generated by such equipment to meters at any property owned or  
7 leased by such customer-generator within the service territory of the  
8 same electric corporation to which the customer-generator's net energy  
9 meters are interconnected and being within the same load zone as deter-  
10 mined by the location based marginal price as of the date of initial  
11 request by the customer-generator to conduct net metering. The electric  
12 corporation will credit the accounts of the customer by applying any  
13 credits to the highest use meter first, then subsequent highest use  
14 meters until all such credits are attributed to the customer. Any excess  
15 credits shall be carried over to the following month.

16 S 4. The opening paragraph of subparagraph (ii) of paragraph (b) of  
17 subdivision 5 of section 66-j of the public service law, as amended by  
18 chapter 546 of the laws of 2011, is amended to read as follows:

19 In the case of a customer-generator [who owns or operates farm waste  
20 electric generating equipment located and used at his or her "farm oper-  
21 ation,"] AS DEFINED IN SUBPARAGRAPHS (II) AND (IX) OF PARAGRAPH (A) OF  
22 SUBDIVISION ONE OF THIS SECTION, an electric corporation may not require  
23 a customer-generator to comply with additional safety or performance  
24 standards, perform or pay for additional tests, or purchase additional  
25 liability insurance provided that:

26 S 5. This act shall take effect immediately.