

107--A

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. PAULIN, MOYA, ROSENTHAL, BARRETT, GALEF, GUNTHER, HOOPER, LIFTON, LUPARDO, OTIS, QUART, TITONE, CRESPO, SOLAGES, ENGLE-BRIGHT, FAHY, RODRIGUEZ, BUCHWALD, LENTOL, MAGEE, RIVERA, SCHIMEL, THIELE -- 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 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-O, 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. Subdivision 1 of section 5 of the public service law is amended
12 by adding a new paragraph i to read as follows:
13 I. TO THE DETERMINATION OF COMPATIBILITY, INTERCONNECTION AND OPERA-
14 TION OF SHARED RENEWABLE ENERGY FACILITIES AS SUCH TERM IS DEFINED IN
15 PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION SIXTY-SIX-O OF THIS CHAPTER.
16 S 3. The public service law is amended by adding a new section 66-o to
17 read as follows:
18 S 66-O. SHARED RENEWABLE ENERGY FACILITIES. 1. AS USED IN THIS
19 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

LBD00892-07-5

1 (A) "SUBSCRIBER" MEANS A RESIDENTIAL OR NON-RESIDENTIAL CUSTOMER OF AN
2 ELECTRIC CORPORATION WHO HAS: (I) ENTERED INTO A POWER SUBSCRIBER AGREE-
3 MENT WITH A SUBSCRIBER COMPANY; AND (II) IDENTIFIED ONE OR MORE METERS
4 TO WHICH THE PRO-RATA SHARE OF THE ELECTRICAL OUTPUT OF A FACILITY SHALL
5 BE ATTRIBUTED PURSUANT TO HIS OR HER POWER SUBSCRIBER AGREEMENT. SUCH
6 METERS SHALL BE WITHIN THE SAME COUNTY OR ADJACENT TO THE COUNTY OF THE
7 SHARED RENEWABLE FACILITY TO WHICH A SUBSCRIBER HAS ENTERED INTO A POWER
8 SUBSCRIBER AGREEMENT WITHIN THE SAME SERVICE TERRITORY OF THE ELECTRIC
9 CORPORATION OF WHICH HE OR SHE IS A CUSTOMER, AND LOCATED WITHIN THE
10 SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF
11 THE DATE OF THE INITIAL REQUEST BY A SUBSCRIBER COMPANY TO INTERCONNECT
12 A SHARED FACILITY; PROVIDED THAT IN A CITY OF ONE MILLION OR MORE
13 PERSONS, A SUBSCRIBER MAY ENTER INTO A POWER SUBSCRIBER AGREEMENT WITH A
14 SUBSCRIBER COMPANY LOCATED IN ANY COUNTY WITHIN SUCH CITY WITHIN THE
15 SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION OF WHICH HE OR SHE IS
16 A CUSTOMER, OR THAT SUCH SUBSCRIBER MAY ENTER INTO A POWER SUBSCRIBER
17 AGREEMENT WITH A SUBSCRIBER COMPANY IN A COUNTY IMMEDIATELY NORTH OF
18 SUCH CITY WITHIN THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION
19 OF WHICH HE OR SHE IS A CUSTOMER.

20 (B) "POWER SUBSCRIBER AGREEMENT" OR "SUBSCRIBER AGREEMENT" MEANS AN
21 AGREEMENT BETWEEN A SUBSCRIBER AND A SUBSCRIBER COMPANY THAT MEETS STAN-
22 DARDS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIX OF THIS SECTION. SUCH
23 AGREEMENT SHALL: (I) INCLUDE THE NAME, ADDRESS AND ELECTRIC CORPORATION
24 ACCOUNT NUMBER TO WHICH THE SUBSCRIPTION SHALL BE ATTRIBUTED; (II) ENTI-
25 TLE A SUBSCRIBER TO A PRO-RATA SHARE OF THE ACTUAL ELECTRICAL OUTPUT OF
26 A SHARED RENEWABLE ENERGY FACILITY; AND (III) PROVIDE THAT A SUBSCRIB-
27 ER'S PRO-RATA SHARE WILL BE REFLECTED AS A BILL CREDIT AGAINST THE
28 SUBSCRIBER'S MONTHLY ELECTRIC USAGE AS METERED BY HIS OR HER ELECTRIC
29 CORPORATION AND BILLED BY SUCH ELECTRIC CORPORATION ON A PER KILOWATT
30 HOUR BASIS.

31 (C) "SHARED RENEWABLE ENERGY FACILITY" MEANS SOLAR ELECTRIC GENERATING
32 EQUIPMENT AND WIND ELECTRIC GENERATING EQUIPMENT. SUCH FACILITIES SHALL:
33 (I) NOT EXCEED A NAMEPLATE CAPACITY OF GREATER THAN TWO MEGAWATTS,
34 PROVIDED THAT FACILITIES LOCATED IN A POTENTIAL ENVIRONMENTAL JUSTICE
35 AREA, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS
36 SUCH AREAS WERE DEPICTED ON MAY FIFTH, TWO THOUSAND FOURTEEN, SHALL NOT
37 EXCEED A NAMEPLATE CAPACITY OF GREATER THAN ONE MEGAWATT; (II) BE
38 LOCATED, CONSTRUCTED AND OPERATED, IN ACCORDANCE WITH ANY APPLICABLE
39 LOCAL LAW, ORDINANCE OR REGULATION; (III) BE LOCATED IN A SHARED RENEWA-
40 BLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE AS PROVIDED FOR
41 IN SUBDIVISION FOUR OF THIS SECTION; (IV) BE MANUFACTURED, INSTALLED AND
42 OPERATED IN ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STAND-
43 ARDS, CONNECTED TO THE ELECTRIC SYSTEM AND OPERATED IN CONJUNCTION WITH
44 AN ELECTRIC CORPORATION'S TRANSMISSION AND DISTRIBUTION FACILITIES; (V)
45 SHALL HAVE NO LESS THAN TEN SUBSCRIBERS; AND (VI) IN THE CASE OF A
46 SHARED RENEWABLE ENERGY FACILITY LOCATED WITHIN A CITY OF ONE MILLION OR
47 MORE PERSONS, SUCH FACILITY SHALL NOT BE LOCATED ON PUBLIC PROPERTY.

48 (D) "SUBSCRIPTION ROSTER" MEANS THE COMPILATION OF INFORMATION FROM
49 POWER SUBSCRIBER AGREEMENTS FOR A PARTICULAR SHARED RENEWABLE ENERGY
50 FACILITY WHICH IS COLLECTED BY THE SUBSCRIBER COMPANY OWNING SUCH FACIL-
51 ITY FOR THE PURPOSES OF DIRECTING AN ELECTRIC CORPORATION TO APPLY BILL
52 CREDITS AGAINST SUBSCRIBERS' MONTHLY ELECTRIC USAGE AS METERED AND
53 RECOVERED BY SUCH ELECTRIC CORPORATION THROUGH A MONTHLY BILL.

54 (E) "SUBSCRIBER COMPANY" MEANS A GENERAL PARTNERSHIP, LIMITED PARTNER-
55 SHIP, LIMITED LIABILITY COMPANY, COOPERATIVE, S-CORPORATION, C-CORPORA-

1 TION OR NOT-FOR-PROFIT CORPORATION WHOSE PURPOSE IS TO OWN AND OPERATE A
2 SHARED RENEWABLE ENERGY FACILITY.

3 (F) "SUBSCRIPTION" MEANS THE RIGHTS AND RESPONSIBILITIES OF A
4 SUBSCRIBER TO A PRO-RATA PORTION OF THE ACTUAL ELECTRICAL OUTPUT OF A
5 SHARED RENEWABLE ENERGY FACILITY, AS SET FORTH IN A SUBSCRIBER AGREE-
6 MENT. A SUBSCRIPTION SHALL: (I) AT A MINIMUM, REPRESENT AT LEAST ONE
7 KILOWATT OF A SHARED RENEWABLE ENERGY FACILITY'S GENERATING CAPACITY;
8 AND (II) NOT EXCEED ONE HUNDRED PERCENT OF A SUBSCRIBER'S ELECTRICAL
9 CONSUMPTION AS MEASURED IN KILOWATT HOURS FROM THE TWELVE-MONTH PERIOD
10 IMMEDIATELY PRECEDING THE ESTABLISHMENT OF A SUBSCRIBER AGREEMENT.

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

16 2. NO LATER THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
17 THE COMMISSION SHALL COMMENCE A PROCEEDING TO: (A) DEVELOP A STATEWIDE
18 SHARED RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE
19 MAP; (B) ESTABLISH CRITERIA FOR THE COMPATIBLE INTERCONNECTION OF SHARED
20 RENEWABLE ENERGY FACILITIES AND SUBSCRIBER PROTECTIONS; AND (C) DEVELOP
21 SUBSCRIBER PROTECTION STANDARDS.

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

- 27 (A) ORGANIZATIONS ADVOCATING FOR ENVIRONMENTAL CONCERNS;
- 28 (B) ORGANIZATIONS REPRESENTING RENEWABLE ENERGY INDUSTRIES;
- 29 (C) ELECTRIC CORPORATIONS;
- 30 (D) THE LONG ISLAND POWER AUTHORITY; AND
- 31 (E) ORGANIZATIONS REPRESENTING LOW INCOME RESIDENTS.

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

45 (A) THE POTENTIAL NEED FOR ADDITIONAL ELECTRIC GENERATION AND/OR TRAN-
46 SMISION WITHIN THE PRECEDING TEN-YEAR PERIOD;

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

51 (C) THE POTENTIAL FOR REDUCTION IN OVERALL EMISSIONS OF CARBON DIOX-
52 IDE, SULFUR DIOXIDE, NITROGEN OXIDE AND PARTICULATE MATTER 2.5 (PM 2.5)
53 THAT WOULD BE ATTRIBUTABLE TO THE OPERATION OF SHARED RENEWABLE ENERGY
54 FACILITIES; AND

(D) THE EXTENT TO WHICH THE INTERCONNECTION OF SHARED RENEWABLE FACILITIES WOULD NECESSITATE THE CONSTRUCTION OR REPLACEMENT OF TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE.

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

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

(B) SHARED RENEWABLE FACILITIES ARE DESIGNED TO OPERATE IN THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION AND COUNTY OR ADJACENT COUNTY AS AUTHORIZED BY THE COMMISSION TO WHICH ITS SUBSCRIBERS ARE METERED FOR ELECTRICAL USAGE, PROVIDED THAT FOR SHARED FACILITIES LOCATED IN A CITY OF ONE MILLION OR MORE, SUCH FACILITIES MAY HAVE SUBSCRIBERS WHO ARE LOCATED IN ANY COUNTY WITHIN SUCH CITY, OR A COUNTY IMMEDIATELY NORTH OF SUCH CITY PROVIDED SUCH FACILITIES AND CUSTOMERS ARE LOCATED WITHIN THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION;

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

(D) A SUBSCRIBER COMPANY MAY SELL AT COST UNSUBSCRIBED ENERGY TO AN ELECTRIC CORPORATION, PUBLIC POWER AUTHORITY OR RURAL ELECTRIC COOPERATIVE, PROVIDED THAT NOTHING SHALL REQUIRE SUCH ENTITIES TO PURCHASE UNSUBSCRIBED ENERGY;

(E) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PRE-EMPT LOCAL ZONING OR REQUIRE A COUNTY, TOWN, VILLAGE OR CITY TO AUTHORIZE OR OTHERWISE ACCOMMODATE THE CONSTRUCTION OF A SHARED RENEWABLE FACILITY; AND

(F) AN ELECTRIC CORPORATION SHALL NOT BE REQUIRED TO PURCHASE ENERGY PRODUCED BY A SHARED RENEWABLE ENERGY FACILITY BUT WHICH IS UNSUBSCRIBED.

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

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

(B) LIMIT THE TERM OF A POWER SUBSCRIBER AGREEMENT FOR SUBSCRIBERS WHO ARE RESIDENTIAL CUSTOMERS OF AN ELECTRIC CORPORATION, TO NO GREATER THAN TWENTY YEARS, PROVIDED THAT A SUBSCRIBER MAY RENEW HIS OR HER SUBSCRIPTION UPON ITS EXPIRATION FOR AN ADDITIONAL TERM;

(C) REQUIRE THAT A SUBSCRIBER AGREEMENT INCLUDE THE FOLLOWING INFORMATION IN CLEAR AND CONSPICUOUS TERMS:

(I) A SUBSCRIPTION TO A SHARED FACILITY DOES NOT GUARANTEE THAT A CUSTOMER'S ELECTRIC RATES WILL BE LOWER THAN THOSE CHARGED TO CUSTOMERS OF THE SAME SERVICE CLASS WHICH DO NOT SUBSCRIBE TO A SHARED RENEWABLE ENERGY FACILITY;

(II) THAT IN ADDITION TO ANY MONTHLY CHARGES OWED TO A SUBSCRIBER COMPANY PURSUANT TO A SUBSCRIBER AGREEMENT, SUCH SUBSCRIBER IS REQUIRED

1 TO PAY FOR ALL CHARGES FOR ELECTRIC SERVICE ISSUED BY HIS OR HER ELEC-
2 TRIC CORPORATION;

3 (III) THE BENEFITS OF A SUBSCRIPTION IN A SHARED RENEWABLE ENERGY
4 FACILITY, INCLUDING BUT NOT LIMITED TO THOSE DESCRIBED IN PARAGRAPH (C)
5 OF SUBDIVISION NINE OF THIS SECTION ARE CONTINGENT UPON THE AUTHORI-
6 ZATION OF SHARED RENEWABLE FACILITIES BY AN ACT OF THE STATE LEGISLATURE
7 AND THAT ANY SUBSEQUENT DECISION OF THE STATE LEGISLATURE TO REPEAL THIS
8 SECTION IN WHOLE OR IN PART MAY INVALIDATE THE BENEFITS OF A
9 SUBSCRIPTION WHILE STILL CONTINUING TO OBLIGATE THE SUBSCRIBER;

10 (IV) THAT SUBSCRIBERS OF THE SAME SHARED FACILITY AND OF THE SAME
11 CLASS OF ELECTRIC SERVICE MAY BE CHARGED DIFFERENTIAL SUBSCRIPTION FEES
12 DEPENDING ON FACTORS INCLUDING: (A) PRO-RATA AMOUNT OF SUBSCRIBER AGREE-
13 MENT; AND (B) LENGTH OF SUBSCRIBER AGREEMENT; AND

14 (V) THAT THE ELECTRIC CORPORATION OF WHICH A SUBSCRIBER IS A CUSTOMER
15 IS NOT RESPONSIBLE FOR HANDLING COMPLAINTS FOR SERVICE BETWEEN A
16 SUBSCRIBER AND A SUBSCRIBER ORGANIZATION;

17 (D) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY
18 WHICH HAS NOT BEEN INTERCONNECTED AND PRODUCING ELECTRICITY UPON THE
19 SIGNING OF A POWER SUBSCRIBER AGREEMENT, THE SUBSCRIBER COMPANY SHALL
20 IMMEDIATELY NOTIFY EACH SUBSCRIBER UPON THE INTERCONNECTION AND
21 PRODUCTION START DATE OF SUCH SHARED RENEWABLE ENERGY FACILITY THAT HE
22 OR SHE HAS FIVE BUSINESS DAYS UPON THE RECEIPT OF THE NOTICE REQUIRED
23 PURSUANT TO THIS PARAGRAPH TO CANCEL HIS OR HER SUBSCRIPTION WITH NO
24 CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR HER SUBSCRIBER COMPANY,
25 PROVIDED THAT IF A SHARED RENEWABLE ENERGY FACILITY IS NOT INTERCON-
26 NECTED WITHIN ONE YEAR OF THE COMPLETION OF A POWER SUBSCRIBER AGREE-
27 MENT, THE SUBSCRIBER AGREEMENT WILL BE NULL AND VOID;

28 (E) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY
29 WHICH WAS INTERCONNECTED PRIOR TO THE SIGNING OF A POWER SUBSCRIBER
30 AGREEMENT, THE SUBSCRIBER SHALL HAVE FIVE BUSINESS DAYS UPON THE SIGNING
31 OF A POWER SUBSCRIBER AGREEMENT TO CANCEL HIS OR HER SUBSCRIPTION WITH
32 NO CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR HER SUBSCRIBER
33 COMPANY;

34 (F) PROHIBIT A SUBSCRIBER COMPANY FROM TRANSFERRING A SUBSCRIPTION
35 FROM ONE SHARED RENEWABLE ENERGY FACILITY TO ANOTHER, REGARDLESS OF
36 WHETHER THE SUBSCRIBER FACILITY TO WHICH A SUBSCRIBER AGREEMENT WOULD BE
37 TRANSFERRED IS OWNED OR OPERATED BY THE SAME COMPANY, WITHOUT A
38 SUBSCRIBER'S CONSENT;

39 (G) ALLOW FOR A SUBSCRIBER WHO MOVES TO A RESIDENCE WITHIN THE SAME
40 SERVICE TERRITORY TO REDIRECT THE BILL CREDITS PURSUANT TO HIS OR HER
41 SUBSCRIBER AGREEMENT PROVIDED THAT SUCH SUBSCRIBER DEMONSTRATES TO HIS
42 OR HER SUBSCRIBER COMPANY THAT THE METER OR METERS AT THE NEW RESIDENCE
43 TO WHICH SUCH BILL CREDITS WILL BE REDIRECTED ARE LOCATED: (I) WITHIN
44 THE SAME COUNTY OR AN ADJACENT COUNTY; AND (II) WITHIN THE SAME LOAD
45 ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE
46 OF THE INITIAL REQUEST BY HIS OR HER SUBSCRIBER COMPANY TO INTERCONNECT
47 SUCH SHARED FACILITY, PROVIDED THAT IN THE CASE OF A SUBSCRIBER IN A
48 CITY OF A MILLION OR MORE, A SUBSCRIBER MAY REDIRECT HIS OR HER BILL
49 CREDITS TO A METER OR METERS AT A NEW RESIDENCE LOCATED IN A COUNTY
50 IMMEDIATELY NORTH OR SUCH CITY;

51 (H) ALLOW FOR A SUBSCRIBER WHO MOVES TO A RESIDENCE OUTSIDE OF THE
52 SERVICE TERRITORY TO TRANSFER HIS OR HER SUBSCRIBER AGREEMENT TO A NEW
53 SUBSCRIBER PROVIDED THAT SUCH NEW SUBSCRIBER MEETS THE REQUIREMENTS OF
54 PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION;

55 (I) 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 COMPAN-
2 NY;

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

5 (K) DETERMINE THE APPROPRIATENESS OF A SUBSCRIBER COMPANY REQUIRING
6 DEPOSITS FOR A SUBSCRIPTION IN A SHARED RENEWABLE FACILITY, AND IF SO
7 DETERMINED, THE ALLOWANCES AND/OR LIMITATIONS FOR SUCH DEPOSITS;

8 (L) PROHIBIT A SUBSCRIBER COMPANY FROM ISSUING A BILL, OTHER THAN A
9 DEPOSIT FOR A SUBSCRIPTION, OR A MONTHLY CHARGE UNLESS AND UNTIL A
10 SUBSCRIBER COMPANY IS (I) INTERCONNECTED PURSUANT TO SUBDIVISION EIGHT
11 OF THIS SECTION; AND (II) HAS BEGUN TO PRODUCE ELECTRICAL OUTPUT; AND

12 (M) 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-FIVE, 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-

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

9. (A) FOR A SHARED RENEWABLE ENERGY FACILITY, THE TOTAL AMOUNT OF ELECTRICAL OUTPUT AVAILABLE FOR ALLOCATION TO SUBSCRIBERS SHALL BE DETERMINED BY A PRODUCTION METER INSTALLED AT THE SHARED RENEWABLE ENERGY FACILITY AND PAID FOR BY THE SUBSCRIBER COMPANY OWNING SUCH SHARED RENEWABLE ENERGY FACILITY. IT SHALL BE THE RESPONSIBILITY OF THE ELECTRIC CORPORATION TO READ THE PRODUCTION METER AND APPLY BILL CREDITS TO SUBSCRIBERS OF SUCH FACILITIES AS DIRECTED UNDER A SUBSCRIPTION ROSTER, PROVIDED THAT AN ELECTRIC CORPORATION MAY ASSESS A CHARGE TO A SUBSCRIBER COMPANY TO RECOVER REASONABLE EXPENSES RELATED TO THE READING OF A PRODUCTION METER.

(B) A SUBSCRIBER COMPANY SHALL BE RESPONSIBLE FOR PROVIDING TO THE ELECTRIC CORPORATION, AT THE BEGINNING OF EACH BILLING CYCLE, OR OTHER PERIOD AS DETERMINED BY THE COMMISSION, A SUBSCRIPTION ROSTER IDENTIFYING THE PRO-RATA SHARE OF ELECTRICAL OUTPUT ALLOCATED TO EACH SUBSCRIBER. A SUBSCRIBER COMPANY MAY ADD ADDITIONAL SUBSCRIBER AGREEMENTS TO A SUBSCRIPTION ROSTER FOR THE PRECEDING BILLING CYCLE, OR OTHER PERIOD AS DETERMINED BY THE COMMISSION.

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

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

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

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

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

(II) A MANUAL LOCKABLE DISCONNECT SWITCH PAID FOR AND INSTALLED BY THE SUBSCRIBER COMPANY FOR THE PURPOSE OF ISOLATING THE FACILITY AND LOCATED IN AN EASILY ACCESSIBLE AREA ON THE PREMISES OF SUCH SHARED RENEWABLE ENERGY FACILITY AND EXTERNALLY ACCESSIBLE FOR THE PURPOSE OF ISOLATING 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 4. 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-O OF THE PUBLIC SERVICE LAW.

35 S 5. This act shall take effect immediately.