S T A T E O F N E W Y O R K

1538

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. HEVESI, MOYA, SIMOTAS, BORELLI, SCARBOROUGH, TITONE -- read once and referred to the Committee on Energy

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

(iii) a non-residential customer of an electric corporation which owns or operates solar electric generating equipment located and used at its premises, OR A CORPORATION THAT OWNS, LEASES, OR OPERATES SOLAR ELECTRIC GENERATING EQUIPMENT ON PROPERTY OWNED OR LEASED BY A NON-RESIDENTIAL CUSTOMER OF AN ELECTRIC CORPORATION;

S 2. Paragraph (d) of subdivision 1 of section 66-j of the public service law, as amended by chapter 253 of the laws of 2013, is amended to read as follows:

(d) "Solar electric generating equipment" means a photovoltaic system (i) (A) in the case of a residential customer (other than a farm utilizing a residential meter), with a rated capacity of not more than twenty-five kilowatts; (B) in the case of a customer who owns or operates a farm operation as such term is defined in subdivision eleven of section three hundred one of the agriculture and markets law utilizing a residential meter with a rated capacity of not more than one hundred kilowatts; and (C) in the case of a non-residential customer, (1) with a rated capacity of not more than two thousand kilowatts, OR (2) WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, WITH A RATED CAPACITY OF NOT MORE THAN TEN THOUSAND KILOWATTS; and (ii) that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and

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

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distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

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

(iii) Each electric corporation shall make such contract and schedule available to customer-generators on a first come, first served basis, until the total rated generating capacity for solar and farm waste electric generating equipment, micro-combined heat and power generating equipment, fuel cell electric generating equipment and micro-hydroelectric generating equipment owned, leased or operated by customer-generators in the corporation's service area is equivalent to one percent of the corporation's electric demand for the year two thousand five, as determined by the department. WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, NO MORE THAN FORTY MEGAWATTS OF THE TOTAL AMOUNT ALLOWED HEREUNDER SHALL BE RESERVED FOR SOLAR PHOTOVOLTAIC SYSTEMS WITH A RATED CAPACITY OF AT LEAST ONE THOUSAND KILOWATTS, AS FURTHER DESCRIBED IN ITEM TWO OF CLAUSE (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION.

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

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

(II) AS AN ALTERNATIVE TO THE RIGHTS ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CUSTOMER-GENERATOR LOCATED WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE MAY ELECT TO DESIGNATE ALL OR A PORTION OF THE NET METERING CREDITS GENERATED BY SOLAR ELECTRIC GENERATING EQUIPMENT AS DESCRIBED IN ITEM TWO OF CLAUSE (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION PROVIDED THE EQUIPMENT WAS INSTALLED PRIOR TO JANUARY FIRST, TWO THOUSAND TWENTY TO ONE OR MORE METERS OF UP TO TEN CUSTOMER ACCOUNTS, PROVIDED THAT EACH SUCH CUSTOMER ACCOUNT HAS AN ON-SITE LOAD OF AT LEAST ONE HUNDRED KILOWATTS; AND PROVIDED, THAT ANY METERS DESIGNATED TO RECEIVE CREDITS HEREUNDER MUST BE INSTALLED AT ANY PROPERTY LOCATED WITHIN THE SERVICE TERRITORY OF THE SAME ELECTRIC CORPORATION TO WHICH THE CUSTOMER-GENERATOR'S NET ENERGY METERS ARE INTERCONNECTED AND ARE LOCATED WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE OF INITIAL REQUEST BY THE CUSTOMER-GENERATOR TO CONDUCT NET METERING. THE ELECTRIC CORPORATION WILL CREDIT THE ACCOUNTS OF SUCH ELIGIBLE

CUSTOMERS AS DIRECTED BY THE CUSTOMER-GENERATOR, UNTIL ALL SUCH CREDITS ATTRIBUTED TO THE CUSTOMER-GENERATOR HAVE BEEN DISTRIBUTED. ANY EXCESS CREDITS SHALL BE CARRIED OVER TO THE FOLLOWING MONTH, AS FURTHER DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

S 5. Paragraph (c) of subdivision 4 of section 66-j of the public service law, as amended by chapter 494 of the laws of 2014, is amended to read as follows:

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

S 6. This act shall take effect immediately.