

3544

2015-2016 Regular Sessions

I N S E N A T E

February 12, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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. Section 2 of the public service law is amended by adding a new
12 subdivision 2-e to read as follows:

13 2-E. THE TERM "SHARED RENEWABLE ENERGY FACILITY" WHEN USED IN THIS
14 CHAPTER MEANS SOLAR ELECTRIC GENERATING EQUIPMENT AS SUCH TERM IS
15 DEFINED IN SECTION SIXTY-SIX-J OF THIS CHAPTER; AND WIND ELECTRIC GENER-
16 ATING EQUIPMENT AS SUCH TERM IS DEFINED IN SECTION SIXTY-SIX-L OF THIS
17 CHAPTER. SUCH FACILITIES SHALL: (A) NOT EXCEED A NAMEPLATE CAPACITY OF
18 GREATER THAN TWO MEGAWATTS, PROVIDED THAT FACILITIES LOCATED IN A POTEN-
19 TIAL ENVIRONMENTAL JUSTICE AREA, AS DETERMINED BY THE DEPARTMENT OF
20 ENVIRONMENTAL CONSERVATION AS SUCH AREAS WERE DEPICTED ON MAY FIFTH, TWO
21 THOUSAND FOURTEEN, SHALL NOT EXCEED A NAMEPLATE CAPACITY OF GREATER THAN
22 ONE MEGAWATT; (B) BE LOCATED, CONSTRUCTED AND OPERATED, IN ACCORDANCE
23 WITH ANY APPLICABLE LOCAL LAW, ORDINANCE OR REGULATION; (C) BE LOCATED
24 IN A SHARED RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION
25 ZONE AS PROVIDED FOR IN SUBDIVISION FOUR OF SECTION SIXTY-SIX-O OF THIS

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

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1 CHAPTER; (D) BE MANUFACTURED, INSTALLED AND OPERATED IN ACCORDANCE WITH
2 APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, CONNECTED TO THE ELECTRIC
3 SYSTEM AND OPERATED IN CONJUNCTION WITH AN ELECTRIC CORPORATION'S TRANS-
4 MISSION AND DISTRIBUTION FACILITIES; AND (E) SHALL HAVE NO LESS THAN TEN
5 SUBSCRIBERS.

6 S 3. Subdivision 1 of section 5 of the public service law is amended
7 by adding a new paragraph i to read as follows:

8 I. TO THE DETERMINATION OF COMPATIBILITY, INTERCONNECTION AND OPERA-
9 TION OF SHARED RENEWABLE ENERGY FACILITIES AS SUCH TERM IS DEFINED IN
10 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION SIXTY-SIX-O OF THIS CHAPTER.

11 S 4. The public service law is amended by adding a new section 66-o to
12 read as follows:

13 S 66-O. SHARED RENEWABLE ENERGY FACILITIES. 1. AS USED IN THIS
14 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

15 (A) "SUBSCRIBER" MEANS A RESIDENTIAL OR NON-RESIDENTIAL CUSTOMER OF AN
16 ELECTRIC CORPORATION WHO HAS: (I) ENTERED INTO A POWER SUBSCRIBER AGREE-
17 MENT WITH A SUBSCRIBER COMPANY; AND (II) IDENTIFIED ONE OR MORE METERS
18 TO WHICH THE PRO-RATA SHARE OF THE ELECTRICAL OUTPUT OF A FACILITY SHALL
19 BE ATTRIBUTED PURSUANT TO HIS OR HER POWER SUBSCRIBER AGREEMENT. SUCH
20 METERS SHALL BE WITHIN EITHER THE SAME COUNTY AS THE SHARED RENEWABLE
21 ENERGY FACILITY TO WHICH A SUBSCRIBER HAS ENTERED INTO A POWER SUBSCRIB-
22 ER AGREEMENT, EXCEPT THAT IN THE CASE OF A SUBSCRIBER WHOSE METERS ARE
23 LOCATED IN A COUNTY OF TWENTY THOUSAND OR LESS, ACCORDING TO THE MOST
24 RECENT CENSUS, THE SUBSCRIBER MAY ENTER INTO A POWER SUBSCRIBER AGREE-
25 MENT WITH A SUBSCRIBER COMPANY WHOSE SHARED RENEWABLE ENERGY FACILITY IS
26 LOCATED IN AN ADJACENT COUNTY OF TWENTY THOUSAND OR LESS WITHIN THE SAME
27 SERVICE TERRITORY OF THE ELECTRIC CORPORATION OF WHICH HE OR SHE IS A
28 CUSTOMER, AND IS LOCATED WITHIN THE SAME LOAD ZONE AS DETERMINED BY THE
29 LOCATION BASED MARGINAL PRICE AS OF THE DATE OF THE INITIAL REQUEST BY A
30 SUBSCRIBER COMPANY TO INTERCONNECT A SHARED RENEWABLE ENERGY FACILITY.

31 (B) "POWER SUBSCRIBER AGREEMENT" OR "SUBSCRIBER AGREEMENT" MEANS AN
32 AGREEMENT BETWEEN A SUBSCRIBER AND A SUBSCRIBER COMPANY THAT MEETS STAN-
33 DARDS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIX OF THIS SECTION. SUCH
34 AGREEMENT SHALL: (I) INCLUDE THE NAME, ADDRESS AND ELECTRIC CORPORATION
35 ACCOUNT NUMBER TO WHICH THE SUBSCRIPTION SHALL BE ATTRIBUTED; (II) ENTI-
36 TLE A SUBSCRIBER TO A PRO-RATA SHARE OF THE ACTUAL ELECTRICAL OUTPUT OF
37 A SHARED RENEWABLE ENERGY FACILITY; AND (III) PROVIDE THAT A SUBSCRIB-
38 ER'S PRO-RATA SHARE WILL BE REFLECTED AS A BILL CREDIT AGAINST THE
39 SUBSCRIBER'S MONTHLY ELECTRIC USAGE AS METERED BY HIS OR HER ELECTRIC
40 CORPORATION AND BILLED BY SUCH ELECTRIC CORPORATION ON A PER KILOWATT
41 HOUR BASIS.

42 (C) "SUBSCRIPTION ROSTER" MEANS THE COMPILATION OF INFORMATION FROM
43 POWER SUBSCRIBER AGREEMENTS FOR A PARTICULAR SHARED RENEWABLE ENERGY
44 FACILITY WHICH IS COLLECTED BY THE SUBSCRIBER COMPANY OWNING SUCH FACIL-
45 ITY FOR THE PURPOSES OF DIRECTING AN ELECTRIC CORPORATION TO APPLY BILL
46 CREDITS AGAINST SUBSCRIBERS' MONTHLY ELECTRIC USAGE AS METERED AND
47 RECOVERED BY SUCH ELECTRIC CORPORATION THROUGH A MONTHLY BILL.

48 (D) "SUBSCRIBER COMPANY" MEANS A GENERAL PARTNERSHIP, LIMITED PARTNER-
49 SHIP, LIMITED LIABILITY COMPANY, COOPERATIVE, S-CORPORATION, C-CORPORA-
50 TION OR NOT-FOR-PROFIT CORPORATION WHOSE PURPOSE IS TO OWN AND OPERATE A
51 SHARED RENEWABLE ENERGY FACILITY.

52 (E) "SUBSCRIPTION" MEANS THE RIGHTS AND RESPONSIBILITIES OF A
53 SUBSCRIBER TO A PRO-RATA PORTION OF THE ACTUAL ELECTRICAL OUTPUT OF A
54 SHARED RENEWABLE ENERGY FACILITY, AS SET FORTH IN A SUBSCRIBER AGREE-
55 MENT. A SUBSCRIPTION SHALL: (I) AT A MINIMUM, REPRESENT AT LEAST ONE
56 KILOWATT OF A SHARED RENEWABLE ENERGY FACILITY'S GENERATING CAPACITY;

1 AND (II) NOT EXCEED ONE HUNDRED PERCENT OF A SUBSCRIBER'S ELECTRICAL
2 CONSUMPTION AS MEASURED IN KILOWATT HOURS FROM THE TWELVE-MONTH PERIOD
3 IMMEDIATELY PRECEDING THE ESTABLISHMENT OF A SUBSCRIBER AGREEMENT.

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

9 2. NO LATER THAN JULY THIRTY-FIRST, TWO THOUSAND SIXTEEN, THE COMMIS-
10 SION SHALL COMMENCE A PROCEEDING TO: (A) DEVELOP A STATEWIDE SHARED
11 RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE MAP; (B)
12 ESTABLISH CRITERIA FOR THE COMPATIBLE INTERCONNECTION AND OPERATION OF
13 SHARED RENEWABLE ENERGY FACILITIES AND SUBSCRIBER PROTECTIONS; AND (C)
14 DEVELOP SUBSCRIBER PROTECTION STANDARDS.

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

- 20 (A) ORGANIZATIONS ADVOCATING FOR ENVIRONMENTAL CONCERNS;
- 21 (B) ORGANIZATIONS REPRESENTING RENEWABLE ENERGY INDUSTRIES;
- 22 (C) ELECTRIC CORPORATIONS; AND
- 23 (D) THE LONG ISLAND POWER AUTHORITY.

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

37 (A) THE POTENTIAL NEED FOR ADDITIONAL ELECTRIC GENERATION AND/OR TRAN-
38 SMISSION WITHIN THE PRECEDING TEN-YEAR PERIOD;

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

43 (C) THE POTENTIAL FOR REDUCTION IN OVERALL EMISSIONS OF CARBON DIOX-
44 IDE, SULFUR DIOXIDE, NITROGEN OXIDE AND PARTICULATE MATTER 2.5 (PM 2.5)
45 THAT WOULD BE ATTRIBUTABLE TO THE OPERATION OF SHARED RENEWABLE ENERGY
46 FACILITIES.

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

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

55 (B) SHARED RENEWABLE ENERGY FACILITIES ARE DESIGNED TO OPERATE (I) IN
56 THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION AND COUNTY OR

1 COUNTIES AS AUTHORIZED BY THE COMMISSION TO WHICH ITS SUBSCRIBERS ARE
2 METERED FOR ELECTRICAL USAGE; AND (II) ARE LOCATED WITHIN THE SAME LOAD
3 ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE
4 OF THE INITIAL REQUEST BY A SUBSCRIBER COMPANY TO INTERCONNECT A SHARED
5 RENEWABLE ENERGY FACILITY;

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

9 (D) A SUBSCRIBER COMPANY SHALL ONLY SELL TO SUBSCRIBERS AND SHALL NOT
10 SELL OR OTHERWISE MARKET TO A THIRD-PARTY, ELECTRIC CORPORATION, PUBLIC
11 POWER AUTHORITY, RURAL ELECTRIC CO-OPERATIVE, OR WHOLESALE BULK ELECTRIC
12 SYSTEM OPERATOR, WHETHER OR NOT SUCH WHOLESALE BULK ELECTRIC SYSTEM
13 OPERATOR IS LOCATED IN NEW YORK; AND

14 (E) AN ELECTRIC CORPORATION SHALL NOT BE REQUIRED TO PURCHASE ENERGY
15 PRODUCED BY A SHARED RENEWABLE ENERGY FACILITY BUT WHICH IS UNSUB-
16 SCRIBED.

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

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

28 (B) LIMIT THE TERM OF A POWER SUBSCRIBER AGREEMENT: (I) FOR SUBSCRIB-
29 ERS WHO ARE RESIDENTIAL CUSTOMERS OF AN ELECTRIC CORPORATION, TO NO
30 GREATER THAN FIVE YEARS; AND (II) FOR SUBSCRIBERS WHO ARE NON-RESIDEN-
31 TIAL CUSTOMERS OF AN ELECTRIC CORPORATION, TO NO GREATER THAN TEN YEARS,
32 PROVIDED THAT A SUBSCRIBER MAY RENEW HIS OR HER SUBSCRIPTION UPON ITS
33 EXPIRATION FOR AN ADDITIONAL TERM;

34 (C) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY
35 WHICH HAS NOT BEEN INTERCONNECTED UPON THE SIGNING OF A POWER SUBSCRIBER
36 AGREEMENT, THE SUBSCRIBER COMPANY SHALL IMMEDIATELY NOTIFY EACH
37 SUBSCRIBER UPON THE INTERCONNECTION OF SUCH SHARED RENEWABLE ENERGY
38 FACILITY THAT HE OR SHE HAS FORTY-FIVE DAYS UPON THE RECEIPT OF THE
39 NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH TO CANCEL HIS OR HER
40 SUBSCRIPTION WITH NO CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR
41 HER SUBSCRIBER COMPANY, PROVIDED THAT IF A SHARED RENEWABLE ENERGY
42 FACILITY IS NOT INTERCONNECTED WITHIN ONE YEAR OF THE COMPLETION OF A
43 POWER SUBSCRIBER AGREEMENT, THE SUBSCRIBER AGREEMENT WILL BE NULL AND
44 VOID;

45 (D) REQUIRE THAT, IN THE CASE OF A SHARED RENEWABLE ENERGY FACILITY
46 WHICH WAS INTERCONNECTED PRIOR TO THE SIGNING OF A POWER SUBSCRIBER
47 AGREEMENT, THE SUBSCRIBER SHALL HAVE FORTY-FIVE DAYS UPON THE SIGNING OF
48 A POWER SUBSCRIBER AGREEMENT TO CANCEL HIS OR HER SUBSCRIPTION WITH NO
49 CANCELLATION OR OTHER CHARGES ASSESSED BY HIS OR HER SUBSCRIBER COMPANY;

50 (E) PROHIBIT A SUBSCRIBER COMPANY FROM TRANSFERRING A SUBSCRIPTION
51 FROM ONE SHARED RENEWABLE ENERGY FACILITY TO ANOTHER, REGARDLESS OF
52 WHETHER THE SUBSCRIBER FACILITY TO WHICH A SUBSCRIBER AGREEMENT WOULD BE
53 TRANSFERRED IS OWNED OR OPERATED BY THE SAME COMPANY, WITHOUT A
54 SUBSCRIBER'S CONSENT;

55 (F) 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 COMPA-
2 NY;

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

5 (H) PROHIBIT A SUBSCRIBER COMPANY FROM CHARGING DIFFERENTIAL
6 SUBSCRIPTION FEES TO SUBSCRIBERS WHO ARE CUSTOMERS OF THE SAME CLASS OF
7 ELECTRIC SERVICE WHOSE PRO-RATA SHARE OF A SHARED RENEWABLE ENERGY
8 FACILITY'S OUTPUT IS THE SAME;

9 (I) DETERMINE THE APPROPRIATENESS OF A SUBSCRIBER COMPANY REQUIRING
10 DEPOSITS FOR A SUBSCRIPTION IN A SHARED RENEWABLE FACILITY, AND IF SO
11 DETERMINED, THE ALLOWANCES AND/OR LIMITATIONS FOR SUCH DEPOSITS; AND

12 (J) 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-

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

4 9. (A) FOR A SHARED RENEWABLE ENERGY FACILITY, THE TOTAL AMOUNT OF
5 ELECTRICAL OUTPUT AVAILABLE FOR ALLOCATION TO SUBSCRIBERS SHALL BE
6 DETERMINED BY A PRODUCTION METER INSTALLED AT THE SHARED RENEWABLE ENER-
7 GY FACILITY AND PAID FOR BY THE SUBSCRIBER COMPANY OWNING SUCH SHARED
8 RENEWABLE ENERGY FACILITY. IT SHALL BE THE RESPONSIBILITY OF THE ELEC-
9 TRIC CORPORATION TO READ THE PRODUCTION METER AND APPLY BILL CREDITS TO
10 SUBSCRIBERS OF SUCH FACILITIES AS DIRECTED UNDER A SUBSCRIPTION ROSTER,
11 PROVIDED THAT AN ELECTRIC CORPORATION MAY ASSESS A CHARGE TO A SUBSCRIB-
12 ER COMPANY TO RECOVER REASONABLE EXPENSES RELATED TO THE READING OF A
13 PRODUCTION METER.

14 (B) A SUBSCRIBER COMPANY SHALL BE RESPONSIBLE FOR PROVIDING TO THE
15 ELECTRIC CORPORATION, AT THE BEGINNING OF EACH BILLING CYCLE, OR OTHER
16 PERIOD AS DETERMINED BY THE COMMISSION, A SUBSCRIPTION ROSTER IDENTIFY-
17 ING THE PRO-RATA SHARE OF ELECTRICAL OUTPUT ALLOCATED TO EACH SUBSCRIB-
18 ER. A SUBSCRIBER COMPANY MAY ADD ADDITIONAL SUBSCRIBER AGREEMENTS TO A
19 SUBSCRIPTION ROSTER FOR THE PRECEDING BILLING CYCLE, OR OTHER PERIOD AS
20 DETERMINED BY THE COMMISSION.

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

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

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

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

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

52 (II) A MANUAL LOCKABLE DISCONNECT SWITCH PAID FOR AND INSTALLED BY THE
53 SUBSCRIBER COMPANY FOR THE PURPOSE OF ISOLATING THE FACILITY AND LOCATED
54 IN AN EASILY ACCESSIBLE AREA ON THE PREMISES OF SUCH SHARED RENEWABLE
55 ENERGY FACILITY AND EXTERNALLY ACCESSIBLE FOR THE PURPOSE OF ISOLATING
56 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 5. 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 6. This act shall take effect immediately.