

3544--A

2015-2016 Regular Sessions

I N S E N A T E

February 12, 2015

Introduced by Sens. GRIFFO, ADDABBO, HAMILTON, HOYLMAN, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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. 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

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

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ONE MEGAWATT; (B) BE LOCATED, CONSTRUCTED AND OPERATED, IN ACCORDANCE WITH ANY APPLICABLE LOCAL LAW, ORDINANCE OR REGULATION; (C) BE LOCATED IN A SHARED RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION ZONE AS PROVIDED FOR IN SUBDIVISION FOUR OF SECTION SIXTY-SIX-O OF THIS CHAPTER; (D) BE MANUFACTURED, INSTALLED AND OPERATED IN ACCORDANCE WITH APPLICABLE GOVERNMENT AND INDUSTRY STANDARDS, CONNECTED TO THE ELECTRIC SYSTEM AND OPERATED IN CONJUNCTION WITH AN ELECTRIC CORPORATION'S TRANSMISSION AND DISTRIBUTION FACILITIES; AND (E) SHALL HAVE NO LESS THAN TEN SUBSCRIBERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

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

5 (B) SHARED RENEWABLE ENERGY FACILITIES ARE DESIGNED TO OPERATE (I) IN
6 THE SAME SERVICE TERRITORY OF THE ELECTRIC CORPORATION AND COUNTY OR
7 COUNTIES AS AUTHORIZED BY THE COMMISSION TO WHICH ITS SUBSCRIBERS ARE
8 METERED FOR ELECTRICAL USAGE; AND (II) ARE LOCATED WITHIN THE SAME LOAD
9 ZONE AS DETERMINED BY THE LOCATION BASED MARGINAL PRICE AS OF THE DATE
10 OF THE INITIAL REQUEST BY A SUBSCRIBER COMPANY TO INTERCONNECT A SHARED
11 RENEWABLE ENERGY FACILITY;

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

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

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

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

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

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

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

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

1 (E) PROHIBIT A SUBSCRIBER COMPANY FROM TRANSFERRING A SUBSCRIPTION
2 FROM ONE SHARED RENEWABLE ENERGY FACILITY TO ANOTHER, REGARDLESS OF
3 WHETHER THE SUBSCRIBER FACILITY TO WHICH A SUBSCRIBER AGREEMENT WOULD BE
4 TRANSFERRED IS OWNED OR OPERATED BY THE SAME COMPANY, WITHOUT A
5 SUBSCRIBER'S CONSENT;

6 (F) ESTABLISH THAT ANY COMPLAINTS BY A SUBSCRIBER ABOUT HIS OR HER
7 SUBSCRIPTION SHALL BE NOT BE THE RESPONSIBILITY OF THE ELECTRIC CORPO-
8 RATION BUT INSTEAD SHALL BE THE RESPONSIBILITY OF THE SUBSCRIBER COMPA-
9 NY;

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

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

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

19 (J) INCLUDE ANY ADDITIONAL CONSUMER PROTECTIONS THE COMMISSION DEEMS
20 NECESSARY.

21 7. IN DEVELOPING ITS ORDER, THE COMMISSION SHALL CONSIDER:

22 (A) THE NECESSITY OF ADDITIONAL ELECTRIC CAPACITY IN AN ELECTRIC
23 CORPORATION'S TRANSMISSION AND DISTRIBUTION SYSTEM TERRITORY;

24 (B) THE COST OF ELECTRIC SYSTEM UPGRADES NECESSARY TO ACCOMMODATE THE
25 INTERCONNECTION AND OPERATION OF A SHARED RENEWABLE ENERGY FACILITY,
26 INCLUDING THE IMPACT OF SUCH UPGRADES ON LOW-INCOME CUSTOMERS OF AN
27 ELECTRIC CORPORATION; AND

28 (C) THE ABILITY OF A SHARED RENEWABLE ENERGY FACILITY TO PRODUCE RELI-
29 ABLE ELECTRICITY DURING TIMES OF PEAK ELECTRIC DEMAND AS DETERMINED BY
30 THE COMMISSION.

31 8. THE COMMISSION SHALL DEVELOP A MODEL CONTRACT TO GOVERN THE
32 PROVISIONS OF INTERCONNECTION BETWEEN A SUBSCRIBER COMPANY AND AN ELEC-
33 TRIC CORPORATION. UPON THE COMPLETION OF THE ORDER REQUIRED PURSUANT TO
34 SUBDIVISION TWO OF THIS SECTION AN ELECTRIC CORPORATION SHALL PROVIDE
35 FOR THE INTERCONNECTION OF SHARED RENEWABLE ENERGY FACILITIES PROVIDED
36 THAT THE SUBSCRIBER COMPANY ENTERS INTO A CONTRACT WITH THE ELECTRIC
37 CORPORATION, AND COMPLIES WITH THE ELECTRIC CORPORATION'S SCHEDULE AND
38 WITH STANDARDS AND REQUIREMENTS OF THIS SECTION. NO ELECTRIC CORPORATION
39 SHALL PERMIT THE INTERCONNECTION OF A SHARED RENEWABLE ENERGY FACILITY
40 NOR ACCEPT A SUBSCRIPTION ROSTER FROM A SUBSCRIBER COMPANY FOR A SHARED
41 RENEWABLE ENERGY FACILITY UNLESS SUCH FACILITY (A) HAS AT LEAST TEN
42 SUBSCRIBERS; AND (B) IS LOCATED IN A SHARED RENEWABLE ENERGY FACILITY
43 COMPATIBILITY AND ACCOMMODATION ZONE AS REFLECTED ON A MAP PURSUANT TO
44 SUBDIVISION FOUR OF THIS SECTION. EACH ELECTRIC CORPORATION SHALL INTER-
45 CONNECT SHARED RENEWABLE ENERGY FACILITIES LOCATED WITHIN THE BOUNDARIES
46 OF THE SHARED RENEWABLE ENERGY FACILITY COMPATIBILITY AND ACCOMMODATION
47 ZONE MAP PURSUANT TO SUBDIVISION FOUR OF THIS SECTION ON A FIRST COME,
48 FIRST SERVED BASIS, UNTIL THE TOTAL RATED GENERATING CAPACITY ATTRIBUT-
49 ABLE TO SUCH FACILITIES IS EQUIVALENT TO ONE HALF OF ONE PERCENT OF THE
50 ELECTRIC CORPORATION'S ELECTRIC DEMAND FOR THE YEAR TWO THOUSAND FIVE,
51 AS DETERMINED BY THE COMMISSION, PROVIDED THAT THE COMMISSION SHALL HAVE
52 THE AUTHORITY, AFTER JANUARY FIRST, TWO THOUSAND TWENTY-SIX, TO INCREASE
53 THE PERCENT LIMIT IF IT DETERMINES THAT ADDITIONAL INTERCONNECTION OF
54 SHARED RENEWABLE ENERGY FACILITIES IS IN THE PUBLIC INTEREST, PROVIDED
55 FURTHER THAT NO GREATER THAN TWENTY PERCENT OF THE COMBINED NAMEPLATE
56 CAPACITY OF SHARED RENEWABLE ENERGY FACILITIES AUTHORIZED PURSUANT TO

1 THIS SECTION SHALL BE LOCATED IN A POTENTIAL ENVIRONMENTAL JUSTICE AREA
2 AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AS SUCH
3 AREAS WERE DEPICTED ON MAY FIFTH, TWO THOUSAND FOURTEEN. IN THE EVENT
4 THAT THE ELECTRIC CORPORATION DETERMINES THAT IT IS NECESSARY TO INSTALL
5 A DEDICATED TRANSFORMER OR TRANSFORMERS, OR OTHER EQUIPMENT TO PROTECT
6 THE SAFETY AND ADEQUACY OF ELECTRIC SERVICE PROVIDED TO CUSTOMERS, THE
7 SUBSCRIBER COMPANY SHALL PAY THE ELECTRIC CORPORATION'S ACTUAL COSTS OF
8 INSTALLING THE TRANSFORMER OR TRANSFORMERS, OR OTHER EQUIPMENT.

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

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

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

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

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

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

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

1 (II) A MANUAL LOCKABLE DISCONNECT SWITCH PAID FOR AND INSTALLED BY THE
2 SUBSCRIBER COMPANY FOR THE PURPOSE OF ISOLATING THE FACILITY AND LOCATED
3 IN AN EASILY ACCESSIBLE AREA ON THE PREMISES OF SUCH SHARED RENEWABLE
4 ENERGY FACILITY AND EXTERNALLY ACCESSIBLE FOR THE PURPOSE OF ISOLATING
5 THE SHARED RENEWABLE ENERGY FACILITY.

6 (B) IN THE EVENT THAT THE TOTAL RATED GENERATING CAPACITY OF A SHARED
7 RENEWABLE ENERGY FACILITY THAT PROVIDES ELECTRICITY TO THE ELECTRIC
8 CORPORATION THROUGH THE SAME LOCAL FEEDER LINE EXCEEDS TWENTY PERCENT OF
9 THE RATED CAPACITY OF THE LOCAL FEEDER LINE, THE ELECTRIC CORPORATION
10 MAY REQUIRE THE SUBSCRIBER COMPANY OWNING SUCH SHARED RENEWABLE ENERGY
11 FACILITY TO COMPLY WITH REASONABLE MEASURES TO ENSURE THE SAFETY OF THE
12 LOCAL FEEDER LINE.

13 (C) UPON ITS OWN MOTION OR UPON A COMPLAINT, THE COMMISSION, OR ITS
14 DESIGNATED REPRESENTATIVE, MAY INVESTIGATE AND MAKE A DETERMINATION AS
15 TO THE REASONABLENESS AND NECESSITY OF THE STANDARDS OR RESPONSIBILITY
16 FOR COMPLIANCE WITH THE STANDARDS.

17 S 5. Subdivision (h) of section 1020-g of the public authorities law,
18 as amended by chapter 546 of the laws of 2011, is amended to read as
19 follows:

20 (h) To implement programs and policies designed to provide for the
21 interconnection of: (i) (A) solar electric generating equipment owned or
22 operated by residential customers, (B) farm waste electric generating
23 equipment owned or operated by customer-generators, (C) solar electric
24 generating equipment owned or operated by non-residential customers, (D)
25 micro-combined heat and power generating equipment owned, leased or
26 operated by residential customers, (E) fuel cell electric generating
27 equipment owned, leased or operated by residential customers, and (F)
28 micro-hydroelectric generating equipment owned, leased or operated by
29 customer-generators and for net energy metering consistent with section
30 sixty-six-j of the public service law, to increase the efficiency of
31 energy end use, to shift demand from periods of high demand to periods
32 of low demand and to facilitate the development of cogeneration; [and]
33 (ii) wind electric generating equipment owned or operated by customer-
34 generators and for net energy metering consistent with section sixty-
35 six-l of the public service law; AND (III) TO IMPLEMENT PROGRAMS AND
36 POLICIES DESIGNED TO PROVIDE FOR THE INTERCONNECTION OF SHARED RENEWABLE
37 ENERGY FACILITIES OWNED AND OPERATED BY SUBSCRIBER COMPANIES FOR THE
38 BENEFIT OF RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS CONSISTENT WITH
39 SECTION SIXTY-SIX-O OF THE PUBLIC SERVICE LAW.

40 S 6. This act shall take effect immediately.