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Introduced by Sens. PARKER, DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to net energy metering

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of subdivision 1 of section 66-j of the  
2 public service law, as amended by chapter 546 of the laws of 2011,  
3 subparagraphs (iv) and (v) as separately amended and subparagraph (vi)  
4 as added by chapter 530 of the laws of 2011, subparagraphs (vii) and  
5 (viii) as amended and (ix) as added by chapter 494 of the laws of 2014,  
6 is amended to read as follows:  
7     (a) "Customer-generator" means: (i) a residential customer of an elec-  
8 tric corporation, who owns [or], LEASES, operates, OR IS ENTITLED TO THE  
9 OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating equip-  
10 ment located and used at his or her residence; (ii) a customer of an  
11 electric corporation, who owns [or], LEASES, operates, OR IS ENTITLED TO  
12 THE OUTPUT FROM OR IS OTHERWISE SERVED BY farm waste electric generating  
13 equipment located and used at his or her "farm operation," as such term  
14 is defined in subdivision eleven of section three hundred one of the  
15 agriculture and markets law; (iii) a non-residential customer of an  
16 electric corporation which owns [or], LEASES, operates, OR IS ENTITLED  
17 TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating  
18 equipment located and used at [its] premises IT OWNS OR LEASES; (iv) a  
19 residential customer of an electric corporation who owns, leases [or],  
20 operates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY  
21 micro-combined heat and power generating equipment located on the  
22 customer's premises; (v) a residential customer of an electric corpo-  
23 ration who owns, leases [or], operates OR IS ENTITLED TO THE OUTPUT FROM  
24 OR IS OTHERWISE SERVED BY fuel cell generating equipment located on the  
25 customer's premises; and (vi) a non-residential customer of an electric  
26 corporation who owns, leases [or], operates OR IS ENTITLED TO THE OUTPUT  
27 FROM OR IS OTHERWISE SERVED BY fuel cell generating equipment located

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

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1 and used at [the customer's] premises IT OWNS OR LEASES; (vii) a resi-  
2 dential customer of an electric corporation, who owns [or], LEASES,  
3 operates OR IS OTHERWISE ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE  
4 SERVED BY micro-hydroelectric generating equipment located and used at  
5 his or her residence; (viii) a non-residential customer of an electric  
6 corporation which owns [or], LEASES, operates OR IS OTHERWISE ENTITLED  
7 TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY micro-hydroelectric gener-  
8 ating equipment located and used at [its] premises IT OWNS OR LEASES;  
9 and (ix) a non-residential customer of an electric corporation which  
10 owns or operates farm waste electric generating equipment located and  
11 used at its premises.

12 S 2. Paragraph (c) of subdivision 3 of section 66-j of the public  
13 service law, as amended by chapter 546 of the laws of 2011, subparagraph  
14 (iii) as amended by chapter 494 of the laws of 2014, is amended to read  
15 as follows:

16 (c) In the event that the electric corporation determines that it is  
17 necessary to install a dedicated transformer or transformers, or other  
18 equipment to protect the safety and adequacy of electric service  
19 provided to other customers, a customer-generator shall pay the electric  
20 corporation's actual costs of installing the transformer or transfor-  
21 mers, or other equipment:

22 (i) In the case of a customer-generator who owns [or], LEASES, oper-  
23 ates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar  
24 electric generating equipment, micro-combined heat and power generating  
25 equipment, fuel cell electric generating equipment or micro-hydroelec-  
26 tric generating equipment located and used at his or her residence, or a  
27 non-residential customer-generator who owns [or], LEASES, operates OR IS  
28 ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric  
29 generating equipment with a rated capacity of not more than twenty-five  
30 kilowatts, up to a maximum amount of three hundred fifty dollars;

31 (ii) In the case of a customer-generator who owns [or], operates farm  
32 waste electric generating equipment located and used at his or her "farm  
33 operation," up to a total amount of five thousand dollars per "farm  
34 operation"; and

35 (iii) In the case of a non-residential customer-generator who owns  
36 [or], LEASES, operates OR IS ENTITLED TO THE OUTPUT FROM OR IS OTHERWISE  
37 SERVED BY solar electric generating equipment or fuel cell electric  
38 generating equipment or micro-hydroelectric generating equipment or farm  
39 waste generating equipment as described in subparagraph (ix) of para-  
40 graph (a) of subdivision one of this section, with a rated capacity of  
41 more than twenty-five kilowatts located and used at its premises, such  
42 cost shall be as determined by the electric corporation subject to  
43 review, upon the request of such customer-generator, by the department.

44 S 3. Paragraphs (e), (f) and (g) of subdivision 3 of section 66-j of  
45 the public service law, paragraph (e) as amended by chapter 546 of the  
46 laws of 2011, paragraph (f) as added by chapter 318 of the laws of 2012,  
47 and paragraph (g) as added by chapter 200 of the laws of 2013, are  
48 amended to read as follows:

49 (e) A customer who owns or operates a farm operation as such term is  
50 defined in subdivision eleven of section three hundred one of the agri-  
51 culture and markets law, or a non-residential customer-generator as  
52 defined by subparagraph (iii) of paragraph (a) of subdivision one of  
53 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
54 OUTPUT FROM OR IS OTHERWISE SERVED BY solar electric generating equip-  
55 ment or farm waste electric generating equipment with a net energy meter  
56 on property owned or leased by such customer-generator may designate all

1 or a portion of the net metering credits generated by such equipment to  
2 meters at any property owned or leased by such customer-generator within  
3 the service territory of the same electric corporation to which the  
4 customer-generator's net energy meters are interconnected and being  
5 within the same load zone as determined by the location based marginal  
6 price as of the date of initial request by the customer-generator to  
7 conduct net metering. The electric corporation will credit the accounts  
8 of the customer by applying any credits to the highest use meter first,  
9 then subsequent highest use meters until all such credits are attributed  
10 to the customer. Any excess credits shall be carried over to the follow-  
11 ing month.

12 (f) A customer who owns or operates a farm operation as such term is  
13 defined in subdivision eleven of section three hundred one of the agri-  
14 culture and markets law, or a non-residential customer-generator as  
15 defined by subparagraph (viii) of paragraph (a) of subdivision one of  
16 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
17 OUTPUT FROM OR IS OTHERWISE SERVED BY micro-hydroelectric generating  
18 equipment with a net energy meter on property owned or leased by such  
19 customer-generator may designate all or a portion of the net metering  
20 credits generated by such equipment to meters at any property owned or  
21 leased by such customer-generator within the service territory of the  
22 same electric corporation to which the customer-generator's net energy  
23 meters are interconnected and being within the same load zone as deter-  
24 mined by the location based marginal price as of the date of initial  
25 request by the customer-generator to conduct net metering. The electric  
26 corporation will credit the accounts of the customer by applying any  
27 credits to the highest use meter first, then subsequent highest use  
28 meters until all such credits are attributed to the customer. Any excess  
29 credits shall be carried over to the following month.

30 (g) A customer who owns or operates a farm operation as such term is  
31 defined in subdivision eleven of section three hundred one of the agri-  
32 culture and markets law, or a non-residential customer-generator as  
33 defined by subparagraph (viii) of paragraph (a) of subdivision one of  
34 this section that [locates] OWNS, LEASES, OPERATES OR IS ENTITLED TO THE  
35 OUTPUT FROM OR IS OTHERWISE SERVED BY fuel cell electric generating  
36 equipment with a net energy meter on property owned or leased by such  
37 customer-generator may designate all or a portion of the net metering  
38 credits generated by such equipment to meters at any property owned or  
39 leased by such customer-generator within the service territory of the  
40 same electric corporation to which the customer-generator's net energy  
41 meters are interconnected and being within the same load zone as deter-  
42 mined by the location based marginal price as of the date of initial  
43 request by the customer-generator to conduct net metering. The electric  
44 corporation will credit the accounts of the customer by applying any  
45 credits to the highest use meter first, then subsequent highest use  
46 meters until all such credits are attributed to the customer. Any excess  
47 credits shall be carried over to the following month.

48 S 4. Paragraph (a) of subdivision 1 of section 66-1 of the public  
49 service law, as amended by chapter 483 of the laws of 2008, is amended  
50 to read as follows:

51 (a) "Customer-generator" means a residential customer, farm service  
52 customer or non-residential customer of an electric corporation, who  
53 owns [or], LEASES, operates, OR IS ENTITLED TO THE OUTPUT FROM OR IS  
54 OTHERWISE SERVED BY wind electric generating equipment.

55 S 5. This act shall take effect immediately.