

STATE OF NEW YORK

3398

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

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 ~~[ex]~~, 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 ~~[ex]~~, 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 ~~[ex]~~, 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 ~~[ex]~~,
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 ~~[ex]~~, 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 ~~[ex]~~, 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 § 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 § 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 § 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 § 5. This act shall take effect immediately.