

STATE OF NEW YORK

4304

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. PARKER -- 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 and the public authorities law, in relation to credit for electricity generated by a customer-generator subject to net energy metering

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 66-j of the public service law, as
2 amended by chapter 355 of the laws of 2009, paragraph (b) as amended by
3 chapter 691 of the laws of 2022 and (c) as amended by chapter 494 of the
4 laws of 2014, is amended to read as follows:

5 4. Rates. An electric corporation shall use net energy metering to
6 measure and charge for the net electricity supplied by the corporation
7 and provided to the corporation by a customer-generator, according to
8 these requirements:

9 (a) In the event that the amount of electricity supplied by the corpo-
10 ration during the billing period exceeds the amount of electricity
11 provided by a customer-generator, the corporation shall, after deduct-
12 ing, from the aggregate of unused credit for excess electricity gener-
13 ated by such customer-generator prior to such billing period, an amount
14 of credit equal to the amount of electricity supplied by the electric
15 corporation, to the extent such credit exists, and may thereafter charge
16 the customer-generator for the net electricity supplied, after deduction
17 of such credits, at the same rate per kilowatt hour applicable to
18 service provided to other customers in the same service class which do
19 not generate electricity onsite.

20 (b) In the event that the amount of electricity produced by a custom-
21 er-generator during the billing period exceeds the amount of electricity
22 used by the customer-generator, the corporation shall (i) apply a credit
23 to the next bill for service to the customer-generator for the net elec-

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

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1 tricity provided at the same rate per kilowatt hour applicable to
2 service provided to other customers in the same service class which do
3 not generate electricity onsite, or (ii) at the option of the customer-
4 generator, credit such customer-generator with the amount of excess
5 kilowatt hours generated in excess of its use, and such credit shall be
6 aggregated indefinitely to be used as credit against charges incurred
7 pursuant to paragraph (a) of this subdivision; except for micro-combined
8 heat and power or fuel cell or fuel-flexible linear generator customer-
9 generators or farm waste generating equipment customer-generators as
10 described in subparagraph (ix) of paragraph (a) of subdivision one of
11 this section, who will be credited at the corporation's avoided costs.
12 The avoided cost credit provided to micro-combined heat and power or
13 fuel cell or fuel-flexible linear generator customer-generators or farm
14 waste generating equipment customer-generators as described in subpara-
15 graph (ix) of paragraph (a) of subdivision one of this section shall be
16 treated for ratemaking purposes as a purchase of electricity in the
17 market that is includable in commodity costs.

18 (c) At the end of the year or annualized over the period that service
19 is supplied by means of net energy metering, the corporation shall (i)
20 promptly issue payment at its avoided cost to the customer-generator, as
21 defined in subparagraph (i), (ii), (iv), (v) or (ix) of paragraph (a) of
22 subdivision one of this section, for the value of any remaining credit
23 for the excess electricity produced during the year or over the annual-
24 ized period by the customer-generator, or (ii) at the option of the
25 customer-generator, shall continue to aggregate such credits, at the
26 same rate per kilowatt hour applicable to the service provided to other
27 customers in the same service class which do not generate electricity on
28 site, for an indefinite period of time and continue to allow use of such
29 credit to offset any liability of the customer-generator to the electric
30 corporation during billing periods in which the electricity generated by
31 the customer-generator is less than that used by such customer.

32 (d) In the event that the corporation imposes charges based on kilo-
33 watt demand on customers who are in the same service class as the
34 customer-generator but which do not generate electricity on site, the
35 corporation may impose the same charges at the same rates to the custom-
36 er-generator, provided, however, that the kilowatt demand for such
37 demand charges is determined by the maximum measured kilowatt demand
38 actually supplied by the corporation to the customer-generator during
39 the billing period.

40 (e) In the event that a customer-generator elects to allow the aggre-
41 gation of any credits for excess electricity generated, the customer-
42 generator shall be entitled to an accounting of such credits once every
43 five years and upon such accounting, the electric corporation shall
44 promptly issue payment at its avoided cost to such customer-generator,
45 as defined in subparagraph (i), (ii), (iv) or (v) of paragraph (a) of
46 subdivision one of this section, for the value of any remaining credit
47 for the excess electricity produced by the customer-generator.

48 § 2. Subdivision 4 of section 66-1 of the public service law, as
49 amended by chapter 721 of the laws of 2006, paragraphs (b) and (c) as
50 amended and paragraph (d) as added by chapter 483 of the laws of 2008,
51 is amended to read as follows:

52 4. Rates. An electric corporation shall use net energy metering to
53 measure and charge for the net electricity supplied by the corporation
54 and provided to the corporation by a customer-generator, according to
55 the following requirements:

1 (a) In the event that the amount of electricity supplied by the corpo-
2 ration during the billing period exceeds the amount of electricity
3 provided by a customer-generator, the corporation shall, after deduct-
4 ing, from the aggregate of unused credit for excess electricity gener-
5 ated by such customer-generator prior to such billing period, an amount
6 of credit equal to the amount of electricity supplied by the electric
7 corporation, to the extent such credit exists, and may thereafter charge
8 the customer-generator for the net electricity supplied, after deduction
9 of such credits, at the same rate per kilowatt hour applicable to
10 service provided to other customers in the same service class which do
11 not generate electricity on site.

12 (b) In the event that the amount of electricity produced by a custom-
13 er-generator during the billing period exceeds the amount of electricity
14 used by the customer-generator, the corporation shall (i) apply a credit
15 to the next bill for service to the customer-generator for the net elec-
16 tricity provided at the same rate per kilowatt hour applicable to
17 service provided to other customers in the same service class which do
18 not generate electricity on site, or (ii) at the option of the custom-
19 er-generator, credit such customer-generator with the amount of excess
20 kilowatt hours generated in excess of its use, and such credit shall be
21 aggregated indefinitely to be used as credit against charges incurred
22 pursuant to paragraph (a) of this subdivision.

23 (c) At the end of the year or annualized over the period that service
24 is supplied by means of net energy metering, the corporation shall (i)
25 promptly issue payment at its avoided cost to a residential or farm
26 service customer-generator for the value of any remaining credit for the
27 excess electricity produced during the year or over the annualized peri-
28 od by such customer-generator, or (ii) at the option of the customer-
29 generator, shall continue to aggregate such credits, at the same rate
30 per kilowatt hour applicable to the service provided to other customers
31 in the same service class which do not generate electricity on site, for
32 an indefinite period of time, and continue to allow use of such credit
33 to offset any liability of the customer-generator to the electric corpo-
34 ration during billing periods in which the electricity generated by the
35 customer-generator is less than that used by such customer.

36 (d) In the event that the corporation imposes charges based on kilo-
37 watt demand on customers who are in the same service class as the
38 customer-generator but which do not generate electricity on site, the
39 corporation may impose the same charges at the same rates to the custom-
40 er-generator, provided, however, that the kilowatt demand for such
41 demand charges is determined by the maximum measured kilowatt demand
42 actually supplied by the corporation to the customer-generator during
43 the billing period.

44 (e) In the event that a customer-generator elects to allow the aggre-
45 gation of any credits for excess electricity generated, the customer-
46 generator shall be entitled to an accounting of such credits once every
47 five years and upon such accounting, the electric corporation shall
48 promptly issue payment at its avoided cost to such customer-generator
49 for the value of any remaining credit for the excess electricity
50 produced by the customer-generator.

51 § 3. Subdivision (h) of section 1020-g of the public authorities law,
52 as amended by chapter 546 of the laws of 2011, is amended to read as
53 follows:

54 (h) To implement programs and policies designed to provide for the
55 interconnection of: (i) (A) solar electric generating equipment owned or
56 operated by residential customers, (B) farm waste electric generating

1 equipment owned or operated by customer-generators, (C) solar electric
2 generating equipment owned or operated by non-residential customers, (D)
3 micro-combined heat and power generating equipment owned, leased or
4 operated by residential customers, (E) fuel cell electric generating
5 equipment owned, leased or operated by residential customers, and (F)
6 micro-hydroelectric generating equipment owned, leased or operated by
7 customer-generators and for net energy metering consistent with section
8 sixty-six-j of the public service law, to increase the efficiency of
9 energy end use, to shift demand from periods of high demand to periods
10 of low demand and to facilitate the development of cogeneration; and
11 (ii) wind electric generating equipment owned or operated by customer-
12 generators and for net energy metering consistent with section sixty-
13 six-l of the public service law. Notwithstanding the provisions of
14 section one thousand twenty-s of this title, as amended by chapter three
15 hundred eighty-eight of the laws of two thousand eleven, the authority,
16 in its implementation of such programs and policies, shall be subject to
17 the provisions of subdivision four of section sixty-six-j and subdivi-
18 sion four of section sixty-six-l of the public service law;

19 § 4. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law.