

STATE OF NEW YORK

6147

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. LEMONDES -- read once and referred to the Committee on Energy

AN ACT to amend the public service law and the public authorities law, in relation to net-metering for non-residential customers of electric corporations which own, lease or operate micro-combined heat and power generating equipment

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 subparagraph (iv) as separately amended by chapter 530 of the laws of
4 2011, subparagraphs (v) and (vi) as amended by chapter 691 of the laws
5 of 2022 and subparagraphs (vii) and (viii) as amended and (ix) as added
6 by chapter 494 of the laws of 2014, is amended to read as follows:
7 (a) "Customer-generator" means: (i) a residential customer of an elec-
8 tric corporation, who owns or operates solar electric generating equip-
9 ment located and used at [~~his or her~~] the customer's residence; (ii) a
10 customer of an electric corporation, who owns or operates farm waste
11 electric generating equipment located and used at [~~his or her~~] the
12 customer's "farm operation," as such term is defined in subdivision
13 eleven of section three hundred one of the agriculture and markets law;
14 (iii) a non-residential customer of an electric corporation which owns
15 or operates solar electric generating equipment located and used at its
16 premises; (iv) a residential customer of an electric corporation who
17 owns, leases or operates micro-combined heat and power generating equip-
18 ment located on the customer's premises; (v) a residential customer of
19 an electric corporation who owns, leases or operates fuel cell generat-
20 ing equipment or fuel-flexible linear generator electric generating
21 equipment located on the customer's premises; [~~and~~] (vi) a non-residen-
22 tial customer of an electric corporation who owns, leases or operates
23 fuel cell generating equipment or fuel-flexible linear generator elec-

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

LBD08713-01-5

1 tric generating equipment located and used at the customer's premises;
2 (vii) a residential customer of an electric corporation, who owns or
3 operates micro-hydroelectric generating equipment located and used at
4 ~~[his or her]~~ the customer's residence; (viii) a non-residential customer
5 of an electric corporation which owns or operates micro-hydroelectric
6 generating equipment located and used at its premises; ~~[and]~~ (ix) a
7 non-residential customer of an electric corporation which owns or oper-
8 ates farm waste electric generating equipment located and used at its
9 premises; and (x) a non-residential customer of an electric corporation
10 which owns, leases or operates micro-combined heat and power generat-
11 ing equipment located on the customer's premises.

12 § 2. Paragraph (f) of subdivision 1 of section 66-j of the public
13 service law, as amended by chapter 691 of the laws of 2022, is amended
14 to read as follows:

15 (f) "Micro-combined heat and power generating equipment" means (i) (A)
16 in the case of a residential customer, an integrated, cogenerating
17 building heating and electrical power generation system, operating on
18 any fuel and of any applicable engine, fuel cell, fuel-flexible linear
19 generator, or other technology, with a rated capacity of ~~[at least one~~
20 ~~kilowatt and]~~ not more than ten kilowatts electric and any thermal
21 output that at full load has a design total fuel use efficiency in the
22 production of heat and electricity of not less than eighty percent, and
23 annually produces at least two thousand kilowatt hours of useful energy
24 in the form of electricity that may work in combination with supple-
25 mental or parallel conventional heating systems~~[,]~~; and (B) in the case
26 of a non-residential customer, an integrated, cogenerating building
27 heating and electrical power generation system, operating on any fuel
28 and of any applicable engine, fuel cell, or other technology, with a
29 rated capacity of not more than twenty-five kilowatts electric and any
30 thermal output that a full load has a design total fuel use efficien-
31 cy in the production of heat and electricity of not less than eighty
32 percent, and annually produces at least two thousand kilowatt hours of
33 useful energy in the form of electricity that may work in combination
34 with supplemental or parallel conventional heating systems; and (ii)
35 that is manufactured, installed and operated in accordance with applica-
36 ble government and industry standards, that is connected to the electric
37 system and operated in conjunction with an electric corporation's trans-
38 mission and distribution facilities.

39 § 3. Subparagraph (i) of paragraph (c) and paragraph (e) of subdivi-
40 sion 3 of section 66-j of the public service law, subparagraph (i) of
41 paragraph (c) as amended by chapter 691 of the laws of 2022, and para-
42 graph (e) as amended by chapter 546 of the laws of 2011, are amended to
43 read as follows:

44 (i) In the case of a customer-generator who owns or operates solar
45 electric generating equipment, micro-combined heat and power generating
46 equipment, fuel cell electric generating equipment, fuel-flexible linear
47 generator electric generating equipment or micro-hydroelectric generat-
48 ing equipment located and used at ~~[his or her]~~ the customer-generator's
49 residence, or a non-residential customer-generator who owns or operates
50 solar electric generating equipment or micro-combined heat and power
51 generating equipment with a rated capacity of not more than twenty-five
52 kilowatts, up to a maximum amount of three hundred fifty dollars;

53 (e) A customer who owns or operates a farm operation as such term is
54 defined in subdivision eleven of section three hundred one of the agri-
55 culture and markets law, or a non-residential customer-generator as
56 defined by ~~[subparagraph]~~ subparagraphs (iii) and (x) of paragraph (a)

1 of subdivision one of this section that locates solar electric generat-
2 ing equipment, micro-combined heat and power generating equipment or
3 farm waste electric generating equipment with a net energy meter on
4 property owned or leased by such customer-generator may designate all or
5 a portion of the net metering credits generated by such equipment to
6 meters at any property owned or leased by such customer-generator within
7 the service territory of the same electric corporation to which the
8 customer-generator's net energy meters are interconnected and being
9 within the same load zone as determined by the location based marginal
10 price as of the date of initial request by the customer-generator to
11 conduct net metering. The electric corporation will credit the accounts
12 of the customer by applying any credits to the highest use meter first,
13 then subsequent highest use meters until all such credits are attributed
14 to the customer. Any excess credits shall be carried over to the follow-
15 ing month.

16 § 4. Paragraphs (a), (b) and (c) of subdivision 5-a of section 66-j of
17 the public service law, as amended by chapter 546 of the laws of 2011,
18 are amended to read as follows:

19 (a) On or before three months after the effective date of this subdivi-
20 sion, each electric corporation shall establish standards that are
21 necessary for net energy metering and the interconnection of non-resi-
22 dential solar electric generating equipment ~~[or]~~, micro-hydroelectric
23 generating equipment or micro-combined heat and power generating equip-
24 ment to its system and that the commission shall determine are necessary
25 for safe and adequate service and further the public policy set forth in
26 this section. Such standards may include but shall not be limited to:

27 (i) equipment necessary to isolate automatically the solar generating
28 system ~~[or]~~, micro-hydroelectric generating equipment or micro-combined
29 heat and power generating equipment from the utility system for voltage
30 and frequency deviations; and

31 (ii) a manual lockable disconnect switch provided by the customer-gen-
32 erator which shall be located on the outside of the customer-generator's
33 premises and externally accessible for the purpose of isolating the
34 solar electric generating equipment ~~[or]~~, micro-hydroelectric generating
35 equipment or micro-combined heat and power generating equipment.

36 (b) In the event that the total rated generating capacity of solar
37 electric generating equipment ~~[or]~~, micro-hydroelectric generating
38 equipment or micro-combined heat and power generating equipment that
39 provides electricity to the electric corporation through the same local
40 feeder line exceeds twenty percent of the rated capacity of the local
41 feeder line, the electric corporation may require the customer-generator
42 to comply with reasonable measures to ensure safety of the local feeder
43 line.

44 (c) Unless otherwise determined to be necessary by the commission, an
45 electric corporation may not require a customer-generator to comply with
46 additional safety or performance standards, perform or pay for addi-
47 tional tests, or purchase additional liability insurance provided that
48 the solar electric generating equipment ~~[or]~~, micro-hydroelectric gener-
49 ating equipment or micro-combined heat and power generating equipment
50 meets the safety standards established pursuant to this subdivision.

51 § 5. 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-combined heat and power generating equipment owned, leased, or
7 operated by non-residential customers, and (G) micro-hydroelectric
8 generating equipment owned, leased or operated by customer-generators
9 and for net energy metering consistent with section sixty-six-j of the
10 public service law, to increase the efficiency of energy end use, to
11 shift demand from periods of high demand to periods of low demand and to
12 facilitate the development of cogeneration; and (ii) wind electric
13 generating equipment owned or operated by customer-generators and for
14 net energy metering consistent with section sixty-six-l of the public
15 service law.
16 § 6. This act shall take effect on the sixtieth day after it shall
17 have become a law.