

§66-L - Net energy metering for residential, farm service and non-residential wind electric generating systems

Cite: N.Y. P.B.S. Law § 66-L (Consol.).

1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Customer-generator" means a residential customer, farm service customer or non-residential customer of an electric corporation, who owns or operates wind electric generating equipment.

(b) "Residential customer-generator" means a customer who owns or operates wind electric generating equipment located and used at his or her primary residence.

(c) "Farm service customer-generator" means a customer of an electric corporation who owns and operates wind electric generating equipment located and used on land used in agricultural production as defined in subdivision four of section three hundred one of the agriculture and markets law, and which is also the location of the customer's primary residence.

(c-1) "Non-residential customer-generator" means a customer of an electric corporation which owns or operates wind electric generating equipment located and used at its premises.

(d) "Net energy meter" means a meter that measures the reverse flow of electricity to register the difference between the electricity supplied by an electric corporation to the customer-generator and the electricity provided to the corporation by that customer-generator.

(e) "Net energy metering" means the use of a net energy meter to measure, during the billing period applicable to a customer-generator, the net amount of electricity supplied by an electric corporation or provided to the corporation by a customer-generator.

(f) "Wind electric generating equipment" means one or more wind generators with a combined rated capacity of not more than twenty-five kilowatts for a residential customer-generator, and not more than five hundred kilowatts for a farm service customer-generator, and not more than two thousand kilowatts for a non-residential customer-generator; that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

2. Interconnection and net energy metering. An electric corporation shall provide for the interconnection and net energy metering of wind electric generating equipment owned or operated by a customer-generator; provided that the customer-generator enters into a net energy metering contract with the corporation or complies with the corporation's net energy metering schedule and complies with standards and requirements established under this section. The customer-generator shall be responsible for payment of one-half of the expense of such interconnection for wind electric generating equipment with a rated capacity of more than twenty-five kilowatts.

3. Conditions of service. (a) (i) On or before three months after the effective date of this section, each electric corporation shall develop a model contract and file a schedule that establishes consistent and reasonable rates, terms and conditions for net energy metering to customer-generators, according to the requirements of this section. The commission shall render a decision within three months from the date on which the schedule is filed.

(ii) On or before three months after the effective date of this subparagraph, each electric corporation shall develop a model contract and file a schedule that establishes consistent and reasonable rates, terms and conditions for net energy metering to non-residential customer-generators, according to the requirements of this section. The commission shall render a decision within three months from the date on which the schedule is filed.

(iii) Each electric corporation shall make such contract and schedule available to customer-generators on a first come, first served basis, until the total rated generating capacity for wind electric generating equipment owned or operated by customer-generators in the corporation's service area is equivalent to three-tenths percent of the corporation's electric demand for the year two thousand five, as determined by the department.

(b) Nothing in this subdivision shall prohibit a corporation from providing net energy metering to additional customer-generators. The commission shall have the authority, after January first, two thousand twelve, to increase the percent limits if it determines that additional net energy metering is in the public interest.

(c) In the event that the electric corporation determines that it is necessary to install one or more dedicated transformers or other equipment to protect the safety and adequacy of electric service provided to its other customers, a customer-generator shall pay the electric corporation's actual costs of installing the transformer or transformers or other equipment:

(i) in the case of a residential, farm service or non-residential customer-generator with a combined rated capacity of not more than twenty-five kilowatts, up to a maximum amount of seven hundred fifty dollars; and

(ii) in the case of a farm service customer-generator with a combined rated capacity of not more than five hundred kilowatts, up to a maximum of five thousand dollars; and

(iii) in the case of a non-residential customer-generator with a combined rated capacity of more than twenty-five kilowatts, such cost shall be as determined by the electric corporation subject to review, upon the request of such customer-generator, by the department.

(d) An electric corporation shall impose no other charge or fee, including, but not limited to, back up, stand by or demand charges, for the provision of net metering to a customer-generator.

(e) A customer who owns or operates land used in agricultural production as defined in subdivision four of section three hundred one of the agriculture and markets law, or a non-residential customer-generator as defined by paragraph (c-1) of subdivision one of this section that locates wind electric generating equipment with a net energy meter on property owned or leased by such customer-generator may designate all or a portion of the net metering credits generated by such equipment to meters, at any property owned or leased by such customer-generator within the service territory of the same electric corporation to which the customer-generator's net energy meters are interconnected and being within the same load zone as determined by the location based marginal price as of the

date of initial request by the customer-generator to conduct net metering. The electric corporation will credit the accounts of the customer by applying any credits to the highest use meter first, then subsequent highest use meters until all such credits are attributed to the customer. Any excess credits shall be carried over to the following month.

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

(a) In the event that the amount of electricity supplied by the corporation during the billing period exceeds the amount of electricity provided by a customer-generator, the corporation shall charge the customer-generator for the net electricity supplied at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity on site.

(b) In the event that the amount of electricity produced by a customer-generator during the billing period exceeds the amount of electricity used by the customer-generator, the corporation shall apply a credit to the next bill for service to the customer-generator for the net electricity provided at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity on site.

(c) At the end of the year or annualized over the period that service is supplied by means of net energy metering, the corporation shall promptly issue payment at its avoided cost to a residential or farm service customer-generator for the value of any remaining credit for the excess electricity produced during the year or over the annualized period by such customer-generator.

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

5. Safety standards. (a) Each electric corporation shall establish and maintain standards necessary for net energy metering and the interconnection of wind electric generating equipment to its system and that the commission shall determine are necessary for safe and adequate service and further the public policy set forth in this section. Such standards may include, but shall not be limited to:

(i) equipment necessary to isolate automatically a wind electric generating system from the utility system for voltage and frequency deviations; and

(ii) a manual lockable disconnect switch provided by the customer-generator which shall be located on the outside of the customer's premises and/or farm and externally accessible for the purpose of isolating the wind electric generating equipment.

(b) Upon its own motion or upon a complaint, the commission, or its designated representative, may investigate and make a determination as to the reasonableness and necessity of the standards or responsibility for compliance with the standards.

(c) Unless otherwise determined to be necessary by the commission, an electric corporation may not require a customer-generator to comply with additional safety or performance standards, or perform

or pay for additional tests, or purchase additional liability insurance, provided that:

(i) the electric generating equipment meets the safety standards established pursuant to this paragraph; and

(ii) the total rated capacity (measured in kilowatts) of wind electric generating equipment that provides electricity to the electric corporation through the same local feeder line, does not exceed twenty percent of the rated capacity of that local feeder line.

In the event that the total rated generating capacity of wind electric generating equipment that provides electricity to the electric corporation through the same local feeder line exceeds twenty percent of the rated capacity of the local feeder line, the electric corporation may require the customer-generator to comply with reasonable measures to ensure safety of that local feeder line.

6. Electric restructuring. Notwithstanding the provisions of this section, including, but not limited to paragraph (c) of subdivision three of this section, a customer-generator shall comply with any applicable determinations of the commission relating to restructuring of the electric industry.

7. Severability of provisions. The provisions of this section shall be severable and if the application of any clause, sentence, paragraph, subdivision, section, or part thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair, or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall be rendered.

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