

18103415D

HOUSE BILL NO. 930

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 56-594 of the Code of Virginia, relating to electric utility regulation; net energy metering; multifamily net metering.*

Patron—Lopez

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 56-594 of the Code of Virginia is amended and reenacted as follows:****§ 56-594. Net energy metering provisions.**

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, ~~and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and no later than July 1, 2015, for customers of electric cooperatives, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than January 1, 2019, to afford eligible multifamily net metering customer-generators the opportunity to participate in net energy metering.~~ The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; ~~or (vi) eligible multifamily net metering customer-generators; or (vii) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.~~

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric ~~company's utility's~~ transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same *electric* utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than 20 kilowatts for residential customers and not more than one megawatt for nonresidential customers on an electrical generating facility placed in service after July 1, 2015; (ii) uses as its total source of fuel renewable energy, as defined in ~~§ 56-576~~; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric ~~company's utility's~~ transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized

INTRODUCED

HB930

59 calculation of billing history if 12 months of billing history is not available.

60 *"Eligible multifamily net metering customer-generator" means a customer or customers that operate*
61 *a renewable energy generating facility in a condominium, apartment complex, or homeowners*
62 *association served by a common distribution circuit, which generating facility (i) uses as its total source*
63 *of fuel renewable energy; (ii) does not have an aggregate generation capacity of more than 500*
64 *kilowatts; (iii) is located on land owned or controlled by the eligible condominium, apartment complex,*
65 *or homeowners association or on customers' property within the condominium, apartment complex, or*
66 *homeowners association; (iv) is interconnected and operated in parallel with an electric utility's*
67 *transmission and distribution facilities; and (v) is used primarily to provide energy to metered accounts*
68 *of the eligible multifamily net metering customer-generator. An eligible multifamily net metering*
69 *customer-generator may be served by multiple meters that are located at separate sites within the site of*
70 *the condominium, apartment complex, or homeowners association, such that the eligible multifamily net*
71 *metering customer-generator may aggregate the electricity consumption and generation measured by the*
72 *meters, provided that the same electric utility serves all such meters. Each eligible multifamily net*
73 *metering customer-generator shall own the energy transmitted by the renewable energy system until*
74 *drawn from the grid at each eligible multifamily net metering customer-generator's residence. The*
75 *aggregated load shall be served under the appropriate tariff or rate schedule.*

76 "Net energy metering" means measuring the difference, over the net metering period, between (i)
77 electricity supplied to an eligible customer-generator, *eligible multifamily net metering*
78 *customer-generator*, or eligible agricultural customer-generator from the electric grid and (ii) the
79 electricity generated and fed back to the electric grid by the eligible customer-generator, *eligible*
80 *multifamily net metering customer-generator*, or eligible agricultural customer-generator.

81 "Net metering period" means the 12-month period following the date of final interconnection of the
82 eligible customer-generator's, *eligible multifamily net metering customer-generator's*, or eligible
83 agricultural customer-generator's system with an electric service provider, and each 12-month period
84 thereafter.

85 "Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

86 C. The Commission's regulations shall ensure that (i) the metering equipment installed for net
87 metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible
88 customer-generator, *eligible multifamily net metering customer-generator*, or *eligible agricultural*
89 *customer-generator* seeking to participate in net energy metering shall notify its supplier and receive
90 approval to interconnect prior to installation of an electrical generating facility. The electric distribution
91 company shall have 30 days from the date of notification for residential facilities, and 60 days from the
92 date of notification for nonresidential facilities, to determine whether the interconnection requirements
93 have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary
94 interconnection. An eligible customer-generator's electrical generating system, and each electrical
95 generating system of an *eligible multifamily net metering customer-generator* or eligible agricultural
96 customer-generator, shall meet all applicable safety and performance standards established by the
97 National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing
98 laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to
99 ensure public safety, power quality, and reliability of the supplier's electric distribution system, an
100 eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural
101 customer-generator whose electrical generating system meets those standards and rules shall bear all
102 reasonable costs of equipment required for the interconnection to the supplier's electric distribution
103 system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests,
104 and (c) purchase additional liability insurance.

105 D. The Commission shall establish minimum requirements for contracts to be entered into by the
106 parties to net metering arrangements. Such requirements shall protect the eligible customer-generator,
107 *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator against
108 discrimination by virtue of its status as an eligible customer-generator, *eligible multifamily net metering*
109 *customer-generator*, or eligible agricultural customer-generator, and permit customers that are served on
110 time-of-use tariffs that have electricity supply demand charges contained within the electricity supply
111 portion of the time-of-use tariffs to participate as an eligible customer-generator, *eligible multifamily net*
112 *metering customer-generator*, or eligible agricultural customer-generator. Notwithstanding the cost
113 allocation provisions of subsection C, eligible customer-generators, *eligible multifamily net metering*
114 *customer-generators*, or eligible agricultural customer-generators served on demand charge-based
115 time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

116 E. If electricity generated by an eligible customer-generator, *eligible multifamily net metering*
117 *customer-generator*, or eligible agricultural customer-generator over the net metering period exceeds the
118 electricity consumed by the eligible customer-generator, *eligible multifamily net metering*
119 *customer-generator*, or eligible agricultural customer-generator, the *eligible customer-generator, eligible*
120 *multifamily net metering customer-generator*, or eligible agricultural customer-generator shall be

compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators, *eligible multifamily net metering customer-generators*, or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's, *eligible multifamily net metering customer-generator's*, or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators, *eligible multifamily net metering customer-generators*, or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, *eligible multifamily net metering customer-generators*, eligible agricultural customer-generators, and small agricultural generators in the state Commonwealth reaches one percent of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, and shall require the supplier to pay the eligible customer-generator, *eligible multifamily net metering customer-generator*, or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

F. Any residential eligible customer-generator or eligible agricultural customer-generator ~~who~~ *that* owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.