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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS

Introduced By: Senators DiPalma, Ciccone, Archambault, Coyne, and Miller

Date Introduced: March 18, 2015

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-26.4-2 of the General Laws in Chapter 39-26.4 entitled "Net  
2 Metering" is hereby amended to read as follows:

3 **39-26.4-2. Definitions.** -- Terms not defined in this section herein shall have the same  
4 meaning as contained in chapter 26 of title 39 of the general laws. When used in this chapter:

5 (1) "Eligible net metering resource" means eligible renewable energy resource as defined  
6 in § 39-26-5 including biogas created as a result of anaerobic digestion, but, specifically  
7 excluding all other listed eligible biomass fuels;

8 (2) "Eligible Net Metering System" means a facility generating electricity using an  
9 eligible net metering resource that is reasonably designed and sized to annually produce  
10 electricity in an amount that is equal to or less than the renewable self-generator's usage at the  
11 eligible net metering system site measured by the three (3) year average annual consumption of  
12 energy over the previous three (3) years at the electric distribution account(s) located at the  
13 eligible net metering system site. A projected annual consumption of energy may be used until  
14 the actual three (3) year average annual consumption of energy over the previous three (3) years  
15 at the electric distribution account(s) located at the eligible net metering system site becomes  
16 available for use in determining eligibility of the generating system. The eligible net metering  
17 system must be owned by the same entity that is the customer of record on the net metered  
18 accounts. Notwithstanding any other provisions of this chapter, any eligible net metering  
19 resource: (i) owned by a public entity or multi-municipal collaborative or (ii) owned and operated

1 by a renewable generation developer on behalf of a public entity or multi-municipal collaborative  
2 through public entity net metering financing arrangement shall be treated as an eligible net  
3 metering system and all accounts designated by the public entity or multi-municipal collaborative  
4 for net metering shall be treated as accounts eligible for net metering within an eligible net  
5 metering system site.

6 (3) "Eligible Net Metering System Site" means the site where the eligible net metering  
7 system is located or is part of the same campus or complex of sites contiguous to one another and  
8 the site where the eligible net metering system is located or a farm in which the eligible net  
9 metering system is located. Except for an eligible net metering system owned by or operated on  
10 behalf of a public entity or multi-municipal collaborative through a public entity net metering  
11 financing arrangement, the purpose of this definition is to reasonably assure that energy generated  
12 by the eligible net metering system is consumed by net metered electric service account(s) that  
13 are actually located in the same geographical location as the eligible net metering system. Except  
14 for an eligible net metering system owned by or operated on behalf of a public entity or multi-  
15 municipal collaborative through a public entity net metering financing arrangement, all of the net  
16 metered accounts at the eligible net metering system site must be the accounts of the same  
17 customer of record and customers are not permitted to enter into agreements or arrangements to  
18 change the name on accounts for the purpose of artificially expanding the eligible net metering  
19 system site to contiguous sites in an attempt to avoid this restriction. However, a property owner  
20 may change the nature of the metered service at the accounts at the site to be master metered in  
21 the owner's name, or become the customer of record for each of the accounts, provided that the  
22 owner becoming the customer of record actually owns the property at which the account is  
23 located. As long as the net metered accounts meet the requirements set forth in this definition,  
24 there is no limit on the number of accounts that may be net metered within the eligible net  
25 metering system site.

26 (4) "Excess Renewable Net Metering Credit" means a credit that applies to an eligible  
27 net metering system for that portion of the renewable self-generator's production of electricity  
28 beyond one hundred percent (100%) and no greater than one hundred twenty-five percent (125%)  
29 of the renewable self-generator's own consumption at the eligible net metering system site during  
30 the applicable billing period. Such excess renewable net metering credit shall be equal to the  
31 electric distribution company's avoided cost rate, which is hereby declared to be the electric  
32 distribution company's standard offer service kilo-watt hour (kWh) charge for the rate class and  
33 time-of-use billing period (if applicable) applicable to the distribution customer account(s) at the  
34 eligible net metering system site. Where there are accounts at the eligible net metering system site

1 in different rate classes, the electric distribution company may calculate the excess renewable net  
2 metering credit based on the average of the standard offer service rates applicable to those on- site  
3 accounts. The electric distribution company has the option to use the energy received from such  
4 excess generation to serve the standard offer service load. The commission shall have the  
5 authority to make determinations as to the applicability of this credit to specific generation  
6 facilities to the extent there is any uncertainty or disagreement.

7 (5) "Farm" shall be defined in accordance with § 44-27-2, except that all buildings  
8 associated with the farm shall be eligible for net metering credits as long as: (i) The buildings are  
9 owned by the same entity operating the farm or persons associated with operating the farm; and  
10 (ii) The buildings are on the same farmland as the project on either a tract of land contiguous with  
11 or reasonably proximate to such farmland or across a public way from such farmland.

12 (6) "Multi-municipal collaborative" means a group of towns and/or cities that enter into  
13 an agreement for the purpose of co-owning a renewable generation facility or entering into a  
14 financing arrangement pursuant to subdivision (7).

15 (7) "Public entity net metering financing arrangement" means arrangements entered into  
16 by a public entity or multi-municipal collaborative with a private entity to facilitate the financing  
17 and operation of a net metering resource, in which the private entity owns and operates an eligible  
18 net metering resource on behalf of a public entity or multi-municipal collaborative, where: (i) The  
19 eligible net metering resource is located on property owned or controlled by the public entity or  
20 one of the municipalities, as applicable, and (ii) The production from the eligible net metering  
21 resource and primary compensation paid by the public entity or multi-municipal collaborative to  
22 the private entity for such production is directly tied to the consumption of electricity occurring at  
23 the designated net metered accounts.

24 (8) "Net metering" means using electricity generated by an eligible net metering system  
25 for the purpose of self-supplying power at the eligible net metering system site and thereby  
26 offsetting consumption at the eligible net metering system site through the netting process  
27 established in this chapter.

28 (9) "Net metering customer" means a customer of the electric distribution company  
29 receiving and being billed for distribution service whose distribution account(s) are being net  
30 metered.

31 (10) "Person" means an individual, firm, corporation, association, partnership, farm,  
32 town or city of the State of Rhode Island, multi-municipal collaborative, or the State of Rhode  
33 Island or any department of the state government, governmental agency or public instrumentality  
34 of the state.

1 (11) "Project" means a distinct installation of an eligible net metering system. An  
2 installation will be considered distinct if it is installed in a different location, or at a different  
3 time, or involves a different type of renewable energy.

4 (12) "Public entity" means the state of Rhode Island, municipalities, wastewater  
5 treatment facilities, public transit agencies or any water distributing plant or system employed for  
6 the distribution of water to the consuming public within this state including the water supply  
7 board of the city of Providence, [and the Rhode Island turnpike and bridge authority](#).

8 (13) "Renewable Net Metering Credit" means a credit that applies to an Eligible Net  
9 Metering System up to one hundred percent (100%) of the renewable self-generator's usage at the  
10 Eligible Net Metering System Site over the applicable billing period. This credit shall be equal to  
11 the total kilowatt hours of electricity generated and consumed on-site during the billing period  
12 multiplied by the sum of the distribution company's:

13 (i) Standard offer service kilowatt hour charge for the rate class applicable to the net  
14 metering customer;

15 (ii) Distribution kilowatt hour charge;

16 (iii) Transmission kilowatt hour charge; and

17 (iv) Transition kilowatt hour charge.

18 (14) "Renewable self-generator" means an electric distribution service customer who  
19 installs or arranges for an installation of renewable generation that is primarily designed to  
20 produce electricity for consumption by that same customer at its distribution service account(s).

21 (15) "Municipality" means any Rhode Island town or city, including any agency or  
22 instrumentality thereof, with the powers set forth in title 45 of the general laws.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would include the Rhode Island turnpike and bridge authority for purposes of net  
2 metering, which is the process whereby electric consumers are permitted to generate electricity  
3 and offset their own electric consumption.

4           This act would take effect upon passage.

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