

2018 -- H 8021

LC005325

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- NET METERING

Introduced By: Representatives Marshall, O'Brien, Kennedy, McKiernan, and Bennett

Date Introduced: March 29, 2018

Referred To: House Finance

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.**

4 Terms not defined in this section herein shall have the same meaning as contained in  
5 chapter 26 of title 39 of the general laws. When used in this chapter:

6 (1) "Community remote-net-metering system" means a facility generating electricity  
7 using an eligible net-metering resource that allocates net-metering credits to a minimum of one  
8 account for system associated with low or moderate housing eligible credit recipients, or three (3)  
9 eligible credit-recipient customer accounts, provided that no more than fifty percent (50%) of the  
10 credits produced by the system are allocated to one eligible credit recipient, and provided further  
11 at least fifty percent (50%) of the credits produced by the system are allocated to the remaining  
12 eligible credit recipients in an amount not to exceed that which is produced annually by twenty-  
13 five kilowatt (25 kW) AC capacity. The community remote-net-metering system may transfer  
14 credits to eligible credit recipients in an amount that is equal to or less than the sum of the usage  
15 of the eligible credit recipient accounts measured by the three-year (3) average annual  
16 consumption of energy over the previous three (3) years. A projected annual consumption of  
17 energy may be used until the actual three-year (3) average annual consumption of energy over the  
18 previous three (3) years at the eligible credit recipient accounts becomes available for use in  
19 determining eligibility of the generating system. The community remote-net-metering system

1 may be owned by the same entity that is the customer of record on the net-metered account or  
2 may be owned by a third party.

3 (2) "Electric-distribution company" shall have the same meaning as § 39-1-2, but shall  
4 not include block island power company or Pascoag utility district, each of whom shall be  
5 required to offer net metering to customers through a tariff approved by the public utilities  
6 commission after a public hearing. Any tariff or policy on file with the public utilities  
7 commission on the date of passage of this chapter shall remain in effect until the commission  
8 approves a new tariff.

9 (3) "Eligible credit recipient" means one of the following eligible recipients in the  
10 electric-distribution company's service territory whose electric service account or accounts may  
11 receive net-metering credits from a community remote net-metering system. Eligible credit  
12 recipients include the following definitions:

13 (i) Residential accounts in good standing.

14 (ii) "Low- or moderate-income housing eligible credit recipient" means an electric service  
15 account or accounts in good standing associated with any housing development or developments  
16 owned or operated by a public agency, nonprofit organization, limited-equity housing  
17 cooperative, or private developer, that receives assistance under any federal, state, or municipal  
18 government program to assist the construction or rehabilitation of housing affordable to low- or  
19 moderate-income households, as defined in the applicable federal or state statute, or local  
20 ordinance, encumbered by a deed restriction or other covenant recorded in the land records of the  
21 municipality in which the housing is located, that:

22 (A) Restricts occupancy of no less than fifty percent (50%) of the housing to households  
23 with a gross, annual income that does not exceed eighty percent (80%) of the area median income  
24 as defined annually by the United States Department of Housing and Urban Development (HUD);

25 (B) Restricts the monthly rent, including a utility allowance, that may be charged to  
26 residents, to an amount that does not exceed thirty percent (30%) of the gross, monthly income of  
27 a household earning eighty percent (80%) of the area, median income as defined annually by  
28 HUD;

29 (C) That has an original term of not less than thirty (30) years from initial occupancy.

30 Electric service account or accounts in good standing associated with housing  
31 developments that are under common ownership or control may be considered a single low- or  
32 moderate-income housing-eligible credit recipient for purposes of this section. The value of the  
33 credits shall be used to provide benefits to tenants.

34 (iii) "Educational institutions" means public and private schools at the primary,

1 secondary, and postsecondary levels.

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

5 (5) "Eligible net-metering system" means a facility generating electricity using an eligible  
6 net-metering resource that is reasonably designed and sized to annually produce electricity in an  
7 amount that is equal to, or less than, the renewable self-generator's usage at the eligible net-  
8 metering-system site measured by the three-year (3) average annual consumption of energy over  
9 the previous three (3) years at the electric-distribution account(s) located at the eligible net-  
10 metering-system site. A projected annual consumption of energy may be used until the actual  
11 three-year (3) average annual consumption of energy over the previous three (3) years at the  
12 electric-distribution account(s) located at the eligible net-metering-system site becomes available  
13 for use in determining eligibility of the generating system. The eligible net-metering system may  
14 be owned by the same entity that is the customer of record on the net-metered accounts or may be  
15 owned by a third party that is not the customer of record at the eligible net-metering system site  
16 and which may offer a third-party, net-metering financing arrangement or net-metering financing  
17 arrangement, as applicable. Notwithstanding any other provisions of this chapter, any eligible net-  
18 metering resource: (i) Owned by a public entity, educational institution, hospital, nonprofit, or  
19 multi-municipal collaborative or (ii) Owned and operated by a renewable-generation developer  
20 on behalf of a public entity, educational institution, hospital, nonprofit, or multi-municipal  
21 collaborative through net-metering financing arrangement shall be treated as an eligible net-  
22 metering system and all accounts designated by the public entity, educational institution, hospital,  
23 nonprofit, or multi-municipal collaborative for net metering shall be treated as accounts eligible  
24 for net metering within an eligible net-metering-system site.

25 (6) "Eligible net-metering-system site" means the site where the eligible net-metering  
26 system or community remote net-metering system is located or is part of the same campus or  
27 complex of sites contiguous to one another and the site where the eligible net-metering system or  
28 community remote-net-metering system is located or a farm in which the eligible net-metering  
29 system or community remote-net-metering system is located. Except for an eligible net-metering  
30 system owned by or operated on behalf of a public entity, educational institution, hospital,  
31 nonprofit, or multi-municipal collaborative through a net-metering financing arrangement, the  
32 purpose of this definition is to reasonably assure that energy generated by the eligible net-  
33 metering system is consumed by net-metered electric service account(s) that are actually located  
34 in the same geographical location as the eligible net-metering system. All energy generated from

1 any eligible net-metering system is, and will be considered, consumed at the meter where the  
2 renewable-energy resource is interconnected for valuation purposes. Except for an eligible net-  
3 metering system owned by, or operated on behalf of, a public entity, educational institution,  
4 hospital, nonprofit, or multi-municipal collaborative through a net-metering financing  
5 arrangement, or except for a community remote-net-metering system, all of the net-metered  
6 accounts at the eligible net-metering-system site must be the accounts of the same customer of  
7 record and customers are not permitted to enter into agreements or arrangements to change the  
8 name on accounts for the purpose of artificially expanding the eligible net-metering-system site to  
9 contiguous sites in an attempt to avoid this restriction. However, a property owner may change  
10 the nature of the metered service at the accounts at the site to be master metered in the owner's  
11 name, or become the customer of record for each of the accounts, provided that the owner  
12 becoming the customer of record actually owns the property at which the account is located. As  
13 long as the net-metered accounts meet the requirements set forth in this definition, there is no  
14 limit on the number of accounts that may be net metered within the eligible net-metering-system  
15 site.

16 (7) "Excess renewable net-metering credit" means a credit that applies to an eligible net-  
17 metering system or community remote-net-metering system for that portion of the production of  
18 electrical energy beyond one hundred percent (100%) and no greater than one hundred twenty-  
19 five percent (125%) of the renewable self-generator's own consumption at the eligible net-  
20 metering-system site or the sum of the usage of the eligible credit recipient accounts associated  
21 with the community remote-net-metering system during the applicable billing period. Such excess  
22 renewable net-metering credit shall be equal to the electric-distribution company's avoided cost  
23 rate, which is hereby declared to be the electric-distribution company's standard offer service  
24 kilowatt hour (kWh) charge for the rate class and time-of-use billing period (if applicable)  
25 applicable to the customer of record for the eligible net-metering system or applicable to the  
26 customer of record for the community remote-net-metering system. The commission shall have  
27 the authority to make determinations as to the applicability of this credit to specific generation  
28 facilities to the extent there is any uncertainty or disagreement.

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

34 (9) "Hospital" means and shall be defined and established as set forth in chapter 17 of

1 title 23.

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

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

7 (12) "Net metering" means using electrical energy generated by an eligible, net-metering  
8 system for the purpose of self-supplying electrical energy and power at the eligible net-metering-  
9 system site, or with respect to a community remote-net-metering system, for the purpose of  
10 generating net-metering credits to be applied to the electric bills of the eligible credit recipients  
11 associated with the community net-metering system. The amount so generated will thereby offset  
12 consumption at the eligible net-metering system site through the netting process established in  
13 this chapter, or with respect to a community remote-net-metering system, the amounts generated  
14 in excess of that amount will result in credits being applied to the eligible credit-recipient  
15 accounts associated with the community remote-net-metering system.

16 (13) "Net-metering customer" means a customer of the electric-distribution company  
17 receiving and being billed for distribution service whose distribution account(s) are being net  
18 metered.

19 (14) "Net-metering financing arrangement" means arrangements entered into by a public  
20 entity, educational institution, hospital, nonprofit, or multi-municipal collaborative with a private  
21 entity to facilitate the financing and operation of a net-metering resource, in which the private  
22 entity owns and operates an eligible net-metering resource on behalf of a public entity,  
23 educational institution, hospital, nonprofit, or multi-municipal collaborative, where: ~~(i) The~~  
24 ~~eligible net metering resource is located on property owned or controlled by the public entity,~~  
25 ~~educational institution, hospital, or one of the municipalities, as applicable, and (ii) The~~ the  
26 production from the eligible net-metering resource and primary compensation paid by the public  
27 entity, educational institution, hospital, nonprofit, or multi-municipal collaborative to the private  
28 entity for such production is directly tied to the consumption of electricity occurring at the  
29 designated net-metered accounts.

30 (15) "Nonprofit" means a nonprofit corporation as defined and established through  
31 chapter 6 of title 7, and shall include religious organizations that are tax exempt pursuant to 26  
32 U.S.C. § 501(d).

33 (16) "Person" means an individual, firm, corporation, association, partnership, farm, town  
34 or city of the State of Rhode Island, multi-municipal collaborative, or the State of Rhode Island or

1 any department of the state government, governmental agency, or public instrumentality of the  
2 state.

3 (17) "Project" means a distinct installation of an eligible net-metering system or a  
4 community remote-net-metering system. An installation will be considered distinct if it is  
5 installed in a different location, or at a different time, or involves a different type of renewable  
6 energy.

7 (18) "Public entity" means the federal government, the state of Rhode Island,  
8 municipalities, wastewater treatment facilities, public transit agencies, or any water distributing  
9 plant or system employed for the distribution of water to the consuming public within this state  
10 including the water supply board of the city of Providence.

11 (19) "Renewable net-metering credit" means a credit that applies to an eligible net-  
12 metering system or a community remote-net-metering system up to one hundred percent (100%)  
13 of either the renewable self-generator's usage at the eligible net-metering-system site or the sum  
14 of the usage of the eligible credit-recipient accounts associated with the community remote net-  
15 metering system over the applicable billing period. This credit shall be equal to the total kilowatt  
16 hours of electrical energy generated up to the amount consumed on-site, and/or generated up to  
17 the sum of the eligible credit-recipient account usage during the billing period multiplied by the  
18 sum of the distribution company's:

19 (i) Standard offer service kilowatt hour charge for the rate class applicable to the net-  
20 metering customer, except that for remote public entity and multi-municipality collaborative net-  
21 metering systems that submit an application for an interconnection study on or after July 1, 2017,  
22 and community remote-net-metering systems, the standard offer service kilowatt-hour charge  
23 shall be net of the renewable energy standard charge or credit;

24 (ii) Distribution kilowatt-hour charge;

25 (iii) Transmission kilowatt-hour charge; and

26 (iv) Transition kilowatt-hour charge.

27 Notwithstanding the foregoing, except for systems that have requested an interconnection  
28 study for which payment has been received by the distribution company, or if an interconnection  
29 study is not required, a completed and paid interconnection application, by December 31, 2018,  
30 the renewable net-metering credit for all remote public entity and multi-municipal collaborative  
31 net-metering systems shall not include the distribution kilowatt hour charge commencing on  
32 January 1, 2050.

33 (20) "Renewable self-generator" means an electric distribution service customer of record  
34 for the eligible net-metering system or community remote-net-metering system at the eligible net-

1 metering-system site which system is primarily designed to produce electrical energy for  
2 consumption by that same customer at its distribution service account(s), and/or, with respect to  
3 community remote-net-metering systems, electrical energy which generates net-metering credits  
4 to be applied to offset the eligible credit-recipient account usage.

5 (21) "Third party" means and includes any person or entity, other than the renewable self-  
6 generator, who or that owns or operates the eligible net-metering system or community remote-  
7 net-metering system on the eligible net-metering-system site for the benefit of the renewable self-  
8 generator.

9 (22) "Third-party, net-metering financing arrangement" means the financing of eligible  
10 net-metering systems or community remote-net-metering systems through lease arrangements or  
11 power/credit purchase agreements between a third party and renewable self-generator, except for  
12 those entities under a public entity net-metering finance arrangement. A third party engaged in  
13 providing financing arrangements related to such net-metering systems with a public or private  
14 entity is not a public utility as defined in § 39-1-2.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS -- NET METERING

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1           This act would allow a public entity, educational institution, hospital, nonprofit, or multi-  
2 municipal collaborative to participate in net metering without having to own the land on which  
3 the net metering resource is situated.

4           This act would take effect upon passage.

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