

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2019 REGULAR SESSION  
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Amend printed copy of **SB 100/GA**

Beginning on page 1, line 3, and continuing through page 5, line 4, delete Sections 1 and 2 in their entireties and insert in lieu thereof the following:

"➔Section 1. KRS 278.465 is amended to read as follows:

As used in KRS 278.465 to 278.468:

- (1) "Eligible customer-generator" means a customer of a retail electric supplier who owns and operates an electric generating facility that is located on the customer's premises, for the primary purpose of supplying all or part of the customer's own electricity requirements.
- (2) "Eligible electric generating facility" means an electric generating facility that:
  - (a) Is connected in parallel with the electric distribution system;
  - (b) Generates electricity using:
    - 1. Solar energy;
    - 2. Wind energy;
    - 3. Biomass or biogas energy; or
    - 4. Hydro energy; and
  - (c) Has a rated capacity of not greater than forty-five (45)~~thirty (30)~~ kilowatts.

**An eligible electric generating facility may incorporate onsite energy storage and may include leased systems, in which case the lessor shall be a non-utility third party.**
- (3) "Kilowatt hour" means a measure of electricity defined as a unit of work of energy,

Amendment No. \_\_\_\_\_

Rep. Rep. Jim DuPlessis

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: Kasacavage, Stefan

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

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measured as one (1) kilowatt of power expended for one (1) hour.

(4) "Net metering" means~~[measuring]~~ the difference between the:

**(a) Dollar value of all**~~[electricity supplied by the electric grid and the]~~ electricity generated by an eligible customer-generator that is fed back to the electric grid over a billing period **and priced as prescribed in Section 2 of this Act; and**

**(b) Dollar value of all electricity consumed by the eligible customer-generator over the same billing period and priced using the applicable tariff of the retail electric supplier.**

➔Section 2. KRS 278.466 is amended to read as follows:

- (1) Each retail electric supplier shall make net metering available to any eligible customer-generator that the supplier currently serves or solicits for service. If the cumulative generating capacity of net metering systems reaches one percent (1%) of a supplier's single hour peak load during **a calendar**~~[the previous]~~ year, the **supplier shall have no further obligation**~~[of the supplier]~~ to offer net metering to **any**~~[a]~~ new customer-generator **at any subsequent time**~~[may be limited by the commission]~~.
- (2) Each retail electric supplier serving a customer with eligible electric generating facilities shall use a standard kilowatt-hour meter capable of registering the flow of electricity in two (2) directions. Any additional meter, meters, or distribution upgrades needed to monitor the flow in each direction shall be installed at the customer-generator's expense. If additional meters are installed, the net metering calculation shall yield the same result as when a single meter is used.
- (3) **A retail electric supplier serving an eligible customer-generator shall compensate that customer for all electricity produced by the customer's eligible electric generating facility that flows to the retail electric supplier, as measured by the standard kilowatt-hour metering prescribed in subsection (2) of this section. The rate to be used for such**

compensation shall be set by the commission using the ratemaking processes under this chapter during a proceeding initiated by a retail electric supplier or generation and transmission cooperative on behalf of one (1) or more retail electric suppliers. However, a distribution cooperative's net metering rates shall only be modified upon petition to the commission by its respective generation and transmission cooperative. The proceeding shall be initiated by the commission no later than one (1) year from the effective date of this Act. Nothing in this section shall prevent the establishment of an administrative case by the commission to set the net metering compensation rate that names all retail electric suppliers as parties thereto. Additionally, nothing shall prevent the commission from consolidating all of the retail electric initiated cases into one (1) case. If the commission does not initiate such a case or if individual retail electric suppliers do not initiate such a case within the one (1) year period, then the current net metering provisions shall remain in place for customers of those retail electric suppliers for five (5) years from the effective date of this Act. Thereafter, the retail electric supplier may only change its net metering rates as part of a general application to change its rates. Further, rates established by the commission pursuant to this section shall remain in effect for five (5) years after the commission sets the rates and shall only be changed by the commission as part of a general rate case, unless resource price volatility exceeds ten percent (10%) in a year. The Kentucky Solar Industry Association or an equivalent organization of retail solar installers shall be permitted to intervene in any ratemaking process initiated under this section.

- (4) (a) For the period established under paragraph (b) of this subsection, compensation provided to an eligible customer-generator shall be in the form of a dollar-denominated bill credit. If an eligible customer-generator's bill credit exceeds the amount to be billed to the customer in a billing period, the amount of the credit in

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excess of the customer's bill shall carry forward to the customer's next bill. Excess bill credits shall not be transferable between customers or premises. If an eligible customer-generator closes his or her account, no cash refund for accumulated credits shall be paid.

(b) In establishing the successor net energy metering tariff, and in approving any future modifications, the commission shall determine a netting interval for accomplishing the net electrical energy measurement that is just and reasonable in light of the costs and benefits of the net energy metering program. The commission shall not adopt a netting interval that exceeds the retail electric supplier's monthly billing period. In determining the appropriate billing interval, the commission shall consider:

1. Current metering capability and the cost of upgrading hardware and billing systems to accomplish the net electrical energy measurement;
2. The availability of historic usage data to help prospective customer-generators project the bill savings achievable by participating in the net energy metering program; and
3. The interaction of the netting interval with time-variant rate schedules available to customer-generators and whether different netting intervals are justified for customer-generators taking service on a time-variant rate schedule.

(5) Using the ratemaking process provided by this chapter, each retail electric supplier shall be entitled to implement rates to recover from its eligible customer-generators all costs necessary to serve its eligible customer-generators, including but not limited to fixed and demand-based costs. In addition to the costs to the retail electric supplier, the commission shall consider quantifiable benefits provided to the retail electric supplier

and other customers within the same rate class provided by the generation customer-suppliers, which shall only include energy generation capacity, avoided transmission and distribution losses, transmission and distribution capacity benefits, fuel price uncertainty and hedging, market price mitigation, and utility integration and interconnections costs. Eligible customer-generators shall belong to the same utility rate class they would otherwise belong to if they were not an eligible customer-generator.

(6) (a) For an eligible electric generating facility in service prior to the effective date of the initial net metering order by the commission in accordance with subsection (3) of this section, the net metering tariff provisions in place when the eligible customer-generator began taking net metering service, including the one-to-one (1:1) kilowatt-hour denominated energy credit provided for electricity fed into the grid, shall remain in effect at those premises for a twenty-five (25) year period, regardless of whether the premises are sold or conveyed during that twenty-five (25) year period. For any eligible customer-generator to whom this paragraph applies, each net metering contract or tariff under which the customer takes service shall be identical, with respect to energy rates, rate structure, and monthly charges, to the contract or tariff to which the same customer would be assigned if the customer were not an eligible customer-generator.

(b) Eligible customer-generators with eligible electric generating facilities taking service after implementation of the successor net energy metering tariff but prior to December 31, 2024, shall be eligible for the energy rates, rate structure, and monthly charges described in paragraph (a) of this subsection through December 31, 2034 without modification~~[The amount of electricity billed to the eligible customer-generator using net metering shall be calculated by taking the difference between the electricity supplied by the retail electric supplier to the customer and the~~

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~~electricity generated and fed back by the customer. If time-of-day or time-of-use metering is used, the electricity fed back to the electric grid by the eligible customer-generator shall be net-metered and accounted for at the specific time it is fed back to the electric grid in accordance with the time-of-day or time-of-use billing agreement currently in place.~~

- ~~(4) Each net metering contract or tariff shall be identical, with respect to energy rates, rate structure, and monthly charges, to the contract or tariff to which the same customer would be assigned if the customer were not an eligible customer-generator.~~
- ~~(5) The following rules shall apply to the billing of net electricity:~~
- ~~(a) The net electricity produced or consumed during a billing period shall be read, recorded, and measured in accordance with metering practices prescribed by the commission;~~
  - ~~(b) If the electricity supplied by the retail electric supplier exceeds the electricity generated and fed back to the supplier during the billing period, the customer-generator shall be billed for the net electricity supplied in accordance with subsections (3) and (4) of this section;~~
  - ~~(c) If the electricity fed back to the retail electric supplier by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be credited for the excess kilowatt hours in accordance with subsections (3) and (4) of this section. This electricity credit shall appear on the customer-generator's next bill. Credits shall carry forward for the life of the customer-generator's account;~~
  - ~~(d) If a customer-generator closes his account, no cash refund for residual generation-related credits shall be paid; and~~
  - ~~(e) Excess electricity credits are not transferable between customers or locations].~~

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- ~~(7)(6)~~ Electric generating systems and interconnecting equipment used by eligible customer-generators shall meet all applicable safety and power quality standards established by the National Electrical Code (NEC), Institute of Electrical and Electronics Engineers (IEEE), and accredited testing laboratories such as Underwriters Laboratories.
- ~~(8)(7)~~ An eligible customer-generator installation is transferable to other persons *at the same premises*~~[or service locations]~~ upon notification to the retail electric supplier and verification that the installation is in compliance with the applicable safety and power quality standards in KRS 278.467 and in subsection ~~(7)(6)~~ of this section.
- ~~(9)(8)~~ Any upgrade of the interconnection between the retail electric supplier and the customer-generator that is required by commission-approved tariffs for the purpose of allowing net metering shall be made at the expense of the customer-generator."