

HB 2201 (veto)

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2015



**ENROLLED**

**House Bill No. 2201**

(By Delegate(s) Ireland, Folk, Manchin,  
Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty,  
Byrd and Summers)



Passed February 16, 2015

In effect from passage.

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E N R O L L E D

**H. B. 2201**

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[BY DELEGATE(S) IRELAND, FOLK, MANCHIN, LYNCH, ROWE,  
FLEISCHAUER, SKINNER, FAST, FLUHARTY, BYRD AND SUMMERS]

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[Passed February 16, 2015; in effect from passage.]

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AN ACT to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; defining net metering; defining customer-generator; defining cross-subsidization; requiring the Public Service Commission to prohibit cross-subsidization; requiring the Public Service Commission adopt certain net metering and interconnection rules and standards; striking deadlines for rulemaking by the Public Service Commission; and capping the amount of generating capacity subject to net metering. .

*Be it enacted by the Legislature of West Virginia:*

That §24-2F-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2F. NET METERING OF CUSTOMER-GENERATORS.**

**§24-2F-8. Net metering and interconnection standards.**

1 (a) "Net metering" means measuring the difference between  
2 electricity supplied by an electric utility and electricity generated  
3 from a facility owned or leased and operated by a customer  
4 generator when any portion of the electricity generated from the  
5 facility is used to offset part or all of the electric retail  
6 customer's requirements for electricity.

7 (b) "Customer-generator" means an electric retail customer  
8 who owns or leases and operates a customer-sited generation  
9 projected utilizing an alternative or renewable energy resource  
10 or a net metering system in this state.

11 (c) "Cross-subsidization", for purposes of this section,  
12 means the practice of charging costs directly incurred by the  
13 electric utility in accommodating a net metering system to  
14 electric retail customers to electric retails customers who are not  
15 customer generators.

16 (d) "Commission" means the Public Service Commission of  
17 West Virginia as constituted pursuant to section three, article one  
18 of this chapter.

19 (e) The commission shall adopt a rule requiring that all  
20 electric utilities provide a rebate or discount at fair value, to be  
21 determined by the commission, to customer-generators for any  
22 electricity generation that is delivered to the utility under a net  
23 metering arrangement. The commission shall assure that any net  
24 metering tariff does not create a cross-subsidization between  
25 customers within one class of service.

26 (f) The commission shall also consider adopting, by rule, a  
27 requirement that all sellers of electricity to retail customers in  
28 the state, including rural electric cooperatives, municipally

29 owned electric facilities or utilities serving less than thirty  
30 thousand residential electric customers in this state, offer net  
31 metering rebates or discounts to customer-generators.

32 (g) The commission shall institute a general investigation for  
33 the purpose of adopting rules pertaining to net metering and the  
34 interconnection of eligible electric generating facilities intended  
35 to operate in parallel with an electric utility's system. As part of  
36 its investigation, the commission shall take into consideration  
37 rules of other states within the applicable region of the regional  
38 transmission organization, as that term is defined in 18 C.F.R.  
39 §35.34, that manages a utility's transmission system in any part  
40 of this state. Furthermore, the commission shall consider  
41 increasing the allowed kilowatt capacity for commercial  
42 customer-generators to an amount not to exceed five hundred  
43 kilowatts and for industrial customer-generators to an amount  
44 not to exceed two megawatts. The commission shall further  
45 consider interconnection standards for combined heat and power.

46 (h) An electric utility shall offer net metering to a customer-  
47 generator that generates electricity on the customer-generator  
48 side of the meter using alternative or renewable energy sources,  
49 on a first-come, first-served basis, based on the date of  
50 application for interconnection as provided in the rules  
51 promulgated by the commission and pursuant to a standard tariff.  
52 An electric utility may offer net metering to customer-  
53 generators, on a first-come, first-served basis, so long as the total  
54 generation capacity installed by all customer-generators is no  
55 greater than three percent (3%) of the electric utility aggregate  
56 customer peak demand in the state during the previous year, of  
57 which no less than one-half percent (0.5%) is reserved for  
58 residential customer-generators.

59 (i) The commission shall adopt a rule requiring compliance  
60 with the Institute of the Electrical and Electronics Engineers  
61 (IEEE), and as the same shall be amended, standards at all times,

62 including having a disconnect readily accessible to the utility  
63 between the facilities of the customer-generator and the electric  
64 utility.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Steve Westfall  
Vice Chairman, House Committee

Mark R. Maynard  
Chairman, Senate Committee

Originating in the House.

In effect from passage.

Stephen J. Amadio  
Clerk of the House of Delegates

Clark A. Bowers  
Clerk of the Senate

Phil Patten  
Speaker of the House of Delegates

Phillip Pollock  
President of the Senate

The within is disapproved this the 24th  
day of February, 2015.

Earl Ray Tomblin  
Governor

PRESENTED TO THE GOVERNOR

FEB 13 2015

Time 4:30 pm