

HB 2201 - Second Enrollment

FILED

2015 MAR 12 P 4: 57

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2015



SECOND ENROLLMENT

House Bill No. 2201

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



Amended and again passed February 28, 2015

In effect from passage.

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S E C O N D
E N R O L L M E N T

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2201

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

[Amended and again passed February 28, 2015;
as a result of the objections of the Governor;
in effect from passage.]

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 project utilizing an alternative or renewable energy resource or
10 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 who are not customer generators.

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

23 (e) The Public Service Commission shall also consider
24 adopting, by rule, a requirement that all sellers of electricity to
25 retail customers in the state, including rural electric cooperatives,
26 municipally owned electric facilities or utilities serving less than
27 thirty thousand residential electric customers in this state, offer
28 net metering rebates or discounts to customer-generators.

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

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

58 (h) The Public Service Commission shall adopt a rule
59 requiring compliance with the Institute of the Electrical and
60 Electronics Engineers (IEEE) standards at all times, and as the
61 same shall be amended, including having a disconnect readily

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62 accessible to the utility between the facilities of the customer-
63 generator and the electric utility.

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


Chairman, House Committee

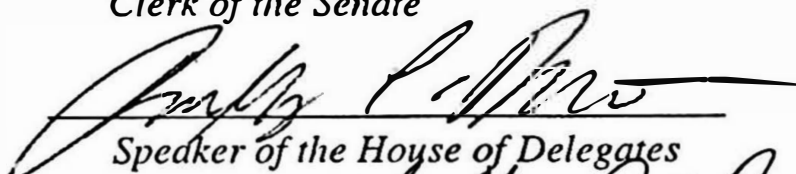

Chairman, Senate Committee

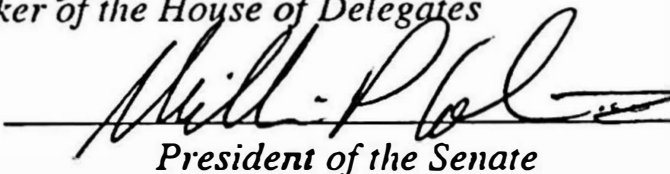
Originating in the House.

In effect from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

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The within is approved this the 12th
day of March, 2015.


Governor

PRESENTED TO THE GOVERNOR

MAR 09 2015

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