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ENGROSSED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 1

(By Senators Cole (Mr. President), Boley, Carmichael, Ferns,

Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair,

Plymale, Kirkendoll, Stollings and Takubo)

[Originating in the Committee on Energy, Industry and Mining;

reported January 19, 2015.]

A BILL to repeal §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-2F-8 of said code, relating to repealing the Alternative and Renewable Energy Portfolio Act; and creating net metering of customer-generators.

Be it enacted by the Legislature of West Virginia:

That §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, be repealed; and that §24-2F-8 of said code be amended and reenacted, to read as follows: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) The commission shall adopt a rule requiring that all electric utilities provide a rebate or
2 discount at fair value, to be determined by the commission, to customer-generators for any electricity
3 generation that is delivered to the utility under a net metering arrangement.

4 (b) The commission shall also consider adopting, by rule, a requirement that all sellers of
5 electricity to retail customers in the state, including rural electric cooperatives, municipally owned
6 electric facilities or utilities serving ~~less~~ fewer than thirty thousand residential electric customers in
7 this state, offer net metering rebates or discounts to customer-generators.

8 (c) The commission shall institute a general investigation for the purpose of adopting rules
9 pertaining to net metering and the interconnection of eligible electric generating facilities intended
10 to operate in parallel with an electric utility's system. As part of its investigation, the commission
11 shall take into consideration rules of other states within the applicable region of the regional
12 transmission organization, as that term is defined in 18 C. F. R. §35.34, that manages a utility's
13 transmission system in any part of this state. Furthermore, the commission shall consider increasing
14 the allowed kilowatt capacity for commercial customer-generators to an amount not to exceed five
15 hundred kilowatts and for industrial customer-generators to an amount not to exceed two megawatts.
16 The commission shall further consider interconnection standards for combined heat and power.

17 (d) The commission shall promulgate these rules within twelve months of the effective date
18 of this article.

19 (e) The commission shall adopt a rule requiring that all electric utilities allow for customer-
20 generators to transfer any accrued net meter credits to a utility-approved nonprofit that provides relief
21 to customers in need of financial assistance.

22 (f) "Net metering" means measuring the difference between electricity supplied by an electric

1 utility and electricity generated from an alternative or renewable energy resource facility owned or
2 operated by an electric retail customer when any portion of the electricity generated from the
3 alternative or renewable energy resource facility is used to offset part or all of the electric retail
4 customer's requirements for electricity.

5 (g) “Customer-generator” means an electric retail customer who owns and operates a
6 customer-sited generation project utilizing an alternative or renewable energy resource or a net
7 metering system in this state.

8 (h) The commission shall assure that any net metering tariff does not create a cross
9 subsidization between customers within one class of service.