

AMENDMENTS TO LB155

(Amendments to Brewer amendments, AM1380)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Sec. 3. Section 70-2002, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 70-2002 For purposes of sections 70-2001 to 70-2005:

5 (1) Customer-generator means an end-use electricity customer that
6 generates electricity on the customer's side of the meter from a
7 qualified facility;

8 (2) Interconnection agreement means an agreement between a local
9 distribution utility and a customer-generator that establishes the
10 financial, interconnection, safety, performance, and reliability
11 requirements relating to the installation and operation of a qualified
12 facility in accordance with the standards prescribed in sections 70-2001
13 to 70-2005;

14 (3) Local distribution system means the equipment and facilities
15 used for the distribution of electric energy to the end-use electricity
16 customer;

17 (4) Local distribution utility means the owner or operator of the
18 local distribution system;

19 (5) Net excess generation means the net amount of energy, if any, by
20 which the output of a qualified facility exceeds a customer-generator's
21 total electricity requirements during a billing period;

22 (6) Net metering means a system of metering electricity in which a
23 local distribution utility:

24 (a) Credits a customer-generator at the applicable retail rate for
25 each kilowatt-hour produced by a qualified facility during a billing
26 period up to the total of the customer-generator's electricity

1 requirements during that billing period. A customer-generator that
2 generates more than five kilowatts may be charged a separate net-metering
3 monthly administrative fee based on the actual cost for administering the
4 reading of the energy produced by customer-generators. Each local
5 distribution utility shall have the authority to set the monthly
6 administrative fee. Such fee shall be implemented as a fixed rate not to
7 exceed more than the actual cost to the local distribution to calculate
8 the net-metering credits, plus ten percent. No other fee shall be charged
9 to a net-metering customer, including, but not limited to, minimum
10 ~~monthly fee that is the same as other noncustomer-generators in the same~~
11 ~~rate class but shall not be charged any additional~~ standby, capacity,
12 demand, interconnection, or other fee or charge; and

13 (b) Compensates the customer-generator for net excess generation
14 during the billing period at a rate equal to the local distribution
15 utility's avoided cost of electric supply over the billing period. The
16 monetary credits shall be applied to the bills of the customer-generator
17 for the preceding billing period and shall offset the cost of energy owed
18 by the customer-generator. If the energy portion of the customer-
19 generator's bill is less than zero in any month, monetary credits shall
20 be carried over to future bills of the customer-generator until the
21 balance is zero. At the end of each annualized period, any excess
22 monetary credits shall be paid out to coincide with the final bill of
23 that period; and

24 (7) Qualified facility means a facility for the production of
25 electrical energy that:

26 (a) Uses as its energy source either methane, wind, solar resources,
27 biomass, hydropower resources, or geothermal resources;

28 (b) Is controlled by the customer-generator and is located on
29 premises owned, leased, or otherwise controlled by the customer-
30 generator;

31 (c) Interconnects and operates in parallel with the local

1 distribution system;

2 (d) Is intended to meet or offset the customer-generator's
3 requirements for electricity based on the average monthly usage in
4 kilowatt hours for the previous calendar year;

5 (e) Is not intended to offset or provide credits for electricity
6 consumption at another location owned, operated, leased, or otherwise
7 controlled by the customer-generator or for any other customer;

8 (f) Has a rated capacity of up to one hundred ten percent of the
9 customer-generator's average monthly usage. The local distribution
10 utility has authority to modify the generator size down to ninety percent
11 of the customer-generator's average monthly usage if the customer-
12 generator or developer proposes a generator size in excess of the
13 customer-generator's average monthly usage or down to twenty-five percent
14 of the customer-generator's average monthly usage if the local
15 distribution utility can show a risk to its local distribution system or
16 grid reliability. For purposes of this subdivision, developer means a
17 person or entity who develops or constructs a qualified facility at or
18 below twenty-five kilowatts;

19 (g) Meets all applicable safety, performance, interconnection, and
20 reliability standards established by the National Electrical Code filed
21 with the Secretary of State and adopted by the State Electrical Board
22 under subdivision (5) of section 81-2104, the National Electrical Safety
23 Code, the Institute of Electrical and Electronics Engineers, and the
24 Underwriters Laboratories, Inc.; and

25 (h) Is equipped to automatically isolate the qualified facility from
26 the electrical system in the event of an electrical power outage or other
27 conditions where the line is de-energized.

28 Sec. 4. Section 70-2003, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 70-2003 (1) A local distribution utility shall interconnect the
31 qualified facility of any customer-generator that enters into an

1 interconnection agreement with the local distribution utility, satisfies
2 the requirements for a qualified facility and all other requirements of
3 sections 70-2001 to 70-2005, and pays for costs incurred by the local
4 distribution utility for equipment or services required for
5 interconnection that would not be necessary if the qualified facility
6 were not interconnected to the local distribution system, except as
7 provided in subsection (2) of this section and as may be provided for in
8 the utility's aid in construction policy.

9 (2) A local distribution utility shall provide at no additional cost
10 to any customer-generator with a qualified facility a metering system
11 that is capable of measuring the flow of electricity in both directions
12 and may be accomplished through use of a single, bidirectional electric
13 revenue meter that has only a single register for billing purposes, a
14 smart metering system, or another meter configuration that can easily be
15 read by the customer-generator.

16 (3) A local distribution utility may, at its own expense, install
17 additional monitoring equipment to separately monitor the flow of
18 electricity in each direction as may be necessary to accomplish the
19 reporting requirements of sections 70-2001 to 70-2005.

20 (4) Subject to the requirements of sections 70-2001 to 70-2005 and
21 the interconnection agreement, a local distribution utility shall provide
22 net metering to any customer-generator with a qualified facility. The
23 local distribution utility shall allow a customer-generator's retail
24 electricity consumption to be offset by a qualified facility that is
25 interconnected with the local distribution system. A qualified facility's
26 net excess generation during a billing period, if any, shall be
27 determined by the local distribution utility in accordance with section
28 70-2002 and shall be credited to the customer-generator at a rate equal
29 to the local distribution utility's avoided cost of electricity supply
30 during the billing period, and the monetary credits shall be carried
31 forward from billing period to billing period and credited against the

1 customer-generator's retail electric bills in subsequent billing periods.
2 Any excess monetary credits shall be paid out to coincide with the final
3 bill at the end of each annualized period or within sixty days after the
4 date the customer-generator terminates its retail service.

5 (5) A local distribution utility shall not be required to provide
6 net metering to additional customer-generators, regardless of the output
7 of the proposed generation unit, after the date during a calendar year on
8 which the total generating capacity of all customer-generators using net
9 metering served by such local distribution utility is equal to or exceeds
10 one percent of the capacity necessary to meet the local distribution
11 utility's average aggregate customer monthly peak demand forecast for
12 that calendar year.

13 (6) No local distribution utility may require a customer-generator
14 whose qualified facility meets the standards established under sections
15 70-2001 to 70-2005 to:

16 (a) Comply with additional safety or performance standards or pay
17 additional charges for equipment or services for interconnection that are
18 additional to those necessary to meet the standards established under
19 sections 70-2001 to 70-2005;

20 (b) Perform or pay for additional tests; or

21 (c) Purchase additional liability insurance if all safety and
22 interconnection requirements are met.

23 (7) Nothing in sections 70-2001 to 70-2005 prevents a local
24 distribution utility from entering into other arrangements with customers
25 desiring to install electric generating equipment or from providing net
26 metering to customer-generators having renewable generation units with a
27 rated capacity above the limitations in subdivision (7)(f) of section
28 70-2002 ~~twenty-five~~ kilowatts.

29 2. On page 6, line 30, strike "and 70-1015" and insert ", 70-1015,
30 70-2002, and 70-2003".

31 3. Renumber the remaining section accordingly.