

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 87

Introduced by Blood, 3.

Read first time January 05, 2017

Committee: Natural Resources

1 A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and
2 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term;
3 to authorize local distribution utilities to waive certain
4 requirements; to harmonize provisions; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-2002, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 70-2002 For purposes of sections 70-2001 to 70-2005:

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

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

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

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

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

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

23 (a) Credits a customer-generator at the applicable retail rate for
24 each kilowatt-hour produced by a qualified facility during a billing
25 period up to the total of the customer-generator's electricity
26 requirements during that billing period. A customer-generator may be
27 charged a minimum monthly fee that is the same as other noncustomer-
28 generators in the same rate class but shall not be charged any additional
29 standby, capacity, demand, interconnection, or other fee or charge; and

30 (b) Compensates the customer-generator for net excess generation
31 during the billing period at a rate equal to the local distribution

1 utility's avoided cost of electric supply over the billing period. The
2 monetary credits shall be applied to the bills of the customer-generator
3 for the preceding billing period and shall offset the cost of energy owed
4 by the customer-generator. If the energy portion of the customer-
5 generator's bill is less than zero in any month, monetary credits shall
6 be carried over to future bills of the customer-generator until the
7 balance is zero. At the end of each annualized period, any excess
8 monetary credits shall be paid out to coincide with the final bill of
9 that period; and

10 (7) Qualified facility means a facility for the production of
11 electrical energy that:

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

14 (b) Is controlled by the customer-generator and is located on
15 premises owned, leased, or otherwise controlled by the customer-
16 generator;

17 (c) Interconnects and operates in parallel with the local
18 distribution system;

19 (d) Is intended to meet or offset the customer-generator's
20 requirements for electricity;

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

24 (f) Has a rated capacity at or below one hundred twenty-five
25 kilowatts. For purposes of determining rated capacity, a customer-
26 generator may aggregate more than one qualified facility and more than
27 one meter, and more than one meter may be aggregated to offset the
28 generation capacity of a qualified facility;

29 (g) Meets all applicable safety, performance, interconnection, and
30 reliability standards established by the National Electrical Code filed
31 with the Secretary of State and adopted by the State Electrical Board

1 under subdivision (5) of section 81-2104, the National Electrical Safety
2 Code, the Institute of Electrical and Electronics Engineers, and the
3 Underwriters Laboratories, Inc.; and

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

7 Sec. 2. Section 70-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 70-2003 (1) A local distribution utility shall interconnect the
10 qualified facility of any customer-generator that enters into an
11 interconnection agreement with the local distribution utility, satisfies
12 the requirements for a qualified facility and all other requirements of
13 sections 70-2001 to 70-2005, and pays for costs incurred by the local
14 distribution utility for equipment or services required for
15 interconnection that would not be necessary if the qualified facility
16 were not interconnected to the local distribution system, except as
17 provided in subsection (2) of this section and as may be provided for in
18 the utility's aid in construction policy. A local distribution utility
19 may waive the requirements of subdivisions (7)(d) and (e) of section
20 70-2002 upon application of the customer-generator.

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

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

1 (4) Subject to the requirements of sections 70-2001 to 70-2005 and
2 the interconnection agreement, a local distribution utility shall provide
3 net metering to any customer-generator with a qualified facility. The
4 local distribution utility shall allow a customer-generator's retail
5 electricity consumption to be offset by a qualified facility that is
6 interconnected with the local distribution system. A qualified facility's
7 net excess generation during a billing period, if any, shall be
8 determined by the local distribution utility in accordance with section
9 70-2002 and shall be credited to the customer-generator at a rate equal
10 to the local distribution utility's avoided cost of electricity supply
11 during the billing period, and the monetary credits shall be carried
12 forward from billing period to billing period and credited against the
13 customer-generator's retail electric bills in subsequent billing periods.
14 Any excess monetary credits shall be paid out to coincide with the final
15 bill at the end of each annualized period or within sixty days after the
16 date the customer-generator terminates its retail service.

17 (5) A local distribution utility shall not be required to provide
18 net metering to additional customer-generators, regardless of the output
19 of the proposed generation unit, after the date during a calendar year on
20 which the total generating capacity of all customer-generators using net
21 metering served by such local distribution utility is equal to or exceeds
22 five ~~one~~ percent of the capacity necessary to meet the local distribution
23 utility's average aggregate customer monthly peak demand forecast for
24 that calendar year.

25 (6) No local distribution utility may require a customer-generator
26 whose qualified facility meets the standards established under sections
27 70-2001 to 70-2005 to:

28 (a) Comply with additional safety or performance standards or pay
29 additional charges for equipment or services for interconnection that are
30 additional to those necessary to meet the standards established under
31 sections 70-2001 to 70-2005;

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

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

4 (7) Nothing in sections 70-2001 to 70-2005 prevents a local
5 distribution utility from entering into other arrangements with customers
6 desiring to install electric generating equipment or from providing net
7 metering to customer-generators having renewable generation units with a
8 rated capacity above one hundred ~~twenty-five~~ kilowatts.

9 Sec. 3. Original sections 70-2002 and 70-2003, Reissue Revised
10 Statutes of Nebraska, are repealed.