



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4262

Introduced 1/5/2022, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-107.5

Amends the Public Utilities Act. Provides that a local electric utility shall send notice, separate and apart from any other communication, to a customer listed as net metering in the electric utility's billing system if the customer's electricity provider changes. Provides that the notice shall remind customers to ensure that the customer's eligible system is registered with their current electricity provider and receiving credits for net metering.

LRB102 22305 SPS 31440 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-107.5 as follows:

6 (220 ILCS 5/16-107.5)

7 Sec. 16-107.5. Net electricity metering.

8 (a) The General Assembly finds and declares that a program
9 to provide net electricity metering, as defined in this
10 Section, for eligible customers can encourage private
11 investment in renewable energy resources, stimulate economic
12 growth, enhance the continued diversification of Illinois'
13 energy resource mix, and protect the Illinois environment.
14 Further, to achieve the goals of this Act that robust options
15 for customer-site distributed generation continue to thrive in
16 Illinois, the General Assembly finds that a predictable
17 transition must be ensured for customers between full net
18 metering at the retail electricity rate to the distribution
19 generation rebate described in Section 16-107.6.

20 (b) As used in this Section, (i) "community renewable
21 generation project" shall have the meaning set forth in
22 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
23 customer" means a retail customer that owns, hosts, or

1 operates, including any third-party owned systems, a solar,
2 wind, or other eligible renewable electrical generating
3 facility that is located on the customer's premises or
4 customer's side of the billing meter and is intended primarily
5 to offset the customer's own current or future electrical
6 requirements; (iii) "electricity provider" means an electric
7 utility or alternative retail electric supplier; (iv)
8 "eligible renewable electrical generating facility" means a
9 generator, which may include the co-location of an energy
10 storage system, that is interconnected under rules adopted by
11 the Commission and is powered by solar electric energy, wind,
12 dedicated crops grown for electricity generation, agricultural
13 residues, untreated and unadulterated wood waste, livestock
14 manure, anaerobic digestion of livestock or food processing
15 waste, fuel cells or microturbines powered by renewable fuels,
16 or hydroelectric energy; (v) "net electricity metering" (or
17 "net metering") means the measurement, during the billing
18 period applicable to an eligible customer, of the net amount
19 of electricity supplied by an electricity provider to the
20 customer or provided to the electricity provider by the
21 customer or subscriber; (vi) "subscriber" shall have the
22 meaning as set forth in Section 1-10 of the Illinois Power
23 Agency Act; (vii) "subscription" shall have the meaning set
24 forth in Section 1-10 of the Illinois Power Agency Act; (viii)
25 "energy storage system" means commercially available
26 technology that is capable of absorbing energy and storing it

1 for a period of time for use at a later time, including, but
2 not limited to, electrochemical, thermal, and
3 electromechanical technologies, and may be interconnected
4 behind the customer's meter or interconnected behind its own
5 meter; and (ix) "future electrical requirements" means modeled
6 electrical requirements upon occupation of a new or vacant
7 property, and other reasonable expectations of future
8 electrical use, as well as, for occupied properties, a
9 reasonable approximation of the annual load of 2 electric
10 vehicles and, for non-electric heating customers, a reasonable
11 approximation of the incremental electric load associated with
12 fuel switching. The approximations shall be applied to the
13 appropriate net metering tariff and do not need to be unique to
14 each individual eligible customer. The utility shall submit
15 these approximations to the Commission for review,
16 modification, and approval.

17 (c) A net metering facility shall be equipped with
18 metering equipment that can measure the flow of electricity in
19 both directions at the same rate.

20 (1) For eligible customers whose electric service has
21 not been declared competitive pursuant to Section 16-113
22 of this Act as of July 1, 2011 and whose electric delivery
23 service is provided and measured on a kilowatt-hour basis
24 and electric supply service is not provided based on
25 hourly pricing, this shall typically be accomplished
26 through use of a single, bi-directional meter. If the

1 eligible customer's existing electric revenue meter does
2 not meet this requirement, the electricity provider shall
3 arrange for the local electric utility or a meter service
4 provider to install and maintain a new revenue meter at
5 the electricity provider's expense, which may be the smart
6 meter described by subsection (b) of Section 16-108.5 of
7 this Act.

8 (2) For eligible customers whose electric service has
9 not been declared competitive pursuant to Section 16-113
10 of this Act as of July 1, 2011 and whose electric delivery
11 service is provided and measured on a kilowatt demand
12 basis and electric supply service is not provided based on
13 hourly pricing, this shall typically be accomplished
14 through use of a dual channel meter capable of measuring
15 the flow of electricity both into and out of the
16 customer's facility at the same rate and ratio. If such
17 customer's existing electric revenue meter does not meet
18 this requirement, then the electricity provider shall
19 arrange for the local electric utility or a meter service
20 provider to install and maintain a new revenue meter at
21 the electricity provider's expense, which may be the smart
22 meter described by subsection (b) of Section 16-108.5 of
23 this Act.

24 (3) For all other eligible customers, until such time
25 as the local electric utility installs a smart meter, as
26 described by subsection (b) of Section 16-108.5 of this

1 Act, the electricity provider may arrange for the local
2 electric utility or a meter service provider to install
3 and maintain metering equipment capable of measuring the
4 flow of electricity both into and out of the customer's
5 facility at the same rate and ratio, typically through the
6 use of a dual channel meter. If the eligible customer's
7 existing electric revenue meter does not meet this
8 requirement, then the costs of installing such equipment
9 shall be paid for by the customer.

10 (d) An electricity provider shall measure and charge or
11 credit for the net electricity supplied to eligible customers
12 or provided by eligible customers whose electric service has
13 not been declared competitive pursuant to Section 16-113 of
14 this Act as of July 1, 2011 and whose electric delivery service
15 is provided and measured on a kilowatt-hour basis and electric
16 supply service is not provided based on hourly pricing in the
17 following manner:

18 (1) If the amount of electricity used by the customer
19 during the billing period exceeds the amount of
20 electricity produced by the customer, the electricity
21 provider shall charge the customer for the net electricity
22 supplied to and used by the customer as provided in
23 subsection (e-5) of this Section.

24 (2) If the amount of electricity produced by a
25 customer during the billing period exceeds the amount of
26 electricity used by the customer during that billing

1 period, the electricity provider supplying that customer
2 shall apply a 1:1 kilowatt-hour credit to a subsequent
3 bill for service to the customer for the net electricity
4 supplied to the electricity provider. The electricity
5 provider shall continue to carry over any excess
6 kilowatt-hour credits earned and apply those credits to
7 subsequent billing periods to offset any
8 customer-generator consumption in those billing periods
9 until all credits are used or until the end of the
10 annualized period.

11 (3) At the end of the year or annualized over the
12 period that service is supplied by means of net metering,
13 or in the event that the retail customer terminates
14 service with the electricity provider prior to the end of
15 the year or the annualized period, any remaining credits
16 in the customer's account shall expire.

17 (d-5) An electricity provider shall measure and charge or
18 credit for the net electricity supplied to eligible customers
19 or provided by eligible customers whose electric service has
20 not been declared competitive pursuant to Section 16-113 of
21 this Act as of July 1, 2011 and whose electric delivery service
22 is provided and measured on a kilowatt-hour basis and electric
23 supply service is provided based on hourly pricing or
24 time-of-use rates in the following manner:

25 (1) If the amount of electricity used by the customer
26 during any hourly period or time-of-use period exceeds the

1 amount of electricity produced by the customer, the
2 electricity provider shall charge the customer for the net
3 electricity supplied to and used by the customer according
4 to the terms of the contract or tariff to which the same
5 customer would be assigned to or be eligible for if the
6 customer was not a net metering customer.

7 (2) If the amount of electricity produced by a
8 customer during any hourly period or time-of-use period
9 exceeds the amount of electricity used by the customer
10 during that hourly period or time-of-use period, the
11 energy provider shall apply a credit for the net
12 kilowatt-hours produced in such period. The credit shall
13 consist of an energy credit and a delivery service credit.
14 The energy credit shall be valued at the same price per
15 kilowatt-hour as the electric service provider would
16 charge for kilowatt-hour energy sales during that same
17 hourly period or time-of-use period. The delivery credit
18 shall be equal to the net kilowatt-hours produced in such
19 hourly period or time-of-use period times a credit that
20 reflects all kilowatt-hour based charges in the customer's
21 electric service rate, excluding energy charges.

22 (e) An electricity provider shall measure and charge or
23 credit for the net electricity supplied to eligible customers
24 whose electric service has not been declared competitive
25 pursuant to Section 16-113 of this Act as of July 1, 2011 and
26 whose electric delivery service is provided and measured on a

1 kilowatt demand basis and electric supply service is not
2 provided based on hourly pricing in the following manner:

3 (1) If the amount of electricity used by the customer
4 during the billing period exceeds the amount of
5 electricity produced by the customer, then the electricity
6 provider shall charge the customer for the net electricity
7 supplied to and used by the customer as provided in
8 subsection (e-5) of this Section. The customer shall
9 remain responsible for all taxes, fees, and utility
10 delivery charges that would otherwise be applicable to the
11 net amount of electricity used by the customer.

12 (2) If the amount of electricity produced by a
13 customer during the billing period exceeds the amount of
14 electricity used by the customer during that billing
15 period, then the electricity provider supplying that
16 customer shall apply a 1:1 kilowatt-hour credit that
17 reflects the kilowatt-hour based charges in the customer's
18 electric service rate to a subsequent bill for service to
19 the customer for the net electricity supplied to the
20 electricity provider. The electricity provider shall
21 continue to carry over any excess kilowatt-hour credits
22 earned and apply those credits to subsequent billing
23 periods to offset any customer-generator consumption in
24 those billing periods until all credits are used or until
25 the end of the annualized period.

26 (3) At the end of the year or annualized over the

1 period that service is supplied by means of net metering,
2 or in the event that the retail customer terminates
3 service with the electricity provider prior to the end of
4 the year or the annualized period, any remaining credits
5 in the customer's account shall expire.

6 (e-5) An electricity provider shall provide electric
7 service to eligible customers who utilize net metering at
8 non-discriminatory rates that are identical, with respect to
9 rate structure, retail rate components, and any monthly
10 charges, to the rates that the customer would be charged if not
11 a net metering customer. An electricity provider shall not
12 charge net metering customers any fee or charge or require
13 additional equipment, insurance, or any other requirements not
14 specifically authorized by interconnection standards
15 authorized by the Commission, unless the fee, charge, or other
16 requirement would apply to other similarly situated customers
17 who are not net metering customers. The customer will remain
18 responsible for all taxes, fees, and utility delivery charges
19 that would otherwise be applicable to the net amount of
20 electricity used by the customer. Subsections (c) through (e)
21 of this Section shall not be construed to prevent an
22 arms-length agreement between an electricity provider and an
23 eligible customer that sets forth different prices, terms, and
24 conditions for the provision of net metering service,
25 including, but not limited to, the provision of the
26 appropriate metering equipment for non-residential customers.

1 (f) Notwithstanding the requirements of subsections (c)
2 through (e-5) of this Section, an electricity provider must
3 require dual-channel metering for customers operating eligible
4 renewable electrical generating facilities to whom the
5 provisions of neither subsection (d), (d-5), nor (e) of this
6 Section apply. In such cases, electricity charges and credits
7 shall be determined as follows:

8 (1) The electricity provider shall assess and the
9 customer remains responsible for all taxes, fees, and
10 utility delivery charges that would otherwise be
11 applicable to the gross amount of kilowatt-hours supplied
12 to the eligible customer by the electricity provider.

13 (2) Each month that service is supplied by means of
14 dual-channel metering, the electricity provider shall
15 compensate the eligible customer for any excess
16 kilowatt-hour credits at the electricity provider's
17 avoided cost of electricity supply over the monthly period
18 or as otherwise specified by the terms of a power-purchase
19 agreement negotiated between the customer and electricity
20 provider.

21 (3) For all eligible net metering customers taking
22 service from an electricity provider under contracts or
23 tariffs employing hourly or time-of-use rates, any monthly
24 consumption of electricity shall be calculated according
25 to the terms of the contract or tariff to which the same
26 customer would be assigned to or be eligible for if the

1 customer was not a net metering customer. When those same
2 customer-generators are net generators during any discrete
3 hourly or time-of-use period, the net kilowatt-hours
4 produced shall be valued at the same price per
5 kilowatt-hour as the electric service provider would
6 charge for retail kilowatt-hour sales during that same
7 time-of-use period.

8 (g) For purposes of federal and State laws providing
9 renewable energy credits or greenhouse gas credits, the
10 eligible customer shall be treated as owning and having title
11 to the renewable energy attributes, renewable energy credits,
12 and greenhouse gas emission credits related to any electricity
13 produced by the qualified generating unit. The electricity
14 provider may not condition participation in a net metering
15 program on the signing over of a customer's renewable energy
16 credits; provided, however, this subsection (g) shall not be
17 construed to prevent an arms-length agreement between an
18 electricity provider and an eligible customer that sets forth
19 the ownership or title of the credits.

20 (h) Within 120 days after the effective date of this
21 amendatory Act of the 95th General Assembly, the Commission
22 shall establish standards for net metering and, if the
23 Commission has not already acted on its own initiative,
24 standards for the interconnection of eligible renewable
25 generating equipment to the utility system. The
26 interconnection standards shall address any procedural

1 barriers, delays, and administrative costs associated with the
2 interconnection of customer-generation while ensuring the
3 safety and reliability of the units and the electric utility
4 system. The Commission shall consider the Institute of
5 Electrical and Electronics Engineers (IEEE) Standard 1547 and
6 the issues of (i) reasonable and fair fees and costs, (ii)
7 clear timelines for major milestones in the interconnection
8 process, (iii) nondiscriminatory terms of agreement, and (iv)
9 any best practices for interconnection of distributed
10 generation.

11 (h-5) Within 90 days after the effective date of this
12 amendatory Act of the 102nd General Assembly, the Commission
13 shall:

14 (1) establish an Interconnection Working Group. The
15 working group shall include representatives from electric
16 utilities, developers of renewable electric generating
17 facilities, other industries that regularly apply for
18 interconnection with the electric utilities,
19 representatives of distributed generation customers, the
20 Commission Staff, and such other stakeholders with a
21 substantial interest in the topics addressed by the
22 Interconnection Working Group. The Interconnection Working
23 Group shall address at least the following issues:

24 (A) cost and best available technology for
25 interconnection and metering, including the
26 standardization and publication of standard costs;

1 (B) transparency, accuracy and use of the
2 distribution interconnection queue and hosting
3 capacity maps;

4 (C) distribution system upgrade cost avoidance
5 through use of advanced inverter functions;

6 (D) predictability of the queue management process
7 and enforcement of timelines;

8 (E) benefits and challenges associated with group
9 studies and cost sharing;

10 (F) minimum requirements for application to the
11 interconnection process and throughout the
12 interconnection process to avoid queue clogging
13 behavior;

14 (G) process and customer service for
15 interconnecting customers adopting distributed energy
16 resources, including energy storage;

17 (H) options for metering distributed energy
18 resources, including energy storage;

19 (I) interconnection of new technologies, including
20 smart inverters and energy storage;

21 (J) collect, share, and examine data on Level 1
22 interconnection costs, including cost and type of
23 upgrades required for interconnection, and use this
24 data to inform the final standardized cost of Level 1
25 interconnection; and

26 (K) such other technical, policy, and tariff

1 issues related to and affecting interconnection
2 performance and customer service as determined by the
3 Interconnection Working Group.

4 The Commission may create subcommittees of the
5 Interconnection Working Group to focus on specific issues
6 of importance, as appropriate. The Interconnection Working
7 Group shall report to the Commission on recommended
8 improvements to interconnection rules and tariffs and
9 policies as determined by the Interconnection Working
10 Group at least every 6 months. Such reports shall include
11 consensus recommendations of the Interconnection Working
12 Group and, if applicable, additional recommendations for
13 which consensus was not reached. The Commission shall use
14 the report from the Interconnection Working Group to
15 determine whether processes should be commenced to
16 formally codify or implement the recommendations;

17 (2) create or contract for an Ombudsman to resolve
18 interconnection disputes through non-binding arbitration.
19 The Ombudsman may be paid in full or in part through fees
20 levied on the initiators of the dispute; and

21 (3) determine a single standardized cost for Level 1
22 interconnections, which shall not exceed \$200.

23 (i) All electricity providers shall begin to offer net
24 metering no later than April 1, 2008.

25 (j) An electricity provider shall provide net metering to
26 eligible customers according to subsections (d), (d-5), and

1 (e). Eligible renewable electrical generating facilities for
2 which eligible customers registered for net metering before
3 January 1, 2025 shall continue to receive net metering
4 services according to subsections (d), (d-5), and (e) of this
5 Section for the lifetime of the system, regardless of whether
6 those retail customers change electricity providers or whether
7 the retail customer benefiting from the system changes. On and
8 after January 1, 2025, any eligible customer that applies for
9 net metering and previously would have qualified under
10 subsections (d), (d-5), or (e) shall only be eligible for net
11 metering as described in subsection (n).

12 (k) Each electricity provider shall maintain records and
13 report annually to the Commission the total number of net
14 metering customers served by the provider, as well as the
15 type, capacity, and energy sources of the generating systems
16 used by the net metering customers. Nothing in this Section
17 shall limit the ability of an electricity provider to request
18 the redaction of information deemed by the Commission to be
19 confidential business information.

20 (l)(1) Notwithstanding the definition of "eligible
21 customer" in item (ii) of subsection (b) of this Section, each
22 electricity provider shall allow net metering as set forth in
23 this subsection (l) and for the following projects, provided
24 that only electric utilities serving more than 200,000
25 customers as of January 1, 2021 shall provide net metering for
26 projects that are eligible for subparagraph (C) of this

1 paragraph (1) and have energized after the effective date of
2 this amendatory Act of the 102nd General Assembly:

3 (A) properties owned or leased by multiple customers
4 that contribute to the operation of an eligible renewable
5 electrical generating facility through an ownership or
6 leasehold interest of at least 200 watts in such facility,
7 such as a community-owned wind project, a community-owned
8 biomass project, a community-owned solar project, or a
9 community methane digester processing livestock waste from
10 multiple sources, provided that the facility is also
11 located within the utility's service territory;

12 (B) individual units, apartments, or properties
13 located in a single building that are owned or leased by
14 multiple customers and collectively served by a common
15 eligible renewable electrical generating facility, such as
16 an office or apartment building, a shopping center or
17 strip mall served by photovoltaic panels on the roof; and

18 (C) subscriptions to community renewable generation
19 projects, including community renewable generation
20 projects on the customer's side of the billing meter of a
21 host facility and partially used for the customer's own
22 load.

23 In addition, the nameplate capacity of the eligible
24 renewable electric generating facility that serves the demand
25 of the properties, units, or apartments identified in
26 paragraphs (1) and (2) of this subsection (1) shall not exceed

1 5,000 kilowatts in nameplate capacity in total. Any eligible
2 renewable electrical generating facility or community
3 renewable generation project that is powered by photovoltaic
4 electric energy and installed after the effective date of this
5 amendatory Act of the 99th General Assembly must be installed
6 by a qualified person in compliance with the requirements of
7 Section 16-128A of the Public Utilities Act and any rules or
8 regulations adopted thereunder.

9 (2) Notwithstanding anything to the contrary, an
10 electricity provider shall provide credits for the electricity
11 produced by the projects described in paragraph (1) of this
12 subsection (1). The electricity provider shall provide credits
13 that include at least energy supply, capacity, transmission,
14 and, if applicable, the purchased energy adjustment on the
15 subscriber's monthly bill equal to the subscriber's share of
16 the production of electricity from the project, as determined
17 by paragraph (3) of this subsection (1). For customers with
18 transmission or capacity charges not charged on a
19 kilowatt-hour basis, the electricity provider shall prepare a
20 reasonable approximation of the kilowatt-hour equivalent value
21 and provide that value as a monetary credit. The electricity
22 provider shall submit these approximation methodologies to the
23 Commission for review, modification, and approval.
24 Notwithstanding anything to the contrary, customers on payment
25 plans or participating in budget billing programs shall have
26 credits applied on a monthly basis.

1 (3) Notwithstanding anything to the contrary and
2 regardless of whether a subscriber to an eligible community
3 renewable generation project receives power and energy service
4 from the electric utility or an alternative retail electric
5 supplier, for projects eligible under paragraph (C) of
6 subparagraph (1) of this subsection (1), electric utilities
7 serving more than 200,000 customers as of January 1, 2021
8 shall provide the monetary credits to a subscriber's
9 subsequent bill for the electricity produced by community
10 renewable generation projects. The electric utility shall
11 provide monetary credits to a subscriber's subsequent bill at
12 the utility's total price to compare equal to the subscriber's
13 share of the production of electricity from the project, as
14 determined by paragraph (5) of this subsection (1). For the
15 purposes of this subsection, "total price to compare" means
16 the rate or rates published by the Illinois Commerce
17 Commission for energy supply for eligible customers receiving
18 supply service from the electric utility, and shall include
19 energy, capacity, transmission, and the purchased energy
20 adjustment. Notwithstanding anything to the contrary,
21 customers on payment plans or participating in budget billing
22 programs shall have credits applied on a monthly basis. Any
23 applicable credit or reduction in load obligation from the
24 production of the community renewable generating projects
25 receiving a credit under this subsection shall be credited to
26 the electric utility to offset the cost of providing the

1 credit. To the extent that the credit or load obligation
2 reduction does not completely offset the cost of providing the
3 credit to subscribers of community renewable generation
4 projects as described in this subsection, the electric utility
5 may recover the remaining costs through its Multi-Year Rate
6 Plan. All electric utilities serving 200,000 or fewer
7 customers as of January 1, 2021 shall only provide the
8 monetary credits to a subscriber's subsequent bill for the
9 electricity produced by community renewable generation
10 projects if the subscriber receives power and energy service
11 from the electric utility. Alternative retail electric
12 suppliers providing power and energy service to a subscriber
13 located within the service territory of an electric utility
14 not subject to Sections 16-108.18 and 16-118 shall provide the
15 monetary credits to the subscriber's subsequent bill for the
16 electricity produced by community renewable generation
17 projects.

18 (4) If requested by the owner or operator of a community
19 renewable generating project, an electric utility serving more
20 than 200,000 customers as of January 1, 2021 shall enter into a
21 net crediting agreement with the owner or operator to include
22 a subscriber's subscription fee on the subscriber's monthly
23 electric bill and provide the subscriber with a net credit
24 equivalent to the total bill credit value for that generation
25 period minus the subscription fee, provided the subscription
26 fee is structured as a fixed percentage of bill credit value.

1 The net crediting agreement shall set forth payment terms from
2 the electric utility to the owner or operator of the community
3 renewable generating project, and the electric utility may
4 charge a net crediting fee to the owner or operator of a
5 community renewable generating project that may not exceed 2%
6 of the bill credit value. Notwithstanding anything to the
7 contrary, an electric utility serving 200,000 customers or
8 fewer as of January 1, 2021 shall not be obligated to enter
9 into a net crediting agreement with the owner or operator of a
10 community renewable generating project.

11 (5) For the purposes of facilitating net metering, the
12 owner or operator of the eligible renewable electrical
13 generating facility or community renewable generation project
14 shall be responsible for determining the amount of the credit
15 that each customer or subscriber participating in a project
16 under this subsection (1) is to receive in the following
17 manner:

18 (A) The owner or operator shall, on a monthly basis,
19 provide to the electric utility the kilowatthours of
20 generation attributable to each of the utility's retail
21 customers and subscribers participating in projects under
22 this subsection (1) in accordance with the customer's or
23 subscriber's share of the eligible renewable electric
24 generating facility's or community renewable generation
25 project's output of power and energy for such month. The
26 owner or operator shall electronically transmit such

1 calculations and associated documentation to the electric
2 utility, in a format or method set forth in the applicable
3 tariff, on a monthly basis so that the electric utility
4 can reflect the monetary credits on customers' and
5 subscribers' electric utility bills. The electric utility
6 shall be permitted to revise its tariffs to implement the
7 provisions of this amendatory Act of the 102nd General
8 Assembly. The owner or operator shall separately provide
9 the electric utility with the documentation detailing the
10 calculations supporting the credit in the manner set forth
11 in the applicable tariff.

12 (B) For those participating customers and subscribers
13 who receive their energy supply from an alternative retail
14 electric supplier, the electric utility shall remit to the
15 applicable alternative retail electric supplier the
16 information provided under subparagraph (A) of this
17 paragraph (3) for such customers and subscribers in a
18 manner set forth in such alternative retail electric
19 supplier's net metering program, or as otherwise agreed
20 between the utility and the alternative retail electric
21 supplier. The alternative retail electric supplier shall
22 then submit to the utility the amount of the charges for
23 power and energy to be applied to such customers and
24 subscribers, including the amount of the credit associated
25 with net metering.

26 (C) A participating customer or subscriber may provide

1 authorization as required by applicable law that directs
2 the electric utility to submit information to the owner or
3 operator of the eligible renewable electrical generating
4 facility or community renewable generation project to
5 which the customer or subscriber has an ownership or
6 leasehold interest or a subscription. Such information
7 shall be limited to the components of the net metering
8 credit calculated under this subsection (l), including the
9 bill credit rate, total kilowatthours, and total monetary
10 credit value applied to the customer's or subscriber's
11 bill for the monthly billing period.

12 (l-5) Within 90 days after the effective date of this
13 amendatory Act of the 102nd General Assembly, each electric
14 utility subject to this Section shall file a tariff or tariffs
15 to implement the provisions of subsection (l) of this Section,
16 which shall, consistent with the provisions of subsection (l),
17 describe the terms and conditions under which owners or
18 operators of qualifying properties, units, or apartments may
19 participate in net metering. The Commission shall approve, or
20 approve with modification, the tariff within 120 days after
21 the effective date of this amendatory Act of the 102nd General
22 Assembly.

23 (m) Nothing in this Section shall affect the right of an
24 electricity provider to continue to provide, or the right of a
25 retail customer to continue to receive service pursuant to a
26 contract for electric service between the electricity provider

1 and the retail customer in accordance with the prices, terms,
2 and conditions provided for in that contract. Either the
3 electricity provider or the customer may require compliance
4 with the prices, terms, and conditions of the contract.

5 (n) On and after January 1, 2025, the net metering
6 services described in subsections (d), (d-5), and (e) of this
7 Section shall no longer be offered, except as to those
8 eligible renewable electrical generating facilities for which
9 retail customers are receiving net metering service under
10 these subsections at the time the net metering services under
11 those subsections are no longer offered; those systems shall
12 continue to receive net metering services described in
13 subsections (d), (d-5), and (e) of this Section for the
14 lifetime of the system, regardless of if those retail
15 customers change electricity providers or whether the retail
16 customer benefiting from the system changes. The electric
17 utility serving more than 200,000 customers as of January 1,
18 2021 is responsible for ensuring the billing credits continue
19 without lapse for the lifetime of systems, as required in
20 subsection (o). Those retail customers that begin taking net
21 metering service after the date that net metering services are
22 no longer offered under such subsections shall be subject to
23 the provisions set forth in the following paragraphs ~~(1)~~
24 ~~through (3)~~ of this subsection (n):

25 (1) An electricity provider shall charge or credit for
26 the net electricity supplied to eligible customers or

1 provided by eligible customers whose electric supply
2 service is not provided based on hourly pricing in the
3 following manner:

4 (A) If the amount of electricity used by the
5 customer during the monthly billing period exceeds the
6 amount of electricity produced by the customer, then
7 the electricity provider shall charge the customer for
8 the net kilowatt-hour based electricity charges
9 reflected in the customer's electric service rate
10 supplied to and used by the customer as provided in
11 paragraph (3) of this subsection (n).

12 (B) If the amount of electricity produced by a
13 customer during the monthly billing period exceeds the
14 amount of electricity used by the customer during that
15 billing period, then the electricity provider
16 supplying that customer shall apply a 1:1
17 kilowatt-hour energy or monetary credit kilowatt-hour
18 supply charges to the customer's subsequent bill. The
19 customer shall choose between 1:1 kilowatt-hour or
20 monetary credit at the time of application. For the
21 purposes of this subsection, "kilowatt-hour supply
22 charges" means the kilowatt-hour equivalent values for
23 energy, capacity, transmission, and the purchased
24 energy adjustment, if applicable. Notwithstanding
25 anything to the contrary, customers on payment plans
26 or participating in budget billing programs shall have

1 credits applied on a monthly basis. The electricity
2 provider shall continue to carry over any excess
3 kilowatt-hour or monetary energy credits earned and
4 apply those credits to subsequent billing periods. For
5 customers with transmission or capacity charges not
6 charged on a kilowatt-hour basis, the electricity
7 provider shall prepare a reasonable approximation of
8 the kilowatt-hour equivalent value and provide that
9 value as a monetary credit. The electricity provider
10 shall submit these approximation methodologies to the
11 Commission for review, modification, and approval.

12 (C) (Blank).

13 (2) An electricity provider shall charge or credit for
14 the net electricity supplied to eligible customers or
15 provided by eligible customers whose electric supply
16 service is provided based on hourly pricing in the
17 following manner:

18 (A) If the amount of electricity used by the
19 customer during any hourly period exceeds the amount
20 of electricity produced by the customer, then the
21 electricity provider shall charge the customer for the
22 net electricity supplied to and used by the customer
23 as provided in paragraph (3) of this subsection (n).

24 (B) If the amount of electricity produced by a
25 customer during any hourly period exceeds the amount
26 of electricity used by the customer during that hourly

1 period, the energy provider shall calculate an energy
2 credit for the net kilowatt-hours produced in such
3 period, and shall apply that credit as a monetary
4 credit to the customer's subsequent bill. The value of
5 the energy credit shall be calculated using the same
6 price per kilowatt-hour as the electric service
7 provider would charge for kilowatt-hour energy sales
8 during that same hourly period and shall also include
9 values for capacity and transmission. For customers
10 with transmission or capacity charges not charged on a
11 kilowatt-hour basis, the electricity provider shall
12 prepare a reasonable approximation of the
13 kilowatt-hour equivalent value and provide that value
14 as a monetary credit. The electricity provider shall
15 submit these approximation methodologies to the
16 Commission for review, modification, and approval.
17 Notwithstanding anything to the contrary, customers on
18 payment plans or participating in budget billing
19 programs shall have credits applied on a monthly
20 basis.

21 (3) An electricity provider shall provide electric
22 service to eligible customers who utilize net metering at
23 non-discriminatory rates that are identical, with respect
24 to rate structure, retail rate components, and any monthly
25 charges, to the rates that the customer would be charged
26 if not a net metering customer. An electricity provider

1 shall charge the customer for the net electricity supplied
2 to and used by the customer according to the terms of the
3 contract or tariff to which the same customer would be
4 assigned or be eligible for if the customer was not a net
5 metering customer. An electricity provider shall not
6 charge net metering customers any fee or charge or require
7 additional equipment, insurance, or any other requirements
8 not specifically authorized by interconnection standards
9 authorized by the Commission, unless the fee, charge, or
10 other requirement would apply to other similarly situated
11 customers who are not net metering customers. The customer
12 remains responsible for the gross amount of delivery
13 services charges, supply-related charges that are kilowatt
14 based, and all taxes and fees related to such charges. The
15 customer also remains responsible for all taxes and fees
16 that would otherwise be applicable to the net amount of
17 electricity used by the customer. Paragraphs (1) and (2)
18 of this subsection (n) shall not be construed to prevent
19 an arms-length agreement between an electricity provider
20 and an eligible customer that sets forth different prices,
21 terms, and conditions for the provision of net metering
22 service, including, but not limited to, the provision of
23 the appropriate metering equipment for non-residential
24 customers. Nothing in this paragraph (3) shall be
25 interpreted to mandate that a utility that is only
26 required to provide delivery services to a given customer

1 must also sell electricity to such customer.

2 (4) A local electric utility shall send notice,
3 separate and apart from any other communication, to a
4 customer listed as net metering in the electric utility's
5 billing system if the customer's electricity provider
6 changes. The notice shall remind customers to ensure that
7 the customer's eligible system is registered with their
8 current electricity provider and receiving credits for net
9 metering.

10 (o) Within 90 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, each electric
12 utility subject to this Section shall file a tariff, which
13 shall, consistent with the provisions of this Section, propose
14 the terms and conditions under which a customer may
15 participate in net metering. The tariff for electric utilities
16 serving more than 200,000 customers as of January 1, 2021
17 shall also provide a streamlined and transparent bill
18 crediting system for net metering to be managed by the
19 electric utilities. The terms and conditions shall include,
20 but are not limited to, that an electric utility shall manage
21 and maintain billing of net metering credits and charges
22 regardless of if the eligible customer takes net metering
23 under an electric utility or alternative retail electric
24 supplier. The electric utility serving more than 200,000
25 customers as of January 1, 2021 shall process and approve all
26 net metering applications, even if an eligible customer is

1 served by an alternative retail electric supplier; and the
2 utility shall forward application approval to the appropriate
3 alternative retail electric supplier. Eligibility for net
4 metering shall remain with the owner of the utility billing
5 address such that, if an eligible renewable electrical
6 generating facility changes ownership, the net metering
7 eligibility transfers to the new owner. The electric utility
8 serving more than 200,000 customers as of January 1, 2021
9 shall manage net metering billing for eligible customers to
10 ensure full crediting occurs on electricity bills, including,
11 but not limited to, ensuring net metering crediting begins
12 upon commercial operation date, net metering billing transfers
13 immediately if an eligible customer switches from an electric
14 utility to alternative retail electric supplier or vice versa,
15 and net metering billing transfers between ownership of a
16 valid billing address. All transfers referenced in the
17 preceding sentence shall include transfer of all banked
18 credits. All electric utilities serving 200,000 or fewer
19 customers as of January 1, 2021 shall manage net metering
20 billing for eligible customers receiving power and energy
21 service from the electric utility to ensure full crediting
22 occurs on electricity bills, ensuring net metering crediting
23 begins upon commercial operation date, net metering billing
24 transfers immediately if an eligible customer switches from an
25 electric utility to alternative retail electric supplier or
26 vice versa, and net metering billing transfers between

1 ownership of a valid billing address. Alternative retail
2 electric suppliers providing power and energy service to
3 eligible customers located within the service territory of an
4 electric utility serving 200,000 or fewer customers as of
5 January 1, 2021 shall manage net metering billing for eligible
6 customers to ensure full crediting occurs on electricity
7 bills, including, but not limited to, ensuring net metering
8 crediting begins upon commercial operation date, net metering
9 billing transfers immediately if an eligible customer switches
10 from an electric utility to alternative retail electric
11 supplier or vice versa, and net metering billing transfers
12 between ownership of a valid billing address.

13 (Source: P.A. 102-662, eff. 9-15-21.)