



Sen. Michael Bond

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LRB095 08711 MJR 36326 a

1 AMENDMENT TO HOUSE BILL 1011

2 AMENDMENT NO. _____. Amend House Bill 1011 by replacing
3 everything after the enacting clause with the following:

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

6 (220 ILCS 5/16-107.5 new)

7 Sec. 16-107.5. Net electricity metering.

8 (a) The Legislature finds and declares that a program to
9 provide net electricity metering, as defined in this Section,
10 for eligible customers can encourage private investment in
11 renewable energy resources, stimulate economic growth, enhance
12 the continued diversification of Illinois' energy resource
13 mix, and protect the Illinois environment.

14 (b) As used in this Section, (i) "eligible customer" means
15 a retail customer that owns or operates a solar, wind, or other
16 eligible renewable electrical generating facility with a rated

1 capacity of not more than 2,000 kilowatts that is located on
2 the customer's premises and is intended primarily to offset the
3 customer's own electrical requirements; (ii) "electricity
4 provider" means an electric utility or alternative retail
5 electric supplier; (iii) "eligible renewable electrical
6 generating facility" means a generator powered by solar
7 electric energy, wind, dedicated crops grown for electricity
8 generation, anaerobic digestion of livestock or food
9 processing waste, fuel cells or microturbines powered by
10 renewable fuels, or hydroelectric energy; and (iv) "net
11 electricity metering" (or "net metering") means the
12 measurement, during the billing period applicable to an
13 eligible customer, of the net amount of electricity supplied by
14 an electricity provider to the customer's premises or provided
15 to the electricity provider by the customer.

16 (c) A net metering facility shall be equipped with metering
17 equipment that can measure the flow of electricity in both
18 directions at the same rate. For eligible residential
19 customers, this shall typically be accomplished through use of
20 a single, bi-directional meter. If the eligible customer's
21 existing electric revenue meter does not meet this requirement,
22 the electricity provider shall arrange for the local electric
23 utility or a meter service provider to install and maintain a
24 new revenue meter at the electricity provider's expense. For
25 non-residential customers, the electricity provider may
26 arrange for the local electric utility or a meter service

1 provider to install and maintain metering equipment capable of
2 measuring the flow of electricity both into and out of the
3 customer's facility at the same rate and ratio, typically
4 through the use of a dual channel meter. For generators with a
5 nameplate rating of 40 kilowatts and below, the costs of
6 installing such equipment shall be paid for by the electricity
7 provider. For generators with a nameplate rating over 40
8 kilowatts and up to 2,000 kilowatts capacity, the costs of
9 installing such equipment shall be paid for by the customer.
10 Any subsequent revenue meter change necessitated by any
11 eligible customer shall be paid for by the customer.

12 (d) An electricity provider shall measure and charge or
13 credit for the net electricity supplied to eligible customers
14 or provided by eligible customers in the following manner:

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

21 (2) If the amount of electricity produced by a customer
22 during the billing period exceeds the amount of electricity
23 used by the customer during that billing period, the
24 electricity provider supplying that customer shall apply a
25 1:1 kilowatt-hour credit to a subsequent bill for service
26 to the customer for the net electricity supplied to the

1 electricity provider. The electricity provider shall
2 continue to carry over any excess kilowatt-hour credits
3 earned and apply those credits to subsequent billing
4 periods to offset any customer-generator consumption in
5 those billing periods until all credits are used or until
6 the end of the annualized period.

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

13 (e) An electricity provider shall provide to net energy
14 metering customers electric service at non-discriminatory
15 rates that are identical, with respect to rate structure,
16 retail rate components, and any monthly charges, to the rates
17 that the customer would be charged if not a net energy metering
18 customer. An electricity provider shall not charge net energy
19 metering customers any fee or charge or require additional
20 equipment, insurance, or any other requirements not
21 specifically authorized by interconnection standards
22 authorized by the Commission, unless the fee, charge, or other
23 requirement would apply to other similarly situated customers
24 who are not net energy metering customers. The customer will
25 remain responsible for all taxes, fees, and utility delivery
26 charges that would otherwise be applicable to the net amount of

1 electricity used by the customer. Subsections (c) through (e)
2 of this Section shall not be construed to prevent an
3 arms-length agreement between an electricity provider and an
4 eligible customer that sets forth different prices, terms, and
5 conditions for the provision of net metering service,
6 including, but not limited to, the provision of the appropriate
7 metering equipment for non-residential customers.

8 (f) Notwithstanding the requirements of subsections (c)
9 through (e) of this Section, an electricity provider must
10 provide dual-channel metering for non-residential customers
11 operating eligible renewable electrical generating facilities
12 with a nameplate rating over 40 kilowatts and up to 2,000
13 kilowatts. In such cases, electricity charges and credits shall
14 be determined as follows:

15 (1) The electricity provider shall assess and the
16 customer remains responsible for all taxes, fees, and
17 utility delivery charges that would otherwise be
18 applicable to the gross amount of kilowatt-hours supplied
19 to the eligible customer by the electricity provider.

20 (2) Each month that service is supplied by means of
21 dual-channel metering, the electricity provider shall
22 compensate the eligible customer for any excess
23 kilowatt-hour credits at the electricity provider's
24 avoided cost of electricity supply over the monthly period
25 or as otherwise specified by the terms of a power-purchase
26 agreement negotiated between the customer and electricity

1 provider.

2 (3) For all eligible net-metering customers taking
3 service from an electricity provider under contracts or
4 tariffs employing time of use rates, any monthly
5 consumption of electricity shall be calculated according
6 to the terms of the contract or tariff to which the same
7 customer would be assigned to or be eligible for if the
8 customer was not a net-metering customer. When those same
9 customer-generators are net generators during any discrete
10 time of use period, the net kilowatt-hours produced shall
11 be valued at the same price per kilowatt-hour as the
12 electric service provider would charge for retail
13 kilowatt-hour sales during that same time of use period.

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

26 (h) Within 120 days after the effective date of this

1 amendatory Act of the 95th General Assembly, the Commission
2 shall establish standards for net energy metering and, if the
3 Commission has not already acted on its own initiative,
4 standards for the interconnection of eligible renewable
5 generating equipment to the utility system. The
6 interconnection standards shall address any procedural
7 barriers, delays, and administrative costs associated with the
8 interconnection of customer-generation while ensuring the
9 safety and reliability of the units and the electric utility
10 system. The Commission shall consider the Institute of
11 Electrical and Electronics Engineers (IEEE) Standard 1547 and
12 the issues of (i) reasonable and fair fees and costs, (ii)
13 clear timelines for major milestones in the interconnection
14 process, (iii) nondiscriminatory terms of agreement, and (iv)
15 any best practices for interconnection of distributed
16 generation.

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

19 (j) An electricity provider shall provide net energy
20 metering to eligible customers until the load of its net energy
21 metering customers equals 1% of the total peak demand supplied
22 by that electricity provider during the previous year.
23 Electricity providers are authorized to offer net energy
24 metering beyond the 1% level if they so choose. The number of
25 new eligible customers with generators that have a nameplate
26 rating of 40 kilowatts and below will be limited to 200 total

1 new billing accounts for the utilities (Ameren Companies,
2 ComEd, and MidAmerican) for the period of April 1, 2008 through
3 March 31, 2009.

4 (k) Each electricity provider shall maintain records and
5 report annually to the Commission the total number of net
6 energy metering customers served by the provider, as well as
7 the type, capacity, and energy sources of the generating
8 systems used by the net energy metering customers. Nothing in
9 this Section shall limit the ability of an electricity provider
10 to request the redaction of information deemed by the
11 Commission to be confidential business information. Each
12 electricity provider shall notify the Commission when the total
13 generating capacity of its net energy metering customers is
14 equal to or in excess of the 1% cap specified in subsection (j)
15 of this Section.

16 (l) Notwithstanding the definition of "eligible customer"
17 in item (i) of subsection (b) of this Section, each electricity
18 provider shall consider whether to allow meter aggregation for
19 the purposes of net metering on:

20 (1) properties owned or leased by multiple customers
21 that contribute to the operation of an eligible renewable
22 electrical generating facility, such as a community-owned
23 wind project or a community methane digester processing
24 livestock waste from multiple sources; and

25 (2) individual units, apartments, or properties owned
26 or leased by multiple customers and collectively served by

1 a common eligible renewable electrical generating
2 facility, such as an apartment building served by
3 photovoltaic panels on the roof.

4 For the purposes of this subsection (1), "meter
5 aggregation" means the combination of reading and billing on a
6 pro rata basis for the types of eligible customers described in
7 this Section.

8 (m) Nothing in this Section shall affect the right of an
9 electricity provider to continue to provide, or the right of a
10 retail customer to continue to receive service pursuant to a
11 contract for electric service between the electricity provider
12 and the retail customer in accordance with the prices, terms,
13 and conditions provided for in that contract. Either the
14 electricity provider or the customer may require compliance
15 with the prices, terms, and conditions of the contract.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."