



Sen. Michael Bond

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LRB096 11251 MJR 23610 a

1 AMENDMENT TO SENATE BILL 1860

2 AMENDMENT NO. _____. Amend Senate Bill 1860 by replacing
3 everything after the enacting clause with the following:

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 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, or cooperative or municipal electric
6 agency; (iii) "eligible renewable electrical generating
7 facility" means a generator powered by solar electric energy,
8 wind, dedicated crops grown for electricity generation,
9 anaerobic digestion of livestock or food processing waste, fuel
10 cells or microturbines powered by renewable fuels, or
11 hydroelectric energy; and (iv) "net electricity metering" (or
12 "net metering") means the measurement, during the billing
13 period applicable to an eligible customer, of the net amount of
14 electricity supplied by an electricity provider to the
15 customer's premises or provided to the electricity provider by
16 the customer.

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~agreement negotiated between the customer and electricity~~
2 ~~provider.~~

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

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

1 (h) Within 120 days after the effective date of this
2 amendatory Act of the 95th General Assembly, the Commission
3 shall establish standards for net metering and, if the
4 Commission has not already acted on its own initiative,
5 standards for the interconnection of eligible renewable
6 generating equipment to the utility system. The
7 interconnection standards shall address any procedural
8 barriers, delays, and administrative costs associated with the
9 interconnection of customer-generation while ensuring the
10 safety and reliability of the units and the electric utility
11 system. The Commission shall consider the Institute of
12 Electrical and Electronics Engineers (IEEE) Standard 1547 and
13 the issues of (i) reasonable and fair fees and costs, (ii)
14 clear timelines for major milestones in the interconnection
15 process, (iii) nondiscriminatory terms of agreement, and (iv)
16 any best practices for interconnection of distributed
17 generation.

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

20 (j) An electricity provider shall provide net metering to
21 eligible customers until the load of its net metering customers
22 equals 5% ~~1%~~ of the total peak demand supplied by that
23 electricity provider during the previous year. Electricity
24 providers are authorized to offer net metering beyond the 5% ~~1%~~
25 level if they so choose. ~~The number of new eligible customers~~
26 ~~with generators that have a nameplate rating of 40 kilowatts~~

1 ~~and below will be limited to 200 total new billing accounts for~~
2 ~~the utilities (Ameren Companies, ComEd, and MidAmerican) for~~
3 ~~the period of April 1, 2008 through March 31, 2009.~~

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

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

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

24 (2) individual units, apartments, or properties owned
25 or leased by multiple customers and collectively served by
26 a common eligible renewable electrical generating

1 facility, such as an apartment building served by
2 photovoltaic panels on the roof.

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

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

15 (Source: P.A. 95-420, eff. 8-24-07.)

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