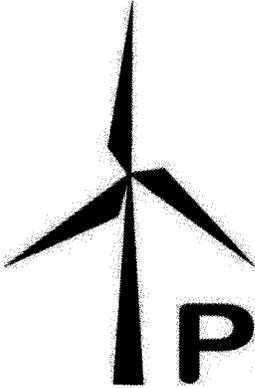


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IDAHO PUBLIC
UTILITIES COMMISSION



PowerWorks LLC

23 January 2013

Ms. Jean Jewell, Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83720
Via Hand Delivery

**Subject: IPC-E-12-27
 PowerWorks LLC**

Ms. Jewell,

Please find enclosed for filing in the matter above, an original plus seven copies of PowerWorks LLC's Petition to Intervene.

Please contact me if you have any questions.

Sincerely,

PowerWorks LLC

A handwritten signature in black ink that reads "Chris Aepelbacher". The signature is written in a cursive, slightly slanted style.

Chris Aepelbacher

Enclosures

PowerWorks LLC
Chris Aepelbacher
5420 W. Wicher Road
Glenns Ferry, Idaho 83623
208.366.3318
ca@powerworks.com

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

| | | |
|-----------------------------|---|------------------------------|
| IN THE MATTER OF THE |) | |
| APPLICATION OF IDAHO POWER |) | |
| COMPANY FOR AUTHORITY TO |) | CASE NO. IPC-E-12-27 |
| MODIFY ITS NET METERING |) | POWERWORKS LLC'S |
| SERVICE AND TO INCREASE THE |) | PETITION TO INTERVENE |
| GENERATION CAPACITY LIMIT. |) | |

PowerWorks LLC ("PowerWorks") hereby petitions the Idaho Public Utilities Commission ("Commission") for leave to intervene in the above-entitled proceeding pursuant to Rules 71 through 75 of the Commission's Rules of Practice and Procedure, IDAPA 31.01.01.071-.075. In support of this petition, PowerWorks states as follows:

1. The name and address of Intervener is:

PowerWorks LLC
c/o: Chris Aepelbacher, Project Engineer
5420 W. Wicher Road
Glenns Ferry, Idaho 83623
Phone 208.853.4602
ca@powerworks.com

Copies of all pleadings, Commission orders, and other documents should be provided to Chris Aepelbacher at the address stated above.

2. PowerWorks and its affiliates sell, install and provide operation and maintenance services for 100 kW wind turbines for small scale wind applications in Idaho.

3. PowerWorks claims a direct and substantial interest in this proceeding, because the 100 kW wind turbines sold by PowerWorks are eligible for net metering in Idaho Power's service territory. Changes to the net metering rules could bring opportunities for PowerWorks to

sell and install 100 kW wind turbines in Idaho Power's service territory, thereby creating jobs and economic benefits for the local economy.

4. Without the opportunity to intervene herein, PowerWorks would be without any means of participating in this proceeding, which may have a material impact in its ability to sell 100 kW wind turbines.

5. PowerWorks wishes to contribute to the discussion by comparing Idaho Power's proposed changes to their net metering program with the net metering rules from other states or countries. For example, as a comparison, PowerWorks would like to point out the following measures that have been implemented in the state of New York:

a. excess generation credits are applied to future service bills at retail rates with no expiration date;

b. remote metering, which allows the net metering customer to apply excess generation credits from one property owned by the customer to the service bill of another property owned by the customer; and

c. 500 kW wind generation capacity limit for farm service properties and 2 MW wind generation capacity limit for non-residential properties.

In addition, the United Kingdom has introduced a feed in tariff for small wind turbines, which allows electric customers to receive generation credits for energy generated and used by the same customer. The customer also receives an additional payment for any excess energy generated and sold back to the utility company.

In reference to the measures mentioned above, please find attached to this petition, supporting documents from the Database of State Incentives for Renewables & Efficiency, the State of New York, the Alliance for Clean Energy New York, and the UK government.

6. Idaho Power has not provided any economic benefits of distributed energy production, such as, reduced transmission construction, which needs to be addressed.

7. PowerWorks will not disrupt or prejudice existing parties or unduly broaden the issues in this proceeding. PowerWorks agrees to be bound by all scheduling orders existing on this docket prior to this intervention. PowerWorks respectfully requests the right to participate in this proceeding and introduce testimony and exhibits, cross-examine other witnesses, engage in oral argument, file comments, and otherwise fully participate as a party. The nature and quality of evidence is dependent upon the nature and effect of other evidence in this proceeding.

WHEREFORE, PowerWorks respectfully requests that the Commission grant this Petition to Intervene and authorize PowerWorks to participate in the above-entitled proceeding with the rights as a formal party.

DATED this 23rd day of January 2013.

PowerWorks LLC



By:

Chris Aepelbacher

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of January, 2013, a true and correct copy of the within and foregoing PETITION TO INTERVENE of POWERWORKS LLC was served as shown to:

Original plus 7 copies hand delivered to:

IDAHO PUBLIC UTILITIES COMMISSION

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
P.O. Box 83720
Boise, ID 83720
jean.jewell@puc.idaho.gov

Service copies sent via electronic mail to:

COMMISSION STAFF

Karl Klein
Idaho Public Utilities Commission
472 West Washington
PO Box 83720
Boise, ID 83720
karl.klein@puc.idaho.gov

IDAHO POWER COMPANY

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Greg Said
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IDAHO CONSERVATION LEAGUE

Benjamin J. Otto
Idaho Conservation League
710 N. 6th street
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botto@idahoconservation.org

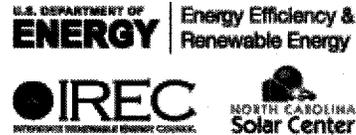


Chris Aepelbacher

DSIRE

Database of State Incentives for Renewables & Efficiency

01/21/2013



New York

Incentives/Policies for Renewables & Efficiency

Net Metering



Last DSIRE Review: 11/12/2012

Program Overview:

| | |
|--|--|
| State: | New York |
| Incentive Type: | Net Metering |
| Eligible Renewable/Other Technologies: | Photovoltaics, Wind, Biomass, Fuel Cells, CHP/Cogeneration, Anaerobic Digestion, Small Hydroelectric, Fuel Cells using Renewable Fuels, Microturbines |
| Applicable Sectors: | Commercial, Industrial, Residential, Nonprofit, Schools, Local Government, State Government, Fed. Government, Agricultural, Institutional |
| Applicable Utilities: | Investor-owned utilities |
| System Capacity Limit: | Solar: 25 kW for residential; 2 MW for non-residential Wind: 25 kW for residential; 2 MW for non-residential; 500 kW for farm-based Micro-hydroelectric: 25 kW for residential; 2 MW for non-residential Fuel Cells: 10 kW for residential; 1.5 MW for non-residential Biogas: 1 MW (farm-based only) Micro-CHP: 10 kW (residential only) |
| Aggregate Capacity Limit: | Generally 1% of utility's 2005 demand for solar, farm-based biogas, fuel cells, micro-hydroelectric, and residential micro-CHP; 3% (36 MW) for Central Hudson Gas and Electric 0.3% of utility's 2005 demand for wind |
| Net Excess Generation: | Generally credited to customer's next bill at retail rate (except avoided-cost rate for micro-CHP and fuel cells); excess for residential PV and wind and farm-based biogas is reconciled annually at avoided-cost rate; excess for micro-hydro, non-residential wind and solar, and residential micro-CHP and fuel cells carries over indefinitely |

| | |
|-----------------|---|
| REC Ownership: | Not addressed |
| Meter | Allowed for non-residential and farm-based customers with solar, wind, farm-based biogas, and micro-hydroelectric systems |
| Aggregation: | |
| Web Site: | http://www3.dps.ny.gov/W/PSCWeb.nsf/All/DCF68... |
| Authority 1: | <u>NY CLS Public Service § 66-j and § 66-l</u> |
| Date Enacted: | 08/02/1997 (subsequently amended) |
| Authority 2: | <u>NY PSC Order Case 08-E-1305 et al.</u> |
| Date Enacted: | 02/13/2009 |
| Date Effective: | 02/27/2009 |
| Authority 3: | <u>NY PSC Order Case 09-E-0284 et al.</u> |
| Date Enacted: | 06/22/2009 |
| Date Effective: | 07/01/2009 (generally) |
| Authority 4: | <u>NY PSC Order Case 09-E-0819 et al.</u> |
| Date Enacted: | 02/12/2010 |
| Date Effective: | 02/26/2010 |
| Authority 5: | <u>NY PSC Order, Case 10-E-0645</u> |
| Date Enacted: | 05/23/2011 |
| Date Effective: | 05/23/2011 |
| Authority 6: | <u>NY PSC Order Case 11-E-0318 et al.</u> |
| Date Enacted: | 11/21/2011 |
| Authority 7: | <u>NY PSC Order, Case 12-E-0105</u> |
| Date Enacted: | 06/18/2012 |
| Authority 8: | <u>A.B. 9560</u> |
| Date Enacted: | 08/01/2012 |
| Date Effective: | 08/01/2012 |
| Authority 9: | <u>NY PSC Order, Case 12-E-0343</u> |
| Date Enacted: | 10/18/2012 |

Summary:

Note: In October 2012 the New York Public Service Commission (PSC) issued an order directing Central Hudson Gas and Electric to file net metering tariff revisions tripling the aggregate net metering cap for most systems from 1% of 2005 peak demand (12 MW) to 3% of 2005 peak demand (36 MW). The PSC is now accepting comments on whether similar increases should be considered for the state's other utilities. For further information please see the PSC's Request for Comments on Net Metering Limits web page.

Separately, in August 2012 New York enacted legislation (A.B. 9560) expanding remote net metering to include agricultural and non-residential micro-hydroelectric systems. Utility tariff revisions reflecting this change should be forthcoming.

Net metering is available on a first-come, first-served basis to customers of the state's major investor-owned utilities, subject to technology, system size and aggregate capacity limitations. Publicly-owned utilities are not obligated to offer net metering; however, the Long Island Power Authority (LIPA) offers net metering on terms similar to those in the state law. Below is listing of the system size limitations, organized by technology and eligible sector.

- Solar: 25 kW for residential, 2 MW for non-residential
- Wind: 25 kW for residential, 500 kW for farm-based, and 2 MW for non-residential

- Fuel Cells: 10 kW for residential, 1.5 MW for non-residential
- Micro-hydroelectric: 25 kW for residential, 2 MW for non-residential
- Biogas: 1 MW (farm-based only)
- Micro-CHP: 10 kW (residential only)

The aggregate limit on net-metered PV, on-farm biogas systems, micro-CHP, fuel cell, and micro-hydroelectric systems combined is currently *generally* set at 1.0% of a utility's 2005 electric demand, while the limit on aggregate wind system capacity is 0.3% of 2005 demand. However, Central Hudson Gas and Electric's limit was tripled by the PSC in October 2012 and the PSC is considering increases for other utilities. Individual utilities are also authorized to place higher limits on aggregate net-metered capacity if they choose to do so.

For most types of systems, customer net excess generation (NEG) in a given month is credited to the customer's next bill at the utility's retail rate. However, for residential micro-CHP and fuel cell systems NEG is credited at the utility's avoided cost rate. A slightly different methodology using a monetary credit (\$ as opposed to kWh) is used for customers on demand meters. At the end of each annual billing cycle, most customers (i.e., residential PV and wind and farm-based wind and biogas systems) will be paid at the utility's avoided-cost rate for any unused NEG. Compensation for unused NEG produced by non-residential wind and solar systems is not addressed by the statute, however, the New York Public Service Commission (PSC) determined in its February 2009 order that unused NEG for such systems should be carried forward from one year to the next. Likewise, residential micro-CHP and fuel cell customer-generators are not permitted to monetize NEG after a year or any other period, but may carry forward unused credits indefinitely. Recently enacted S.B. 1149 did not identify a specific annual reconciliation protocol for micro-hydroelectric facilities, but the recently approved utility tariffs provide for indefinite carryover.

In May 2011 the PSC issued an order addressing two aspects of the NEG crediting process for customer generators. First, the order requires utilities to adopt consistent NEG credit calculations that include all kWh-based customer charges beginning June 1, 2011. Prior to this, some utilities did not include certain charges (e.g., the System Benefits Charge (SBC) and Renewables Portfolio Standards (RPS) surcharge) in the calculation of NEG credits. Second, the order also requires utilities to allow customers eligible for an annual cash-out of unused NEG at avoided cost, such as residential solar customers, to make a one-time selection of the annual period in question. This provision will apply to both existing and new net metering customers and is intended to avoid circumstances where the time period used for the annual cash-out is disadvantageous for some customers (i.e., large amounts of NEG being cashed-out at a lower rate). Several utilities already permitted customer-generators to make such an election.

In June 2011 the state enacted legislation (A.B. 6270) allowing eligible farm-based and non-residential customer-generators to engage in "remote" net metering of solar, wind, and farm-based biogas systems. Micro-hydroelectric facilities were added as eligible for this arrangement in August 2012. The law permits eligible customer-generators to designate net metering credits from equipment located on property which they own or lease to any other meter that is located on property owned or leased by the customer, and is within the same utility territory and load zone as the net metered facility. Credits will accrue to the highest use meter first, and as with standard net metering, excess credits may be carried forward from month to month. Revised utility tariffs incorporating this change for solar, wind, and farm-based biogas systems became effective December 1, 2011. The August 2012 extension to micro-hydroelectric customer-generators will require further tariff revisions.

The legislation and subsequent PSC orders also establish rules relating to customer responsibility for interconnection costs (e.g., new meters, transformers, or other equipment) and limitations on such costs. Cost treatments vary by customer type and system size (see § 66-j and 66-l for details). The ownership of renewable energy credits (RECs) and other environmental attributes associated with energy production from net metered systems remains unaddressed.

The PSC has developed uniform interconnection rules for net-metered systems. See the PSC web site for more information, including a list of accepted (type-tested) inverters.

History

New York's original net-metering law, enacted in 1997, applied only to residential photovoltaic (PV) systems up to 10 kilowatts (kW). In 2002, the law was expanded (S.B. 6592) to include farm-based biogas systems of up to 400 kW (increased to 500 kW in 2008) that generate electricity from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming waste and food-processing wastes. In 2004, S.B. 4890-E (of 2003) further expanded the law to include residential wind turbines up to 25 kW and farm-based wind turbines up to 125 kW.

In August 2008 New York enacted a series of bills (S.B. 7171, S.B. 8415, and S.B. 8481) again amending the state's net metering laws, most notably extending net metering eligibility to non-residential PV and wind systems. In February 2009 the New York Public Service Commission (PSC) issued an order revising and approving several utility tariffs associated with these changes. A second order issued in June 2009 addressed further tariff filings and ordered changes to these and some previously filed tariffs. In August 2009 A.B. 2442 amended the law yet again to allow net metering for residential combined heat and power (CHP) and fuel cell systems of 10 kW or less, with utility tariffs approved in February 2010. Further legislation (A.B. 7987) enacted in August 2010 increased the capacity limit for farm-based biogas systems from 500 kW to 1 MW and revised tariffs were approved in December 2010.

Prior to the 2008 amendments, PV systems, farm biogas systems and small wind systems (10 kW and less) with customer net excess generation (NEG) for a given month had it credited to their next bill at the utility's retail rate. At the end of each annual billing cycle, such customers were paid at the utility's avoided-cost rate for any unused NEG. However, NEG from wind-energy systems larger than 10 kW was credited to the next month's bill at the state's avoided-cost rate. Large wind energy systems also received compensation for annual NEG at the avoided-cost rate.

Contact:

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Web Site: <http://www.dps.ny.gov/>

Public Service

§ 66-1. Net energy metering for residential, farm service and non-residential wind electric generating systems. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Customer-generator" means a residential customer, farm service customer or non-residential customer of an electric corporation, who owns or operates wind electric generating equipment.

(b) "Residential customer-generator" means a customer who owns or operates wind electric generating equipment located and used at his or her primary residence.

(c) "Farm service customer-generator" means a customer of an electric corporation who owns and operates wind electric generating equipment located and used on land used in agricultural production as defined in subdivision four of section three hundred one of the agriculture and markets law, and which is also the location of the customer's primary residence.

(c-1) "Non-residential customer-generator" means a customer of an electric corporation which owns or operates wind electric generating equipment located and used at its premises.

(d) "Net energy meter" means a meter that measures the reverse flow of electricity to register the difference between the electricity supplied by an electric corporation to the customer-generator and the electricity provided to the corporation by that customer-generator.

(e) "Net energy metering" means the use of a net energy meter to measure, during the billing period applicable to a customer-generator, the net amount of electricity supplied by an electric corporation or provided to the corporation by a customer-generator.

(f) "Wind electric generating equipment" means one or more wind generators with a combined rated capacity of not more than twenty-five kilowatts for a residential customer-generator, and not more than five hundred kilowatts for a farm service customer-generator, and not more than two thousand kilowatts for a non-residential customer-generator; that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

2. Interconnection and net energy metering. An electric corporation shall provide for the interconnection and net energy metering of wind electric generating equipment owned or operated by a customer-generator; provided that the customer-generator enters into a net energy metering contract with the corporation or complies with the corporation's net energy metering schedule and complies with standards and requirements established under this section. The customer-generator shall be responsible for payment of one-half of the expense of such interconnection for wind electric generating equipment with a rated capacity of more than twenty-five kilowatts.

3. Conditions of service. (a) (i) On or before three months after the effective date of this section, each electric corporation shall develop a model contract and file a schedule that establishes consistent and reasonable rates, terms and conditions for net energy metering to customer-generators, according to the requirements of this section. The commission shall render a decision within three months from the date on which the schedule is filed.

(ii) On or before three months after the effective date of this subparagraph, each electric corporation shall develop a model contract and file a schedule that establishes consistent and reasonable rates,

terms and conditions for net energy metering to non-residential customer-generators, according to the requirements of this section. The commission shall render a decision within three months from the date on which the schedule is filed.

(iii) Each electric corporation shall make such contract and schedule available to customer-generators on a first come, first served basis, until the total rated generating capacity for wind electric generating equipment owned or operated by customer-generators in the corporation's service area is equivalent to three-tenths percent of the corporation's electric demand for the year two thousand five, as determined by the department.

(b) Nothing in this subdivision shall prohibit a corporation from providing net energy metering to additional customer-generators. The commission shall have the authority, after January first, two thousand twelve, to increase the percent limits if it determines that additional net energy metering is in the public interest.

(c) In the event that the electric corporation determines that it is necessary to install one or more dedicated transformers or other equipment to protect the safety and adequacy of electric service provided to its other customers, a customer-generator shall pay the electric corporation's actual costs of installing the transformer or transformers or other equipment:

(i) in the case of a residential, farm service or non-residential customer-generator with a combined rated capacity of not more than twenty-five kilowatts, up to a maximum amount of seven hundred fifty dollars; and

(ii) in the case of a farm service customer-generator with a combined rated capacity of not more than five hundred kilowatts, up to a maximum of five thousand dollars; and

(iii) in the case of a non-residential customer-generator with a combined rated capacity of more than twenty-five kilowatts, such cost shall be as determined by the electric corporation subject to review, upon the request of such customer-generator, by the department.

(d) An electric corporation shall impose no other charge or fee, including, but not limited to, back up, stand by or demand charges, for the provision of net metering to a customer-generator.

(e) A customer who owns or operates land used in agricultural production as defined in subdivision four of section three hundred one of the agriculture and markets law, or a non-residential customer-generator as defined by paragraph (c-1) of subdivision one of this section that locates wind electric generating equipment with a net energy meter on property owned or leased by such customer-generator may designate all or a portion of the net metering credits generated by such equipment to meters, at any property owned or leased by such customer-generator within the service territory of the same electric corporation to which the customer-generator's net energy meters are interconnected and being within the same load zone as determined by the location based marginal price as of the date of initial request by the customer-generator to conduct net metering. The electric corporation will credit the accounts of the customer by applying any credits to the highest use meter first, then subsequent highest use meters until all such credits are attributed to the customer. Any excess credits shall be carried over to the following month.

4. Rates. An electric corporation shall use net energy metering to measure and charge for the net electricity supplied by the corporation and provided to the corporation by a customer-generator, according to the following requirements:

(a) In the event that the amount of electricity supplied by the corporation during the billing period exceeds the amount of electricity provided by a customer-generator, the corporation shall charge the customer-generator for the net electricity supplied at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity on site.

(b) In the event that the amount of electricity produced by a customer-generator during the billing period exceeds the amount of electricity used by the customer-generator, the corporation shall apply a credit to the next bill for service to the customer-generator for the net electricity provided at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity on site.

(c) At the end of the year or annualized over the period that service is supplied by means of net energy metering, the corporation shall promptly issue payment at its avoided cost to a residential or farm service customer-generator for the value of any remaining credit for the excess electricity produced during the year or over the annualized period by such customer-generator.

(d) In the event that the corporation imposes charges based on kilowatt demand on customers who are in the same service class as the customer-generator but which do not generate electricity on site, the corporation may impose the same charges at the same rates to the customer-generator, provided, however, that the kilowatt demand for such demand charges is determined by the maximum measured kilowatt demand actually supplied by the corporation to the customer-generator during the billing period.

5. Safety standards. (a) Each electric corporation shall establish and maintain standards necessary for net energy metering and the interconnection of wind electric generating equipment to its system and that the commission shall determine are necessary for safe and adequate service and further the public policy set forth in this section. Such standards may include, but shall not be limited to:

(i) equipment necessary to isolate automatically a wind electric generating system from the utility system for voltage and frequency deviations; and

(ii) a manual lockable disconnect switch provided by the customer-generator which shall be located on the outside of the customer's premises and/or farm and externally accessible for the purpose of isolating the wind electric generating equipment.

(b) Upon its own motion or upon a complaint, the commission, or its designated representative, may investigate and make a determination as to the reasonableness and necessity of the standards or responsibility for compliance with the standards.

(c) Unless otherwise determined to be necessary by the commission, an electric corporation may not require a customer-generator to comply with additional safety or performance standards, or perform or pay for additional tests, or purchase additional liability insurance, provided that:

(i) the electric generating equipment meets the safety standards established pursuant to this paragraph; and

(ii) the total rated capacity (measured in kilowatts) of wind electric generating equipment that provides electricity to the electric corporation through the same local feeder line, does not exceed twenty percent of the rated capacity of that local feeder line.

In the event that the total rated generating capacity of wind electric generating equipment that provides electricity to the electric corporation through the same local feeder line exceeds twenty percent of

the rated capacity of the local feeder line, the electric corporation may require the customer-generator to comply with reasonable measures to ensure safety of that local feeder line.

6. Electric restructuring. Notwithstanding the provisions of this section, including, but not limited to paragraph (c) of subdivision three of this section, a customer-generator shall comply with any applicable determinations of the commission relating to restructuring of the electric industry.

7. Severability of provisions. The provisions of this section shall be severable and if the application of any clause, sentence, paragraph, subdivision, section, or part thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair, or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall be rendered.

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on November 17, 2011

COMMISSIONERS PRESENT:

Patricia L. Acampora, Deputy Chairwoman
Maureen F. Harris
Robert E. Curry, Jr.
James L. Larocca

CASE 11-E-0318 - Central Hudson Gas and Electric Corporation
CASE 11-E-0319 - Consolidated Edison Company of New York Inc.
CASE 11-E-0320 - New York State Electric & Gas Corporation
Case 11-E-0321 - Niagara Mohawk Power Corporation d/b/a National
Grid
Case 11-E-0322 - Rochester Gas and Electric Corporation
Case 11-E-0323 - Orange and Rockland Utilities, Inc.

Tariff filings to Effectuate Amendments to Public
Service Law §66-j and §66-l (Remote, Micro-
hydroelectric, and Fuel Cell Net Metering) and
Conforming Changes to Standardized Interconnection
Requirements.

ORDER MODIFYING AND AUTHORIZING REMOTE NET METERING TARIFFS,
MODIFYING STANDARDIZED INTERCONNECTION REQUIREMENTS, AND
REQUIRING MICRO-HYDROELECTRIC AND FUEL CELL TARIFF FILINGS

(Issued and Effective November 21, 2011)

BY THE COMMISSION:

BACKGROUND

Chapter 35 of the 2011 Laws of New York, which became effective June 1, 2011, amends Public Service Law (PSL) §§66-j and 66-l regarding the net metering of non-residential solar photovoltaic, farm waste, farm wind, and non-residential wind electric generators. The amendments provide for the application of excess generation credits from the customer's generator to other electric meters on the same or other property that is

CASES 11-E-0318, et al.

owned or leased by the same customer, commonly referred to as "Remote Net Metering."

By Notice Establishing Filing Requirements issued June 21, 2011, the major electric utilities were directed to file tariff amendments effective October 29, 2011, in compliance with the provisions of the law as amended. The utilities requested an extension of the deadline for filing the tariff amendments in order to better understand the requirements set forth in the amended statutes. On July 18, 2011, the Secretary granted the request and issued a Notice Establishing Filing Requirements directing the utilities to file their tariff amendments on August 22, 2011 with an effective date of December 1, 2011.

Pursuant to State Administrative Procedure Act (SAPA), §202(1) Notices of the filings were published in the State Register on September 14, 2011. The public comment period provided for under SAPA §202(1)(a) expired on October 31, 2011. Timely comments in response to the were received from the Alliance for Clean Energy New York (ACE NY), Niagara Wind & Solar, Inc. (NWS) and Tracy Becker, a New York State farmer.

THE PROPOSED TARIFF FILINGS

Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R) and Rochester Gas and Electric Corporation (RG&E) (collectively the utilities) made proposed filings to conform their tariffs to the requirements of the amended net metering laws. The proposed filings would allow remote net metering for non-residential solar photovoltaic, farm waste, farm wind, and non-residential wind electric customer generators, to apply excess generation

