

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2435**

1 On page 1 of the printed A-engrossed bill, line 2, after “319.530” insert
2 “and 757.300”.

3 On page 2, after line 14, insert:

4 **“SECTION 5.** ORS 757.300 is amended to read:

5 “757.300. (1) As used in this section:

6 “(a) ‘Customer-generator’ means a user of a net metering facility.

7 “(b) ‘Electric utility’ means a public utility, a people’s utility district op-
8 erating under ORS chapter 261, a municipal utility operating under ORS
9 chapter 225 or an electric cooperative organized under ORS chapter 62.

10 “(c) ‘Net metering’ means measuring the difference between the electricity
11 supplied by an electric utility and the electricity generated by a customer-
12 generator and fed back to the electric utility over the applicable billing pe-
13 riod.

14 “(d) ‘Net metering facility’ means a facility for the production of elec-
15 trical energy that:

16 “(A) Generates electricity using:

17 “(i) Solar power[,];

18 “(ii) Wind power[,];

19 “(iii) Fuel cells[,];

20 “(iv) Hydroelectric power[,];

21 “(v) Landfill gas[,];

22 “(vi) Digester gas[,];

1 “(vii) Waste[,];
2 “(viii) Dedicated energy crops available on a renewable basis [*or*];
3 “(ix) Low-emission, nontoxic biomass based on solid organic fuels from
4 wood, forest or field residues; **or**
5 “(x) **Geothermal energy**;
6 “(B) Is located on the customer-generator’s premises;
7 “(C) Can operate in parallel with an electric utility’s existing trans-
8 mission and distribution facilities; and
9 “(D) Is intended primarily to offset part or all of the customer-generator’s
10 requirements for electricity.
11 “(2) An electric utility that offers residential and commercial electric
12 service:
13 “(a) Shall allow net metering facilities to be interconnected using a
14 standard meter that is capable of registering the flow of electricity in two
15 directions.
16 “(b) May at its own expense install one or more additional meters to
17 monitor the flow of electricity in each direction.
18 “(c) May not charge a customer-generator a fee or charge that would in-
19 crease the customer-generator’s minimum monthly charge to an amount
20 greater than that of other customers in the same rate class as the
21 customer-generator. However, the Public Utility Commission, for a public
22 utility, or the governing body, for a municipal electric utility, electric coop-
23 erative or people’s utility district, may authorize an electric utility to assess
24 a greater fee or charge, of any type, if the electric utility’s direct costs of
25 interconnection and administration of the net metering outweigh the dis-
26 tribution system, environmental and public policy benefits of allocating such
27 costs among the electric utility’s entire customer base. The commission may
28 authorize a public utility to assess a greater fee or charge under this para-
29 graph only following notice and opportunity for public comment. The gov-
30 erning body of a municipal electric utility, electric cooperative or people’s

1 utility district may assess a greater fee or charge under this paragraph only
2 following notice and opportunity for comment from the customers of the
3 utility, cooperative or district.

4 “(3)(a) For a customer-generator, an electric utility shall measure the net
5 electricity produced or consumed during the billing period in accordance
6 with normal metering practices.

7 “(b) If an electric utility supplies a customer-generator more electricity
8 than the customer-generator feeds back to the electric utility during a billing
9 period, the electric utility shall charge the customer-generator for the net
10 electricity that the electric utility supplied.

11 “(c) Except as provided in paragraph (d) of this subsection, if a
12 customer-generator feeds back to an electric utility more electricity than the
13 electric utility supplies the customer-generator during a billing period, the
14 electric utility may charge the minimum monthly charge described in sub-
15 section (2) of this section but must credit the customer-generator for the
16 excess kilowatt-hours generated during the billing period. An electric utility
17 may value the excess kilowatt-hours at the avoided cost of the utility, as
18 determined by the commission or the appropriate governing body. An electric
19 utility that values the excess kilowatt-hours at the avoided cost shall bear
20 the cost of measuring the excess kilowatt-hours, issuing payments and billing
21 for the excess hours. The electric utility also shall bear the cost of providing
22 and installing additional metering to measure the reverse flow of electricity.

23 “(d) For the billing cycle ending in March of each year, or on such other
24 date as agreed to by the electric utility and the customer-generator, any re-
25 maining unused kilowatt-hour credit accumulated during the previous year
26 shall be granted to the electric utility for distribution to customers enrolled
27 in the electric utility’s low-income assistance programs, credited to the
28 customer-generator or dedicated for other use as determined by the commis-
29 sion, for a public utility, or the governing body, for a municipal electric
30 utility, electric cooperative or people’s utility district, following notice and

1 opportunity for public comment.

2 **“(e) If a public university listed in ORS 352.002 is a customer-**
3 **generator that is generating electricity from geothermal energy and**
4 **using the generation facilities for teaching and research related to**
5 **green energy technology, renewable energy or power engineering, the**
6 **public university may aggregate the public university’s combined en-**
7 **ergy generation from all sources for the purposes of net metering.**

8 “(4)(a) A net metering facility shall meet all applicable safety and per-
9 formance standards established in the state building code. The standards
10 shall be consistent with the applicable standards established by the National
11 Electrical Code, the Institute of Electrical and Electronics Engineers and
12 Underwriters Laboratories or other similarly accredited laboratory.

13 “(b) Following notice and opportunity for public comment, the commis-
14 sion, for a public utility, or the governing body, for a municipal electric
15 utility, electric cooperative or people’s utility district, may adopt additional
16 control and testing requirements for customer-generators to protect public
17 safety or system reliability.

18 “(c) An electric utility may not require a customer-generator whose net
19 metering facility meets the standards in paragraphs (a) and (b) of this sub-
20 section to comply with additional safety or performance standards, perform
21 or pay for additional tests or purchase additional liability insurance. How-
22 ever, an electric utility shall not be liable directly or indirectly for permit-
23 ting or continuing to allow an attachment of a net metering facility, or for
24 the acts or omissions of the customer-generator that cause loss or injury,
25 including death, to any third party.

26 “(5) Nothing in this section is intended to prevent an electric utility from
27 offering, or a customer-generator from accepting, products or services related
28 to the customer-generator’s net metering facility that are different from the
29 net metering services described in this section.

30 “(6) The commission, for a public utility, or the governing body, for a

1 municipal electric utility, electric cooperative or people's utility district,
2 may not limit the cumulative generating capacity of solar, wind,
3 **geothermal**, fuel cell and microhydroelectric net metering systems to less
4 than one-half of one percent of a utility's, cooperative's or district's historic
5 single-hour peak load. After a cumulative limit of one-half of one percent has
6 been reached, the obligation of a public utility, municipal electric utility,
7 electric cooperative or people's utility district to offer net metering to a new
8 customer-generator may be limited by the commission or governing body in
9 order to balance the interests of retail customers. When limiting net meter-
10 ing obligations under this subsection, the commission or the governing body
11 shall consider the environmental and other public policy benefits of net me-
12 tering systems. The commission may limit net metering obligations under
13 this subsection only following notice and opportunity for public comment.
14 The governing body of a municipal electric utility, electric cooperative or
15 people's utility district may limit net metering obligations under this sub-
16 section only following notice and opportunity for comment from the cus-
17 tomers of the utility, cooperative or district.

18 “(7) The commission or the governing body may adopt rules or ordinances
19 to ensure that the obligations and costs associated with net metering apply
20 to all power suppliers within the service territory of a public utility, mu-
21 nicipal electric utility, electric cooperative or people's utility district.

22 “(8) **Except as provided in subsection (3)(e) of this section**, this sec-
23 tion applies only to net metering facilities that have a generating capacity
24 of 25 kilowatts or less, except that the commission by rule may provide for
25 a higher limit for customers of a public utility.

26 “(9) Notwithstanding subsections (2) to (8) of this section, an electric
27 utility serving fewer than 25,000 customers in Oregon that has its head-
28 quarters located in another state and offers net metering services or a sub-
29 stantial equivalent offset against retail sales in that state shall be deemed
30 to be in compliance with this section if the electric utility offers net meter-

1 ing services to its customers in Oregon in accordance with tariffs, schedules
2 and other regulations promulgated by the appropriate authority in the state
3 where the electric utility's headquarters are located.

4 **SECTION 6. The amendments to ORS 757.300 by section 5 of this**
5 **2013 Act apply to agreements for net metering that a customer-**
6 **generator described in ORS 757.300 (3)(e) enters into or renews with**
7 **an electric utility on or after the effective date of this 2013 Act.”.**

8 In line 15, delete “5” and insert “7”.

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