

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2458

By Committee on Energy and Environment

1-17

1 AN ACT concerning utilities; relating to net metering; amending K.S.A.  
2 2013 Supp. 66-1264, 66-1265 and 66-1266 and repealing the existing  
3 sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. ~~K.S.A. 2013 Supp. 66-1264 is hereby amended to read as~~  
7 ~~follows: 66-1264. As used in the net metering and easy connection act:~~

8 (a) ~~"Commission" means the state corporation commission.~~

9 (b) ~~"Customer-generator" means the owner or operator of a net-~~  
10 ~~metered facility which:~~

11 (1) ~~Is powered by a renewable energy resource;~~

12 (2) ~~is located on a premises owned, operated, leased or otherwise~~  
13 ~~controlled by the customer-generator;~~

14 (3) ~~is interconnected and operates in parallel phase and~~  
15 ~~synchronization with an affected utility and is in compliance with the~~  
16 ~~standards established by the affected utility;~~

17 (4) ~~is intended primarily to offset part or all of the customer-~~  
18 ~~generator's own electrical energy requirements; and~~

19 (5) ~~contains a mechanism, approved by the utility, that automatically~~  
20 ~~disables the unit and interrupts the flow of electricity back onto the~~  
21 ~~supplier's electricity lines in the event that service to the customer-~~  
22 ~~generator is interrupted.~~

23 (c) ~~"Peak demand" shall have the meaning ascribed thereto in K.S.A.~~  
24 ~~2013 Supp. 66-1257, and amendments thereto.~~

25 (d) ~~"Renewable energy resources" shall have the meaning ascribed~~  
26 ~~thereto in K.S.A. 2013 Supp. 66-1257, and amendments thereto.~~

27 (e) ~~"Utility" means investor-owned electric utility.~~

28 (f) ~~"Fixed charge" means any fixed customer charge, basic service-~~  
29 ~~fee, demand charge or other charge not based on the volume of electricity~~  
30 ~~consumed by the customer.~~

31 ~~See-2. Section 1.~~ K.S.A. 2013 Supp. 66-1265 is hereby amended to  
32 read as follows: 66-1265. Each utility shall:

33 (a) Make net metering available to customer-generators on a first-  
34 come, first-served basis, until the total rated generating capacity of all net  
35 metered systems equals or exceeds one percent of the utility's peak  
36 demand during the previous year. The commission may increase the total

1 rated generating capacity of all net metered systems to an amount above  
 2 one percent after conducting a hearing pursuant to K.S.A. 66-101d, and  
 3 amendments thereto;

4 ~~(b) offer to the customer-generator a tariff or contract that is identical~~  
 5 ~~in electrical energy rates, rate structure and monthly charges to the contract~~  
 6 ~~or tariff that the customer would be assigned if the customer were not an~~  
 7 ~~eligible customer-generator and shall not charge the customer-generator~~  
 8 ~~any additional standby, capacity, interconnection or other fee or charge that~~  
 9 ~~would not otherwise be charged if the customer were not an eligible~~  
 10 ~~customer-generator;~~ **offer to the customer-generator a tariff or contract**  
 11 **that is identical in electrical energy rates, rate structure and monthly**  
 12 **charges to the contract or tariff that the customer would be assigned if**  
 13 **the customer were not an eligible customer-generator and shall not**  
 14 **charge the customer-generator any additional standby, capacity,**  
 15 **interconnection or other fee or charge that would not otherwise be**  
 16 **charged if the customer were not an eligible customer-generator;**

17 ~~(e)(c)~~ provide a residential *an appropriate* class bidirectional meter to  
 18 the customer-generator at no charge, but may charge the customer-  
 19 generator for the cost of any additional metering or distribution equipment  
 20 necessary to accommodate the customer-generator's facility; and

21 ~~(d)~~ ~~(e)(d)~~ disclose annually the availability of the net metering  
 22 program to each of its customers with the method and manner of  
 23 disclosure being at the discretion of the utility.

24 Sec. 3-2. K.S.A. 2013 Supp. 66-1266 is hereby amended to read as  
 25 follows: 66-1266. (a) If the electricity supplied by the utility exceeds the  
 26 electricity generated by the customer-generator *at any time* during a billing  
 27 period, the customer-generator shall be billed for the net electricity  
 28 supplied by the utility ~~in accordance with normal practices for customers~~  
 29 ~~in the same rate class~~ **in accordance with normal practices for**  
 30 **customers in the same rate class.**

31 (b) If a customer-generator *began operating its renewable energy*  
 32 *resource under an interconnect agreement with the utility prior to July 1,*  
 33 *2014, and generates electricity in excess of the customer-generator's*  
 34 **monthly** ~~monthly~~ consumption, *prior to January 1, 2030,* all such net  
 35 excess energy (NEG), expressed in kilowatt-hours, shall be carried  
 36 forward from month-to-month and credited at a ratio of one-to-one against  
 37 the customer-generator's energy consumption, expressed in kilowatt-hours,  
 38 in subsequent months. ~~On and after January 1, 2030, compensation for all~~  
 39 ~~such NEG shall be credited to the customer at a rate of 150% of the~~  
 40 ~~utility's monthly system average cost of energy per kilowatt hour~~ **Any net**  
 41 **excess generation credit remaining in any such net-metering**  
 42 **customer's account at the end of each calendar year shall expire.**

43 (c) *If a customer-generator begins operating its renewable energy*

1 *resource under an interconnect agreement with the utility on and after July*  
2 *1, 2014, and generates electricity in excess of the customer-generator's*  
3 **monthly** *consumption, compensation for all such NEG shall be credited to*  
4 *the customer at a rate of 150% of the utility's monthly system average cost*  
5 *of energy per kilowatt hour.*

6 ~~*(d) Any net excess generation credit remaining in a net-metering*~~  
7 ~~*customer's account at the end of each calendar year shall expire.*~~

8 ~~*(e) For the purposes of this section, the commission may authorize a*~~  
9 ~~*unique tariff or fixed charges on a per customer-generator per billing*~~  
10 ~~*period basis for the costs incurred by the utility for providing service to*~~  
11 ~~*such customer-generator.*~~

12 ~~Sec.-4. 3.~~ K.S.A. 2013 Supp. 66-1264, 66-1265 and 66-1266 are  
13 hereby repealed.

14 ~~Sec.-5. 4.~~ This act shall take effect and be in force from and after its  
15 publication in the statute book.