

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 756, Page 9, Section 386.266, Line 243,

2 by inserting after all of said line the following:

3 "386.885. 1. There is hereby established the "Task
 4 Force on Distributed Energy Resources and Net Metering",
 5 which shall be composed of the following members:

6 (1) Two members of the senate, with one appointed by
 7 the president pro tempore of the senate and one appointed by
 8 the minority floor leader of the senate;

9 (2) Two members of the house of representatives, with
 10 one appointed by the speaker of the house of representatives
 11 and one appointed by the minority floor leader of the house
 12 of representatives;

13 (3) The director of the division of energy, or his or
 14 her designee, to serve as a member and to provide technical
 15 assistance to the task force;

16 (4) The chair of the public service commission, or his
 17 or her designee, to serve as a member and to provide
 18 technical assistance;

19 (5) The director of the office of public counsel, or
 20 his or her designee, to serve as a member and to provide
 21 technical assistance;

22 (6) A representative from each of the three segments
 23 of the retail electric energy industry appointed by the
 24 president pro tempore of the senate from the respective
 25 nominees submitted by the statewide associations of the

26 investor-owned electric utilities, rural electric
27 cooperatives, and municipally-owned electric utilities;

28 (7) One representative of the retail distributed
29 energy resources industry appointed by the chair of the
30 public service commission;

31 (8) One representative from an organization that
32 advocates for policy supporting renewable energy development
33 appointed by the chair of the public service commission; and

34 (9) One representative from an organization that
35 advocates for the interests of low-income utility customers
36 appointed by the chair of the public service commission.

37 2. The task force shall conduct public hearings and
38 research, and shall compile a report for delivery to the
39 general assembly by no later than December 31, 2023. Such
40 report shall include information on the following:

41 (1) A distributed energy resources study, which shall
42 include a value of solar study along with the practical and
43 economic benefits, challenges, and drawbacks of increased
44 distributed energy generation in the state;

45 (2) Potential legislation regarding community solar as
46 operated by non-utility entities and the fair and equitable
47 setting of rates between distributed generation and non-
48 distributed generation consumers; and

49 (3) Potential legislation, including but not limited
50 to changes to the Net Metering and Easy Connection Act, if
51 any, that would promote the overall public interest.

52 3. The task force shall meet within thirty days after
53 its creation and shall organize by selecting a chairperson
54 and vice chairperson, one of whom shall be a member of the
55 senate and the other a member of the house of
56 representatives. Thereafter, the task force may meet as
57 often as necessary in order to accomplish the tasks assigned
58 to it. A majority of the task force shall constitute a

59 quorum, and a majority vote of such quorum shall be required
60 for any action.

61 4. The staff of house research and senate research
62 shall provide necessary clerical, research, fiscal, and
63 legal services to the task force, as the task force may
64 request.

65 5. The division of energy shall oversee the
66 distributed energy resources study to be selected and
67 conducted by an independent and objective expert with input
68 from the members of the task force. The cost of such study
69 shall be paid for through funds available from federal and
70 state grants applied for by the division of energy. The
71 division of energy shall establish procedures for the
72 submission and non-public disclosure of confidential and
73 propriety information.

74 6. The members of the task force shall serve without
75 compensation, but may be reimbursed for any actual and
76 necessary expenses incurred in the performance of the task
77 force's official duties.

78 7. This section shall expire on December 31, 2023, or
79 at the conclusion of the task force's work, whichever is
80 sooner.

81 386.890. 1. This section shall be known and may be
82 cited as the "Net Metering and Easy Connection Act".

83 2. As used in this section, the following terms shall
84 mean:

85 (1) "Avoided fuel cost", the current average cost of
86 fuel for the entity generating electricity, as defined by
87 the governing body with jurisdiction over any municipal
88 electric utility, rural electric cooperative as provided in
89 chapter 394, or electrical corporation as provided in this
90 chapter;

91 (2) "Commission", the public service commission of the
92 state of Missouri;

93 (3) "Customer-generator", the owner or operator of a
94 qualified electric energy generation unit which:

95 (a) Is powered by a renewable energy resource;

96 (b) Has an electrical generating system with a
97 capacity of not more than one hundred kilowatts;

98 (c) Is located on a premises owned, operated, leased,
99 or otherwise controlled by the customer-generator;

100 (d) Is interconnected and operates in parallel phase
101 and synchronization with a retail electric supplier and has
102 been approved by said retail electric supplier;

103 (e) Is intended primarily to offset part or all of the
104 customer-generator's own electrical energy requirements;

105 (f) Meets all applicable safety, performance,
106 interconnection, and reliability standards established by
107 the National Electrical Code, the National Electrical Safety
108 Code, the Institute of Electrical and Electronics Engineers,
109 Underwriters Laboratories, the Federal Energy Regulatory
110 Commission, and any local governing authorities; and

111 (g) Contains a mechanism that automatically disables
112 the unit and interrupts the flow of electricity back onto
113 the supplier's electricity lines in the event that service
114 to the customer-generator is interrupted;

115 (4) "Department", the department of [economic
116 development] natural resources;

117 (5) "Net metering", using metering equipment
118 sufficient to measure the difference between the electrical
119 energy supplied to a customer-generator by a retail electric
120 supplier and the electrical energy supplied by the customer-
121 generator to the retail electric supplier over the
122 applicable billing period;

123 (6) "Renewable energy resources", electrical energy
124 produced from wind, solar thermal sources, hydroelectric
125 sources, photovoltaic cells and panels, fuel cells using
126 hydrogen produced by one of the above-named electrical
127 energy sources, and other sources of energy that become
128 available after August 28, 2007, and are certified as
129 renewable by the department;

130 (7) "Retail electric supplier" or "supplier", any
131 [municipal] municipally owned electric utility operating
132 under chapter 91, electrical corporation regulated by the
133 commission under this chapter, or rural electric cooperative
134 operating under chapter 394 that provides retail electric
135 service in this state. An electrical corporation that
136 operates under a cooperative business plan as described in
137 subsection 2 of section 393.110 shall be deemed to be a
138 rural electric cooperative for purposes of this section.

139 3. A retail electric supplier shall:

140 (1) Make net metering available to customer-generators
141 on a first-come, first-served basis until the total rated
142 generating capacity of net metering systems equals five
143 percent of the [utility's] retail electric supplier's single-
144 hour peak load during the previous year, after which the
145 commission for [a public utility] an electrical corporation
146 or the respective governing body [for] of other [electric
147 utilities] retail electric suppliers may increase the total
148 rated generating capacity of net metering systems to an
149 amount above five percent. However, in a given calendar
150 year, no retail electric supplier shall be required to
151 approve any application for interconnection if the total
152 rated generating capacity of all applications for
153 interconnection already approved to date by said supplier in
154 said calendar year equals or exceeds one percent of said

155 supplier's single-hour peak load for the previous calendar
156 year;

157 (2) Offer to the customer-generator a tariff or
158 contract that is identical in electrical energy rates, rate
159 structure, and monthly charges to the contract or tariff
160 that the customer would be assigned if the customer were not
161 an eligible customer-generator but shall not charge the
162 customer-generator any additional standby, capacity,
163 interconnection, or other fee or charge that would not
164 otherwise be charged if the customer were not an eligible
165 customer-generator; and

166 (3) Disclose annually the availability of the net
167 metering program to each of its customers with the method
168 and manner of disclosure being at the discretion of the
169 supplier.

170 4. A customer-generator's facility shall be equipped
171 with sufficient metering equipment that can measure the net
172 amount of electrical energy produced or consumed by the
173 customer-generator. If the customer-generator's existing
174 meter equipment does not meet these requirements or if it is
175 necessary for the retail electric supplier to install
176 additional distribution equipment to accommodate the
177 customer-generator's facility, the customer-generator shall
178 reimburse the retail electric supplier for the costs to
179 purchase and install the necessary additional equipment. At
180 the request of the customer-generator, such costs may be
181 initially paid for by the retail electric supplier, and any
182 amount up to the total costs and a reasonable interest
183 charge may be recovered from the customer-generator over the
184 course of up to twelve billing cycles. Any subsequent meter
185 testing, maintenance or meter equipment change necessitated
186 by the customer-generator shall be paid for by the customer-
187 generator.

188 5. Consistent with the provisions in this section, the
189 net electrical energy measurement shall be calculated in the
190 following manner:

191 (1) For a customer-generator, a retail electric
192 supplier shall measure the net electrical energy produced or
193 consumed during the billing period in accordance with normal
194 metering practices for customers in the same rate class,
195 either by employing a single, bidirectional meter that
196 measures the amount of electrical energy produced and
197 consumed, or by employing multiple meters that separately
198 measure the customer-generator's consumption and production
199 of electricity;

200 (2) If the electricity supplied by the supplier
201 exceeds the electricity generated by the customer-generator
202 during a billing period, the customer-generator shall be
203 billed for the net electricity supplied by the supplier in
204 accordance with normal practices for customers in the same
205 rate class;

206 (3) If the electricity generated by the customer-
207 generator exceeds the electricity supplied by the supplier
208 during a billing period, the customer-generator shall be
209 billed for the appropriate customer charges for that billing
210 period in accordance with subsection 3 of this section and
211 shall be credited an amount at least equal to the avoided
212 fuel cost of the excess kilowatt-hours generated during the
213 billing period, with this credit applied to the following
214 billing period;

215 (4) Any credits granted by this subsection shall
216 expire without any compensation at the earlier of either
217 twelve months after their issuance or when the customer-
218 generator disconnects service or terminates the net metering
219 relationship with the supplier;

220 (5) For any rural electric cooperative under chapter
221 394, or **[municipal]** any municipally owned utility, upon
222 agreement of the wholesale generator supplying electric
223 energy to the retail electric supplier, at the option of the
224 retail electric supplier, the credit to the customer-
225 generator may be provided by the wholesale generator.

226 6. (1) Each qualified electric energy generation unit
227 used by a customer-generator shall meet all applicable
228 safety, performance, interconnection, and reliability
229 standards established by any local code authorities, the
230 National Electrical Code, the National Electrical Safety
231 Code, the Institute of Electrical and Electronics Engineers,
232 and Underwriters Laboratories for distributed generation.
233 No supplier shall impose any fee, charge, or other
234 requirement not specifically authorized by this section or
235 the rules promulgated under subsection 9 of this section
236 unless the fee, charge, or other requirement would apply to
237 similarly situated customers who are not customer-
238 generators, except that a retail electric supplier may
239 require that a customer-generator's system contain a switch,
240 circuit breaker, fuse, or other easily accessible device or
241 feature located in immediate proximity to the customer-
242 generator's metering equipment that would allow a utility
243 worker the ability to manually and instantly disconnect the
244 unit from the utility's electric distribution system.

245 (2) For systems of ten kilowatts or less, a customer-
246 generator whose system meets the standards and rules under
247 subdivision (1) of this subsection shall not be required to
248 install additional controls, perform or pay for additional
249 tests or distribution equipment, or purchase additional
250 liability insurance beyond what is required under
251 subdivision (1) of this subsection and subsection 4 of this
252 section.

253 (3) For customer-generator systems of greater than ten
254 kilowatts, the commission for [public utilities] electrical
255 corporations and the respective governing body for other
256 [utilities] retail electric suppliers shall, by rule or
257 equivalent formal action by each respective governing body:

258 (a) Set forth safety, performance, and reliability
259 standards and requirements; and

260 (b) Establish the qualifications for exemption from a
261 requirement to install additional controls, perform or pay
262 for additional tests or distribution equipment, or purchase
263 additional liability insurance.

264 7. (1) Applications by a customer-generator for
265 interconnection of a qualified electric energy generation
266 unit meeting the requirements of subdivision (3) of
267 subsection 2 of this section to the distribution system
268 shall be accompanied by the plan for the customer-
269 generator's electrical generating system, including but not
270 limited to a wiring diagram and specifications for the
271 generating unit, and shall be reviewed and responded to by
272 the retail electric supplier within thirty days of receipt
273 for systems ten kilowatts or less and within ninety days of
274 receipt for all other systems. Prior to the interconnection
275 of the qualified generation unit to the supplier's system,
276 the customer-generator will furnish the retail electric
277 supplier a certification from a qualified professional
278 electrician or engineer that the installation meets the
279 requirements of subdivision (1) of subsection 6 of this
280 section. If the application for interconnection is approved
281 by the retail electric supplier and the customer-generator
282 does not complete the interconnection within one year after
283 receipt of notice of the approval, the approval shall expire
284 and the customer-generator shall be responsible for filing a
285 new application.

286 (2) Upon the change in ownership of a qualified
287 electric energy generation unit, the new customer-generator
288 shall be responsible for filing a new application under
289 subdivision (1) of this subsection.

290 8. Each [commission-regulated supplier] electrical
291 corporation shall submit an annual net metering report to
292 the commission, and all other [nonregulated] retail electric
293 suppliers shall submit the same report to their respective
294 governing body and make said report available to a consumer
295 of the supplier upon request, including the following
296 information for the previous calendar year:

- 297 (1) The total number of customer-generator facilities;
298 (2) The total estimated generating capacity of its net-
299 metered customer-generators; and
300 (3) The total estimated net kilowatt-hours received
301 from customer-generators.

302 9. The commission shall, within nine months of January
303 1, 2008, promulgate initial rules necessary for the
304 administration of this section for [public utilities]
305 electrical corporations, which shall include regulations
306 ensuring that simple contracts will be used for
307 interconnection and net metering. For systems of ten
308 kilowatts or less, the application process shall use an all-
309 in-one document that includes a simple interconnection
310 request, simple procedures, and a brief set of terms and
311 conditions. Any rule or portion of a rule, as that term is
312 defined in section 536.010, that is created under the
313 authority delegated in this section shall become effective
314 only if it complies with and is subject to all of the
315 provisions of chapter 536 and, if applicable, section
316 536.028. This section and chapter 536 are nonseverable and
317 if any of the powers vested with the general assembly under
318 chapter 536 to review, to delay the effective date, or to

319 disapprove and annul a rule are subsequently held
320 unconstitutional, then the grant of rulemaking authority and
321 any rule proposed or adopted after August 28, 2007, shall be
322 invalid and void.

323 10. The governing body of a rural electric cooperative
324 or municipal utility shall, within nine months of January 1,
325 2008, adopt policies establishing a simple contract to be
326 used for interconnection and net metering. For systems of
327 ten kilowatts or less, the application process shall use an
328 all-in-one document that includes a simple interconnection
329 request, simple procedures, and a brief set of terms and
330 conditions.

331 11. For any cause of action relating to any damages to
332 property or person caused by the qualified electric energy
333 generation unit of a customer-generator or the
334 interconnection thereof, the retail electric supplier shall
335 have no liability absent clear and convincing evidence of
336 fault on the part of the supplier.

337 12. The estimated generating capacity of all net
338 metering systems operating under the provisions of this
339 section shall count towards the respective retail electric
340 supplier's accomplishment of any renewable energy portfolio
341 target or mandate adopted by the Missouri general assembly.

342 13. The sale of qualified electric energy generation
343 units to any customer-generator shall be subject to the
344 provisions of sections 407.010 to 407.145 and sections
345 407.700 to 407.720. The attorney general shall have the
346 authority to promulgate in accordance with the provisions of
347 chapter 536 rules regarding mandatory disclosures of
348 information by sellers of qualified electric energy
349 generation units. Any interested person who believes that
350 the seller of any qualified electric energy generation unit
351 is misrepresenting the safety or performance standards of

352 any such systems, or who believes that any electric energy
353 generation unit poses a danger to any property or person,
354 may report the same to the attorney general, who shall be
355 authorized to investigate such claims and take any necessary
356 and appropriate actions.

357 14. Any costs incurred under this act by a retail
358 electric supplier shall be recoverable in that utility's
359 rate structure.

360 15. No consumer shall connect or operate [an] a
361 qualified electric energy generation unit in parallel phase
362 and synchronization with any retail electric supplier
363 without written approval by said supplier that all of the
364 requirements under subdivision (1) of subsection 7 of this
365 section have been met. For a consumer who violates this
366 provision, a supplier may immediately and without notice
367 disconnect the electric facilities of said consumer and
368 terminate said consumer's electric service.

369 16. The manufacturer of any qualified electric energy
370 generation unit used by a customer-generator may be held
371 liable for any damages to property or person caused by a
372 defect in the qualified electric energy generation unit of a
373 customer-generator.

374 17. The seller, installer, or manufacturer of any
375 qualified electric energy generation unit who knowingly
376 misrepresents the safety aspects of [an] a qualified
377 electric generation unit may be held liable for any damages
378 to property or person caused by the qualified electric
379 energy generation unit of a customer-generator."; and

380 Further amend the title and enacting clause accordingly.