

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 145

TO AMEND CERTAIN DEFINITIONS UNDER THE ARKANSAS RENEWABLE ENERGY DEVELOPMENT
ACT OF 2001; AND TO AMEND THE LAW CONCERNING THE AUTHORITY OF THE ARKANSAS
PUBLIC SERVICE COMMISSION.

Amendment No. 2 to Senate Bill 145

Amend Senate Bill No. 145 as engrossed, S2/18/19 (version: 02/18/2019 1:50:11 PM)

Page 1, delete line 33, and substitute the following:

"source, as determined by a commission consistent with § 23-3-701 et seq.;"

AND

Page 2, delete lines 4 through 7, and substitute the following:

"~~(2)~~(3) "Electric utility" means a public or investor-owned utility, an electric cooperative, ~~municipal utility,~~ or any private power supplier or marketer that is engaged in the business of supplying electric energy to the ultimate consumer or any customer classes within the state;"

AND

Page 2, delete line 22, and substitute the following:

"applicable period ~~determined by a commission;~~"

AND

Page 2, delete lines 29 through 36, and substitute the following:

"~~(5)~~(7) "Net-metering customer" means ~~an owner of a net-metering facility;~~ a customer of an electric utility that:

(A) Is an owner of a net-metering facility;

(B) Leases a net-metering facility subject to the

following limitations:

(i) A lease shall not permit the sale of electric energy measured in kilowatt hours or electric capacity measured in kilowatts between the lessor and lessee; and

(ii) A lease shall not include any charge per kilowatt hour or any charge per kilowatt; or



(C) Is a government entity or other entity that is exempt from state and federal income tax, and that, for the sole purpose of this subchapter, obtains electric energy from a net metering facility under a service contract qualifying for safe-harbor protection as provided under 26 U.S.C. § 7701(e)(3)(A), as in effect on the effective date of this act;"

AND

Page 4, delete line 17, and substitute the following:
"~~net metering contracts, including~~ net metering;"

AND

Page 4, delete lines 34 through 36, and substitute the following:

"(2) For net-metering customers who receive service under a rate that does not include a demand component, may:

(A) Require an electric utility to credit the net-metering customer with any accumulated net excess generation as measured in kilowatt hours or kilowatt hours multiplied by the applicable rate in the next applicable billing period and base the bill of the net-metering customer on the net amount of electricity as measured in kilowatt hours or kilowatt hours multiplied by the applicable rate that the net-metering customer has received from or fed back to the electric utility during the billing period;

(B) Take the following actions if those actions are in the public interest and doing so will not result in an unreasonable allocation of or increase in costs to other utility customers:

(i) Separately meter the electric energy, measured in kilowatt hours, supplied by the electric utility to the net-metering customer and the electric energy, measured in kilowatt hours, that is generated by the net-metering customer's net-metering facility that is fed back to the electric utility at any time during the applicable billing period;

(ii) Apply the commission-approved retail rate to all kilowatt hours that are supplied by the electric utility to a net-metering customer by the electric utility during the applicable period determined by a commission;

(iii) Apply the avoided cost of the electric utility plus any additional sum determined under subdivision (b)(2)(B)(iv) of this section to all kilowatt hours supplied to the electric utility by a net-metering customer, during the period determined by a commission, which shall be credited to the total bill of the net-metering customer in a dollar value; and

(iv) The additional sum added to the avoided cost of the electric utility may be applied after the demonstration of quantifiable benefits by the net-metering customer and shall not exceed forty percent (40%) of the avoided cost of the electric utility;

(C) Authorize an electric utility to assess a net-metering customer that is being charged a rate that does not include a demand component a per-kilowatt-hour fee or charge to recover the quantifiable direct demand-related distribution cost of the electric utility for providing electricity to the net-metering customer that is not:

(i) Avoided as a result of the generation of electricity by the net-metering facility; and
(ii) Offset by quantifiable benefits; or
(D) Take other actions that are in the public interest and do not result in an unreasonable allocation of costs to other utility customers."

AND

Page 5, delete lines 1 through 24

AND

Page 5, delete line 36, and substitute the following:

"~~(3)~~(5) Shall For net-metering customers who receive service"

AND

Page 6, delete line 6, and substitute the following:

"(6) Except as provided in subdivision (b)(9) of this section, for net-metering customers who receive service under a"

AND

Page 6, delete lines 16 through 19, and substitute the following:

"~~(5) May increase the generating capacity limits for individual net-metering facilities if doing so results in distribution system, environmental, or public policy benefits;~~

~~(6)~~(8) Shall provide that:"

AND

Page 7, delete lines 10 through 17, and substitute the following:

"~~(7)~~(9) May allow a net-metering facility with a generating capacity that exceeds ~~three hundred kilowatts (300 kW)~~ the limits provided under § 23-18-603(8)(ii) or § 23-18-603(8)(iii) of up to twenty thousand kilowatts (20,000 kW) if:

(A) For any net-metering facility with a generating capacity of less than five thousand kilowatts (5,000 kW):

(i) The net-metering facility is not for residential use;

(ii) Increasing the generating capacity limits for individual net-metering facilities results in distribution system, environmental, or public policy benefits, or allowing an increased generating capacity for the net-metering facility would increase the state's ability to attract businesses to Arkansas; and

(iii) Allowing an increased generating capacity for the net-metering facility is in the public interest; or

(B) For any net-metering facility with a generating capacity of greater than five thousand kilowatts (5,000 kW):

(i) The net-metering facility is not for residential use;

(ii) Increasing the generating capacity limits for individual net-metering facilities results in distribution system, environmental, or public policy benefits, or allowing an increased generating capacity for the net-metering facility would increase the ability of the state to attract business to Arkansas;

(iii) Allowing an increased generating capacity for the net-metering facility does not result in an unreasonable allocation of costs to other utility customers; and

(iv) Allowing an increased generating capacity for the net-metering facility is in the public interest; and

~~(A) The net metering facility is not for residential use; and~~

~~(B) Allowing an increased generating capacity for the net-metering facility would increase the state's ability to attract businesses to Arkansas.~~

(10)(A) Shall allow the net-metering facility of a net-metering customer who has submitted a standard interconnection agreement, as referred to in the rules of the Arkansas Public Service Commission, to the electric utility after the effective date of this act but before December 31, 2022, to remain under the rate structure in effect when the net-metering contract was signed, for a period not to exceed twenty (20) years, subject to approval by a commission.

(B) A net-metering facility under subdivision (b)(10)(A) of this section remains subject to any other change or modification in rates, terms, and conditions."

AND

Page 8, delete lines 22 through 24, and substitute the following:
"procedures under § 23-18-604 or may adopt ordinances,"

AND

Page 8, delete line 29, and substitute the following:

"(c) The governing body of a municipal utility may limit the generating"

AND

Page 8, delete line 35, and substitute the following:

"(d) The governing body of a municipal utility shall not establish a"

AND

Page 9, delete line 2, and substitute the following"

"(e) For customers who receive service under a rate that includes a"

AND

Page 9, line 4, delete "an electric" and substitute "a municipal"

AND

Page 9, line 7, delete "electric" and substitute "municipal"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Wallace

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Secretary