

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 820, Page 1, Section title, Lines 2-3,

2 by striking "restrictive covenants" and inserting in lieu  
3 thereof the following: "renewable energy"; and

4 Further amend said bill and page, Section A, Line 3, by  
5 inserting after all of said line the following:

6 "386.885. 1. There is hereby established the "Task  
7 Force on Distributed Energy Resources and Net Metering",  
8 which shall be composed of the following members:

9 (1) Two members of the senate, with one appointed by  
10 the president pro tempore of the senate and one appointed by  
11 the minority floor leader of the senate;

12 (2) Two members of the house of representatives, with  
13 one appointed by the speaker of the house of representatives  
14 and one appointed by the minority floor leader of the house  
15 of representatives;

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

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

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

25 (6) A representative from each of the three segments  
26 of the retail electric energy industry appointed by the

27 president pro tempore of the senate from the respective  
28 nominees submitted by the statewide associations of the  
29 investor-owned electric utilities, rural electric  
30 cooperatives, and municipally-owned electric utilities;

31 (7) One representative of the retail distributed  
32 energy resources industry appointed by the chair of the  
33 public service commission;

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

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

40 2. The task force shall conduct public hearings and  
41 research, and shall compile a report for delivery to the  
42 general assembly by no later than December 31, 2022. Such  
43 report shall include information on the following:

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

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

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

55 3. The task force shall meet within thirty days after  
56 its creation and shall organize by selecting a chairperson  
57 and vice chairperson, one of whom shall be a member of the  
58 senate and the other a member of the house of  
59 representatives. Thereafter, the task force may meet as

60 often as necessary in order to accomplish the tasks assigned  
61 to it. A majority of the task force shall constitute a  
62 quorum, and a majority vote of such quorum shall be required  
63 for any action.

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

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

77 6. The members of the task force shall serve without  
78 compensation, but any actual and necessary expenses incurred  
79 in the performance of the task force's official duties by  
80 the task force, its members, and any staff assigned to the  
81 task force shall be paid from the joint contingent fund.

82 7. This section shall expire on June 30, 2023, or at  
83 the conclusion of the task force's work, whichever is sooner.

84 386.890. 1. This section shall be known and may be  
85 cited as the "Net Metering and Easy Connection Act".

86 2. As used in this section, the following terms shall  
87 mean:

88 (1) "Avoided fuel cost", the current average cost of  
89 fuel for the entity generating electricity, as defined by  
90 the governing body with jurisdiction over any municipal  
91 electric utility, rural electric cooperative as provided in

92 chapter 394, or electrical corporation as provided in this  
93 chapter;

94 (2) "Commission", the public service commission of the  
95 state of Missouri;

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

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

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

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

103 (d) Is interconnected and operates in parallel phase  
104 and synchronization with a retail electric supplier and has  
105 been approved by said retail electric supplier;

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

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

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

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

120 (5) "Net metering", using metering equipment  
121 sufficient to measure the difference between the electrical  
122 energy supplied to a customer-generator by a retail electric  
123 supplier and the electrical energy supplied by the customer-

124 generator to the retail electric supplier over the  
125 applicable billing period;

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

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

142 3. A retail electric supplier shall:

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

157 said calendar year equals or exceeds one percent of said  
158 supplier's single-hour peak load for the previous calendar  
159 year;

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

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

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

189 by the customer-generator shall be paid for by the customer-  
190 generator.

191 5. Consistent with the provisions in this section, the  
192 net electrical energy measurement shall be calculated in the  
193 following manner:

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

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

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

218 (4) Any credits granted by this subsection shall  
219 expire without any compensation at the earlier of either  
220 twelve months after their issuance or when the customer-

221 generator disconnects service or terminates the net metering  
222 relationship with the supplier;

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

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

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

254 subdivision (1) of this subsection and subsection 4 of this  
255 section.

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

261 (a) Set forth safety, performance, and reliability  
262 standards and requirements; and

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

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

287 and the customer-generator shall be responsible for filing a  
288 new application.

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

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

300 (1) The total number of customer-generator facilities;

301 (2) The total estimated generating capacity of its net-  
302 metered customer-generators; and

303 (3) The total estimated net kilowatt-hours received  
304 from customer-generators.

305 9. The commission shall, within nine months of January  
306 1, 2008, promulgate initial rules necessary for the  
307 administration of this section for [public utilities]  
308 electrical corporations, which shall include regulations  
309 ensuring that simple contracts will be used for  
310 interconnection and net metering. For systems of ten  
311 kilowatts or less, the application process shall use an all-  
312 in-one document that includes a simple interconnection  
313 request, simple procedures, and a brief set of terms and  
314 conditions. Any rule or portion of a rule, as that term is  
315 defined in section 536.010, that is created under the  
316 authority delegated in this section shall become effective  
317 only if it complies with and is subject to all of the  
318 provisions of chapter 536 and, if applicable, section  
319 536.028. This section and chapter 536 are nonseverable and

320 if any of the powers vested with the general assembly under  
321 chapter 536 to review, to delay the effective date, or to  
322 disapprove and annul a rule are subsequently held  
323 unconstitutional, then the grant of rulemaking authority and  
324 any rule proposed or adopted after August 28, 2007, shall be  
325 invalid and void.

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

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

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

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

353 the seller of any qualified electric energy generation unit  
354 is misrepresenting the safety or performance standards of  
355 any such systems, or who believes that any electric energy  
356 generation unit poses a danger to any property or person,  
357 may report the same to the attorney general, who shall be  
358 authorized to investigate such claims and take any necessary  
359 and appropriate actions.

360 14. Any costs incurred under this act by a retail  
361 electric supplier shall be recoverable in that utility's  
362 rate structure.

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

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

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

383 Further amend the title and enacting clause accordingly.