

# 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.