

**S E C O N D  
E N R O L L M E N T**

**H. B. 2201**

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[BY DELEGATE(S) IRELAND, FOLK, MANCHIN, LYNCH, ROWE,  
FLEISCHAUER, SKINNER, FAST, FLUHARTY, BYRD AND SUMMERS]

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[Amended and again passed February 28, 2015;  
as a result of the objections of the Governor;  
in effect from passage.]

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AN ACT to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; defining net metering; defining customer-generator; defining cross-subsidization; requiring the Public Service Commission to prohibit cross-subsidization; requiring the Public Service Commission adopt certain net metering and interconnection rules and standards; striking deadlines for rulemaking by the Public Service Commission; and capping the amount of generating capacity subject to net metering.

*Be it enacted by the Legislature of West Virginia:*

That §24-2F-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2F. NET METERING OF CUSTOMER-GENERATORS.**

**§24-2F-8. Net metering and interconnection standards.**

1 (a) “Net metering” means measuring the difference between  
2 electricity supplied by an electric utility and electricity generated  
3 from a facility owned or leased and operated by a customer  
4 generator when any portion of the electricity generated from the  
5 facility is used to offset part or all of the electric retail  
6 customer’s requirements for electricity.

7 (b) “Customer-generator” means an electric retail customer  
8 who owns or leases and operates a customer-sited generation  
9 project utilizing an alternative or renewable energy resource or  
10 a net metering system in this state.

11 (c) “Cross-subsidization”, for purposes of this section,  
12 means the practice of charging costs directly incurred by the  
13 electric utility in accommodating a net metering system to  
14 electric retail customers who are not customer generators.

15 (d) The Public Service Commission shall adopt a rule  
16 requiring that all electric utilities provide a rebate or discount at  
17 fair value, to be determined by the Public Service Commission,  
18 to customer-generators for any electricity generation that is  
19 delivered to the utility under a net metering arrangement. The  
20 commission shall assure that any net metering tariff does not  
21 create a cross-subsidization between customers within one class  
22 of service.

23 (e) The Public Service Commission shall also consider  
24 adopting, by rule, a requirement that all sellers of electricity to  
25 retail customers in the state, including rural electric cooperatives,  
26 municipally owned electric facilities or utilities serving less than  
27 thirty thousand residential electric customers in this state, offer  
28 net metering rebates or discounts to customer-generators.

29 (f) The Public Service Commission shall institute a general  
30 investigation for the purpose of adopting rules pertaining to net  
31 metering and the interconnection of eligible electric generating  
32 facilities intended to operate in parallel with an electric utility's  
33 system. As part of its investigation, the Public Service  
34 Commission shall take into consideration rules of other states  
35 within the applicable region of the regional transmission  
36 organization, as that term is defined in 18 C.F.R. §35.34, that  
37 manages a utility's transmission system in any part of this state.  
38 Furthermore, the Public Service Commission shall consider  
39 increasing the allowed kilowatt capacity for commercial  
40 customer-generators to an amount not to exceed five hundred  
41 kilowatts and for industrial customer-generators to an amount  
42 not to exceed two megawatts. The Public Service Commission  
43 shall further consider interconnection standards for combined  
44 heat and power.

45 (g) An electric utility shall offer net metering to a customer-  
46 generator that generates electricity on the customer-generator  
47 side of the meter using alternative or renewable energy sources,  
48 on a first-come, first-served basis, based on the date of  
49 application for interconnection as provided in the rules  
50 promulgated by the commission and pursuant to a standard tariff.  
51 An electric utility may offer net metering to customer-  
52 generators, on a first-come, first-served basis, so long as the total  
53 generation capacity installed by all customer-generators is no  
54 greater than three percent (3%) of the electric utility aggregate  
55 customer peak demand in the state during the previous year, of  
56 which no less than one-half percent (0.5%) is reserved for  
57 residential customer-generators.

58 (h) The Public Service Commission shall adopt a rule  
59 requiring compliance with the Institute of the Electrical and  
60 Electronics Engineers (IEEE) standards at all times, and as the  
61 same shall be amended, including having a disconnect readily

62 accessible to the utility between the facilities of the customer-  
63 generator and the electric utility.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
*Governor*





