

Senate Bill 93

By: Senator Polak of the 42<sup>nd</sup>**AS PASSED SENATE**A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated,  
 2 relating to generation and distribution of electricity generally, so as to change certain  
 3 provisions relating to operation of electrical cogeneration facilities and sales of energy  
 4 therefrom; to provide for a program of distributed generation for operators of certain solar  
 5 electrical facilities; to provide for a short title; to provide legislative findings and  
 6 declarations; to provide for definitions; to provide for procedures, requirements, and  
 7 limitations; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

9 Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to  
 10 generation and distribution of electricity generally, is amended by striking Part 3, "The  
 11 Georgia Cogeneration Act of 1979," and inserting in lieu thereof the following:  
 12

"Part 3

13  
 14 46-3-50.

15 This part shall be known and may be cited as "The Georgia Cogeneration and Distributed  
 16 Generation Act of ~~1979~~ 2001."

17 46-3-51.

18 (a) The legislature finds that it is in the public interest to:

19 (1) Encourage private investment in renewable energy resources;

20 (2) Stimulate the economic growth of Georgia; and

21 (3) Enhance the continued diversification of the energy resources used in Georgia.

22 (b) The General Assembly further finds and declares that a program to provide distributed  
 23 generation for eligible cogenerators is a way to encourage private investment in renewable

energy resources, stimulate in-state economic growth, enhance the continued diversification of this state's energy resource mix, and reduce interconnection and administrative costs.

~~46-3-51.~~ 46-3-52.

As used in this part, the term:

~~(1) 'Cogeneration facility' means a facility which produces electric energy, steam, or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.~~

~~(2) 'Cogenerator' means the person who is the owner of the cogeneration facility.~~

~~(3) 'Electric supplier' means any electric light and power company in this state subject to regulation by the commission, any electric membership corporation furnishing wholesale service, any municipality or any association which furnishes wholesale service to any municipality, and the Tennessee Valley Authority.~~

~~(4) 'Person' means a natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.~~

(1) 'Bidirectional metering' means measuring the amount of electricity supplied by an electric service provider and the amount fed back to the electric service provider by the customer's distributed generation facility using the same meter.

(2) 'Cogeneration facility' means a facility, other than a distributed generation facility, owned and operated by a customer of the electric service provider which produces electric energy, steam, or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes by the owner and operator of such a cogeneration facility.

(3) 'Commission' means the Georgia Public Service Commission.

(4) 'Customer generator' means the owner and operator of a 'distributed generation facility.'

(5) 'Distributed generation facility' means a facility owned and operated by a customer of the electric service provider for the production of electrical energy that:

(A) Uses a solar Photovoltaic system, fuel cell, or wind turbine;

(B) Has a peak generating capacity of not more than 10kW for a residential application and 100kW for a commercial application;

(C) Is located on the customer's premises;

(D) Operates in parallel with the electric service provider's distribution facilities;

(E) Connected to the electric service provider's distribution system on either side of the electric service provider's meter; and

1 (F) Is intended primarily to offset part or all of the customer generator's requirements  
2 for electricity.

3 (6) 'Electric membership corporation' means a corporation organized under Article 2 of  
4 this chapter.

5 (7) 'Electric service provider' means any electric utility, electric membership corporation,  
6 or municipal electric utility that is engaged in the business of distributing electricity to  
7 retail electric customers in the state.

8 (8) 'Electric supplier' means any electric utility, electric membership corporation  
9 furnishing wholesale service, any municipal electric utility or any other person which  
10 furnishes wholesale service to any municipality, and the Tennessee Valley Authority.

11 (9) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the  
12 commission.

13 (10) 'Municipal electric utility' means a city or town that owns or operates an electric  
14 utility.

15 (11) 'Person' means a natural person, corporation, trust, partnership, incorporated or  
16 unincorporated association, or any other legal entity.

17 (12) 'Renewable energy sources' means energy supplied from technologies as defined by  
18 the Georgia Green Pricing Accreditation Stakeholder group.

19 ~~46-3-52~~ 46-3-53.

20 (a) Any person may operate a cogeneration facility without being subject to the  
21 jurisdiction or regulation of the ~~Georgia Public Service Commission~~ commission if such  
22 person uses all of the electric energy, steam, or other form of useful energy produced at  
23 such cogeneration facility. The electric energy shall not be sold to any other person except  
24 as provided in ~~Code Section 46-3-53~~ subsection (b) of this Code section.

25 ~~46-3-53.~~

26 (b) Any person may operate a cogeneration facility and sell any excess electric energy to  
27 an electric supplier without being subject to the jurisdiction or regulation of the  
28 commission if ~~the power production capacity of such cogeneration facility does not exceed~~  
29 ~~30 megawatts;~~ provided, however, that nothing in this article shall ~~preclude the~~  
30 ~~commission~~ affect a person from complying compliance with federal law.

31 46-3-54.

32 An electric service provider:

33 (1) Shall make either bidirectional metering or single directional metering available to  
34 customer generators depending on how the distributed generation facility is connected  
35 to the distribution system of the electric service provider;

1 (2) Shall enter into a written agreement with the customer generator to charge the  
 2 customer generator the rate established by the commission, or the appropriate governing  
 3 body, in the case of any other electric service provider or electric supplier, for metering  
 4 services;

5 (3) In setting the fees for metering service, the commission shall take into consideration  
 6 whether:

7 (A) The electric service provider will incur direct costs associated with interconnecting  
 8 or administering metering services or distributed generation facilities that exceed any  
 9 offsetting benefits associated with these systems; or

10 (B) The public interest is best served by imposing the direct costs on the customer  
 11 generator rather than allocating these costs among the utility's entire customer base.

12 (4) In establishing such a fee for metering services, the electric service provider shall not  
 13 charge the customer generator any standby, capacity, interconnection, or other fee or  
 14 charge, other than a monthly service charge, unless agreed to by the customer generator  
 15 or approved by the commission, in the case of an electric utility, or the appropriate  
 16 governing body, in the case of any other electric service provider or electric supplier.

17 46-3-55.

18 Consistent with the other provisions of this chapter, the energy flow shall be measured and  
 19 paid for in the following manner:

20 (1) If the distributed generation facilities are connected to the electric service provider's  
 21 distribution system on the customer generator's side of the customer's meter, the electric  
 22 service provider shall:

23 (A) Measure the electricity produced or consumed during the billing period, in  
 24 accordance with normal metering practices using bidirectional metering;

25 (B) When the electricity supplied by the electric service provider exceeds the  
 26 electricity generated by the customer's distributed generation, the electricity shall be  
 27 billed by the electric service provider, in accordance with tariffs filed with the  
 28 commission; or

29 (C) When electricity generated by the customer's distributed generation system  
 30 exceeds the electricity supplied by the electric service provider, the customer generator:

31 (i) Shall be billed for the appropriate customer charges for that billing period; and

32 (ii) Shall be credited for the excess kilowatt-hours generated during the billing period  
 33 at an agreed to rate as filed with the commission, with this kilowatt-hour credit  
 34 appearing on the bill for the billing period.

1 (2) If the distributed generation facilities are connected to the electric service provider's  
2 distribution system on the electric service provider's side of the customer's meter, the  
3 electric service provider shall:

4 (A) Measure the electricity produced or consumed during the billing period, in  
5 accordance with normal metering practices using single directional metering;

6 (B) Charge the customer generator a minimum monthly fee as established in Code  
7 Section 46-3-54; and

8 (C) If there is electricity generated by the customer generator for the billing period, the  
9 customer generator shall be compensated at an agreed to rate as filed with the  
10 commission.

11 46-3-56.

12 (a) An electric service provider will only be required to purchase energy as specified in  
13 Code Section 46-3-55 from an eligible customer generator on a first-come, first-served  
14 basis until the cumulative generating capacity of all renewable energy sources equals to 0.2  
15 percent of the utility's annual peak demand in the previous year.

16 (b) Once the capacity is subscribed, an electric service provider may purchase energy from  
17 an eligible customer generator at a cost of energy as defined for a utility by the  
18 commission, in the case of an electric utility, or by the appropriate governing body, in the  
19 case of any other electric service provider or electric supplier.

20 (c) A distributed generation facility used by a customer generator shall include, at the  
21 customer's own expense, all equipment necessary to meet applicable safety, power quality,  
22 and interconnection requirements established by the National Electrical Code, National  
23 Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and  
24 Underwriters Laboratories.

25 (d) The commission, in the case of an electric utility, or the appropriate governing body,  
26 in the case of other electric service providers or electric suppliers, after appropriate notice  
27 and opportunity for comment, may adopt by regulation additional safety, power quality,  
28 and interconnection requirements for customer generator that the commission or governing  
29 body determines are necessary to protect public safety and system reliability.

30 (e) An electric service provider may not require a customer generator whose distributed  
31 generation facility meets the standards in subsections (a) and (b) of this Code section, to  
32 comply with additional safety or performance standards, perform or pay for additional  
33 tests, or purchase additional liability insurance.

34 (f) No electric service provider or electric supplier shall be liable to any person, directly  
35 or indirectly, for loss of property, injury, or death resulting from the interconnection of a  
36 cogenerator or distributed generation facility to its electrical system."

**SECTION 2.**

1  
2 All laws and parts of laws in conflict with this Act are repealed.