

House Bill 874

By: Representatives Dudgeon of the 25th, Brockway of the 102nd, Setzler of the 35th, Drenner of the 85th, Jacobs of the 80th, and others

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 the generation and distribution of electricity generally, so as to provide that a retail
3 electric customer may install solar technology for the generation of electric energy for use
4 primarily on property owned or occupied by such customer; to provide a short title; to
5 provide declarations and findings; to provide definitions of certain terms; to provide for
6 financing of the purchase and installation of solar technology by retail electric customers; to
7 prohibit electric utilities from interfering with such financing, purchase, and installation; to
8 clarify what constitutes the provision of electric service and who shall be considered an
9 electric utility; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to the
14 generation and distribution of electricity generally, is amended by adding a new part to read
15 as follows:

16 style="text-align:center">"Part 4

17 46-3-60.

18 This part shall be known and may be cited as the 'Solar Power Free-Market Financing and
19 Property Rights Act of 2014.'

20 46-3-61.

21 The General Assembly hereby finds and declares that:

22 (1) It is in the public interest to encourage free choice for customers of electric utilities
23 to save on their power bills by investing in current technologies;

- 24 (2) Such technologies include energy efficient lighting, energy efficient appliances and
 25 air-conditioning systems, and solar technologies for the on-site generation of electricity;
 26 (3) Free-market financing of solar technologies will provide more customers with
 27 opportunities to increase energy and cost savings;
 28 (4) Leases, power purchase agreements, and other similar arrangements are financing
 29 arrangements which serve to reduce or eliminate up-front costs involved in solar
 30 technology investments by electric utility customers, thereby creating immediate cost
 31 saving opportunities; and
 32 (5) Electric utility customers who finance their investment in solar technology and those
 33 individuals and entities which offer such financing opportunities through leases or power
 34 purchase agreements should not be considered or treated as an electric utility for any
 35 purpose under this title.

36 46-3-62.

37 As used in this part, the term:

- 38 (1) 'Electric service provider' means any electric utility, electric membership corporation,
 39 or municipal electric utility that is engaged in the business of distributing electricity to
 40 retail electric customers in this state.
 41 (2) 'Electric supplier' means any electric light and power company subject to regulation
 42 by the commission, any electric membership corporation furnishing retail service in this
 43 state, and any municipality which furnishes retail service in this state.
 44 (3) 'Electric utility' includes an electric service provider and an electric supplier.
 45 (4) 'Retail electric customer' means a person who purchases electric service from an
 46 electric utility for such person's use and not for the purpose of resale.
 47 (5) 'Solar financing agent' means an individual or entity whose primary business is the
 48 installation or financing of solar technology on property owned or occupied by a retail
 49 electric customer primarily for the on-site generation of electric energy.

50

51 46-3-63.

- 52 (a) A retail electric customer may install any solar technology for the generation of electric
 53 energy for use primarily on property owned or occupied by such customer. Such solar
 54 technology and its installation may be financed by the retail electric customer through a
 55 solar financing agent utilizing a loan, lease, power purchase agreement, or any other form
 56 of financing agreement.
 57 (b) No electric utility shall prevent or otherwise interfere with the installation or financing
 58 of solar technology by a retail electric customer through a solar financing agent pursuant
 59 to subsection (a) of this Code section.

60 46-3-64.

61 (a) Provisions in a loan, lease, power purchase agreement, or other form of financing
62 agreement for payments to a solar financing agent by a retail electric customer based on
63 the amount of electricity furnished to such customer shall not be considered the provision
64 of electric service to the public, retail electric service, or the retail supply of electricity by
65 the solar financing agent, and neither such retail electric customer nor such solar financing
66 agent shall be considered an electric supplier by virtue of such provisions.

67 (b) Notwithstanding any other provision of law, a solar financing agent shall not be
68 considered an electric utility for any purpose under this title."

69 **SECTION 2.**

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