

Senate Bill 210

By: Senators Anavitarte of the 31st, Robertson of the 29th, Hufstetler of the 52nd, Halpern of the 39th, Setzler of the 37th 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 generation and distribution of electricity generally, so as to enact "The Georgia
3 Homegrown Solar Act of 2023"; to require net metering to be offered by electric utilities that
4 meet a certain renewable energy penetration threshold; to provide for a short title; to provide
5 for legislative findings and declarations; to provide for definitions; to provide the Public
6 Service Commission with the authority to determine the appropriate credit available once the
7 net metering credit limit is reached; to provide for a net metering tariff for customer-sited
8 distributed solar facilities; to provide for a standard interconnection agreement for
9 customer-sited distributed solar facilities; to allow certain tax-exempt customers of an
10 electric utility to aggregate demand from multiple locations and subscribe to certain solar
11 facilities; to provide for a tariff providing for solar meter aggregation; to allow customers to
12 access their own meter usage and provide such usage data to authorized third parties; to
13 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"Part 5

46-3-80.

This part shall be known and may be cited as 'The Georgia Homegrown Solar Act of 2023.'

46-3-81.

(a) The General Assembly finds that it is in the public interest to:

(1) Continue to encourage private investment in solar resources in the service territory of Georgia's largest electric utility;

(2) Stimulate economic growth and job creation in Georgia;

(3) Promote energy resilience; and

(4) Enable homes, businesses, and tax-exempt customers in Georgia to access solar technologies that help them manage their electric bills.

(b) The General Assembly further finds and declares that a program that builds upon the success of 'The Georgia Cogeneration and Distributed Generation Act of 2001' with respect to the state's largest electric utility in order to provide increased access to distributed solar technologies is a way to encourage private investment in solar resources, stimulate economic growth and job creation, promote energy resilience, and help consumers to manage electric bills.

46-3-82.

As used in this part, the term:

(1) 'Aggregated solar facility' means a solar technology that is no more than 3 megawatts in alternating current, serves one or more tax-exempt customers, and is located within the same electric service territory as such tax-exempt customers.

(2) 'Avoided cost' means the incremental cost to an electric utility which, but for the provision of energy and capacity from a solar technology, such electric utility would incur to generate or procure electricity from another source.

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

(4) 'Customer' means an entity that uses electric power and is receiving or is eligible to receive tariffed services from an electric utility.

(5) 'Customer generator' means a customer that utilizes the electric energy from a distributed solar facility pursuant to an electric utility's net metering tariff, and includes a customer that finances a solar system pursuant to Code Section 46-3-63.

(6) 'Distributed solar facility' means a facility utilized by a customer generator for the production of electrical energy that:

(A) Uses a solar photovoltaic system, and may include any additions or enhancements such as battery storage devices or advanced inverters;

(B) Has a peak generating capacity in alternating current that is no greater than 15 kilowatts for a residential application and 125 percent of the actual or expected maximum annual peak demand of the property that a solar photovoltaic system serves for a nonresidential operation;

(C) Is located on the customer's property. For purposes of this subparagraph, the term 'property' shall have the same meaning as provided in Code Section 46-3-62;

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

(E) Is connected to the electric utility's distribution system; and

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

(7) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the commission, and shall not include any electric membership corporation or municipal electric utility.

(8) 'Net excess generation' means the number of kilowatt hours a customer generator exported to the grid over the course of the applicable billing period that exceeds the number of kilowatt hours delivered to the customer generator from the electric utility's grid over such period.

(9) 'Net metering' means a metering and billing methodology whereby the electricity generated by a customer-sited distributed solar facility:

(A) Offsets the customer's electricity consumption on site over the course of an applicable billing period; and

(B) Offsets the average cost of the electricity supplied during the applicable billing period, if such distributed solar facility is subject to a tiered pricing rate structure.

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

(11) 'Renewable capacity threshold' means the point at which an electric utility has purchased renewable energy from eligible customer generators such that the cumulative generating capacity of all renewable energy sources equals 0.2 percent of its annual peak demand in the previous year.

(12) 'Solar financing agent' means any person, including an electric utility and its affiliate, whose business includes the leasing, financing, or installation of an aggregated solar facility.

(13) 'Solar meter aggregation' means the administrative combination of kilowatt-hour meter readings based on the energy generated from an aggregated solar facility by a solar financing agent to be provided to a tax-exempt customer's electric utility in order to properly allocate bill credits from one or more aggregated solar facilities to the tax-exempt customer's accounts.

(14) 'Solar technology' shall have the same meaning as provided in Code Section 46-3-62.

(15) 'Subscriber administrator' means an entity that:

(A) Administers tax-exempt customer participation in aggregated solar facilities; or

(B) Manages the subscription relationship between tax-exempt customers and the electric utility.

(16) 'Subscription' means a contract between a tax-exempt customer and a subscriber administrator or solar financing agent of an aggregated solar facility that entitles the tax-exempt customer to bill credits that can be applied against the tax-exempt customer's electric bill.

(17) 'Tax-exempt customer' means a governmental entity or any other entity that is exempt from state and federal income tax.

46-3-83.

(a) Notwithstanding any other requirements imposed on an electric utility under Part 1 of this article, once an electric utility has reached the renewable capacity threshold the electric utility shall:

(1) Within three months:

(A) File a net metering tariff for customer-sited distributed solar facilities in compliance with Code Section 46-3-84; and

(B) File a standard interconnection agreement for customer-sited distributed solar facilities in compliance with Code Section 46-3-85; and

(2) Within six months:

(A) File a tariff providing for solar meter aggregation in compliance with Code Section 46-3-86; and

(B) File a data access program in compliance with Code Section 46-3-87.

117 (b) If an electric utility has previously met the renewable capacity threshold on or before
118 July 1, 2023, the electric utility shall be deemed to have met the renewable capacity
119 threshold on July 1, 2023, for purposes of compliance with this part.

120 46-3-84.

121 (a) Within three months of the date on which an electric utility meets the renewable
122 capacity threshold, the electric utility shall file for commission review and approval a net
123 metering tariff for customer-sited distributed solar facilities that meets the following
124 requirements:

125 (1) Until the cumulative generating capacity of all net metered distributed solar facilities
126 in an electric utility's service territory equals 5 percent of that electric utility's annual peak
127 demand in the previous year, for any customer generator that utilizes net metering, the
128 applicable billing period shall then be the monthly billing period and any net excess
129 generation shall be credited at the electric utility's avoided cost; provided, however, that
130 any generating capacity installed pursuant to Code Section 46-3-86 shall not be subject
131 to the cumulative generating thresholds set forth in this paragraph; and

132 (2) Customer generators shall have the assignable and transferable right to utilize net
133 metering for a period of 20 years from the date of acceptance of their interconnection
134 agreement according to the regulations, terms, and conditions governing the rates and
135 crediting of customer generators in effect during such time.

136 (b) Once the cumulative generating capacity of all net metered distributed solar facilities
137 in an electric utility's service territory equals 5 percent of that electric utility's annual peak
138 demand in the previous year, the commission shall commence an evidentiary proceeding
139 to determine the appropriate crediting mechanism for future customer generators applying
140 for net metering. In establishing such appropriate crediting mechanism, the commission
141 shall consider the direct and indirect economic impact of distributed solar facilities to the
142 state and the avoidance of disruption to the growing market for distributed generation

facilities. An electric utility's crediting mechanism provided under paragraph (1) of subsection (a) of this Code section shall remain in place unless and until replaced by a final order of the commission pursuant to this Code section.

46-3-85.

Within three months of the date on which an electric utility meets the renewable capacity threshold, the electric utility shall file for commission review and approval a standard interconnection agreement for customer-sited distributed solar facilities that meets the following requirements:

(1) An electric utility may recover any direct costs associated with interconnecting and administering metering services of a customer generator as approved by the commission;

(2) An electric utility shall not charge the customer generator any standby, capacity, or other fee or charge, other than a monthly service charge, so long as the customer generator has a total monthly bill of at least \$20.00. All other fees imposed on the customer generator shall:

(A) Be just, reasonable, and nondiscriminatory;

(B) Be based on the actual cost of providing the service for which the fee is imposed;

(C) Apply to other customers in the same customer class, including customers that are not customer generators; and

(D) Be approved by the commission, after public notice and an opportunity for public comment;

(3) A distributed solar facility used by a customer generator shall include, at the customer's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers, and Underwriters Laboratories;

(4) An electric utility shall not require a customer generator whose distributed solar facility meets the standards in paragraph (3) of this Code section to comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance; and

(5) No electric utility shall be liable to any person, directly or indirectly, for loss of property, injury, or death resulting from the interconnection of a distributed solar facility to its electrical system.

46-3-86.

Within six months of the date on which an electric utility meets the renewable capacity threshold, the electric utility shall submit for commission review and approval a tariff providing for solar meter aggregation that meets the following requirements:

(1) One or more tax-exempt customers may enter into an agreement with a solar financing agent for the installation, maintenance, and operation of an aggregated solar facility that is located in the territory of such tax-exempt customers' electric utility. The solar financing agent, or the solar financing agent's designated subscriber administrator, may sell subscriptions of the capacity or energy generated from the aggregated solar facility to such tax-exempt customers. Such transactions shall not be considered retail sales of electricity and shall not subject the solar financing agent to regulation under this chapter. The solar financing agent shall meter the energy generated from the aggregated solar facility and provide such metering information, along with the amount of energy allocated to each tax-exempt customer pursuant to a subscription agreement, to the electric utility in whose service territory the aggregated solar facility is located;

(2) An electric utility shall provide solar meter aggregation to all tax-exempt customers that seek to allocate bill credits within a single electric utility's service territory from one or more aggregated solar facilities. Each electric utility shall allocate credits to a

tax-exempt customer's bill as if the aggregated solar facility were located on the customer's property, as specified in subsection (a) of Code Section 46-3-84;

(3) If an aggregated solar facility and the tax-exempt customer's metered accounts are served by the same electric utility, a tax-exempt customer may elect to have bill credits from one or more aggregated solar facilities allocated to the tax-exempt customer's accounts within the service territory without regard to physical location;

(4) The annual allocated credits in kilowatt hours from any subscription may not exceed 125 percent of the prior three-year annual average usage of the accounts of the tax-exempt customer to which the bill credits are allocated; and

(5) No electric utility shall be liable to any person, directly or indirectly, for loss of property, injury, or death resulting from the interconnection of an aggregated solar facility to its electrical system.

46-3-87.

(a) Within six months of the date on which an electric utility meets the renewable capacity threshold, the electric utility shall file for commission review and approval a data access program. Such data access program shall be designed to better enable customers' investments in conservation and clean energy technologies, including, but not limited to, photovoltaic solar, energy efficiency technologies, battery storage, smart thermostats, and electric vehicles. Following notice and an opportunity to comment, the commission shall adopt or amend such proposed process, which the electric utility shall make available to customers within nine months of the commission's final order.

(b) An electric utility's data access program shall conform to the following requirements:

(1) As part of basic utility service, an electric utility shall provide meter usage data in electronic machine-readable form, without additional charge, to the customer or to any third-party recipient to whom the customer has authorized disclosure of the customer's meter usage data. Such access shall conform to nationally recognized open standards and

219 best practices and shall be provided in 15 minute intervals or the shortest interval
220 available through existing meters;

221 (2) An electric utility shall maintain and provide at least 24 months of meter usage data
222 or the period of time that a customer has had an account at a given address, whichever is
223 less; and

224 (3) If requests are made for information other than meter usage data or data older than
225 24 months preceding the request, the electric utility may charge customers a fee to
226 provide such data. A reasonable fee shall be established by the commission based on the
227 electric utility's marginal cost to provide such data."

228 **SECTION 2.**

229 This Act shall become effective on July 1, 2023.

230 **SECTION 3.**

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