
A BILL FOR AN ACT

RELATING TO NET ENERGY METERING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 269, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§269-_____ **No requirement to become customer-generator.**

5 Notwithstanding the provisions of this chapter, a metered
6 residential or commercial customer of an electric utility who
7 owns and operates a solar, wind turbine, biomass, or
8 hydroelectric energy-generating facility, or a hybrid system
9 consisting of two or more of these facilities, is not required
10 to become a customer-generator to offset part or all of the
11 customer's own electrical requirements. The customer's energy-
12 generating facility may be operated independently of the
13 electric utility's transmission and distribution facilities.

14 §269-_____ **Nonutility generators; energy storage system**
15 **required.** All nonutility generators shall be required to
16 connect their energy-generating facility to an energy storage
17 system having a capacity of at least _____ kilowatts."



1 SECTION 2. Section 269-101, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Energy storage system" means any device, container, or
5 other physical medium that is installed for or converted to the
6 storage of electricity of some energy product created by
7 electricity, including any necessary accessories, components,
8 and controls that are part of the energy storage system;
9 provided that any such energy storage system shall be
10 specifically designed or used to store electricity or some
11 energy product created by electricity for the primary purpose
12 of:

- 13 (1) Shifting the consumption of grid electricity to off-
14 peak period; or
15 (2) Storing electricity generated by a solar, wind
16 turbine, biomass, or hydroelectric energy-generating
17 facility,
18 thereby reducing the use of fossil fuels.

19 "Nonutility generator" means a metered residential or
20 commercial customer of an electric utility who owns and operates
21 a solar, wind turbine, biomass, or hydroelectric energy-
22 generating facility, or a hybrid system consisting of two or



1 more of these facilities, who is not an eligible customer-
2 generator, and whose energy-generating facility is operated
3 independently of the electric utility's transmission and
4 distribution facilities."

5 SECTION 3. Section 269-102, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Every electric utility shall develop a standard
8 contract or tariff providing for net energy metering and shall
9 make this contract available to eligible customer-generators [~~7~~
10 ~~upon request, on a first come first served basis until the time~~
11 ~~that the total rated generating capacity produced by eligible~~
12 ~~customer-generators equals .5 per cent of the electric utility's~~
13 ~~system peak demand; provided that the public utilities~~
14 ~~commission may modify, by rule or order, the total rated~~
15 ~~generating capacity produced by eligible customer-generators;~~
16 ~~provided further that the public utilities commission shall~~
17 ~~ensure that a percentage of the total rated generating capacity~~
18 ~~produced by eligible customer-generators shall be reserved for~~
19 ~~electricity produced by eligible residential or small commercial~~
20 ~~customer-generators. The public utilities commission may~~
21 ~~define, by rule or order, the maximum capacity for eligible~~
22 ~~residential or small commercial customer-generators.~~



1 Notwithstanding the generating capacity requirements of this
2 subsection, the public utilities commission may evaluate, on an
3 island-by-island basis, the applicability of the generating
4 capacity requirements of this subsection and, in its discretion,
5 may exempt an island or a utility grid system from the
6 generating capacity requirements]."

7 SECTION 4. Section 269-101.5, Hawaii Revised Statutes, is
8 repealed.

9 [~~"§269-101.5~~ ~~Maximum capacity of eligible customer-~~
10 ~~generator.~~ The eligible customer-generator shall have a
11 capacity of not more than fifty kilowatts; provided that the
12 public utilities commission may increase the maximum allowable
13 capacity that eligible customer-generators may have to an amount
14 greater than fifty kilowatts by rule or order."]

15 SECTION 5. Section 269-104, Hawaii Revised Statutes, is
16 repealed.

17 [~~"§269-104~~ ~~Additional customer-generators.~~
18 Notwithstanding section 269-102, an electric utility is not
19 obligated to provide net energy metering to additional customer-
20 generators in its service area when the combined total peak
21 generating capacity of all eligible customer-generators served
22 by all the electric utilities in that service area furnishing




1 ~~net energy metering to eligible customer generators equals .5~~
2 ~~per cent of the system peak demand of those electric utilities;~~
3 ~~provided that the public utilities commission may increase, by~~
4 ~~rule or order, the allowable percentage of the electric~~
5 ~~utility's system peak demand produced from eligible customer~~
6 ~~generators in the electric utility's service area, whereupon the~~
7 ~~electric utility will be obligated to provide net energy~~
8 ~~metering to additional eligible customer generators in that~~
9 ~~service area up to the increased percentage amount."]~~

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY:  B/R
JAN 27 2009



Report Title:

Net Energy Metering

Description:

Eliminates the cap on the maximum amount of net energy metering allowed. Requires reasonable storage for each energy-generating facility for systems that are operated independently of the electric utility's power grid.

