

PROJECT NO. 41326

RULEMAKING TO AMEND	§	PUBLIC UTILITY COMMISSION
SUBSTANTIVE RULE 25.213,	§	
RELATING TO METERING FOR	§	OF TEXAS
DISTRIBUTED RENEWABLE	§	
GENERATION	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.213
AS APPROVED AT THE SEPTEMBER 12, 2013 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §25.213, relating to Metering for Distributed Renewable Generation. The proposed amendments modify §25.213 by conforming it to Public Utility Regulatory Act (PURA) §39.554 and the definition of distributed renewable generation owner in §25.217. The amendments provide for net metering for an electric utility subject to PURA Chapter 39, Subchapter L. Project Number 41326 is assigned to this proceeding.

Christine Wright, Senior Policy Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Ms. Wright has determined that for each year of the first five years the proposed amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be compliance with PURA §39.554. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing these amendments. Therefore, no regulatory

flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Ms. Wright has also determined that for each year of the first five years the proposed amendments are in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, beginning at 9:30 a.m. on Friday October 25, 2013, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The request for a public hearing must be received by October 11, 2013.

Initial comments on the proposed amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326 by October 28, 2013. Reply comments may be submitted by November 11, 2013. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to 22.71(c). Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed amendments. The commission will consider the costs and benefits in deciding whether to adopt the amendments. All comments should refer to Project Number 41326.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2012) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §14.001, which provides the commission with the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; §32.101, which requires an electric utility to file its tariff with each regulatory authority; §36.003, which requires that each rate be just and reasonable and not unreasonably preferential, prejudicial, or discriminatory; §38.001, which requires an electric utility to furnish service, instrumentalities, and facilities that are safe, adequate, efficient, and reasonable; §39.101(b)(3), which requires the commission to ensure that customers have access to on-site distributed generation and to providers of energy generation by renewable energy resources; §39.554, which provides for the interconnection of distributed renewable generation by El Paso Electric Company; and §39.916, which generally addresses the interconnection of distributed renewable generation.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001, 14.002, 32.101, 36.003, 38.001, 39.101(b)(3), 39.554, and 39.916.

§25.213. Metering for Distributed Renewable Generation and Certain Qualifying Facilities.**(a) Application.**

This section applies to transmission and distribution utilities, excluding river authorities;
an electric utility subject to Public Utility Regulatory Act (PURA) Chapter 39, Subchapter L; ~~owners of~~ distributed renewable generation owners as defined in §25.217 (relating to Distributed Renewable Generation); and the entity responsible for settlement.

(b) Metering.

(1) Upon request by a customer that has, or is in the process of installing distributed renewable generation with a capacity of less than 50 kilowatts (kW)~~kW~~ on the retail electric customer's side of the meter and that desires to measure the generation's out-flow production, an electric~~a transmission and distribution~~ utility shall provide metering at the point of common coupling using one or two meters that separately measure both the customer's electricity consumption from the distribution network and the out-flow that is delivered from the customer's side of the meter to the distribution network and separately report each metered value to the transmission and distribution utility. The two metered values shall be separately accounted for by the entity responsible for settlement.

(2) Upon request by a retail electric customer that has, or is the process of installing distributed renewable generation with a capacity equal to or greater than 50 kW up to 2,000 kW on the retail electric customer's side of the meter, an electric~~a transmission and distribution~~ utility shall provide one or two interval data

recorders at the point of common coupling that separately measure both the customer's electricity consumption from the distribution network and the out-flow that is delivered from the retail electric customer's side of the meter to the distribution network and separately report each metered value to the transmission and distribution utility. The two metered values shall be separately accounted for by the entity responsible for settlement.

- (3) Upon request by a retail electric customer that has, or is in the process of installing distributed renewable generation with a capacity of less than 50 kW on the retail electric customer's side of the meter and that does not desire to measure the generation's out-flow production, ~~an electric transmission and distribution~~ utility shall provide metering in accordance with paragraph (1) of this subsection or, at the ~~electric transmission and distribution~~ utility's option, install a meter that measures the customer's electricity consumption from the distribution network but does not measure the out-flow that is delivered from the retail electric customer's side of the meter to the distribution network. Unless an existing distributed renewable generation owner requests to have the existing meter replaced, the ~~electric transmission and distribution~~ utility may, at its option and expense, replace an existing distributed renewable generation owner's meter with a meter of a type specified in this rule.
- (4) Pursuant to the applicable schedule in its tariff, ~~an electric transmission and distribution~~ utility shall charge for the customer's electricity consumption from the distribution network as measured by the metering installed pursuant to paragraphs (1), (2) or (3) of this subsection.

- (5) An electric~~A transmission and distribution~~ utility shall not provide metering for purposes of PURA §39.914(d) and PURA §39.916(f), that is inconsistent with paragraph (1), (2) or (3) of this subsection, unless ordered by the commission.
- (6) (No change.)
- (7) Electric~~Transmission and distribution~~ utilities shall file tariffs for metering under this section within 60 days of its effective date.
- (8) Distributed~~Owners of distributed~~ renewable generation owners may begin selling out-flow at any time, but electric~~transmission and distribution~~ utilities are not required to comply with paragraph (1), (2) or (3) of this subsection, as they relate to reporting the two metered values, and the entity responsible for settlement is not required to accept the meter data provided pursuant to paragraph (1), (2) or (3) of this subsection until January 1, 2009.
- (9) (No change.)

(c) Metering Provisions Specific to an Electric Utility Subject to PURA Chapter 39,

Subchapter L.

- (1) This subsection applies to an electric utility subject to PURA Chapter 39, Subchapter L.
- (2) An electric utility shall provide the additional option of interconnection through a single meter that runs forward and backward for a customer that is either:
- (A) an apartment house occupied by low-income elderly tenants that qualifies for master metering under Texas Utilities Code §184.012(b) and the

- distributed renewable generation is reasonably expected to generate not less than 50 percent of the apartment house's annual electricity use; or,
- (B) has a qualifying facility with a design capacity of 50 kW or less and that uses a renewable energy resource.
- (3) The net metering option provided by paragraph (2) of this subsection is available only if the distributed renewable generation or qualifying facility is rated to produce an amount of electricity that is less than or equal to:
- (A) the customer's estimated annual kilowatt-hour consumption for a new apartment house or qualifying facility; or,
- (B) the amount of electricity the customer consumed in the year before installation of the distributed renewable generation or qualifying facility.
- (4) Measured net consumption shall be billed under the electric utility's standard tariff schedule applicable to the customer. Measured net production shall be purchased in accordance with §25.217 of this title.
- (5) The electric utility shall credit the payments to the customer's monthly electric service bill. If the payment for non-firm energy supplied to the electric utility exceeds the total of the owner's monthly electric service bill, a credit balance of not more than \$50 shall be carried forward to the owner's next monthly bill. The electric utility shall refund to the customer a credit balance that is not carried forward, or the portion of a credit balance that exceeds \$50, if the credit balance is carried forward.
- (6) An electric utility shall install, maintain, and retain ownership of the meter(s) and metering equipment installed for purposes of this subsection and may install load

research metering equipment on the premises of the owner, at no expense to the owner.

(7) At the request of an electric utility, the customer shall:

(A) provide and install a meter socket, a metering cabinet, or both a socket and cabinet at a location designated by the electric utility on the premises of the owner; and

(B) provide, at no expense to the electric utility, a suitable location for the electric utility to install meters and equipment associated with billing and load research.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 12th DAY OF SEPTEMBER 2013 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**