

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 573**

Introduced by Bostar, 29.

Read first time January 19, 2021

Committee:

- 1 A BILL FOR AN ACT relating to net metering; to amend section 70-2002,
- 2 Reissue Revised Statutes of Nebraska; to change the definition of
- 3 qualified facility; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-2002, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 70-2002 For purposes of sections 70-2001 to 70-2005:

4 (1) Customer-generator means an end-use electricity customer that  
5 generates electricity on the customer's side of the meter from a  
6 qualified facility;

7 (2) Interconnection agreement means an agreement between a local  
8 distribution utility and a customer-generator that establishes the  
9 financial, interconnection, safety, performance, and reliability  
10 requirements relating to the installation and operation of a qualified  
11 facility in accordance with the standards prescribed in sections 70-2001  
12 to 70-2005;

13 (3) Local distribution system means the equipment and facilities  
14 used for the distribution of electric energy to the end-use electricity  
15 customer;

16 (4) Local distribution utility means the owner or operator of the  
17 local distribution system;

18 (5) Net excess generation means the net amount of energy, if any, by  
19 which the output of a qualified facility exceeds a customer-generator's  
20 total electricity requirements during a billing period;

21 (6) Net metering means a system of metering electricity in which a  
22 local distribution utility:

23 (a) Credits a customer-generator at the applicable retail rate for  
24 each kilowatt-hour produced by a qualified facility during a billing  
25 period up to the total of the customer-generator's electricity  
26 requirements during that billing period. A customer-generator may be  
27 charged a minimum monthly fee that is the same as other noncustomer-  
28 generators in the same rate class but shall not be charged any additional  
29 standby, capacity, demand, interconnection, or other fee or charge; and

30 (b) Compensates the customer-generator for net excess generation  
31 during the billing period at a rate equal to the local distribution

1 utility's avoided cost of electric supply over the billing period. The  
2 monetary credits shall be applied to the bills of the customer-generator  
3 for the preceding billing period and shall offset the cost of energy owed  
4 by the customer-generator. If the energy portion of the customer-  
5 generator's bill is less than zero in any month, monetary credits shall  
6 be carried over to future bills of the customer-generator until the  
7 balance is zero. At the end of each annualized period, any excess  
8 monetary credits shall be paid out to coincide with the final bill of  
9 that period; and

10 (7) Qualified facility means a facility for the production of  
11 electrical energy that:

12 (a) Uses as its energy source either methane, wind, solar resources,  
13 biomass, hydropower resources, or geothermal resources;

14 (b) Is controlled by the customer-generator and is located on  
15 premises owned, leased, or otherwise controlled by the customer-  
16 generator;

17 (c) Interconnects and operates in parallel with the local  
18 distribution system;

19 (d) Is intended to meet or offset the customer-generator's  
20 requirements for electricity;

21 (e) Is not intended to offset or provide credits for electricity  
22 consumption at another location owned, operated, leased, or otherwise  
23 controlled by the customer-generator or for any other customer;

24 (f) Has a rated capacity at or below twenty-five kilowatts as  
25 measured in alternating current;

26 (g) Meets all applicable safety, performance, interconnection, and  
27 reliability standards established by the National Electrical Code filed  
28 with the Secretary of State and adopted by the State Electrical Board  
29 under subdivision (5) of section 81-2104, the National Electrical Safety  
30 Code, the Institute of Electrical and Electronics Engineers, and the  
31 Underwriters Laboratories, Inc.; and

1           (h) Is equipped to automatically isolate the qualified facility from  
2 the electrical system in the event of an electrical power outage or other  
3 conditions where the line is de-energized.

4           Sec. 2. Original section 70-2002, Reissue Revised Statutes of  
5 Nebraska, is repealed.