

Regular Session, 2008

SENATE BILL NO. 359

BY SENATOR N. GAUTREAUX

ENERGY DEVELOPMENT. Revises the definition of "net energy metering facility." (gov sig)

1 AN ACT

2 To amend and reenact R.S. 51:3062(5)(b) and to enact R.S. 51:3063(C), relative to the  
3 definition of "net energy metering facility"; to provide relative to generating capacity  
4 for commercial or agricultural purposes; to provide relative to commission authority;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:3062(5)(b) is hereby amended and reenacted and R.S. 51:3063(C)  
8 is hereby enacted to read as follows:

9 §3062. Definitions

10 As used in this Chapter, the following words and phrases shall have the  
11 meaning ascribed to them in this Section, unless the context clearly indicates  
12 otherwise:

13 \* \* \*

14 (5) "Net energy metering facility" means a facility for the production of  
15 electrical energy that:

16 \* \* \*

17 (b) Has a generating capacity of not more than twenty-five kilowatts for

1 residential use or ~~one~~ **three** hundred kilowatts for commercial or agricultural use.

2 \* \* \*

3 §3063. Net energy metering

4 \* \* \*

5 **C. Nothing in this Chapter shall derogate from the commission's**  
6 **constitutional authority to regulate, as applicable, all common carriers and**  
7 **public utilities, particularly the authority to implement rules, regulations, and**  
8 **tariffs to ensure that neither an electric utility nor its ratepayers shall be**  
9 **adversely affected, or to subsidize activities authorized under this Chapter.**

10 Section 2. This Act shall become effective upon signature by the governor or, if not  
11 signed by the governor, upon expiration of the time for bills to become law without signature  
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
14 effective on the day following such approval.

---

The original instrument was prepared by Curry Johnson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

---

DIGEST

N. Gautreaux (SB 359)

Present law provides that a "net energy metering facility" means a facility for the production of electrical energy that:

- (a) Uses solar, wind, hydroelectric, geothermal, or biomass resources to generate electricity including but not limited to fuel cells and micro turbines that generate electricity if the fuel source is entirely derived from renewable resources.
- (b) Has a generating capacity of not more than twenty-five kilowatts for residential use or one hundred kilowatts for commercial or agricultural use.
- (c) Is located in Louisiana.
- (d) Can operate with an electric utility's existing transmission and distribution facilities.
- (e) Is intended primarily to offset part or all of the net energy metering customer requirements for electricity.

Proposed law retains present law but changes the generating capacity requirement from not more than one hundred kilowatts to not more than three hundred kilowatts for commercial or agricultural use.

Proposed law clarifies that nothing in proposed law diminishes the LPSC's constitutional

authority to regulate, as applicable, all common carriers and public utilities, particularly the authority to implement rules, regulations, and tariffs to ensure that neither an electric utility nor its ratepayers are adversely affected, or subsidize activities authorized under present law or proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:3062(5)(b), adds R.S. 51:3063(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill.

1. Adds provision clarifying that nothing in proposed law diminishes the LPSC's constitutional authority to regulate, as applicable, all common carriers and public utilities, particularly the authority to implement rules, regulations, and tariffs to ensure that neither an electric utility nor its ratepayers are adversely affected, or subsidize activities authorized under present law or proposed law.