



# TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE:** April 12, 2018  
**MEETING DATE:** April 16, 2018

**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Bob McLaurin  
**PRESENTER:** Roxanne Robinson, Assistant Town Manager

**SUBJECT:** Resolution 18-09, A Resolution Requesting WAM Support for Legislation Increasing the Kilowatt Threshold for Net Metering

## STATEMENT/PURPOSE

The Town Council approves all resolutions on behalf of the Town of Jackson.

## BACKGROUND/ALTERNATIVES

The Wyoming Association of Municipalities (WAM) is requesting resolutions for member communities in order to assist with defining the legislative priorities for the organization representing cities and towns in the state.

A proposal was made several years back to the Joint Corporations Interim Committee to increase the threshold so that facilities generating power through solar, wind, geothermal, biomass or hydropower could take advantage of net metering even if they generated more than the currently allowed 25 kilowatt hours. This proposal did not receive support at that time. With passage of this resolution, the Town of Jackson would be seeking support from WAM for legislative changes. The proposed resolution is attached to the staff report along with the original information provided to the Joint Corporations Interim Committee. Larry Pardee, Public Works Director, may have additional information to present regarding the specific situation for the Town of Jackson and what had been proposed in the past. The Town Council may want to discuss amendments that would address entities other than governmental entities as well.

Staff recommends the Council adopt the resolution as proposed and direct staff to provide a signed version of the resolution to WAM.

The Town Council has many options, several are listed below:

1. Approve the resolution for net metering as presented and direct staff to provide a signed version of it to WAM.
2. Discuss the resolution, make changes to it, and approve a revised version to be signed and submitted to WAM.
3. Take no action at this time.
4. Other.

## STAKEHOLDER ANALYSIS

The stakeholders involved in this issue include governmental entities with electrical facilities utilizing solar, wind, geothermal, biomass or hydropower that generate more than 25 kilowatt hours. Other stakeholders may include utility companies that may not be interested in alternative power generation to offset costs.

## ATTACHMENTS

Resolution 18-09, Original legislation proposed several years back.

### FISCAL IMPACT

Resolutions are published as part of the minutes. Minutes cost between \$200 - \$1000 depending on the length.

### STAFF IMPACT

The staff impact of passage of this resolution will include printing on permanent record books, converting to digital format, obtaining signatures and submitting a finalized version to WAM for consideration.

### LEGAL REVIEW

This resolution has not yet been provided to the Town Attorney for review. The Resolution does not amend the Municipal Code.

### RECOMMENDATION

Staff recommends the Council approve the resolution for net metering as presented and direct staff to provide a signed version of it to WAM.

### SUGGESTED MOTION

Should the Council be ready to take action, one possible motion would be as follows:

I move to approve the resolution for net metering as presented and direct staff to provide a signed version of it to WAM.

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### Synopsis for PowerPoint (120 words max):

#### Background:

A proposal was made several years back to the Joint Corporations Interim Committee to increase the threshold so that facilities generating power through solar, wind, geothermal, biomass or hydropower could take advantage of net metering even if they generated more than the currently allowed 25 kilowatt hours. This proposal did not receive support at that time. With passage of this resolution, the Town of Jackson would be seeking support from WAM for legislative changes.

**RESOLUTION 18-09  
FOR WAM CONSIDERATION**

**A RESOLUTION REQUESTING WAM SUPPORT FOR LEGISLATION  
INCREASING THE KILOWATT THRESHOLD FOR NET METERING**

**WHEREAS**, current statutory language in §37-16-101(a)(viii)(B) in the Wyoming Statutes allows net metering for facilities with electrical generating capacities of not more than 25 Kilowatt hours; and

**WHEREAS**, municipalities may have the land and resources available to develop larger solar facilities generating higher levels of kilowatt hours; and

**WHEREAS**, allowing municipalities the opportunity to sell back additional kilowatt hours over and above the 25 currently allowed would provide an additional way to offset energy use for municipal purposes and may provide a revenue stream; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Jackson supports, and urges WAM and WCCA to support, an amendment to the Wyoming Statutes to allow municipalities and other governmental entities a higher threshold of kilowatt hours for solar net metering than is currently allowed.

**APPROVED ON THE 16<sup>th</sup> DAY OF APRIL, 2018.**

**TOWN OF JACKSON**

By: \_\_\_\_\_  
Mayor Pete Muldoon

ATTEST:

\_\_\_\_\_  
Sandra P. Birdyshaw, Town Clerk

Draft version for your consideration, 7/19/16:

Adds in provisions to 1) change billing date to start on April 1 so that energy credits earned in summer months can be used during winter; 2) allows for larger systems for non-residential facilities; and 3) allows for aggregation of meters on same premises.

CHAPTER 16  
ELECTRIC UTILITIES

ARTICLE 1  
NET METERING

**37-16-101. Definitions.**

(a) As used in this chapter unless the context or a specific article otherwise requires:

(i) "Annualized billing period" means a 12-month billing cycle beginning on April 1 of one year and ending on March 31 of the following year.

(ii) "Commission" means public service commission of Wyoming;

(iii) "Customer-generator" means a user of a net metering system;

(iv) "Electrical company" means any person, corporation or governmental subdivision, excluding municipalities, authorized and operating under the constitution and laws of the state of Wyoming which is primarily engaged in the generation or sale of electric energy;

(v) "Electric cooperative" means any nonprofit, member-owned cooperative organized under the laws of the state of Wyoming and engaged in the business of distributing electric energy in the state of Wyoming;

(vi) "Electric utility" means any electrical company, irrigation district or electric cooperative that is engaged in the business of distributing electricity to retail electric customers in the state;

(vii) "Irrigation district" means an irrigation district under W.S. 41-7-201;

(viii) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the electric utility over the applicable billing period;

(viii) "Net metering system" means a facility for the production of electrical energy that:

(A) Uses as its fuel either solar, wind, **geothermal**, biomass, or hydropower;

(B) Has a generating capacity of ~~not more than twenty five (25) kilowatts;~~

(i) not more than twenty-five (25) kilowatts for a residential facility; or

(ii) not more than **five hundred (500)** kilowatts for a non-residential facility.

(C) Is located on the customer-generator's premises;

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

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

(F) May be comprised of one or more meters that are aggregated for billing purposes as long as the additional meters are located on the customer-generator's premises.

(xi) "Premises" means all contiguous property owned or leased by the customer without regard to interruptions in contiguity caused by easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.

(b) A person acting as a customer-generator under this act shall not be considered a "public utility" as defined by W.S. 37-1-101.

### **37-16-102. Electric utility requirements.**

(a) An electric utility:

(i) Shall offer to make available to each of its eligible customer-generators that has installed a net metering system an energy meter that is capable of registering the flow of electricity in two (2) directions;

(ii) May, at its own expense and with the written consent of the customer-generator, install one (1) or more additional meters to monitor the flow of electricity in each direction;

(iii) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the electric utility in the same rate class as the customer-generator.

**37-16-103. Calculation requirements.**

(a) Consistent with other provisions of this chapter, the net energy measurement shall be calculated in the following manner:

(i) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices;

(ii) If the electricity supplied by the electric utility exceeds the electricity generated by the customer generator, the customer-generator shall be billed for the appropriate customer charges for that month, in accordance with W.S. 37-16-102;

(iii) If the electricity supplied by the customer-generator exceeds that supplied by the electric utility, the customer-generator shall be credited or compensated for the excess kilowatt-hours generated during the month with the kilowatt-hour credit or compensation appearing on the bill for the following month for all metered locations of customer-generators supplied by the electric utility.

(b) At the beginning of each **annualized billing period** ~~calendar year~~, any remaining unused kilowatt-hour credit accumulated during the previous year shall be sold to the electric utility, at the electric utility's filed avoided cost.

**37-16-104. Safety and performance requirements.**

(a) A net metering system used by a customer-generator shall meet all applicable safety and performance standards established by the national electrical code, the institute of electrical and electronics engineers and underwriters laboratories.

(b) The customer-generator shall at its expense provide lockable, switching equipment capable of isolating the net metering facility from the electric utility's system. Such equipment shall be approved by the electric utility and shall be accessible by the electric utility at all times.

(c) The electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility, or for acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

(d) The customer-generator is responsible for all costs associated with its facility and is also responsible for all costs related to any modifications to the facility that may be required by the electric utility for purposes of safety and reliability.

(e) The commission, after appropriate notice and opportunity for comment, may adopt by regulation additional control and testing requirements, for customer-generators that the commission determines are necessary to protect public safety and system reliability.

Possible other amendments:

**Aggregate capacity cap**

- *If utilities express concern about negative impacts from too much solar, include a total aggregate capacity cap:*

Under 37-16-104. Safety and performance requirements., insert:

"An electrical utility may discontinue making a net metering program available to customers not already participating in the program if the cumulative generating capacity of its customer-generators equals at least 1 % of the electrical utility's peak demand during 2016."

**Cleanup of unnecessary safety language**

- *Maybe suggest this to Rep. Tyler Lindholm since he's an electrician?*

Under 37-16-104. Safety and performance requirements, delete paragraph (b) and modify paragraph (e) to read: The commission, after appropriate notice and opportunity for comment, may adopt by regulation additional control and testing requirements, including the use of external safety disconnects for customer-generators that the commission determines are necessary to protect public safety and system reliability.

**Further concessions on aggregated meters if needed**

- *Make it simpler by requiring the same rate class for all meters:*

(F) May be comprised of one or more meters that are aggregated for billing purposes as long as the additional meters are located on the customer-generator's premises and have the same rate schedule.

- *Or allow for a one-time set up fee:*

(iii) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the electric utility in the same rate class as the customer-generator, except for a one-time fee to cover set up costs for aggregating more than one meter on the customer-generator's premises.

**Further concessions if needed for rural coops**

- *Give them a lower aggregate peak demand cap.*  
- *Give them a lower system size for non-residential facilities.*

*Add other generation sources? Geothermal, waste to energy?*