

Amendment No. 211

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| Assembly Amendment to Assembly Bill No. 425 | (BDR 58-1036) |
| Proposed by: Assembly Committee on Growth and Infrastructure | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | Initial and Date | | SENATE ACTION | Initial and Date |
|---------------------------------------|-------------------------------|-------|---------------------------------------|-------------------------------|
| Adopted <input type="checkbox"/> | Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/> | Lost <input type="checkbox"/> |
| Concurred In <input type="checkbox"/> | Not <input type="checkbox"/> | _____ | Concurred In <input type="checkbox"/> | Not <input type="checkbox"/> |
| Receded <input type="checkbox"/> | Not <input type="checkbox"/> | _____ | Receded <input type="checkbox"/> | Not <input type="checkbox"/> |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 425—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing net metering. (BDR 58-1036)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to net metering; authorizing the users of a low-income housing shared net metering system to participate in net metering; exempting the owner or operator of a low-income housing shared net metering system from certain provisions of law; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising provisions governing the administration of net metering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each electric utility in this State to offer net metering to customer-
2 generators operating in the service area of the utility. (NRS 704.773) **Section 10 and 11** of
3 this bill authorize the users of a low-income housing shared net metering system to participate
4 in net metering. **Sections 2-7** of this bill define terms related to low-income housing shared
5 net metering systems. **Section 8** of this bill excludes persons who own or operate a low-
6 income housing shared net metering system from the definition of “public utility.” **Section 9**
7 of this bill makes a conforming change to ~~indicate the proper placement of sections 2-7 in the~~
8 ~~Nevada Revised Statutes.~~ **make the definitions set forth in sections 2-7 applicable to the**
9 **law governing net metering.** **Sections 12-14** of this bill revise existing provisions governing
10 net metering to provide for the administration of net metering with respect to low-income
11 housing shared net metering systems, including the measuring of net electricity produced or
12 consumed and the awarding of credit for excess electricity produced by a low-income housing
13 shared net metering system. **Section 12** of this bill requires the Public Utilities Commission of
14 Nevada to adopt regulations prescribing the form and substance for a low-income housing
15 shared net metering tariff **or tariffs** and a standard low-income housing shared net metering
16 contract. **Section 15** of this bill provides that, with certain exceptions, certain provisions
17 governing the rates charged for the provision of electric service by the landlord of a
18 manufactured home park or mobile home park or owner of a company town do not apply to
19 the owner or operator of a low-income housing shared net metering system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 704 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 7, inclusive, of this act.

3 **Sec. 2.** *“Allocation” means a portion of the capacity from or the electricity*
4 *that is produced by a low-income housing shared net metering system that is*
5 *attributed to one of its users.*

6 **Sec. 3.** *“Low-income housing shared net metering system” means an*
7 *energy system for the generation of electricity that:*

8 1. *Uses renewable energy as its primary source of energy to generate*
9 *electricity;*

10 2. *Has a generating capacity of not more than 1 megawatt as measured in*
11 *alternating current;*

12 3. *Is a qualified low-income residential building project that is located on a*
13 *qualified multifamily affordable housing property;*

14 4. *Operates in parallel with the utility’s transmission and distribution*
15 *facilities;*

16 5. *Is owned by the landlord or another third party that either equitably*
17 *allocates the capacity and associated production of the energy system to each of*
18 *the individually metered units or common areas within the qualified multifamily*
19 *affordable housing property or, if the property is master-metered, equitably*
20 *allocates benefits to residents;*

21 6. *Is intended primarily to offset part or all of the qualified multifamily*
22 *affordable housing property’s requirements for electricity, subject to the*
23 *following maximum allocations:*

24 (a) ~~*“A”*~~ *In the case of common-area meters or master meters, a capacity that*
25 *is sized to supply not more than ~~120~~ 100 percent of the metered historic usage or*
26 *reasonably expected future usage ; ~~for common-area meters or master~~*
27 *meters; and*

28 (b) ~~*“A”*~~ *In the case of meters serving tenant units, a capacity of not more than*
29 *25 kilowatts per unit ; ~~for meters serving tenant units;~~ and*

30 7. *Is net metered by the utility by allocating ~~credit for excess electricity~~ net*
31 *metering credits either to common area meters or to individually-metered*
32 *accounts, or both, that receive an allocation, according to the allocation schedule*
33 *provided by the owner of the energy system, without requiring the energy system*
34 *to be physically interconnected with ~~each~~ the meter ~~associated with a customer~~*
35 *account; of each user.*

36 **Sec. 4.** *“Master meter” means a single electric meter used to measure*
37 *electricity usage for multiple tenants or units within a multi-unit building.*

38 **Sec. 4.5.** *“Net metering credits” means the credit that the utility is*
39 *required to provide to a customer-generator for each kilowatt-hour of excess*
40 *electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is*
41 *generated by the customer-generator.*

42 **Sec. 5.** *“Qualified low-income residential building” means a residential*
43 *rental building which participates in:*

44 1. *A covered federal housing program, as defined in 34 U.S.C. §*
45 *12491(a)(3);*

46 2. *A housing assistance program administered by the United States*
47 *Department of Agriculture under Title V of the federal Housing Act of 1949;*

48 3. *A housing program administered by a tribally designated housing entity,*
49 *as defined in 25 U.S.C. § 4103(22); or*

1 4. *Such other affordable housing programs as federal law may provide.*

2 **Sec. 6. “Qualified low-income residential building project” means an**
3 *energy facility that:*

4 1. *Is installed on the premises of a qualified low-income residential*
5 *building; and*

6 2. *For which the financial benefits of the electricity produced by the energy*
7 *facility are allocated equitably among the occupants of the dwelling units of the*
8 *qualified low-income residential building.*

9 **Sec. 7. “Qualified multifamily affordable housing property”:**

10 1. *Means a multifamily residential property with at least five rental housing*
11 *units that:*

12 (a) *Contains one or more qualifying low-income residential buildings that*
13 *are part of a single low-income housing enterprise ; ~~for the same property or~~*
14 *~~contiguous property;~~ and*

15 (b) *Consists of tenant housing units, which may be individually metered and*
16 *the occupants of which may maintain individual customer accounts with the*
17 *utility, along with common areas served by one or more common meters under*
18 *the customer account of the property owner.*

19 2. *In the case of a mixed-use property, does not include any independent*
20 *commercial units on the premises that are not appurtenant to the housing use.*

21 **Sec. 8.** NRS 704.021 is hereby amended to read as follows:

22 704.021 “Public utility” or “utility” does not include:

23 1. Persons engaged in the production and sale of natural gas, other than sales
24 to the public, or engaged in the transmission of natural gas other than as a common
25 carrier transmission or distribution line or system.

26 2. Persons engaged in the business of furnishing, for compensation, water or
27 services for the disposal of sewage, or both, to persons within this State if:

28 (a) They serve 25 persons or less; and

29 (b) Their gross sales for water or services for the disposal of sewage, or both,
30 amounted to \$25,000 or less during the immediately preceding 12 months.

31 3. Persons not otherwise engaged in the business of furnishing, producing or
32 selling water or services for the disposal of sewage, or both, but who sell or furnish
33 water or services for the disposal of sewage, or both, as an accommodation in an
34 area where water or services for the disposal of sewage, or both, are not available
35 from a public utility, cooperative corporations and associations or political
36 subdivisions engaged in the business of furnishing water or services for the disposal
37 of sewage, or both, for compensation, to persons within the political subdivision.

38 4. Persons who are engaged in the production and sale of energy, including
39 electricity, to public utilities, cities, counties or other entities which are reselling the
40 energy to the public.

41 5. Persons who are subject to the provisions of NRS 590.465 to 590.645,
42 inclusive.

43 6. Persons who are engaged in the sale or use of special fuel as defined in
44 NRS 366.060.

45 7. Persons who provide water from water storage, transmission and treatment
46 facilities if those facilities are for the storage, transmission or treatment of water
47 from mining operations.

48 8. Persons who are video service providers, as defined in NRS 711.151,
49 except for those operations of the video service provider which consist of providing
50 a telecommunication service to the public, in which case the video service provider
51 is a public utility only with regard to those operations of the video service provider
52 which consist of providing a telecommunication service to the public.

1 9. Persons who own or operate a net metering system described in paragraph
2 (c) *or* (d) of subsection 1 of NRS 704.771.

3 10. Persons who own or operate a net metering system or systems described
4 in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple
5 persons, units or spaces on the premises if:

6 (a) The electricity is delivered only to persons, units or spaces located on the
7 premises on which the net metering system or systems are located;

8 (b) The residential or commercial units or spaces do not have individual meters
9 measuring electricity use by an individual unit or space; and

10 (c) Persons occupying the individual units or spaces are not charged for
11 electricity based upon volumetric usage at the person's individual unit or space.

12 11. Persons who for compensation own or operate individual systems which
13 use renewable energy to generate electricity and sell the electricity generated from
14 those systems to not more than one customer of the public utility per individual
15 system if each individual system is:

16 (a) Located on the premises of another person;

17 (b) Used to produce not more than 150 percent of that other person's
18 requirements for electricity on an annual basis for the premises on which the
19 individual system is located; and

20 (c) Not part of a larger system that aggregates electricity generated from
21 renewable energy for resale or use on premises other than the premises on which
22 the individual system is located.

23 ➤ As used in this subsection, "renewable energy" has the meaning ascribed to it in
24 NRS 704.7715.


25 12. Persons who own, control, operate or manage a facility that supplies
26 electricity only for use to charge electric vehicles.

27 13. Any plant or equipment that is used by a data center to produce, deliver or
28 furnish electricity at agreed-upon prices for or to persons on the premises of the
29 data center for the sole purpose of those persons storing, processing or distributing
30 data, but only with regard to those operations which consist of providing electric
31 service. As used in this subsection, "data center" has the meaning ascribed to it in
32 NRS 360.754.

33 **Sec. 9.** NRS 704.767 is hereby amended to read as follows:

34 704.767 As used in NRS 704.766 to 704.776, inclusive, *and sections 2 to 7,*
35 *inclusive, of this act*, unless the context otherwise requires, the words and terms
36 defined in NRS 704.7675 to 704.772, inclusive, *and sections 2 to 7, inclusive, of*
37 *this act* have the meanings ascribed to them in those sections.

38 **Sec. 10.** NRS 704.768 is hereby amended to read as follows:

39 704.768 "Customer-generator" means a user of a net metering system ,
40 *including, without limitation:*

41 1. *The owner of a low-income housing shared net metering system; and*

42 2. *Any user of a low-income housing shared net metering system, including,*
43 *without limitation, tenant meters and common area meters that receive an*
44 *allocation of the capacity and associated production of the low-income housing*
45 *shared net metering system, regardless of the legal ownership of the low-income*
46 *housing shared net metering system.*

47 **Sec. 11.** NRS 704.771 is hereby amended to read as follows:

48 704.771 1. "Net metering system" means:

49 (a) A facility or energy system for the generation of electricity that:

50 (1) Uses renewable energy as its primary source of energy to generate
51 electricity;

52 (2) Has a generating capacity of not more than 1 megawatt;

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

1 (4) Operates in parallel with the utility's transmission and distribution
2 facilities; and

3 (5) Is intended primarily to offset part or all of the customer-generator's
4 requirements for electricity;

5 (b) A facility or energy system for the generation of electricity that:

6 (1) Uses waterpower as its primary source of energy to generate electricity;

7 (2) Is located on property owned by the customer-generator;

8 (3) Has a generating capacity of not more than 1 megawatt;

9 (4) Generates electricity that is delivered to the transmission and
10 distribution facilities of the utility; and

11 (5) Is intended primarily to offset all or part of the customer-generator's
12 requirements for electricity on that property or contiguous property owned by the
13 customer-generator; ~~for~~

14 (c) A facility or energy system for the generation of electricity:

15 (1) Which uses wind power as its primary source of energy to generate
16 electricity;

17 (2) Which is located on property owned or leased by an institution of
18 higher education in this State;

19 (3) Which has a generating capacity of not more than 1 megawatt;

20 (4) Which operates in parallel with the utility's transmission and
21 distribution facilities;

22 (5) Which is intended primarily to offset all or part of the customer-
23 generator's requirements for electricity on that property or on contiguous property
24 owned or leased by the customer-generator;

25 (6) Which is used for research and workforce training; and

26 (7) The construction or installation of which is commenced on or before
27 December 31, 2011, and is completed on or before December 31, 2012 ~~for~~; **or**

28 ***(d) A low-income housing shared net metering system.***

29 2. The term does not include a facility or energy system for the generation of
30 electricity, ***, other than a low-income housing shared net metering system,*** which
31 has a generating capacity that exceeds the greater of:

32 (a) The limit on the demand that the class of customer of the customer-
33 generator may place on the system of the utility; or

34 (b) One hundred percent of the customer-generator's annual requirements for
35 electricity.

36 **Sec. 12.** NRS 704.773 is hereby amended to read as follows:

37 704.773 1. A utility shall offer net metering in accordance with the
38 provisions of NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of***
39 ***this act*** to the customer-generators operating within its service area.

40 2. If the net metering system of a customer-generator who accepts the offer of
41 a utility for net metering has a capacity of not more than 25 kilowatts ~~, for if a~~
42 ~~customer generator is allocated not more than 25 kilowatts from a low income~~
43 ~~housing shared net metering system,] the utility:~~

44 (a) Shall offer to make available to the customer-generator an energy meter
45 that is capable of registering the flow of electricity in two directions.

46 (b) May, at its own expense and with the written consent of the customer-
47 generator, install one or more additional meters to monitor the flow of electricity in
48 each direction.

49 (c) Except as otherwise provided in subsection 7, shall not charge the
50 customer-generator any fee or charge that is different than that charged to other
51 customers of the utility in the rate class to which the customer-generator would
52 belong if the customer-generator did not have a net metering system.

1 (d) Shall not reduce the minimum monthly charge of the customer-generator
2 based on the electricity generated by the customer-generator and fed back to the
3 utility.

4 3. If the net metering system of a customer-generator who accepts the offer of
5 a utility for net metering has a capacity of more than 25 kilowatts ~~for if a~~
6 ~~customer-generator is allocated more than 25 kilowatts from a low-income~~
7 ~~housing shared net metering system,~~ the utility:

8 (a) May require the customer-generator *or, if the net metering system is a low-*
9 *income housing shared net metering system, the owner of the low-income*
10 *housing shared net metering system,* to install at its own cost:

11 (1) An energy meter that is capable of measuring generation output and
12 customer load; and

13 (2) Any upgrades to the system of the utility that are required to make the
14 net metering system compatible with the system of the utility.

15 (b) Except as otherwise provided in paragraph (d) and subsection 7, shall not
16 charge the customer-generator any fee or charge that is different than that charged
17 to other customers of the utility in the rate class to which the customer-generator
18 would belong if the customer-generator did not have a net metering system,
19 including, without limitation, customer, demand and facility charges.

20 (c) Shall not reduce the minimum monthly charge of the customer-generator
21 based on the electricity generated by the customer-generator and fed back to the
22 utility.

23 (d) Shall not charge the customer-generator any standby charge.

24 4. At the time of installation or upgrade of any portion of a net metering
25 system, the utility must allow a customer-generator governed by subsection 3 to
26 pay the entire cost of the installation or upgrade of the portion of the net metering
27 system.

28 5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732,
29 the utility shall not for any purpose assign a customer-generator to a rate class other
30 than the rate class to which the customer-generator would belong if the customer-
31 generator did not have a net metering system, including, without limitation, for the
32 purpose of any fee or charge.

33 6. If the net metering system of a customer-generator is a net metering system
34 described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

35 (a) The system is intended primarily to offset part or all of the customer-
36 generator's requirements for electricity on property contiguous to the property on
37 which the net metering system is located; and

38 (b) The customer-generator sells or transfers his or her interest in the
39 contiguous property,

40 ↪ the net metering system ceases to be eligible to participate in net metering.

41 7. A utility shall assess against a customer-generator:

42 (a) If applicable, the universal energy charge imposed pursuant to NRS
43 702.160; and

44 (b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827
45 or 704.785 which are assessed against other customers in the same rate class as the
46 customer-generator.

47 ↪ For any such charges calculated on the basis of a kilowatt-hour rate, the
48 customer-generator must only be charged with respect to kilowatt-hours of energy
49 delivered by the utility to the customer-generator.

50 8. The Commission and the utility must allow a customer-generator who
51 accepts the offer of the utility for net metering to continue net metering pursuant to
52 NRS 704.766 to 704.776, inclusive, *and sections 2 to 7, inclusive, of this act* at the
53 location at which the net metering system is originally installed for 20 years. For

1 the purposes of this subsection, “to continue net metering” includes, without
2 limitation:

3 (a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be
4 used to determine the credit for electricity governed by paragraph (c) of subsection
5 2 of NRS 704.775, which is applicable to the customer-generator; and

6 (b) Replacing the originally installed net metering system, as needed, at any
7 time before 20 years after the date of the installation of the originally installed net
8 metering system.

9 9. The Commission shall adopt regulations prescribing the form and
10 substance for a net metering tariff and a standard net metering contract. The
11 regulations must include, without limitation:

12 (a) The particular provisions, limitations and responsibilities of a customer-
13 generator which must be included in a net metering tariff with regard to:

- 14 (1) Metering equipment;
- 15 (2) Net energy metering and billing; and
- 16 (3) Interconnection,

17 ↪ based on the allowable size of the net metering system.

18 (b) The particular provisions, limitations and responsibilities of a customer-
19 generator and the utility which must be included in a standard net metering
20 contract.

21 (c) A timeline for processing applications and contracts for net metering
22 applicants.

23 (d) Any other provisions the Commission finds necessary to carry out the
24 provisions of NRS 704.766 to 704.776, inclusive ~~§~~, **and sections 2 to 7, inclusive,**
25 **of this act.**

26 **10. The Commission shall adopt regulations prescribing the form and**
27 **substance for a low-income housing shared net metering tariff or tariffs and a**
28 **standard low-income housing shared net metering contract. The regulations must**
29 **include, without limitation:**

30 **(a) The particular provisions, limitations and responsibilities of a customer-**
31 **generator who is an owner of a low-income housing shared net metering system,**
32 **a customer-generator who is a user of a low-income housing shared net metering**
33 **system and the utility which must be included in a standard net metering**
34 **contract.**

35 **(b) A provision authorizing the allocation by the owner of a low-income**
36 **housing shared net metering system, in consultation with the owner of the**
37 **qualified multifamily affordable housing property where the low-income housing**
38 **shared net metering system is located, of the financial benefits of the electricity**
39 **produced by the low-income housing shared net metering system in a manner**
40 **which ensures:**

41 **(1) In the case of individually metered tenant units, net metering credits**
42 **are equitably allocated among the tenant units ~~in a manner that is equitable~~**
43 **and as a percentage of system production in proportion to the size of each unit**
44 **measured in square feet; and**

45 **(2) In the case of master-metered buildings, residents receive such**
46 **financial benefits in the form of additional property amenities or services that are**
47 **equitably accessible to all residents of the property.**

48 ↪ **An equitable allocation of the financial benefits of the electricity produced by**
49 **the low-income housing shared net metering system to the occupants does not**
50 **preclude any allocation of the generation output to common-area accounts.**

51 **(c) The manner in which the owner of a low-income housing shared net**
52 **metering system may update the utility on the proper allocation of capacity and**

1 *its associated production to various customer-generators and the frequency with*
 2 *which the owner may submit such updates, which must be not less than annually.*

3 (d) *The manner in which a utility is required to meter and bill customer-*
 4 *generators who are allocated shares of the capacity of a low-income housing net*
 5 *metering system ~~that~~, including, without limitation, the provision of net metering*
 6 *credits on the bill of a customer-generator.*

7 (e) *Provisions governing the interconnection of a low-income housing*
 8 *shared net metering system to the system of the utility without requiring the*
 9 *meters ~~from~~ of individual ~~users~~ users or owners of the low-income housing*
 10 *shared net metering system to be directly interconnected to the low-income*
 11 *housing shared net metering system, including, without limitation, procedures*
 12 *and timelines that are consistent with the procedures and timelines established*
 13 *for other net metering systems.*

14 (f) *Any other provisions the Commission finds necessary to carry out the*
 15 *provisions of NRS 704.766 to 704.776, inclusive, and sections 2 to 7, inclusive, of*
 16 *this act.*

17 **Sec. 13.** NRS 704.7732 is hereby amended to read as follows:

18 704.7732 1. If a customer-generator accepts the offer of a utility for net
 19 metering on or after June 15, 2017, and the net metering system of the customer-
 20 generator has a capacity of not more than 25 kilowatts, ~~that~~ *or the customer-*
 21 *generator is ~~allocated not more than 25 kilowatts from a low-income housing~~*
 22 *~~shared net metering system or the customer generator is using an allocation~~*
 23 *~~from~~ a user or owner of a low-income housing shared net metering system, ~~to~~*
 24 *~~serve common areas of a qualified affordable housing property,~~ the utility must,*
 25 in accordance with this section, provide to the customer-generator a credit for each
 26 kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of
 27 NRS 704.775 that is generated by the customer-generator ~~that~~ *or which represents*
 28 *the customer-generator's allocation of the excess electricity generated by a low-*
 29 *income housing shared net metering system.*

30 2. The credit for each kilowatt-hour of excess electricity described in
 31 subsection 1 must equal a percentage, as set forth in subsection 3, of the rate the
 32 customer-generator would have paid for a kilowatt-hour of electricity supplied by
 33 the utility at the time the customer-generator fed the kilowatt-hour of excess
 34 electricity back to the utility.

35 3. The percentage to be used to determine the credit pursuant to subsection 2
 36 for each kilowatt-hour of excess electricity must equal:

37 (a) Ninety-five percent, if the customer-generator accepts the offer of the utility
 38 for net metering:

39 (1) On or after June 15, 2017; and

40 (2) Before the date on which the Commission determines and posts on its
 41 Internet website its determination that the cumulative installed capacity of all net
 42 metering systems in this State with a capacity of not more than 25 kilowatts for
 43 customer-generators who accepted the offer of the utility for net metering on or
 44 after June 15, 2017, is equal to 80 megawatts;

45 (b) Eighty-eight percent, if the customer-generator accepts the offer of the
 46 utility for net metering:

47 (1) On or after the date that the Commission determines that the condition
 48 set forth in subparagraph (2) of paragraph (a) has been met; and

49 (2) Before the date on which the Commission determines and posts on its
 50 Internet website its determination that the cumulative installed capacity of all net
 51 metering systems in this State with a generating capacity of not more than 25
 52 kilowatts for customer generators who accepted the offer of the utility for net

1 metering on or after the date described in subparagraph (1) is equal to 80
 2 megawatts;

3 (c) Eighty-one percent, if the customer-generator accepts the offer of the utility
 4 for net metering:

5 (1) On or after the date that the Commission determines that the condition
 6 set forth in subparagraph (2) of paragraph (b) has been met; and

7 (2) Before the date on which the Commission determines and posts on its
 8 Internet website its determination that the cumulative installed capacity of all net
 9 metering systems in this State with a generating capacity of not more than 25
 10 kilowatts for customer generators who accepted the offer of the utility for net
 11 metering on or after the date described in subparagraph (1) is equal to 80
 12 megawatts;

13 (d) Seventy-five percent, if the customer-generator accepts the offer of the
 14 utility for net metering on or after the date that the Commission determines that the
 15 condition set forth in subparagraph (2) of paragraph (c) has been met.

16 4. On or before the 15th day of each calendar month, a utility shall post on its
 17 Internet website and report to the Commission the cumulative installed capacity of
 18 the net metering systems with a capacity of not more than 25 kilowatts for which a
 19 customer-generator has accepted the offer of that utility as of the close of business
 20 of the utility on the last business day of the immediately preceding calendar month.

21 5. Except as otherwise provided in this subsection, for the purposes of this
 22 section, a customer-generator shall be deemed to accept the offer of the utility for
 23 net metering on the date the customer-generator submits to the utility a complete
 24 application to install a net metering system within the service area of the utility. A
 25 customer-generator who accepted the offer of the utility for net metering before
 26 June 15, 2017, and whose net metering system has a capacity of not more than 25
 27 kilowatts may, but is not required to, submit a request to be treated for all purposes,
 28 including, without limitation, for the purposes of subsection 3, as a customer-
 29 generator who accepted the offer of the utility for net metering on the date of
 30 submitting the request.

31 **Sec. 14.** NRS 704.775 is hereby amended to read as follows:

32 704.775 1. The billing period for net metering must be a monthly period.

33 2. The net energy measurement must be calculated in the following manner:

34 (a) The utility shall measure, in kilowatt-hours, the net electricity produced or
 35 consumed during the billing period ~~[-]~~:

36 (1) *For a net metering system [other than a low-income housing shared*
 37 *net metering system or for a low-income housing shared net metering system]*
 38 *that serves only one meter, in accordance with normal metering practices.*

39 (2) *For a low-income housing shared net metering system that serves*
 40 *multiple meters, by measuring the total generation output of the low-income*
 41 *housing shared net metering system using a production meter. The utility shall:*

42 (I) *For capacity allocations to individually-metered accounts,*
 43 *calculate the total kilowatt-hour output associated with each user's allocated*
 44 *share of the low-income housing shared net metering system's production and*
 45 *deduct the allocated total kilowatt-hour output from each user's total measured*
 46 *consumption.*

47 (II) *For premises that contain more than one master meter, calculate*
 48 *the total kilowatt-hour output associated with each master meter's allocated share*
 49 *of the production of the low-income housing shared net metering system and*
 50 *deduct the allocated total kilowatt-hour output from each master meter's total*
 51 *measured consumption.*

52 (b) If the electricity supplied by the utility exceeds the electricity generated by
 53 the customer-generator , *or the customer-generator's allocated share of the*

1 *electricity generated by a low-income housing shared net metering system*, which
2 is fed back to the utility during the billing period, the customer-generator must be
3 billed for the net electricity supplied by the utility.

4 (c) Except as otherwise provided in NRS 704.7732, if the electricity generated
5 by the customer-generator, *or the customer-generator's allocated share of the*
6 *electricity generated by a low-income housing shared net metering system*, which
7 is fed back to the utility exceeds the electricity supplied by the utility during the
8 billing period:

9 (1) Neither the utility nor the customer-generator is entitled to
10 compensation for the electricity provided to the other during the billing period.

11 (2) The excess electricity which is fed back to the utility during the billing
12 period is carried forward to the next billing period as an addition to the kilowatt-
13 hours generated by the customer-generator in that billing period. If the customer-
14 generator is billed for electricity pursuant to a time-of-use rate schedule, the excess
15 electricity carried forward must be added to the same time-of-use period as the
16 time-of-use period in which it was generated unless the subsequent billing period
17 lacks a corresponding time-of-use period. In that case, the excess electricity carried
18 forward must be apportioned evenly among the available time-of-use periods.

19 (3) Excess electricity may be carried forward to subsequent billing periods
20 indefinitely, but a customer-generator is not entitled to receive compensation for
21 any excess electricity that remains if:

22 (I) The net metering system ceases to operate or is disconnected from
23 the utility's transmission and distribution facilities;

24 (II) The customer-generator ceases to be a customer of the utility at the
25 premises served by the net metering system; or

26 (III) The customer-generator transfers the net metering system to
27 another person.

28 (4) The value of the excess electricity must not be used to reduce any other
29 fee or charge imposed by the utility.

30 3. If the cost of purchasing and installing a net metering system was paid for:

31 (a) In whole or in part by a utility, the electricity generated by the net metering
32 system shall be deemed to be electricity that the utility generated or acquired from a
33 renewable energy system for the purposes of complying with its portfolio standard
34 pursuant to NRS 704.7801 to 704.7828, inclusive.

35 (b) Entirely by a customer-generator ~~it~~, *including a customer-generator that*
36 *is the owner of a low-income housing shared net metering system*, the
37 Commission shall issue to the customer-generator portfolio energy credits for use
38 within the system of portfolio energy credits adopted by the Commission pursuant
39 to NRS 704.7821 and 704.78213 equal to the electricity generated by the net
40 metering system.

41 4. A bill for electrical service is due at the time established pursuant to the
42 terms of the contract between the utility and the customer-generator.

43 **Sec. 15.** NRS 704.940 is hereby amended to read as follows:

44 704.940 1. In a manufactured home park, mobile home park or company
45 town where the landlord or owner is billed by a gas or electric utility or an
46 alternative seller and in turn charges the tenants or occupants of the dwellings for
47 the service provided by the utility or alternative seller, and the park or town:

48 (a) Is equipped with individual meters for each lot, the landlord or owner shall
49 not charge a tenant or occupant for that service at a rate higher than the rate paid by
50 the landlord or owner.

51 (b) Is not equipped with individual meters for each lot, the landlord or owner
52 shall prorate the cost of the service equally among the tenants of the park or

1 occupants of the dwellings who use the service, but the prorated charges must not
2 exceed in the aggregate the cost of the service to the landlord or owner.

3 2. In a manufactured home park, mobile home park or company town that:

4 (a) Is equipped with individual water meters for each lot, the individual meters
5 must be read and billed by the purveyor of the water.

6 (b) Is not equipped with individual water meters for each lot and the landlord
7 or owner is billed by the purveyor of the water and in turn charges the tenants or
8 occupants of the dwellings for the service provided by the purveyor, the landlord or
9 owner shall prorate the cost of the service equally among the tenants of the park or
10 occupants of the dwellings who use the service, but the prorated charges must not
11 exceed in the aggregate the cost of the service to the landlord or owner.

12 ➤ The landlord or owner of a manufactured home park or mobile home park that
13 converts from a master-metered water system to individual water meters for each
14 mobile home lot shall not charge or receive any fee, surcharge or rent increase to
15 recover from the landlord's or owner's tenants the costs of the conversion. The
16 owner of a company town that is not equipped with individual water meters shall
17 not convert from the master-metered water system to individual water meters.

18 3. To the extent that the cost of providing a utility service to the common area
19 of a manufactured home park, mobile home park or company town can be
20 identified, the landlord or owner may not recover the cost of the utility service
21 provided to the common area by directly charging a tenant or the occupant of a
22 dwelling for those services.

23 4. The landlord of a manufactured home park or mobile home park or owner
24 of a company town may assess and collect a charge to reimburse the landlord or
25 owner for the actual cost of the service charge the landlord or owner is required to
26 pay to a water utility serving the park or town. If the landlord or owner collects
27 such a charge, the landlord or owner shall prorate the actual cost of the service
28 charge to the tenants or occupants of dwellings who use the service. The landlord or
29 owner shall not collect more than the aggregate cost of the service to the landlord or
30 owner.

31 5. The landlord may assess and collect a service charge from the tenants of
32 the park for the provision of gas and electric utility services, but the amount of the
33 charge must not be more than the tenants would be required to pay the utility or
34 alternative seller providing the service. The landlord shall:

35 (a) Keep the money from the service charges in a separate account and expend
36 it only for federal income taxes which must be paid as a result of the collection of
37 the service charge, for preventive maintenance or for repairing or replacing utility
38 lines or equipment when ordered or granted permission to do so by the
39 Commission; and

40 (b) Retain for at least 3 years a complete record of all deposits and withdrawals
41 of money from the account and file the record with the Commission on or before
42 March 30 of each year.

43 6. Money collected by the landlord or owner for service provided by a utility
44 or an alternative seller to the tenants of a manufactured home park or mobile home
45 park or occupants of the dwellings may not be used to maintain, repair or replace
46 utility lines or equipment serving the common area of the manufactured home park,
47 mobile home park or company town.

48 7. The owner of a company town who provides a utility service directly to the
49 occupants of the town may charge the occupants their pro rata share of the owner's
50 cost of providing that service. Where meters are available, the pro rata share must
51 be based on meter readings. Where meters are not available, the owner shall
52 determine a fair allocation which must be explained in detail to the Commission in
53 the reports required by NRS 704.960. The Commission may modify the allocation

1 in accordance with its regulations if it determines the owner's method not to be fair.
2 The Commission shall adopt regulations governing the determination of the costs
3 which an owner of a company town may recover for providing a utility service
4 directly to the occupants of that town and the terms and conditions governing the
5 provision of that service.

6 8. The landlord or owner shall itemize all charges for utility services on all
7 bills for rent or occupancy. The landlord or owner may pass through to the tenant or
8 occupant any increase in a rate for a utility service and shall pass through any
9 decrease in a charge for a utility service as it becomes effective.

10 9. The landlord or owner shall retain for at least 3 years a copy of all billings
11 for utility services made to the tenants or the occupants of the landlord's or owner's
12 dwellings and shall make these records available upon request to the Commission
13 for verification of charges made for utility services.

14 10. A landlord whose interest in a manufactured home park or mobile home
15 park terminates for any reason shall transfer to the landlord's successor in interest
16 any balance remaining in the account for service charges for utilities. Evidence of
17 the transfer must be filed with the Commission.

18 11. The Commission may at any time examine all books and records which
19 relate to the landlord's or owner's purchase of or billing for a service provided by a
20 utility or an alternative seller if the landlord or owner is charging the tenants of the
21 manufactured home park or mobile home park or occupants of the dwellings for
22 that service.

23 **12. *The provisions of this section do not apply to the owner or operator of a***
24 ***low-income housing shared net metering system, except that:***

25 ***(a) If the owner of a low-income housing shared net metering system is the***
26 ***landlord of a qualified multifamily affordable housing property in which the***
27 ***tenant units are equipped with individual meters, the owner of the low-income***
28 ***housing shared net metering system must follow any applicable federal laws or***
29 ***regulations to ensure that the owner of the low-income housing shared net***
30 ***metering system does not charge a tenant or occupant for utility service at a rate***
31 ***that is higher than the rate paid by the owner of the low-income housing shared***
32 ***net metering system.***

33 ***(b) A landlord who is the owner or operator of a low-income housing shared***
34 ***net metering system shall ensure that the financial benefits of the electricity***
35 ***produced by the low-income housing shared net metering system are allocated***
36 ***among the tenant units in a manner that is equitable as required pursuant to***
37 ***NRS 704.773.***

38 **Sec. 16.** 1. This section becomes effective upon passage and approval.

39 2. Sections 1 to 15, inclusive, of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting any regulations and
41 performing any other preparatory administrative tasks that are necessary to carry
42 out the provisions of this act.

43 (b) On January 1, 2024, for all other purposes.