

Energy Production Commercial Vs. Net-Metering/Non-Commercial

Existing Rules (Summary)

ORS 757.005 – Utility Regulation Definitions

(1)

(a) As used in this chapter, except as provided in paragraph (b) of this subsection, “public utility” means:

(A) Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment in this state for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly to or for the public, whether or not such plant or equipment or part thereof is wholly within any town or city.

(B) Any corporation, company, individual or association of individuals, which is party to an oral or written agreement for the payment by a public utility, for service, managerial construction, engineering or financing fees, and having an affiliated interest with the public utility.

(b) As used in this chapter, “public utility” does not include:

(H) An electricity service supplier, as defined in ORS 757.600.

ORS 757.300 – Net metering facility allowed to connect to public utility; conditions for connecting and measuring energy; rules; application to out-of-state utilities.

(1) As used in this section:

(a) “Customer-generator” means a user of a net metering facility.

(b) “Electric utility” means a public utility, a people’s utility district operating under ORS chapter 261, a municipal utility operating under ORS chapter 225 or an electric cooperative organized under ORS chapter 62.

(c) “Net metering” means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator and fed back to the electric utility over the applicable billing period.

(d) “Net metering facility” means a facility for the production of electrical energy that:

(A) Generates electricity using solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;

(B) Is located on the customer-generator’s premises;

(C) Can operate in parallel with an electric utility’s existing transmission and distribution facilities; and

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

(2) An electric utility that offers residential and commercial electric service:

(a) Shall allow net metering facilities to be interconnected using a standard meter that is capable of registering the flow of electricity in two directions.

(8) This section applies only to net metering facilities that have a generating capacity of 25 kilowatts or less, except that the commission by rule may provide for a higher limit for customers of a public utility.

ORS 757.600 - Definitions for ORS 757.600 to 757.689. As used in ORS 757.600 to 757.689, unless the context requires otherwise:

- (4) "Consumer-owned utility" means a municipal electric utility, a people's utility district or an electric cooperative.
- (12) "Electric cooperative" means an electric cooperative corporation organized under ORS chapter 62 or under the laws of another state if the service territory of the electric cooperative includes a portion of this state.
- (16) "Electricity service supplier" means a person or entity that offers to sell electricity services available pursuant to direct access to more than one retail electricity consumer. "Electricity service supplier" does not include an electric utility selling electricity to retail electricity consumers in its own service territory.
- (23) "People's utility district" has the meaning given that term in ORS 261.010.

OAR 860-039 – Public Utility Net Metering Rules

860-039-0005 - Scope and Applicability of Net Metering Facility Rules

(1) OAR 860-039-0010 through 860-039-0080 (the "net metering rules") establish rules governing net metering facilities interconnecting to a public utility as required under ORS 757.300. Net metering is available to a customer-generator only as provided in these rules. These rules do not apply to a public utility that meets the requirements of ORS 757.300(9).

(l) "Interconnection agreement" means an agreement between a customer-generator and a public utility, which governs the connection of the net metering facility to the electric distribution system, as well as the ongoing operation of the net metering facility after it is connected to the system. An interconnection agreement will follow the standard form agreement developed by the public utility and filed with the Commission.

(n) "Net metering facility" means a net metering facility as defined in ORS 757.300(1)(d).

(q) "Public utility" has the meaning set forth in ORS 757.005 and is limited to a public utility that provides electric service.

860-039-0010 - Net Metering Kilowatt Limit

(1) For residential customers of a public utility, these rules apply to net metering facilities that have a generating capacity of 25 kilowatts or less.

(2) For non-residential customers of a public utility, these rules apply to net metering facilities that have a generating capacity of two megawatts or less.

(3) Nothing in these rules is intended to limit the number of net metering facilities per customer-generator so long as the net metering facilities in aggregate on the customer-generator's contiguous property do not exceed the applicable kilowatt/megawatt limit.

860-039-0020 - Net Metering Facility Requirements

(5) A net metering facility must be equipped with metering equipment that can measure the flow of electricity in both directions, comply with ANSI C12.1 standards and OAR

860-023-0015. The public utility will install the required metering equipment at the utility's expense.

Other Jurisdictions Definitions

Polk County

Commercial Power Generating Facility. A “commercial power generating facility” is a facility that converts energy into a usable form of energy (such as electricity) and conveys that energy to the public. Commercial power generating facilities typically convert mechanical energy into electrical energy. A “commercial power generating facility” does not include a net metered facility as defined in ORS 757.300 or a grid-connected or stand-alone (not connected to the power grid) facility that produces an equal amount or less energy than is consumed by the use(s) to which the facility is accessory over the course of a calendar year, provided that the power generating facility is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

Union County

Commercial Wind Power Generation. An activity carried out using one or more wind turbine generators operated as a single Commercial Wind Power Generation Facility that has a combined generating capacity greater than 3 MW.

Gilliam County

Commercial Wind Power Generation. An activity carried out for monetary gain using one or more wind turbine generators that has a combined generating capacity greater than 1 MW.

Planning Department Recommendation

Net Metering Facility - A facility for the production of electrical energy that:

- A. Generates electricity using solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;
- B. Is intended primarily to offset part or all of the customer-generator's requirements for electricity;
- C. Will operate in parallel with an electric utility's existing transmission and distribution facilities;
- D. Is consistent with generating capacity as specific in ORS 757.300 and/or OAR 860-039-0010;
- E. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management; and
- F. Is not a Commercial Power Generating Facility as defined.

Non-Commercial/Stand Alone Power Generating Facility

- A. Generates electricity using solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;
- B. Is intended to provide all of the generator's requirements for electricity for the property or the specific lawful accessory use that it is connected to;
- C. Operates as a stand alone power generator not connected to an electric utility grid;
- D. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management; and
- F. Is not a Commercial Power Generating Facility as defined.

Commercial Power Generating Facility (Utility facility for the purpose of Generating Power – A facility for the production of electrical energy that

- A. Generates electricity using solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;
- B. Is intended to provide electricity for conveyance to the public; and
- C. Is not a Net Metering Facility or Non-Commercial/Stand Alone Power Generating Facility as defined.