

Amendment - 1st Reading-white - Requested by: Christopher Pope - (S) Energy and Telecommunications

- 2023

68th Legislature 2023

Drafter: Jason Mohr, 406-444-1640

SB0399.001.001

1 SENATE BILL NO. 399
2 INTRODUCED BY C. POPE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING COMMUNITY SOLAR AND UTILITY
5 REQUIREMENTS; PROVIDING FOR TRANSMISSION INTERCONNECTION FOR COMMUNITY SOLAR
6 ENERGY FACILITIES; DISTINGUISHING COMMUNITY SOLAR CUSTOMERS FROM NET METERING
7 CUSTOMERS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Montana
13 Community Solar Act".

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15 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 6], unless the context clearly
16 indicates otherwise, the following definitions apply:

17 (1) "Community solar energy facility" means a solar energy facility whose output is shared through
18 subscriptions and:

19 (a) is connected to a public utility's distribution system behind a production meter that is capable of
20 recording the cumulative kilowatt hours produced by a community solar energy facility;

21 (b) has a generating capacity of not more than 5 megawatts;

22 (c) has a generating capacity of not less than 50 kilowatts; and

23 (d) produces electricity for which two or more subscribing customers within the same service
24 territory receive an on-bill credit.

25 (2) "Community solar energy facility owner" means a public utility, public-private partnership, for-
26 profit business, or nonprofit organization dedicated to operating a community solar energy facility.

27 (3) "On-bill credit" means a kilowatt-hour credit applied to a subscribing customer's account to

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1 (ii) credited for the excess kilowatt hours generated during the billing period, with the kilowatt-hour
2 credit appearing on the bill for the following billing period.

3 (3) A subscribing customer owns the renewable energy credits associated with the proportion of
4 generated electricity assignable to each subscribing customer receiving an on-bill credit for a proportion of
5 generated electricity from a community solar energy facility.

6
7 **NEW SECTION. Section 5. Community solar energy facility -- safety and reliability.** (1) A
8 community solar energy facility must include, at the community solar energy facility owner's expense, all
9 equipment necessary to meet applicable safety, power quality, and interconnection requirements established by
10 the commission. The community solar energy facility owners shall maintain the service of the facility.

11 (2) A community solar energy facility owner shall hire a qualified professional to annually test and
12 certify the system, including related electronics, to be in working order. During a known power outage, the
13 owner or the owner's qualified agent shall make a visual and physical check that the system is properly
14 disconnected and locked during the outage, and shall call the appropriate utility dispatch center to verify
15 disconnection.

16
17 **NEW SECTION. Section 6. Public service commission authority -- rulemaking.** (1) The
18 commission has the authority to generally implement and enforce the provisions of [sections 1 through 6].

19 (2) The commission shall adopt rules establishing:

20 (a) the applicable bill credit rate for the subscriber;

21 (b) participation opportunities for all customer classes;

22 (c) the reasonable transferability and portability of community solar energy subscriptions;

23 (d) consumer protection in accordance with existing Montana laws; and

24 (e) nondiscriminatory requirements for participation for community solar energy facility owners.

25 (3) The commission rules may not remove a customer from the commission's otherwise applicable
26 customer class to participate in a community solar energy facility.

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