

**ORDINANCE NO. 1919-17**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO NET METERING; AMENDING SECTION 13.08.010 AND ADDING NEW SECTIONS TO CHAPTER 13.08 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

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WHEREAS, based on a desire to protect natural resources there is a growing interest by some citizens of Milton in alternative energy generation; and

WHEREAS, various types of electrical generation technology are available on a small scale which may benefit the citizens of Milton; and

WHEREAS, RCW 80.60 requires an electric utility to offer Net Metering to its electric service customers;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 13.08.010 of the Milton Municipal Code be, and the same hereby is, amended to read as follows:

**13.08.010 Definitions.**

As used in this chapter:

- A. "Apartment", "condominium", or "roominghouse" means a house or houses with separate facilities either side by side or upper or lower, which house or apartment is occupied by separate families all under the same roof.
- B. "Business unit" means one business having separate light facilities, operated by one owner or renter having one business identity and maintaining his/her own books.
- C. "Cabin camps" or "seasonal resorts" means any number of cabins upon a property which are rented from time to time, by day, week, or month, but do not constitute a permanent residence.

D. "City" means the public works director, electrical foreman, clerk, treasurer, and/or any other city officials or agents representing the city in the discharge of their duties.

E. "Customer deposits" means money received for the purpose of securing the city's anticipated outstanding indebtedness for electric services.

F. "Duplex dwellings" means attached or unattached constituted separate dwellings located upon one property.

G. "Family" means one or more individuals living in the same establishment and utilizing the same convenience and/or kitchen.

H. "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the City's service territory.

H. I. "Mobile home" means any building upon wheels which is occupied by a separate family from that of any other dwelling upon the same property.

J. "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

K. "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) Has an electrical generating capacity of not more than one hundred kilowatts;

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

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

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

L. I. "Premises" means a continuous tract of land or a building, including secondary buildings and places belonging to it within its entirety, being used by a single-family or single business.

M. "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

N. J. Special Services. "At the expense of," "special service" or "at the expense of the owner (or applicant)" means that such person shall make a deposit with the city of the amount fixed by this chapter or of the estimated cost plus 15 percent for overhead. In the latter case, the applicant shall be refunded any underrun or billed any overrun of the actual over the estimated cost, including overhead. (Ord. 796 § 1, 1979).

Section 2. There are hereby added new Sections to Chapter 13.08 of the Milton Municipal Code to read as follows:

### **13.08.281 Findings.**

The City Council finds that it is in the public interest to:

- (1) Encourage private investment in renewable energy resources;
- (2) Stimulate the economic growth of this City; and
- (3) Enhance the continued diversification of the energy resources used in this City.

### **13.08.282 Available on first-come, first-served basis—Interconnected metering systems allowed—Charges to customer-generator.**

(1) The City's electric utility:

(a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

(b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions;

(c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2) The customer-generator is responsible for the purchase of the production meter and software.

### **13.08.283 Net energy measurement—Required calculation—Unused credit—Meter aggregation.**

Consistent with the provisions of RCW 80.60, the net energy measurement must be calculated in the following manner:

(1) The City shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the City's electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with 13.08.280 or 13.08.285 except the Kilowatt hour charges; and  
(b) Shall be credited for the excess kilowatt hours generated during the billing period, with this kilowatt hour credit appearing on the bill for the following billing period.

(4) The City shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one hundred kilowatts shall be aggregated among all customer-generators participating in a generating facility under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On April 30th of each calendar year, any remaining unused kilowatt hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator.

**13.08.284 Safety, power quality, and interconnection requirements—Customer-generator's expense—Commission may adopt additional requirements.**

(1) A net metering system used by a customer-generator shall include, at the customer-generator's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the national electrical code, national electrical safety code, the institute of electrical and electronics engineers, and Underwriters Laboratories.

(2) The City, after appropriate notice and opportunity for comment, may adopt by regulation additional safety, power quality, and interconnection requirements for customer-generators, including limitations on the number of customer generators and total capacity of net metering systems that may be interconnected to any distribution feeder line, circuit, or network that the commission or governing body determines are necessary to protect public safety and system reliability.

(3) The City will not require a customer-generator whose net metering system meets the standards in subsections (1) and (2) of this section to comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance. However, an electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering system, or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the 20<sup>th</sup> day of March, 2017, and approved by the Mayor the 20<sup>th</sup> day of March, 2017.

  
DEBRA PERRY, MAYOR

ATTEST/AUTHENTICATED:

  
KATIE BOLAM, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
WILLIAM L. CAMERON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 3/20/17  
PASSED BY THE CITY COUNCIL: 3/20/17  
PUBLISHED: 3/23/17  
EFFECTIVE DATE: 3/28/17  
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