

ARKANSAS PUBLIC SERVICE COMMISSION

2nd Revised	Sheet No.	62	
Replacing: 1 st Revised	Sheet No.	62	
Name of Company: Southwest Arkansas Electric Cooperative Corporation			
Kind of Service: Electric	Class of Service:	All	
Part II. Rate Schedule No. 28			
Title: LEGACY NET-METERING			PSC File Mark Only

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28. LEGACY NET-METERING

28.1. DEFINITIONS

28.1.1. Legacy Net-Metering Customer – A customer who meets either the definition of Legacy Net-Metering Customer or Legacy-Transitional Net-Metering Customer as defined in the Net-Metering Rules.

28.1.2. Legacy Net-Metering Facility – A Net-Metering Facility meeting the requirements of Ark. Code Ann. § 23-18-603, as in effect on March 12, 2023 (*i.e.*, before the effective date of Act 278 of 2023).

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28.1.3. Legacy-Transitional Net-Metering Facility – A Net-Metering Facility meeting the requirements of Ark. Code Ann. § 23-18-603, as in effect on March 13, 2023 (i.e., the effective date of Act 278 of 2023).

28.1.4. All other terms are as defined in Ark. Code Ann. § 23-18-603, except as required by context or by Ark. Code Ann. § 23-18-604(c)(11)(A) as interpreted by the Commission in Docket No. 23-021-R.

28.2. AVAILABILITY

28.2.1. Service under the provisions of this tariff is available to any residential or any other customer who takes service under standard rate schedule(s) 1, 2, 3, 9, 23 or 25 who is a Legacy Net Metering Customer as defined herein and who has obtained a signed Standard Interconnection Agreement for a Legacy Net-Metering Facility or Facilities or a Legacy-Transitional Net-Metering Facility or Facilities with an Electric Utility pursuant to the Net-Metering Rules and Ark Code. Ann. § 23-18-601 et. seq.

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The provisions of the customer’s standard rate schedule are modified as specified herein.

28.2.2. Customers taking service under the provisions of this tariff may not simultaneously take service under the provisions of any other alternative source generation or co-generation tariff.

28.3. MONTHLY BILLING RATE STRUCTURE, TERMS, AND CONDITIONS

28.3.1. The monthly billing rate structure, terms, and conditions outlined herein apply until June 1, 2040, to Net-Metering Facilities of Legacy Net-Metering customers.

28.3.2. The Electric Utility shall separately meter, bill, and credit each Net-Metering Facility even if one (1) or more Net-Metering Facilities are **under common ownership.**

28.3.3.. On a monthly basis, the Legacy Net-Metering Customer shall be billed the charges applicable under the currently effective standard rate schedule and any appropriate rider schedules.

28.3.4. If the kWhs supplied by the Electric Utility exceeds the kWhs generated by the Net-Metering Facility and fed back to the Electric Utility during the Billing Period, the Legacy Net-Metering Customer shall be billed for the net billable kWhs supplied by the Electric Utility in accordance with the rates and charges under the Legacy Net-Metering Customer’s standard rate schedule.

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28.3.5. If the kWhs generated by the Net-Metering Facility and fed back to the Electric Utility during the Billing Period exceed the kWhs supplied by the Electric Utility to the Legacy Net-Metering Customer during the applicable Billing Period, the Electric Utility shall credit the Legacy Net-Metering Customer with any accumulated Net Excess Generation in the next applicable Billing Period.

28.3.6. Net Excess Generation shall first be credited to the Legacy Net-Metering Customer’s meter to which the Net-Metering Facility is physically attached (Generation Meter).

28.3.7. After application of 28.3.6. and upon request of the Legacy Net-Metering Customer pursuant to 28.3.9., any remaining Net Excess Generation shall be credited to one or more of the Legacy Net-Metering Customer’s meters (Additional Meters) in the rank order provided by the Legacy Net-Metering Customer.

28.3.8. Net Excess Generation shall be credited as described in 28.3.6. and 28.3.7. during subsequent Billing Periods; the Net Excess Generation credits remaining in a Legacy Net-Metering Customer’s account at the close of a billing cycle shall not expire and shall be carried forward to subsequent billing cycles indefinitely. For Net Excess Generation **credits older than twenty-four (24) months**, a Legacy Net-Metering Customer may elect to have the Electric Utility purchase the Net Excess Generation credits in the Legacy Net-Metering Customer’s account at the Electric Utility’s **Avoided Cost** if the sum to be paid to the Legacy Net-Metering Customer is at least one hundred dollars (\$100). An Electric Utility shall purchase at the Electric Utility’s Avoided Cost any Net Excess Generation credits remaining in a Legacy Net-Metering Customer’s account when the Legacy Net-Metering Customer:

- 1) ceases to be a customer of the Electric Utility;
- 2) ceases to operate the Net-Metering Facility; or
- 3) transfers the Net-Metering Facility to another person.

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When purchasing Net Excess Generation credits from a Legacy Net-Metering Customer, the Electric Utility shall calculate the payment based on its Avoided Costs for the **current year**.

28.3.9. Upon request from a Legacy Net-Metering Customer an Electric Utility must apply Net Excess Generation to the Legacy Net-Metering Customer’s Additional Meters provided that:

- a. The Legacy Net-Metering Customer must give at least 30 days’ notice to the Electric Utility.
- b. The Additional Meter(s) must be identified at the time of the request. Additional Meter(s) shall be **under common ownership** within a single Electric Utility’s service area; shall be used to measure the Legacy Net-Metering Customer’s requirements for electricity; may be in a different class of service than the Generation Meter; shall be assigned to one, and only one, Generation Meter; shall not be a Generation Meter; and shall not be associated with unmetered service. **However, the common ownership requirement shall not apply if more than two customers that are governmental entities or other entities that are exempt from state and federal income tax defined under Ark. Code Ann. § 23-18-603(7)(c) co-locate at a site hosting the Net Metering Facility.**
- c. In the event that more than one of the Legacy Net-Metering Customer’s meters is identified, the Legacy Net-Metering Customer must designate the rank order for the Additional Meters to which excess kWh are to be applied. The Legacy Net-Metering Customer cannot designate the rank order more than once during the Annual Billing Cycle

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28.4. ADDITIONAL CHARGES, FEES, AND REQUIREMENTS

28.4.1. An Electric Utility may apply the following additional charges, fees, and requirements to Legacy Net-Metering Customers taking service under this Legacy Net-Metering Tariff pursuant to Net-Metering Rule 2.03

28.4.2. A standard one-time fee to recover administrative and related interconnection review costs: **\$320** for certified inverter-based generating facilities not greater than 25 kW. Said standard one-time fee assumes a single trip for site review. Additional trips will be charged based on the utility's standard fees.

28.4.3. Additional Studies to Examine System Impact of the Customer and Facility Costs Related to Interconnection

After the initial interconnection review process, the application may require additional studies. The Customer must pay 100 percent of the estimated non-binding good faith study costs. Study fees shall be based on actual costs, and the applicant shall pay actual costs exceeding the deposit without interest within thirty (30) calendar days of receipt of the invoice. The Utility should refund any excess amount without interest within thirty (30) calendar days of the invoice.

The additional studies will provide the following information:

1. Identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection,
2. Identification of any thermal overload or voltage limit violations resulting from the interconnection,
3. Description and non-binding, good faith estimated cost of facilities required to interconnect the generating facility to the electric delivery system and to address the identified short circuit, and power flow issues.

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28.4.4. The good faith estimate of the costs to interconnect will result from the additional studies and be stated in the Facilities Agreement.

28.5. RENEWABLE ENERGY CREDITS

28.5.1. Any Renewable Energy Credit created as the result of electricity supplied by a Legacy Net-Metering Customer is the property of the Legacy Net-Metering Customer that generated the Renewable Energy Credit.

28.5.2. The Renewable Energy Credit may be retained, retired, or sold for the sole benefit of the Net-Metering Customer.

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29. NON-LEGACY NET-METERING

29.1. DEFINITIONS

29.1.1. Non-Legacy Net-Metering Customer – A Net-Metering Customer who meets the definition of Non-Legacy Net-Metering Customer as defined in the Net-Metering Rules.

29.1.2 All other terms are as defined in Ark. Code Ann. § 23-18-603.

29.2. AVAILABILITY

29.2.1. Service under the provisions of this tariff is available to any residential or any other customer who takes service under standard rate schedule(s) 1,2,3,9,23, or 25 who is a Non-Legacy Net-Metering Customer and who has obtained a signed Standard Interconnection Agreement for a Net-Metering Facility or Net-Metering

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Facilities with an Electric Utility pursuant to the Net-Metering Rules and Ark. Code Ann. § 23-18-601 *et. seq.*,
 The provisions of the customer's standard rate schedule are modified as specified herein.

29.2.2. Net-Metering Customers taking service under the provisions of this tariff may not simultaneously take service under the provisions of any other alternative source generation, co-generation, or interruptible service tariff except as provided in Ark. Code Ann. § 23-18-603(9)(B).

29.3 MONTHLY BILLING RATE STRUCTURE, TERMS, AND CONDITIONS – AVOIDED COST

29.3.1. This monthly billing rate structure, terms, and conditions is governed by Ark. Code Ann. § 23-18-606(a)(1).

29.3.2. The Electric Utility shall separately meter, bill, and credit each Net-Metering Facility even if one (1) or more Net-Metering Facilities are under common ownership.

29.3.3. The Electric Utility shall separately meter the electric energy, measured in kWhs:

- (a) Supplied by the Electric Utility to the Net-Metering Customer; and
- (b) Fed back to the Electric Utility from the Net-Metering Customer's Net-Metering Facility at any time during the applicable billing period.

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29.3.4. The Electric Utility shall apply the:

- (a) Commission-approved customer charge, demand charge, minimum bill provision, and other applicable Commission-approved charges under Ark. Code Ann. § 23-18-604(c)(1)(A);
- (b) Commission-approved charges under Ark. Code Ann. § 23-18-604(c)(1)(A) to the applicable net-metering customers, including without limitation any rates, riders, and surcharges applied based on the volume of kWhs of electricity supplied by an Electric Utility pursuant to this rate structure; and
- (c) Avoided Cost of the Electric Utility to all kWhs supplied to the Electric Utility by a Net-Metering Customer during the applicable billing period to be credited to the total bill of the Net-Metering Customer in a dollar value, excluding the customer charge and any applicable demand charge or minimum bill provision that the Net-Metering Customer shall pay each month.

29.3.5. The Electric Utility shall credit the Net-Metering Customer with any accumulated Net-Metering Surplus as measured in dollars during the next applicable billing period.

29.3.6. Upon request from a Net-Metering Customer pursuant to Ark. Code Ann. § 23-18-604(d)(2) and Net-Metering Rule 2.05(D), an Electric Utility must apply Net-Metering Surplus to the Net-Metering Customer's Additional Meters provided that:

- (a) The Net-Metering Customer must give at least 30 days' notice to the Electric Utility.

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- (b) The Additional Meter(s) must be identified at the time of the request. Additional Meter(s) shall be under common ownership within a single Electric Utility’s service area; shall be used to measure the Net-Metering Customer’s requirements for electricity; may be in a different class of service than the Generation Meter; shall be assigned to one, and only one, Generation Meter; shall not be a Generation Meter; shall not be associated with unmetered service; and shall be located within a one hundred (100) miles radius of the individual Net-Metering Customer’s Net-Metering Facility unless the Net-Metering Customer meets one of the exceptions provided in Net-Metering Rule 2.05 and Ark. Code. Ann. § 23-18-604(d)(2)(A)(i)(a).
- (c) To request meter aggregation, the Net-Metering Customer must submit a standard meter aggregation application form and affidavit pursuant to Net-Metering Rule 2.05 and designate the rank order for the Additional Meters to which any accumulated Net-Metering Surplus as measured in dollars is to be applied. The Net-Metering Customer cannot designate the rank order more than once during the Annual Billing Cycle.

29.3.7. Annual Avoided Cost Redetermination

The Electric Utility shall file a revised Avoided Cost on or before February 1 of each calendar year in compliance with Rule 2.08 of the Net-Metering Rules. The revised Avoided Cost shall be filed in the docket initiated for the Electric Utility and shall be accompanied by a set of workpapers sufficient to fully document the calculations of the revised Avoided Cost and otherwise comply with the Commission’s *Rules of Practice and Procedure*. The revised Avoided Cost shall be determined by the application of Ark. Code Ann. § 23-18-603 and the Net-Metering Rules to reflect the twelve month average for the prior calendar year of

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the applicable Locational Marginal Price associated with the Electric Utility's load zone in the Midcontinent Independent System Operator or Southwest Power Pool Independent System Operator Market. The revised Avoided Cost shall be effective for bills rendered on and after the first billing cycle of March of the filing year and shall then remain in effect for twelve (12) months.

The Avoided Cost rate per kWh is Arkansas Electric Cooperative Corporation's (AECC) Avoided Cost Calculation for Net Metering found in Docket No. 81-071-F.

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29.4 ADDITIONAL CHARGES, FEES, AND REQUIREMENTS

29.4.1. An Electric Utility may apply the following additional charges, fees, and requirements to Net-Metering Customers taking service under this Non-Legacy Net-Metering Tariff pursuant to Net-Metering Rule 2.03.

29.4.2. A standard one-time fee to recover administrative and related interconnection review costs: \$320 for certified inverter-based generating facilities not greater than 25 kW. Said standard one-time fee assumes a single trip for site review. Additional trips will be charged based on the utility’s standard fees.

29.4.3. Additional Studies to Examine System Impact of the Customer and Facility Costs Related to Interconnection

After the initial interconnection review process, the application may require additional studies. The Customer must pay 100 percent of the estimated non-binding good faith study costs. Study fees shall be based on actual costs, and the applicant shall pay actual costs exceeding the deposit without interest within thirty (30) calendar days of receipt of the invoice. The Utility should refund any excess amount without interest within thirty (30) calendar days of the invoice.

The additional studies will provide the following information:

1. Identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection,
2. Identification of any thermal overload or voltage limit violations resulting from the interconnection,
3. Description and non-binding, good faith estimated cost of facilities required to interconnect the generating facility to the electric delivery system and to address the identified short circuit, and power flow issues.

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29.4.4. The good faith estimate of the costs to interconnect will result from the additional studies and be stated in the Facilities Agreement.

29.5 RENEWABLE ENERGY CREDITS

29.5.1 A Net-metering customer retains any Renewable Energy Credit created as a result of the electricity supplied by a Net-Metering Customer that generated the renewable energy credit.

29.5.2 The Renewable Energy Credit may be retained, retired, or sold for the sole benefit of the Net-Metering Customer.

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