

RESOLUTION NO. 21-2019 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ADOPTING RULES AND REGULATIONS FOR INTERCONNECTION UNDER THE CITY'S NET METERING PROGRAM FOR CUSTOMER-OWNED RENEWABLE GENERATION SYSTEMS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to section 366.91(6), Florida Statutes, the City is required to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation;

WHEREAS, since approximately 2009, the City has developed and maintained a Net Metering program for its residential and commercial electric utility customers (the "Program");

WHEREAS, the Program has been re-adopted each year in the City's annual rate resolution governing the Electric Utility with the most recent adoption being Resolution No. 71-2018;

WHEREAS, in Resolution 34-2012 (dated July 17, 2012), the City set certain size limitations on customer-owned renewable generation systems participating in the Program;

WHEREAS, even though the Program has been in existence since approximately 2009, there is no record of the City developing and adopting an interconnection agreement for the Program as required by section 366.91(6), Florida Statutes;

WHEREAS, commonly used interconnection agreements for Net Metering programs in Florida typically include provisions which serve to limit the size of customer-owned generation systems (e.g., governed by tier limitations); ensure that customer-owned equipment is certified for continuous interactive operation with the electric utility's distribution system and in a manner that does not jeopardize the safety of utility personnel/members of the public; require on-going periodic inspections to ensure the systems are maintained in accordance with manufacturers' instructions; and, ensure the systems have correct disconnect switches and are not modified without prior approval of the utility;

WHEREAS, commonly used interconnection agreements for Net Metering programs in Florida also typically include provisions which indemnify the utility; limit the utility's liability and place insurance requirements on larger-sized systems;

WHEREAS, since the City's Electric Utility service area extends outside the City's municipal boundaries, the City's interconnection agreements also need to address a process for those Program participants who would have their renewable-generation systems permitted by another agency (e.g., Palm Beach County or the Village of Palm Springs);

WHEREAS, without the required interconnection agreement the City is not in compliance with Florida law and does not have any contractual provisions to protect and/or limit the City's and/or the City's Electric Utility system from risk under the Program;

WHEREAS, in order for the City to adopt an interconnection agreement, reasonable rules and regulations need to be established for the Customers' systems;

WHEREAS, the rules and regulations attached to this resolution and incorporated herein reiterate limitations placed on the Customers' system in Resolution No. 34-2012;

WHEREAS, the rules and regulations address the existing Net Metering participants' systems and grandfather those systems in to the extent they are non-conforming with the rules regarding limitations on the systems' Gross Power Rating and annual production limit;

WHEREAS, the rules and regulations incorporate a standard application for all participants to complete and submit and a standard interconnection agreement for all participants to execute;

WHEREAS, the City Commission finds this resolution imposes reasonable rules and regulations on for the interconnection of customer-owned renewable generation systems to the City's electric system; and,

WHEREAS, the City Commission finds this resolution serves a valid public purpose and is in the best interest of the public health, safety and general welfare of the City and its Electric Utility.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA:**

Section 1. Findings and Declarations: The City Commission finds and declares that:

1. All of the recitals set forth above are true and correct statements and are the legislative findings of the City Commission.
2. It is in the City's interest, the public interest and required by law for the City to develop and adopt interconnection agreements for the City's Net Metering Program and for all participants to execute the same.
3. There is an immediate need to adopt reasonable rules and regulations regarding the interconnection of customer-owned renewable generation systems to the City's electric system.

Section 2. Intent. It is the intent and purpose of this resolution to protect the health, safety, and general welfare of the City of Lake Worth Beach; and, to provide for the City's compliance with section 366.91(6), Florida Statutes.

Section 3. Rules and Regulations Adopted. The City Commission hereby adopts the attached Rules and Regulations for the interconnection of customer-owned renewable generation systems to the City's electric system including the incorporated standard application and standard interconnection agreement. All current and future participants in the City's Net Metering Program must complete and submit an application, submit the required documentation and execute the standard interconnection agreement. For current participants, the completed application, required documentation and executed interconnection agreement must be submitted to the City by August 30, 2019. Failure to do so will result in the participant being removed from the Program.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

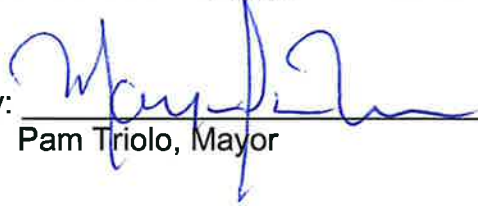
Section 5. Effective Date. This resolution shall become effective upon its passage.

The passage of this resolution was moved by Vice Mayor Amoroso, seconded by Commissioner Robinson, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	ABSENT
Commissioner Omari Hardy	NAY
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this resolution duly passed and adopted on the 4<sup>th</sup> day of June, 2019.

LAKE WORTH BEACH CITY COMMISSION

By:   
Pam Triolo, Mayor

ATTEST:

  
Deborah M. Andrea, City Clerk



# CITY OF LAKE WORTH BEACH ELECTRIC UTILITY NET METERING PROGRAM

## RULES AND REGULATIONS FOR CUSTOMER-OWNED RENEWABLE GENERATION SYSTEMS AND INTERCONNECTION

The City of Lake Worth Beach Electric Utility (“City”) offers a Net Metering Program for Customer-Owned Renewable Generation Systems (“Program”). The primary goal of the Program is to promote the use of renewable generation installed at the Customer’s site to offset part or all of the Customer’s electric needs. Any excess energy generated by the Customer-Owned Renewable Generation System (“System”) and not used by the Customer can be delivered to the City’s electric system. Annually, the City will set by resolution all applicable Net Metering rates to be paid to Program participants including the rate(s) to be paid for the delivery of excess energy to the City’s system. **All rates are subject to change.**

In order to participate in the Program, a Customer must:

1. Be both the owner of the parcel upon which the System is located (according to the Palm Beach County Property Appraiser) and a customer of the City’s electric utility taking bundled (non-interruptible) service. The electric utility account must be in and be maintained in the owner’s name and all documentation submitted must match the owner’s name);
2. Complete the Application for Interconnection (which is attached hereto and incorporated herein) and submit it to the City along with:
  - A. all applicable fees (if required);
  - B. a completed IRS form W-9;
  - C. a certified signed and sealed statement from a currently licensed Florida Professional Engineer attesting to the maximum Gross Power Rating (GPR) expressed in kilowatts (kW) and maximum annual electricity production expressed in kilowatt hour (kWh) production for the System annually over a period of at least the first 20 years of life of the System;
  - D. a copy of the Customer’s contractual documents for the purchase of the System, with redaction of pricing and financing terms redacted if so desired by Customer; and,
  - E. a signed Interconnect Agreement.
3. Obtain written approval of the Customer’s application from the City;
4. Obtain all necessary permits from the local building code department for the installation of the Customer’s System (if the permitting agency is the Village of Palm Springs or Palm Beach County, a copy of the plans submitted must be provided to the City in an electronic format);
5. Install the System and receive a certificate of completion (or other proof of completion) from the local building code department and submit the same to the City;
6. Provide the City with at least thirty (30) days’ prior written notice of the date and time

the Customer plans to place the Customer's System in service, during which time the City may at its sole discretion inspect Customer's System for compliance with its Application for Interconnection, Rules and Regulations, and Interconnection Agreement prior to providing its written approval for Customer to commence operation of Customer's System interconnected to City's electric system in any manner directly or indirectly;

7. If not readily accessible, provide access to the City to install the necessary net metering equipment and/or inspect the Customer's installed System; and,
8. Obtain written approval from the City for the interconnection of the Customer's System to the City's electric system and a fully executed copy of the Interconnection Agreement. The fully executed copy of the Interconnection Agreement is the City's authorization for the Customer to commence operation of its System as a participant in the City's Net Metering Program.

The following provides general information on the Program and Customers' participation:

#### **Customer-Owned Renewable Generation Systems:**

**Customer-Owned Renewable Generation Systems** (System or Systems) are defined as an electric generating system (or combination of systems) located on a Customer's parcel that is intended to offset part or all of a Customer's electricity requirements with renewable energy. Renewable energy as defined in Section 377.803, Florida Statutes, means energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power. Customers may contract for the purchase, lease, operation, or maintenance of their System with a third party. Lease terms shall not result in the retail purchase or retail sale of electricity from the System. For each meter that is Net Metered under the City's Net Metering Program on a Customer's parcel, the City must have a completed application, the required documentation and a fully executed Interconnection Agreement.

#### **Gross Power Rating (GPR) and Size Limitations:**

1. The Gross Power Rating (GPR) of the Customer's System means the total manufacturer's AC nameplate generating capacity of the System that will be interconnected to and operated in parallel with City's electric system. For inverter-based Systems, the AC nameplate generating capacity shall be calculated by multiplying the total installed DC nameplate generating capacity by 0.85 to account for losses during the conversion from DC to AC.
2. The GPR shall not exceed ninety percent (90%) of the Customer's electric distribution service rating. If the GPR does exceed the ninety percent (90%) limit, the Customer shall be responsible for all costs associated with upgrading the distribution service to ensure the ninety percent (90%) limit is not exceeded.
3. The Program is applicable to Customer Systems with a GPR up to and including 10 kW. In no case shall a System with a GPR greater than 10kW be allowed to interconnect with the City's electric system under the Program.

***A Customer is not authorized to have a System(s) with a GPR of more than 10kW.***

4. All Systems shall be sized to have an annual production limit not to exceed the Customer's most recent actual annual energy consumption measured in kilowatt hour (kWh) (AC). The Customer shall provide proof of compliance with this size limitation by submission of a signed and sealed

statement from a currently licensed Florida Professional Engineer attesting to the annual kWh production of the System.

5. The Program is on a first-offered, first-accepted basis and is subject to diminution and/or rejection by the City in the event that the total amount of electricity delivered to the City's electric system from all Program participants exceeds one and one-half percent (1.5%) of the aggregate City electric system peak demand.

#### **Application Fees:**

The City does not charge an application fee for the Program. There is also no charge to the Customer for the installation of metering required to measure the energy delivered to the Customer and the excess energy delivered by the Customer's System to the City's electric system. However, if during the City's review of a Customer's application, the City determines the City's electric system will need to be revised and/or upgraded to accommodate the interconnection of the Customer's System, the Customer shall be responsible for all costs associated with revising and/or upgrading the City's electric system. The City will endeavor to provide such costs to the Customer prior to the City approving the Customer's application.

The Application attached hereto is incorporated by reference into these Rules and Regulations.

#### **Islanding:**

For safety reasons the Customer's System shall not energize the City's electric system when the City's electric system is de-energized at the Customer's service point. There shall be no intentional islanding, as described in the Institute of Electric and Electronic Engineers (IEEE) Standard 1547, between the Customer's System and the City's electric system.

#### **External Disconnect Switch:**

For all Systems, the City requires an isolation device per IEEE 1547.2003. The isolation device shall be a manual disconnect switch of the visible load break type. The switch must be externally visible and readily accessible to City personnel. The device shall be located adjacent to, but separate from, the meter. The switch must be capable of being locked in the off position with a City lock.

#### **Standards, Codes and Inspections:**

1. Inverters:

For inverter based Systems, the inverter must be listed and in compliance with Underwriters Laboratory (UL) 1741, Standard for Static Inverters and Charge Controllers for Use in Photovoltaic Systems. Utility-interactive inverters that pass the tests of UL 1741 will be considered as non-islanding inverters and will comply with the IEEE 1547.2003 interconnection standard.

2. System Installations:

The Customer certifies and must submit documentation that the System complies with the following standards:

- a. IEEE-1547 (2003) Standard for Interconnecting Distributed Resources with Electric Power Systems.
- b. IEEE-1547.1 (2005) Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems.
- c. UL-1741 (2005) Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources.
- d. The applicable National Electric Code, state and/or local building codes, mechanical codes and electrical codes.
- e. The manufacturer's installation, operation and maintenance instructions.

3. Inspections:

- a. The Customer must have the System installation inspected and approved by the local building code authority having jurisdiction (i.e., the City of Lake Worth Beach, the Village of Palm Springs or Palm Beach County). Proof of the inspection and approval must be provided prior to the City installing the net metering equipment and/or the City executing the Interconnection Agreement. If the local building code authority is the Village of Palm Springs or Palm Beach County, the Customer must submit a copy of its building plans to the City in an electronic format.
- b. The City reserves the right to inspect the System installation prior to parallel operation with the City's electric system. The inspection is to ensure compliance with the standards, terms and conditions of the City's Interconnection Agreements and City's Rules and Regulations for Customer-Owned Renewable Generation Systems and Interconnection. The City also reserves the right to inspect the System at any time after approval and interconnection with the City's electric system to ensure compliance with the standards, terms and conditions of the Interconnection Agreement, and may order or effect a System to be isolated immediately from the City's electric system upon a finding of non-compliance. Further, after approval of a Customer's System, the City reserves the right to obtain copies of, and/or be provided with access to, current data showing the actual GPR and/or annual production of a Customer's System. This may include access to the actual System and/or copies/access to the Customer's web portal documenting the System's GPR and/or annual production. Failure to provide copies and/or access to such data within ten (10) days of the City's request will result in the Customer being removed from the Program.
- c. In no case shall the System be operated in parallel with the City's electric system without the written approval of the City.
- d. The Customer is responsible for ensuring that the System is inspected, maintained and tested regularly in accordance with the manufacturer's recommendations to ensure proper and safe operation.
- e. The City will not inspect, maintain or advise the Customer on the maintenance or operation of the System other than ensuring proper interconnection operation with the City's system.



**Insurance:**

The City does not require specific insurance coverage. However, it is strongly encouraged that the Customer maintain general liability insurance for personal injury and property damage for not less than one hundred thousand dollars (\$100,000).

**Notice to the City of Changes:**

Participants in the Program are required to provide advanced written notice to the City, and obtain approval of the City, of the following changes:

1. Changes to the System that involve replacing inverter(s) and/or solar panels that will cause an increase its GPR and/or annual production of kWh above what was represented in the certified signed and sealed statement from a licensed Florida Professional Engineer attesting to the maximum GPR and maximum annual electricity production for the System as submitted to obtain the Interconnection Agreement. The notice must be provided at least thirty (30) days prior to the work being performed to change the System. Depending on the change to be made, the City may require a new application, Interconnection Agreement and/or further documentation from the Customer prior to the work being performed.
2. Change in ownership of the System and Customer account. The notice must be provided prior to change in ownership or change to the account. The new owner will be required to apply to be a Program participant and enter a new Interconnection Agreement with the City.

**Grandfathered Systems:**

All rules and regulations set forth herein apply to all current and future Customers participating in the City's Net Metering Program, until otherwise amended. However, all Customers participating in the City's Net Metering Program as of April 30, 2019 (including those Customers who submitted a written application to their applicable permitting agency with necessary building plans to authorize the installation of a System as of April 30, 2019) shall be considered grandfathered into the Net Metering Program ("Grandfathered Systems") without a requirement that they make their Systems conform to the rules and regulations set forth herein which provide a limit on their System's annual production and GPR. However, if a Grandfathered System has an existing GPR of 10kW or more, the Grandfathered System is prohibited from increasing or expanding its existing GPR. Further, if a Grandfathered System has an existing annual production which exceeds the Customer's most recent actual annual energy consumption measured in kWh (AC), the Grandfathered System is prohibited from increasing or expanding its size and/or annual production.

The City reserves the right to require the Customer responsible for a Grandfathered System to install an external disconnect switch (at the Customer's expense) if the City has a reasonable concern regarding the safety of the Customer's Grandfathered System and/or the safety of the City's electric system, its personnel, third parties and/or the public as it relates to the Customer's Grandfathered System. All Customers with Grandfathered Systems shall be required to sign an Interconnection Agreement and are subject to all terms and conditions in the Interconnection Agreement and Applicable Laws except where specifically stated otherwise. Failure to sign an Interconnection Agreement by August 30, 2019 will result in the City discontinuing the Customer's participation in the City's Net Metering Program and disconnection of the Customer's System from interconnection with the City's System. The Customers with Grandfathered Systems are required to complete an application and submit all existing documentation on their System to the City for formal documentation of their Grandfathered System's annual production and GPR by August 30, 2019; however, a certified statement on the System's annual

production from a Florida Professional Engineer is not required. The City may request further documentation from the Customer if the City has a reasonable concern regarding the safety of the Customer's Grandfathered System and/or the safety of the City's electric system, its personnel and/or the public as it relates to the Customer's Grandfathered System. All other rules and regulations set forth herein shall be applicable to the Grandfathered Systems.

If a Customer with a Grandfathered System is removed from the Net Metering Program, the Grandfathered System will lose its grandfathered status. Participation in the Net Metering Program thereafter will require the Customer to bring the System into conformance with all requirements of the City's Rules and Regulations for Customer-Owned Renewable Generation Systems and Interconnection.

**Attachments:**

Application

Interconnection Agreement