

7565

I N S E N A T E

April 22, 2010

Introduced by Sens. PARKER, ADAMS, ADDABBO, HASSELL-THOMPSON, KLEIN, KRUGER, MONTGOMERY, OPPENHEIMER, PERKINS, SAVINO, SCHNEIDERMAN, SQUADRON, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, the public authorities law, and the real property law, in relation to green jobs-green New York on-bill financing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 2 of the public service law is amended by adding
2 three new subdivisions 28, 29 and 30 to read as follows:

3 28. THE TERM "CAPITAL IMPROVEMENTS AND FIXTURES TO PROMOTE ENERGY
4 EFFICIENCY," WHEN USED IN THIS CHAPTER, MEANS REPAIRS AND UPGRADES TO
5 BUILDINGS, BUILDING SYSTEMS, FIXTURES AND MAJOR APPLIANCES FOR THE
6 PURPOSE OF REDUCING THE CONSUMPTION OF ELECTRICITY, GAS, OIL AND OTHER
7 FUELS, AS DEEMED ELIGIBLE UNDER THE GREEN JOBS-GREEN NEW YORK PROGRAM BY
8 THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

9 29. THE TERM "GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE," WHEN USED IN
10 THIS CHAPTER, MEANS A CHARGE APPEARING ON THE MONTHLY UTILITY BILL OF A
11 UTILITY CUSTOMER WHO ELECTS TO PARTICIPATE IN THE GREEN JOBS-GREEN NEW
12 YORK PROGRAM AND TO FINANCE CAPITAL IMPROVEMENTS UNDER THAT PROGRAM
13 THROUGH SUCH A CHARGE.

14 30. THE TERM "NYSERDA," WHEN USED IN THIS CHAPTER, MEANS THE NEW YORK
15 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, PURSUANT TO SECTION
16 EIGHTEEN HUNDRED FIFTY-TWO OF THE PUBLIC AUTHORITIES LAW.

17 S 2. Paragraph (a) of subdivision 2 of section 32 of the public
18 service law, as added by chapter 713 of the laws of 1981, is amended to
19 read as follows:

20 (a) fails to pay charges for any service rendered during the preceding
21 twelve months, INCLUDING ANY GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE,
22 provided however that the commission by regulations may permit the
23 termination of service for bills due for service rendered during periods
24 in excess of twelve months where (i) there was a dispute between such

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD16655-02-0

1 person and the utility corporation or municipality concerning the bill
2 during the twelve month period, (ii) delays in termination are not the
3 fault of the utility or were due to the culpable conduct of such person,
4 or (iii) such bills are necessary to adjust estimated bills; or

5 S 3. Paragraph (b) of subdivision 6 of section 18-a of the public
6 service law, as added by section 4 of part NN of chapter 59 of the laws
7 of 2009, is amended to read as follows:

8 (b) The temporary state energy and utility service conservation
9 assessment shall be equal to two percentum of the utility entity's gross
10 operating revenues derived from intrastate utility operations in the
11 last preceding calendar year, minus the amount, if any, that such utili-
12 ty entity is assessed pursuant to subdivisions one and two of this
13 section for the corresponding state fiscal year period. With respect to
14 the Long Island power authority, the temporary state energy and utility
15 service conservation assessment shall be equal to one percentum of such
16 authority's gross operating revenues derived from intrastate utility
17 operations in the last preceding calendar year. THE TEMPORARY STATE
18 ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT SHALL NOT BE APPLIED
19 TO THE GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE BILLED AND COLLECTED
20 PURSUANT TO SECTION SIXTY-SIX-M OF THIS CHAPTER. No corporation or
21 person subject to the jurisdiction of the commission only with respect
22 to safety, or the power authority of the state of New York, shall be
23 subject to the temporary state energy and utility service conservation
24 assessment provided for under this subdivision. Utility entities whose
25 gross operating revenues from intrastate utility operations are five
26 hundred thousand dollars or less in the preceding calendar year shall
27 not be subject to the temporary state energy and utility service conser-
28 vation assessment. The minimum temporary state energy and utility
29 service conservation assessment to be billed to any utility entity whose
30 gross revenues from intrastate utility operations are in excess of five
31 hundred thousand dollars in the preceding calendar year shall be two
32 hundred dollars.

33 S 4. Subdivision 6 of section 65 of the public service law, as
34 amended by chapter 713 of the laws of 1981 and paragraph (b-1) as added
35 by chapter 534 of the laws of 1982, is amended to read as follows:

36 6. Service charges prohibited. Every gas corporation shall charge for
37 gas supplied a fair and reasonable price. No such corporation shall make
38 or impose an additional charge or fee for service or for the installa-
39 tion of apparatus or the use of apparatus installed, except that a
40 charge may be made:

41 (a) where entry, inspection or examination as authorized by subdivi-
42 sion nine of this section is denied;

43 (b) for reconnecting the service to a person or corporation if the
44 service to such person or corporation was disconnected, in accordance
45 with applicable legal requirements, for non-payment of bills for
46 service; [or]

47 (b-1) for expenses reasonably incurred as determined by the commission
48 in cases of meter tampering and theft of service. Such expenses shall
49 include, but not be limited to, the cost of investigating, repairing and
50 replacing meters and pipes, and the cost of moving a meter and install-
51 ing it in a secure location[.];

52 (c) for a remote meter reading device upon the request and consent of
53 the customer; OR

54 (D) FOR CAPITAL IMPROVEMENTS AND FIXTURES TO PROMOTE ENERGY EFFICIENCY
55 PURSUANT TO THE PROGRAM ESTABLISHED IN PARAGRAPH (D) OF SUBDIVISION ONE
56 OF SECTION EIGHTEEN HUNDRED NINETY-FOUR OF THE PUBLIC AUTHORITIES LAW.

1 S 5. The public service law is amended by adding a new section 66-m to
2 read as follows:

3 S 66-M. GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE. 1. THE COMMISSION
4 SHALL REQUIRE ELECTRIC AND GAS CORPORATIONS TO FILE TARIFFS TO PROVIDE
5 FOR THE BILLING AND COLLECTION OF GREEN JOBS-GREEN NEW YORK ON-BILL
6 CHARGES UTILIZED TO COLLECT PAYMENT OF OBLIGATIONS TO THE NYSEDA RETRO-
7 FIT INVESTMENT FUND THAT CUSTOMERS UNDERTAKE THROUGH THE GREEN
8 JOBS-GREEN NEW YORK PROGRAM "PROGRAM", ESTABLISHED PURSUANT TO TITLE
9 NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW. ELECTRIC AND GAS
10 CORPORATIONS SHALL SEEK FUNDING OPPORTUNITIES PROVIDED UNDER THE AMERI-
11 CAN RECOVERY AND REINVESTMENT ACT OF TWO THOUSAND NINE TO FUND OR OFFSET
12 COSTS ASSOCIATED WITH IMPLEMENTING THE PROGRAM. ELECTRIC AND GAS CORPO-
13 RATIONS SHALL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE INFRASTRUC-
14 TURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO IMPLEMENT THE PROGRAM.
15 ELECTRIC AND GAS CORPORATIONS WILL BE PERMITTED TO DEFER THE COSTS OF
16 ANY NECESSARY AND PRUDENT ELECTRONIC DATA INTERCHANGE IMPROVEMENTS TO
17 EACH SUCH CORPORATION'S NEXT RATE CASE.

18 (A) THE COMMISSION SHALL WITHIN FIFTEEN DAYS OF THE EFFECTIVE DATE OF
19 THIS SECTION REQUIRE ALL GAS CORPORATIONS TO FILE TARIFFS TO IMPLEMENT
20 THE PROGRAM FOR ALL RESIDENTIAL CUSTOMERS WITHIN THEIR RESPECTIVE
21 SERVICE TERRITORIES AND ISSUE A NOTICE OF PROPOSED RULE-MAKING ON SUCH
22 TARIFFS. THE COMMISSION SHALL ACT EXPEDITIOUSLY, WITHIN THE MINIMUM TIME
23 PERIOD CONSISTENT WITH THE REQUIREMENTS OF THE STATE ADMINISTRATIVE
24 PROCEDURE ACT, TO ISSUE A FINAL DECISION REGARDING THE GREEN JOBS-GREEN
25 NEW YORK TARIFFS.

26 (B) THE COMMISSION SHALL WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF
27 THIS SECTION REQUIRE THAT ALL ELECTRIC CORPORATIONS FILE TARIFFS TO
28 IMPLEMENT THE PROGRAM FOR ALL RESIDENTIAL CUSTOMERS WITHIN THEIR RESPEC-
29 TIVE SERVICE TERRITORIES AND ISSUE A NOTICE OF PROPOSED RULE-MAKING. THE
30 COMMISSION SHALL ACT EXPEDITIOUSLY, WITHIN THE MINIMUM TIME PERIOD
31 CONSISTENT WITH THE REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE
32 ACT, TO ISSUE A FINAL DECISION REGARDING THE GREEN JOBS-GREEN NEW YORK
33 TARIFFS.

34 2. THE TARIFFS SHALL PROVIDE:

35 (A) THAT FULL ACCESS TO THE BENEFITS OF THE PROGRAM BE AVAILABLE TO
36 ALL CUSTOMERS THAT MEET STANDARDS FOR RELIABLE UTILITY BILL PAYMENT AND
37 CURRENT GOOD STANDING ON ANY MORTGAGE OBLIGATIONS ON THE PREMISES AS
38 DETERMINED BY NYSEDA IN ITS CAPACITY AS MANAGER OF THE RETROFIT INVEST-
39 MENT FUND, AND WHO HOLD PRIMARY OWNERSHIP OR REPRESENT THE PRIMARY OWNER
40 OR OWNERS OF ALL METERS TO WHICH AN ON-BILL REPAYMENT OBLIGATION IS
41 ATTACHED.

42 (B) THAT THE GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES FOR ANY
43 SERVICES PROVIDED AT THE CUSTOMER'S PREMISES SURVIVE CHANGES IN OWNER-
44 SHIP, TENANCY, OR UTILITY ACCOUNT RESPONSIBILITY, WITH ARREARS AT TIME
45 OF METER ACCOUNT CLOSURE OR METER TRANSFER REMAINING THE RESPONSIBILITY
46 OF THE INCURRING CUSTOMER.

47 (C) FOR THE DISCONNECTION OF SERVICE FOR NON-PAYMENT OF PROGRAM OBLI-
48 GATIONS, SUBJECT TO REQUIREMENTS OF ARTICLE TWO OF THIS CHAPTER.

49 (D) THAT ELECTRIC AND GAS CORPORATIONS SHALL ONLY BE RESPONSIBLE FOR
50 BILLING AND COLLECTION OF GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES FOR
51 SPECIFIC CUSTOMERS IN THE AMOUNTS AND TIME PERIODS DIRECTED BY NYSEDA,
52 AND FOR SUCCESSOR CUSTOMERS AT THE SAME PREMISES, WHEN ADVISED BY NYSEDA
53 THAT:

54 (I) THE SPECIFIC CUSTOMER HAS ENTERED INTO A WRITTEN REPAYMENT AGREE-
55 MENT WITH NYSEDA TO PAY SUCH AMOUNTS FOR SUCH TIME PERIODS.

1 (II) THE REPAYMENT AGREEMENT IS CONSISTENT WITH THE PROVISIONS OF
2 TITLE NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW AND WITH
3 REGULATIONS PROMULGATED PURSUANT TO SUCH TITLE.

4 (III) THE PROGRAM INCLUDES A SUBSTANTIVE PLAN TO PROVIDE FOR CUSTOMER
5 SERVICE AND RESOLUTION OF CUSTOMER COMPLAINTS, AND TO ACCOUNT FOR DELAYS
6 AND DEFAULTS IN CUSTOMER PAYMENTS.

7 (E) THAT THE UTILITY'S OBLIGATION TO COLLECT GREEN JOBS-GREEN NEW YORK
8 CUSTOMER REPAYMENTS DOES NOT RESTRICT THE UTILITY'S DISCRETION TO ESTAB-
9 LISH THE TERMS OF DEFERRED PAYMENT AGREEMENTS OR TO DEFER TERMINATION OF
10 SERVICE FOR DELINQUENT CUSTOMERS.

11 (F) THAT UNDERPAYMENTS OF BILLS BY CUSTOMERS WITH GREEN JOBS-GREEN NEW
12 YORK ON-BILL CHARGES SHALL BE APPORTIONED BETWEEN THE GREEN JOBS-GREEN
13 NEW YORK ON-BILL CHARGES AND ALL OTHER CHARGES ON THE BILL, WITH THE
14 PERCENTAGE OF THE UNDERPAYMENT APPORTIONED TO THE GREEN JOBS-GREEN NEW
15 YORK ON-BILL CHARGE EQUAL TO THE PERCENTAGE THE GREEN JOBS-GREEN NEW
16 YORK ON-BILL CHARGE REPRESENTS OF THE TOTAL BILL. THAT WITH CUSTOMER
17 CONSENT, THE UTILITY SHALL PROVIDE PRIOR YEAR CUSTOMER BILLING AND
18 CONSUMPTION DATA TO NYSEDA. IN CASES WHERE CUSTOMER CONSENT IS NOT
19 OBTAINED, THE UTILITY MAY PROVIDE AGGREGATE CENSUS TRACT DATA THAT
20 INCLUDES THE CUSTOMER'S ADDRESS.

21 (G) THAT NYSEDA SHALL BE RESPONSIBLE FOR THE RESOLUTION OF ANY
22 CUSTOMER COMPLAINTS REGARDING WORK PERFORMED PURSUANT TO THE PROGRAM AND
23 THE DETERMINATION OF WHETHER GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES
24 SHOULD BE MODIFIED.

25 (H) THAT UTILITIES WILL PROVIDE ON THE CUSTOMER'S BILL AN EXPLANATION
26 OF THE BENEFIT OF THE GREEN JOBS-GREEN NEW YORK RETROFIT THAT INCLUDES A
27 CALCULATION OF THE AVOIDED COST OF FUEL BASED ON NYSEDA'S PROJECTION OF
28 SAVINGS OVER PRIOR USAGE ASSOCIATED WITH THE RETROFIT, THE CURRENT UNIT
29 COST OF THE UTILITY FUEL, AND AN EXPLANATION THAT BILL LEVELS VARY BASED
30 ON ACTUAL USAGE EVEN WHEN HOMES ARE UPGRADED TO USE ENERGY MORE EFFI-
31 CIENTLY.

32 (I) THAT UTILITIES WILL INFORM CUSTOMERS AT THE TIME OF ACCOUNT OPEN-
33 ING AND AT LEAST ANNUALLY OF THE AMOUNT AND DURATION OF ANY GREEN JOBS-
34 GREEN NEW YORK ON-BILL CHARGES AT THE PREMISES FOR PREVIOUSLY INSTALLED
35 ENERGY EFFICIENCY MEASURES, INCLUDING NYSEDA PROCEDURES FOR DISPUTING
36 SUCH CHARGES.

37 (J) THAT FOR CUSTOMERS WITH A LEVELIZED BILLING PLAN, A GREEN
38 JOBS-GREEN NEW YORK RETROFIT SHALL TRIGGER AN IMMEDIATE RECALCULATION OF
39 MONTHLY PAYMENTS UNDER SUCH PLAN, BASED ON NYSEDA PROJECTIONS OF ENERGY
40 SAVINGS RESULTING FROM THE INSTALLED MEASURES AND EFFECTIVE ON THE
41 CUSTOMER'S FIRST BILL WITHIN SIXTY DAYS OF COMPLETION OF THE RETROFIT.

42 (K) THAT UTILITIES SHALL OFFER DEFERRED PAYMENT AGREEMENTS TO GREEN
43 JOBS-GREEN NEW YORK CUSTOMERS ON THE SAME TERMS AS TO OTHER CUSTOMERS,
44 REGARDLESS OF THE APPORTIONMENT OF COLLECTED PAYMENTS TO BOTH UTILITY
45 AND GREEN JOBS-GREEN NEW YORK CHARGES.

46 (L) THAT UTILITIES MAY SIMULTANEOUSLY OFFER TO GREEN JOBS-GREEN NEW
47 YORK ON-BILL REPAYMENT CUSTOMERS ANY AVAILABLE REBATES FOR INDIVIDUAL
48 RETROFIT MEASURES, REGARDLESS OF WHETHER SUCH MEASURES ARE PERFORMED IN
49 THE COURSE OF A GREEN JOBS-GREEN NEW YORK RETROFIT.

50 S 6. Paragraph (d) of subdivision 1 of section 1894 of the public
51 authorities law, as added by chapter 487 of the laws of 2009, is amended
52 and a new paragraph (e) is added to subdivision 1 to read as follows:

53 (d) organized trades and their certification or apprenticeship
54 programs. The authority shall specifically solicit applications that
55 propose to demonstrate the feasibility of innovative financing mech-
56 anisms, including but not limited to applications undertaken in partner-

1 ship with distribution utilities that propose to demonstrate the feasi-
2 bility of on-bill financing. The public service commission and other
3 appropriate agencies are authorized to coordinate with the authority and
4 applicants in developing and implementing proposed demonstrations of
5 innovative financing mechanisms. AN ON-BILL FINANCING MECHANISM FOR
6 INSTALLATION OF ENERGY EFFICIENCY MEASURES AND IMPROVEMENTS SHALL BE
7 ESTABLISHED AS FOLLOWS:

8 (1) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE
9 PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS
10 DETERMINED BY THE AUTHORITY;

11 (2) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING
12 AS DETERMINED BY THE AUTHORITY;

13 (3) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF
14 ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE.
15 PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE
16 IF:

17 (A) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUAL-
18 IZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEAS-
19 URES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM
20 THOSE MEASURES; AND

21 (B) THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET BY THE
22 AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY SAVINGS
23 DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS THAN BIAN-
24 NNUALLY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY EFFICIENCY
25 PROGRAMS AND OTHER COMPARABLE PROGRAMS;

26 A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY ALL
27 SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE UTILITY BILLING AND
28 COLLECTING THE MONTHLY ON-BILL REPAYMENT;

29 (4) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS
30 NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

31 (5) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT
32 SAVE ON THE FUEL DELIVERED BY THE UTILITY THAT IS PROVIDING THE BILLING
33 AND COLLECTION SERVICES; AND

34 (6) CALCULATIONS OF COST-EFFECTIVENESS WITH USE PRICES REASONABLY
35 AVAILABLE TO THE CUSTOMER, AND COSTS AND SAVINGS TO PARTIES OTHER THAN
36 THE CUSTOMER WILL NOT BE USED TO DETERMINE COST-EFFECTIVENESS.

37 (E) FOR DETERMINING THE COST-EFFECTIVENESS OF THE PROGRAM, CALCU-
38 LATIONS SHALL CONSIST OF PROGRAM EXPENDITURES SUCH AS ADMINISTRATIVE
39 COSTS, INTEREST SUBSIDIES, MARKETING, AND OTHER COSTS EXCLUSIVE OF
40 CUSTOMER PAYMENTS, AS COMPARED WITH THE VALUE OF SOCIETAL AND ENVIRON-
41 MENTAL BENEFITS, SUCH AS POLLUTION AVOIDED, JOBS CREATED, ENERGY SAVED,
42 IMPROVED NATIONAL SECURITY AND OTHER SOCIETAL BENEFITS.

43 S 7. Section 1005 of the public authorities law is amended by adding a
44 new subdivision 17 to read as follows:

45 17. TO PROVIDE ITS MUNICIPAL CUSTOMERS WITH ACCESS TO FINANCING FOR
46 ENERGY EFFICIENCY CAPITAL IMPROVEMENTS, BY ESTABLISHING AN ON-BILL
47 FINANCING MECHANISM FOR INSTALLATION OF ENERGY EFFICIENCY MEASURES AND
48 IMPROVEMENTS IN COOPERATION WITH THE NEW YORK STATE ENERGY RESEARCH AND
49 DEVELOPMENT AUTHORITY'S ("NYSERDA") IMPLEMENTATION OF THE GREEN
50 JOBS-GREEN NEW YORK PROGRAM PURSUANT TO NYSERDA'S AUTHORITY UNDER TITLE
51 NINE-A OF ARTICLE EIGHT OF THIS CHAPTER. THE ON-BILL FINANCING MECHANISM
52 SHALL BE ESTABLISHED AS FOLLOWS:

53 (A) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE
54 PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS
55 DETERMINED BY THE AUTHORITY;

(B) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING AS DETERMINED BY THE AUTHORITY;

(C) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE. PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE IF:

(1) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUALIZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEASURES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM THOSE MEASURES; AND

(2) THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET BY THE AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY SAVINGS DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS THAN BIENNUELY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY EFFICIENCY PROGRAMS AND OTHER COMPARABLE PROGRAMS;

(D) A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY ALL SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE AUTHORITY OR OTHER ENTITY BILLING AND COLLECTING THE MONTHLY ON-BILL REPAYMENT;

(E) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

(F) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT SAVE ON THE FUEL DELIVERED BY THE AUTHORITY OR OTHER ENTITY PROVIDING THE BILLING AND COLLECTION SERVICES; AND

(G) IN TESTS OF COST-EFFECTIVENESS, CALCULATIONS OF COSTS AND SAVINGS WILL USE PRICES REASONABLY AVAILABLE TO THE CUSTOMER, AND COSTS AND SAVINGS TO PARTIES OTHER THAN THE CUSTOMER WILL NOT BE USED TO DETERMINE COST-EFFECTIVENESS.

(H) MUNICIPAL UTILITIES PROVIDING THIS SERVICE SHALL ADHERE TO CONSUMER PROTECTION PROVISIONS PURSUANT TO ARTICLE TWO OF THE PUBLIC SERVICE LAW.

(I) STANDARDS FOR THE BILLING, COLLECTION AND CONDITIONS OF SERVICE RELATED TO GREEN JOBS-GREEN NEW YORK REPAYMENTS WILL ADHERE TO THE STANDARDS ESTABLISHED IN SUBDIVISION TWO OF SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW.

(J) THE AUTHORITY SHALL ESTABLISH SUCH ON-BILL FINANCING MECHANISM WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

S 8. Sections 1020-hh, 1020-ii and 1020-jj of the public authorities law, such sections as renumbered by chapter 433 of the laws of 2009, are renumbered sections 1020-ii, 1020-jj and 1020-kk, and a new section 1020-hh is added to read as follows:

S 1020-HH. GREEN JOBS-GREEN NEW YORK PROGRAM. THE AUTHORITY SHALL PROVIDE ITS CUSTOMERS WITH ACCESS TO FINANCING FOR ENERGY EFFICIENCY CAPITAL IMPROVEMENTS, BY ESTABLISHING AN ON-BILL FINANCING MECHANISM FOR INSTALLATION OF ENERGY EFFICIENCY MEASURES AND IMPROVEMENTS IN COOPERATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY'S ("NYSERDA") IMPLEMENTATION OF THE GREEN JOBS-GREEN NEW YORK PROGRAM PURSUANT TO NYSERDA'S AUTHORITY UNDER TITLE NINE-A OF ARTICLE EIGHT OF THOS CHAPTER. THE ON-BILL FINANCING MECHANISM SHALL BE ESTABLISHED AS FOLLOWS:

(A) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS DETERMINED BY THE AUTHORITY;

(B) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING AS DETERMINED BY THE AUTHORITY;

(C) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE.

1 PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE
2 IF:

3 (1) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUAL-
4 IZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEAS-
5 URES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM
6 THOSE MEASURES; AND THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET
7 BY THE AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY
8 SAVINGS DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS
9 THAN BIANNUALLY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY
10 EFFICIENCY PROGRAMS AND OTHER COMPARABLE PROGRAMS;

11 (2) A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY
12 ALL SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE AUTHORITY OR
13 OTHER ENTITY BILLING AND COLLECTING THE MONTHLY ON-BILL REPAYMENT;

14 (3) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS
15 NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

16 (4) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT
17 SAVE ON THE FUEL DELIVERED BY THE AUTHORITY OR OTHER ENTITY PROVIDING
18 THE BILLING AND COLLECTION SERVICES; AND

19 (5) IN TESTS OF COST-EFFECTIVENESS, CALCULATIONS OF COSTS AND SAVINGS
20 WILL USE PRICES REASONABLY AVAILABLE TO THE CUSTOMER, AND COSTS AND
21 SAVINGS TO PARTIES OTHER THAN THE CUSTOMER WILL NOT BE USED TO DETERMINE
22 COST-EFFECTIVENESS.

23 (D) STANDARDS FOR THE BILLING, COLLECTION AND CONDITIONS OF SERVICE
24 RELATED TO GREEN JOBS-GREEN NEW YORK REPAYMENTS WILL ADHERE TO THE STAN-
25 DARDS ESTABLISHED IN SUBDIVISION TWO OF SECTION SIXTY-SIX-M OF THE
26 PUBLIC SERVICE LAW.

27 (E) THE AUTHORITY SHALL ESTABLISH SUCH ON-BILL FINANCING MECHANISM
28 WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

29 S 9. Section 242 of the real property law is amended by adding a new
30 subdivision 4 to read as follows:

31 4. DISCLOSURE PRIOR TO THE SALE OF REAL PROPERTY TO WHICH A GREEN
32 JOBS-GREEN NEW YORK ON-BILL CHARGE APPLIES. ANY PERSON, FIRM, COMPANY,
33 PARTNERSHIP OR CORPORATION OFFERING TO SELL REAL PROPERTY TO WHICH AN
34 ELECTRIC OR GAS GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE APPLIES PURSU-
35 ANT TO SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW SHALL PROVIDE WRIT-
36 TEN NOTICE TO THE PROSPECTIVE PURCHASER OR THE PROSPECTIVE PURCHASER'S
37 AGENT, STATING AS FOLLOWS: "THIS PROPERTY IS SUBJECT TO A GREEN
38 JOBS-GREEN NEW YORK ON-BILL CHARGE." THE NOTICE SHALL BE PROVIDED PRIOR
39 TO THE ACCEPTANCE OF AN OFFER TO PURCHASE SUCH REAL PROPERTY AND MUST
40 STATE THAT THE PURCHASER MUST ACCEPT THE OBLIGATION TO PAY THE GREEN
41 JOBS-GREEN NEW YORK ON-BILL CHARGE BEFORE THE SALE CAN BE COMPLETED. IN
42 ADDITION, SUCH NOTICE SHALL ALSO STATE THE AMOUNT, TERM, AND PURPOSE OF
43 THE ON-BILL CHARGE.

44 S 10. This act shall take effect immediately; provided, however, the
45 amendments to subdivision 6 of section 18-a of the public service law,
46 made by section three of this act shall not affect the repeal of such
47 subdivision and shall be deemed repealed therewith.