

3806--C

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I N S E N A T E

February 19, 2013

Introduced by Sens. MAZIARZ, RITCHIE, BONACIC, CARLUCCI, DeFRANCISCO, GALLIVAN, GIPSON, GRISANTI, LARKIN, LATIMER, LIBOUS, MARCHIONE, MONTGOMERY, NOZZOLIO, RANZENHOFER, SAMPSON, SAVINO, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the energy law and the public service law, in relation to net-metering and on-farm energy generation

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

1 Section 1. This act shall be known and may be cited as the "repower
2 New York farms act".
3 S 2. Subdivisions 1, 2 and 3 of section 3-101 of the energy law,
4 subdivisions 2 and 3 as amended by chapter 820 of the laws of 1976, are
5 amended to read as follows:
6 1. to obtain and maintain an adequate and continuous supply of safe,
7 dependable and economical energy for the people of the state and to
8 accelerate development and use within the state of renewable energy
9 sources, all in order to promote the state's economic growth, to create
10 employment within the state, to protect its environmental values AND
11 AGRICULTURAL HERITAGE, to husband its resources for future generations,
12 and to promote the health and welfare of its people;
13 2. to encourage conservation of energy in the construction and opera-
14 tion of new commercial, industrial, AGRICULTURAL and residential build-
15 ings, and in the rehabilitation of existing structures, through heating,

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

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1 cooling, ventilation, lighting, insulation and design techniques and the
2 use of energy audits and life-cycle costing analysis;

3 3. to encourage the use of performance standards in all energy-using
4 appliances, and in industrial, AGRICULTURAL and commercial applications
5 of energy-using apparatus and processes;

6 S 3. Paragraph (d) of subdivision 1 of section 66-j of the public
7 service law, as amended by chapter 7 of the laws of 2010, is amended to
8 read as follows:

9 (d) "Solar electric generating equipment" means a photovoltaic system

10 (i) (A) in the case of a residential customer (OTHER THAN A FARM UTILIZ-
11 ING A RESIDENTIAL METER), with a rated capacity of not more than twen-
12 ty-five kilowatts; [and] (B) IN THE CASE OF A CUSTOMER WHO OWNS OR OPER-
13 ATES A FARM OPERATION AS SUCH TERM IS DEFINED IN SUBDIVISION ELEVEN OF
14 SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW UTILIZING A
15 RESIDENTIAL METER WITH A RATED CAPACITY OF NOT MORE THAN ONE HUNDRED
16 KILOWATTS; AND (C) in the case of a non-residential customer, with a
17 rated capacity of not more than two thousand kilowatts; and (ii) that is
18 manufactured, installed, and operated in accordance with applicable
19 government and industry standards, that is connected to the electric
20 system and operated in conjunction with an electric corporation's trans-
21 mission and distribution facilities, and that is operated in compliance
22 with any standards and requirements established under this section.

23 S 4. This act shall take effect immediately.