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I N   S E N A T E

June 3, 2014

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Introduced by Sen. LATIMER -- 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, in relation to establishing a solar incentive and financing program

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "NY Sun Act of 2014".

3     S 2. The public service law is amended by adding a new section 66-n to  
4     read as follows:

5     S 66-N. SOLAR INCENTIVE AND FINANCING PROGRAM. 1. AS USED IN THIS  
6     SECTION:

7     (A) "ELECTRIC DISTRIBUTION COMPANY" MEANS AN INVESTOR-OWNED ELECTRIC  
8     CORPORATION THAT DISTRIBUTES AND DELIVERS ELECTRICITY WITHIN THIS STATE  
9     AND HAS ANNUAL REVENUES IN EXCESS OF TWO HUNDRED MILLION DOLLARS; AND

10    (B) (I) "QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM" MEANS A  
11    SYSTEM OF COMPONENTS THAT GENERATES ELECTRICITY FROM SUNLIGHT BY MEANS  
12    OF THE PHOTOVOLTAIC EFFECT, WHETHER OR NOT THE DEVICE IS COUPLED WITH A  
13    DEVICE CAPABLE OF STORING THE ENERGY PRODUCED FOR LATER USE, THAT IS (A)  
14    INSTALLED AND OPERATED IN NEW YORK STATE WITHIN ONE OF THE SERVICE  
15    TERRITORIES OF AN ELECTRIC DISTRIBUTION COMPANY AS DEFINED IN THIS  
16    SECTION, AND (B) INSTALLED AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN.

17    (II) A QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM SHALL NOT  
18    INCLUDE: (A) A SOLAR PHOTOVOLTAIC GENERATING SYSTEM OWNED BY A PUBLIC  
19    AUTHORITY, WHERE SUCH AUTHORITY DOES NOT CONSUME ALL OF THE ELECTRICITY  
20    PRODUCED AND INSTEAD SELLS ALL OR A PORTION OF SAID ELECTRICITY TO  
21    ANOTHER ENTITY, OTHER THAN WHEN SAID AUTHORITY USES SUCH SYSTEM TO  
22    ENGAGE IN NET ENERGY METERING AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION  
23    ONE OF SECTION SIXTY-SIX-J OF THIS ARTICLE, AND (B) A SOLAR PHOTOVOLTAIC  
24    GENERATING SYSTEM THAT IS OWNED BY AN ELECTRIC DISTRIBUTION COMPANY.

25    2. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
26    COMMISSION SHALL COMMENCE THE CONSIDERATION OF MODIFICATIONS TO ITS  
27    EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED SOLAR

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

LBD04599-09-4

1 PHOTOVOLTAIC GENERATING SYSTEMS AND, NO LATER THAN SEPTEMBER FIRST, TWO  
2 THOUSAND FIFTEEN, THE COMMISSION SHALL MAKE A DETERMINATION ESTABLISHING  
3 MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF  
4 QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS IN CONFORMANCE WITH THIS  
5 SECTION. THE DEPARTMENT SHALL CONSULT WITH THE NEW YORK STATE ENERGY  
6 RESEARCH AND DEVELOPMENT AUTHORITY IN THE PREPARATION OF ITS RECOMMENDA-  
7 TIONS TO THE COMMISSION FOR SUCH DETERMINATION. THE PROGRAM MODIFICA-  
8 TIONS SHALL REQUIRE:

9 (A) ADMINISTRATION BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOP-  
10 MENT AUTHORITY;

11 (B) PLANNED STATEWIDE ANNUAL EXPENDITURES INCLUDING ALL COSTS OF A  
12 MINIMUM OF ONE HUNDRED FIFTY MILLION DOLLARS, TAKING INTO CONSIDERATION  
13 THE SOLAR-BASED PROGRAMS ADMINISTERED BY THE LONG ISLAND POWER AUTHORI-  
14 TY, COMMENCING IN CALENDAR YEAR TWO THOUSAND FIFTEEN AND SUSTAINED EACH  
15 YEAR THROUGH CALENDAR YEAR TWO THOUSAND TWENTY-FOUR;

16 (C) A DIVERSITY OF PROJECT SIZES, GEOGRAPHIC DISTRIBUTION, AND PARTIC-  
17 IPATION AMONG CUSTOMER CLASSES, SUBJECT TO COST-EFFECTIVENESS CONSIDER-  
18 ATIONS;

19 (D) INCENTIVE OR FINANCING STRUCTURES THAT MAXIMIZE COST-EFFECTIVENESS  
20 AND PRACTICALITY THROUGH COMPETITIVE PROCUREMENTS, STANDING-OFFERS,  
21 PRODUCTION INCENTIVES OR CAPACITY INCENTIVES AT THE WHOLESALE OR RETAIL  
22 LEVEL AS IN THE JUDGMENT OF THE COMMISSION PROVIDE FOR THE MOST EFFEC-  
23 TIVE PROGRAM;

24 (E) FOR PROJECTS EXCEEDING 100 KILOWATTS, INCENTIVE OR FINANCING  
25 STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC BENEFITS TO THE  
26 STATE OF NEW YORK;

27 (F) PROGRAM DESIGNS THAT TAKE INTO CONSIDERATION THE AVOIDANCE OF  
28 LONG-TERM COSTS TO THE TRANSMISSION AND DISTRIBUTION SYSTEM AND MINIMI-  
29 ZATION OF PEAK LOAD IN CONSTRAINED AREAS;

30 (G) ANNUAL REPORTS ON THE ACHIEVEMENTS AND EFFECTIVENESS OF THE  
31 PROGRAM; AND

32 (H) SUCH OTHER ISSUES DEEMED APPROPRIATE BY THE COMMISSION.

33 S 3. This act shall take effect immediately.