S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 17, 2016

Introduced by M. of A. PAULIN, BRENNAN, SANTABARBARA, CERETTO, BUCHWALD, COLTON, GALEF, GOTTFRIED, LIFTON, MOSLEY, RAIA -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to establishing the electric vehicle charging tariff

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

Section 1. The public service law is amended by adding a new section 66-o to read as follows:

S 66-O. ELECTRIC VEHICLE CHARGING TARIFF. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ELECTRIC VEHICLE" SHALL MEAN A MOTOR VEHICLE THAT IS ABLE TO BE POWERED BY AN ELECTRIC MOTOR DRAWING CURRENT FROM RECHARGEABLE STORAGE BATTERIES, FUEL CELLS OR OTHER PORTABLE SOURCES OF ELECTRICAL CURRENT, AND MEETS OR EXCEEDS APPLICABLE REGULATIONS IN CFR, TITLE 49, PART 571, INCLUDING A PLUG-IN HYBRID ELECTRIC VEHICLE.

(B) "INVESTOR OWNED UTILITY" SHALL MEAN (I) CONSOLIDATED EDISON; (II) ORANGE AND ROCKLAND UTILITIES; (III) CENTRAL HUDSON GAS AND ELECTRIC; (IV) NIAGARA MOHAWK D/B/A NATIONAL GRID; (V) NEW YORK STATE GAS AND ELECTRIC; AND (VI) ROCHESTER GAS AND ELECTRIC.

2. NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN EACH INVESTOR OWNED UTILITY MUST FILE WITH THE COMMISSION AN ELECTRIC VEHICLE CHARGING TARIFF THAT ALLOWS A CUSTOMER TO PURCHASE ELECTRICITY SOLELY FOR THE PURPOSE OF RECHARGING AN ELECTRIC VEHICLE. THE TARIFF SHALL:

(A) INCLUDE EITHER TIME-OF-DAY OR OFF-PEAK RATE, AS ELECTED BY THE INVESTOR OWNED UTILITY;

(B) OFFER THE CUSTOMER THE OPTION TO PURCHASE ELECTRICITY:

(I) FROM THE UTILITY'S CURRENT MIX OF ENERGY SUPPLY SOURCES; OR

(II) ENTIRELY FROM (1) SOLAR PHOTOVOLTAIC ELECTRIC GENERATION; (2) WIND ELECTRIC GENERATION; AND (3) HYDROELECTRIC GENERATION; AND

(C) BE MADE AVAILABLE TO THE RESIDENTIAL CUSTOMER CLASS.

3. THE COMMISSION SHALL, AFTER NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT, APPROVE, MODIFY, OR REJECT THE TARIFF. THE COMMISSION MAY

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

LBD14449-02-6

APPROVE THE TARIFF IF THE INVESTOR OWNED UTILITY HAS DEMONSTRATED THAT THE TARIFF:

(A) APPROPRIATELY REFLECTS OFF-PEAK VERSUS PEAK COST DIFFERENCES IN THE RATE CHARGED;

(B) INCLUDES A MECHANISM TO ALLOW THE RECOVERY OF COSTS REASONABLY NECESSARY TO COMPLY WITH THIS SECTION, INCLUDING COSTS TO INFORM AND EDUCATE CUSTOMERS ABOUT THE FINANCIAL, ENERGY CONSERVATION AND ENVIRONMENTAL BENEFITS OF ELECTRIC VEHICLES AND TO PUBLICLY ADVERTISE AND PROMOTE PARTICIPATION IN THE CUSTOMER OPTIONAL TARIFF;

(C) PROVIDES FOR CLEAR AND TRANSPARENT CUSTOMER BILLING STATEMENTS INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF ENERGY CONSUMED UNDER THE TARIFF; AND

(D) INCORPORATES THE COST OF METERING OR SUB-METERING WITHIN THE RATE CHARGED TO THE CUSTOMER.

4. WITHIN SIXTY DAYS OF COMMISSION APPROVAL OF AN INVESTOR OWNED UTILITY'S TARIFF FILED UNDER THIS SECTION, SUCH UTILITY SHALL MAKE THE TARIFF AVAILABLE TO CUSTOMERS.

5. THE UTILITY MAY AT ANY TIME PROPOSE REVISIONS TO A TARIFF FILED UNDER THIS SECTION BASED ON CHANGING COSTS OR CONDITIONS.

6. EACH INVESTOR OWNED UTILITY PROVIDING A TARIFF UNDER THIS SECTION SHALL PERIODICALLY REPORT TO THE COMMISSION, AS ESTABLISHED BY THE COMMISSION AND ON A FORM PRESCRIBED BY THE COMMISSION, THE FOLLOWING INFORMATION, ORGANIZED ON A PER-QUARTER BASIS:

(A) THE NUMBER OF CUSTOMERS WHO HAVE ARRANGED TO PURCHASE ELECTRICITY UNDER THE TARIFF;

(B) THE TOTAL AMOUNT OF ELECTRICITY SOLD UNDER THE TARIFF;

(C) THE TOTAL AMOUNT OF ELECTRICITY PROVIDED UNDER SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION; AND

(D) OTHER DATA REQUIRED BY THE COMMISSION.

S 2. This act shall take effect immediately.