

STATE OF NEW YORK

9531

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to providing net revenues from utility-owned large-scale renewable generation projects to low-income customers and authorizes utility companies to own such projects

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. 1. New York state recognizes the deleterious impacts of climate change including increasingly frequent catastrophic weather events.

2 2. Pursuant to the New York state climate leadership and community protection act (CLCPA), New York state seeks to dramatically reduce greenhouse gas emissions and move its electric generation from fossil fuel-based generation to renewable-based generation. New York state has mandated that seventy percent of electricity come from renewable energy sources by year 2030 and one hundred percent of electricity come from carbon neutral sources by 2040.

3 3. Further, New York state recognizes that the current pace of development of in-state renewable energy resources is insufficient to meet the state's statutory renewable generation goals on schedule.

4 4. Because New York state seeks to accomplish these energy-related goals and standards as soon as practicable allowing regulated utilities to own and operate renewable generation is essential to achieving such goals and to provide a consistent and affordable supply of carbon-free, renewably generated electricity by 2030, through 2050 and beyond.

5 5. New York state seeks to continue to develop in-state renewable energy projects that will drive down costs, benefit customers receiving retail electric delivery particularly those customers who are low to moderate income.

6 § 2. The public service law is amended by adding a new section 66-s to read as follows:

7 § 66-s. Regulated large scale renewable generation. 1. In order to support the state in meeting state energy-related goals and standards,

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

LBD14768-01-2

1 corporations subject to the provisions of this article providing retail
2 electric service shall be authorized to own and operate renewable energy
3 generating facilities in New York state. Such corporations shall be
4 authorized to own and operate such facilities individually or in part-
5 nership with other persons doing business in New York.

6 2. A corporation owning and operating a renewable energy generation
7 facility pursuant to this section shall provide all net revenues from
8 such facility to low-income customers in the form of bill credits, which
9 shall be in addition to any other program or benefit offered by the
10 corporation to assist such customers.

11 3. In addition to the provisions of subdivision two of this section,
12 any renewable energy generating facility owned by such a corporation
13 shall be:

14 (a) subject to commission oversight in order to ensure that: (i) the
15 power generated at such facilities remains in-state for the benefit of
16 customers and the state; (ii) the power generated at such facilities
17 shall not be exported out-of-state; and (iii) any repowering of such
18 generating facilities shall comply with all requirements of this
19 section;

20 (b) built, pursuant to a competitive third-party bidding process,
21 which shall be issued by the corporation;

22 (c) subject to section sixty-six-r of this article and section two
23 hundred twenty-four-d of the labor law; and

24 (d) owned and operated in a manner that provides beneficial cost and
25 rate impacts to customers.

26 4. The commission shall establish a generation capacity limit for the
27 total generation capacity owned by corporations pursuant to this
28 section. The total generation capacity shall not exceed twenty-five
29 percent of the total generation capacity needed to achieve the renewable
30 energy goals described in section sixty-six-p of this article.

31 5. The commission shall issue such orders, rules and regulations as
32 may be necessary and appropriate to implement this section.

33 § 3. No later than sixty days after the effective date of this act,
34 the public service commission shall commence a proceeding necessary and
35 appropriate to implement the provisions of section 66-s of the public
36 service law.

37 § 4. This act shall take effect immediately.