

STATE OF NEW YORK

5395

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. PALMESANO, BARCLAY, TAGUE, ANGELINO, BAILEY, BEEPHAN, BLANKENBUSH, BOLOGNA, BRABENEC, E. BROWN, K. BROWN, CHLUDZINSKI, DeSTEFANO, DURSO, FITZPATRICK, FRIEND, GALLAHAN, GANDOLFO, GIGLIO, GRAY, HAWLEY, JENSEN, LEMONDES, MAHER, MANKTELOW, McDONOUGH, MIKULIN, MILLER, MORINELLO, RA, REILLY, SIMPSON, SLATER, SMITH, SMULLEN, TANNOUSIS, WALSH -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the public service law, in relation to directing the public service commission to conduct a full cost benefit analysis of the technical and economic feasibility of renewable energy systems in the state of New York and to compare such directly with other methods of electricity generation and makes certain changes relating to greenhouse gas emissions limits

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

1 Section 1. Subdivision 1 of section 75-0107 of the environmental
2 conservation law, as added by chapter 106 of the laws of 2019, is
3 amended and a new subdivision 5 is added to read as follows:
4 1. No later than one year after the effective date of this article,
5 the department shall, pursuant to rules and regulations promulgated
6 after at least one public hearing, establish a statewide greenhouse gas
7 emissions limit as a percentage of 1990 emissions, as estimated pursuant
8 to section 75-0105 of this article, as follows:
9 a. [~~2030~~] 2040: 60% of 1990 emissions.
10 b. [~~2050~~] 2060: 15% of 1990 emissions.
11 5. The department may temporarily suspend or modify the greenhouse
12 gas emissions limits under such program provided that the depart-
13 ment, after conducting a public hearing, makes a finding that the green-
14 house gas emissions limits impedes the provision of safe and adequate
15 electric service and/or the department, in consultation with the public

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

LBD07125-01-5

1 service commission, finds that the implementation of the limits will
2 increase utility rates in excess of five percent.

3 § 2. Subdivisions 2 and 4 of section 66-p of the public service law,
4 as added by chapter 106 of the laws of 2019, are amended to read as
5 follows:

6 2. No later than June thirtieth, two thousand twenty-one, the commis-
7 sion shall establish a program to require that: (a) a minimum of seventy
8 percent of the state wide electric generation secured by jurisdictional
9 load serving entities to meet the electrical energy requirements of all
10 end-use customers in New York state in two thousand [~~thirty~~] forty shall
11 be generated by renewable energy systems; and (b) that by the year two
12 thousand [~~forty~~] fifty (collectively, the "targets") the statewide elec-
13 trical demand system will be zero emissions. In establishing such
14 program, the commission shall consider and where applicable formulate
15 the program to address impacts of the program on safe and adequate elec-
16 tric service in the state under reasonably foreseeable conditions. The
17 commission may, in designing the program, modify the obligations of
18 jurisdictional load serving entities and/or the targets upon consider-
19 ation of the factors described in this subdivision.

20 4. The commission may temporarily suspend or modify the obligations
21 under such program provided that the commission, after conducting a
22 hearing as provided in section twenty of this chapter, makes a finding
23 that the program impedes the provision of safe and adequate electric
24 service; the program is likely to impair existing obligations and agree-
25 ments; and/or that there is a significant increase in arrears or service
26 disconnections that the commission determines is related to the program;
27 and/or the commission finds that the implementation of the program will
28 increase utility rates in excess of five percent.

29 § 3. Subdivision 1 of section 137 of the public service law, as added
30 by section 11 of part 0 of chapter 58 of the laws of 2024, is amended to
31 read as follows:

32 1. "CLCPA targets" shall mean the public policies established in the
33 climate leadership and community protection act enacted in chapter one
34 hundred six of the laws of two thousand nineteen, including but not
35 limited to the requirement that a minimum of seventy percent of the
36 statewide electric generation be produced by renewable energy systems by
37 two thousand [~~thirty~~] forty, that by the year two thousand [~~forty~~] fifty
38 the statewide electrical demand system will generate zero emissions, and
39 the procurement of at least nine gigawatts of offshore wind electricity
40 generation by two thousand thirty-five, six gigawatts of photovoltaic
41 solar generation by two thousand twenty-five and to support three giga-
42 watts of statewide energy storage capacity by two thousand thirty.

43 § 4. The public service law is amended by adding a new section 66-x to
44 read as follows:

45 § 66-x. Supplemental study of the costs, benefits, technical and
46 economic feasibility of meeting the New York state climate leadership
47 and community protection act renewable energy targets. 1. Not later than
48 nine months after the effective date of this section, and every four
49 years thereafter, the commission, on behalf of the climate action coun-
50 cil established by section 75-0103 of the environmental conservation
51 law, and in consultation with the president of the New York state energy
52 research and development authority ("NYSERDA") and the presiding officer
53 of the federally designated electric bulk system operator, in consulta-
54 tion with the department of environmental conservation, shall conduct,
55 publish and update a comprehensive study to determine the costs, bene-
56 fits and overall economic feasibility of meeting the climate leadership

1 and community protection act ("CLCPA") targets for renewable energy
2 systems and zero emissions sources in New York state pursuant to subdi-
3 vision two of section sixty-six-p of this article and the statewide
4 greenhouse emission limits within subdivision one of section 75-0107 of
5 the environmental conservation law, and shall publish each study on
6 NYSERDA's website.

7 2. Such study shall include a full cost benefit analysis assessing the
8 following, including, but not limited to:

9 (a) The current state of technology in place for electric generation
10 as of the date of the study, as well as new and emerging generation
11 methods as new energy technologies as defined by subdivision ten of
12 section eighteen hundred fifty-one of the public authorities law;

13 (b) The impact of CLCPA renewable energy target compliance on elec-
14 tricity wholesale prices, delivery rates and total bills that energy
15 consumers in this state will pay, including indirect energy costs. This
16 analysis shall include the impacts of subsidies to site land-based and
17 offshore renewable energy projects, the build-out of the electric
18 infrastructure to receive and transmit renewable power, subsidies of
19 energy storage projects, and the addition of new loads associated with
20 deep electrification efforts in the residential, commercial, industrial
21 and transportation sectors, and the addition of new loads for economic
22 development. This analysis shall address both short-term and long-term
23 maintenance costs;

24 (c) Direct and indirect costs associated with the transition to heat-
25 ing and cooling provided by heat pumps powered by renewable energy
26 systems;

27 (d) The current civilian state of the art in nuclear reactor technolo-
28 gy and the role such technology could play in the transition to a clean-
29 er, more reliable, and more resilient energy portfolio in New York
30 state;

31 (e) The impact of renewable energy systems on the reliability of the
32 electric system in this state, including but not limited to, voltage
33 sags and how reliability shall be maintained when solar and wind
34 resources are not generating power, and how reliability will be main-
35 tained if fast-ramping gas-fired generation is phased out;

36 (f) Costs and logistical issues associated with end-of-life disposal
37 of renewable energy system components;

38 (g) Short-term and long-term costs associated with building-out and
39 maintaining adequate energy storage and/or battery capacity for periods
40 when renewable energy systems are intermittent;

41 (h) Direct and indirect transportation costs associated with such
42 matters as charging station infrastructure, a moratorium on gas pipeline
43 construction, and over-the-road transport of goods, such as perishable
44 agricultural products;

45 (i) The impact of CLCPA compliance on natural gas market prices,
46 delivery rates and total bills that energy consumers in this state will
47 pay including but not limited to short-term and long-term maintenance
48 costs;

49 (j) The impact CLCPA compliance has on the reliability of the natural
50 gas system in this state and its ability to support manufacturing pro-
51 cesses for which today there are no known replacement fuels. Consider-
52 ation shall be given to the following: the utilization and dependence
53 upon natural gas by manufacturers for process purposes; the utilization
54 and dependence on natural gas service for cooking by the restaurant and
55 food-service industry, due to the ability of gas ranges and ovens to
56 heat foods more evenly than their electric counterparts; the use of

1 natural gas for heating in forty-six percent of households in the North-
2 east; and reliable and affordable alternatives for heating and other
3 services currently supplied by natural gas;

4 (k) Clarification of the impact of CLCPA compliance on industrial use
5 of fossil fuels; and

6 (l) An examination of the land use implications of major renewable
7 electric generating facilities in the state, both from the standpoint of
8 tourism and this state's tourism-based economic sectors, and potential
9 effects on the viability of agriculture in this state.

10 3. Such study shall build upon relevant expertise already at the
11 commission's disposal, along with that of the climate action council.

12 4. The department, on behalf of the commission, shall contract with an
13 independent and competitively-selected consultant to undertake such
14 study.

15 5. The department, and any contractors it may retain for such
16 purposes, shall consult with entities that have resources and expertise
17 to assist in such study, including, but not limited to, academic part-
18 ners, electric corporations, electricity generating companies, trade
19 organizations, environmental justice groups, and other stakeholders.

20 6. Upon completion of the initial study and each updated study
21 conducted pursuant to subdivision one of this section, the department
22 shall prepare a report on such study's findings, including recommenda-
23 tions for future courses of action and/or those issues requiring further
24 investigation. The commission shall transmit such report along with the
25 study to the governor, the speaker of the assembly, the minority leader
26 of the assembly, the temporary president of the senate, the minority
27 leader of the senate, the chair of the assembly energy committee, the
28 ranking member of the assembly energy committee, the chair of the senate
29 energy and telecommunications committee, and the ranking member of the
30 senate energy and telecommunications committee no later than thirty days
31 after the study's completion.

32 7. The Long Island power authority and the power authority of the
33 state of New York are authorized, as deemed feasible and advisable by
34 their respective boards, to make a voluntary contribution toward this
35 study.

36 8. Upon receipt of the report of the study's findings, the commission
37 shall, within ninety days, promulgate rules and regulations necessary
38 for effectuating the intent of the recommendations made by the report.

39 9. The commission shall use the report's findings and recommendations
40 to determine whether, how and on what timetable to modify the targets
41 within subdivision two of section sixty-six-p of this article.

42 § 5. This act shall take effect immediately; provided, however, that
43 the amendments to subdivision 1 of section 137 of the public service law
44 made by section three of this act shall not affect the repeal of such
45 section and shall be deemed to be repealed therewith.