STATE OF NEW YORK

8645

IN SENATE

January 7, 2026

Introduced by Sen. MAY -- 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 authorizing ORES to issue siting permits for battery energy storage systems for use by data centers, and requiring data centers to submit carbon reduction plans

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

Section 1. Section 137 of the public service law is amended by adding three new subdivisions 14, 15 and 16 to read as follows:

14. "Data center" means a facility primarily used for the storage, processing, or transmission of digital information, with an anticipated information technology (IT) load of at least one megawatt.

15. "Information technology load" or "IT load" means the electrical load of computing, data storage, and networking equipment within a data center, measured at the point of power delivery to such equipment.

16. "Battery energy storage system" means one or more devices, assembled together, capable of storing energy in order to supply electrical energy to power the operation of a data center at a future time.

§ 2. The public service law is amended by adding a new section 149 to read as follows:

§ 149. Provisions related to data centers. 1. Battery energy storage system siting. (a) Notwithstanding any provision of law to the contrary, ORES shall be authorized to issue permits for the siting of battery energy storage systems for use by data centers in the same manner as provided for issuance of major renewable energy facility siting permits under this article.

(b) The provisions of paragraph (a) of this subdivision shall apply to siting of battery energy storage systems for use by data centers, regardless of:

(i) the expected storage or transmission capacity of such battery energy storage systems; and

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

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(ii) whether or not such battery energy storage system will be co-located with renewable energy systems, as defined by section sixty-six-p of this chapter.

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (b) of this subdivision, ORES shall not approve a permit for the siting of a battery energy storage system for any data center that does not include use of renewable energy systems, as defined by section sixty-six-p of this chapter, or other source of renewable or zero carbon emission energy approved by the commission pursuant to paragraph (a) of subdivision two of this section in its carbon reduction plan submitted pursuant to subdivision two of this section.

2. Carbon reduction plans. (a) Each data center shall develop a carbon reduction plan consistent with CLCPA targets. Such carbon reduction plans may include the use of renewable energy systems, as defined by section sixty-six-p of this chapter, and/or any other source of renewable or zero carbon emission energy as approved by the commission.

(b) The commission shall establish guidance for data centers for the development and submission of carbon reduction plans pursuant to paragraph (a) of this subdivision.

(c) (i) Each data center already existing upon the effective date of this section shall submit its carbon reduction plan pursuant to this subdivision no later than one year after the effective date of this section.

(ii) Each data center constructed on or after the effective date of this section shall submit its carbon reduction plan pursuant to this subdivision before beginning operation of such data center.

3. Rules and regulations. The department shall be authorized to promulgate any rules and/or regulations necessary to effectuate the provisions of this section.

§ 3. This act shall take effect immediately; provided, however, that the amendments to article 8 of the public service law made by sections one and two of this act shall not affect the repeal of such article and shall be deemed to be repealed therewith.