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

1641

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sen. VALESKY -- 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 electric service for farmers; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative intent. The legislature finds and declares that the installation of on-site electric generation systems would address the high energy costs of farmers and would result in the creation and retention of jobs in New York state. Barriers to such installation should be removed to encourage private investment in these technologies and to stimulate economic growth.

S 2. Section 65 of the public service law is amended by adding a new subdivision 6-a to read as follows:

6-A. CERTAIN CHARGES PROHIBITED. (A) NO ELECTRIC CORPORATION OR MUNICIPALITY OWNING ELECTRIC PLANT USEFUL FOR THE DISTRIBUTION OF ELECTRICITY SHALL IMPOSE ON ANY CUSTOMER THAT IS A QUALIFYING FARMER ANY FEE, PENALTY OR CHARGE OF ANY KIND OTHER THAN ITS CHARGES BASED UPON THE COST OF SERVICES ACTUALLY PROVIDED TO SUCH CUSTOMER, FOR ELECTRICITY, TRANSMISSION, DISTRIBUTION, METERING, BILLING AND CUSTOMER SERVICES. NO ELECTRIC CORPORATION OR MUNICIPALITY SHALL IMPLEMENT POLICIES OR PROCEDURES THAT WOULD PREVENT QUALIFYING FARMERS FROM INSTALLING AND OPERATING ON-SITE GENERATION EQUIPMENT AND RELATED TECHNOLOGY.

(B) FOR THE PURPOSE OF THIS SUBDIVISION:

(I) "FARMER" MEANS A PERSON WHOSE FEDERAL GROSS INCOME FROM FARM PRODUCTION FOR THE PREVIOUS TAXABLE YEAR WAS AT LEAST TEN THOUSAND DOLLARS.

(II) "QUALIFYING FARMER" MEANS A FARMER THAT INSTALLS AN ON-SITE ELECTRIC GENERATION SYSTEM TO PROVIDE ELECTRIC SERVICE TO A FARM (WHETHER

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

THE FARMER CONTINUES TO MAINTAIN ACCESS TO TRANSMISSION AND DISTRIBUTION SERVICES OR VOLUNTARILY DISCONNECTS ACCESS TO TRANSMISSION AND DISTRIBUTION SERVICES) AND FILES A NOTIFICATION THEREOF WITH THE ELECTRIC CORPORATION OR MUNICIPALITY, WITH A COPY TO THE DEPARTMENT, PRIOR TO THE CUT-OFF DATE.

(III) "CUT-OFF DATE" FOR EACH SERVICE TERRITORY MEANS THE DATE WHEN THE ELECTRIC CORPORATION OR MUNICIPALITY SERVING SUCH SERVICE TERRITORY SHALL HAVE RECEIVED NOTIFICATIONS FROM QUALIFYING FARMERS SUCH THAT THE SUM OF THE RATED GENERATING CAPACITY SHOWN ON SUCH NOTIFICATIONS SHALL EQUAL OR EXCEED ONE-TENTH OF ONE PERCENT OF ITS TOTAL ELECTRIC DEMAND FOR THE YEAR NINETEEN HUNDRED NINETY-SIX, AS DETERMINED BY THE DEPARTMENT, OR SEPTEMBER FIRST, TWO THOUSAND FOURTEEN, WHICHEVER OCCURS FIRST.

S 3. Subdivision 28 of section 66 of the public service law, as added by chapter 82 of the laws of 1998, is amended to read as follows:

28. No revenues foregone by an electric corporation, as a result of subjecting certain veterans' organizations [with] TO rates or charges applicable to domestic consumers pursuant to section seventy-six of this article OR AS A RESULT OF PROHIBITING CERTAIN CHARGES RELATED TO ELECTRIC SERVICE PROVIDED TO FARMERS PURSUANT TO SUBDIVISION SIX-A OF SECTION SIXTY-FIVE OF THIS ARTICLE, shall be recovered from the customers of such corporation.

S 4. This act shall take effect immediately and shall be deemed to be repealed September 1, 2014, except that the provisions of this act shall continue to apply to a customer who is a qualifying farmer as long as such on-site electric generation system remains in use.