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

2715

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sen. THOMPSON -- 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 requiring certain providers of electric service to purchase electricity from eligible electric generators; establishing a rate schedule for certain renewable energy projects; prescribing the powers and duties of certain state agencies and officials; and requiring a report to the governor and the legislature concerning the effect of the purchase by providers of electric service of electricity generated from renewable energy sources

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

Section 1. Legislative intent and purpose. It is the intent of the legislature to enable the rapid and sustainable development of the state's abundant renewable energy resources for the clean generation of electricity and to allow all New York citizens to participate in renewable electricity generation.

Doing so will reduce the volatility of future electricity prices and the long-term costs of electricity, and it will have the effect of protecting the state's natural resources, including protecting its atmosphere from air pollution and its climate from global warming.

Further, such measures shall place New York at the forefront of North America's renewable energy revolution, stimulating the development of new jobs, technologies, and industry within the state and creating a New York marketplace for the development of renewable energy.

S 2. This act shall be known and may be cited as the "New York renewable energy sources act".

S 3. The public service law is amended by adding a new section 66-m to read as follows:

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

LBD01287-01-9

S 66-M. RENEWABLE ENERGY RESOURCES TARIFF. 1. AS USED IN THIS SECTION: (A) "ADEQUATE RENEWABLE ENERGY DEVELOPMENT" MEANS A RATE OF DEVELOPMENT NECESSARY TO ACCOMPLISH THE RENEWABLE ENERGY OBJECTIVES AND STANDARDS AS DETERMINED BY THE COMMISSION AND WHICH SHALL REQUIRE EACH ELECTRIC UTILITY SHALL MAKE A GOOD FAITH EFFORT TO GENERATE OR PROCURE SUFFICIENT ELECTRICITY GENERATED BY AN ELIGIBLE ENERGY TECHNOLOGY TO PROVIDE ITS RETAIL CONSUMERS, OR THE RETAIL CUSTOMERS OF A DISTRIBUTION UTILITY TO WHICH THE ELECTRIC UTILITY PROVIDES WHOLESALE ELECTRIC SERVICE, SO THAT COMMENCING IN TWO THOUSAND TEN, AT LEAST ONE PERCENT OF THE ELECTRIC UTILITY'S TOTAL RETAIL ELECTRIC SALES TO RETAIL CUSTOMERS IN NEW YORK IS GENERATED BY ELIGIBLE ENERGY TECHNOLOGIES AND SEVEN PERCENT OF THE ELECTRIC UTILITY'S TOTAL RETAIL ELECTRIC SALES TO RETAIL CUSTOMERS IN NEW YORK BY TWO THOUSAND FIFTEEN IS GENERATED BY ELIGIBLE ENERGY TECHNOLOGIES;

(B) "AVERAGE SPECIFIC YIELD" MEANS THE AVERAGE NUMBER OF KILOWATT HOURS PRODUCED DURING THE INITIAL FIVE YEARS OF PRODUCT OF A WIND ENERGY CONVERSION SYSTEM, EXCLUDING THE MAXIMUM AND MINIMUM YEARS OF PRODUCTION, DIVIDED BY THE ROTOR-SWEPT AREA IN SQUARE METERS;

(C) "CAPACITY" MEANS THE NAMEPLATE CAPACITY OF A RENEWABLE ELECTRICITY GENERATOR;

(D) "ELECTRIC UTILITY" MEANS A PUBLIC UTILITY PROVIDING ELECTRIC SERVICE, A GENERATION AND TRANSMISSION COOPERATIVE ELECTRIC ASSOCIATION, A MUNICIPAL POWER AGENCY, OR A POWER DISTRICT PROVIDING ELECTRICITY TO STATE RESIDENTS;

(E) "ELECTRICAL DISTRIBUTION SYSTEM" MEANS THAT PORTION OF THE ELECTRIC POWER SYSTEM OVER WHICH THE FEDERAL ENERGY REGULATORY COMMISSION DOES NOT HAVE AUTHORITY TO INTERCONNECT ELECTRIC GENERATORS THAT SELL ELECTRICITY IN INTRASTATE COMMERCE ONLY;

(F) "ELIGIBLE ENERGY TECHNOLOGY" MEANS AN ENERGY TECHNOLOGY THAT GENERATES ELECTRICITY FROM THE FOLLOWING RENEWABLE ENERGY SOURCES:

(1) SOLAR;

(2) WIND;

(3) HYDROELECTRIC WITH A CAPACITY OF LESS THAN ONE HUNDRED MEGAWATTS;

(4) HYDROGEN, PROVIDED THAT AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, THE HYDROGEN MUST BE GENERATED FROM THE RESOURCES LISTED IN THIS CLAUSE; OR

(5) BIOMASS, WHICH INCLUDES, WITHOUT LIMITATION, LANDFILL GAS, AN ANAEROBIC DIGESTER SYSTEM, AND AN ENERGY RECOVERY FACILITY USED TO CAPTURE THE HEAT VALUE OF MIXED MUNICIPAL SOLID WASTE OR REFUSE-DERIVED FUEL FROM MIXED MUNICIPAL SOLID WASTE AS A PRIMARY FUEL;

(G) "FACADE CLADDING PROJECT" MEANS A PROJECT IN WHICH A PHOTOVOLTAIC DEVICE IS ATTACHED TO THE WALL OF A BUILDING;

(H) "OPEN FIELD PROJECT" MEANS A PHOTOVOLTAIC DEVICE THAT HAS NO PHYSICAL CONNECTION TO A BUILDING OTHER THAN ELECTRIC LINES TO TRANSPORT ELECTRICITY;

(I) "PHOTOVOLTAIC DEVICE" MEANS A SYSTEM OF COMPONENTS THAT GENERATES ELECTRICITY FROM INCIDENT SUNLIGHT BY MEANS OF THE PHOTOVOLTAIC EFFECT, WHETHER OR NOT THE DEVICE IS ABLE TO STORE THE ENERGY PRODUCED FOR LATER USE;

(J) "QUALIFYING OWNER" MEANS:

(1) A NEW YORK STATE RESIDENT;

(2) A LIMITED LIABILITY COMPANY THAT IS ORGANIZED UNDER THE LIMITED LIABILITY COMPANY LAW AND THAT IS MADE UP OF MEMBERS WHO ARE NEW YORK STATE RESIDENTS;

(3) A NEW YORK NOT-FOR-PROFIT ORGANIZATION ORGANIZED UNDER THE NOT-FOR-PROFIT CORPORATION LAW;

(4) A NEW YORK COOPERATIVE ASSOCIATION ORGANIZED UNDER THE COOPERATIVE CORPORATIONS LAW INCLUDING A RURAL ELECTRIC COOPERATIVE ASSOCIATION OR A GENERATION AND TRANSMISSION COOPERATIVE ON BEHALF OF AND AT THE REQUEST OF A MEMBER DISTRIBUTION UTILITY;

(5) A NEW YORK POLITICAL SUBDIVISION OR LOCAL GOVERNMENT INCLUDING, BUT NOT LIMITED TO, A MUNICIPAL ELECTRIC UTILITY, OR A MUNICIPAL POWER AGENCY ON BEHALF OF AND AT THE REQUEST OF A MEMBER DISTRIBUTION UTILITY, A COUNTY, STATUTORY OR HOME RULE CHARTER CITY, TOWN, SCHOOL DISTRICT, OR PUBLIC OR PRIVATE HIGHER EDUCATION INSTITUTION OR ANY OTHER LOCAL OR REGIONAL GOVERNMENTAL ORGANIZATION SUCH AS A BOARD, COMMISSION, OR ASSOCIATION; OR

(6) A TRIBAL COUNCIL;

(K) "REASONABLE PROFIT" MEANS A RATE OF PROFIT THAT IS JUST AND REASONABLE, BUT NOT LESS THAN TEN PERCENT PER YEAR;

(L) "RENEWABLE ELECTRICITY GENERATOR" MEANS A PROJECT:

(1) THAT GENERATES ELECTRICAL ENERGY BY MEANS OF AN ELIGIBLE ENERGY TECHNOLOGY, BUT DOES NOT INCLUDE AN ENERGY RECOVERY FACILITY USED TO CAPTURE THE HEAT VALUE OF MIXED MUNICIPAL SOLID WASTE OR REFUSE-DERIVED FUEL FROM MIXED MUNICIPAL SOLID WASTE AS A PRIMARY FUEL; AND

(2) IN WHICH ONE OR MORE QUALIFYING OWNERS HAVE AT LEAST A FIFTY-ONE PERCENT OWNERSHIP INTEREST;

(M) "ROOFTOP PROJECT" MEANS A PROJECT IN WHICH A PHOTOVOLTAIC DEVICE IS PHYSICALLY ATTACHED TO THE ROOF OF A BUILDING;

(N) "ROTOR-SWEPT AREA" MEANS AN AREA EQUAL TO 3.1416 MULTIPLIED BY THE SQUARE OF THE LENGTH OF THE ROTOR OF A WIND ENERGY CONVERSION SYSTEM;

(O) "SMALL WIND TURBINE" MEANS A SINGLE WIND TURBINE WITH A ROTOR-SWEPT AREA OF NO MORE THAN ONE THOUSAND SQUARE FEET; AND

(P) "WIND ENERGY CONVERSION SYSTEM" MEANS ANY DEVICE, SUCH AS A WIND CHARGER, WINDMILL, OR WIND TURBINE, WHICH CONVERTS WIND ENERGY TO A FORM OF USABLE ENERGY.

2. A TARIFF IS ESTABLISHED TO PROVIDE OPPORTUNITIES FOR STATE RESIDENTS TO OWN AND INVEST IN RENEWABLE ELECTRICITY GENERATION AND REQUIRING UTILITIES TO PURCHASE ELECTRICAL ENERGY AT A JUST AND REASONABLE PRICE FROM STATE-OWNED RENEWABLE ELECTRICITY GENERATION PROJECTS CONNECTED TO THE ELECTRICAL DISTRIBUTION SYSTEM IN ACCORDANCE WITH THE STANDARD TERMS AND RATES PROVIDED IN THIS SECTION.

3. ON OR BEFORE DECEMBER FIRST, TWO THOUSAND NINE, EACH ELECTRIC UTILITY PROVIDING ELECTRIC SERVICE WITHIN THE STATE AT RETAIL COST SHALL FILE FOR COMMISSION APPROVAL A TARIFF CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE COMMISSION SHALL RENDER A DECISION WITHIN THREE MONTHS FROM THE DATE ON WHICH THE SCHEDULE IS FILED.

4. EACH ELECTRIC UTILITY SHALL ENTER INTO A POWER PURCHASE AGREEMENT WITH THE QUALIFYING OWNERS OF A RENEWABLE ELECTRICITY GENERATOR CONNECTED TO THE ELECTRICAL DISTRIBUTION SYSTEM TO PURCHASE ALL OF THE ELECTRICITY PRODUCED BY THE RENEWABLE ELECTRICITY GENERATOR. THE TERM OF THE POWER PURCHASE AGREEMENT MUST NOT BE LESS THAN TWENTY YEARS FROM THE DATE OF COMMISSIONING OF THE RENEWABLE ELECTRICITY GENERATOR. THE RATES OF THE POWER PURCHASE AGREEMENT MUST BE THE RATES ESTABLISHED BY THE COMMISSION UNDER SUBDIVISION FIVE OF THIS SECTION.

5. THE TARIFF DESCRIBED IN SUBDIVISION TWO OF THIS SECTION SHALL HAVE A RATE SCHEDULE AS FOLLOWS:

(A) THE RATE FOR ELECTRICITY GENERATED BY A WIND ENERGY CONVERSION SYSTEM SHALL BE THE RATE NEEDED TO ENSURE ADEQUATE RENEWABLE ENERGY DEVELOPMENT, PLUS A REASONABLE PROFIT, BUT NO LESS THAN THE FOLLOWING:

(1) FOR YEARS ONE THROUGH FIVE FOLLOWING THE COMMISSIONING OF THE PROJECT, $0.105 PER KILOWATT HOUR;

(2) FOR YEARS SIX THROUGH TWENTY FOLLOWING COMMISSIONING OF THE PROJECT:

(I) $0.105 PER KILOWATT HOUR FOR PROJECTS WITH AN AVERAGE SPECIFIC YIELD LESS THAN SEVEN HUNDRED KILOWATT HOURS PER SQUARE METER PER YEAR;

(II) $0.08 PER KILOWATT HOUR FOR PROJECTS WITH AN AVERAGE SPECIFIC YIELD GREATER THAN ELEVEN HUNDRED KILOWATT HOURS PER SQUARE METER PER YEAR; AND

(III) A LINEAR EXTRAPOLATION BETWEEN THE RATES IN CLAUSES (I) AND (II) OF THIS SUBPARAGRAPH FOR A PROJECT WITH AN AVERAGE SPECIFIC YIELD GREATER THAN SEVEN HUNDRED KILOWATT HOURS PER SQUARE METER PER YEAR BUT LESS THAN ELEVEN HUNDRED KILOWATT HOURS PER SQUARE METER PER YEAR; AND

(3) FOR A SMALL WIND ENERGY CONVERSION SYSTEM, $0.25 PER KILOWATT HOUR.

(B) THE RATE FOR ELECTRICITY GENERATED FROM HYDROELECTRIC POWER MUST BE THE LOWEST RATE NEEDED TO ENSURE ADEQUATE RENEWABLE ENERGY DEVELOPMENT, PLUS A REASONABLE PROFIT, BUT NO LESS THAN THE FOLLOWING:

(1) $0.10 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY BELOW FIVE HUNDRED KILOWATTS;

(2) $0.085 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY OF FIVE HUNDRED KILOWATTS BUT LESS THAN TEN MEGAWATTS; AND

(3) $0.065 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY OF AT LEAST TEN MEGAWATTS BUT LESS THAN TWENTY MEGAWATTS.

(C) THE RATE FOR ELECTRICITY GENERATED BY AN ANAEROBIC DIGESTER SYSTEM OR OTHER BIOMASS SYSTEM THAT OPERATES AT AN EFFICIENCY OF SIXTY PERCENT OR GREATER, MUST BE THE RATE NEEDED TO ENSURE ADEQUATE RENEWABLE ENERGY DEVELOPMENT, PLUS A REASONABLE PROFIT, BUT NO LESS THAN THE FOLLOWING:

(1) $0.145 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY BELOW ONE HUNDRED FIFTY KILOWATTS;

(2) $0.125 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY OF AT LEAST ONE HUNDRED FIFTY KILOWATTS BUT LESS THAN FIVE HUNDRED KILOWATTS;

(3) $0.115 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY GREATER THAN FIVE HUNDRED KILOWATTS BUT LESS THAN FIVE MEGAWATTS; AND

(4) $0.105 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY OF AT LEAST FIVE MEGAWATTS BUT LESS THAN TWENTY MEGAWATTS.

(D) THE RATE FOR ELECTRICITY GENERATED BY LANDFILL GAS THAT OPERATES AT AN EFFICIENCY OF SIXTY PERCENT OR GREATER MUST BE THE RATE NEEDED TO ENSURE ADEQUATE RENEWABLE ENERGY DEVELOPMENT, PLUS A REASONABLE PROFIT, BUT NO LESS THAN THE FOLLOWING:

(1) $0.10 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY UNDER FIVE HUNDRED KILOWATTS; AND

(2) $0.085 PER KILOWATT HOUR FOR A PROJECT WITH A CAPACITY OF FIVE HUNDRED KILOWATTS OR MORE.

(E) THE RATE FOR ELECTRICITY GENERATED BY A PHOTOVOLTAIC DEVICE MUST BE THE RATE NEEDED TO ENSURE ADEQUATE RENEWABLE ENERGY DEVELOPMENT PLUS A REASONABLE PROFIT, BUT NO LESS THAN THE FOLLOWING:

(1) $0.50 PER KILOWATT HOUR FOR A FREE STANDING OR OPEN FIELD PROJECT;

(2) $0.65 PER KILOWATT HOUR FOR A ROOFTOP PROJECT WITH A CAPACITY BELOW THIRTY KILOWATTS;

(3) $0.62 PER KILOWATT HOUR FOR A ROOFTOP PROJECT WITH A CAPACITY OF AT LEAST THIRTY KILOWATTS BUT LESS THAN ONE HUNDRED KILOWATTS;

(4) $0.61 PER KILOWATT HOUR FOR A ROOFTOP PROJECT WITH A CAPACITY OF ONE HUNDRED KILOWATTS OR MORE;

(5) $0.71 PER KILOWATT HOUR FOR A FACADE CLADDING PROJECT WITH A CAPACITY BELOW THIRTY KILOWATTS;

(6) $0.68 PER KILOWATT HOUR FOR A FACADE CLADDING PROJECT WITH A CAPACITY OF AT LEAST THIRTY KILOWATTS BUT LESS THAN ONE HUNDRED KILOWATTS; AND

(7) $0.67 PER KILOWATT HOUR FOR A FACADE CLADDING PROJECT WITH A CAPACITY OF ONE HUNDRED KILOWATTS OR MORE.

FOR THE PURPOSES OF THIS SUBDIVISION, "EFFICIENCY" MEANS THE SUM OF THE NET USEFUL POWER OUTPUT PLUS THE NET USEFUL THERMAL OUTPUT OF AN ELECTRICITY GENERATING SYSTEM, WHICH SUM IS THEN DIVIDED BY THE TOTAL FUEL INPUT.

6. THE COMMISSION SHALL NOT APPROVE A TARIFF ESTABLISHED IN THIS SECTION THAT ALLOWS A PROJECT OWNER TO RECEIVE FEDERAL OR STATE SUBSIDIES, TAX CREDITS, OR OTHER FINANCIAL INCENTIVES AVAILABLE TO OWNERS OF RENEWABLE ELECTRIC GENERATION FACILITIES, UNLESS THE TARIFF REQUIRES THAT THOSE SUBSIDIES, TAX CREDITS, OR OTHER FINANCIAL INCENTIVES ARE DEDUCTED FROM THE AMOUNTS PAID TO THE PROJECT OWNER. THIS SUBDIVISION DOES NOT APPLY TO FINANCIAL INCENTIVES AVAILABLE TO BUSINESSES THAT DO NOT GENERATE ELECTRICITY FROM RENEWABLE SOURCES.

7. DURING THE TERM OF A POWER PURCHASE AGREEMENT ENTERED INTO UNDER THE TARIFF ESTABLISHED IN THIS SECTION, NO QUALIFYING OWNER MAY VOLUNTARILY SELL ITS OWNERSHIP INTEREST IN THE RENEWABLE ENERGY GENERATOR UNLESS THE SALE IS TO ANOTHER QUALIFYING OWNER AND IS APPROVED BY THE COMMISSION. THIS SUBDIVISION DOES NOT RESTRICT TRANSFERS OF INTEREST BY MEANS OTHER THAN VOLUNTARY SALES.

8. (A) BEGINNING FEBRUARY FIRST, TWO THOUSAND TWELVE, AND EVERY TWO YEARS THEREAFTER, THE COMMISSION SHALL REVIEW AND ADJUST RATES ADOPTED UNDER THE TARIFF IN THIS SECTION EVERY TWO YEARS AS NECESSARY TO ACHIEVE ADEQUATE RENEWABLE ENERGY DEVELOPMENT; ACCOUNT FOR INFLATION; PROVIDE FOR A REASONABLE, BUT NOT EXCESSIVE, PROFIT TO OWNERS OF RENEWABLE ELECTRICITY GENERATORS; PROMOTE DEVELOPMENT OF COMMUNITY-BASED ENERGY DEVELOPMENT PROJECTS; AND MINIMIZE COSTS TO RATEPAYERS OF A UTILITY'S COMPLIANCE WITH APPLICABLE STATE OR FEDERAL RENEWABLE ENERGY STANDARDS.

(B) THE COMMISSION MAY, AFTER NOTICE AND HEARING, REQUIRE ELECTRIC UTILITIES TO ENTER INTO POWER PURCHASE AGREEMENTS WITH QUALIFYING OWNERS AT RATES IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION AS ARE NECESSARY TO ACHIEVE ADEQUATE RENEWABLE ENERGY DEVELOPMENT UPON SUCH TERMS NEEDED TO ENSURE ACCOMPLISHMENT OF COMMUNITY-BASED ENERGY DEVELOPMENT PROJECT PROCUREMENT GOALS AND ADEQUATE LOCAL BENEFITS.

9. THE TARIFF IN THIS SECTION MUST PROVIDE THAT ELECTRIC UTILITIES WILL INTERCONNECT RENEWABLE ENERGY GENERATORS TO THE ELECTRICAL DISTRIBUTION SYSTEM UNDER THE JURISDICTION OF THE COMMISSION TO THE MAXIMUM EXTENT OF STATE JURISDICTION ALLOWED UNDER FEDERAL LAW. THE COMMISSION SHALL CONSULT WITH THE FEDERAL ENERGY REGULATORY COMMISSION AND OTHER APPROPRIATE ENTITIES TO ESTABLISH AN INTERCONNECTION REQUEST REVIEW PROCEDURE TO PROMPTLY AND EFFICIENTLY DETERMINE WHETHER OR NOT THE COMMISSION MAY INTERCONNECT A RENEWABLE ENERGY GENERATOR THAT REQUESTS INTERCONNECTION UNDER STATE AUTHORITY. THE COMMISSION SHALL ISSUE ORDERS NECESSARY TO ESTABLISH INTERCONNECTION TARIFFS FOR THE STANDARDIZED, COST-EFFECTIVE, TIMELY, RELIABLE, AND SAFE INTERCONNECTION OF RENEWABLE ELECTRICITY GENERATORS UNDER STATE AUTHORITY. THE COMMISSION SHALL ESTABLISH STANDARD INTERCONNECTION CONTRACTS AND INTERCONNECTION SCHEDULES. THE COSTS ASSOCIATED WITH THE INTERCONNECTION OF RENEWABLE ELECTRICITY GENERATORS, INCLUDING DIRECT INTERCONNECTION COSTS, DISTRIBUTION SYSTEM ENHANCEMENTS, AND ELECTRIC UTILITY COMPLIANCE COSTS, ARE RECOVERABLE AS PROVIDED IN SUBDIVISION ELEVEN OF THIS SECTION.

10. THE COMMISSION SHALL APPROVE A STANDARD CONTRACT TO BE USED IN ALL POWER PURCHASE AGREEMENTS UNDER THE TARIFF ESTABLISHED UNDER THIS

SECTION. THE CONTRACT SHALL INCLUDE THE PRICE PAID FOR EACH KILOWATT HOUR GENERATED, A METHOD TO ADJUST THE PRICE FOR INFLATION, AND THE DURATION OF THE CONTRACT.

11. THE COMMISSION SHALL REQUIRE AN ELECTRIC UTILITY TO FILE RATE SCHEDULES CONTAINING PROVISIONS FOR THE AUTOMATIC ADJUSTMENT OF CHARGES FOR ELECTRIC UTILITY SERVICE IN DIRECT RELATION TO THE COST OF ELECTRICITY PURCHASED FROM RENEWABLE ELECTRICITY GENERATORS UNDER THE TARIFF ESTABLISHED UNDER SUBDIVISION FIVE OF THIS SECTION AND ALL OTHER COSTS REQUIRED TO COMPLY WITH THE TARIFF.

12. RENEWABLE ENERGY GENERATORS, QUALIFYING OWNERS THAT OWN ALL OR PART OF A RENEWABLE ENERGY GENERATOR, AND ELECTRIC UTILITIES SHALL, UPON REQUEST, PROVIDE THE COMMISSION ANY INFORMATION THAT MAY BE RELEVANT TO THE COMMISSION PERFORMING ITS DUTIES UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO ASSESSMENT OF PROJECT DEVELOPMENT COSTS, EQUIPMENT COSTS, ELECTRICITY PRODUCTION COSTS, INTERCONNECTION COSTS, AUTOMATIC RATE ADJUSTMENTS, AND COMPLIANCE COSTS.

13. BY JANUARY FIRST OF TWO THOUSAND ELEVEN AND TWO THOUSAND TWELVE, AND EVERY FOUR YEARS THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND LEGISLATURE THAT SHALL INCLUDE THE FOLLOWING:

(A) THE NUMBER OF NEW RENEWABLE ELECTRICITY GENERATORS IN THIS STATE AND THE ENVIRONMENTAL EFFECTS OF THE ADDITION OF THOSE GENERATORS;

(B) RECOMMENDATIONS FOR LEGISLATION AND CHANGES TO THE RATES IN SUBDIVISION FOUR OF THIS SECTION, IF ANY; AND

(C) ACTIONS TAKEN BY THE COMMISSION TO IMPLEMENT THE PROVISIONS OF THIS SECTION AND TO USE THE TARIFF TO ACHIEVE THE RENEWABLE ENERGY OBJECTIVES AND STANDARDS.

S 4. This act shall take effect immediately.