

5125

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT in relation to establishing a plan to promote increased residential use of energy efficient modalities

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

1     Section 1. Plan to promote increased use of energy efficient modalities. The president of the New York state energy research and development authority and the executive director of the dormitory authority, in consultation with the chair of the public service commission, the presidents of the power authority of the state of New York and Long Island power authority and responsible officials of one or more private electric and gas utility companies that operate within the state, shall establish a plan complying with section two of this act to promote increased residential use of energy efficient modalities among customers of public and private electric and gas utilities within the state. Such plan shall be completed not later than December 1, 2009. The completed plan shall be presented to the boards of the New York state energy research and development authority and the dormitory authority. If the plan is not approved by both such boards, the president of the New York state energy research and development authority and the executive director of the dormitory authority shall work with their respective boards to amend the plan so that the boards may approve the amended plan. If both of the boards shall approve such plan, it shall be presented to the director of the budget, and the secretaries of the senate finance committee and the assembly ways and means committee and to the ranking minority member on each such committee. If the boards shall not approve a plan by April 1, 2010, the president of the New York state energy research and development authority shall so report to the director of

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

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1 the budget, the temporary president of the senate and the speaker of the  
2 assembly.

3 S 2. Elements of a plan to promote increased residential use of energy  
4 efficient modalities. The plan required to be established by section one  
5 of this act shall contain the following elements:

6 1. An equipment and utilization plan. Such a plan shall favor renewa-  
7 ble sources of energy and shall contain, at a minimum, the following  
8 elements separately for electrical energy efficiency, and gas and other  
9 fossil fuel energy efficiency:

10 (a) A description of energy efficient modalities to be promoted under  
11 the plan, which description may include specific individual items of  
12 equipment, generic descriptions of types of equipment, and equipment  
13 without descriptions except for quantitative energy use reduction goals.

14 (b) Criteria by which determinations can be made as to which energy  
15 consumers may qualify for each of the selected energy efficient modali-  
16 ties, individually or by class. Such criteria shall be based on objec-  
17 tive factors leading to the judgment that such consumers can benefit  
18 from a specific modality.

19 (c) Criteria for establishing a cost-benefit analysis for items or  
20 types of equipment in various environments.

21 2. A marketing plan. Such a plan should provide overall guidance to  
22 all participants of the plan to assure appropriate penetration of the  
23 available markets for each classification of equipment.

24 3. A financing plan. Such a plan shall contain at a minimum the  
25 following elements:

26 (a) A plan for raising funds from private investors to allow residen-  
27 tial consumers to purchase energy efficient modalities favored by the  
28 equipment and utilization plan, which funds can be repaid by the consum-  
29 er in monthly installments in connection with their utility bills.

30 (b) A plan for collection and remittance of such monthly consumer  
31 installment payments for the payment of bondholders.

32 (c) A plan for assuring repayment to bondholders by incorporating  
33 strong incentives to the consumer to make the necessary payments, or by  
34 setting up a fund to cover expected defaults, or both.

35 S 3. Pilot program implementation. 1. Not earlier than ninety days  
36 after the submission of the plan required to be submitted by section one  
37 of this act, the dormitory authority and the New York energy research  
38 and development authority shall begin to activate the plan to promote  
39 increased residential use of energy efficient modalities as a pilot  
40 program. The authorities shall enter into an agreement with one or more  
41 private or public utilities providing electric and/or gas service. Such  
42 agreement shall establish marketing responsibilities for the approved  
43 energy savings modalities, require the utility to add the monthly  
44 installment payments for the acquisition by customers of the utility of  
45 any approved energy efficient modalities and to collect and remit such  
46 payments as required by the agreement for the repayment of bonds issued  
47 by the dormitory authority pursuant to section four of this act. The  
48 agreement shall provide for an appropriate administrative fee to be  
49 withheld by the utility to compensate it for its services. Such agree-  
50 ment shall be limited to purchases of energy saving modalities during a  
51 period not to exceed three years, provided, however, that the agreement  
52 shall provide for servicing of accounts by the utility through the life  
53 of the bonds issued by the dormitory authority pursuant to section four  
54 of this act.

55 2. Not later than two years after the inception of the plan, the  
56 dormitory authority and the New York state energy research and develop-

1 ment authority shall provide to the director of the budget, the secre-  
2 taries of the senate finance committee and assembly ways and means  
3 committee and the ranking minority member of the senate finance commit-  
4 tee and assembly ways and means committee a report detailing the  
5 progress of the program during the first eighteen months of its opera-  
6 tion. The authorities shall update the report for each three-month peri-  
7 od following the first eighteen months.

8 S 4. Dormitory authority bonds. The dormitory authority may issue its  
9 bonds and notes up to the maximum amount of five million dollars for the  
10 purpose of financing the purchase of energy efficient modalities by  
11 consumers which bonds and notes shall be secured by a pledge of install-  
12 ment payments due from the purchasers of energy efficient modalities and  
13 payable through the cooperating utility.

14 S 5. This act shall take effect immediately.