

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

2458--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Energy -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Legislative intent. The legislature finds and declares that
2 the installation of on-site electric generation systems would address
3 the high energy costs of farmers and would result in the creation and
4 retention of jobs in New York state. Barriers to such installation
5 should be removed to encourage private investment in these technologies
6 and to stimulate economic growth.
7 S 2. Section 65 of the public service law is amended by adding a new
8 subdivision 6-a to read as follows:
9 6-A. CERTAIN CHARGES PROHIBITED. (A) NO ELECTRIC CORPORATION OR MUNI-
10 CIPALITY OWNING ELECTRIC PLANT USEFUL FOR THE DISTRIBUTION OF ELECTRIC-
11 ITY SHALL IMPOSE ON ANY CUSTOMER THAT IS A QUALIFYING FARMER ANY FEE,
12 PENALTY OR CHARGE OF ANY KIND OTHER THAN ITS CHARGES BASED UPON THE COST
13 OF SERVICES ACTUALLY PROVIDED TO SUCH CUSTOMER, FOR ELECTRICITY, TRANS-
14 MISSION, DISTRIBUTION, METERING, BILLING AND CUSTOMER SERVICES. NO ELEC-
15 TRIC CORPORATION OR MUNICIPALITY SHALL IMPLEMENT POLICIES OR PROCEDURES
16 THAT WOULD PREVENT QUALIFYING FARMERS FROM INSTALLING AND OPERATING
17 ON-SITE GENERATION EQUIPMENT AND RELATED TECHNOLOGY.
18 (B) FOR THE PURPOSE OF THIS SUBDIVISION:
19 (I) "FARMER" MEANS A PERSON WHOSE FEDERAL GROSS INCOME FROM FARM
20 PRODUCTION FOR THE PREVIOUS TAXABLE YEAR WAS AT LEAST TEN THOUSAND
21 DOLLARS.

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

LBD03506-03-1

1 (II) "QUALIFYING FARMER" MEANS A FARMER THAT INSTALLS AN ON-SITE ELEC-
2 TRIC GENERATION SYSTEM TO PROVIDE ELECTRIC SERVICE TO A FARM (WHETHER
3 THE FARMER CONTINUES TO MAINTAIN ACCESS TO TRANSMISSION AND DISTRIBUTION
4 SERVICES OR VOLUNTARILY DISCONNECTS ACCESS TO TRANSMISSION AND DISTRIB-
5 UTION SERVICES) AND FILES A NOTIFICATION THEREOF WITH THE ELECTRIC
6 CORPORATION OR MUNICIPALITY, WITH A COPY TO THE DEPARTMENT, PRIOR TO THE
7 CUT-OFF DATE.

8 (III) "CUT-OFF DATE" FOR EACH SERVICE TERRITORY MEANS THE DATE WHEN
9 THE ELECTRIC CORPORATION OR MUNICIPALITY SERVING SUCH SERVICE TERRITORY
10 SHALL HAVE RECEIVED NOTIFICATIONS FROM QUALIFYING FARMERS SUCH THAT THE
11 SUM OF THE RATED GENERATING CAPACITY SHOWN ON SUCH NOTIFICATIONS SHALL
12 EQUAL OR EXCEED ONE-TENTH OF ONE PERCENT OF ITS TOTAL ELECTRIC DEMAND
13 FOR THE YEAR NINETEEN HUNDRED NINETY-SEVEN, AS DETERMINED BY THE DEPART-
14 MENT, OR SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, WHICHEVER OCCURS
15 FIRST.

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

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

25 S 4. This act shall take effect immediately and shall be deemed to be
26 repealed September 1, 2017, except that the provisions of this act shall
27 continue to apply to a customer who is a qualifying farmer as long as
28 such on-site electric generation system remains in use.