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

7126

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Energy

AN ACT to amend the public service law and the public authorities law, in relation to requiring electric generating corporations and authorities to surrender ownership of renewable energy credits and attributes, solar renewable energy credits, green building credits, tradeable renewable certificates, and environmental credits and attributes to the customer-generators whose equipment and renovations caused the accrual of such credits

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

Section 1. Section 66-j of the public service law is amended by adding a new subdivision 6-a to read as follows:

6-A. NOTWITHSTANDING ANY CONTRACT OR AGREEMENT TO THE CONTRARY, AN ELECTRIC CORPORATION SHALL WITHIN TWO YEARS OF THE INSTALLATION OF ELECTRIC GENERATING EQUIPMENT BY A CUSTOMER-GENERATOR OR WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION, WHICHEVER SHALL BE LATER, SURRENDER OWNERSHIP TO EACH CUSTOMER-GENERATOR OF THE RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING CREDITS, TRADEABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND ATTRIBUTES WHICH ACCRUED AS THE RESULT OF THE CUSTOMER-GENERATOR'S ELECTRIC GENERATING EQUIPMENT.

S 2. Section 66-l of the public service law is amended by adding a new subdivision 6-a to read as follows:

6-A. NOTWITHSTANDING ANY CONTRACT OR AGREEMENT TO THE CONTRARY, AN ELECTRIC CORPORATION SHALL WITHIN TWO YEARS OF THE INSTALLATION OF WIND ELECTRIC GENERATING EQUIPMENT BY A CUSTOMER-GENERATOR OR WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION, WHICHEVER SHALL BE LATER, SURRENDER OWNERSHIP TO EACH CUSTOMER-GENERATOR OF THE RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING CREDITS, TRADEABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND

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

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ATTRIBUTES WHICH ACCRUED AS THE RESULT OF THE CUSTOMER-GENERATOR'S WIND ELECTRIC GENERATING EQUIPMENT.

S 3. Section 1014 of the public authorities law, as amended by chapter 446 of the laws of 1972, is amended to read as follows:

S 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices relating to the generation, transmission, distribution and sale by the authority, of power to be generated from the projects authorized by this title shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. Except to the extent article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, and except to the extent section eighteen-a of such law provides for assessment of the authority for certain costs relating thereto, AND EXCEPT TO THE EXTENT SUBDIVISION SIX-A OF SECTION SIXTY-SIX-J AND SUBDIVISION SIX-A OF SECTION SIXTY-SIX-L OF THE PUBLIC SERVICE LAW APPLY TO THE SURRENDER OF OWNERSHIP OF RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING CREDITS, TRADABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND ATTRIBUTES TO CUSTOMER-GENERATORS, the provisions of the public service law and of the ENVIRONMENTAL conservation law and every other law relating to the department of public service or the public service commission or to the [conservation] department OF ENVIRONMENTAL CONSERVATION or to the functions, powers or duties assigned to the division of water power and control by chapter six hundred nineteen, of the laws of nineteen hundred twenty-six, shall so far as is necessary to make this title effective in accordance with its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

S 4. Section 1020-cc of the public authorities law, as added by chapter 517 of the laws of 1986 and as renumbered by chapter 334 of the laws of 1987, is amended to read as follows:

S 1020-cc. Authority subject to certain provisions contained in the state finance law, the public service law, the social services law and the general municipal law. All contracts of the authority shall be subject to the provisions of the state finance law relating to contracts made by the state. The authority shall also establish rules and regulations with respect to providing to its residential gas, electric and steam utility customers those rights and protections provided in article two and sections one hundred seventeen and one hundred eighteen of the public service law and section one hundred thirty-one-s of the social services law. THE AUTHORITY SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION SIX-A OF SECTION SIXTY-SIX-J AND SUBDIVISION SIX-A OF SECTION SIXTY-SIX-L OF THE PUBLIC SERVICE LAW RELATING TO THE SURRENDER OF OWNERSHIP OF RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING CREDITS, TRADABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND ATTRIBUTES TO CUSTOMER-GENERATORS. The authority shall let contracts for construction or purchase of supplies, materials, or equipment pursuant to section one hundred three and paragraph (e) of subdivision four of section one hundred twenty-w of the general municipal law.

S 5. Section 1868 of the public authorities law, as added by chapter 210 of the laws of 1962 and as renumbered by chapter 482 of the laws of 1976, is amended to read as follows:

S 1868. Inconsistent provisions of other acts. Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, the provisions of this title shall be controlling, provided, however, nothing contained in any provision of this title shall be construed to relieve the authority of the obligation on its part to comply with the provisions of article nine of the public authorities law in force on the effective date of this title, including the obligation to submit an annual report as specified therein. PROVIDED, FURTHER, THAT THE AUTHORITY SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION SIX-A OF SECTION SIXTY-SIX-J AND SUBDIVISION SIX-A OF SECTION SIXTY-SIX-L OF THE PUBLIC SERVICE LAW RELATING TO THE SURRENDER OF OWNERSHIP OF RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING CREDITS, TRADABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND ATTRIBUTES TO CUSTOMER-GENERATORS.

S 6. This act shall take effect on the sixtieth day after it shall have become a law.