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

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I N A S S E M B L Y

February 15, 2013

Introduced by M. of A. ENGLEBRIGHT, HEVESI, MILLMAN, BRINDISI, ABINANTI, OTIS, LIFTON, THIELE, QUART, LUPARDO, STIRPE, CRESPO, SWEENEY, GOTTFRIED, PEOPLES-STOKES, COLTON, SKARTADOS, ROZIC, JAFFEE, TITONE, LAVINE, SANTABARBARA, MAGNARELLI, COOK, STECK, SCHIMEL, PAULIN, RAIA, JOHNS, BORELLI, KEARNS, SKOUFIS, ROSENTHAL, BUCHWALD, SIMANOWITZ, KAVANAGH, GUNTHER, MONTESANO, CAHILL, BARRETT, PERRY, BENEDETTO, MOYA, DINOWITZ, BRAUNSTEIN, MARKEY, AUBRY, WEPRIN -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CERETTO, CLARK, CROUCH, DUPREY, FAHY, GALEF, GLICK, JACOBS, LENTOL, P. LOPEZ, MAGEE, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, RIVERA, ROBINSON, RODRIGUEZ, SOLAGES, WALTER, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Codes -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law, in relation to establishing a solar incentive and financing program

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

Section 1. Short title. This act shall be known and may be cited as the "NY Sun Act of 2014".

S 2. The public service law is amended by adding a new section 66-n to read as follows:

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

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S 66-N. SOLAR INCENTIVE AND FINANCING PROGRAM. 1. AS USED IN THIS SECTION:

(A) "ELECTRIC DISTRIBUTION COMPANY" MEANS AN INVESTOR-OWNED ELECTRIC CORPORATION THAT DISTRIBUTES AND DELIVERS ELECTRICITY WITHIN THIS STATE AND HAS ANNUAL REVENUES IN EXCESS OF TWO HUNDRED MILLION DOLLARS; AND

(B) (I) "QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM" MEANS A SYSTEM OF COMPONENTS THAT GENERATES ELECTRICITY FROM SUNLIGHT BY MEANS OF THE PHOTOVOLTAIC EFFECT, WHETHER OR NOT THE DEVICE IS COUPLED WITH A DEVICE CAPABLE OF STORING THE ENERGY PRODUCED FOR LATER USE, THAT IS (A) INSTALLED AND OPERATED IN NEW YORK STATE WITHIN ONE OF THE SERVICE TERRITORIES OF AN ELECTRIC DISTRIBUTION COMPANY AS DEFINED IN THIS SECTION, AND (B) INSTALLED AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN.

(II) A QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM SHALL NOT INCLUDE: (A) A SOLAR PHOTOVOLTAIC GENERATING SYSTEM OWNED BY A PUBLIC AUTHORITY, WHERE SUCH AUTHORITY DOES NOT CONSUME ALL OF THE ELECTRICITY PRODUCED AND INSTEAD SELLS ALL OR A PORTION OF SAID ELECTRICITY TO ANOTHER ENTITY, OTHER THAN WHEN SAID AUTHORITY USES SUCH SYSTEM TO ENGAGE IN NET ENERGY METERING AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION SIXTY-SIX-J OF THIS ARTICLE, AND (B) A SOLAR PHOTOVOLTAIC GENERATING SYSTEM THAT IS OWNED BY AN ELECTRIC DISTRIBUTION COMPANY.

2. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSION SHALL COMMENCE THE CONSIDERATION OF MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS AND, NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, THE COMMISSION SHALL MAKE A DETERMINATION ESTABLISHING MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS IN CONFORMANCE WITH THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY IN THE PREPARATION OF ITS RECOMMENDATIONS TO THE COMMISSION FOR SUCH DETERMINATION. THE PROGRAM MODIFICATIONS SHALL REQUIRE:

(A) ADMINISTRATION BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;

(B) PLANNED STATEWIDE ANNUAL EXPENDITURES INCLUDING ALL COSTS OF A MINIMUM OF ONE HUNDRED FIFTY MILLION DOLLARS, TAKING INTO CONSIDERATION THE SOLAR-BASED PROGRAMS ADMINISTERED BY THE LONG ISLAND POWER AUTHORITY, COMMENCING IN CALENDAR YEAR TWO THOUSAND FIFTEEN AND SUSTAINED EACH YEAR THROUGH CALENDAR YEAR TWO THOUSAND TWENTY-FOUR;

(C) A DIVERSITY OF PROJECT SIZES, GEOGRAPHIC DISTRIBUTION, AND PARTICIPATION AMONG CUSTOMER CLASSES, SUBJECT TO COST-EFFECTIVENESS CONSIDERATIONS;

(D) INCENTIVE OR FINANCING STRUCTURES THAT MAXIMIZE COST-EFFECTIVENESS AND PRACTICALITY THROUGH COMPETITIVE PROCUREMENTS, STANDING-OFFERS, PRODUCTION INCENTIVES OR CAPACITY INCENTIVES AT THE WHOLESALE OR RETAIL LEVEL AS IN THE JUDGMENT OF THE COMMISSION PROVIDE FOR THE MOST EFFECTIVE PROGRAM;

(E) FOR PROJECTS EXCEEDING 100 KILOWATTS, INCENTIVE OR FINANCING STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC BENEFITS TO THE STATE OF NEW YORK;

(F) PROGRAM DESIGNS THAT TAKE INTO CONSIDERATION THE AVOIDANCE OF LONG-TERM COSTS TO THE TRANSMISSION AND DISTRIBUTION SYSTEM AND MINIMIZATION OF PEAK LOAD IN CONSTRAINED AREAS;

(G) ANNUAL REPORTS ON THE ACHIEVEMENTS AND EFFECTIVENESS OF THE PROGRAM; AND

(H) SUCH OTHER ISSUES DEEMED APPROPRIATE BY THE COMMISSION.

S 3. This act shall take effect immediately.