

6398

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. ENGLEBRIGHT, THIELE -- 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:

1 Section 1. Section 66-j of the public service law is amended by adding
2 a new subdivision 6-a to read as follows:
3 6-A. NOTWITHSTANDING ANY CONTRACT OR AGREEMENT TO THE CONTRARY, AN
4 ELECTRIC CORPORATION SHALL WITHIN TWO YEARS OF THE INSTALLATION OF ELEC-
5 TRIC GENERATING EQUIPMENT BY A CUSTOMER-GENERATOR OR WITHIN ONE YEAR OF
6 THE EFFECTIVE DATE OF THIS SUBDIVISION, WHICHEVER SHALL BE LATER,
7 SURRENDER OWNERSHIP TO EACH CUSTOMER-GENERATOR OF THE RENEWABLE ENERGY
8 CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING
9 CREDITS, TRADEABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND
10 ATTRIBUTES WHICH ACCRUED AS THE RESULT OF THE CUSTOMER-GENERATOR'S ELEC-
11 TRIC GENERATING EQUIPMENT.
12 S 2. Section 66-l of the public service law is amended by adding a new
13 subdivision 6-a to read as follows:
14 6-A. NOTWITHSTANDING ANY CONTRACT OR AGREEMENT TO THE CONTRARY, AN
15 ELECTRIC CORPORATION SHALL WITHIN TWO YEARS OF THE INSTALLATION OF WIND
16 ELECTRIC GENERATING EQUIPMENT BY A CUSTOMER-GENERATOR OR WITHIN ONE YEAR
17 OF THE EFFECTIVE DATE OF THIS SUBDIVISION, WHICHEVER SHALL BE LATER,
18 SURRENDER OWNERSHIP TO EACH CUSTOMER-GENERATOR OF THE RENEWABLE ENERGY
19 CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING
20 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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1 ATTRIBUTES WHICH ACCRUED AS THE RESULT OF THE CUSTOMER-GENERATOR'S WIND
2 ELECTRIC GENERATING EQUIPMENT.

3 S 3. Section 1014 of the public authorities law, as amended by chapter
4 388 of the laws of 2011, is amended to read as follows:

5 S 1014. Public service law not applicable to authority; inconsistent
6 provisions in other acts superseded. The rates, services and practices
7 relating to the generation, transmission, distribution and sale by the
8 authority, of power to be generated from the projects authorized by this
9 title shall not be subject to the provisions of the public service law
10 nor to regulation by, nor the jurisdiction of the department of public
11 service. Except to the extent article seven of the public service law
12 applies to the siting and operation of a major utility transmission
13 facility as defined therein, and article ten of the public service law
14 applies to the siting of a major electric generating facility as defined
15 therein, and except to the extent section eighteen-a of the public
16 service law provides for assessment of the authority for certain costs
17 relating thereto, AND EXCEPT TO THE EXTENT SUBDIVISION SIX-A OF SECTION
18 SIXTY-SIX-J AND SUBDIVISION SIX-A OF SECTION SIXTY-SIX-L OF THE PUBLIC
19 SERVICE LAW APPLY TO THE SURRENDER OF OWNERSHIP OF RENEWABLE ENERGY
20 CREDITS AND ATTRIBUTES, SOLAR RENEWABLE ENERGY CREDITS, GREEN BUILDING
21 CREDITS, TRADABLE RENEWABLE CERTIFICATES, AND ENVIRONMENTAL CREDITS AND
22 ATTRIBUTES TO CUSTOMER-GENERATORS, the provisions of the public service
23 law and of the environmental conservation law and every other law relat-
24 ing to the department of public service or the public service commission
25 or to the DEPARTMENT OF environmental conservation [department] or to
26 the functions, powers or duties assigned to the division of water power
27 and control by chapter six hundred nineteen of the laws of nineteen
28 hundred twenty-six, shall so far as is necessary to make this title
29 effective in accordance with its terms and purposes be deemed to be
30 superseded, and wherever any provision of law shall be found in conflict
31 with the provisions of this title or inconsistent with the purposes
32 thereof, it shall be deemed to be superseded, modified or repealed as
33 the case may require.

34 S 4. Section 1020-cc of the public authorities law, as amended by
35 chapter 413 of the laws of 2011, is amended to read as follows:

36 S 1020-cc. Authority subject to certain provisions contained in the
37 state finance law, the public service law, the social services law and
38 the general municipal law. All contracts of the authority shall be
39 subject to the provisions of the state finance law relating to contracts
40 made by the state. The authority shall also establish rules and regu-
41 lations with respect to providing to its residential gas, electric and
42 steam utility customers those rights and protections provided in article
43 two and sections one hundred seventeen and one hundred eighteen of the
44 public service law and section one hundred thirty-one-s of the social
45 services law. THE AUTHORITY SHALL BE SUBJECT TO THE PROVISIONS OF
46 SUBDIVISION SIX-A OF SECTION SIXTY-SIX-J AND SUBDIVISION 6-A OF SECTION
47 SIXTY-SIX-L OF THE PUBLIC SERVICE LAW RELATING TO THE SURRENDER OF
48 OWNERSHIP OF RENEWABLE ENERGY CREDITS AND ATTRIBUTES, SOLAR RENEWABLE
49 ENERGY CREDITS, GREEN BUILDING CREDITS, TRADABLE RENEWABLE CERTIFICATES,
50 AND ENVIRONMENTAL CREDITS AND ATTRIBUTES TO CUSTOMER-GENERATORS. The
51 authority shall conform to any safety standards regarding manual locka-
52 ble disconnect switches for solar electric generating equipment estab-
53 lished by the public service commission pursuant to subparagraph (ii) of
54 paragraph (a) of subdivision five and subparagraph (ii) of paragraph (a)
55 of subdivision five-a of section sixty-six-j of the public service law.
56 The authority shall let contracts for construction or purchase of

1 supplies, materials, or equipment pursuant to section one hundred three
2 and paragraph (e) of subdivision four of section one hundred twenty-w of
3 the general municipal law.

4 S 5. Section 1868 of the public authorities law, as added by chapter
5 210 of the laws of 1962 and as renumbered by chapter 482 of the laws of
6 1976, is amended to read as follows:

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

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