

3806--A

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I N S E N A T E

February 19, 2013

Introduced by Sens. MAZIARZ, RITCHIE, CARLUCCI, DeFRANCISCO, GALLIVAN, GIPSON, GRISANTI, LARKIN, LATIMER, LIBOUS, MONTGOMERY, NOZZOLIO, RANZENHOFER, SAMPSON, SAVINO, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report

AN ACT to amend the energy law and the public service law, in relation to net-metering and on-farm energy generation

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

1 Section 1. This act shall be known and may be cited as the "repower
2 New York farms act".
3 S 2. Subdivisions 1, 2 and 3 of section 3-101 of the energy law,
4 subdivisions 2 and 3 as amended by chapter 820 of the laws of 1976, are
5 amended to read as follows:
6 1. to obtain and maintain an adequate and continuous supply of safe,
7 dependable and economical energy for the people of the state and to
8 accelerate development and use within the state of renewable energy
9 sources, all in order to promote the state's economic growth, to create
10 employment within the state, to protect its environmental values AND
11 AGRICULTURAL HERITAGE, to husband its resources for future generations,
12 and to promote the health and welfare of its people;
13 2. to encourage conservation of energy in the construction and opera-
14 tion of new commercial, industrial, AGRICULTURAL and residential build-
15 ings, and in the rehabilitation of existing structures, through heating,
16 cooling, ventilation, lighting, insulation and design techniques and the
17 use of energy audits and life-cycle costing analysis;

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

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1 3. to encourage the use of performance standards in all energy-using
2 appliances, and in industrial, AGRICULTURAL and commercial applications
3 of energy-using apparatus and processes;

4 S 3. Paragraph (d) of subdivision 1 of section 66-j of the public
5 service law, as amended by chapter 7 of the laws of 2010, is amended to
6 read as follows:

7 (d) "Solar electric generating equipment" means a photovoltaic system
8 (i) (A) in the case of a residential customer (OTHER THAN A FARM UTILIZ-
9 ING A RESIDENTIAL METER), with a rated capacity of not more than twen-
10 ty-five kilowatts; [and] (B) IN THE CASE OF A FARM UTILIZING A RESIDEN-
11 TIAL METER WITH A RATED CAPACITY OF NOT MORE THAN ONE HUNDRED KILOWATTS;
12 AND (C) in the case of a non-residential customer, with a rated capacity
13 of not more than two thousand kilowatts; and (ii) that is manufactured,
14 installed, and operated in accordance with applicable government and
15 industry standards, that is connected to the electric system and oper-
16 ated in conjunction with an electric corporation's transmission and
17 distribution facilities, and that is operated in compliance with any
18 standards and requirements established under this section.

19 S 4. Subparagraph (ii) of paragraph (c) of subdivision 3 of section
20 66-j of the public service law, as amended by chapter 546 of the laws of
21 2011, is amended to read as follows:

22 (ii) In the case of a customer-generator who owns or operates farm
23 waste electric generating equipment located and used at his or her "farm
24 operation," up to a total amount of [five] TWO thousand FIVE HUNDRED
25 dollars per "farm operation"; and

26 S 5. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 3 of
27 section 66-l of the public service law, as amended by chapter 7 of the
28 laws of 2010, are amended to read as follows:

29 (i) in the case of a residential[, farm service] or non-residential
30 customer-generator with a combined rated capacity of not more than twen-
31 ty-five kilowatts, up to a maximum amount of seven hundred fifty dollars
32 AND IN THE CASE OF A FARM SERVICE CUSTOMER-GENERATOR THE MAXIMUM AMOUNT
33 SHALL NOT EXCEED THREE HUNDRED SEVENTY-FIVE DOLLARS; and

34 (ii) in the case of a farm service customer-generator with a combined
35 rated capacity of not more than five hundred kilowatts, up to a maximum
36 of [five] TWO thousand FIVE HUNDRED dollars; and

37 S 6. The energy law is amended by adding a new section 17-104 to read
38 as follows:

39 S 17-104. ON-FARM RENEWABLE ENERGY SURVEY. 1. BY JANUARY THIRTIETH OF
40 EACH EVEN NUMBERED YEAR, THE NEW YORK STATE ENERGY RESEARCH AND DEVELOP-
41 MENT AUTHORITY (NYSERDA) IN COOPERATION WITH THE DEPARTMENT OF AGRICUL-
42 TURE AND MARKETS SHALL PRODUCE A STUDY MEASURING THE EXPANSION OF
43 ON-FARM RENEWABLE ENERGY GENERATION IN NEW YORK STATE.

44 2. THE STUDY WILL SPECIFICALLY IDENTIFY AND MEASURE THE NUMBER OF
45 ANAEROBIC DIGESTERS, PHOTOVOLTAIC SYSTEMS, WIND ENERGY SYSTEMS AND OTHER
46 RENEWABLE ENERGY SOURCES LOCATED ON FARMS AND AGRICULTURAL ENTERPRISES
47 IN NEW YORK STATE. SUCH STUDY WILL ALSO PROVIDE INFORMATION ON THE TOTAL
48 AMOUNT OF ELECTRICITY PRODUCED, THE ESTIMATED ENERGY SAVINGS TO FARM
49 CUSTOMERS WHO INSTALL ON-SITE RENEWABLE GENERATION AND THE ENVIRONMENTAL
50 BENEFITS MEASURED IN AVOIDED EMISSIONS OF CARBON DIOXIDE AND OTHER
51 POLLUTANTS.

52 3. SUCH STUDY WILL ALSO EXAMINE THE POSITIVE OR NEGATIVE IMPACTS OF
53 STATE ENERGY POLICIES AND ENVIRONMENTAL REGULATIONS IN ASSISTING OR
54 HINDERING ADDITIONAL DEPLOYMENT OF ON-FARM RENEWABLE GENERATION.
55 FURTHER, IT WILL MAKE RECOMMENDATIONS ON POSSIBLE CHANGES IN REGULATORY
56 POLICY, INCLUDING THE RULES AND REGULATIONS INCLUDED IN STATE RFP'S OR

1 PON'S RELATED TO RENEWABLE ENERGY DEPLOYMENT THAT COULD LEAD TO THE
2 EXPANSION OF SUCH ON-FARM RENEWABLE ENERGY DEVELOPMENT.

3 4. THE STUDY SHALL PROVIDE A BREAKDOWN OF THE REQUIRED INFORMATION BY
4 COUNTY AND ALSO IN THE AGGREGATE STATEWIDE. ELECTRONIC VERSIONS OF THIS
5 REPORT WHICH SHALL BE ENTITLED THE "NEW YORK ON-FARM RENEWABLE ENERGY
6 SURVEY" SHALL BE MADE AVAILABLE ON THE WEBSITES OF NYSERDA AND THE
7 DEPARTMENT, AND WRITTEN COPIES SHALL BE TRANSMITTED TO THE GOVERNOR, THE
8 TEMPORARY PRESIDENT OR PRESIDENTS OF THE SENATE, THE SPEAKER OF THE
9 ASSEMBLY, THE CHAIR OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMIT-
10 TEE, THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE, THE CHAIR OF THE SENATE
11 AGRICULTURE COMMITTEE AND THE CHAIR OF THE ASSEMBLY AGRICULTURE COMMIT-
12 TEE.

13 5. FUNDING FOR THE STUDY SHALL BE PROVIDED BY NYSERDA AND FROM FUNDS
14 COLLECTED THROUGH THE RENEWABLE PORTFOLIO STANDARD, THE ENERGY EFFICIEN-
15 CY PORTFOLIO STANDARD, THE SYSTEMS BENEFIT CHARGE OR ANOTHER DEDICATED
16 FUND OF THE AUTHORITY, NOT SUBJECT TO BUDGETARY APPROPRIATION.

17 S 7. This act shall take effect immediately.