

5060--A

2013-2014 Regular Sessions

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, GABRYSZAK, PEOPLES-STOKES, COLTON, SKARTADOS, ROZIC, JAFFEE, TITONE, LAVINE, SANTABARBARA, MAGNARELLI, COOK, STECK, SCHIMEL, PAULIN, RAIA, JOHNS, BORELLI, KEARNS, SKOUFIS, ROSENTHAL, BUCHWALD, SIMANOWITZ, KAVANAGH, MAISEL, GUNTHER, MONTESANO, CAHILL, BARRETT -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CERETTO, CLARK, CROUCH, DUPREY, FAHY, GALEF, GIBSON, GLICK, JACOBS, P. LOPEZ, MAGEE, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, RIVERA, ROBINSON, WALTER, WEISENBERG -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. The public service law is amended by adding a new section  
2 66-n to read as follows:  
3 S 66-N. SOLAR INCENTIVE PROGRAM. 1. AS USED IN THIS SECTION:  
4 (A) "ELECTRIC DISTRIBUTION COMPANY" MEANS AN INVESTOR-OWNED ELECTRIC  
5 CORPORATION THAT DISTRIBUTES AND DELIVERS ELECTRICITY WITHIN THIS STATE  
6 AND HAS ANNUAL REVENUES IN EXCESS OF TWO HUNDRED MILLION DOLLARS; AND  
7 (B) "QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM" MEANS A SYSTEM OF  
8 COMPONENTS OWNED OR DEVELOPED BY AN ENTITY OTHER THAN A PUBLIC AUTHORITY  
9 OR AN ELECTRIC DISTRIBUTION COMPANY AND THAT GENERATES ELECTRICITY FROM  
10 SUNLIGHT BY MEANS OF THE PHOTOVOLTAIC EFFECT, WHETHER OR NOT THE DEVICE  
11 IS COUPLED WITH A DEVICE CAPABLE OF STORING THE ENERGY PRODUCED FOR  
12 LATER USE THAT IS (I) INSTALLED AND OPERATED IN NEW YORK STATE WITHIN  
13 ONE OF THE SERVICE TERRITORIES OF AN ELECTRIC DISTRIBUTION COMPANY AS  
14 DEFINED IN THIS SECTION, AND (II) INSTALLED AFTER JANUARY FIRST, TWO  
15 THOUSAND FOURTEEN.

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

LBD04599-02-3

1 2. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
2 COMMISSION SHALL COMMENCE THE CONSIDERATION OF MODIFICATIONS TO ITS  
3 EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED SOLAR  
4 PHOTOVOLTAIC GENERATING SYSTEMS AND, NO LATER THAN JANUARY FIRST, TWO  
5 THOUSAND FOURTEEN, THE COMMISSION SHALL MAKE A DETERMINATION ESTABLISH-  
6 ING MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOP-  
7 MENT OF QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS IN CONFORMANCE  
8 WITH THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH THE NEW YORK STATE  
9 ENERGY RESEARCH AND DEVELOPMENT AUTHORITY IN THE PREPARATION OF ITS  
10 RECOMMENDATIONS TO THE COMMISSION FOR SUCH DETERMINATION. THE PROGRAM  
11 MODIFICATIONS SHALL REQUIRE:

12 (A) ADMINISTRATION BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOP-  
13 MENT AUTHORITY;

14 (B) PLANNED ANNUAL EXPENDITURES INCLUDING ALL COSTS OF A MINIMUM OF  
15 ONE HUNDRED EIGHT MILLION DOLLARS COMMENCING IN CALENDAR YEAR TWO THOU-  
16 SAND FOURTEEN AND SUSTAINED EACH YEAR THROUGH CALENDAR YEAR TWO THOUSAND  
17 TWENTY-THREE;

18 (C) A DIVERSITY OF PROJECT SIZES, GEOGRAPHIC DISTRIBUTION, AND PARTIC-  
19 IPATION AMONG CUSTOMER CLASSES, SUBJECT TO COST-EFFECTIVENESS CONSIDER-  
20 ATIONS;

21 (D) INCENTIVE STRUCTURES THAT MAXIMIZE COST-EFFECTIVENESS AND PRACTI-  
22 CALITY THROUGH COMPETITIVE PROCUREMENTS, STANDING-OFFERS, PRODUCTION  
23 INCENTIVES OR CAPACITY INCENTIVES AT THE WHOLESALE OR RETAIL LEVEL AS IN  
24 THE JUDGMENT OF THE COMMISSION, IN CONSULTATION WITH THE NEW YORK INDE-  
25 PENDENT SYSTEM OPERATOR, PROVIDE FOR THE MOST EFFECTIVE PROGRAM;

26 (E) INCENTIVE STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC  
27 BENEFITS TO THE STATE OF NEW YORK;

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

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

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

34 S 2. Sections 1020-ii, 1020-jj and 1020-kk of the public authorities  
35 law, as renumbered by chapter 388 of the laws of 2011, are renumbered  
36 sections 1020-jj, 1020-kk and 1020-ll and a new section 1020-ii is added  
37 to read as follows:

38 S 1020-II. ESTABLISHMENT OF SOLAR INCENTIVE PROGRAM. 1. AS USED IN  
39 THIS SECTION THE TERM "QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM"  
40 MEANS A SYSTEM OF COMPONENTS OWNED OR DEVELOPED BY AN ENTITY OTHER THAN  
41 A PUBLIC AUTHORITY OR AN ELECTRIC DISTRIBUTION COMPANY AND THAT GENER-  
42 ATES ELECTRICITY FROM SUNLIGHT BY MEANS OF THE PHOTOVOLTAIC EFFECT,  
43 WHETHER OR NOT THE DEVICE IS COUPLED WITH A DEVICE CAPABLE OF STORING  
44 THE ENERGY PRODUCED FOR LATER USE, THAT IS INSTALLED IN THE AUTHORITY'S  
45 SERVICE TERRITORY AFTER JANUARY FIRST, TWO THOUSAND TWELVE.

46 2. THE AUTHORITY SHALL CONTINUE TO ENCOURAGE THE DEVELOPMENT OF QUALI-  
47 FIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS IN ITS SERVICE TERRITORY  
48 THROUGH IMPLEMENTATION OF THE SOLAR INCENTIVE PROGRAM. THE PROGRAM SHALL  
49 REQUIRE:

50 (A) PLANNED ANNUAL EXPENDITURES INCLUDING ALL COSTS OF AT MINIMUM  
51 THIRTY-EIGHT MILLION DOLLARS COMMENCING IN CALENDAR YEAR TWO THOUSAND  
52 FOURTEEN AND SUSTAINED EACH YEAR THROUGH CALENDAR YEAR TWO THOUSAND  
53 TWENTY-THREE;

54 (B) A DIVERSITY OF PROJECT TYPES;

55 (C) PROGRAM ADMINISTRATION AND DELIVERY;

1 (D) INCENTIVE STRUCTURES THAT TAKE INTO CONSIDERATION THE ECONOMIC  
2 BENEFITS TO THE STATE OF NEW YORK;

3 (E) PROGRAM DESIGNS THAT TAKE INTO CONSIDERATION THE AVOIDANCE OF  
4 LONG-TERM COSTS TO THE TRANSMISSION AND DISTRIBUTION SYSTEM AND MINIMI-  
5 ZATION OF PEAK LOAD IN CONSTRAINED AREAS AND THAT MAXIMIZES COST-EFFEC-  
6 TIVENESS THROUGH COMPETITIVE PROCUREMENTS;

7 (F) ANNUAL REPORTS ON THE ACHIEVEMENTS AND EFFECTIVENESS OF THE  
8 PROGRAM; AND

9 (G) ANY OTHER OBJECTIVES THE AUTHORITY MAY ESTABLISH.

10 S 3. If any provision of this act is, for any reason, declared uncon-  
11 stitutional or invalid, in whole or in part, by any court of competent  
12 jurisdiction, such portion shall be deemed severable, and such unconsti-  
13 tutionality or invalidity shall not affect the validity of the remaining  
14 provisions of this act, which remaining provisions shall continue in  
15 full force and effect.

16 S 4. This act shall take effect immediately.