

5060--C

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, PERRY, BENEDETTO, MOYA, DINOWITZ, BRAUNSTEIN -- 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, 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

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "NY Sun Act of 2013".

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

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

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

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

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1 (B) "QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEM" MEANS A SYSTEM OF
2 COMPONENTS OWNED OR DEVELOPED BY AN ENTITY OTHER THAN A PUBLIC AUTHORITY
3 OR AN ELECTRIC DISTRIBUTION COMPANY, AND THAT GENERATES ELECTRICITY FROM
4 SUNLIGHT BY MEANS OF THE PHOTOVOLTAIC EFFECT, WHETHER OR NOT THE DEVICE
5 IS COUPLED WITH A DEVICE CAPABLE OF STORING THE ENERGY PRODUCED FOR
6 LATER USE, THAT IS (I) INSTALLED AND OPERATED IN NEW YORK STATE WITHIN
7 ONE OF THE SERVICE TERRITORIES OF AN ELECTRIC DISTRIBUTION COMPANY AS
8 DEFINED IN THIS SECTION, AND (II) INSTALLED AFTER JANUARY FIRST, TWO
9 THOUSAND FOURTEEN.

10 2. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE
11 COMMISSION SHALL COMMENCE THE CONSIDERATION OF MODIFICATIONS TO ITS
12 EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOPMENT OF QUALIFIED SOLAR
13 PHOTOVOLTAIC GENERATING SYSTEMS AND, NO LATER THAN SEPTEMBER FIRST, TWO
14 THOUSAND FOURTEEN, THE COMMISSION SHALL MAKE A DETERMINATION ESTABLISH-
15 ING MODIFICATIONS TO ITS EXISTING PROGRAMS THAT ENCOURAGE THE DEVELOP-
16 MENT OF QUALIFIED SOLAR PHOTOVOLTAIC GENERATING SYSTEMS IN CONFORMANCE
17 WITH THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH THE NEW YORK STATE
18 ENERGY RESEARCH AND DEVELOPMENT AUTHORITY IN THE PREPARATION OF ITS
19 RECOMMENDATIONS TO THE COMMISSION FOR SUCH DETERMINATION. THE PROGRAM
20 MODIFICATIONS SHALL REQUIRE:

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

23 (B) PLANNED STATEWIDE ANNUAL EXPENDITURES INCLUDING ALL COSTS OF A
24 MINIMUM OF ONE HUNDRED FIFTY MILLION DOLLARS, TAKING INTO CONSIDERATION
25 THE SOLAR-BASED PROGRAMS ADMINISTERED BY THE LONG ISLAND POWER AUTHORI-
26 TY, COMMENCING IN CALENDAR YEAR TWO THOUSAND FOURTEEN AND SUSTAINED EACH
27 YEAR THROUGH CALENDAR YEAR TWO THOUSAND TWENTY-THREE;

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

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

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

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

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

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

45 S 3. This act shall take effect immediately.