

7222

2013-2014 Regular Sessions

I N A S S E M B L Y

May 8, 2013

Introduced by M. of A. MAGEE, BARRETT -- read once and referred to the
Committee on Energy

AN ACT to amend the public service law, in relation to electric service
for farmers; and providing for the repeal of such provisions upon
expiration thereof

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

1 Section 1. Legislative intent. The legislature finds and declares that
2 the installation of on-site electric generation systems would address
3 the high energy costs of farmers and would result in the creation and
4 retention of jobs in New York state. Barriers to such installation
5 should be removed to encourage private investment in these technologies
6 and to stimulate economic growth.

7 S 2. Section 65 of the public service law is amended by adding a new
8 subdivision 6-a to read as follows:

9 6-A. CERTAIN CHARGES PROHIBITED. (A) NO ELECTRIC CORPORATION OR MUNI-
10 CIPALITY OWNING ELECTRIC PLANT USEFUL FOR THE DISTRIBUTION OF ELECTRIC-
11 ITY SHALL IMPOSE ON ANY CUSTOMER THAT IS A QUALIFYING FARMER ANY FEE,
12 PENALTY OR CHARGE OF ANY KIND OTHER THAN ITS CHARGES BASED UPON THE COST
13 OF SERVICES ACTUALLY PROVIDED TO SUCH CUSTOMER, FOR ELECTRICITY, TRANS-
14 MISSION, DISTRIBUTION, METERING, BILLING AND CUSTOMER SERVICES. NO ELEC-
15 TRIC CORPORATION OR MUNICIPALITY SHALL IMPLEMENT POLICIES OR PROCEDURES
16 THAT WOULD PREVENT QUALIFYING FARMERS FROM INSTALLING AND OPERATING
17 ON-SITE GENERATION EQUIPMENT AND RELATED TECHNOLOGY.

18 (B) FOR THE PURPOSE OF THIS SUBDIVISION:

19 (I) "FARMER" MEANS A PERSON WHOSE FEDERAL GROSS INCOME FROM FARM
20 PRODUCTION FOR THE PREVIOUS TAXABLE YEAR WAS AT LEAST TEN THOUSAND
21 DOLLARS.

22 (II) "QUALIFYING FARMER" MEANS A FARMER THAT INSTALLS AN ON-SITE ELEC-
23 TRIC GENERATION SYSTEM TO PROVIDE ELECTRIC SERVICE TO A FARM (WHETHER
24 THE FARMER CONTINUES TO MAINTAIN ACCESS TO TRANSMISSION AND DISTRIBUTION

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

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SERVICES OR VOLUNTARILY DISCONNECTS ACCESS TO TRANSMISSION AND DISTRIBUTION SERVICES) AND FILES A NOTIFICATION THEREOF WITH THE ELECTRIC CORPORATION OR MUNICIPALITY, WITH A COPY TO THE DEPARTMENT, PRIOR TO THE CUT-OFF DATE.

(III) "CUT-OFF DATE" FOR EACH SERVICE TERRITORY MEANS THE DATE WHEN THE ELECTRIC CORPORATION OR MUNICIPALITY SERVING SUCH SERVICE TERRITORY SHALL HAVE RECEIVED NOTIFICATIONS FROM QUALIFYING FARMERS SUCH THAT THE SUM OF THE RATED GENERATING CAPACITY SHOWN ON SUCH NOTIFICATIONS SHALL EQUAL OR EXCEED ONE-TENTH OF ONE PERCENT OF ITS TOTAL ELECTRIC DEMAND FOR THE YEAR NINETEEN HUNDRED NINETY-EIGHT, AS DETERMINED BY THE DEPARTMENT, OR SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN, WHICHEVER OCCURS FIRST.

S 3. Subdivision 28 of section 66 of the public service law, as added by chapter 82 of the laws of 1998, is amended to read as follows:

28. No revenues foregone by an electric corporation, as a result of subjecting certain veterans' organizations [with] TO rates or charges applicable to domestic consumers pursuant to section seventy-six of this article OR AS A RESULT OF PROHIBITING CERTAIN CHARGES RELATED TO ELECTRIC SERVICE PROVIDED TO FARMERS PURSUANT TO SUBDIVISION SIX-A OF SECTION SIXTY-FIVE OF THIS ARTICLE, shall be recovered from the customers of such corporation.

S 4. This act shall take effect immediately and shall be deemed to be repealed September 1, 2018, except that the provisions of this act shall continue to apply to a customer who is a qualifying farmer as long as such on-site electric generation system remains in use.