

3806

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I N   S E N A T E

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Introduced by Sens. MAZIARZ, RITCHIE, DeFRANCISCO, GRISANTI, LARKIN, LATIMER, LIBOUS, MONTGOMERY, NOZZOLIO, RANZENHOFER, SAMPSON, SAVINO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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;  
18    3. to encourage the use of performance standards in all energy-using  
19    appliances, and in industrial, AGRICULTURAL and commercial applications  
20    of energy-using apparatus and processes;  
21    S 3. Paragraph (d) of subdivision 1 of section 66-j of the public  
22    service law, as amended by chapter 7 of the laws of 2010, is amended to  
23    read as follows:

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

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1 (d) "Solar electric generating equipment" means a photovoltaic system  
2 (i) (A) in the case of a residential customer (OTHER THAN A FARM UTILIZ-  
3 ING A RESIDENTIAL METER), with a rated capacity of not more than twen-  
4 ty-five kilowatts; [and] (B) IN THE CASE OF A FARM UTILIZING A RESIDEN-  
5 TIAL METER WITH A RATED CAPACITY OF NOT MORE THAN ONE HUNDRED KILOWATTS;  
6 AND (C) in the case of a non-residential customer, with a rated capacity  
7 of not more than THE LESSER OF two thousand kilowatts OR SUCH CUSTOMER'S  
8 PEAK LOAD AS MEASURED OVER THE PRIOR TWELVE MONTH PERIOD, OR IN THE CASE  
9 THAT SUCH TWELVE MONTH PERIOD OF MEASUREMENT IS NOT AVAILABLE, THEN AS  
10 DETERMINED BY THE COMMISSION BASED ON ITS ANALYSIS OF COMPARABLE FACILI-  
11 TIES; and (ii) that is manufactured, installed, and operated in accord-  
12 ance with applicable government and industry standards, that is  
13 connected to the electric system and operated in conjunction with an  
14 electric corporation's transmission and distribution facilities, and  
15 that is operated in compliance with any standards and requirements  
16 established under this section.

17 S 4. Subparagraph (ii) of paragraph (c) of subdivision 3 of section  
18 66-j of the public service law, as amended by chapter 546 of the laws of  
19 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

15       S 7. This act shall take effect immediately.