

# STATE OF NEW YORK

5941

2017-2018 Regular Sessions

## IN ASSEMBLY

February 17, 2017

Introduced by M. of A. ENGLEBRIGHT, HEVESI, BRINDISI, ABINANTI, OTIS, LIFTON, THIELE, QUART, LUPARDO, STIRPE, CRESPO, GOTTFRIED, PEOPLES-STOKES, COLTON, SKARTADOS, ROZIC, JAFFEE, TITONE, SANTABARBARA, MAGNARELLI, COOK, STECK, PAULIN, RAIA, KEARNS, SKOUFIS, ROSENTHAL, BUCHWALD, SIMANOWITZ, KAVANAGH, GUNTHER, MONTESANO, CAHILL, BARRETT, PERRY, BENEDETTO, MOYA, DINOWITZ, BRAUNSTEIN, AUBRY, WEPRIN, FAHY, JOHNS -- Multi-Sponsored by -- M. of A. CROUCH, GALEF, GLICK, LENTOL, LOPEZ, MAGEE, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, RIVERA, RODRIGUEZ, SOLAGES, WALTER -- read once and referred to the Committee on Energy

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 "New York sun act of 2017".

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

5 § 66-o. 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

10 (b) (i) "Qualified solar photovoltaic generating system" means a  
11 system of components that generates electricity from sunlight by means  
12 of the photovoltaic effect, whether or not the device is coupled with a  
13 device capable of storing the energy produced for later use, that is (A)  
14 installed and operated in the state within one of the service territo-  
15 ries of an electric distribution company as defined in this section, and  
16 (B) installed after January first, two thousand eighteen.

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

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1 (ii) a qualified solar photovoltaic generating system shall not  
2 include: (A) a solar photovoltaic generating system owned by a public  
3 authority, where such authority does not consume all of the electricity  
4 produced and instead sells all or a portion of said electricity to  
5 another entity, other than when said authority uses such system to  
6 engage in net energy metering as defined in paragraph (c) of subdivision  
7 one of section sixty-six-j of this article, and (B) a solar photovoltaic  
8 generating system that is owned by an electric distribution company.

9 2. Within forty-five days of the effective date of this section, the  
10 commission shall commence the consideration of modifications to its  
11 existing programs that encourage the development of qualified solar  
12 photovoltaic generating systems and, no later than September first, two  
13 thousand eighteen, the commission shall make a determination establish-  
14 ing modifications to its existing programs that encourage the develop-  
15 ment of qualified solar photovoltaic generating systems in conformance  
16 with this section. The department shall consult with the New York state  
17 energy research and development authority in the preparation of its  
18 recommendations to the commission for such determination. The program  
19 modifications shall require:

20 (a) administration by the New York state energy research and develop-  
21 ment authority;

22 (b) planned statewide annual expenditures including all costs of a  
23 minimum of one hundred fifty million dollars, taking into consideration  
24 the solar-based programs administered by the Long Island power authori-  
25 ty, commencing in calendar year two thousand eighteen and sustained each  
26 year through calendar year two thousand twenty-seven;

27 (c) a diversity of project sizes, geographic distribution, and partic-  
28 ipation among customer classes, subject to cost-effectiveness consider-  
29 ations;

30 (d) incentive or financing structures that maximize cost-effectiveness  
31 and practicality through competitive procurements, standing-offers,  
32 production incentives or capacity incentives at the wholesale or retail  
33 level as in the judgment of the commission provide for the most effec-  
34 tive program;

35 (e) for projects exceeding one hundred kilowatts, incentive or financ-  
36 ing structures that take into consideration the economic benefits to the  
37 state;

38 (f) program designs that take into consideration the avoidance of  
39 long-term costs to the transmission and distribution system and minimi-  
40 zation of peak load in constrained areas;

41 (g) annual reports on the achievements and effectiveness of the  
42 program; and

43 (h) such other issues deemed appropriate by the commission.

44 § 3. This act shall take effect immediately.