

STATE OF NEW YORK

9841

IN ASSEMBLY

February 14, 2018

Introduced by M. of A. CUSICK, FAHY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the state's electric system energy efficiency framework

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 Electric Efficiency Jobs Act".

3 § 2. Legislative findings and intent. The legislature hereby finds and
4 determines:

5 1. New York has long held a leadership role among the states in
6 achieving efficiency savings in its electricity sector. Yet, its current
7 electric energy efficiency achievements are inadequate to generate the
8 amount of savings necessary to achieve the state's clean energy and
9 climate goals in as cost-effective a manner as possible, to reduce the
10 cost of energy for the state's energy customers. New York's most recent
11 state energy plan calls for the achievement of several goals by 2030,
12 including a twenty-three percent decrease in energy consumption from
13 buildings, fifty percent renewable energy supply, and forty percent
14 reduction of greenhouse gas emissions from 1990 levels. If New York does
15 not significantly increase the amount of savings it achieves through
16 electric energy efficiency, reaching these goals will be significantly
17 more difficult, if not impossible. As the Public Service Commission has
18 recognized, energy efficiency "is the cheapest and most effective manner
19 to reduce carbon emissions in the energy sector." It also reduces over-
20 all capacity charges and helps avoid the need for costly utility infras-
21 tructure upgrades. In other words, New York's current underinvestment in
22 energy efficiency results in higher utility bills for New Yorkers than
23 is necessary. Public utilities and other market participants have not
24 been given the market signals necessary to aggressively reduce energy
25 usage.

26 2. Energy efficiency investment creates clean energy jobs, as
27 evidenced by the 2017 United States Energy and Employment Report
28 published by the United States Department of Energy, which shows that

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

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1 New York's energy efficiency market has generated 110,582 energy effi-
2 ciency jobs across the state. The number represents 5.1 percent of all
3 energy efficiency jobs nationwide. Most energy efficiency jobs in New
4 York state are found in energy star and efficient lighting firms,
5 followed by high efficiency heating, ventilation, and air conditioning
6 services.

7 3. Demonstrating leadership with respect to energy efficiency will
8 drive even greater clean energy job growth in the state, helping to
9 reverse recent trends of workforce reductions seen in many of New York's
10 communities, and increase the competitiveness of the state, by not only
11 increasing job opportunities for electricians, engineers and contrac-
12 tors, but also reducing the overall energy costs in the state, bringing
13 down the cost of living and the cost of doing business and generating
14 economic activity across the state. The United States economy has grown
15 significantly since 2007, even while electricity consumption has been
16 flat, in large part attributable to energy efficiency gains. According
17 to Bloomberg New Energy Finance, "the key policy story of the past
18 decade has been the uptake of EERS (Energy Efficiency Resource Stand-
19 ards) in the U.S. state targets," leading to increased investment in
20 efficiency and job growth.

21 4. Cost-effective energy efficiency investment directly results in
22 lower electricity use and lower electricity bills, and also reduces
23 total statewide energy demand, peak demand, and distribution system
24 investment needs. Thus, a well-deployed energy efficiency program will
25 provide worthwhile benefits to both the individual bill payers partic-
26 ipating in it and collectively to all bill payers.

27 5. Under the current system, New York is achieving significantly lower
28 amounts of annual incremental savings through energy efficiency than the
29 amounts being achieved in other states. The American Council for an
30 Energy-Efficient Economy estimates that New York achieved only approxi-
31 mately 1.05 percent annual incremental savings in 2015, as compared to
32 annual incremental savings of 2.91 percent in Rhode Island, 2.74 percent
33 in Massachusetts, 2.01 percent in Vermont, and 1.95 percent in Califor-
34 nia (which recently set a goal of four percent annual incremental
35 savings). The Clean Energy Standard Order issued by the Public Service
36 Commission on August 1, 2016, estimated the amount of new incremental
37 renewable energy required to meet its fifty percent renewable energy
38 supply target by assuming 1.4 percent annual incremental savings through
39 energy efficiency. Should the state continue on its current trajectory
40 and thus fail to achieve the Clean Energy Standard's assumed level of
41 savings, far more renewable energy will be required to meet the state's
42 2030 goal than the amount currently being planned for. In other words,
43 the state is falling behind the trajectory of combined energy efficiency
44 and renewable energy needed to achieve the 50 by '30 target, which may
45 become difficult or impossible to achieve, or significantly more costly,
46 if the state's energy efficiency framework is not adjusted soon. New
47 York has the ability to achieve its laudable State Energy Plan goals,
48 but only if the current energy efficient framework is redesigned to
49 capture more of the state's energy efficiency potential.

50 6. The Public Service Commission has expressed conviction regarding
51 the vital importance of energy efficiency in its "Reforming the Energy
52 Vision" (REV) proceeding and has taken steps to advance energy efficien-
53 cy through the work of the Clean Energy Advisory Council. However, more
54 is needed. REV does not yet have any mechanism to fund energy efficiency
55 procurement or catalyze the private sector to invest significant capital
56 in energy saving measures. Effective and appropriate economic signals

1 have not been provided consistently to all the utilities or to other
2 parties to pursue all cost-effective efficiency measures.

3 7. It is imperative that New York provide leadership to the nation on
4 energy efficiency, not only to protect New Yorkers and lower electricity
5 bills, but to respond to the serious threatened rollback of bedrock
6 energy efficiency programs at the federal level, including the Home
7 Energy Assistance Program, the Weatherization Assistance Program, and
8 energy star. This leadership will provide critical assistance to low-in-
9 come customers and providers of affordable housing while also enabling
10 energy management solutions for all types of customers and providing a
11 broad range of benefits to all income levels.

12 8. Accordingly, the overlying intent of this act is to provide a clear
13 regulatory framework for energy efficiency to better serve the constitu-
14 ency of New York state and as a model for other states. This legislation
15 will help invigorate the market for energy investments foreseen by REV,
16 incent significantly greater amounts of private capital to be invested
17 in energy efficiency, thereby supporting job growth, increasing electric
18 grid efficiency, reducing emissions, and lowering customers' bills.

19 § 3. The public service law is amended by adding a new section 66-p to
20 read as follows:

21 § 66-p. New York energy efficiency development program. 1. For
22 purposes of this section "cost-effective" shall mean generating benefits
23 that outweigh cost, including, but not limited to, generating more in
24 electricity cost savings and other benefits than costs over a specified
25 period of time, as determined by the commission.

26 2. Notwithstanding any other provision of law to the contrary, includ-
27 ing, but not limited to, any order, rule or regulation promulgated
28 pursuant to this chapter, the public authorities law, and/or the state
29 administrative procedure act, the commission, in consultation with the
30 New York state energy research and development authority, shall adopt a
31 program within one hundred twenty days of the effective date of this
32 section. The program shall:

33 (a) Establish a robust annual incremental minimum savings mandate for
34 each utility for the years two thousand nineteen to two thousand twen-
35 ty-two that provides for annual incremental increases in energy savings
36 of at least 0.4 percent of total electricity load served by that utility
37 until at least two percent minimum annual savings is achieved;

38 (b) Study, identify, and establish appropriate long-term annual, bien-
39 ennial, or triennial incremental targets that achieve all cost-effective
40 electric energy efficiency savings levels for each utility for the years
41 two thousand twenty-three to two thousand thirty, which shall be updated
42 every three years to allow for necessary adjustments in such targets;
43 and

44 (c) Provide a clear and consistent funding framework for electric
45 energy efficiency that applies to all the state's utilities and allows
46 them to: make investments in electric energy efficiency as a system
47 resource; earn incentives for significant savings achievements, as
48 prescribed in the commission's order adopting a ratemaking and utility
49 revenue model policy framework dated May nineteenth, two thousand
50 sixteen; and, catalyze private market investment in electric energy
51 efficiency. The funding framework must allow utilities to recover the
52 costs of meeting the minimum mandates set forth in paragraph (a) of this
53 subdivision.

54 § 4. Severability clause. If any provision of this act is, for any
55 reason, declared unconstitutional or invalid, in whole or in part, by
56 any court of competent jurisdiction, such portion shall be deemed sever-

1 able, and such unconstitutionality or invalidity shall not affect the
2 validity of the remaining provisions of this act, which remaining
3 provisions shall continue in full force and effect.
4 § 5. This act shall take effect immediately.