

# STATE OF NEW YORK

2282--B

2019-2020 Regular Sessions

## IN ASSEMBLY

January 22, 2019

Introduced by M. of A. WOERNER, D'URSO, FAHY, ZEBROWSKI, BARRON, THIELE, ORTIZ, WALKER, SANTABARBARA, ENGLEBRIGHT, GUNTHER, JONES, McDONALD, SIMON, COOK, GALEF, WILLIAMS, SAYEGH, ARROYO, RAIA, DeSTEFANO, PICHARDO, GRIFFIN -- Multi-Sponsored by -- M. of A. BUCHWALD, HUNTER, M. G. MILLER, WRIGHT -- 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

AN ACT to amend the public service law, in relation to establishing the New York state clean energy tech production program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public service law is amended by adding a new section 66-p to read as follows:

§ 66-p. New York state clean energy tech production program. 1. (a) The commission shall, within forty-five days of the effective date of this section, commence a proceeding to establish a self-directed program for its industrial, commercial and large users, in order to stimulate the growth and adoption of more efficient use of energy, greater use of advanced energy management products, deeper penetration of renewable energy resources such as wind, solar, geothermal, renewable biogas and anaerobic digestion, wider deployment of "distributed" energy resources, such as micro grids, roof-top solar, fuel cells and other on-site power supplies, and storage.

2. The commission, in collaboration with the utilities and large industrial customers, shall develop, oversee and issue guidelines establishing rules and principles for the self-directed program which shall include the following elements:

(a) A program structure that allows industrial, commercial and large users to treat their existing and future clean energy surcharges;

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

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1 including, but not limited to, surcharges to support the clean energy  
2 fund, the system benefits charge, the renewable portfolio standard, the  
3 energy efficiency portfolio standard and energy efficiency transition  
4 implementation plans as dedicated funds for energy efficiency, greater  
5 use of advanced energy management products, deeper penetration of renew-  
6 able energy resources such as wind, solar, geothermal, and anaerobic  
7 digestion, wider deployment of "distributed" energy resources, such as  
8 micro grids, roof-top solar, fuel cells and other on-site power  
9 supplies, and storage through an energy savings account.

10 (b) The self-directed program shall be available to all individual  
11 customers with a thirty-six month average demand of two megawatts or  
12 greater as well as customers with an aggregated thirty-six month average  
13 demand of four megawatts or greater as long as one or more of the  
14 accounts being aggregated by the customer has at least a thirty-six  
15 month average demand of one megawatt.

16 (c) A mechanism to recoup paid funds from self-directed customers if  
17 it is determined that funds contained in the energy savings account were  
18 utilized erroneously or if planned energy efficiency savings did not  
19 actually occur.

20 (d) A requirement that after seven years any unused surcharges  
21 contained in the energy saving account shall be made available for  
22 original purposes of the surcharge.

23 (e) A requirement to collect and establish self-directed customers'  
24 baseline energy use data.

25 (f) A method to measure and verify all claimed energy objectives,  
26 using the same standards for data collection as other existing and  
27 future clean energy surcharges.

28 (g) Offering self-directed customers multi-year time frames greater  
29 than thirty-five months in which to expend aggregated energy efficiency  
30 fees.

31 (h) A means to calculate energy optimization established by the  
32 commission and based on annual electricity usage, provided that:

33 (1) annual electricity usage shall be normalized so that neither of  
34 the following are included in the calculation of the percentage of  
35 incremental energy savings: (i) changes in electricity usage because of  
36 changes in business activity levels not attributable to energy optimiza-  
37 tion; (ii) changes in electricity usage because of the installation,  
38 operation, or testing of pollution control equipment.

39 (2) savings may also be calculated on the average number of megawatt  
40 hours of electricity sold by the electric provider annually during the  
41 previous three years to retail customers in this state.

42 (i) The self-directed customer must develop a self-directed optimiza-  
43 tion plan. Such plan shall outline how the customer intends to achieve  
44 the goals of the self-directed program.

45 (j) A customer implementing a self-directed energy optimization plan  
46 shall provide a brief report biannually documenting the measures taken  
47 to meet the goals of the self-directed program. The report shall provide  
48 sufficient information for the utilities and the commission to monitor  
49 progress toward the goals in the self-directed plan and to develop reli-  
50 able estimates of the energy savings, renewable power generated and/or  
51 the deployment of distributed energy resources that are being achieved  
52 from self-directed plans.

53 (k) Participants will have the opportunity to self-direct a majority  
54 of their own contributions to qualifying projects, provided, however,  
55 that a portion of the contributions, equal to no more than one percent,

1 is allocated to support program administration and evaluation, measure-  
2 ment and verification.

3 3. The commission shall provide an annual report on or before the  
4 first day of January to the governor, the temporary president of the  
5 senate, the speaker of the assembly, the minority leader of the senate  
6 and the minority leader of the assembly, on the clean energy tech  
7 production program.

8 § 2. This act shall take effect immediately.