

# STATE OF NEW YORK

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6890

2021-2022 Regular Sessions

## IN ASSEMBLY

April 13, 2021

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

AN ACT to amend the public service law and the public authorities law, in relation to authorizing the formation of Community Choice Aggregation programs in the Long Island Power Authority service territory

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

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds and determines that achievement of the State's emissions reduction  
3 targets and climate goals plays a key role in the continuing vitality  
4 and well-being of all New Yorkers, and that decisions made by Long  
5 Islanders regarding their energy usage have the potential to signif-  
6 icantly impact the ability of the State to achieve its climate goals.  
7 The legislature further finds and determines that well-designed Communi-  
8 ty Choice Aggregation (CCA) programs in the Long Island Power Authority  
9 service territory can educate, encourage, and empower Long Islanders to  
10 take control of their energy future through engagement with opportu-  
11 nities presented by Reforming the Energy Vision and the Clean Energy  
12 Fund, as well as new Distributed Energy Resource and clean energy  
13 programs. As such, Long Island CCA programs should be developed and made  
14 available to Long Islanders throughout the service territory of the Long  
15 Island Power Authority.

16 § 2. The public service law is amended by adding a new section 74-b to  
17 read as follows:

18 § 74-b. Long Island community choice aggregation programs. 1. For the  
19 purposes of this section:

20 (a) a "Long Island community choice aggregation program" or "CCA"  
21 means a program serving the interests of its residents and appropriately  
22 protecting consumer data, in which an eligible municipality either alone  
23 or jointly, after a public hearing held following public notice, exer-  
24 cises its municipal home rule law authority by enacting a local law

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

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1 giving itself the requisite legal authority to enter into competitive-  
2 ly-procured contracts with one or more energy service companies in order  
3 to act as an aggregator and broker for the sale of electric supply, gas  
4 supply, or both, to residents of that municipality wherein all custom-  
5 ers, including residential and non-residential, are eligible to partic-  
6 ipate in the program and shall have the option to opt-out of either,  
7 individually. CCA programs may aggregate or otherwise integrate energy  
8 efficiency and distributed energy resources into their programs.

9 (b) "Eligible municipality" means a city, town, or village within the  
10 service territory of the Long Island power authority.

11 (c) "Service provider" means the entity under contract with the Long  
12 Island power authority to provide management and operation services  
13 associated with the authority's electric transmission and distribution  
14 system and any subsidiary of such entity that provides such services  
15 under contract.

16 2. No later than January first two thousand twenty-two, the commission  
17 shall, in consultation with the New York State energy research and  
18 development authority and the Long Island power authority, establish by  
19 order, rules, and regulations a Long Island community choice aggregation  
20 program that includes the following:

21 (a) the extent to which eligible municipalities may collaborate in the  
22 operation of joint CCA programs and any geographic or service area limi-  
23 tations that may exist;

24 (b) the ability of eligible municipalities to seek the assistance of a  
25 non-profit, to work with a consultant, or to otherwise designate a  
26 third-party as an administrator of a CCA program;

27 (c) the development of a data security agreement to be adopted by  
28 participating eligible municipalities, energy service companies, the  
29 Long Island power authority, and Long Island power authority service  
30 providers;

31 (d) an enrollment process for eligible customers with opt-out  
32 provisions for those customers who do not wish to participate;

33 (e) requirements by which participating eligible municipalities will  
34 report on the status of their CCA program to the Long Island power  
35 authority; and

36 (f) such other issues deemed appropriate by the commission.

37 3. Annual reports on the status of the Long Island community choice  
38 aggregation program shall be prepared by the Long Island power authority  
39 and shall be submitted to the governor, the temporary president of the  
40 senate, and the speaker of the assembly by March thirty-one of each year  
41 and must cover the previous calendar year. Annual reports will include,  
42 at a minimum: number of customers served; number of customers cancelling  
43 during the year; number of complaints received by CCA administrators;  
44 commodity prices paid; value-added services provided during the year;  
45 and administrative costs collected, if any.

46 § 3. Subdivision 1 of section 1020-s of the public authorities law, as  
47 amended by chapter 415 of the laws of 2017, is amended to read as  
48 follows:

49 1. The rates, services and practices relating to the electricity  
50 generated by facilities owned or operated by the authority shall not be  
51 subject to the provisions of the public service law or to regulation by,  
52 or the jurisdiction of, the public service commission, except to the  
53 extent (a) article seven of the public service law applies to the siting  
54 and operation of a major utility transmission facility as defined there-  
55 in, (b) article ten of such law applies to the siting of a generating  
56 facility as defined therein, (c) section eighteen-a of such law provides

1 for assessment for certain costs, property or operations, (d) to the  
2 extent that the department of public service reviews and makes recommen-  
3 dations with respect to the operations and provision of services of, and  
4 rates and budgets established by, the authority pursuant to section  
5 three-b of such law, [~~and~~] (e) that section seventy-four of the public  
6 service law applies to qualified energy storage systems within the  
7 authority's jurisdiction, and (f) that section seventy-four-b of the  
8 public service law applies to Long Island community choice aggregation  
9 programs.

10 § 4. This act shall take effect on the ninetieth day after it shall  
11 have become a law.