

STATE OF NEW YORK

9329

IN ASSEMBLY

February 23, 2022

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

AN ACT to amend the public service law and the transportation corporations law, in relation to aligning utility regulation with state climate justice and emission reduction targets; to repeal section 66-b of the public service law relating to continuation of gas service; and to repeal section 66-g of the public service law relating to the sale of indigenous natural gas for generation of electricity

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 "gas transition and affordable energy act".

3 § 2. Legislative findings. The legislature finds and declares that:

4 1. The Climate Leadership and Community Protection Act (the "CLCPA")
5 requires greenhouse gas emission reductions from all sectors, which will
6 entail, among other things, converting buildings throughout the state
7 from heating and cooking with combustible fuels to heating and cooking
8 with non-emitting sources such as energy-efficient air, ground, and
9 water sourced electric heat pumps, which also provide cooling, and elec-
10 tric and induction stoves.

11 2. Fossil fuels burned in buildings for heating, hot water, and cook-
12 ing account for approximately one-third of greenhouse gas emissions in
13 New York State, enabled by utility provision of gas service via pipeline
14 to the property.

15 3. Heating and cooking with fossil fuels impacts indoor and outdoor
16 air quality, resulting in health impacts such as increased rates of
17 asthma and heart disease.

18 4. Decarbonization of buildings will require changes to the utility
19 gas regulations and gas planning processes in order to ensure an equita-
20 ble transition and manage economic risks to gas customers, munici-
21 palities, and the utilities as electrification proceeds.

22 5. Over two and a half million households in New York struggle to pay
23 their heating bills. The Public Service Commission has declared, but not
24 yet achieved the goal that customers should not pay more than 6% of

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

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1 their income for utility energy services, a number based on a nationally
2 accepted standard.

3 6. Thus, it is the intent of the legislature that passage of this act
4 is for the following purposes:

5 a. to ensure that the Public Service Law regarding regulation and
6 oversight of gas utilities will provide for the timely and strategic
7 retirement of the gas distribution system in a just and affordable
8 manner as required to meet the climate justice and emission reduction
9 mandates of the CLCPA;

10 b. to ensure that the Public Service Commission has the statutory
11 authority and direction to align utility regulations and planning with
12 the CLCPA climate justice and emission reduction mandates and to require
13 the Public Service Commission to take a proactive role in the timely
14 identification and amendment of such laws, regulations or rulings as may
15 pose an impediment to achieving CLCPA mandates;

16 c. to end ratepayer-subsidized utility incentives for fossil fuel
17 expansion while ensuring the equitable provision of electric service and
18 efficient heating, cooling, cooking, and hot water services;

19 d. to require the Public Service Commission, within one year, to
20 develop a statewide gas utility services decarbonization plan based on
21 clear biannual gas sales reduction targets, robust analysis, and consid-
22 eration of several electrification pathways;

23 e. to ensure affordable access to electric heating and cooling
24 services and to protect low-income and moderate-income customers from
25 undue burdens as they electrify their buildings; and

26 f. to clarify that municipal gas bans are not preempted under New York
27 State law.

28 § 3. Subdivision 1 of section 4 of the public service law, as amended
29 by chapter 594 of the laws of 2021, is amended to read as follows:

30 1. There shall be in the department of public service a public service
31 commission, which shall possess the powers and duties hereinafter speci-
32 fied, and also all powers necessary or proper to enable it to carry out
33 the purposes of this chapter and to enable achievement of the climate
34 justice and emission reduction targets in article seventy-five of the
35 environmental conservation law, and such successors in law and function
36 as may arise from time to time. The commission shall consist of five
37 members, to be appointed by the governor, by and with the advice and
38 consent of the senate. A commissioner shall be designated as chairman of
39 the commission by the governor to serve in such capacity at the pleasure
40 of the governor or until his term as commissioner expires whichever
41 first occurs. At least one commissioner shall have experience in utility
42 consumer advocacy. No more than three commissioners may be members of
43 the same political party unless, pursuant to action taken under subdivi-
44 sion two of this section, the number of commissioners shall exceed five,
45 and in such event no more than four commissioners may be members of the
46 same political party.

47 § 4. Subdivisions 1 and 2 of section 5 of the public service law,
48 subdivision 1 as amended and subdivision 2 as added by chapter 155 of
49 the laws of 1970, are amended to read as follows:

50 1. The jurisdiction, supervision, powers and duties of the public
51 service commission shall extend under this chapter:

52 [~~b.~~] a. To the manufacture, conveying, transportation, sale or
53 distribution of gas (natural or manufactured or mixture of both) and
54 electricity for light, heat, cooling, or power, to gas plants and to
55 electric plants and to the persons or corporations owning, leasing or
56 operating the same.

1 ~~[e-]~~ **b.** To the manufacture, holding, distribution, transmission, sale
2 or furnishing of steam for heat or power, to steam plants and to the
3 persons or corporations owning, leasing or operating the same.

4 ~~[d-]~~ **c.** To every telephone line which lies wholly within the state and
5 that part within the state of New York of every telephone line which
6 lies partly within and partly without the state and to the persons or
7 corporations owning, leasing or operating any such telephone line.

8 ~~[e-]~~ **d.** To every telegraph line which lies wholly within the state and
9 that part within the state of New York of every telegraph line which
10 lies partly within and partly without the state and to the persons or
11 corporations owning, leasing or operating any such telegraph line.

12 ~~[f-]~~ **e.** To the furnishing or distribution of water for domestic,
13 commercial or public uses and to water systems and to the persons or
14 corporations owning, leasing or operating the same.

15 ~~[g-]~~ **f.** To every stock yard within the state and to the stock yard
16 company owning, leasing or operating the same, to the same extent and in
17 respect to the same objects and purposes as such jurisdiction extends,
18 under this chapter, to depots, freight houses and shipping stations of a
19 common carrier, including the duty of such stock yard company to submit
20 reports and be subjected to investigation as if it were a common carrier,
21 and the powers and duties of such commission to fix charges and make
22 and enforce orders relating to adequate service by such company.

23 ~~[h-]~~ **g.** A corporation or person owning or holding a majority of the
24 stock of a common carrier, gas corporation or electrical corporation
25 subject to the jurisdiction of the public service commission shall be
26 subject to the supervision of the public service commission in respect
27 of the relations between such common carrier, gas corporation or elec-
28 trical corporation and such owners or holders of a majority of the stock
29 thereof in so far as such relations arise from or by reason of such
30 ownership or holding of stock thereof or the receipt or holding of any
31 money or property thereof or from or by reason of any contract between
32 them; and in respect of such relations shall in like manner and to the
33 same extent as such common carrier, gas corporation or electrical corpo-
34 ration be subject to examination of accounts, records and memoranda, and
35 shall furnish such reports and information as the public service commis-
36 sion shall from time to time direct and require, and shall be subject to
37 like penalties for default therein.

38 2. The commission shall encourage all persons and corporations subject
39 to its jurisdiction to formulate and carry out long-range programs,
40 individually or cooperatively, for the performance of their public
41 service responsibilities, including the achievement of the climate
42 justice and emission reduction targets in article seventy-five of the
43 environmental conservation law, with economy, efficiency, and care for
44 the public safety, the preservation of environmental values and the
45 conservation of natural resources.

46 § 5. Section 30 of the public service law, as amended by chapter 686
47 of the laws of 2002, is amended to read as follows:

48 § 30. Residential gas, electric and steam service policy. **1.** This
49 article shall apply to the provision of all or any part of the gas,
50 electric or steam service provided to any residential customer by any
51 gas, electric or steam and municipalities corporation or municipality.
52 It is hereby declared to be the policy of this state that the continued
53 provision of ~~[all or any part of such gas,]~~ electric ~~[and steam service]~~
54 services to all residential customers without unreasonable qualifica-
55 tions or lengthy delays is necessary for the preservation of the health
56 and general welfare, is consistent with the achievement of the state's

1 climate justice and emission reduction targets, and is in the public
2 interest. It is further the policy of this state that gas service for
3 existing residential customers must be maintained in a manner that is
4 safe and adequate, not unjustly discriminatory or unduly preferential,
5 and in all respects just and reasonable, while providing for an orderly
6 phase-out of gas service.

7 2. The relevant governing authority of the gas and municipalities
8 corporation or municipality shall regulate for the continued provision
9 of gas service to all residential customers until the commission estab-
10 lishes a statewide gas service transition plan pursuant to section
11 seventy-seven-a of this chapter. After such plan is established, the
12 commission or other relevant governing authority shall take any such
13 action, after notice and a hearing, as is necessary to facilitate the
14 achievement of the climate justice and emission reduction targets in
15 article seventy-five of the environmental conservation law, but in doing
16 so it shall actively encourage a transition away from combustible fuels
17 and ensure that all residential customers have access to electric heat-
18 ing and cooling services without unreasonable qualifications, unreason-
19 able costs, or lengthy delays with a goal that low-to-moderate income
20 customers, defined as households with annual incomes at or below eighty
21 percent of the area median income of the county or metro area where they
22 reside, are adequately protected from bearing energy burdens greater
23 than six percent of their income, including any undue burdens imposed by
24 the cost to purchase and operate electric equipment needed to facilitate
25 the termination of gas service.

26 § 6. Subdivisions 1, 3 and 4 of section 31 of the public service law,
27 as added by chapter 713 of the laws of 1981, are amended to read as
28 follows:

29 1. Every gas corporation, electric corporation or municipality, shall
30 provide residential service upon the oral or written request of an
31 applicant, provided that any such gas service shall only be provided in
32 accordance with section thirty of this article and is subject to any
33 orders or regulations limiting or discontinuing gas service that are
34 implemented by the commission to facilitate the achievement of the
35 climate justice and emission reduction targets in article seventy-five
36 of the environmental conservation law, and provided further that the
37 commission may require that requests for service be in writing under
38 circumstances as it deems necessary and proper as set forth by regu-
39 lation, and provided further that the applicant:

40 (a) makes full payment for residential utility service provided to a
41 prior account in [~~his~~] the applicant's name; or

42 (b) agrees to make payments under a deferred payment plan of any
43 amounts due for service to a prior account in [~~his~~] the applicant's name
44 and makes a down payment based on criteria to be established by the
45 commission. No such down payment shall exceed one-half of any money due
46 from an applicant for residential utility service, or three months aver-
47 age billing, whichever is less; or

48 (c) is a recipient of public assistance, supplemental security income
49 or additional state payments pursuant to the social services law, or is
50 an applicant for such assistance, income or payments, and the utility
51 corporation or the municipality receives payment from, or is notified of
52 the applicant's eligibility for utility payments by the social services
53 official of the social services district in which such person resides
54 for amounts due for service to a prior account in the applicant's name,
55 together with guarantee of future payments to the extent authorized by
56 the social services law; and

1 (d) receives clear, timely information from the gas corporation, elec-
2 tric corporation, municipality, or retail energy service company, writ-
3 ten in plain language and approved by the commission after stakeholder
4 input, on incentives and opportunities for installing, as alternatives
5 to gas, energy-efficient electric heating and cooling technologies, and
6 for other energy efficiency measures, weatherization, demand-side
7 management, and distributed energy resource programs.

8 3. Subject to the requirements of subdivisions four and five of this
9 section, whenever a residential customer moves to a new residence within
10 the service territory of the same utility corporation or municipality,
11 [he] the applicant shall be eligible to receive service at the new resi-
12 dence and such service shall be considered a continuation of service in
13 all respects, with any deferred payment agreement honored, and with all
14 rights of such customer and such utility corporation provided by this
15 article unimpaired.

16 4. In the case of any application for service to a building which is
17 not supplied with electricity or gas, a utility corporation or municipi-
18 pality shall be obligated to provide electric service to such a build-
19 ing, and may provide gas service for such a building in accordance with
20 public service commission regulation or by the relevant authority of the
21 municipalities corporation or municipality, provided however, that the
22 commission may require applicants for service to buildings [~~located in~~
23 ~~excess of one hundred feet from gas or electric transmission lines~~] to
24 pay or agree in writing to pay material and installation costs relating
25 to the applicant's proportion of the pipe, conduit, duct or wire, or
26 other facilities to be installed.

27 § 7. Section 12 of the transportation corporations law, as separately
28 amended by chapters 713 and 895 of the laws of 1981, is amended to read
29 as follows:

30 § 12. Gas may and electricity must be supplied on application. Except
31 in the case of an application for residential utility service pursuant
32 to article two of the public service law, upon written application of
33 the owner or occupant of any building [~~within one hundred feet of any~~
34 ~~main of a gas corporation or gas and electric corporation, or a line of~~
35 ~~an electric corporation or gas and electric corporation, appropriate to~~
36 ~~the service requested,~~] and payment by [him] the applicant of all money
37 due from [him] the applicant to the corporation, it shall supply [gas
38 ~~or~~] electricity as may be required for [~~lighting~~] such building and it
39 may provide gas for such building in accordance with public service
40 commission regulation or by the relevant governing authority of the
41 municipalities corporation or municipality, notwithstanding there be
42 rent or compensation in arrears for gas or electricity supplied, or for
43 meter, wire, pipe or fittings furnished, to a former occupant thereof,
44 unless such owner or occupant shall have undertaken or agreed with the
45 former occupant to pay or to exonerate [him] them from the payment of
46 such arrears, and shall refuse or neglect to pay the same; and if for
47 the space of ten days after such application, and the deposit of a
48 reasonable sum as provided in the next section, if required, the corpo-
49 ration shall refuse or neglect to supply gas or [~~electric light~~] elec-
50 tricity as required, such corporation shall forfeit and pay to the
51 applicant the sum of ten dollars, and the further sum of five dollars
52 for every day thereafter during which such refusal or neglect shall
53 continue; provided that no such corporation shall be required to lay
54 service pipes or wires for the purpose of supplying gas or electric
55 light to any applicant where the ground in which such pipe or wire is
56 required to be laid shall be frozen, or shall otherwise present serious

1 obstacles to laying the same; nor unless the applicant, if required,
2 shall deposit in advance with the corporation a sum of money sufficient
3 to pay the cost of [~~his~~] the applicant's proportion of the pipe,
4 conduit, duct or wire required to be installed, and the expense of the
5 installation of such portion.

6 § 8. Subdivision 2 of section 66 of the public service law, as amended
7 by chapter 877 of the laws of 1953, is amended and a new subdivision
8 12-e is added to read as follows:

9 2. Investigate and ascertain, from time to time, the quality of gas
10 supplied by persons, corporations and municipalities; examine or inves-
11 tigate the methods employed by such persons, corporations and munici-
12 palities in manufacturing, distributing and supplying gas or electricity
13 for light, heat or power and in transmitting the same, and have power to
14 order such reasonable improvements as will best promote the public
15 interest, preserve the public health and protect those using such gas or
16 electricity and those employed in the manufacture and distribution ther-
17 eof, and have power to order reasonable improvements and extensions of
18 the works, wires, poles, lines, conduits, ducts and other reasonable
19 devices, apparatus and property of gas corporations, electric corpo-
20 rations and municipalities; and have power after an investigation and a
21 hearing to order any corporation having authority under any general or
22 special law or under any charter or franchise, to lay down, erect or
23 maintain wires, pipes, conduits, ducts or other fixtures in, over or
24 under the streets, highways and public places of any municipality for
25 the purpose of supplying, selling or distributing natural gas, to
26 augment its supply of natural gas, whenever the commission deems neces-
27 sary and whenever artificial gas can be reasonably obtained, by acquir-
28 ing by purchase, manufacture or otherwise a supply thereof to be mixed
29 with such natural gas, in order to render adequate service to the
30 customers of such corporation or to maintain a proper and uniform pres-
31 sure; and have power after an investigation and a hearing to order any
32 corporation having authority under any general or special law or under
33 any charter or franchise, to lay down, erect or maintain wires, pipes,
34 conduits, ducts or other fixtures in, over or under the streets, high-
35 ways and public places of any municipality for the purpose of supplying,
36 selling or distributing artificial gas, to augment its supply of artifi-
37 cial gas, whenever the commission deems necessary and whenever natural
38 gas can be reasonably obtained, by acquiring by purchase or otherwise a
39 supply thereof to be mixed with such artificial gas, in order to render
40 adequate service to the customers of such corporation or to maintain a
41 proper and uniform pressure; and to fix such rate for the supplying of
42 mixed gas as shall secure to such corporation a fair return; and may
43 order the curtailment or discontinuance of the use of natural gas for
44 manufacturing or industrial purposes, for periods aggregating not to
45 exceed four months in any calendar year, if it is established to the
46 satisfaction of the commission that the supply of natural gas is not
47 adequate to meet the reasonable demands of domestic consumption and may
48 [~~prohibit the use of natural gas in wasteful devices and practices~~]
49 order the curtailment or discontinuance of the use of the distribution
50 system, where the commission has determined that such curtailment or
51 discontinuance is reasonably required to implement state energy policy,
52 provided that such curtailment or discontinuance shall be consistent
53 with a plan for the phase-out of the use of gas, and accompanied by
54 coordination assistance and, where reasonably required, financial
55 assistance in the identification and adoption of alternatives, and may

1 prohibit the use of natural gas in wasteful devices and practices and
2 require conservation and efficiency in gas usage.

3 12-e. Upon the application of a gas corporation for a major change in
4 rates as defined in subdivision twelve of this section, the commission
5 shall review the capital construction plan of such corporation and shall
6 establish a process to examine feasible alternatives to such
7 construction. Such process shall include thresholds and criteria for the
8 types of projects subject to such examination. The commission shall
9 require participation in such process by each electric corporation with
10 a service area overlapping the service area of the gas corporation; and
11 the commission shall have power to require any such electric corporation
12 to participate in alternatives to gas capital construction, including
13 participation in financing, where such alternative includes conversion
14 of gas customers to electricity usage.

15 § 9. Section 66-a of the public service law, as added by chapter 7 of
16 the laws of 1948, subdivision 1 as amended and subdivision 3 as added by
17 chapter 582 of the laws of 1975, subdivision 2 as amended by chapter 722
18 of the laws of 1977, is amended to read as follows:

19 § 66-a. Conservation of gas, declaration of policy, delegation of
20 power. 1. It is hereby declared to be the policy of this state that
21 when there develops in any area a situation under which a gas corpo-
22 ration supplying gas to such area is unable to meet the reasonable needs
23 of its consumers and of persons or corporations applying for new or
24 additional gas service, the available supply of gas shall be allocated
25 among the customers of such gas corporation, in such manner as may be
26 necessary to protect public health and safety and to avoid undue hard-
27 ship, particularly for low-to-moderate income residential customers and
28 hard-to-electrify industrial and commercial uses, pursuant to rules and
29 regulations as may be adopted by the commission, and that to carry out
30 this declared policy the jurisdiction of the public service commission
31 should be clarified. It is further declared to be the policy of this
32 state that gas supply resources for service to existing gas customers
33 must be maintained in a manner that is safe and adequate, not unjustly
34 discriminatory or unduly preferential, and in all respects just and
35 reasonable, while providing for an orderly phase-out of gas service.

36 2. Notwithstanding the provisions of any statute or any franchise held
37 by a gas corporation, the commission shall have power, upon the finding
38 that continued gas service is not consistent with the achievement of the
39 climate justice and emission reduction targets in article seventy-five
40 of the environmental conservation law, or that there exists such a shor-
41 tage of gas in any area in the state, that the gas corporation supplying
42 such area is unable and will be unable to secure or produce sufficient
43 gas to meet the reasonable needs of its customers and of persons or
44 corporations applying for new or additional gas service, to require such
45 corporation to immediately discontinue the supplying of gas to addi-
46 tional customers or of supplying additional service to present custom-
47 ers, for such purpose or purposes as may be designated by the commis-
48 sion, or to customers using gas for a purpose prohibited by the
49 commission pursuant to this act, and that upon the finding that the
50 supply of gas available is and will be insufficient to supply the
51 demands of all consumers receiving service, to require such gas corpo-
52 ration to curtail or discontinue service to any or all classes of
53 customers of such gas corporation. In imposing such a direction or
54 requirement, the commission shall give consideration first to existing
55 domestic uses and uses deemed to be necessary by the commission to
56 protect public health and safety and to avoid undue hardship [~~and shall~~

~~1 be limited to the period of the emergency provided that the gas corpo-
2 ration affected shall make such restriction, curtailing or discontin-
3 uance applicable to all customers or applicants for service in a like
4 class. If the commission determines that good cause exists for supplying
5 service to additional customers or for supplying additional service to
6 some existing customers, notwithstanding the curtailment or discontin-
7 uance of service to other existing customers, it shall, to the extent
8 feasible, allocate gas with equal priority to new or additional domestic
9 uses of gas and commercial or industrial processes which require gas
10 because there is no practical substitute for it in such proportion as
11 the commission determines to be reasonable. Provided that the commis-
12 sion shall be permitted, after public hearing, to authorize any natural
13 gas produced from lands under the waters of Lake Erie to be used for
14 process or feedstock requirements]. The commission is authorized to
15 adopt such rules, regulations and orders as are necessary or appropriate
16 to carry out these delegated powers.~~

17 3. In carrying out the delegated powers provided for in this section,
18 the commission shall, to the extent practicable, determine and establish
19 gas conservation measures or standards, including energy efficient elec-
20 trification of gas end uses. The commission may require compliance with
21 such measures or standards as a condition of receiving service.

22 4. The commission shall determine conditions under which new or addi-
23 tional gas service is warranted during a phase-out of the use of gas,
24 notwithstanding the need to conserve resources for service to existing
25 gas customers. Such determination shall be consistent with the most
26 recent state energy plan, and may take into account factors including
27 economic development, impacts on new and existing customers including
28 low-to-moderate income customers, impacts on system safety and adequacy,
29 and equity toward existing customers with limited conversion alterna-
30 tives.

31 5. The commission may require gas and/or electric utilities to provide
32 coordination assistance and financial assistance, in such forms as the
33 commission deems reasonably required to implement state energy policy,
34 to identify and adopt alternatives where applications for new or addi-
35 tional gas service are denied.

36 § 10. Section 66-b of the public service law is REPEALED.

37 § 11. The public service law is amended by adding a new section 66-s
38 to read as follows:

39 § 66-s. Expansion of gas plant. Except as provided in this section,
40 and notwithstanding any other provision of this chapter, after June
41 thirtieth, two thousand twenty-two, no gas corporation shall commence
42 construction of new gas mains or other distribution plant the result of
43 which would be to expand the availability of service into geographic
44 areas where gas service was not available prior to that date. No such
45 plant shall be put into service after September thirtieth, two thousand
46 twenty-three. The commission may authorize exceptions, provided that
47 projects qualifying for exception must be of a category specifically
48 identified as suitable for transition pursuant to subdivision three of
49 section 6-104 of the energy law, and must be completed and put into
50 service not later than September thirtieth, two thousand twenty-nine.

51 § 12. Section 66-g of the public service law is REPEALED.

52 § 13. The public service law is amended by adding a new section 77-a
53 to read as follows:

54 § 77-a. Aligning utility regulation with climate justice and emission
55 reduction targets. 1. Within three months of the effective date of this
56 section, the commission shall initiate a proceeding, or multiple

1 proceedings, as it deems appropriate, to consider and act on the matters
2 identified in this section in order to better align its regulation of
3 utility services with the timely achievement of the climate justice and
4 emission reduction targets in article seventy-five of the environmental
5 conservation law. If the commission is actively considering one or more
6 of the policies identified in this section, it shall not be required to
7 open a new proceeding for that policy topic. All proceedings initiated
8 pursuant to this section shall be completed within one year of the
9 effective date of this section, after which time the commission shall
10 initiate regular subsequent proceedings, as it deems necessary, to
11 ensure the achievement of the goals outlined in this section. The
12 proceeding or proceedings shall include:

13 (a) A review of the public service law and its current rules and poli-
14 cy guidance to identify any law, rule, or guidance that may inhibit
15 timely, equitable achievement of the climate justice and emission
16 reduction targets in article seventy-five of the environmental conserva-
17 tion law. Every three months, the commission shall report to the legis-
18 lature its progress and findings, identify subsequent actions it will
19 take, and make recommendations for any statutory amendments that may be
20 needed to facilitate the timely achievement of such targets. This quar-
21 terly reporting requirement will begin six months after the effective
22 date of this section and will continue for three years.

23 (b) A revision of the commission's rules and regulations for determin-
24 ing appropriate allowances for the extension of gas and electric utility
25 services to ensure that utility service is provided in a manner consist-
26 ent with the achievement of the climate justice and emission reduction
27 targets in article seventy-five of the environmental conservation law.
28 In establishing rules governing the allowance for the extension of gas
29 service, the commission shall eliminate all line extension allowances
30 for gas service and may increase allowances for electric service. The
31 commission may establish rules that provide for distinct allowances for
32 all-electric customers and for dual-fuel customers and may provide addi-
33 tional allowances to buildings that are made ready for beneficial elec-
34 tric loads such as those with electric vehicle charging facilities and
35 grid interactive buildings, as well as thermal storage devices such as
36 geothermal boreholes and loops.

37 (c) A statewide gas service transition plan. The commission shall
38 initiate a proceeding and direct department of public service staff
39 together with New York state energy research and development authority
40 to solicit utility and stakeholder input and develop a statewide plan to
41 guide the equitable and cost-effective transition of the gas distrib-
42 ution industry for the purpose of achieving the climate justice and
43 emission reduction targets in article seventy-five of the environmental
44 conservation law. Such statewide plan shall (1) determine, based on the
45 best available information, the gas sales reductions necessary to
46 achieve the two thousand thirty and two thousand fifty greenhouse gas
47 emission reduction targets in article seventy-five of the environmental
48 conservation law; (2) set biennial gas sales reduction targets for each
49 gas utility and develop a process for interim review to update these
50 targets as new information becomes available; (3) identify and analyze
51 various equitable and cost-effective policy pathways for transforming
52 each gas corporation's distribution system and programs to achieve those
53 targets; (4) provide meaningful comparisons among gas corporations, gas
54 service areas, and regions within the state and their impact on poten-
55 tial transition timelines across the state's gas distribution industry;
56 and (5) evaluate and recommend consolidations of electric and gas utili-

1 ty service territories and assets and the development of rate structures
2 that facilitate affordable electrification. For the purposes of this
3 section, affordable shall mean a goal of customers paying no more than
4 six percent of their income for energy supply and delivery.

5 2. In developing the statewide plan referred to in paragraph (c) of
6 subdivision one of this section, the commission shall use consistent
7 methods and considerations across all individual gas corporation
8 analyses and shall use current customer, cost, revenue, and gas plant
9 data from each individual gas corporation. The commission shall utilize
10 independent experts and shall not rely solely on analysis provided by
11 utilities or utility-funded studies. All supporting data shall be made
12 publicly available with any confidentiality redactions limited to the
13 maximum extent possible.

14 3. (a) The statewide plan referred to in paragraph (c) of subdivision
15 one of this section shall include, but not be limited to, analysis of
16 the following non-exclusive policy pathways:

17 (1) Geographically targeted and strategic electrification efforts
18 coupled with limitation or discontinuation of gas service and decommis-
19 sioning of sections of the gas distribution system implemented on an
20 equitable, orderly, and transparent schedule that is communicated well
21 in advance to affected customers.

22 (2) A district geothermal energy systems pathway that analyses various
23 ownership structures for district geothermal systems, including but not
24 limited to: (i) gas corporations shifting investment into district ener-
25 gy systems to move customers away from consuming gas, which shall pres-
26 ent a forecast, estimate, or other quantification of the costs, rate
27 impacts, and actual economy-wide greenhouse gas emissions reductions
28 involved if the costs of the district energy systems are combined with
29 the gas corporation's gas service as well as if the costs are kept
30 distinct from its gas service; (ii) electric corporations investing in
31 district energy systems; and (iii) utilities facilitating district
32 geothermal systems owned by third-party private companies, municipi-
33 alities or the power authority of the state of New York.

34 (3) An integrated utility service pathway that assumes electric and
35 gas consumption, technologies, prices, and sales are coordinated and
36 integrated among different utilities to facilitate affordable electrifi-
37 cation of gas end uses. This approach shall assume a strategic,
38 geographically targeted approach to electrification that transitions
39 customers served by a particular gas distribution line, and retires that
40 line, with priority for retirement assigned to gas lines that are aging,
41 leaking, or otherwise due to be replaced.

42 (b) The following information shall be provided for each policy path-
43 way included in the statewide plan:

44 (1) A forecast, estimate, or other quantification of the costs and
45 actual economy-wide greenhouse gas emissions reductions associated with
46 such pathway. The evaluation of costs shall include the following: (i)
47 an analysis of possible mechanisms, methodologies, or policies to
48 address the recovery of costs or responsibility for cost incurrence, as
49 well as mitigation of costs and impacts for customers, particularly
50 low-to-moderate income customers; (ii) a forecast, estimate, or other
51 quantification of the costs of electrification strategies, as well as
52 other strategies identified through the analysis; and (iii) for each
53 electrification strategy, a clear and transparent explanation of key
54 assumptions used in the analysis and a calculation of greenhouse gas
55 emissions reductions, inclusive of greenhouse gas emissions from gener-
56 ation sources.

1 (2) An analysis of qualitative factors, such as impacts on public
2 health and safety, reliability, economic development, equity, emissions
3 and other air pollutant reductions, and timing.

4 (3) An analysis of the impact on gas utility workers and the potential
5 for their just transition into the electrification workforce.

6 4. The statewide plan referred to in paragraph (c) of subdivision one
7 of this section shall include the following additional cost analyses:

8 (a) The costs, both quantitative and qualitative, of continuing exist-
9 ing gas utility regulation while building decarbonization occurs through
10 other efforts such as building codes, appliance standards, and incen-
11 tives. The analysis shall include, but is not limited to, a quantifica-
12 tion of stranded assets, rate impacts, worker impacts, and utility
13 revenues, assets, liabilities, and credit worthiness, and other utility
14 transition costs.

15 (b) An analysis of the cost of transitioning residential customers to
16 electric equipment necessary to facilitate the termination of their gas
17 service. This analysis shall consider the scope and scale of funding
18 needs to facilitate this transition, evaluate how and to what extent
19 ratepayer funding may contribute to this transition, and identify poten-
20 tial alternative sources of funding that may be able to contribute to
21 this transition. The analysis shall separately evaluate the cost of
22 fully funding the transition for low-to-moderate income residential
23 customers.

24 5. The commission shall evaluate and develop a variety of new rate
25 structures and rate classes to facilitate affordable electrification of
26 gas end uses, such as an electrification rate, a low-to-moderate income
27 rate class, voluntary time of use rates, voluntary demand rates, elec-
28 tric vehicle charging rates, renewable distributed generation rates and
29 other rate structures, as well as additional bill assistance measures
30 for low-to-moderate income customers. In developing new rate structures,
31 the commission shall have a goal of ensuring that residential customers
32 pay no more than six percent of their income for electricity.

33 6. In developing the statewide plan referred to in paragraph (c) of
34 subdivision one of this section, the commission shall actively consult
35 with environmental justice communities, disadvantaged communities, and
36 other experts and stakeholders via accessible public meetings and hear-
37 ings held in different locations across New York. In developing a scope
38 and draft of the plan, the commission shall hold at least six public
39 meetings across New York that allow for interactive engagement between
40 members of the public and department staff. At least two of these meet-
41 ings must be held in the upstate region, two must be held in the down-
42 state region, and one must be held virtually. Once a draft plan is
43 developed, and at least three months before the commission votes on a
44 final plan, the department shall hold at least six public hearings,
45 including at least two in the upstate region, two in the downstate
46 region, and one virtual hearing. Such public meetings and public hear-
47 ings shall be publicized at least six weeks in advance in various forms
48 of media. At least half of the meetings and half of the hearings must
49 offer speaking times between the hours of six pm and nine pm. Provisions
50 for translation services, American Sign Language interpretation, closed
51 captioning, and access to other accommodations provided by the Americans
52 with Disabilities Act shall be provided when requested with sufficient
53 advance notice. Materials shall be made publicly available on the
54 commission's website, and the draft plan shall be made publicly avail-
55 able at least one month before the first hearing. All supporting non-
56 confidential data, cost-benefit analyses, financial analyses, environ-

1 mental impact statements, and emissions assessments shall be made
2 publicly available.

3 7. Within six months of the issuance of the final statewide plan, each
4 gas corporation shall submit a proposal to the commission that details
5 such corporation's plan for aligning its gas system with the statewide
6 plan and which outlines its plans for achieving the gas sales reductions
7 necessary for the state to achieve the climate justice and emission
8 reduction targets in article seventy-five of the environmental conserva-
9 tion law, including specific initiatives, actions, and interim mile-
10 stones.

11 8. The commission shall revise its rules and regulations for conduct-
12 ing benefit-cost analyses to ensure that the methodology and the base
13 financial and framework assumptions for the analysis support achievement
14 of the climate justice and emission reduction targets in article seven-
15 ty-five of the environmental conservation law. Such revisions shall
16 include, but not be limited to:

17 (a) Greenhouse gas emission reduction targets shall be used as a
18 constraint in designing the scenarios to be analyzed such that all the
19 scenarios shall comply with the statutory greenhouse gas emission
20 requirements and any interim targets set by the department of environ-
21 mental conservation or the commission.

22 (b) Quantification of public health impacts from improvements in ambi-
23 ent and indoor air quality. When quantitative metrics are not possible,
24 qualitative analysis shall be included.

25 (c) Consideration of the significant uncertainties and risks associ-
26 ated with different scenarios, including the environmental impact of
27 leaked gas, the prolonged reliance on the gas system that results from
28 long-lived investments in gas infrastructure and gas-consuming equip-
29 ment, and the positive option value associated with measures that can
30 eliminate or defer the need for investments in gas infrastructure and
31 gas-consuming equipment.

32 (d) Only attribute alternative fuels with emission reduction benefits
33 under the benefit-cost analysis if the environmental attributes are
34 retained by the utility for the benefit of the utility's customers.

35 (e) Use accurate depreciation schedules that assume the full value of
36 any new gas asset is fully depreciated no later than two thousand fifty,
37 absent demonstration that the specific asset will remain in service
38 beyond two thousand fifty, and earlier if it is likely that such asset
39 will need to be phased out or retired before two thousand fifty given
40 any interim greenhouse gas emission reduction targets or geographically
41 targeted strategic asset retirement.

42 (f) Assess demographic impacts by measuring with as much geographic
43 granularity as possible, and considering different levels of exposure
44 and risk factors for impacts on disadvantaged communities and other
45 populations with vulnerability to changes induced by regulation.

46 9. By October thirty-first in the year of the effective date of this
47 section, and each year thereafter, the commission shall deliver to the
48 legislature and the governor a report on its actions and progress with
49 respect to the items specified in subdivision one of this section.

50 10. Nothing in this chapter or any other law of New York shall be
51 interpreted or otherwise construed as preempting a municipality from
52 requiring all-electric buildings, zero-emission buildings, or otherwise
53 prohibiting new gas service connections for new buildings and major
54 renovations.

55 § 14. This act shall take effect immediately.