

STATE OF NEW YORK

6189

2021-2022 Regular Sessions

IN SENATE

April 14, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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