

# STATE OF NEW YORK

7836

## IN SENATE

January 12, 2022

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to establishing a commercial tariff on certain electric vehicles; and to amend a chapter of the laws of 2021, amending the public service law relating to establishing a commercial tariff on certain electric vehicles, as proposed in legislative bills numbers S. 3929 and A. 3876, in relation to the effectiveness thereof

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

Section 1. Section 66-q of the public service law, as added by a chapter of the laws of 2021, amending the public service law relating to establishing a commercial tariff on certain electric vehicles, as proposed in legislative bills numbers S. 3929 and A. 3876, is amended to read as follows to read as follows:

§ ~~66-q~~ 66-s. Electric vehicle charging; commercial tariff. 1. Definitions. For purposes of this section, the term "electric vehicles" shall mean and include a motor vehicle that:

(a) was manufactured for use primarily on public streets, roads and highways;

(b) the powertrain of which has not been modified from the original manufacturer's specifications;

(c) has a maximum speed capability of at least fifty-five miles per hour; and

(d) is propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operations, and that draws electricity from a hydrogen fuel cell or from a battery that:

(i) has a capacity of not less than four kilowatt hours; and

(ii) is capable of being recharged from an external source of electricity.

2. ~~[Each combination gas and electric corporation shall file an application with the commission to establish]~~ The commission shall commence a proceeding to establish a commercial tariff utilizing alternatives to

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

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1 traditional demand-based rate structures, other operating cost relief  
2 mechanisms, or a combination thereof (collectively, "solutions") to  
3 facilitate faster charging for eligible light duty, heavy duty, and  
4 fleet electric vehicles. ~~[Each tariff shall evaluate the relative costs,~~  
5 ~~benefits, and ancillary related costs and benefits associated with vari-~~  
6 ~~ous faster charging rate designs and do so for multiple scenarios where~~  
7 ~~each predicts a different rate of electric vehicle adoption.]~~ The  
8 commission shall evaluate the relative costs and benefits of proposed  
9 solutions, and such solutions must include, at a minimum: (a) technolo-  
10 gy-agnostic solutions so long as such solutions would not have the  
11 effect of discouraging innovation; (b) mechanisms to enable customers  
12 with fast electric vehicle charging for eligible light duty, heavy duty,  
13 and fleet electric as their largest source of energy demand to opt into  
14 solutions without unreasonable delay; (c) solutions for both existing  
15 and new customers; (d) mechanisms that would provide cost relief for  
16 customers during each combination gas and electric corporation monthly  
17 billing period; and (e) combination gas and electric corporation service  
18 territory-specific solutions.

19 ~~3. [The commission shall, after notice and opportunity for public~~  
20 ~~comment, approve, modify, or reject the tariff.~~

21 ~~4. Within sixty days of commission approval of a combination gas and~~  
22 ~~electric corporation's tariff filed under this section, such combination~~  
23 ~~gas and electric corporation shall make the tariff available to custom-~~  
24 ~~ers.~~

25 ~~5. The combination gas and electric corporation may at any time~~  
26 ~~propose revisions to a tariff filed under this section based on changing~~  
27 ~~costs or conditions.~~

28 ~~6.]~~ The commission shall, no later than one year after the effective  
29 date of this section, after notice and public comment, including input  
30 from diverse stakeholders, regarding a proposal made by the department,  
31 issue an order approving or modifying such proposal.

32 4. The commission shall, no sooner than eighteen months of the date of  
33 such order, and periodically thereafter, review tariffs and other  
34 solutions implemented in accordance with this section, for the purpose  
35 of determining whether additional or other relief should be afforded to  
36 customers, or other changes to any tariffs or other solutions are neces-  
37 sary.

38 5. Each combination gas and electric corporation [providing] shall,  
39 within sixty days of the order issued pursuant to subdivision three of  
40 this section, file an application with the commission to provide a  
41 tariff or implement other solutions pursuant to the order under this  
42 section and shall periodically report to the commission, [as established  
43 ~~by the commission and]~~ on a form prescribed by the commission, the

44 following information:

45 (a) the number of customers who have arranged to have electricity  
46 delivered under the tariff or other solutions; [and]

47 (b) the total amount of electricity delivered under the tariff or  
48 other solutions; and

49 (c) such other information as the commission shall require.

50 6. Within sixty days of commission approval of a combination gas and  
51 electric corporation's application filed under this section, such combi-  
52 nation gas and electric corporation shall make any tariff or other  
53 operating cost relief mechanisms available to customers.

54 § 2. Section 2 of a chapter of the laws of 2021, amending the public  
55 service law relating to establishing a commercial tariff on certain

1 electric vehicles, as proposed in legislative bills numbers S. 3929 and  
2 A. 3876, is amended to read as follows:  
3 § 2. This act shall take effect [~~on the one hundred eightieth day~~  
4 ~~after it shall have become a law~~] immediately.  
5 § 3. This act shall take effect immediately; provided, however that  
6 section one of this act shall take effect on the same date and in the  
7 same manner as a chapter of the laws of 2021, amending the public  
8 service law relating to establishing a commercial tariff on certain  
9 electric vehicles, as proposed in legislative bills numbers S. 3929 and  
10 A. 3876, takes effect.