

# STATE OF NEW YORK

8487

## IN SENATE

March 7, 2022

Introduced by Sen. MARTUCCI -- 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, in relation to limiting increases in the amount of surcharges established by the public service commission, imposing a one year moratorium on the collection of certain surcharges, and prohibiting new energy taxes and fees; and to repeal certain provisions of such law relating thereto

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

1 Section 1. This act shall be known and may be cited as the "Energy  
2 assessment cap and consumer cost relief act of 2022".

3 § 2. The public service law is amended by adding a new section 18 to  
4 read as follows:

5 § 18. Moratorium on surcharges. The commission shall not impose or  
6 collect any surcharges associated with the system benefit charge, or the  
7 renewable portfolio standard, or the energy efficiency portfolio stand-  
8 ard, or any similar fund that may be created by order of the commission  
9 before the effective date of this section, whether such fund is new or  
10 is a result of combining all or some of the surcharges referenced here-  
11 in.

12 § 3. Section 18 of the public service law is REPEALED and a new  
13 section 18 is added to read as follows:

14 § 18. Limit on surcharge increases. Notwithstanding any law, rule,  
15 regulation or order to the contrary, the commission shall not increase  
16 the amount of the surcharge of the system benefit charge or the  
17 surcharge for the renewable portfolio standard or the surcharge for the  
18 energy efficiency portfolio standard or any similar fund that may be  
19 created by order of the commission before the effective date of this  
20 section, whether such fund is new or is a result of combining all or  
21 some of the surcharges referenced herein. Nothing in this section shall  
22 be construed as to prevent the commission from lowering the amount of  
23 any surcharge either individually or collectively from the amount  
24 collected in two thousand twenty-one, except that under no circumstances

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

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1 shall the total cost of those charges exceed the total aggregate amounts  
2 in two thousand nineteen.

3 § 4. Moratorium on new energy taxes and fees. Notwithstanding any law,  
4 rule, regulation or order to the contrary, the public service commission  
5 shall not establish any new surcharge assessment, tax or fee on energy  
6 consumers, excepting those fees which may arise from an electric gener-  
7 ating facility that provides notice of closure to such commission and  
8 where a reliability need is identified by the bulk system operator.

9 § 5. This act shall take effect immediately; provided that section  
10 three of this act shall take effect one year after such effective date.