

# STATE OF NEW YORK

1382

2021-2022 Regular Sessions

## IN ASSEMBLY

January 8, 2021

Introduced by M. of A. CARROLL, ROZIC, KIM, RICHARDSON, COLTON, SIMON, DINOWITZ, GOTTFRIED, DICKENS, WEPRIN, L. ROSENTHAL, BARNWELL, CRUZ -- Multi-Sponsored by -- M. of A. COOK, HYNDMAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the public service law, in relation to providing the New York power authority with the right of first offer and refusal for certain renewable generation facilities and any power or energy created by such renewable generation facilities; bans energy services companies; and to repeal certain provisions of the general business law relating thereto

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

Section 1. Section 1005 of the public authorities law is amended by adding two new subdivisions 28 and 29 to read as follows:

28. (a) To purchase, finance, plan, design, engineer, acquire, construct, operate or manage any renewable generation facility, renewable energy generating project, battery energy storage systems, renewable thermal energy technology such as heat pumps, solar thermal, or other heating or cooling technologies using renewable sources of energy that do not emit greenhouse gases, or any power or energy created by a renewable generation facility or renewable energy generation project under the right of first offer and refusal established under section twenty-eight of the public service law.

(b) For purposes of this subdivision, "renewable energy generating project" shall mean a project that generates power and energy by means of renewable energy resources, or that stores and supplies power and energy generated by means of renewable energy resources, and includes the construction, installation and/or operation of ancillary facilities or equipment done in connection with any such renewable energy generating projects, provided, however, that such term shall not include the

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

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1 authority's Saint Lawrence hydroelectric project or Niagara hydroelec-  
2 tric project.

3 29. To sell or provide energy services to end-use customers using the  
4 transmission or distribution system of a utility. Any power or energy  
5 sold under this subdivision shall be made entirely from renewable energy  
6 resources. For the purposes of this subdivision, "renewable energy  
7 resources" means solar power, wind power, hydroelectric, and any other  
8 generation resource authorized by any renewable energy standard adopted  
9 by the state for the purpose of implementing any state clean energy  
10 standard.

11 § 2. The public service law is amended by adding a new section 28 to  
12 read as follows:

13 § 28. New York power authority right of first offer and refusal. The  
14 New York power authority, as established by title one of article five of  
15 the public authorities law, shall be allowed to match the purchase price  
16 of any renewable generation facility, renewable energy generation  
17 project and any power or energy created by a renewable generation facil-  
18 ity or renewable energy generation project. In the event that such  
19 authority matches such purchase price, such authority shall assume the  
20 role of purchaser of the renewable generation facility, renewable energy  
21 generation project or any power or energy created by a renewable gener-  
22 ation facility or renewable energy generation project.

23 § 3. Section 349-d of the general business law is REPEALED.

24 § 4. Paragraph (a) of subdivision 27 of section 1005 of the public  
25 authorities law, as added by section 2 of part LL of chapter 58 of the  
26 laws of 2019, is amended to read as follows:

27 (a) Notwithstanding any other provision of this title, as deemed  
28 feasible and advisable by the trustees, the authority is authorized to  
29 undertake the following actions when it deems it necessary or desirable  
30 to address the energy-related needs of any (i) authority customer, (ii)  
31 public entity, or (iii) CCA community:

32 (1) (A) supply power and energy procured from competitive market  
33 sources to any (i) authority customer, (ii) public entity, or (iii) CCA  
34 community through the supply of such products through an [~~energy~~  
35 ~~services company or other~~] entity that is authorized by the public  
36 service commission to procure and sell energy products to participants  
37 of a CCA program, provided, however, that the authority shall not supply  
38 at any point more than a total of four hundred megawatts of power and  
39 energy to authority customers and public entities pursuant to the  
40 authority of this clause;

41 (B) supply renewable power, energy, or related credits or attributes  
42 procured through a competitive process, from competitive market sources,  
43 or through negotiation when a competitive procurement is not reasonably  
44 feasible and such products can be procured on reasonably competitive  
45 terms to (i) any authority customer, (ii) any public entity, or (iii)  
46 any CCA community through the supply of such products through an [~~energy~~  
47 ~~services company or other~~] entity that is authorized by the public  
48 service commission to procure and sell energy products to participants  
49 of a CCA program; and

50 (2) (A) alone or jointly with one or more other entities, finance the  
51 development of renewable energy generating projects that are located in  
52 the state, including its territorial waters, and/or on property or in  
53 waters under the jurisdiction or regulatory authority of the United  
54 States, (B) purchase power, energy or related credits or attributes  
55 produced from such renewable energy generating projects, and (C) allo-  
56 cate and sell any such products to (i) any authority customer, (ii) any

1 public entity, and (iii) any CCA community through [~~an~~] a not-for-profit  
2 energy services company or other entity that is authorized by the public  
3 service commission to procure and sell energy products to participants  
4 of a CCA program, provided that the authority shall not, pursuant to the  
5 authority in this subparagraph, finance more than six renewable energy  
6 generation projects and have a per-project electric generating capacity  
7 in excess of twenty-five megawatts.

8 § 5. Subdivision 5 of section 44 of the public service law, as added  
9 by chapter 359 of the laws of 2009, is amended to read as follows:

10 5. At least once a year, every utility corporation, not-for-profit  
11 energy services company or municipality shall provide its customers with  
12 a notice that billing statements are available in large print format.  
13 Upon written request by a customer, a utility corporation, not-for-pro-  
14 fit energy services company or municipality shall provide the customer's  
15 billing statements in the large print format commencing no later than  
16 sixty days after the date upon which the request is received by the  
17 utility corporation[~~, energy services company~~] or municipality. The  
18 provisions of this subdivision shall apply only to printed statements.  
19 For the purposes of this section, "large print" shall mean a printed  
20 font size of sixteen or greater to illuminate billing information. For  
21 the purposes of this section, "not-for-profit energy services company"  
22 or "not-for-profit ESCO" shall mean [~~an~~] a not-for-profit entity eligi-  
23 ble to sell energy services to end-use customers using the transmission  
24 or distribution system of a utility corporation.

25 § 6. Nothing in this act is intended to limit, impair, or affect the  
26 legal authority of the power authority of the state of New York under  
27 any other provision of title 1 of article 5 of the public authorities  
28 law.

29 § 7. This act shall take effect immediately; provided that the amend-  
30 ments to subdivision 27 of section 1005 of the public authorities law  
31 made by section four of this act shall not affect the repeal of such  
32 subdivision and shall be deemed repealed therewith.