STATE OF NEW YORK

3805--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. CUSICK, COLTON, WILLIAMS, CARROLL, GRIFFIN, STERN, GOTTFRIED, STECK, REYES, PAULIN, PERRY, FAHY, WALLACE, ABINANTI, D. ROSENTHAL, BARRON, JONES, CRUZ, SOLAGES, PHEFFER AMATO, ZEBROWSKI, SIMON, L. ROSENTHAL, QUART, DAVILA, HEVESI, M. MILLER, SAYEGH, GLICK, RODRIGUEZ, MAGNARELLI, EPSTEIN, O'DONNELL, ROZIC, SANTABARBARA, GUNTHER, WOERNER, FRONTUS, WEPRIN, BARNWELL, HUNTER, J. RIVERA, OTIS, SCHMITT, STIRPE, FERNANDEZ, VANEL, GALEF, COOK, DINOWITZ, BARRETT, SEAWRIGHT, NIOU, ASHBY, HYNDMAN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to the transfer of bill credits associated with the electricity produced by community distributed generation facilities

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

Section 1. This act shall be known and may be cited as the "Community Solar for Disadvantaged Communities Act".

§ 2. The Legislature hereby finds that as a result of the Climate Leadership and Community Protection Act, New York State has two goals that are wholly compatible: the leading-edge goal to build six gigawatts of distributed solar generation by 2025, and to provide benefits to disadvantaged communities through the provision of low-cost renewable power; that recent estimates indicate New York State needs to accelerate the build out of solar deployment by at least six hundred thirty megawatts per year by 2025 to achieve the first goal; that New York City is the home to the four most underserved counties for solar power in the state, with seven percent of the solar generation yet forty-one percent of the population; that New York City is the home to the largest number of low and moderate income rate payers, including fifty-five percent of the state's low income residents; that New York city has a laudable goal of two hundred fifty megawatts of community solar to address a portion

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

LBD06837-03-1

of the need; so New York State must pair together these two vital goals to ensure that the economic and environmental benefits of renewable solar power are available to all residents, especially disadvantaged communities, through a process of removing regulatory barriers and unlocking consumer savings, while avoiding the need for costly short-term transmission upgrades.

§ 3. The public service law is amended by adding a new section 66-q to read as follows:

§ 66-q. Community distributed generation facility bill credits. 1. As used in this section, the term "community distributed generation facility" shall mean a photovoltaic system with a rated capacity of not more than five megawatts of alternating current that is connected to an electric system and operated in conjunction with an electric corporation's transmission and distribution facilities. Participating electric customers receive a bill credit for the electricity generated in proportion to the size of their interest in the facility, with at least sixty percent of the facility's production allocated to participating customers in increments of twenty-five kilowatts or less.

2. Within ninety days of the effective date of this section, the commission shall direct electric corporations to file a model tariff providing for the transfer of bill credits associated with the electricity produced by community distributed generation facilities in one electric corporation territory to the accounts of subscribers in other electric corporation territories, and any other settlement systems and processes necessary to effectuate such transfers in a cost-effective manner. Following public comment on the model tariff, the public service commission shall, within two hundred seventy days of the effective date of this section, approve tariffs to enable such transfers.

3. Notwithstanding the provisions of subdivision two, nothing in this section shall be construed to impede community distributed generation development within a city with a population of one million or more. The commission may, at its discretion, review the compensation mechanisms for community distributed generation sited within such city to ensure the market is achieving its potential, given the limited real property for solar development.

4. The provisions of section three hundred forty-nine-d of the general business law shall also benefit customers of community distributed generation facilities designated under this section.

§ 4. The public service law is amended by adding a new section 66-r to read as follows:

§ 66-r. Community distributed generation facility bill credits for disadvantaged communities. All community distributed generation facilities that are specifically designated for participation in the bill credit system established under section sixty-six-q of this article shall provide at least thirty-five percent of the credits from the aggregate generation resulting from the designated projects under their ownership to disadvantaged communities as defined under subdivision five of section 75-0101 of the environmental conservation law, including within low and moderate income communities as defined in the low to moderate income census population analysis tool of the New York state energy and research development authority pursuant to matter number 16-00681 of the public service commission.

§ 5. This act shall take effect immediately.