

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:

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

3 § 2. The Legislature hereby finds that as a result of the Climate
4 Leadership and Community Protection Act, New York State has two goals
5 that are wholly compatible: the leading-edge goal to build six gigawatts
6 of distributed solar generation by 2025, and to provide benefits to
7 disadvantaged communities through the provision of low-cost renewable
8 power; that recent estimates indicate New York State needs to accelerate
9 the build out of solar deployment by at least six hundred thirty mega-
10 watts per year by 2025 to achieve the first goal; that New York City is
11 the home to the four most underserved counties for solar power in the
12 state, with seven percent of the solar generation yet forty-one percent
13 of the population; that New York City is the home to the largest number
14 of low and moderate income rate payers, including fifty-five percent of
15 the state's low income residents; that New York city has a laudable goal
16 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

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

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

9 § 66-q. Community distributed generation facility bill credits. 1. As
10 used in this section, the term "community distributed generation facili-
11 ty" shall mean a photovoltaic system with a rated capacity of not more
12 than five megawatts of alternating current that is connected to an elec-
13 tric system and operated in conjunction with an electric corporation's
14 transmission and distribution facilities. Participating electric
15 customers receive a bill credit for the electricity generated in propor-
16 tion to the size of their interest in the facility, with at least sixty
17 percent of the facility's production allocated to participating custom-
18 ers in increments of twenty-five kilowatts or less.

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

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

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

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

41 § 66-r. Community distributed generation facility bill credits for
42 disadvantaged communities. All community distributed generation facili-
43 ties that are specifically designated for participation in the bill
44 credit system established under section sixty-six-q of this article
45 shall provide at least thirty-five percent of the credits from the
46 aggregate generation resulting from the designated projects under their
47 ownership to disadvantaged communities as defined under subdivision five
48 of section 75-0101 of the environmental conservation law, including
49 within low and moderate income communities as defined in the low to
50 moderate income census population analysis tool of the New York state
51 energy and research development authority pursuant to matter number
52 16-00681 of the public service commission.

53 § 5. This act shall take effect immediately.