

# STATE OF NEW YORK

7703

2021-2022 Regular Sessions

## IN ASSEMBLY

May 20, 2021

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to allowing certain customer-generators who generate solar electricity to donate credit for such electricity to low-income families

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

1 Section 1. Paragraph (b) of subdivision 4 of section 66-j of the  
2 public service law, as amended by chapter 494 of the laws of 2014, is  
3 amended and a new paragraph (e) is added to read as follows:

4 (b) In the event that the amount of electricity produced by a custom-  
5 er-generator during the billing period exceeds the amount of electricity  
6 used by the customer-generator, the corporation shall (i) apply a credit  
7 to the next bill for service to the customer-generator for the net elec-  
8 tricity provided at the same rate per kilowatt hour applicable to  
9 service provided to other customers in the same service class which do  
10 not generate electricity onsite, or (ii) at the option of the customer-  
11 generator, donate the credit to the low-income energy assistance pool  
12 established pursuant to paragraph (e) of this subdivision. Credits  
13 donated pursuant to paragraph (e) of this subdivision shall be applied  
14 to bills for service to low-income energy assistance pool credit recipi-  
15 ents for the net electricity provided at the same rate per kilowatt hour  
16 applicable to service provided to other customers in the same service  
17 class which do not generate electricity onsite; except for micro-com-  
18 bined heat and power or fuel cell customer-generators or farm waste  
19 generating equipment customer-generators as described in subparagraph  
20 (ix) of paragraph (a) of subdivision one of this section, who will be  
21 credited at the corporation's avoided costs. The avoided cost credit  
22 provided to micro-combined heat and power or fuel cell customer-genera-  
23 tors or farm waste generating equipment customer-generators as described  
24 in subparagraph (ix) of paragraph (a) of subdivision one of this section

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

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1 shall be treated for ratemaking purposes as a purchase of electricity in  
2 the market that is includable in commodity costs.

3 (e) (i) Within two hundred seventy days of the effective date of this  
4 paragraph, each electric corporation shall file an application with the  
5 commission to establish a "low-income energy assistance pool" to which a  
6 customer-generator may elect to donate credits earned by such customer-  
7 generator pursuant to paragraph (b) of this subdivision. The commission  
8 shall render a decision on each application within ninety days from the  
9 date on which the application is filed. Each application shall provide  
10 for a process whereby low-income households, qualifying pursuant to  
11 subparagraph (ii) of this paragraph, may apply to receive energy credits  
12 from the electric corporation's low-income energy assistance pool,  
13 pursuant to the energy credit disbursement process established by  
14 subparagraph (iii) of this paragraph.

15 (ii) Within ninety days of the effective date of this paragraph, the  
16 commission shall create a list of qualifications, giving consideration  
17 to demographics and economic factors within the service territory of  
18 each electric corporation, under which low-income households meeting  
19 such qualifications shall be deemed eligible to receive energy credits  
20 from an electric corporation's low-income energy assistance pool.

21 (iii) Within one hundred eighty days of the effective date of this  
22 paragraph, the commission shall establish a process to direct the  
23 disbursement of energy credits from each electric corporation's low-in-  
24 come energy assistance pool to qualifying applicants. In the establish-  
25 ment of such process, the commission shall give consideration to factors  
26 including, but not limited to:

27 (A) the presence of an applicant household member under age six, age  
28 sixty or older, or with a permanent disability;

29 (B) applicant household size;

30 (C) adverse applicant circumstances which may warrant prioritization  
31 of such applicant as a credit recipient;

32 (D) applicant household income; and

33 (E) an applicant's primary household heating and/or cooling source.

34 § 2. This act shall take effect immediately.