

# STATE OF NEW YORK

788

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. WOERNER, FAHY, ZEBROWSKI, BARRON, THIELE, WALKER, SANTABARBARA, ENGLEBRIGHT, GUNTHER, JONES, SIMON, COOK, GALEF, WILLIAMS, SAYEGH, DeSTEFANO, PICHARDO, GRIFFIN, HUNTER -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to establishing the New York state clean energy tech production program

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

1 Section 1. The public service law is amended by adding a new section  
2 66-q to read as follows:

3 § 66-q. New York state clean energy tech production program. 1. (a)  
4 The commission shall, within forty-five days of the effective date of  
5 this section, commence a proceeding to establish a self-directed program  
6 for its industrial, commercial and large users, in order to stimulate  
7 the growth and adoption of more efficient use of energy, greater use of  
8 advanced energy management products, deeper penetration of renewable  
9 energy resources such as wind, solar, geothermal, renewable biogas and  
10 anaerobic digestion, wider deployment of "distributed" energy resources,  
11 such as micro grids, roof-top solar, fuel cells and other on-site power  
12 supplies, and storage.

13 2. The commission, in collaboration with the utilities and large  
14 industrial customers, shall develop, oversee and issue guidelines estab-  
15 lishing rules and principles for the self-directed program which shall  
16 include the following elements:

17 (a) A program structure that allows industrial, commercial and large  
18 users to treat their existing and future clean energy surcharges;  
19 including, but not limited to, surcharges to support the clean energy  
20 fund, the system benefits charge, the renewable portfolio standard, the  
21 energy efficiency portfolio standard and energy efficiency transition  
22 implementation plans as dedicated funds for energy efficiency, greater

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

LBD01178-02-1

1 use of advanced energy management products, deeper penetration of renew-  
2 able energy resources such as wind, solar, geothermal, and anaerobic  
3 digestion, wider deployment of "distributed" energy resources, such as  
4 micro grids, roof-top solar, fuel cells and other on-site power  
5 supplies, and storage through an energy savings account.

6 (b) The self-directed program shall be available to all individual  
7 customers with a thirty-six month average demand of two megawatts or  
8 greater as well as customers with an aggregated thirty-six month average  
9 demand of four megawatts or greater as long as one or more of the  
10 accounts being aggregated by the customer has at least a thirty-six  
11 month average demand of one megawatt.

12 (c) A mechanism to recoup paid funds from self-directed customers if  
13 it is determined that funds contained in the energy savings account were  
14 utilized erroneously or if planned energy efficiency savings did not  
15 actually occur.

16 (d) A requirement that after seven years any unused surcharges  
17 contained in the energy saving account shall be made available for  
18 original purposes of the surcharge.

19 (e) A requirement to collect and establish self-directed customers'  
20 baseline energy use data.

21 (f) A method to measure and verify all claimed energy objectives,  
22 using the same standards for data collection as other existing and  
23 future clean energy surcharges.

24 (g) Offering self-directed customers multi-year time frames greater  
25 than thirty-five months in which to expend aggregated energy efficiency  
26 fees.

27 (h) A means to calculate energy optimization established by the  
28 commission and based on annual electricity usage, provided that:

29 (1) annual electricity usage shall be normalized so that neither of  
30 the following are included in the calculation of the percentage of  
31 incremental energy savings: (i) changes in electricity usage because of  
32 changes in business activity levels not attributable to energy optimiza-  
33 tion; (ii) changes in electricity usage because of the installation,  
34 operation, or testing of pollution control equipment.

35 (2) savings may also be calculated on the average number of megawatt  
36 hours of electricity sold by the electric provider annually during the  
37 previous three years to retail customers in this state.

38 (i) The self-directed customer must develop a self-directed optimiza-  
39 tion plan. Such plan shall outline how the customer intends to achieve  
40 the goals of the self-directed program.

41 (j) A customer implementing a self-directed energy optimization plan  
42 shall provide a brief report biannually documenting the measures taken  
43 to meet the goals of the self-directed program. The report shall provide  
44 sufficient information for the utilities and the commission to monitor  
45 progress toward the goals in the self-directed plan and to develop reli-  
46 able estimates of the energy savings, renewable power generated and/or  
47 the deployment of distributed energy resources that are being achieved  
48 from self-directed plans.

49 (k) Participants will have the opportunity to self-direct a majority  
50 of their own contributions to qualifying projects, provided, however,  
51 that a portion of the contributions, equal to no more than one percent,  
52 is allocated to support program administration and evaluation, measure-  
53 ment and verification.

54 3. The commission shall provide an annual report on or before the  
55 first day of January to the governor, the temporary president of the  
56 senate, the speaker of the assembly, the minority leader of the senate

1 and the minority leader of the assembly, on the clean energy tech  
2 production program.

3 § 2. This act shall take effect immediately.