STATE OF NEW YORK

3032

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. PARKER, GIANARIS, SALAZAR, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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 authority's Saint Lawrence hydroelectric project or Niagara hydroelectric project.

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

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

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

§ 28. New York power authority right of first offer and refusal. The New York power authority, as established by title one of article five of the public authorities law, shall be allowed to match the purchase price of any renewable generation facility, renewable energy generation project and any power or energy created by a renewable generation facility or renewable energy generation project. In the event that such authority matches such purchase price, such authority shall assume the role of purchaser of the renewable generation facility, renewable energy generation project or any power or energy created by a renewable generation facility or renewable energy generation project.

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 Section 349-d of the general business law is REPEALED.

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

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

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

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

(2) (A) alone or jointly with one or more other entities, finance the development of renewable energy generating projects that are located in the state, including its territorial waters, and/or on property or in waters under the jurisdiction or regulatory authority of the United States, (B) purchase power, energy or related credits or attributes produced from such renewable energy generating projects, and (C) allocate and sell any such products to (i) any authority customer, (ii) any public entity, and (iii) any CCA community through [~~an~~] **a not-for-profit** energy services company or other entity that is authorized by the public

service commission to procure and sell energy products to participants of a CCA program, provided that the authority shall not, pursuant to the authority in this subparagraph, finance more than six renewable energy generation projects and have a per-project electric generating capacity in excess of twenty-five megawatts.

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

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

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

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