STATE OF NEW YORK

6189

2021-2022 Regular Sessions

IN SENATE

April 14, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law and the public authorities law, in relation to authorizing the formation of Community Choice Aggregation programs in the Long Island Power Authority service territory

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

Section 1. Legislative findings and intent. The legislature hereby finds and determines that achievement of the State's emissions reduction targets and climate goals plays a key role in the continuing vitality and well-being of all New Yorkers, and that decisions made by Long Islanders regarding their energy usage have the potential to significantly impact the ability of the State to achieve its climate goals. The legislature further finds and determines that well-designed Community Choice Aggregation (CCA) programs in the Long Island Power Authority service territory can educate, encourage, and empower Long Islanders to take control of their energy future through engagement with opportunities presented by Reforming the Energy Vision and the Clean Energy Fund, as well as new Distributed Energy Resource and clean energy programs. As such, Long Island CCA programs should be developed and made available to Long Islanders throughout the service territory of the Long Island Power Authority.

§ 2. The public service law is amended by adding a new section 74-b to read as follows:

§ 74-b. Long Island community choice aggregation programs. 1. For the purposes of this section:

(a) a "Long Island community choice aggregation program" or "CCA" means a program serving the interests of its residents and appropriately protecting consumer data, in which an eligible municipality either alone or jointly, after a public hearing held following public notice, exer-

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

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cises its municipal home rule law authority by enacting a local law giving itself the requisite legal authority to enter into competitively-procured contracts with one or more energy service companies in order to act as an aggregator and broker for the sale of electric supply, gas supply, or both, to residents of that municipality wherein all customers, including residential and non-residential, are eligible to participate in the program and shall have the option to opt-out of either, individually. CCA programs may aggregate or otherwise integrate energy efficiency and distributed energy resources into their programs.

(b) "Eligible municipality" means a city, town, or village within the service territory of the Long Island power authority.

(c) "Service provider" means the entity under contract with the Long Island power authority to provide management and operation services associated with the authority's electric transmission and distribution system and any subsidiary of such entity that provides such services under contract.

2. No later than January first two thousand twenty-two, the commission shall, in consultation with the New York State energy research and development authority and the Long Island power authority, establish by order, rules, and regulations a Long Island community choice aggregation program that includes the following:

(a) the extent to which eligible municipalities may collaborate in the operation of joint CCA programs and any geographic or service area limitations that may exist;

(b) the ability of eligible municipalities to seek the assistance of a non-profit, to work with a consultant, or to otherwise designate a third-party as an administrator of a CCA program;

(c) the development of a data security agreement to be adopted by participating eligible municipalities, energy service companies, the Long Island power authority, and Long Island power authority service providers;

(d) an enrollment process for eligible customers with opt-out provisions for those customers who do not wish to participate;

(e) requirements by which participating eligible municipalities will report on the status of their CCA program to the Long Island power authority; and

(f) such other issues deemed appropriate by the commission.

3. Annual reports on the status of the Long Island community choice aggregation program shall be prepared by the Long Island power authority and shall be submitted to the governor, the temporary president of the senate, and the speaker of the assembly by March thirty-one of each year and must cover the previous calendar year. Annual reports will include, at a minimum: number of customers served; number of customers cancelling during the year; number of complaints received by CCA administrators; commodity prices paid; value-added services provided during the year; and administrative costs collected, if any.

§ 3. Subdivision 1 of section 1020-s of the public authorities law, as amended by chapter 415 of the laws of 2017, is amended to read as follows:

1. The rates, services and practices relating to the electricity generated by facilities owned or operated by the authority shall not be subject to the provisions of the public service law or to regulation by, or the jurisdiction of, the public service commission, except to the extent (a) article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, (b) article ten of such law applies to the siting of a generating

facility as defined therein, (c) section eighteen-a of such law provides for assessment for certain costs, property or operations, (d) to the extent that the department of public service reviews and makes recommendations with respect to the operations and provision of services of, and rates and budgets established by, the authority pursuant to section three-b of such law, [~~and~~] (e) that section seventy-four of the public service law applies to qualified energy storage systems within the authority's jurisdiction**, and (f) that section seventy-four-b of the public service law applies to Long Island community choice aggregation programs**.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.