STATE OF NEW YORK

6919

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. KENNEDY -- 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, 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:

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

(b) In the event that the amount of electricity produced by a customer-generator during the billing period exceeds the amount of electricity used by the customer-generator, the corporation shall **(i)** apply a credit to the next bill for service to the customer-generator for the net electricity provided at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity onsite, **or (ii) at the option of the customer-generator, donate the credit to the low-income energy assistance pool established pursuant to paragraph (e) of this subdivision. Credits donated pursuant to paragraph (e) of this subdivision shall be applied to bills for service to low-income energy assistance pool credit recipients for the net electricity provided at the same rate per kilowatt hour applicable to service provided to other customers in the same service class which do not generate electricity onsite;** except for micro-combined heat and power or fuel cell customer-generators or farm waste generating equipment customer-generators as described in subparagraph (ix) of paragraph (a) of subdivision one of this section, who will be credited at the corporation's avoided costs. The avoided cost credit provided to micro-combined heat and power or fuel cell customer-generators or farm waste generating equipment customer-generators as described

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

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in subparagraph (ix) of paragraph (a) of subdivision one of this section shall be treated for ratemaking purposes as a purchase of electricity in the market that is includable in commodity costs.

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

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

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

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

(B) applicant household size;

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

(D) applicant household income; and

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

§ 2. This act shall take effect immediately.