

# STATE OF NEW YORK

8384

## IN SENATE

February 18, 2022

Introduced by Sen. PARKER -- 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 providing net revenues from utility-owned large-scale renewable generation projects to low-income customers and authorizes utility companies to own such projects

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

- 1 Section 1. Legislative findings and intent. 1. New York state recog-  
2 nizes the deleterious impacts of climate change including increasingly  
3 frequent catastrophic weather events.
- 4 2. Pursuant to the New York state climate leadership and community  
5 protection act (CLCPA), New York state seeks to dramatically reduce  
6 greenhouse gas emissions and move its electric generation from fossil  
7 fuel-based generation to renewable-based generation. New York state has  
8 mandated that seventy percent of electricity come from renewable energy  
9 sources by year 2030 and one hundred percent of electricity come from  
10 carbon neutral sources by 2040.
- 11 3. Further, New York state recognizes that the current pace of devel-  
12 opment of in-state renewable energy resources is insufficient to meet  
13 the state's statutory renewable generation goals on schedule.
- 14 4. Because New York state seeks to accomplish these energy-related  
15 goals and standards as soon as practicable allowing regulated utilities  
16 to own and operate renewable generation is essential to achieving such  
17 goals and to provide a consistent and affordable supply of carbon-free,  
18 renewably generated electricity by 2030, through 2050 and beyond.
- 19 5. New York state seeks to continue to develop in-state renewable  
20 energy projects that will drive down costs, benefit customers receiving  
21 retail electric delivery particularly those customers who are low to  
22 moderate income.
- 23 § 2. The public service law is amended by adding a new section 66-s to  
24 read as follows:

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

LBD14768-01-2

1 § 66-s. Regulated large scale renewable generation. 1. In order to  
2 support the state in meeting state energy-related goals and standards,  
3 corporations subject to the provisions of this article providing retail  
4 electric service shall be authorized to own and operate renewable energy  
5 generating facilities in New York state. Such corporations shall be  
6 authorized to own and operate such facilities individually or in part-  
7 nership with other persons doing business in New York.

8 2. A corporation owning and operating a renewable energy generation  
9 facility pursuant to this section shall provide all net revenues from  
10 such facility to low-income customers in the form of bill credits, which  
11 shall be in addition to any other program or benefit offered by the  
12 corporation to assist such customers.

13 3. In addition to the provisions of subdivision two of this section,  
14 any renewable energy generating facility owned by such a corporation  
15 shall be:

16 (a) subject to commission oversight in order to ensure that: (i) the  
17 power generated at such facilities remains in-state for the benefit of  
18 customers and the state; (ii) the power generated at such facilities  
19 shall not be exported out-of-state; and (iii) any repowering of such  
20 generating facilities shall comply with all requirements of this  
21 section;

22 (b) built, pursuant to a competitive third-party bidding process,  
23 which shall be issued by the corporation;

24 (c) subject to section sixty-six-r of this article and section two  
25 hundred twenty-four-d of the labor law; and

26 (d) owned and operated in a manner that provides beneficial cost and  
27 rate impacts to customers.

28 4. The commission shall establish a generation capacity limit for the  
29 total generation capacity owned by corporations pursuant to this  
30 section. The total generation capacity shall not exceed twenty-five  
31 percent of the total generation capacity needed to achieve the renewable  
32 energy goals described in section sixty-six-p of this article.

33 5. The commission shall issue such orders, rules and regulations as  
34 may be necessary and appropriate to implement this section.

35 § 3. No later than sixty days after the effective date of this act,  
36 the public service commission shall commence a proceeding necessary and  
37 appropriate to implement the provisions of section 66-s of the public  
38 service law.

39 § 4. This act shall take effect immediately.