

# STATE OF NEW YORK

9559

## IN SENATE

September 16, 2022

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to the establishment of a community renewable energy 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-u to read as follows:

3 § 66-u. Community renewable energy program. 1. For the purposes of  
4 this section, the following terms shall have the following meanings:

5 (a) "Jurisdictional load serving entity" means any entity subject to  
6 the jurisdiction of the commission that secures energy to serve the  
7 electrical energy requirements of end-use customers in New York state.

8 (b) "Renewable energy systems" means systems that generate electricity  
9 or thermal energy through use of the following technologies: solar ther-  
10 mal, photovoltaics, on land and offshore wind, hydroelectric, geothermal  
11 electric, geothermal ground source heat, tidal energy, wave energy,  
12 ocean thermal, and fuel cells which do not utilize a fossil fuel  
13 resource in the process of generating electricity.

14 (c) "Low-income customer" means an individual or household that quali-  
15 fies for public assistance or supplemental security income benefits  
16 under the social services law, or the federal Supplemental Nutrition  
17 Assistance Program (SNAP).

18 (d) "Disadvantaged communities" has the same meaning as defined in  
19 article seventy-five of the environmental conservation law.

20 (e) "Community renewable energy program" or "the program" means such a  
21 program developed pursuant to subdivision three of this section.

22 (f) "Subscribers" means individuals that have opted to receive energy  
23 generated by renewable energy systems pursuant to paragraph (a) of  
24 subdivision three of this section.

25 2. (a) On or before March thirty-first, two thousand twenty-five, the  
26 commission shall evaluate the renewable energy systems currently in use  
27 by jurisdictional load serving entities in the state, including net  
28 energy metering programs under this article, to determine whether it

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

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1 would be beneficial to ratepayers to establish a new program for juris-  
2 ditional load serving entities in the state, or modify an existing  
3 program, to establish a community renewable energy program consistent  
4 with subdivision three of this section. If the commission determines  
5 that it would be beneficial to ratepayers to establish the community  
6 renewable energy program, the commission shall, on or before July first,  
7 two thousand twenty-five, establish the program as part of the same  
8 proceeding and require each jurisdictional load serving entity to  
9 participate in the program.

10 (b) If the commission establishes a community renewable energy program  
11 pursuant to paragraph (a) of this subdivision, each jurisdictional load  
12 serving entity, within one hundred eighty days of the establishment of  
13 the program, shall provide the commission with a plan to implement the  
14 program.

15 3. The community renewable energy program, if established, shall do  
16 all of the following:

17 (a) Allow individuals to choose to receive energy from their jurisdic-  
18 tional load serving entity that is generated by renewable energy  
19 systems.

20 (b) Ensure at least fifty-one percent of the program's capacity serves  
21 low-income customers.

22 (c) Minimize impacts to nonparticipating customers by prohibiting the  
23 program's costs from being paid by nonparticipating customers in excess  
24 of the avoided costs. Qualifying funds for financial incentives shall  
25 only be available through an appropriation by the legislature.

26 (d) Provide bill credits to subscribers based on the avoided costs of  
27 the program's facilities, as determined by the commission's methods for  
28 calculating the full set of benefits of distributed energy resources.  
29 The commission may use actual wholesale market prices for the energy  
30 supply portion of an avoided cost calculation or credit value.

31 (e) Prioritize the maximum use of state and federal incentives and  
32 accelerate implementation of the program to ensure that time- or quanti-  
33 ty-limited federal incentives can be obtained for the benefit of  
34 subscribers. As part of this prioritization, the commission shall ensure  
35 that a jurisdictional load serving entity participating in the community  
36 renewable energy program is eligible for an enhanced federal investment  
37 tax credit available as a qualified low-income economic benefit project  
38 pursuant to subsection (e) of section 48 of title 26 of the United  
39 States Code.

40 4. (a) Within twenty-four months of establishing a community renewable  
41 energy program pursuant to this section, if applicable, and annually  
42 thereafter for the duration of the program, the commission shall submit  
43 a report to the legislature, on the facilities deployed and customers  
44 subscribed, pursuant to such program, including an analysis of low-in-  
45 come customer participation.

46 (b) On or before March thirty-first, two thousand twenty-five, the  
47 commission shall report to the legislature on its actions taken pursuant  
48 to this section and its justification for its determination of whether  
49 to implement the program pursuant to this section.

50 5. The commissioner is authorized to promulgate any rules and/or regu-  
51 lations necessary for the implementation of this section.

52 § 2. This act shall take effect immediately.