STATE OF NEW YORK

4866

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

Introduced by M. of A. KELLES, ZINERMAN, STECK -- read once and referred to the Committee on Energy

AN ACT relating to the development of a blueprint to guide the replacement and redevelopment of New York's oldest and most-polluting fossil fuel facilities and their sites by 2031

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

Section 1. Short title. This act shall be known and may be cited as the "fossil fuel facilities replacement and redevelopment blueprint act".

§ 2. Legislative findings and statement of purpose. The legislature hereby finds, determines and declares:

(a) New York state, especially New York city, is reliant on fossil fuels for energy production, making the transition to renewable sources for the downstate electricity system key to achieving the requirements of section 4 of the New York state climate leadership and community protection act, including that seventy percent of the state's electricity be from renewable energy sources by the year 2031 and that one hundred percent of the state's electricity be from zero-emission sources by the year 2041. A particular challenge is the reliance on fossil fuel generation facilities that only operate when electricity demand peaks above the average usage.

(b) New York state is committed to the responsible replacement and redevelopment of its fossil fuel power plants that currently ensure resource adequacy in the state, especially in locations where the health benefits to historically disadvantaged communities can be maximized, and where the cost effective phasing-out of such facilities can be done while helping to ensure a just transition for the existing workforce.

(c) A public policy purpose would be served and the interests of the people of the state would be advanced by directing the New York state energy research and development authority, in consultation with the

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

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department of public service and department of environmental conservation, to develop a study of strategies to facilitate the replacement and redevelopment of New York's oldest and most-polluting fossil fuel facilities and their sites by 2031, while ensuring resource adequacy, with renewable energy systems as defined in paragraph (b) of subdivision 1 of section 66-p of the public service law, energy storage systems, and electricity transmission and distribution systems and equipment.

(d) It is the intent of the legislature in enacting this act to empower the New York state energy research and development authority, department of public service, and department of environmental conservation, to develop a study as described in subdivision (a) of section three of this act, and for those entities and the public service commission, and any other agencies or authorities of the state as may be required, to commence any proceedings or other initiatives necessary to carry out the strategies described therein.

§ 3. The New York state energy research and development authority is authorized and directed to:

(a) develop a study of competitive options to facilitate the phase out, replacement and redevelopment of New York state's oldest and most-polluting fossil fuel facilities and their sites by the year 2031, with renewable energy systems as defined in paragraph (b) of subdivision 1 of section 66-p of the public service law, energy storage systems, and electricity transmission and distribution systems and equipment, while ensuring resource adequacy and other reliability services are maintained, and to do so in consultation with the department of public service, department of environmental conservation, Long Island power authority, and other relevant state agencies and authorities with subject matter expertise, the federally designated electric bulk system operator, the New York State Reliability Council, and the owners of such facilities. The study should prioritize the replacement and redevelopment of such fossil fuel facilities with facilities that will directly assist in achieving the energy, environmental justice and emissions reductions requirements of section 66-p of the public service law. The study shall include recommendations of standards and requirements that:

(i) would significantly reduce the state's electricity system reliance on fossil fuels, taking into account the requirements and timing of the state's emission reduction programs;

(ii) would establish a competitive program to promote private sector investment in eligible technologies that the public service commission has determined, after notice and provision for the opportunity to comment, ensure resource adequacy, while achieving the requirements of section 66-p of the public service law;

(iii) would provide significant environmental, health and other benefits to disadvantaged communities as such communities will be defined under section 75-0111 of the environmental conservation law; and

(iv) would have significant potential for job creation and retention, economic development, and just transition opportunities benefiting New Yorkers and the state's workforce;

(b) provide public notice of the study and an opportunity for public comment on the study of not less than sixty days and conduct at least two public hearings on the study, with such public hearings offering video participation and accessibility;

(c) address public comments and update the study, as appropriate, especially to ensure resource adequacy and reliability services are maintained; and

(d) deliver the study to the governor, temporary president of the senate and speaker of the assembly within 180 days of the effective date of this section.

§ 4. The department of public service, department of environmental conservation, and Long Island power authority are authorized and directed to commence proceedings and stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements described in the study referred to in section three of this act within 60 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly.

§ 5. The public service commission is authorized and directed to:

(a) commence a proceeding to implement the strategies, programs, standards, and requirements described in the study referred to in section three of this act within 90 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly; and,

(b) issue an order regarding implementation of the strategies, programs, standards, and requirements described in the study referred to in section three of this act, including but not limited to any competitive procurement processes, no later than July 30, 2024.

§ 6. The Long Island power authority is authorized and directed to establish a program in its service territory consistent with the authorization and direction of the public service commission in section five of this act, and the objectives of this act.

§ 7. This act shall take effect immediately.