STATE OF NEW YORK

6340

2023-2024 Regular Sessions

IN ASSEMBLY

April 5, 2023

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to establishing a program for eligible zero emissions energy systems

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

Section 1. The public service law is amended by adding a new section 66-v to read as follows:

§ 66-v. Establishment of a zero emissions energy systems program. 1. As used in this section:

(a) "zero emissions energy systems" means systems, other than renewable energy systems, that generate electricity or thermal energy through the use of technologies that do not lead to a net increase in greenhouse gas emissions into the atmosphere at any time in the process of generating electricity;

(b) "renewable energy systems" shall have the meaning provided in section sixty-six-p of this article; and

(c) "greenhouse gas" shall have the meaning provided in section 75-0101 of the environmental conservation law.

2. No later than one year from the effective date of this section, the commission shall establish a competitive program to promote private sector investment in a minimum of one gigawatt of installed capacity of zero emissions energy systems that use eligible technologies that the commission has determined, after notice and provision for the opportunity to comment, are operationally capable by the year two thousand thirty of providing the operating flexibility and longer-term performance that the electric grid system will require. The commission shall:

(a) establish a competitive program, after notice and provision for the opportunity to comment, for the purpose of meeting the target established pursuant to section sixty-six-p of this article that by the year two thousand forty the statewide electrical demand system will be zero

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

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emissions; (b) commence the implementation of the program no later than two years from the effective date of this section; and (c) require that zero emissions energy systems subject to the provisions of this section shall commence commercial operation by the year two thousand thirty.

3. The commission may temporarily modify the obligations under such a program upon its finding that the program: impedes the provision of safe and adequate electric services; is likely to impair obligations and agreements; and/or results in a significant increase in arrears or service disconnections that the commission determines are related to the program.

4. No later than three years from the effective date of this section and every two years thereafter, or upon modification of the obligations under the program, the commission shall conduct a comprehensive review and issue a written assessment of the program to determine, among other matters, progress in meeting the target for the deployment of zero emissions energy systems.

§ 2. The public service law is amended by adding a new section 66-w to read as follows:

§ 66-w. Requirements for zero emissions energy systems. 1. For the purposes of this section, "zero emissions energy systems" shall have the same meaning as in paragraph (a) of subdivision one of section sixty-six-v of this article and as determined by the commission pursuant to subdivision two of section sixty-six-v of this article.

2. As part of the competitive program the commission establishes and implements pursuant to section sixty-six-v of this article, the owner of the zero emissions energy system, or a third party acting on the owner's behalf, as an ongoing condition of any agreement with a public entity that implements the provisions of section sixty-six-v of this article, shall comply with the provisions of section sixty-six-r of this article and section two hundred twenty-four-d of the labor law.

§ 3. This act shall take effect immediately.