

# STATE OF NEW YORK

456

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. MAY -- 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 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-six, the  
26 commission shall evaluate the renewable energy systems currently in use

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

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

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

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

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

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

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

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

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

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

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

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

54 § 2. This act shall take effect immediately.