# STATE OF NEW YORK

9894

# IN SENATE

August 23, 2024

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

AN ACT to amend the environmental conservation law and the public service law, in relation to directing the public service commission to conduct a full cost benefit analysis of the technical and economic feasibility of renewable energy systems in the state of New York and to compare such directly with other methods of electricity generation and makes certain changes relating to greenhouse gas emissions limits

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

Section 1. Subdivision 1 of section 75-0107 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended and a new subdivision 5 is added to read as follows:

1. No later than one year after the effective date of this article, the department shall, pursuant to rules and regulations promulgated after at least one public hearing, establish a statewide greenhouse gas emissions limit as a percentage of 1990 emissions, as estimated pursuant to section 75-0105 of this article, as follows:

a. [~~2030~~] **2040**: 60% of 1990 emissions.

b. [~~2050~~] **2060**: 15% of 1990 emissions.

**5. The department may temporarily suspend or modify the greenhouse gas emissions limits under such program provided that the department, after conducting a public hearing, makes a finding that the greenhouse gas emissions limits impedes the provision of safe and adequate electric service and/or the department, in consultation with the public service commission, finds that the implementation of the limits will increase utility rates in excess of five percent.**

§ 2. Subdivisions 2 and 4 of section 66-p of the public service law, as added by chapter 106 of the laws of 2019, are amended to read as follows:

2. No later than June thirtieth, two thousand twenty-one, the commission shall establish a program to require that: (a) a minimum of seventy percent of the state wide electric generation secured by jurisdictional load serving entities to meet the electrical energy requirements of all

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

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end-use customers in New York state in two thousand [~~thirty~~] forty shall be generated by renewable energy systems; and (b) that by the year two thousand [~~forty~~] fifty (collectively, the "targets") the statewide electrical demand system will be zero emissions. In establishing such program, the commission shall consider and where applicable formulate the program to address impacts of the program on safe and adequate electric service in the state under reasonably foreseeable conditions. The commission may, in designing the program, modify the obligations of jurisdictional load serving entities and/or the targets upon consideration of the factors described in this subdivision.

4. The commission may temporarily suspend or modify the obligations under such program provided that the commission, after conducting a hearing as provided in section twenty of this chapter, makes a finding that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant increase in arrears or service disconnections that the commission determines is related to the program; and/or the commission finds that the implementation of the program will increase utility rates in excess of five percent.

§ 3. Subdivision 1 of section 137 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1. "CLCPA targets" shall mean the public policies established in the climate leadership and community protection act enacted in chapter one hundred six of the laws of two thousand nineteen, including but not limited to the requirement that a minimum of seventy percent of the statewide electric generation be produced by renewable energy systems by two thousand [~~thirty~~] forty, that by the year two thousand [~~forty~~] fifty the statewide electrical demand system will generate zero emissions, and the procurement of at least nine gigawatts of offshore wind electricity generation by two thousand thirty-five, six gigawatts of photovoltaic solar generation by two thousand twenty-five and to support three gigawatts of statewide energy storage capacity by two thousand thirty.

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

§ 66-x. Supplemental study of the costs, benefits, technical and economic feasibility of meeting the New York state climate leadership and community protection act renewable energy targets. 1. Not later than nine months after the effective date of this section, and every four years thereafter, the commission, on behalf of the climate action council established by section 75-0103 of the environmental conservation law, and in consultation with the president of the New York state energy research and development authority ("NYSERDA") and the presiding officer of the federally designated electric bulk system operator, in consultation with the department of environmental conservation, shall conduct, publish and update a comprehensive study to determine the costs, benefits and overall economic feasibility of meeting the climate leadership and community protection act ("CLCPA") targets for renewable energy systems and zero emissions sources in New York state pursuant to subdivision two of section sixty-six-p of this article and the statewide greenhouse emission limits within subdivision one of section 75-0107 of the environmental conservation law, and shall publish each study on NYSERDA's website.

2. Such study shall include a full cost benefit analysis assessing the following, including, but not limited to:

(a) The current state of technology in place for electric generation as of the date of the study, as well as new and emerging generation methods as new energy technologies as defined by subdivision ten of section eighteen hundred fifty-one of the public authorities law;

(b) The impact of CLCPA renewable energy target compliance on electricity wholesale prices, delivery rates and total bills that energy consumers in this state will pay, including indirect energy costs. This analysis shall include the impacts of subsidies to site land-based and offshore renewable energy projects, the build-out of the electric infrastructure to receive and transmit renewable power, subsidies of energy storage projects, and the addition of new loads associated with deep electrification efforts in the residential, commercial, industrial and transportation sectors, and the addition of new loads for economic development. This analysis shall address both short-term and long-term maintenance costs;

(c) Direct and indirect costs associated with the transition to heating and cooling provided by heat pumps powered by renewable energy systems;

(d) The current civilian state of the art in nuclear reactor technology and the role such technology could play in the transition to a cleaner, more reliable, and more resilient energy portfolio in New York state;

(e) The impact of renewable energy systems on the reliability of the electric system in this state, including but not limited to, voltage sags and how reliability shall be maintained when solar and wind resources are not generating power, and how reliability will be maintained if fast-ramping gas-fired generation is phased out;

(f) Costs and logistical issues associated with end-of-life disposal of renewable energy system components;

(g) Short-term and long-term costs associated with building-out and maintaining adequate energy storage and/or battery capacity for periods when renewable energy systems are intermittent;

(h) Direct and indirect transportation costs associated with such matters as charging station infrastructure, a moratorium on gas pipeline construction, and over-the-road transport of goods, such as perishable agricultural products;

(i) The impact of CLCPA compliance on natural gas market prices, delivery rates and total bills that energy consumers in this state will pay including but not limited to short-term and long-term maintenance costs;

(j) The impact CLCPA compliance has on the reliability of the natural gas system in this state and its ability to support manufacturing processes for which today there are no known replacement fuels. Consideration shall be given to the following: the utilization and dependence upon natural gas by manufacturers for process purposes; the utilization and dependence on natural gas service for cooking by the restaurant and food-service industry, due to the ability of gas ranges and ovens to heat foods more evenly than their electric counterparts; the use of natural gas for heating in forty-six percent of households in the Northeast; and reliable and affordable alternatives for heating and other services currently supplied by natural gas;

(k) Clarification of the impact of CLCPA compliance on industrial use of fossil fuels; and

(l) An examination of the land use implications of major renewable electric generating facilities in the state, both from the standpoint of

tourism and this state's tourism-based economic sectors, and potential effects on the viability of agriculture in this state.

3. Such study shall build upon relevant expertise already at the commission's disposal, along with that of the climate action council.

4. The department, on behalf of the commission, shall contract with an independent and competitively-selected consultant to undertake such study.

5. The department, and any contractors it may retain for such purposes, shall consult with entities that have resources and expertise to assist in such study, including, but not limited to, academic partners, electric corporations, electricity generating companies, trade organizations, environmental justice groups, and other stakeholders.

6. Upon completion of the initial study and each updated study conducted pursuant to subdivision one of this section, the department shall prepare a report on such study's findings, including recommendations for future courses of action and/or those issues requiring further investigation. The commission shall transmit such report along with the study to the governor, the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate, the chair of the assembly energy committee, the ranking member of the assembly energy committee, the chair of the senate energy and telecommunications committee, and the ranking member of the senate energy and telecommunications committee no later than thirty days after the study's completion.

7. The Long Island power authority and the power authority of the state of New York are authorized, as deemed feasible and advisable by their respective boards, to make a voluntary contribution toward this study.

8. Upon receipt of the report of the study's findings, the commission shall, within ninety days, promulgate rules and regulations necessary for effectuating the intent of the recommendations made by the report.

9. The commission shall use the report's findings and recommendations to determine whether, how and on what timetable to modify the targets within subdivision two of section sixty-six-p of this article.

§ 5. This act shall take effect immediately, provided, however, that the amendments to subdivision 1 of section 137 of the public service law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.