

# 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:

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

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

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

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

11 5. The department may temporarily suspend or modify the greenhouse  
12 gas emissions limits under such program provided that the depart-  
13 ment, after conducting a public hearing, makes a finding that the green-  
14 house gas emissions limits impedes the provision of safe and adequate  
15 electric service and/or the department, in consultation with the public  
16 service commission, finds that the implementation of the limits will  
17 increase utility rates in excess of five percent.

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

21 2. No later than June thirtieth, two thousand twenty-one, the commis-  
22 sion shall establish a program to require that: (a) a minimum of seventy  
23 percent of the state wide electric generation secured by jurisdictional  
24 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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1 end-use customers in New York state in two thousand [~~thirty~~] forty shall  
2 be generated by renewable energy systems; and (b) that by the year two  
3 thousand [~~forty~~] fifty (collectively, the "targets") the statewide elec-  
4 trical demand system will be zero emissions. In establishing such  
5 program, the commission shall consider and where applicable formulate  
6 the program to address impacts of the program on safe and adequate elec-  
7 tric service in the state under reasonably foreseeable conditions. The  
8 commission may, in designing the program, modify the obligations of  
9 jurisdictional load serving entities and/or the targets upon consider-  
10 ation of the factors described in this subdivision.

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

20 § 3. Subdivision 1 of section 137 of the public service law, as added  
21 by section 11 of part 0 of chapter 58 of the laws of 2024, is amended to  
22 read as follows:

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

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

36 § 66-x. Supplemental study of the costs, benefits, technical and  
37 economic feasibility of meeting the New York state climate leadership  
38 and community protection act renewable energy targets. 1. Not later than  
39 nine months after the effective date of this section, and every four  
40 years thereafter, the commission, on behalf of the climate action coun-  
41 cil established by section 75-0103 of the environmental conservation  
42 law, and in consultation with the president of the New York state energy  
43 research and development authority ("NYSERDA") and the presiding officer  
44 of the federally designated electric bulk system operator, in consulta-  
45 tion with the department of environmental conservation, shall conduct,  
46 publish and update a comprehensive study to determine the costs, bene-  
47 fits and overall economic feasibility of meeting the climate leadership  
48 and community protection act ("CLCPA") targets for renewable energy  
49 systems and zero emissions sources in New York state pursuant to subdi-  
50 vision two of section sixty-six-p of this article and the statewide  
51 greenhouse emission limits within subdivision one of section 75-0107 of  
52 the environmental conservation law, and shall publish each study on  
53 NYSERDA's website.

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

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

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

16 (c) Direct and indirect costs associated with the transition to heat-  
17 ing and cooling provided by heat pumps powered by renewable energy  
18 systems;

19 (d) The current civilian state of the art in nuclear reactor technolo-  
20 gy and the role such technology could play in the transition to a clean-  
21 er, more reliable, and more resilient energy portfolio in New York  
22 state;

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

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

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

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

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

41 (j) The impact CLCPA compliance has on the reliability of the natural  
42 gas system in this state and its ability to support manufacturing proc-  
43 esses for which today there are no known replacement fuels. Consider-  
44 ation shall be given to the following: the utilization and dependence  
45 upon natural gas by manufacturers for process purposes; the utilization  
46 and dependence on natural gas service for cooking by the restaurant and  
47 food-service industry, due to the ability of gas ranges and ovens to  
48 heat foods more evenly than their electric counterparts; the use of  
49 natural gas for heating in forty-six percent of households in the North-  
50 east; and reliable and affordable alternatives for heating and other  
51 services currently supplied by natural gas;

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

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

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

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

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

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

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

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

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

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

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