

STATE OF NEW YORK

4866--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

Introduced by M. of A. KELLES, ZINERMAN, STECK, ARDILA -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT enacting the "just energy transition act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "just energy transition act".

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

5 (a) New York state, especially New York city, is reliant on fossil
6 fuels for energy production, making the transition to renewable sources
7 for the downstate electricity system key to achieving the requirements
8 of section 4 of the New York state climate leadership and community
9 protection act, including that seventy percent of the state's electric-
10 ity be from renewable energy sources by the year 2030 and that one
11 hundred percent of the state's electricity be from zero-emission sources
12 by the year 2040.

13 (b) New York state is committed to the responsible replacement and
14 redevelopment of its fossil fueled generation facilities that currently
15 ensure resource adequacy in the state, especially in locations where the
16 health benefits to historically disadvantaged communities can be maxi-
17 mized, and where the cost effective phasing-out of such facilities can
18 be done while helping to ensure a just transition for the existing work-
19 force.

20 (c) A public policy purpose would be served and the interests of the
21 people of the state would be advanced by directing the New York state
22 energy research and development authority, in consultation with the
23 department of public service and the department of environmental conser-
24 vation, to continue the development of the study commenced in 2022, as

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

LBD06171-05-3

1 referenced in the climate action council scoping plan of strategies to
2 facilitate the replacement and redevelopment of New York's oldest and
3 most-polluting fossil fueled generation facilities and their sites by
4 2030, while ensuring resource adequacy, with renewable energy systems as
5 defined in paragraph (b) of subdivision 1 of section 66-p of the public
6 service law, energy storage systems, and electricity transmission and
7 distribution systems and equipment.

8 (d) It is the intent of the legislature in enacting this act to
9 empower the New York state energy research and development authority,
10 department of public service, and department of environmental conserva-
11 tion, to develop a study as described in the climate action council
12 scoping plan and paragraph (c) of section three of this act in the
13 manner authorized and directed herein, and for those entities and the
14 public service commission, and any other agencies or authorities of the
15 state as may be required, to commence any proceedings or other initi-
16 atives necessary to carry out the strategies described therein.

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

19 (a) develop a study of competitive options to facilitate the phase-
20 out, replacement and redevelopment of New York state's oldest and most-
21 polluting fossil fueled generation facilities and their sites by the
22 year 2030, with options that include but are not limited to those
23 described in the scoping plan issued by the climate action council under
24 section 75-0103 of the environmental conservation law, renewable energy
25 systems as defined in paragraph (b) of subdivision 1 of section 66-p of
26 the public service law, energy storage systems, and electricity trans-
27 mission and distribution systems and equipment, while ensuring resource
28 adequacy and other reliability services are maintained, and to do so in
29 consultation with the department of public service, the department of
30 environmental conservation, Long Island power authority, and other rele-
31 vant state agencies and authorities with subject matter expertise, the
32 federally designated electric bulk system operator, the New York State
33 Reliability Council, and the owners of such facilities. The study should
34 prioritize the replacement and redevelopment of such fossil fueled
35 generation facilities with facilities that will directly assist in
36 achieving the energy, environmental justice and emissions reductions
37 requirements of section 66-p of the public service law. The study shall
38 address the phase-out of at least four gigawatts of fossil fueled gener-
39 ation statewide capacity in total and prioritize those facilities that
40 only operate when electricity usage is highest. The study shall include
41 recommendations of standards and requirements that:

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

45 (ii) establish a competitive program to promote private sector invest-
46 ment in eligible technologies that the public service commission has
47 determined, after notice and provision for the opportunity to comment,
48 ensure resource adequacy, while achieving the requirements of section
49 66-p of the public service law;

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

53 (iv) have significant potential for job creation and retention,
54 economic development, and just transition opportunities benefiting New
55 Yorkers and the state's workforce, as described in the scoping plan

1 issued by the climate action council under section 75-0103 of the envi-
2 ronmental conservation law; and

3 (v) ensure the availability of assistance under the electric gener-
4 ation facility cessation mitigation fund established in section 1 of
5 part BB of chapter 58 of the laws of 2016 to any local government entity
6 impacted by the replacement and redevelopment of fossil fueled gener-
7 ation facilities under this section;

8 (b) provide public notice of the study, and ensure the results of
9 the study are made easily accessible to members of disadvantaged commu-
10 nities, as defined in section 75-0101 of the environmental conservation
11 law, and provide an opportunity for public comment on the study of not
12 less than sixty days and conduct at least two public hearings on the
13 study, of which at least one shall be held in disadvantage communities,
14 as defined in section 75-0101 of the environmental conservation law with
15 such public hearings offering video participation and accessibility;

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

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

22 § 4. The department of public service, the department of environmental
23 conservation, and Long Island power authority shall commence proceedings
24 and stakeholder processes to establish programs and other initiatives
25 necessary to carry out the strategies, programs, standards, and require-
26 ments described in the study referred to in section three of this act
27 within 60 days of delivery of the study to the governor, temporary pres-
28 ident of the senate and speaker of the assembly.

29 § 5. The public service commission shall:

30 (a) commence a proceeding to implement the strategies, programs, stan-
31 dards, and requirements described in the study referred to in section
32 three of this act within 90 days of delivery of the study to the gover-
33 nor, temporary president of the senate and speaker of the assembly; and

34 (b) issue an order regarding implementation of the strategies,
35 programs, standards, and requirements described in the study referred to
36 in section three of this act no later than July 30, 2024. Such order
37 shall at a minimum:

38 (i) direct the New York state energy research and development authori-
39 ty to implement a competitive award process to facilitate the replace-
40 ment and redevelopment of at least four gigawatts of fossil fueled
41 generation facilities statewide while maintaining reliability consistent
42 with the recommendations of the study pursuant to section three of this
43 act; and

44 (ii) direct that with respect to the competitive award process
45 required, the only eligible electricity generation from hydroelectric
46 facilities shall be electricity that is generated from non-state-owned
47 low impact run-of-river facilities that provide a year-round electricity
48 capacity resource.

49 § 6. The Long Island power authority shall establish a program or
50 programs in its service territory consistent with the recommendation of
51 the study conducted pursuant to section three of this act, the
52 provisions of section five of this act, and the objectives of this act.

53 § 7. This act shall take effect immediately.