

# STATE OF NEW YORK

5198

2023-2024 Regular Sessions

## IN ASSEMBLY

March 3, 2023

Introduced by M. of A. PALMESANO, BARCLAY, TAGUE, ANGELINO, BLANKENBUSH, BRABENEC, K. BROWN, BYRNES, DeSTEFANO, DURSO, FITZPATRICK, FRIEND, GALLAHAN, GANDOLFO, J. A. GIGLIO, J. M. GIGLIO, HAWLEY, JENSEN, LEMONDES, MANKTELOW, McDONOUGH, MIKULIN, MILLER, MORINELLO, NORRIS, RA, REILLY, SIMPSON, SMITH, SMULLEN, TANNOUSIS, WALSH -- read once and referred to the Committee on Energy

AN ACT to amend 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

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. Supplemental study of the costs, benefits, technical and  
4 economic feasibility of meeting the New York state climate leadership  
5 and community protection act renewable energy targets. 1. Not later than  
6 nine months after the effective date of this section, and every four  
7 years thereafter, the commission, on behalf of the climate action coun-  
8 cil established by section 75-0103 of the environmental conservation  
9 law, and in consultation with the president of the New York state energy  
10 research and development authority and the presiding officer of the  
11 federally designated electric bulk system operator, shall publish and  
12 update a comprehensive study to determine the costs, benefits and over-  
13 all economic feasibility of meeting the climate leadership and community  
14 protection act ("CLCPA") targets for renewable energy systems in New  
15 York state.

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

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

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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;

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

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

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

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

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

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

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

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

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

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

53 (l) An examination of the land use implications of major renewable  
54 electric generating facilities in the state, both from the standpoint of  
55 tourism and this state's tourism-based economic sectors, and potential  
56 effects on the viability of agriculture in this state.

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

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

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

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

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

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

30 § 2. This act shall take effect immediately.