STATE OF NEW YORK

10361

IN ASSEMBLY

March 2, 2026

Introduced by M. of A. MILLER -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to limiting increases in the amount of surcharges established by the public service commission, imposing a one year moratorium on the collection of certain surcharges, and prohibiting new energy taxes and fees; and to repeal certain provisions of such law relating thereto

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

Section 1. This act shall be known and may be cited as the "Energy assessment cap and consumer cost relief act of 2026".

§ 2. The public service law is amended by adding a new section 18 to read as follows:

§ 18. Moratorium on surcharges. The commission shall not impose or collect any surcharges associated with the system benefit charge, or the renewable portfolio standard, or the energy efficiency portfolio standard, or any similar fund that may be created by order of the commission before the effective date of this section, whether such fund is new or is a result of combining all or some of the surcharges referenced herein.

§ 3. Section 18 of the public service law is REPEALED and a new section 18 is added to read as follows:

§ 18. Limit on surcharge increases. Notwithstanding any law, rule, regulation or order to the contrary, the commission shall not increase the amount of the surcharge of the system benefit charge or the surcharge for the renewable portfolio standard or the surcharge for the energy efficiency portfolio standard or any similar fund that may be created by order of the commission before the effective date of this section, whether such fund is new or is a result of combining all or some of the surcharges referenced herein. Nothing in this section shall be construed as to prevent the commission from lowering the amount of any surcharge either individually or collectively from the amount collected in two thousand twenty-five, except that under no circum-

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

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stances shall the total cost of those charges exceed the total aggregate amounts in two thousand twenty-three.

§ 4. Moratorium on new energy taxes and fees. Notwithstanding any law, rule, regulation or order to the contrary, the public service commission shall not establish any new surcharge assessment, tax or fee on energy consumers, excepting those fees which may arise from an electric generating facility that provides notice of closure to such commission and where a reliability need is identified by the bulk system operator.

§ 5. This act shall take effect immediately; provided that section three of this act shall take effect one year after such effective date.