

# STATE OF NEW YORK

8031

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT in relation to authorizing and directing the public service commission and the New York state energy research and development authority to conduct a study to determine the possibility of closing peaker plant electric generating facilities; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings and intent. Peaker plants have been  
2 used to ensure grid reliability during high-demand periods. Peaker  
3 plants are not used routinely throughout the year but instead are used  
4 as backup energy sources in the event that the energy grid is under  
5 increased pressure. Grid operators spend a large amount of money on  
6 operating and maintaining these highly polluting plants so they can be  
7 ready to quickly start up at times of peak demand, which are rare but  
8 dangerous moments on the grid. Most communities where these power plants  
9 are located have borne the burden of these power plants for years  
10 concerning poor air quality, noise, and noxious odors. More than one-  
11 third of New York's peaker plants primarily burn oil and over three-  
12 quarters are at least 30 years old resulting in numerous inefficient  
13 plants with high rates of greenhouse gas and health-damaging pollutant  
14 emissions for every unit of electricity generated. Nearly a third of the  
15 plants are located in areas the state considers to be environmental  
16 justice communities (disadvantaged communities), where vulnerable popu-  
17 lations typically experience high levels of health and environmental  
18 burdens.

19 § 2. For the purposes of this act, the following terms shall have the  
20 following meanings:

21 (a) "peaker plant electric generating facility" shall mean a major  
22 electric generating facility as defined in paragraph b of subdivision  
23 one of section 19-0312 of the environmental conservation law that burns  
24 coal, oil, diesel, or natural gas and was operational and generated

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

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1 electricity less than fifteen percent of the year during at least two  
2 years between 2014 and 2024;

3 (b) "disadvantaged communities" shall mean areas burdened by cumula-  
4 tive environmental pollution and other hazards that can lead to negative  
5 public health effects; and

6 (c) "renewable energy" shall have the same meaning as "renewable ener-  
7 gy systems" set forth in section 66-p of the public service law.

8 § 3. The public service commission, in conjunction with the New York  
9 state energy research and development authority, is authorized and  
10 directed to conduct a study on the closure of peaker plants throughout  
11 New York state and the potential impact on the surrounding area. Such  
12 study shall include, but not be limited to:

13 (a) the change in electricity wholesale prices, delivery rates, and  
14 total bills that energy consumers in this state will pay, including  
15 indirect energy costs;

16 (b) identify other energy plants that can compensate for the peaker  
17 plant distribution of the energy grid;

18 (c) the impact of renewable energy systems on the reliability of the  
19 electric system in the state, including, but not limited to, how reli-  
20 ability shall be maintained when solar and wind resources are not gener-  
21 ating power, and how reliability will be maintained if fast-ramping  
22 gas-fired generation is phased out;

23 (d) a proposed strategy to replace the plants with renewable energy  
24 systems or battery storage, or a combination thereof;

25 (e) energy systems that would maintain reliable energy output during a  
26 transition period;

27 (f) potential effect of such a transition on disadvantaged communi-  
28 ties;

29 (g) the discharge, displacement, or loss of position, including  
30 partial displacement such as a reduction in the hours of non-overtime  
31 work, wages, or employment benefits;

32 (h) the impairment of existing collective bargaining agreements; and

33 (i) identify means to establish the following:

34 i. the transfer of existing duties and functions to renewable energy  
35 systems; and

36 ii. the transfer of future duties and functions, of any currently  
37 employed worker impacted by this act who agrees to be retrained in  
38 renewable energy system work places.

39 § 4. The public service commission, in conjunction with the New York  
40 state energy research and development authority, may conduct any hear-  
41 ings or take any written testimony as it deems necessary in order to aid  
42 such study, and shall take all other steps necessary to provide a thor-  
43 ough analysis of all issues related to the provisions listed in section  
44 one of this act.

45 § 5. The public service commission, in conjunction with the New York  
46 state energy research and development authority, shall issue its final  
47 report no later than one year after the effective date of this act to  
48 the governor, the speaker of the assembly, the temporary president of  
49 the senate, and the chairs of the assembly committee on energy and the  
50 senate committee on energy and telecommunications, and post a copy of  
51 such report on its website.

52 § 6. This act shall take effect immediately and shall expire and be  
53 deemed repealed 2 years after such date.