STATE OF NEW YORK

8378

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

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

AN ACT to amend the public service law and the labor law, in relation to qualified energy storage systems

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

Section 1. Subdivision 1-a of section 66-r of the public service law, as amended by section 32 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1-a. For the purposes of this section, an "other covered project" means: (a) any "thermal energy network" as defined by subdivision twenty-nine of section two of this chapter; (b) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct funding from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; [~~or~~] (c) a "major utility transmission facility" as such term is defined by section one hundred twenty of this chapter or "major electric transmission facility" as defined by article VIII of this chapter**; or (d) any qualified energy storage system, as such term is defined in subdivision one of section seventy-four of this article, with a nameplate capacity of twenty-five thousand kilowatts or more and interconnected to the state's electricity grid**.

§ 2. Subdivision 4 of section 137 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

4. "Major renewable energy facility" means any renewable energy system, as such term is defined in section sixty-six-p of this chapter, with a nameplate generating capacity of twenty-five thousand kilowatts

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

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or more, [~~and~~] any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, **or any qualified energy storage system, as such term is defined in subdivision one of section seventy-four of this chapter, with a nameplate capacity of twenty-five thousand kilowatts or more and interconnected to the state's electricity grid,** including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.

§ 3. Subdivision 5 of section 140 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended and a new subdivision six is added to read as follows:

5. This section shall not apply:

(a) to normal repairs, maintenance, replacements, non-material modifications and improvements of a major renewable energy facility subject to this article, whenever built, which are performed in the ordinary course of business and which do not constitute a violation of any applicable existing permit; [~~and~~]

(b) to a major renewable energy facility if, on or before [~~the effective date of this article~~] **December 31, 2025**, an application has been made or granted for a license, permit, certificate, consent or approval from any federal, state or local commission, agency, board or regulatory body[~~.~~]**; and**

(c) to an energy storage system constructed in a city with a population of one million or more.

6. After the effective date of this paragraph, any person intending to construct a major renewable energy facility excluded from this section pursuant to paragraph (b) of subdivision five of this section may elect to become subject to the provisions of this section by filing an application for a major renewable energy facility siting permit pursuant to the regulations of ORES governing such applications.

§ 4. Paragraph (a) of subdivision 1 of section 145 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(a) for a major renewable energy facility, one thousand dollars for each thousand kilowatts of capacity of the proposed major renewable energy facility**, with a minimum fee of twenty-five thousand dollars and a maximum fee of one hundred thousand dollars for any proposed energy storage facility**;

§ 5. Subdivision 1 of section 224-d of the labor law, as amended by section 31 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1. For purposes of this section, a "covered renewable energy system" means (a) a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of one or more megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a company or corporation provided in subdivisions twenty-three and twenty-four of section two of the public service law, or a third party acting on behalf and for the benefit of a public entity; (b) any "thermal energy network" as defined by subdivision twenty-nine of section two of the public service law; (c) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct fund-

ing from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; [~~or~~] (d) a "major utility transmission facility" as such term is defined by section one hundred twenty of the public service law**; or (e) any qualified energy storage system, as such term is defined in subdivision one of section seventy-four of the public service law, with a nameplate capacity of twenty-five thousand kilowatts or more and interconnected to the state's electricity grid**.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to sections 137, 140, and 145 of the public service law made by sections two, three and four of this act shall not affect the repeal of such sections and shall be deemed to be repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.