

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 1-a of section 66-r of the public service law,  
2 as amended by section 32 of part 0 of chapter 58 of the laws of 2024, is  
3 amended to read as follows:

4 1-a. For the purposes of this section, an "other covered project"  
5 means: (a) any "thermal energy network" as defined by subdivision twen-  
6 ty-nine of section two of this chapter; (b) any offshore wind supply  
7 chain project, including but not limited to port infrastructure, primary  
8 component manufacturing, finished component manufacturing, subassembly  
9 manufacturing, subcomponent manufacturing, or raw material producers, or  
10 a combination thereof receiving direct funding from the New York state  
11 energy research and development authority pursuant to an award under a  
12 New York state energy research and development authority solicitation;  
13 [~~ex~~] (c) a "major utility transmission facility" as such term is defined  
14 by section one hundred twenty of this chapter or "major electric trans-  
15 mission facility" as defined by article VIII of this chapter; or (d) any  
16 qualified energy storage system, as such term is defined in subdivision  
17 one of section seventy-four of this article, with a nameplate capacity  
18 of twenty-five thousand kilowatts or more and interconnected to the  
19 state's electricity grid.

20 § 2. Subdivision 4 of section 137 of the public service law, as added  
21 by section 11 of part 0 of chapter 58 of the laws of 2024, is amended to  
22 read as follows:

23 4. "Major renewable energy facility" means any renewable energy  
24 system, as such term is defined in section sixty-six-p of this chapter,  
25 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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1 or more, ~~and~~ any co-located system storing energy generated from such  
2 a renewable energy system prior to delivering it to the bulk trans-  
3 mission system, or any qualified energy storage system, as such term is  
4 defined in subdivision one of section seventy-four of this chapter, with  
5 a nameplate capacity of twenty-five thousand kilowatts or more and  
6 interconnected to the state's electricity grid, including all associated  
7 appurtenances to electric plants, including electric transmission facil-  
8 ities less than ten miles in length in order to provide access to load  
9 and to integrate such facilities into the state's bulk electric trans-  
10 mission system.

11 § 3. Subdivision 5 of section 140 of the public service law, as added  
12 by section 11 of part 0 of chapter 58 of the laws of 2024, is amended  
13 and a new subdivision six is added to read as follows:

14 5. This section shall not apply:

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

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

25 (c) to an energy storage system constructed in a city with a popu-  
26 lation of one million or more.

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

33 § 4. Paragraph (a) of subdivision 1 of section 145 of the public  
34 service law, as added by section 11 of part 0 of chapter 58 of the laws  
35 of 2024, is amended to read as follows:

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

41 § 5. Subdivision 1 of section 224-d of the labor law, as amended by  
42 section 31 of part 0 of chapter 58 of the laws of 2024, is amended to  
43 read as follows:

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

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

9 § 6. This act shall take effect on the ninetieth day after it shall  
10 have become a law; provided, however, that the amendments to sections  
11 137, 140, and 145 of the public service law made by sections two, three  
12 and four of this act shall not affect the repeal of such sections and  
13 shall be deemed to be repealed therewith. Effective immediately, the  
14 addition, amendment and/or repeal of any rule or regulation necessary  
15 for the implementation of this act on its effective date are authorized  
16 to be made and completed on or before such effective date.