

# STATE OF NEW YORK

9039--B

Cal. No. 223

2025-2026 Regular Sessions

## IN ASSEMBLY

September 5, 2025

Introduced by M. of A. BARRETT, CLARK, BURDICK, CONRAD, KELLES, MAGNARELLI, KAY, LUPARDO, TAPIA, McDONALD, WEPRIN, SHRESTHA, LEVENBERG, REYES, SANTABARBARA, DILAN, ROSENTHAL, DAVILA, FORREST, WOERNER, ROZIC, SHIMSKY, STECK, McMAHON, BUTTENSCHON, LAVINE, GRIFFIN, COLTON, COOK, SCHIAVONI, LUNSFORD, P. CARROLL, KASSAY, SIMONE, SIMON, SLATER, HOOKS, GALLAGHER -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law, in relation to enacting the "accountability of costs for data centers act"

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

1 Section 1. This act shall be known and may be cited as the "account-  
2 ability of costs for data centers act" or the "AC/DC act".

3 § 2. Subdivision 5 of section 65 of the public service law, as amended  
4 by chapter 134 of the laws of 1921, is amended to read as follows:

5 5. (a) Nothing in this chapter shall be taken to prohibit a gas corpo-  
6 ration or [~~electrical~~] electric corporation from establishing classi-  
7 fications of service based upon the quantity used, the time when used,  
8 the purpose for which used, the duration of use or upon any other  
9 reasonable consideration, and providing schedules of just and reasonable  
10 graduated rates applicable thereto. No such classification, schedule,  
11 rate or charge shall be lawful unless it shall be filed with and  
12 approved by the commission, and every such classification, rate or  
13 charge shall be subject to change, alteration and modification by the  
14 commission.

15 (b) (i) The commission shall require each electric corporation, gas  
16 corporation, and municipality to establish, and file with the commission

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

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1 for approval or modification, an independent classification of service  
2 for large energy use facilities that is separate and distinct from other  
3 classifications of service. The commission shall also require each elec-  
4 tric corporation, gas corporation, and municipality to file updates, if  
5 applicable, to existing classifications of service to exclude large  
6 energy use facilities and to update any other filings, documents, or  
7 components thereof necessary to effectuate the reclassification of large  
8 energy use facilities. Each such service classification for large energy  
9 use facilities shall at a minimum, in a manner that is just and reason-  
10 able, establish a rate, charge, or schedule of rates, and additional  
11 terms of service, to:

12 (A) assign the costs incurred by the electric corporation, gas corpo-  
13 ration, or municipality to serve large energy use facilities, including,  
14 but not limited to, the costs of any infrastructure upgrades, improve-  
15 ments, or additions and operational costs, necessary to facilitate and  
16 maintain service to such facilities, entirely among such classification;

17 (B) assign all costs related to the recovery of any rate of return  
18 attributable to large energy use facilities entirely among such classi-  
19 fication; and

20 (C) mitigate risks and impacts to other service classifications from  
21 large energy use facilities, including increases to surcharges, basic  
22 service or other fixed charges not directly related to actual energy  
23 usage.

24 (ii) The commission, in coordination with the federally designated  
25 bulk system operator, shall establish, implement, and annually update an  
26 adjustment mechanism to ensure that all costs from any increases in  
27 commodity prices after the effective date of the chapter of the laws of  
28 two thousand twenty-six that amended this subdivision, including, but  
29 not limited to, transmission service fees, attributable to large energy  
30 use facilities are borne by such facilities.

31 (iii) The department may promulgate regulations regarding financial  
32 surety requirements, between an electric corporation, gas corporation,  
33 or municipality and a large energy use facility, for the provision of  
34 service to large energy use facilities which may include one, or any  
35 combination, of the following: insurance, guarantee, surety bond, letter  
36 of credit, or qualification as a self-insurer. In promulgating require-  
37 ments under this section, the commission shall be authorized to specify  
38 policy or other contractual terms, conditions, or defenses which are  
39 necessary or are unacceptable in establishing such evidence of financial  
40 surety.

41 (iv) For the purposes of this paragraph, the term "large energy use  
42 facilities" shall mean all facilities, or combination of facilities  
43 under common ownership at the same site, that:

44 (A) receive service from an electric corporation, gas corporation, or  
45 municipality, have applied or requested to receive such service, or have  
46 otherwise caused an electric corporation, gas corporation, or munici-  
47 pality to incur an expense in relation to the provision of service; and

48 (B) have a peak demand of twenty megawatts or more that is used for:

49 (I) computing infrastructure, not including manufacturing;

50 (II) data processing services;

51 (III) web hosting services, not including software publishing;

52 (IV) streaming support services, not including streaming distribution;

53 and

54 (V) other related services and functions as defined by the commission.

55 § 3. The public service commission shall:

1 1. not approve any change of rates or related updates to a tariff  
2 requested by an electric corporation, gas corporation, or municipality  
3 after the effective date of this act unless such proposal includes a  
4 service classification for large energy use facilities and an adjustment  
5 mechanism in compliance with this act; and  
6 2. ensure that all new or modified service classifications and adjust-  
7 ment mechanisms required by this act are fully implemented by electric  
8 corporations, gas corporations, and municipalities no later than June 1,  
9 2030.  
10 § 4. This act shall take effect immediately; provided, however, that  
11 any new or revised service classification or adjustment mechanism  
12 authorized by this act shall not go into effect on or before June 1,  
13 2027.