

New York State Assembly  
**Carl E. Heastie**  
Speaker

Committee on  
**Energy**

**Amy R. Paulin**  
Chair



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Energy

COMMITTEES  
Education  
Health  
Higher Education

AMY PAULIN  
Assemblywoman 88<sup>TH</sup> District  
Westchester County

December 15, 2017

Honorable Carl E. Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2017 Annual Report of the Assembly Standing Committee on Energy. This legislative session marked my fifth as chair of the Committee.

Throughout the course of the year, the Committee was actively engaged in several significant areas, including the passage of legislation contained in the SFY 2017-18 Budget which codified the Indian Point Closure Task Force.

Outside of the budget process, the Committee successfully advanced legislation to encourage the deployment of clean vehicles, requiring the state's combination gas and electric corporations to file a tariff with the Public Service Commission (PSC) that would allow residential utility customers to purchase electricity for the exclusive purpose of vehicle charging. Additionally, the Committee reported legislation recently signed into law that would establish a State energy storage target for 2030.

Under your leadership, the Assembly will continue its efforts to protect ratepayers, increase access and affordability of renewable energy technologies, and improve energy efficiency for homes and businesses.

Sincerely,

Amy R. Paulin  
Chair of the Assembly Standing Committee  
on Energy

**2017 ANNUAL REPORT**  
**OF THE NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON ENERGY**

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Francisco Moya

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## **INTRODUCTION**

The Assembly Energy Committee, now in its 36<sup>th</sup> year, has jurisdiction over legislation relating to energy availability and sources, policy and planning, conservation, and electric, gas, and steam rate-making in New York State. The Committee considers legislation that amends Energy Law, Public Service Law, Public Authorities Law, Economic Development Law, and Rural Electric Cooperative Law. The Committee works closely with the Assembly Committee on Corporations, Authorities and Commissions, which considers legislation concerning the structure and operations of the Power Authority of the State of New York (PASNY, d/b/a NYPA), the Public Service Commission (PSC), the New York State Energy Research and Development Authority (NYSERDA), and the Long Island Power Authority (LIPA). The Committee also works with other state agencies including the Department of Economic Development (DED), the Department of Environmental Conservation (DEC), the Department of State (DOS) and the Department of Transportation (DOT).

In 2017, 96 bills introduced in the Assembly were referenced to the Committee, and 19 were reported from the Committee. The full Assembly considered and passed 6 of these bills. Four of those were signed into law. This report outlines the legislation that incorporates many of the Assembly's proposals developed by the Committee to address the challenges to New York State energy policy.

## **MAJOR ISSUES FOR 2017**

### **A. BUDGET HIGHLIGHTS**

#### **Indian Point Closure Task Force**

On January 9, the State entered into an agreement that provided for the permanent cessation of operations at the Indian Point Nuclear Power Plant in Westchester County by April 2021. The SFY 2017-18 Budget included provisions codifying an Indian Point Closure Task Force, including state, local, and labor representatives. The Task Force is charged with assessing the impacts of the plant's closure on local municipalities and on the State, evaluating ways of addressing and mitigating anticipated impacts, and monitoring impacts on electric reliability and rates.

### **B. GAS SAFETY**

#### **Mapping of Proposed Gas Production and Transportation Facilities** (A.917 Lupardo; Reported from Committee)

This bill would require DPS and DEC to establish a computer mapping program for plotting the location of proposed gas gathering and gas pipeline facilities. Under the legislation, all persons proposing to construct such facilities would be required to file special mapping data with DPS which would detail the location and route of such projects.

### **C. CONSUMER ISSUES**

#### **Collection of Utility Charges Deemed to be Rent** (A.655 Rodriguez; Reported from Committee)

The Committee reported legislation that would provide tenants a defense against eviction for unpaid utility charges. The legislation provides that if it is determined that the outstanding charges for utility service claimed by the landlord are deemed to be rent under an existing rental agreement, such determination would be a complete defense against eviction.

#### **Notification of Meter Reading Rights to Consumers Disconnecting Service** (A.2451 Simotas; Passed Assembly)

The Assembly passed legislation that would require a gas and electric company, upon discontinuation of residential service to a customer, to notify such customer that he or she is entitled to a physical meter reading within forty-eight hours of such request.

Providing Gas and Electric Bill Information to Prospective Renters  
(A.6178 Pichardo; Reported from Committee)

This legislation would require municipalities and gas and electric corporations to make available to a landlord or lessor of rental property, upon the written request of a prospective tenant prior to the commencement of tenancy, information consisting of charges sustained at the premises for gas or electric service for the life of the dwelling unit or two years, whichever is lesser.

Under this legislation, a previous tenant or ratepayer's privacy would be protected by allowing only for the disclosure of the address and charges.

Zero Emissions Credit Charges

The Committee reported several bills addressing consumer interests related to the approval of the Zero Emissions Credit (ZEC) component of the Clean Energy Standard.

A.8190 (Paulin)

This bill would require the PSC to adjust the price of ZECs to account for proportionate benefits received in each New York Independent System Operator (NYISO) zone. Under this legislation, when adjusting the price of ZECs, the PSC would be required to consider the proximal advantages of avoided fossil fuel generation, revenues, funds and taxes generated, and the advantages retained through continued employment opportunities.

A.8191 (Paulin)

This bill would exempt ratepayers who purchase all their electricity from renewables from charges related to the zero emissions credit requirement. This legislation would limit the financial impact on ratepayers already voluntarily paying a premium for 100% renewable electricity.

A.8246 (Dinowitz)

This bill would limit residential charges related to the zero emissions credit at twenty-five cents per month. This legislation would limit the impact to certain ratepayers of charges that would continue through 2029.

## **D. NET ENERGY METERING, ENERGY EFFICIENCY, ALTERNATIVE ENERGY AND ENERGY PLANNING**

### Electric Vehicle Charging

(A.288 Paulin; Chapter 337 of the Laws of 2017)

The Assembly passed legislation that will require combination gas and electric corporations to file a tariff with the PSC for the residential charging of clean vehicles, including full electric, plug-in hybrid, and hydrogen fuel cell vehicles. Under this law, combination gas and electric corporations will create pricing structures that incentivize clean vehicle ownership.

### Fuel Cell Incentive Program

(A.460 Paulin; Reported from Committee)

This legislation would establish a \$65 million statewide fuel cell incentive program through 2028. Under the bill, the PSC would be required to analyze, and where necessary, modify existing programs to ensure diverse project sizes, geographic distribution, and participation among customer classes.

### Interconnection Costs of Distributed Energy Resources

(A.597 Paulin; Reported from Committee)

The Committee reported legislation that would direct the PSC to issue an order containing guidelines for cost-sharing for distributed generation facilities where one or more developers utilize the same equipment necessary for interconnection. Such facilities would include electric cables, wires, circuits, transformers and substations that, but for the operation of such resources, would not have been installed by an electric corporation.

### Affordable Residential Green Building Program

(A.4969-A Rosenthal; Passed both houses)

This legislation would direct NYSERDA to establish an incentive program for owners constructing affordable, green residential buildings. NYSERDA would promulgate rules and regulations for building designs and techniques that would promote smart growth and planning, reduce greenhouse gas emissions, achieve energy efficiency, and help achieve other green goals.



Energy Storage Deployment Program  
(A.6571 Paulin; Chapter 415 of the Laws of 2017)

This law will direct the PSC to commence a proceeding to establish a 2030 energy storage installation target for the State. The storage deployment program design considerations will include minimization of peak load in constrained areas, and deferred costs associated with transmission, distribution, and/or capacity.

Green Jobs—Green NY  
(A.7117 Ryan; Chapter 425 of the Laws of 2017)

This law will enable geothermal technologies to qualify for Green Jobs—Green NY financing. Green Jobs—Green NY (GJGNY) was signed into law in 2009 and included financing for the costs of approved qualified energy efficiency services for residential and nonresidential buildings.

Municipal Sustainable Energy Loan Program  
(A.7394-A Paulin; Chapter 320 of the Laws of 2017)

The Assembly passed legislation to expand municipal sustainable energy loan program financing. The law will authorize municipalities to utilize State funding and set limitations on loans to real property owners other than individuals, allowing for remote net-metering and community solar project eligibility.

## **PUBLIC OVERSIGHT AND HEARINGS**

### Indian Point Nuclear Plant Closure

On February 28, the Assembly Standing Committee on Energy and the Senate Standing Committee on Energy and Telecommunications convened a joint hearing to examine the potential impacts of the expected closure of Indian Point. The hearing specifically examined the impacts on electric grid reliability, jobs, and local tax revenues.

The Committees took testimony from several stakeholders, including the Nuclear Regulatory Commission, Entergy, local elected officials, and other representatives.

### Clean Energy Standard

On March 6, the Assembly Standing Committees on Corporations, Authorities, and Commissions; Consumer Affairs and Protection; Energy; and Environmental Conservation held a hearing on the Zero Emissions Credit (ZEC), a component of the Clean Energy Standard, approved by the PSC on August 1, 2016. The hearing explored the Commission's decision-making process, including alternatives to the ZEC program.

The Committees reconvened on May 1 to comprehensively examine the Clean Energy Standard Order. Representatives of the PSC and NYSERDA testified before members of the Assembly on matters related to the PSC decision.

**APPENDIX A**

**2017 SUMMARY SHEET**

**Summary of Action on All Bills Referred to the Committee on  
ENERGY**

<b><u>Final Disposition</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total</u></b>
<b>TOTAL Bills Referred to Committee</b>	<b>96</b>	<b>9</b>	<b>105</b>
<b><u>Bills Reported With or Without Amendment</u></b>	<b>19</b>	<b>0</b>	<b>19</b>
To Floor	<b>2</b>	<b>0</b>	<b>2</b>
To Ways and Means	<b>14</b>	<b>0</b>	<b>14</b>
To Codes	<b>3</b>	<b>0</b>	<b>3</b>
To Rules	<b>0</b>	<b>0</b>	<b>0</b>
Bills Having Enacting Clause Stricken	<b>1</b>	<b>0</b>	<b>1</b>
Bills Never Reported, Remained in Committee	<b>76</b>	<b>9</b>	<b>85</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>6</b>	

## APPENDIX B

### BILLS THAT PASSED BOTH HOUSES

<u>Bill Number</u>	<u>Sponsor</u>	<u>Description</u>
A.288	Paulin	Requires combination gas and electric corporations to file a tariff for the residential charging of clean vehicles.
A.4969-A	Rosenthal	Establishes an affordable residential green building program.
A.6571	Paulin	Establishes an energy storage deployment policy.
A.7117	Ryan	Qualifies geothermal technologies for Green Jobs—Green NY financing.
A.7394-A	Paulin	Expands the municipal sustainable energy loan program.

**APPENDIX C**

**BILLS THAT PASSED THE ASSEMBLY ONLY**

<b><u>Bill Number</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>
A.2451	Simotas	Requires electric and gas corporations to provide an actual meter reading upon discontinuation of residential service.