

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker

Didi Barrett, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Energy



DIDI BARRETT
106th Assembly District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRPERSON
Committee on Energy
COMMITTEES
Environmental Conservation
Tourism, Parks, Arts, and Sports Development
Agriculture

December 15, 2023

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

Dear Speaker Heastie:

It is with great pleasure that I forward to you the 2023 Annual Report of the New York State Assembly Standing Committee on Energy.

This report describes the legislative actions and major issues considered by the Committee and sets forth our goals for future legislative sessions. The Committee addressed several important issues this year including decreasing building emissions, expanding the availability of public renewables, and increasing billing and ratepayer transparency.

I greatly enjoyed my first year as Chair of the Energy Committee. Under your leadership and with your continued support of the Committee's efforts, the Assembly will continue to protect ratepayers and help meet the renewable generation and energy storage goals of the Climate Leadership and Community Protection Act during the 2024 legislative session.

I wish to extend my appreciation and many thanks to the members of the Committee, the Committee staff, and to you, Mr. Speaker, for your unwavering support.

Sincerely,

A handwritten signature in black ink that reads "Didi Barrett". The signature is written in a cursive, flowing style.

Didi Barrett, Chair
Assembly Standing Committee on Energy

2023 ANNUAL REPORT
THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ENERGY

**Honorable Didi Barrett,
Chair**

Committee Members

Majority

Angelo Santabarbara

Erik Dilan

Pamela Hunter

Steve Stern

Khaleel Anderson

Jonathan Rivera

Zohran Mamdani

William Conrad, III

Nikki Lucas

Brian Cunningham

Sarahana Shrestha

Minority

Philip Palmesano

Ken Blankenbush

Doug Smith

Brian Manktelow

Scott Gray

Daniel Fausak, Legislative Analyst
Matthew Hansen, Associate Counsel
Michelle Milot, Assistant Secretary for Program and Policy
Vanessa Komarnicki, Committee Clerk
Maya Wilson, Program and Counsel Secretary

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INTRODUCTION

The Assembly Energy Committee 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 the Energy Law, Public Service Law, Public Authorities Law, Economic Development Law, General Municipal 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 Long Island Power Authority (LIPA), and the New York State Energy Research and Development Authority (NYSERDA). 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 2023, 108 bills introduced in the Assembly were referenced to the Committee, and 20 were reported from the Committee. The full Assembly considered and passed 13 energy bills. Three bills were signed into law.

MAJOR ISSUES OF 2023

A. BUDGET HIGHLIGHTS

All Electric Buildings

The SFY 2023-2024 Budget included provisions that:

- require most new buildings under seven stories in New York to use electricity instead of fossil fuels starting in 2026; and
- require taller buildings and smaller commercial buildings to use electricity instead of fossil fuels beginning in 2029 with exceptions for:
 - restaurants;
 - hospitals and other medical facilities;
 - agricultural buildings;
 - manufactured homes;
 - factories, laboratories, car washes, laundromats, crematoriums;
 - emergency management facilities;
 - wastewater treatment facilities, water treatment and pumping facilities;
 - fuel cell systems; and
 - buildings defined as critical infrastructure.
- safeguard reliability by exempting new buildings that would require electrical grid upgrades.

NYPA Renewable Energy

The SFY 2023-2024 Budget included provisions that:

- authorize NYPA to build, own, and operate renewable energy projects;
- require NYPA to establish the Renewable Energy Access and Community Help Program (REACH) to provide bill credits for certain low-income and moderate-income electricity customers; and
- direct NYPA to publish a plan to phase out small natural gas plants, also known as “peakers,” by December 31, 2025, if reliability standards can be met.

B. COMMITTEE LEGISLATION

Zero Emission State-Owned Fleet Vehicles

(A.993 Fahy; Chapter 115 of 2023)

This law provides technical amendments to Chapter 789 of 2022, related to the preparation of state fleet decarbonization plans. The changes specify the timing for preparation of such plans and require all light duty state agency vehicles to be zero emission by December 31, 2035, and all medium and heavy duty state agency vehicles to be zero emission by December 31, 2040.

Critical Energy Infrastructure Protection

(A.2896 Alvarez; Chapter 67 of 2023)

This law provides technical amendments to Chapter 67 of 2023, related to critical energy infrastructure and data protection. The changes make it explicit that electric and gas customer consumption data is confidential and narrow the definition of “critical energy infrastructure” to exclude customer use data. Instead, it authorizes the Public Service Commission to include a review of policies to protect customer consumption data in their utility audits. This law also clarifies that the Public Service Commission has the authority to promulgate regulations that require utilities to take necessary measures to protect such customer use data.

Electric Bill Transparency

(A.1190 Rivera; Veto Memo 38)

Larger electricity users and businesses are typically billed based on their highest usage, called demand metering. This legislation would require bills for demand metered customers to include the quantity of electricity used, unit of measurement and the highest energy usage over the previous year. The resulting information would provide demand-metered customers with a better understanding of their bills and allow them to better manage future usage.

Repurposing Dormant Electric Generating Sites
(A.4386 Zebrowski; Veto Memo 46)

Dormant generating facilities have the necessary infrastructure in place to support renewable energy systems, including interconnection to the grid. This legislation would direct the New York State Energy Research and Development Authority (NYSERDA) to prepare a report on the suitability of siting renewable energy systems at dormant or decommissioned electric generating facilities. This legislation would help decrease interconnection wait times, help the State meet the goals of the Climate Leadership and Community Protection Act (CLCPA), and provide economic benefits to host communities.

Microgrids for Critical Infrastructure Report
(A.6009 Cruz; Veto Memo 78)

A microgrid is a group of interconnected energy resources that acts as a single controllable entity and can connect and disconnect from the grid. Microgrids help provide local power when the grid is down or offline. This legislation would direct the New York State Energy Research and Development Authority (NYSERDA), in consultation with the Department of Public Service and the Division of Homeland Security and Emergency Services, to prepare a report on the establishment of microgrids for critical infrastructure. This report would include recommendations for establishing microgrids at hospitals, first responder headquarters, emergency shelters, schools, filtration plants, and other critical facilities to help ensure continuity of operations for these facilities during emergencies.

Utility Intervenor Reimbursement Account
(A.7165 Solages; Veto Memo 64)

Utility rate cases with their hundred plus page documentation, accounting information, and technical language can be daunting for ratepayers to navigate, especially without access to technical resources. As a result, ratepayer viewpoints are not always fully represented in the final rate determination. This legislation would establish the utility intervenor reimbursement account to ensure public participation in Public Service Commission proceedings, including utility rate cases. The account would allow individuals or not-for-profit organizations to apply for reimbursement of reasonable advocate fees, expert witness fees and other costs for preparation and participation in a proceeding related to the cost of gas, electricity, steam or submetering.

Planned Offshore Wind Transmission
(A.7764 Mitaynes; Veto Memo 37)

The CLCPA established a goal of building 9,000 megawatts of offshore wind by 2035. This legislation would direct the NYSERDA, upon the expansion of the state's offshore wind goal above 9,000 megawatts, to establish an improved transmission planning and coordination process. Additionally, this legislation would alienate a section of parkland within the City of Long Beach for construction of an underground cable system to connect with the grid.

Electric Vehicle Charging Station Standards
(A.1721-B Cunningham; Veto Memo 112)

The availability of and consumer confidence in electric vehicle charging stations are predecessors to wider adoption of electric vehicles. This legislation would direct the Public Service Commission to develop reliability, recordkeeping, and reporting standards for publicly available electric vehicle charging stations.

Clean Energy Outreach and Community Planning
(A.2888-A Barret; Chapter 759 of 2023)

This law would direct NYSERDA to develop a renewable energy outreach and planning program that would include a mapping tool. Under this program, NYSERDA will provide technical assistance and communicate and facilitate regional discussions with local governments about the potential benefits of renewable energy.

Electric Vehicle Charging Station Map
(A.5687 Barrett; Veto Memo 125)

As electric vehicles become more prevalent, it is critical that New Yorkers can easily locate public charging stations. This legislation would direct NYSERDA to develop a mobile application containing real time mapping information on publicly available charging stations, such as the number of charging stations per location and vehicle compatibility.

Energy Service Company Billing Comparison
(A.2197 Dinowitz; Passed the Assembly)

Energy Service Companies or ESCOs are companies that sell power to customers who would otherwise be served by a local utility. ESCOs promise certain benefits such as greener energy to their customers. This legislation would require ESCOs to provide a comparison on customers' bills between ESCO prices and the prices the utility would have charged the customer. This legislation would provide ESCO customers with additional information to determine if the costs of the ESCOs represent the value they are seeking.

Overhead Utility Line Study
(A.2368 Stirpe; Passed the Assembly)

The National Electric Safety Code's minimum height requirement for utility lines is 15.5 feet; however, modern farm equipment can meet or exceed that height minimum, potentially endangering farmers. This legislation would direct the chair of the Public Service Commission to study whether the National Electric Safety Code minimum height is sufficient considering the increased size of agricultural equipment.

Utility Emergency Response Plans
(A.7166 Otis; Passed the Assembly)

This legislation would require the Public Service Commission to create a time-based restoration schedule for utilities that ensures prompt restoration and that utilizes benchmarking including the percentage of customers restored within each 24-hour interval after the storm. Utilities would be required to submit compliance details in an emergency response plan submitted to the Public Service Commission.

PUBLIC HEARINGS

Utility Rate Structure

On July 11th, the Assembly held a public hearing to examine the existing electric and gas utility rate structures. The public hearing was conducted by the Assembly Standing Committees on Energy and Corporations, Authorities and Commissions.

The Public Service Commission (PSC) is charged, pursuant to section 65 of the Public Service Law, with ensuring safe and reliable service at just and reasonable rates, without unjust discrimination. The purpose of the hearing was to review the existing determinations of PSC on this issue, including, but not limited to, fixed charges, the availability and effectiveness of discount plans, the return on equity earned by utilities, whether rates can be targeted to better benefit segments of the population including the low-income and/or elderly, and actions being taken to ensure compliance with the 6% affordability goal. The Committee received testimony regarding changes to the current rate structure and the state's energy affordability program. The Department of Public Service, multiple utilities, the Public Utility Law Project, and others testified.

Roundtables on the Electrification of Transportation

On November 1st, the Assembly Standing Committees on Energy, Transportation, Science and Technology, Education and Corporations, Authorities and Commissions hosted three roundtables to discuss the electrification of transportation. The purpose of the roundtables was to have discussions with State agencies, industry leaders, and utilities on the status and challenges of electrifying the state's transportation system.

The first roundtable focused on the status of the electric school bus transition and challenges faced by school districts in achieving the target timeline.

The second roundtable involved new and emerging technologies that have the potential to impact the electrification of transportation, their status/utilization and ways New York State can support ongoing research and development.

The final roundtable discussed the current number, level, and status of EV charging stations; the location and distribution of chargers; the interconnection process; challenges to permitting, easements, and leasing.

OUTLOOK FOR 2024

During the 2024 legislative session, the Energy Committee will continue to oversee State energy policy to ensure that consumers are provided safe and reliable energy at just and reasonable rates. Additionally, the Committee looks forward to continued efforts to achieve the State's renewable energy, energy efficiency and energy storage goals and the State's clean energy targets outlined in the Climate Leadership and Community Protection Act.

APPENDIX A

2023 SUMMARY SHEET

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

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
<u>Bills Reported Favorable To:</u>			
Codes	0	0	0
Judiciary	0	0	0
Ways and Means	11	0	11
Rules	5	0	5
Floor	4	0	4
Total	20	0	20
<u>Bills Held for Consideration</u>	1	0	1
<u>Bills Defeated</u>	0	0	0
<u>Bills Enacting Clause Stricken</u>	3	0	3
<u>Bills Never Reported, Remained in Committee</u>	85	16	101
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		4	

APPENDIX B

ENERGY BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.993	Fahy	Establishes the timeframe for the development of decarbonization plans for state-owned fleet vehicles	Chapter 115
A.1190	Rivera	Would increase the amount of billing information available to demand-metered customers.	Veto Memo 38
A.1721-B	Cunningham	Would require the Public Service Commission to establish electric vehicle charging station reliability reporting and standards	Veto Memo 112
A.2888-A	Barrett	Authorizes the New York State Energy Research and Development Authority to provide municipalities with training and a renewable energy planning tool, including mapping.	Chapter 759
A.2896	Alvarez	Provides technical amendments to a 2022 law related to critical energy infrastructure security and responsibility	Chapter 67
A.4386	Zebrowski	Would direct NYSERDA to prepare a report regarding the installation of renewable generation and battery storage at dormant electric generating sites.	Veto Memo 46
A.5687	Barrett	Would require NYSERDA to develop a real-time mobile application and map showing electric vehicle charging stations	Veto Memo 125

A.6009	Cruz	Would require NYSERDA to develop recommendations regarding the establishment of microgrids at critical facilities	Veto Memo 78
A.7165	Solages	Would authorize reimbursement for expenses incurred by ratepayers and not for profit representatives due to participation in certain utility proceedings	Veto Memo 64
A.7764	Mitaynes	Would enact "The Planned Offshore Wind Transmission Act"	Veto Memo 37

APPENDIX C

ENERGY BILLS THAT PASSED THE ASSEMBLY

Assembly Bill	Sponsor	Description	Final Action
A.2197	Dinowitz	Would require comparison of prices charged by energy services companies.	Passed the Assembly
A.2368	Stirpe	Would require a study on the height of overhead utility lines as such relate to the height of agricultural equipment	Passed the Assembly
A.7166	Otis	Would require the Public Service Commission to adopt criteria for service restoration benchmarks in emergency response plans	Passed the Assembly