

New York State Assembly - Sheldon Silver, *Speaker*

2006

ANNUAL REPORT

Committee On

Energy

Paul D. Tonko, *Chairman*



**2006
Annual Report**

**New York State Assembly
Standing Committee on Energy**

**Paul D. Tonko
Chairman**

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I. INTRODUCTION

The Assembly Energy Committee, now in its 25th year, has jurisdiction over legislation relating to energy availability and sources, policy and planning, conservation of energy, and electric and gas rate-making in New York State. The Committee considers legislation which amends the Energy Law, the Public Service Law, Public Authorities Law, and the Economic Development 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), the Public Service Commission (PSC), the Energy Research and Development Authority (ERDA), 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), and the Department of Transportation (DOT).

In 2006, 101 bills were referenced to the Committee and 28 bills were reported from Committee. The Committee monitored the passage of 19 of these bills in the Assembly. One became law. This report outlines the legislation that incorporates many of the Assembly's proposals developed by the Committee to address the challenges facing the State regarding the State's energy policy during the 2006 legislative session.

II. MAJOR ISSUES FOR 2006

A. ENACTED BUDGET

1. Power For Jobs

(Chapter 59 of the Laws of 2006: Veto 74)

(Chapter 645 of the Laws of 2006: A.12013 Tonko)

Program Background

The Assembly majority proposed the Power for Jobs (PFJ) program in May of 1996. In 1997, after a joint conference committee, the Power for Jobs program was enacted into law as Chapter 316 of the Laws of 1997. The original legislation provided 400 megawatts of low-cost power to businesses and to not-for-profit corporations for the creation and retention of jobs in this State.

The program was amended in July 1998 (Chapter 317 of the Laws of 1998) in order to provide an additional 50 megawatts of power for a total of 450 megawatts of power under the program and in order to accelerate the timetable for the allocation of power. In May 2000, the program was amended (Chapter 63 of the Laws of 2000) in order to provide an allocation of 300 megawatts of power to be available through 2005 for companies' contracts under Phase One which were due to expire in March of 2001. On July 30, 2002, Phases Two and Three allocations of 183 megawatts of power were extended to 2005 (Chapter 226 of the Laws of 2002). The program was extended for one year (Chapter 313 of the Laws of 2005) at the end of the 2005 session.

2006 Legislative Session

The 2006 Enacted Budget extended the Power For Jobs program, along with other lapsing economic development power programs, until December 31, 2007, but was vetoed by the Governor. The Power Authority would have been required to pay for the program extensions, but without increasing hydropower rates. The cost of the extension is estimated to be anywhere from \$150 million to \$220 million depending on market prices (\$110 - \$150 million for PFJ; \$40 - \$70 million EDP).

Along with extending these programs, the Enacted Budget would have required the Power Authority to allow PFJ customers being charged higher prices than the market rate to switch to a rebate form of the program. This would insulate businesses against rate fluctuations and would continue to provide a discounted rate to other program participants.

Also, the Enacted Budget would have directed the Power Authority to reimburse businesses for the difference between the rates they would have paid for energy to their local utility as compared to the higher price the Power Authority charged them under PFJ, retroactive to January 1, 2006. The Power Authority estimated this would cost them \$5 to \$10 million.

This agreement also included a general fund guarantee to cover costs associated with the programs should PASNY be unable to do so.

Subsequent to the Governor's veto, Chapter 645 of the Laws of 2006 was enacted to extend the Power for Jobs program until June 30, 2007. The following is a summary of Chapter 645 of the Laws of 2006:

- extends both the PFJ program and the Energy Cost Savings Benefits/Economic Development Power Program contracts through June 30, 2007;
- establishes the Temporary Commission on the Future of New York State's Power Programs for Economic Development;
- requires PASNY to make a \$100 million contribution to the State's General Fund;
- requires the PASNY to allow PFJ manufacturers paying higher than market prices under their PFJ contract extensions to switch to a rebate form of the program; and,
- requires PASNY to make up the difference between the rates businesses would have paid for energy to their local utility as compared to the higher price PASNY charged them under their contract extensions, retroactive to January 1, 2006.

2. State LIHEAP Appropriation

(Chapter 5 and 6 of the Laws of 2006: A.9562-A and A.9564, Budget)

The Low Income Home Energy Assistance Program (HEAP) is a federal block grant program that provides states with annual formula grants to assist low-income families in paying heating and cooling bills. At the federal level, HEAP is administered by the Department of Health and Human Services. At the state level, it is administered by the Office of Temporary and Disability Assistance (OTDA).

To participate, eligible candidates must enroll in the regular program. Enrollment is based on a formula considering several factors including income level, family size, percentage of income used for energy costs, presence of vulnerable individuals in household. Participation is automatic if a family participates in certain other programs, such as public assistance, food stamps, and housing benefits.

Early in session, due to the drastic rise in heating fuel costs, two appropriation bills were enacted to supplement HEAP by providing OTDA an additional \$100 million in appropriation authority.

3. New York Investment In Conservation And Efficiency

(Chapters 108 and 109 of the Laws of 2006: A.12044Aa and A.12045, Budget)

The New York Investment in Conservation and Efficiency (NYICE) is a pilot program that will provide \$18.9 million to fund the installation of energy efficient retrofit technologies and upgrades in public buildings around the State.

This program will supplement existing State energy efficiency programs to maximize energy savings by providing additional funds needed for energy efficient equipment, weatherization, efficiency retrofits, and clean co-generation technologies. The pilot project will focus on municipal and school buildings in order to reduce increased tax burdens due to rising energy costs. The New York State Energy Research and Development Authority (NYSERDA) will administer the program and develop the mechanisms for distributing the funds for the projects.

4. Conservation Coordination Task Force
(Chapter 59 of the Laws of 2006; A.9559, Part JJ, Budget)

The purpose of the Conservation Coordination Taskforce (CCT) is to develop recommendations to streamline and ensure the efficacy of energy efficiency and energy conservation programs being run by multiple state agencies. The CCT members are required to meet monthly to develop recommendations. An annual report is to be issued that examines the implementation of the CCTs.

Members of the CCT include, but are not limited to, heads of agencies and authorities (or their designees) involved in the State's energy efficiency efforts. The chair of the CCT is appointed by the Governor. Those agencies and authorities specifically cited in this legislation are the New York State Energy Research and Development Authority, the Department of Public Service, the Power Authority of the State Of New York, the Long Island Power Authority, the State Department of Education, the Department of Environmental Conservation, and the Department of Housing and Community Renewal.

B. GAS SALES TAX CAP AND ALTERNATE FUELS
(A.11331, Tonko : Chapter 35 of the Laws of 2006)

The gas sales tax cap provides tax relief by converting the State sales and compensating use tax on motor fuel and diesel motor fuel into a \$.08 per gallon tax on motor fuels, effectively capping the State sales tax at \$2.00 per gallon and providing a local option to adopt a cents-per-gallon tax in lieu of the sales tax on motor fuel. This legislation ensures that the Metropolitan Transportation Authority (MTA) is held harmless for any conversion to a cents-per-gallon tax from the current sales tax, and imposes fines on retail dealers and distributors of motor fuel and diesel motor fuel if the tax savings are not passed through to the consumer.

In addition to switching the prepayment of tax on motor fuel from a percentage rate of tax to a volume based gallon tax, this law:

- authorizes New York City to reduce or eliminate the local sales and use tax on residential energy sources, which includes fuel oil, coal, wood, propane, natural gas, electricity, and steam services;
- provides a refundable personal income tax credit for the cost of replacing a home heating system with a Federal Energy Star unit. The maximum credit is \$500 and is valid for the period July 1, 2006 through June 30, 2007;

- provides a credit for the use of bioheat for residential home heating against the corporate franchise tax and personal income tax. The credit is calculated as \$0.01 per percent of biodiesel content per gallon purchased during the period July 1, 2006 through June 30, 2007 and cannot exceed \$.20 per gallon; and,
- instructs NYSERDA and the DEC to undertake a study regarding the feasibility and construction of alternative fuel facilities at gasoline stations located along the New York State Thruway. By December 31, 2006, NYSERDA will be required to prepare an implementation study, by December 31, 2007, to outline a plan for the construction and initial operation of such alternative fuel facilities on the Thruway.

C. SITING OF MAJOR ELECTRIC GENERATING FACILITIES
(A.10371-C Tonko, Silver; Passed Assembly)

Article X of the Public Service Law

Article X of the New York State Public Service Law expired on January 1, 2003. The law set forth a process to review applications to construct and operate major electric generating facilities with a generating capacity of 80 megawatts or more. Article X approval results in the issuance of a Certificate of Environmental Compatibility and Public Need (Certificate), which is required before the construction of such a facility.

The Assembly Power Plant Siting reform legislation would continue to designate the Department of Environmental Conservation as the entity responsible for issuing required environmental permits consistent with the designation by the United States Environmental Protection Agency.

The Article X bill would provide for more community input in siting decisions, additional protections for health, and require state agencies to conduct environmental and health related studies. Such changes are designed to collect more information while maintaining the streamlined 12-month application review period of existing law. Other provisions included would:

- improve local community representation on each siting board by requiring that local appointees be named by locally elected officials;
- require analyses of health impacts, cumulative impacts of emissions in the affected area and review of such studies by the siting board to protect the health of the local community;
- strengthen the community outreach process by requiring the use of multiple languages, as is appropriate, as well as the use of community newspapers for notice requirements;

- increase the amount of intervenor funding from a maximum of \$400,000 to \$625,000; make 25% of the funding available for pre-application process and allow intervenor funds to be available for legal fees;
- lower the threshold for the size of power plants subject to Article X requirements to 30 megawatts from 80 megawatts and include multiple plants that are separately sited but located within the same community;
- require the applicant to provide a profile of air and water emissions including micro particulates (2.5 microns or smaller);
- require the Energy Research and Development Authority to examine how a proposed facility fits into the current energy plan and conduct a cost analysis of the proposed facility in comparison to alternative sources of energy including renewable and energy efficiency measures;
- require the Department of State to conduct an analysis of the proposal in light of State coastal zone management laws and policies and require the Office of Parks, Recreation and Historic Preservation to conduct an analysis of impacts on parks and open lands;
- require the submission of a security plan to be prepared in consultation with the state Emergency Management Office;
- prohibit the Power Authority of the State of New York and the Long Island Power Authority from assuming the lead role in assessing the environmental and health impacts of facilities that they build themselves or cause to be built;
- exempt generating sources that solely use wind resources to generate electricity;
- require enhanced emission reduction requirements for acid rain pollutants, and regulate power plant emissions of nitrogen oxide, sulfur dioxide, carbon dioxide, and mercury; and,
- extend the law until December 31, 2016.

D. ENERGY PLANNING,
(A.10372 Tonko, Silver; Passed Assembly)

Article Six of the Energy Law, requiring the creation of a State Energy Plan, expired on January 1, 2003. The State Energy Plan was used to provide a 20 year outlook for long term planning of both projected energy demand as well as recommendations for the provision of the State's energy needs through investments in conservation, transmission, new generation, and new technology.

This legislation would reauthorize Article Six of the Energy Law, which would require comprehensive studies of the State's energy needs, analyses of the emerging regional energy markets in the State and establish the State Energy Planning Board. The Board would consist of: the chair of the Public Service Commission; commissioners of the Department of Environment Conservation, the Department of Economic Development, and the Department of Transportation; the director of the State Emergency Management Office; and the chair of the New York Energy Research and Development Authority.

The Board would be directed to adopt and update a State Energy Plan and, at least every four years, conduct a reliability study of the State's electrical transmission and distribution system. The State Energy Plan would:

- examine electricity and natural gas markets to identify, on a statewide basis, where additional supply needs are most critical; examining the downstate and upstate regions separately;
- examine the least-cost means of meeting the State's energy needs, avoiding reliance on construction of large, central-station power plants and emphasizing replacing old, inefficient polluting facilities;
- analyze the security of the State's energy systems, and the fairness of the location of facilities; and,
- examine and identify alternative locations for the siting of new power plants.

Finally, the bill would require the Power Authority of the State of New York and the Long Island Power Authority to participate in the planning process by completing an annual energy plan, which would examine the authorities' strategic, operating and capital plans.

E. UTILITY PORTFOLIO MANAGEMENT

(A.10370 Tonko, Silver; Passed Assembly)

The legislation would reauthorize and amend Section 66-i of the Public Service Law with respect to energy portfolio management services for utility customers and place new requirements on utility companies to protect their customers from increasing volatility in energy prices.

It would require electric utilities to consider all reasonably available resources to provide "portfolio management" services to their customers. Such portfolio management services would include mechanisms such as long and short-term energy contracts, energy efficiency, distributed generation and renewable energy technology, which would reduce the volatility of wholesale electrical prices and minimize customer bills.

Utility companies would, within six months of the passage of this law, be required to submit drafts outlining proposed portfolio service management plans to the Public Service Commission. After public comment and participation to determine if the plans met the requirements described in this legislation, the Commission would approve the plan upon finding

that such plan meets the established requirements. The Commission would then establish a set of performance-based rewards and penalties to be applied to utility companies in response to the efficacy of their plans.

F. FACILITIES OF REFUGE

(A.5812 Tonko; Passed Assembly)

This legislation would establish guidelines for the creation of facilities of refuge throughout the State in order to provide adequate protection and relief in times of emergency. Every county and the City of New York would be directed to coordinate and cooperate with the State Emergency Management Office and the Disaster Preparedness Commission to establish facilities of refuge, which would be included in all local disaster preparedness plans. Such facilities of refuge would be required to install cogeneration technology on its premises in order to have the ability to generate on-site electricity and thermal energy.

The legislation would direct the Power Authority of the State of New York and the Long Island Power Authority each to provide at least \$10 million annually for a five year period in financial assistance for the installation of cogeneration technologies.

Facilities of refuge would be exempt from tariffs, exit fees or payment of lost revenues related to the installation and operation of cogeneration equipment. Furthermore, to the extent such facilities would require interconnection with local electric utility systems, any standby rates established by an electric corporation would be required to consider the actual costs and benefits of the distributed generation resource. Any interconnection rates collected by the electric corporations would be required to be reasonable.

G. ENERGY CONSUMER PROTECTIONS

1. Rural Co-op Switch – A.650, Parment; Passed Assembly

New York rural electric cooperatives were created in 1941 to provide electric service in areas not served by private power companies. Each cooperative is a non-profit electric utility owned by the customers it serves and governed by a board of directors elected by the cooperative membership.

Rural electric cooperatives have successfully demonstrated that they can efficiently provide low cost electricity in rural areas. Cooperatives are able to respond to price, quality, and capacity concerns quickly because they are customer owned. The cooperative structure offers highly attractive rates to business customers as well.

This legislation would authorize a rural electric cooperative to provide electrical service within the service territory in which it holds a franchise by mutual agreement with the existing electric service supplier. This would allow rural residents who are currently served by other high cost utilities to obtain the benefit of lower cost power provided by rural electric cooperatives.

2. Restricting Automatic Rate Adjustments – A.2718, Tonko; Passed Assembly

Gas and electric utilities can pass higher costs on to ratepayers through automatic adjustments such as market supply charges or fuel adjustment charges. This legislation would require the PSC to examine the effect of higher prices that are passed on to consumers through these automatic adjustments on customer bills, and would ensure that utilities are acting appropriately to provide just and reasonable rates to retail consumers. Utilities would be limited to one automatic rate adjustment in any six-month period, and annualized increases would be limited to the lesser of \$300,000 or 2.5% of the gas or electric corporation's revenues during a 12-month period.

3. Gas and Electric Service Price List – A.7426, Tonko; Passed Assembly

There are limited opportunities for residential customers to choose new natural gas or electricity suppliers and residential customers are without a central resource to gather information on the several offers from suppliers in their service territory.

This legislation would amend the Public Service Law to require the PSC, in its role as the overseer of energy markets in the State, to compile and provide a comprehensive and timely list of suppliers so that consumers have accurate and complete information in order to make educated choices. Further, this bill would require all companies offering services to file their terms with the PSC.

4. Pre-paid Energy Service Customer Protection – A.7427, Tonko; Passed Assembly

The decreased oversight of the growing number of unregulated energy services companies has led to a gap in consumer protection evidenced by customers with pre-paid service contracts who have failed to receive the services they purchased. This legislation would require energy companies to maintain financial instruments or other assurances to guarantee repayment to the customer of all prepaid amounts in the event the company cannot meet its obligations under the service contract.

5. Protection from Energy Service “Slamming” – A.7428, Tonko; Passed Assembly

The deregulation of the electricity markets in New York is designed to allow new energy service companies to provide retail commodity services to residential electric utility customers. Some of these new market entrants may attempt to “slam” customers, which refers to switching the services of customers from one company to another either without the express consent of the customer or through dishonest means.

This legislation would prohibit an energy company from switching a residential customer account to another energy service company without the express consent of the customer. An energy company could not change the terms and conditions of service without the express consent of the customer except for changes resulting from tariff changes approved by the PSC, which are applicable to all customers of the same service class. Failure to respond to bill inserts or other notice would not constitute consent.

H. AGENCY ENERGY EFFICIENCY STANDARDS

1. Eliminating Wasteful Lighting – A.1846, Grannis; Passed Assembly

It is estimated that poorly designed and inefficient outdoor lighting wastes between \$3.5 and \$4 billion annually. This legislation would direct that existing state lighting efficiency standards for existing public buildings include the conservation of energy by measures such as the elimination of wasteful artificial night lighting. The resulting efficiency standards would help the State reduce energy consumption and pollution.

2. Energy Life Cycle Cost Purchasing – A.11480, Tonko; Passed Assembly

The price escalation of electricity, natural gas and other energy sources has increased the importance of energy efficiency in State operations. Energy efficient measures often come at a higher initial cost with savings recognized over the long term operation of the equipment due to reduced energy usage. State contracting and procurement requirements often look only at initial purchase price, which may result in the purchase of initially cheaper equipment, but costs the agency more over the life of the equipment due to higher energy usage.

This legislation would amend the State Finance Law to require all State entities to conduct an energy life cycle analysis in the construction or renovation of facilities and in the purchasing of energy-consuming equipment and materials. A life cycle cost analysis would take into account total costs for energy-consuming equipment and materials, including estimated energy costs over the life of the equipment or material. State entities would be required to consider life cycle costs in their decision making regarding equipment procurement and the construction and renovation of facilities.

3. Green Building Construction Act – A.11537, Lupardo; Passed Assembly

Green buildings use resources including energy, water, materials, and land more efficiently and effectively than traditional buildings and provide healthier environments for working, learning and living. By building green, the State could save money and foster development of green technologies. Washington, Arizona, California, Pennsylvania, and the United States Department of Environmental Protection Agency already have policies that require green building practices for public buildings.

This legislation would require State buildings to comply with the United States Green Building Council Leadership in Energy and Environmental Design Silver Rating Level and incorporate the use of life cycle cost analysis for the improvement of green building construction practices.

I. ENERGY SAFETY AND RELIABILITY STANDARDS

1. Utility Emergency Action Plans – A.4107, Espailat; Passed Assembly

This legislation would direct the Public Service Commission to adopt regulations requiring utilities to design and implement emergency action plans for potential gas or electric service interruptions. The plans would be designed to minimize, to the greatest extent possible, the damages from any interruption.

2. Utility Reliability Standards – A.5811, Tonko; Passed Assembly

This legislation would require the Public Service Commission to establish mandatory reliability standards for electric generating, transmission and distribution systems. The new standards would minimize electrical service interruptions to customers and require appropriate planning and operating standards to ensure reliable operation of New York State electric power systems. All New York public authorities, electric utility companies, and municipal utilities would be required to comply with these standards.

J. EXPANSION OF ALTERNATIVE ENERGY AND NET METERING OPPORTUNITIES

Increasing diversity of our State's energy portfolio would have many benefits including decreased dependence on non-renewable resources and would promote environmentally friendly forms of electric generation.

1. Expanding Wind Turbine Net Metering Opportunities – A.11627, Englebright Chapter 721 of the Laws of 2006

This legislation allows residential customers with wind electric generation systems to participate in net metering in a similar manner as residential customers with photovoltaic systems to and gives farm customer more discretion as to where they may place a wind turbine on their property.

2. Net Metering for Public Schools and Libraries – A.7979, Galef; Passed Assembly

This legislation would allow public schools and public libraries that install photovoltaic systems to participate in net metering. With the high costs of electric service, this would give them a financial incentive to invest in cost-effective, renewable energy technology.

III. PUBLIC HEARINGS

The Committee held 10 public hearings in 2006. A summary of those hearings follows.

A. HOME ENERGY ASSISTANCE PROGRAM

On February 1 and 14, 2006 the Committee held hearings in Albany to review the implementation and effectiveness of New York's Low Income Home Energy Assistance Program.

Testimony at the hearings focused on the Office of Temporary and Disability Assistance's plan to distribute both the Federal and State funds, the difficulties for county agencies charged with implementing this program, the hardships faced by the State's vulnerable population, ideas on how to improve HEAP, and proposed legislation aimed at reducing the energy burden for low-income households.

B. RENEWABLE PORTFOLIO STANDARD

On March 7, 2006, the Committee, in conjunction with the Sub-Committee on Renewable Energy, held a hearing in Albany to examine policies and implementation of the Renewable Portfolio Standard, a program created to development renewable energy in New York State.

The RPS was created by a Public Service Commission Order in 2004. Pursuant to the Order, the RPS is funded through a surcharge on electric utility customer bills. The Order designates the New York State Energy Research and Development Authority as the administrator of the program and all associated funds.

Testimony at the hearing examined a range of subjects including the unique characteristics of the New York RPS; the implementation process of the RPS, the impact on electric consumer bills, the methodology used to determine costs of the program, the capability of the RPS to reduce fossil fuel costs in New York, the coordination of the RPS with other energy programs, and the success of other state RPS programs resulting in the construction of renewable energy sources and reduced dependency on fossil fuel sources of electricity.

C. TEN DAY SUMMER BLACKOUT IN QUEENS, NEW YORK

On August 3 and September 28, 2006, the Committee, in conjunction with the Assembly Standing Committees on Corporations, Authorities and Commissions, held hearings in New York City and Westchester to examine the impact, cause and response to the July 2006 blackout in the Consolidated Edison service territory.

On July 17, 2006, residents of Queens County and parts of Westchester County were left without electricity during a power outage that lasted 10 days and left an estimated 100,000 people without power.

The Committees received testimony on issues including the cause of the outage, a determination of what factors contributed to the severity and duration on the outage, whether the

response was timely and adequate, and recommendations to reduce the possibility of future outages.

D. NEW YORK REGIONAL INTERCONNECT'S PROPOSED TRANSMISSION LINE

On August 17 and 23, 2006, the Committee held hearings in Liberty and Utica to review the impact and need for the New York Regional Interconnect's proposed High Voltage Direct Current Transmission line.

On May 31, 2006, New York Regional Interconnect Inc. (NYRI) submitted an application to the New York State Public Service Commission (PSC) pursuant to Article VII of the Public Service Law, seeking approval to build and operate a 190-mile high voltage direct current (HVDC) transmission line from Oneida County to Orange County.

The Committee received testimony on issues including how the proposed transmission line would address the State's current energy needs and how it is consistent with the State's energy policy, public participation opportunities in the Article VII application review process, the potential impact on electric consumer bills, the potential effect on homeowners and business in the proposed area, and environmental and health concerns associated with the proposed transmission line.

E. PROPOSED ACQUISITION OF KEYSpan BY NATIONAL GRID

On September 27, 2006, the Committee held a hearing in Riverhead to evaluate the proposed acquisition of KeySpan Corporation by National Grid Group.

On February 27, 2006, National Grid and KeySpan announced an agreement for National Grid to acquire KeySpan, materially expanding the size of National Grid's United States operations and creating the third-largest energy delivery utility in the United States that will serve nearly eight million customers in the New York State and New England region. On May 26, 2006, the companies applied jointly with the U.S. Federal Energy Regulatory Commission (FERC) and to the New York State Public Service Commission, seeking approval of the proposed agreement on July 21, 2006.

The Committees received testimony on issues including how the acquisition affects consumers and workers, the impact on local communities, the role regulators will play to ensure the protection of consumer interests and maintenance of high service and reliability standards throughout the State, and the impact of the acquisition with respect to the State's overall energy policies.

IV. OUTLOOK FOR 2007

As the Committee develops an agenda for 2007, it will continue its in-depth review of State energy policy and encourage State agencies to develop an integrated approach in planning for the State's energy needs.

The Committee will also continue to promote ways the State can diversify its energy portfolio in a manner that ensures that energy remains both safe and available for residents and business at reasonable rates, while maintaining the highest levels of reliability.

APPENDIX A

2006 SUMMARY SHEET

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

<u>Final Disposition</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
TOTAL Bills Referred to Committee	87	6	93
<u>Bills Reported With or Without Amendment</u>	28	0	28
To Floor	7	0	7
To Ways and Means	14	0	14
To Codes	6	0	6
To Rules	1	0	1
Bills Having Enacting Clause Stricken	0	0	0
Bills Never Reported, Remained in Committee	59	6	65
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		5	

APPENDIX B

Bills Passed by Both Houses

<u>Governor's Action</u>	<u>Bill Number</u>	<u>Description</u>
Chapter 721	A.11627 Englebright	Expands wind electric net metering program.
Veto Memo 274	A.11832 Rules (Parment)	Allows clean energy research and development entities, owned by municipal corporations, to receive empire zone tax credit.

APPENDIX C

Bills Passed by the Assembly

<u>Bill Number</u>	<u>Sponsor</u>	<u>Description</u>
A.650	Parment	Expands powers of rural electric cooperatives by eliminating the prohibition that such cooperatives shall not distribute, sell, supply or dispose of electric energy to any premises or building receiving and using central station electric service; makes provisions for determining the consideration to be paid for such service by either mutual agreement or by the Public Service Commission.
A.1068	Thiele	Prohibits the Public Service Commission from raising utility rates to offset revenue loss due to energy conservation efforts by consumers.
A.1846	Grannis	Relates to state lighting efficiency standards for existing public buildings and eliminating wasteful artificial night lighting of public buildings.
A.2718	Tonko	Relates to automatic rate adjustments for natural gas or electric service; permits such rate adjustment only when associated with fuel purchased for the production of electricity by such electric companies; limits gas and electric corporations to no more than one rate adjustment in any six-month period; makes related provisions.
A.4107	Espaillet	Requires gas and electric corporations to prepare emergency response plans covering interruptions of services; specifies some of the elements of the plans; requires the Public Service Commission to promulgate necessary rules and regulations.
A.5812	Tonko	Creates facilities of refuge throughout the State where the public will have access to continuous provisions of electricity, heat and other necessary utility services in times of disruption due to natural or man-made disasters.
A.7097	Tonko	Imposes a penalty on public utilities for violating gas safety provisions that cause significant damage to real property, or is a repeat violation within a 24 month period.

A.7426	Tonko	Requires utilities to provide a list of prices and terms of service for every company selling electricity and natural gas.
A.7427	Tonko	Relates to prepayment protections for energy consumers; any company offering prepaid gas or electric commodity service shall maintain the financial instruments to guarantee repayment should the company be unable to meet its obligations to the customer.
A.7428	Tonko	Prohibits companies from switching a customer account to another company without such customer's express consent.
A.7979	Galef	Allows public schools and libraries to participate in solar electric net metering programs.
A.9711	Espaillet	Requires utilities to make available information concerning gas and electric charges incurred for residential rental premises to potential tenant.
A.10370	Tonko	Requires electric utilities to consider all reasonably available resources to protect their customers from unnecessary and unreasonable price fluctuations.
A.10371-C	Tonko	Reauthorizes and amends the Article X process siting large power plants.
A.10372	Tonko	Reauthorizes State Energy Plan; requires comprehensive studies of the states energy needs and requires analyses of the emerging regional energy markets in the state.
A.11480	Tonko	Requires all state agencies to conduct an energy life cycle analysis when purchasing equipment.
A.11537	Lupardo	State Green Energy Construction Act would require any new buildings or any "substantial renovation" to comply United States Green Building Council LEED Silver rating.