

New York State Assembly

**Carl E. Heastie**

*Speaker*



**Committee on Energy**

**Amy R. Paulin**

*Chairwoman*

**2016**

**ANNUAL REPORT**



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, 2016

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 2016 Annual Report of the Assembly Standing Committee on Energy. This legislative session marked my fourth as chair of the Committee. During this session, the Committee was able to once again address issues of importance to New York's ratepayers and those advocating for increased energy efficiency and renewable resources.

Throughout the course of the year, the Committee was actively engaged in several significant areas, including the passage of legislation contained in the SFY 2016-17 Budget which required the New York State Energy Research and Development Authority (NYSERDA) to implement a program to encourage the deployment of clean vehicles. The program will provide rebates of up to two thousand dollars for the purchase of electric and plug-in hybrid vehicles.

Outside of the budget process, the Committee 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, with testimony gathered from a joint hearing with the Committee on Economic Development, Job Creation, Commerce and Industry, the Committee advanced legislation that would require the PSC to issue an order containing guidelines for equitable sharing of interconnection costs for distributed energy resources.

In the year ahead I am eager to work with the Committee on legislation that will protect ratepayers from spikes in energy bills, increase access and affordability of renewable energy technologies, and improve energy efficiency for homes and businesses.

Sincerely,

Amy R. Paulin  
Chair of the Assembly Energy Committee

**2016 ANNUAL REPORT  
OF THE NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON ENERGY**

**Amy R. Paulin, Chairwoman**

**Committee Members**

Steve Englebright  
Andrew Hevesi  
Linda Rosenthal  
Addie Russell  
Marcos Crespo  
Francisco Moya  
Aravella Simotas  
Sean Ryan  
Angelo Santabarbara  
Charles Barron  
Latrice Walker  
John Ceretto

Philip Palmesano  
William Barclay  
Andrew Garbarino  
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**Staff**

Paul Esmond, Legislative Analyst  
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Anais Vasquez, Committee Clerk  
Cindy Ceniviva, Program and Counsel Secretary

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## **I. INTRODUCTION**

The Assembly Energy Committee, now in its 35<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 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 2016, 104 bills introduced in the Assembly were referenced to the Committee, and 14 were reported from the Committee. The full Assembly considered and passed 4 of these bills. 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.

## **II. MAJOR ISSUES OF 2016**

### **Rebates for the Purchase of Clean Vehicles**

(A.9008-C (Budget bill); Chapter 58 of the Laws of 2016)

The SFY 2016-17 Budget included a provision directing NYSERDA to establish and implement a program to provide rebates for the purchase of Zero Emissions Vehicles (ZEVs) and hydrogen fuel cell vehicles. The rebates, capped at \$2,000 per vehicle purchased, will cover purchases of electric and plug-in hybrid vehicles.

### **Net Metering Capacity for Farm Waste Electric Generating Equipment**

(A.9008-C (Budget bill); Chapter 58 of the Laws of 2016)

The SFY 2016-17 Budget also included a provision that increased the net-metering maximum rated capacity for farm waste electric generating equipment from 1 to 2 megawatts.

## **A. GAS SAFETY**

### **Mapping of Proposed Gas Production and Transportation Facilities**

(A.3237 Lupardo; Passed Assembly)

The Assembly approved legislation that would require the Department of Public Service (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. Gas gathering lines are pipelines that transport gas from a production facility to a transmission line, main or end user. Pipeline facilities would include new and existing pipelines, rights-of-way and equipment used in the treatment or transportation of gas.

## **B. CONSUMER ISSUES**

### **Notification of Meter Reading Rights to Consumers Disconnecting Service**

(A.4742 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 48 hours of such request.

### **Utility Portfolio Management**

(A.4323 Brennan; Reported)

The Committee reported legislation that would require electric utilities and LIPA to institute portfolio management services for their customers, and place new requirements on electric utility companies to protect their customers from increasing volatility in energy prices.

The legislation would require electric utilities and LIPA 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, load management, distributed generation and renewable energy technology, which would collectively reduce the volatility of wholesale electrical prices and minimize customer bills.

Advanced Metering Technology  
(A.4354-A DenDekker; Reported)

The Committee approved legislation that would require the PSC to adopt standards to ensure the safety and accuracy of Advanced Metering Infrastructure (AMI), including two-way smart meters. The bill would also allow for consumers to opt out of the installation of a two-way smart meter at their property.

Collection of Utility Charges Deemed to be Rent  
(A.5279 Rodriguez; Reported)

The Committee approved 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.

Providing Gas and Electric Bill Information to Prospective Renters  
(A.7887 Pichardo; Reported)

The Committee approved legislation that would require a utility 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.

**C. NET ENERGY METERING, ENERGY EFFICIENCY, ALTERNATIVE ENERGY AND ENERGY PLANNING**

Electric Vehicle Charging  
(A.9574-A Paulin; Passed Assembly)

The Assembly passed legislation that would require combination gas and electric corporations to file a tariff with the PSC for the residential charging of clean vehicles, including full electric vehicles, plug-in hybrids and vehicles operating with a hydrogen fuel cell system.

Interconnection Costs of Distributed Energy Resources

(A.10426 Paulin; Passed Assembly)

The Assembly passed legislation that would direct the PSC to issue an order containing guidelines for cost-sharing for distributed generation facilities where one or more developers utilizes 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.

Changing the Credit Structure for Net-Metering for Micro-Combined Heat and Power and Fuel Cell Customers

(A.2710 Paulin; Reported)

The Assembly approved a bill that would allow electric customers who own and operate micro-combined heat and power (CHP) and fuel cell electric generating equipment to earn credits for energy produced at the same rate as charged to the same class of customers who do not produce electricity through net-metering. Currently, micro-combined CHP and fuel cell customers receive credit at an electric company's avoided cost.



### **III. OVERSIGHT AND PUBLIC HEARINGS**

#### Net-Metering

On May 6<sup>th</sup>, the Committees on Energy and Economic Development, Job Creation, Commerce and Industry convened a joint hearing to examine the potential obstacles to net-metering for residents and businesses. Net-electric metering represents a substantial amount of New York's renewable energy portfolio. The hearing examined concerns of potential customer generators and installers related to net-metering, including: burdensome interconnection processes, timely interconnection to the grid and standby charges that make combined heat and power and farm waste generating projects cost-prohibitive.

**APPENDIX A**

**2016 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>104</b>	<b>9</b>	<b>113</b>
<b><u>Bills Reported With or Without Amendment</u></b>	<b>14</b>	<b>0</b>	<b>14</b>
To Floor	<b>2</b>	<b>0</b>	<b>2</b>
To Ways and Means	<b>10</b>	<b>0</b>	<b>10</b>
To Codes	<b>2</b>	<b>0</b>	<b>2</b>
To Rules	<b>0</b>	<b>0</b>	<b>0</b>
Bills Having Enacting Clause Stricken	<b>3</b>	<b>0</b>	<b>3</b>
Bills Never Reported, Remained in Committee	<b>83</b>	<b>9</b>	<b>92</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>4</b>	

**APPENDIX B**  
**Bills Passed by the Assembly**

<b><u>Bill Number</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>
A.3237	Lupardo	Requires certain information to be filed with the Department of Public Service.
A.4742	Simotas	Requires electric and gas corporations to provide an actual meter reading upon discontinuation of residential service.
A.9574-A	Paulin	Requires combination gas and electric corporations to file a tariff for the residential charging of clean vehicles, including full electric vehicles, plug-in hybrids and vehicles operating with a hydrogen fuel cell system.
A.10426	Paulin	Directs the Public Service Commission to issue an order governing the equitable sharing of interconnection costs for distributed generation resources.