

New York State Assembly

Annual 2024 Report

Committee on
Energy



Speaker Carl E. Heastie
Didi Barrett, Chair



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, 2024

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 2024 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 utility bill transparency and the siting of renewable energy and transmission lines.

It is an exciting time to be the Energy Chair, with so much focus on issues such as renewable energy generation, electric vehicles and grid capacity. Under your leadership and with your 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 2025 legislative session.

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".

Didi Barrett, Chair
Assembly Standing Committee on Energy

2024 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
Patricia Hanna, Committee Clerk

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INTRODUCTION

The Assembly Energy Committee has jurisdiction over legislation relating to energy availability and sources, energy policy and planning, energy 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), and the Department of State (DOS).

In 2024, 132 bills introduced in the Assembly were referenced to the Committee, and 11 were reported from the Committee. The full Assembly considered and passed 14 energy bills. Three bills were signed into law.

MAJOR ISSUES OF 2024

A. BUDGET HIGHLIGHTS

RAPID Act

The SFY 2024-2025 Budget included provisions that:

- streamline the process of siting renewable energy projects in New York by transferring the Office of Renewable Energy Siting (ORES) from the Department of State to the Department of Public Service;
- expand ORES's authority to include the siting of major electric transmission lines in addition to renewable energy generation;
- increase municipal participation in the siting of renewable energy and transmission projects;
- require ORES to ensure projects minimize impacts on agricultural land;
- require ORES to report annually on metrics including:
 - the number of applications received,
 - the number of projects approved,
 - the total fees collected; and,
- require offshore wind supply chain projects and major electric transmission facility projects to comply with prevailing wage requirements.

Electric Vehicle Corridor Fast Charging Study

The SFY 2024-2025 Budget included provisions that:

- require the New York State Energy Research and Development Authority (NYSERDA) to conduct a study of electric vehicle fast charger deployment along important transportation corridors within the state that will include:
 - an estimate of future fast charger deployment needs as well as the total charging capacity needed;
 - an analysis of ways to optimize deployment of fast chargers; and,
 - an assessment of total potential costs associated with future fast charger deployment, as well as any federal and state funding opportunities to minimize cost to ratepayers.

NYSERDA Build Ready Modifications

The SFY 2024-2025 Budget included provisions that:

- require the Build Ready Program, which authorizes NYSERDA to prepare hard-to-develop sites for renewable energy developers, to prioritize dormant electric generating sites when selecting sites for renewable energy development;
- require the Build Ready Program to consult with and receive approval from a municipality before deeming a site suitable for a qualified energy storage system, such as battery storage; and,
- prohibit land used in agricultural production from being deemed suitable for a Build Ready site, unless the proposed project is on previously developed land that is being reclaimed as farmland.

B. COMMITTEE LEGISLATION

Renewable Energy Outreach and Community Planning **(A.8489 Barrett; Chapter 106 of 2024)**

This law provides technical amendments to Chapter 759 of 2023, related to the renewable energy outreach and community planning assistance program. This chapter required NYSERDA to provide technical assistance to local governments and facilitate regional discussions about the benefits of renewable energy. The chapter amendment clarifies the definition of “renewable energy” and “renewable energy technology,” authorizes NYSERDA to augment or expand existing outreach and community planning programs and removes the fee on developers.

Summary of Rate Changes **(A.9827 Baret; Chapter 333 of 2024)**

The rates that consumers pay for electricity and gas service in New York are set by the PSC as part of a rate case. Rate cases produce many-hundred plus page documents filled with technical language that can be daunting for rate payers who are attempting to understand why their utility bill has increased. This law requires the PSC to post a one-page summary of a rate change proposed by any electric or gas utility on its website. At the conclusion of a rate case the PSC is required to post a one-page summary of the final rate change on their website and include information such as the total rate change, the average rate change for different customer classes, and, a summary of how the revenue will be spent.

Overhead Utility Line Study **(A.2368 Stirpe; Veto Memo 61)**

The National Electric Safety Code’s recommended 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 sufficiently considers the increased size of agricultural equipment.

Customer Notice of Rate Changes

(A.4895 Ardilla; Veto Memo 127)

When the Public Service Commission authorizes a utility to increase rates, the utility is only obligated to notify the municipality and publish the information in a newspaper with general circulation. As a result, many customers may not be aware of the increase and do not have time to prepare for higher electric and gas rates. This legislation would require utilities to send written notice to each electric and gas customer at least 60 days prior to any electric or gas rate increase.

Grid Modernization

(A.6253-A Barrett; Veto Memo 61)

As New York strives to reduce its dependence on fossil fuels, more tools, vehicles, and appliances will be reliant on the electric grid, significantly increasing electricity demand. The resulting demand will require a more robust and modern electric grid. This legislation would establish the New York State Grid Modernization Commission. The 20-member Commission, made up of commissioners of relevant state agencies as well as legislative appointees, would be tasked with issuing a report to the State Energy Planning Board on recommendations for tools, resources, and deployment models, such as distributed energy resources, demand management systems, and other emerging technologies that will enable an improved grid.

Charging Station Accessibility

(A.7091 Simon; Chapter 618 of 2024)

As electric vehicles become a larger share of total vehicles in New York, the placement and functionality of charging stations has come under increased scrutiny. The New York Power Authority (NYPA) constructs and leases electric vehicle charging stations throughout the state. Currently, there is no requirement that any of the charging stations be accessible to New Yorkers with disabilities. This legislation requires NYPA's charging stations to include spaces that are large enough to accommodate wheelchair-accessible electric vehicles.

Utility Intervenor Reimbursement Account

(A.8611 Solages; Veto Memo 69)

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 PSC proceedings, including utility rate cases. The account, funded by the utilities, would allow individuals or not-for-profit organizations to apply for reimbursement of reasonable advocate expenses, expert witness fees, and other costs for preparation and participation in a proceeding related to the cost of gas, electricity, steam, or submetering.

Electric Vehicle Charging Station Implementation

(A.8869 Barrett; Veto Memo 41)

This legislation would direct NYSERDA to establish a Fast Charge NY Working Group and develop an electric vehicle fast charging station implementation plan in consultation with the working group. The plan would be required to include information on the current landscape of electric vehicle charging stations, as well as methods to increase the availability of charging stations, and guidance for municipalities and fleet owners to deploy charging stations.

Grid Enhancing Technologies

(A.9105-A Anderson; Veto Memo 119)

Demand for electricity is projected to increase substantially in upcoming years, requiring costly investments in the grid and power generation. Grid enhancing technologies are a category of hardware and software upgrades that can enable more efficient performance of the electric transmission system. Technologies such as dynamic line rating and power flow controls can allow more electricity to flow through existing infrastructure, preventing the need for more expensive upgrades. This legislation would authorize the PSC to approve and encourage utility level deployment of grid enhancing technologies when they are more cost effective than traditional infrastructure upgrades.

Microgrids for Critical Infrastructure Report **(A.9123 Cruz; Veto Memo 43)**

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 utility electric grid is down or offline. This legislation would direct the 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, water-filtration plants, and other critical facilities to help ensure operational continuity for these facilities during emergencies.

Wind Turbine Standards **(A.1903-A Glick; Passed Assembly)**

Collisions with wind turbine blades have killed an estimated 500,000 birds; however, a study in the journal *Ecology and Evolution* found that coloring one turbine blade black could reduce bird mortality by up to 72 percent. This legislation would direct the Office of Renewable Energy Siting (ORES) to publish uniform standards for the coloring of turbine blades upon a determination from the Federal Aviation Administration, which regulates turbine blade visibility, that coloring turbine blades is permissible.

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 between ESCO prices and the prices the utility would have charged on customers' bills. This legislation would provide ESCO customers with additional information to determine if the ESCO prices represent the value they are seeking.

Pre-Owned Zero Emission Vehicle Rebate

(A.5769 Barrett; Passed Assembly)

NYSERDA's Drive Clean program currently provides rebates for new zero emissions vehicles and was created to help reduce transportation-related greenhouse gas emissions. However, a significant percentage of car sales are of previously owned vehicles. This legislation, which would sunset in 2029, would direct NYSERDA to establish a program to provide rebates of up to \$2,000 for previously owned zero emissions vehicles at the point of sale. NYSERDA would be required to submit an annual report on the status of the program.

Utility Emergency Response Plans

(A.7166 Otis; Passed the Assembly)

In recent years the length of power outages after major storms has increased. This legislation would require the PSC to create a time-based restoration schedule for utilities to ensure prompt restoration and also utilize benchmarking, including the percentage of customers restored within each 24-hour interval after the storm. In addition, utilities would be required to include more details pertaining to staffing levels and equipment in an emergency response plan submitted to the PSC.

PUBLIC HEARINGS

NYSERDA Spending and Program Review

On December 18th the Assembly standing committee on Energy held a hearing on the New York State Energy Research and Development Authority's (NYSERDA) spending and program effectiveness. NYSERDA administers a variety of programs such as the Clean Energy Standard, including Renewable Energy Credits (RECs), EmPower+, the Regional Greenhouse Gas Initiative (RGGI), and other programs focused on energy efficiency and renewable energy. The committee heard testimony from NYSERDA as well as the Department of Public Service on their administration of various energy programs including the Clean Energy Standard and RGGI. The committee also heard testimony from a former member of the Public Service Commission (PSC) on the relationship between the PSC and NYSERDA.

OUTLOOK FOR 2025

During the 2025 legislative session, the Energy Committee will continue to oversee State energy policy and help ensure that consumers are provided an adequate supply of safe and reliable energy at just, reasonable, and affordable rates. The Committee remains interested in ensuring transparency at the PSC, NYSERDA and utilities and looks forward to continued efforts to achieve the State's renewable energy, energy efficiency, and energy storage targets outlined in the Climate Leadership and Community Protection Act. Additionally, the Committee will be actively monitoring the process to develop the State Energy Plan throughout 2025.

APPENDIX A

2024 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	1	0	1
Judiciary	0	0	0
Ways and Means	2	0	2
Rules	4	0	4
Floor	4	0	4
Total	11	0	11
 <u>Bills Held for Consideration</u>	 0	 0	 0
<u>Bills Defeated</u>	0	0	0
<u>Bills Enacting Clause Stricken</u>	0	0	0
<u>Bills Never Reported, Remained in Committee</u>	110	16	126
 TOTAL NUMBER OF COMMITTEE MEETINGS HELD		4	

APPENDIX B

ENERGY BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.2368	Stirpe	Would require the PSC to study the height of overhead utility lines as they relate to agricultural and other heavy-duty equipment	Veto Memo 61
A.4895	Ardila	Would require gas and electric utilities to provide at least 60-days written notice to customers before a rate increase	Veto Memo 127
A.6253-A	Barrett	Would establish the New York State Grid Modernization Commission	Veto Memo 34
A.7091	Simon	Would require electric vehicle charging stations built by NYPA to be wheelchair vehicle accessible	Chapter 618
A.8489	Barrett	Provides technical amendments to a 2023 law related to NYSERDA's renewable energy planning tool	Chapter 106
A.8611	Solages	Would authorize reimbursement for expenses incurred by ratepayers and not-for-profits that participate in certain utility proceedings	Veto Memo 69
A.8869	Barrett	Would require NYSERDA to develop an electric vehicle charging station implementation plan	Veto Memo 41
A.9105-A	Anderson	Would require the PSC to encourage the use of grid-enhancing technologies	Veto Memo 119
A.9123	Cruz	Would require NYSERDA to develop recommendations regarding the establishment of microgrids at critical facilities	Veto Memo 43
A.9827	Barrett	Requires the PSC to publish a one-page summary of rate cases	Chapter 333

APPENDIX C

ENERGY BILLS THAT PASSED THE ASSEMBLY

Assembly Bill	Sponsor	Description	Final Action
A.1903-A	Glick	Would require the Office of Renewable Energy Siting to develop uniform standards for the coloring of wind turbines	Passed the Assembly
A.2197	Dinowitz	Would require comparison of prices charged by energy services companies to utilities	Passed the Assembly
A.5769	Barrett	Would require NYSERDA to establish a previously owned zero emission vehicles rebate program	Passed the Assembly
A.7166-A	Otis	Would require the PSC to adopt criteria for service restoration benchmarks in emergency response plans	Passed the Assembly