

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2024.

3 PART O

4 Section 1. Short title, legislative findings and declaration. This act
5 shall be known and may be cited as the "renewable action through project
6 interconnection and deployment (RAPID) act." The legislature hereby
7 finds and declares that:

8 1. To timely achieve the renewable energy and greenhouse gas reduction
9 targets established pursuant to the climate leadership and community
10 protection act ("CLCPA"), while contemporaneously maintaining the reli-
11 ability of the state's electric transmission system, action is needed to
12 consolidate and expedite the environmental review and permitting of
13 major renewable energy facilities and major electric utility trans-
14 mission facilities.

15 2. Since enactment of the CLCPA, it has become apparent that the
16 State's bulk and local transmission facilities need to be significantly
17 upgraded to deliver renewable energy to load. These significant
18 upgrades in the bulk and local transmission system must be undertaken in
19 an expedited timeframe consistent with the timeframe to achieve the
20 CLCPA targets.

21 3. In the context of achieving the CLCPA targets, a public policy
22 purpose would be served and the interests of the people of the state of
23 New York would be advanced by transferring the Office of Renewable Ener-
24 gy Siting ("ORES"), currently under the auspices of the Department of
25 State, to the Department of Public Service ("DPS") and providing such

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PART 0

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1. To timely achieve the renewable energy and greenhouse gas reduction targets established pursuant to the climate leadership and community protection act ("CLCPA"), while contemporaneously maintaining the reliability of the state's electric transmission system, action is needed to consolidate and expedite the environmental review and permitting of major renewable energy facilities and major electric utility transmission facilities.

2. Since enactment of the CLCPA, it has become apparent that the State's bulk and local transmission facilities need to be significantly upgraded to deliver renewable energy to load. These significant upgrades in the bulk and local transmission system must be undertaken in an expedited timeframe consistent with the timeframe to achieve the CLCPA targets.

3. In the context of achieving the CLCPA targets, a public policy purpose would be served and the interests of the people of the state of New York would be advanced by transferring the Office of Renewable Energy Siting ("ORES"), currently under the auspices of the Department of State, to the Department of Public Service ("DPS") and providing such

1 office with additional responsibilities for the review and permitting of
2 major electric transmission facilities as set forth in this act.

3 4. The legislature finds that such a transfer would combine the long-
4 standing expertise of DPS related to transmission siting, planning and
5 compliance with environmental and reliability standards with ORES's
6 expertise related to the siting of renewable energy resources and, in so
7 doing, create synergies, and otherwise provide for more efficient siting
8 of major renewable energy and transmission facilities.

9 § 2. Section 94-c of the executive law is REPEALED.

10 § 3. Transfer of Office of Renewable Energy Siting. ORES, an office
11 established in the Department of State by the Accelerated Renewable
12 Energy Growth and Community Benefit Act, enacted under part JJJ of chap-
13 ter 58 of the laws of 2020, is hereby transferred to and established
14 within the DPS, and shall continue to have all existing functions,
15 powers, duties and obligations of ORES together with the new additional
16 functions, powers, duties and obligations set forth in this act.

17 § 4. Continuity of existing functions, powers, duties and obli-
18 gations. All of the existing functions, powers, obligations, and duties
19 granted to ORES by section 94-c of the executive law now repealed, are
20 hereby transferred, and shall be deemed to and held to constitute the
21 continuation of such functions, powers, duties and obligations of ORES,
22 and not a different agency, authority, department or office. All appli-
23 cations pending before ORES on the effective date of this act shall be
24 considered and treated as applications filed pursuant to this act as of
25 the date of filing of such applications.

26 § 5. Transfer of employees. 1. Upon the transfer of such functions,
27 powers, duties and obligations pursuant to this act, provision shall be
28 made for the transfer of all employees of ORES situated within the

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office with additional responsibilities for the review and permitting of major electric transmission facilities as set forth in this act.

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§ 2. Section 94-c of the executive law is REPEALED.

§ 3. Transfer of Office of Renewable Energy Siting. ORES, an office established in the Department of State by the Accelerated Renewable Energy Growth and Community Benefit Act, enacted under part JJJ of chapter 58 of the laws of 2020, is hereby transferred to and established within the DPS, and shall continue to have all existing functions, powers, duties and obligations of ORES together with the new additional functions, powers, duties and obligations set forth in this act.

§ 4. Continuity of existing functions, powers, duties and obligations. All of the existing functions, powers, obligations, and duties granted to ORES by section 94-c of the executive law now repealed, are hereby transferred, and shall be deemed to and held to constitute the continuation of such functions, powers, duties and obligations of ORES, and not a different agency, authority, department or office. All applications pending before ORES on the effective date of this act shall be considered and treated as applications filed pursuant to this act as of the date of filing of such applications.

§ 5. Transfer of employees. 1. Upon the transfer of such functions, powers, duties and obligations pursuant to this act, provision shall be made for the transfer of all employees of ORES situated within the

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1 department of state into DPS pursuant to subdivision 2 of section 70 of
2 the civil service law. Employees so transferred shall be transferred
3 without further examination or qualification to the same or similar
4 titles, shall remain in the same collective bargaining units and shall
5 retain their respective civil service classifications, status and rights
6 pursuant to their collective bargaining units and collective bargaining
7 agreements.

8 2. All employees hired after the effective date of this section
9 shall, consistent with the provisions of article 14 of the civil service
10 law, be classified in the same bargaining units. Employees other than
11 management or confidential persons as defined in article 14 of the civil
12 service law serving positions in newly created titles shall be assigned
13 to the appropriate bargaining unit. Nothing contained herein shall be
14 construed to affect:

15 (a) the rights of employees pursuant to a collective bargaining agree-
16 ment; or

17 (b) the representational relationships among employee organizations or
18 the bargaining relationships between the state and an employee organiza-
19 tion.

20 § 6. Transfer of records. All records, including but not limited to,
21 books, papers, and property of ORES shall be transferred and delivered
22 to DPS.

23 § 7. Transfer and continuation of regulations; conforming changes.
24 Notwithstanding any inconsistent provision of the state administrative
25 procedure act: all rules and regulations of ORES adopted at 19 NYCRR
26 part 900 in force at the time of the transfer of ORES to DPS shall
27 continue in full force and effect as rules and regulations of the
28 department until duly modified or abrogated by such department; 19 NYCRR

shall, consistent with the provisions of article 14 of the civil service law, be classified in the same bargaining units. Employees other than management or confidential persons as defined in article 14 of the civil service law serving positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect:

(a) the rights of employees pursuant to a collective bargaining agreement; or

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department of state into DPS pursuant to subdivision 2 of section 70 of the civil service law. Employees so transferred shall be transferred without further examination or qualification to the same or similar titles, shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights pursuant to their collective bargaining units and collective bargaining agreements.

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8 2. All employees hired after the effective date of this section

1 part 900 shall be and hereby is transferred to 16 NYCRR part XXX, with
2 such conforming changes as shall be required to reflect the transfer and
3 relocation of ORES to DPS as provided in this act, without the need for
4 additional proceedings under the state administrative procedure act, and
5 shall continue in full force and effect; and notwithstanding article 8
6 of the environmental conservation law and its implementing regulations,
7 the transfer of 19 NYCRR part 900 to 16 NYCRR part XXX as provided in
8 this section shall be excluded from review for all purposes under the
9 state environmental quality review act, and shall not be subject to
10 review or otherwise actionable under article 78 of the civil practice
11 law and rules.

12 § 8. Promulgation of rules and regulations. Notwithstanding any incon-
13 sistent provision of the state administrative procedure act, the ORES in
14 consultation with DPS shall be authorized to promulgate regulations on
15 an emergency basis to ensure the implementation of this act absent any
16 finding of an emergency.

17 § 9. Subdivisions 3, 4 and 13 of section 2 of the public service law,
18 subdivisions 3 and 4 as amended by chapter 843 of the laws of 1981 and
19 subdivision 13 as amended by chapter 375 of the laws of 2022, are
20 amended and a new subdivision 2-e is added to read as follows:

21 2-e. The term "major renewable energy facility," when used in this
22 chapter, means any renewable energy system, as such term is defined in
23 section sixty-six-p of this chapter, with a nameplate generating capaci-
24 ty of twenty-five thousand kilowatts or more, and any co-located system
25 storing energy generated from such a renewable energy system prior to
26 delivering it to the bulk transmission system, including all associated
27 appurtenances to electric plants, including electric transmission facil-
28 ities less than ten miles in length in order to provide access to load

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2. 2 such conforming changes as shall be required to reflect the transfer and
3. 3 relocation of ORES to DPS as provided in this act, without the need for
4. 4 additional proceedings under the state administrative procedure act, and
5. 5 shall continue in full force and effect; and notwithstanding article 8
6. 6 of the environmental conservation law and its implementing regulations,
7. 7 the transfer of 19 NYCRR part 900 to 16 NYCRR part XXX as provided in
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9. 9 state environmental quality review act, and shall not be subject to
10. 10 review or otherwise actionable under article 78 of the civil practice
11. 11 law and rules.

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13. 13 sistent provision of the state administrative procedure act, the ORES in
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15. 15 an emergency basis to ensure the implementation of this act absent any
16. 16 finding of an emergency.

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18. 18 subdivisions 3 and 4 as amended by chapter 843 of the laws of 1981 and
19. 19 subdivision 13 as amended by chapter 375 of the laws of 2022, are
20. 20 amended and a new subdivision 2-e is added to read as follows:

21. 21 2-e. The term "major renewable energy facility," when used in this
22. 22 chapter, means any renewable energy system, as such term is defined in
23. 23 section sixty-six-p of this chapter, with a nameplate generating capaci-
24. 24 ty of twenty-five thousand kilowatts or more, and any co-located system
25. 25 storing energy generated from such a renewable energy system prior to
26. 26 delivering it to the bulk transmission system, including all associated
27. 27 appurtenances to electric plants, including electric transmission facil-
28. 28 ities less than ten miles in length in order to provide access to load

1 and to integrate such facilities into the state's bulk electric trans-
2 mission system.

3 3. The term "corporation," when used in this chapter, includes a
4 corporation, company, association and joint-stock association other than
5 a corporation, company, association or joint stock association generat-
6 ing electricity, shaft horsepower, useful thermal energy or gas solely
7 from one or more co-generation, small hydro or alternate energy
8 production facilities or distributing electricity, shaft horsepower,
9 useful thermal energy or gas solely from one or more of such facilities
10 to users located at or near a project site; provided, however, that
11 notwithstanding any other provision of law to the contrary, the term
12 "corporation" includes the holder of a certificate or permit issued
13 under article eight of this chapter, or a predecessor statute thereto,
14 for a major renewable energy facility with an electric generating capac-
15 ity between twenty-five and eighty megawatts or that otherwise opts into
16 article eight of this chapter for purposes of enforcement under sections
17 twenty-five and twenty-six of this article.

18 4. The word "person," when used in this chapter, includes an individ-
19 ual, firm or co-partnership other than an individual, firm or co-part-
20 nership generating electricity, shaft horsepower, useful thermal energy
21 or gas solely from one or more co-generation, small hydro or alternate
22 energy production facilities or distributing electricity, shaft horse-
23 power, useful thermal energy or gas solely from one or more of such
24 facilities to users located at or near a project site; provided, howev-
25 er, that an individual, firm or co-partnership generating or distribut-
26 ing electricity or gas solely from one or more co-generation, small
27 hydro or alternate energy production facilities shall nevertheless be
28 considered a person for purposes of commission jurisdiction under arti-

1. 1 and to integrate such facilities into the state's bulk electric trans-
2. 2 mission system.
3. 3 3. The term "corporation," when used in this chapter, includes a
4. 4 corporation, company, association and joint-stock association other than
5. 5 a corporation, company, association or joint stock association generat-
6. 6 ing electricity, shaft horsepower, useful thermal energy or gas solely
7. 7 from one or more co-generation, small hydro or alternate energy
8. 8 production facilities or distributing electricity, shaft horsepower,
9. 9 useful thermal energy or gas solely from one or more of such facilities
10. 10 to users located at or near a project site; provided, however, that
11. 11 notwithstanding any other provision of law to the contrary, the term
12. 12 "corporation" includes the holder of a certificate or permit issued
13. 13 under article eight of this chapter, or a predecessor statute thereto,
14. 14 for a major renewable energy facility with an electric generating capac-
15. 15 ity between twenty-five and eighty megawatts or that otherwise opts into
16. 16 article eight of this chapter for purposes of enforcement under sections
17. 17 twenty-five and twenty-six of this article.
18. 18 4. The word "person," when used in this chapter, includes an individ-
19. 19 ual, firm or co-partnership other than an individual, firm or co-part-
20. 20 nership generating electricity, shaft horsepower, useful thermal energy
21. 21 or gas solely from one or more co-generation, small hydro or alternate
22. 22 energy production facilities or distributing electricity, shaft horse-

23 power, useful thermal energy or gas solely from one or more of such 24 facilities to users located at or
near a project site; provided, howev- 25 er, that an individual, firm or co-partnership generating or
distribut- 26 ing electricity or gas solely from one or more co-generation, small 27 hydro or alternate
energy production facilities shall nevertheless be 28 considered a person for purposes of commission
jurisdiction under arti-

1 cle seven of this chapter; provided, however, that notwithstanding any
2 other provision of law to the contrary, the term "person" includes the
3 holder of a certificate or permit issued under article eight of this
4 chapter, or a predecessor statute thereto, for a major renewable energy
5 facility with an electric generating capacity between twenty-five and
6 eighty megawatts or that otherwise opts into article eight of this chap-
7 ter for purposes of enforcement under sections twenty-five and twenty-
8 six of this article.

9 13. The term "electric corporation," when used in this chapter,
10 includes every corporation, company, association, joint-stock associ-
11 ation, partnership and person, their lessees, trustees or receivers
12 appointed by any court whatsoever (other than a railroad or street rail-
13 road corporation generating electricity solely for railroad or street
14 railroad purposes or for the use of its tenants and not for sale to
15 others) owning, operating or managing any electric plant or thermal
16 energy network except where electricity or thermal energy is generated
17 or distributed by the producer solely on or through private property for
18 railroad or street railroad purposes or for its own use or the use of
19 its tenants and not for sale to others; or except where electricity is
20 generated by the producer solely from one or more co-generation, small
21 hydro or alternate energy production facilities or distributed solely
22 from one or more of such facilities to users located at or near a
23 project site; provided, however, that notwithstanding any other
24 provision of law to the contrary, the term "electric corporation"
25 includes the holder of a certificate or permit issued under article
26 eight of this chapter, or a predecessor statute thereto, for a major
27 renewable energy facility with an electric generating capacity between
28 twenty-five and eighty megawatts or that otherwise opts into article

1. 1 cle seven of this chapter; provided, however, that notwithstanding any
2. 2 other provision of law to the contrary, the term "person" includes the
3. 3 holder of a certificate or permit issued under article eight of this
4. 4 chapter, or a predecessor statute thereto, for a major renewable energy
5. 5 facility with an electric generating capacity between twenty-five and
6. 6 eighty megawatts or that otherwise opts into article eight of this chap-
7. 7 ter for purposes of enforcement under sections twenty-five and twenty-
8. 8 six of this article.

9. 9 13. The term "electric corporation," when used in this chapter,
10. 10 includes every corporation, company, association, joint-stock associ-
11. 11 ation, partnership and person, their lessees, trustees or receivers
12. 12 appointed by any court whatsoever (other than a railroad or street rail-
13. 13 road corporation generating electricity solely for railroad or street
14. 14 railroad purposes or for the use of its tenants and not for sale to
15. 15 others) owning, operating or managing any electric plant or thermal
16. 16 energy network except where electricity or thermal energy is generated
17. 17 or distributed by the producer solely on or through private property for
18. 18 railroad or street railroad purposes or for its own use or the use of
19. 19 its tenants and not for sale to others; or except where electricity is
20. 20 generated by the producer solely from one or more co-generation, small
21. 21 hydro or alternate energy production facilities or distributed solely
22. 22 from one or more of such facilities to users located at or near a
23. 23 project site; provided, however, that notwithstanding any other
24. 24 provision of law to the contrary, the term "electric corporation"
25. 25 includes the holder of a certificate or permit issued under article
26. 26 eight of this chapter, or a predecessor statute thereto, for a major
27. 27 renewable energy facility with an electric generating capacity between
28. 28 twenty-five and eighty megawatts or that otherwise opts into article

1 eight of this chapter for purposes of enforcement under sections twen-
2 ty-five and twenty-six of this article.

3 § 10. The public service law is amended by adding a new section 3-c to
4 read as follows:

5 § 3-c. Office of renewable energy siting and electric transmission.

6 1. Definitions. For the purposes of this section, the following terms
7 shall have the following meanings:

8 (a) "Executive director" or "director" shall mean the executive direc-
9 tor of the office of renewable energy siting and electric transmission.

10 (b) "ORES" and "office" shall mean the office of renewable energy
11 siting and electric transmission established pursuant to this section.

12 (c) "Siting permit" shall mean the major renewable energy facility
13 siting permit or major electric transmission facility permit issued by
14 the executive director pursuant to article eight of this chapter, and
15 the rules and regulations promulgated by ORES.

16 2. General powers and responsibilities. (a) There is hereby estab-
17 lished in the department an office of renewable energy siting and elec-
18 tric transmission.

19 (b) ORES shall accept applications and evaluate, issue, amend, and
20 approve the assignment and/or transfer of siting permits pursuant to
21 article eight of this chapter. ORES shall exercise its authority by and
22 through the executive director.

23 (c) ORES, by and through the executive director, shall be authorized
24 to conduct hearings and dispute resolution proceedings, issue permits,
25 and adopt such rules, regulations and procedures as may be necessary,
26 convenient, or desirable to effectuate the purposes of this section and
27 article eight of this chapter.

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eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

§ 10. The public service law is amended by adding a new section 3-c to read as follows:

§ 3-c. Office of renewable energy siting and electric transmission. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Executive director" or "director" shall mean the executive director of the office of renewable energy siting and electric transmission.

(b) "ORES" and "office" shall mean the office of renewable energy siting and electric transmission established pursuant to this section.

(c) "Siting permit" shall mean the major renewable energy facility siting permit or major electric transmission facility permit issued by the executive director pursuant to article eight of this chapter, and the rules and regulations promulgated by ORES.

2. General powers and responsibilities. (a) There is hereby established in the department an office of renewable energy siting and electric transmission.

(b) ORES shall accept applications and evaluate, issue, amend, and approve the assignment and/or transfer of siting permits pursuant to article eight of this chapter. ORES shall exercise its authority by and through the executive director.

(c) ORES, by and through the executive director, shall be authorized to conduct hearings and dispute resolution proceedings, issue permits, and adopt such rules, regulations and procedures as may be necessary, convenient, or desirable to effectuate the purposes of this section and article eight of this chapter.

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1 (d) ORES shall, among other things, continue unimpeded the work of the
2 office of renewable energy siting established under the former section
3 ninety-four-c of the executive law. All permits issued by the former
4 office of renewable energy siting, established pursuant to former
5 section ninety-four-c of the executive law, and all certificates of
6 environmental compatibility and public need issued by the commission
7 pursuant to article seven of this chapter shall be considered for all
8 legal purposes to be permits issued by ORES.

9 (e) All final siting permits issued by ORES or heretofore issued by
10 the office of renewable energy siting established pursuant to the former
11 section ninety-four-c of the executive law are hereby enforceable by
12 ORES and the department pursuant to section twenty-five and section
13 twenty-six of this article as if issued by the commission, except that
14 such permits issued to combination gas and electric corporations are
15 also enforceable by ORES and the department pursuant to section twenty-
16 five-a of this article.

17 (f) At the request of ORES, all other state agencies and authorities
18 are hereby authorized to provide support and render services to the
19 office within their respective functions.

20 § 11. Articles 8 of the public service law, as added by chapter 708 of
21 the laws of 1978 and as added by chapter 385 of the laws of 1972, are
22 REPEALED and a new article 8 is added to read as follows:

23 ARTICLE VIII

24 SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

25 Section 136. Purpose.

26 137. Definitions.

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(d) ORES shall, among other things, continue unimpeded the work of the office of renewable energy siting established under the former section ninety-four-c of the executive law. All permits issued by the former office of renewable energy siting, established pursuant to former section ninety-four-c of the executive law, and all certificates of environmental compatibility and public need issued by the commission pursuant to article seven of this chapter shall be considered for all legal purposes to be permits issued by ORES.

(e) All final siting permits issued by ORES or heretofore issued by the office of renewable energy siting established pursuant to the former section ninety-four-c of the executive law are hereby enforceable by ORES and the department pursuant to section twenty-five and section twenty-six of this article as if issued by the commission, except that such permits issued to combination gas and electric corporations are also enforceable by ORES and the department pursuant to section twenty-five-a of this article.

(f) At the request of ORES, all other state agencies and authorities are hereby authorized to provide support and render services to the office within their respective functions.

§ 11. Articles 8 of the public service law, as added by chapter 708 of the laws of 1978 and as added by chapter 385 of the laws of 1972, are REPEALED and a new article 8 is added to read as follows:

ARTICLE VIII
S I T I N G OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION S I T I N G

Section 136. Purpose. 137. Definitions.

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1 138. General provisions related to establishing standards
2 related to siting.

3 139. Applicability.

4 140. Application and notice.

5 141. Powers of municipalities and state agencies and authori-
6 ties; scope.

7 142. Fees; local agency account.

8 143. Judicial review.

9 144. Farmland protection working group.

10 § 136. Purpose. It is the purpose of this article to consolidate the
11 environmental review, permitting, and siting in this state of major
12 renewable energy facilities and major electric transmission facilities
13 subject to this article, and to provide ORES as a single forum for the
14 coordinated and timely review of such projects to meet the state's
15 renewable energy goals and ensure the reliability of the electric trans-
16 mission system, while also ensuring the protection of the environment
17 and consideration of all pertinent social, economic and environmental
18 factors in the decision to permit such projects as more specifically
19 provided in this article.

20 § 137. Definitions. Where used in this article, the following terms
21 shall have the following meanings:

22 1. "CLCPA targets" shall mean the public policies established in the
23 climate leadership and community protection act enacted in chapter one
24 hundred six of the laws of two thousand nineteen, including but not
25 limited to the requirement that a minimum of seventy percent of the
26 statewide electric generation be produced by renewable energy systems by
27 two thousand thirty, that by the year two thousand forty the statewide
28 electrical demand system will generate zero emissions, and the procure-

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138. General provisions related to establishing standards related to siting.

139. Applicability.

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11 environmental review, permitting, and siting in this state of major 12 renewable energy facilities and
major electric transmission facilities 13 subject to this article, and to provide ORES as a single forum
for the 14 coordinated and timely review of such projects to meet the state's 15 renewable energy goals
and ensure the reliability of the electric trans- 16 mission system, while also ensuring the protection of
the environment 17 and consideration of all pertinent social, economic and environmental 18 factors in
the decision to permit such projects as more specifically 19 provided in this article.

20 § 137. Definitions. Where used in this article, the following terms 21 shall have the following
meanings:

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1. "CLCPA targets" shall mean the public policies established in the climate leadership and community
protection act enacted in chapter one hundred six of the laws of two thousand nineteen, including but not
limited to the requirement that a minimum of seventy percent of the statewide electric generation be
produced by renewable energy systems by two thousand thirty, that by the year two thousand forty the
statewide electrical demand system will generate zero emissions, and the procure-

§ 136. Purpose. It is the purpose of this article to consolidate the

1 ment of at least nine gigawatts of offshore wind electricity generation
2 by two thousand thirty-five, six gigawatts of photovoltaic solar gener-
3 ation by two thousand twenty-five and to support three gigawatts of
4 statewide energy storage capacity by two thousand thirty.

5 2. "Dormant electric generating site" shall mean a site at which one
6 or more electric generating facilities produced electricity but has
7 permanently ceased operating.

8 3. "Major electric transmission facility" means an electric trans-
9 mission line of a design capacity of one hundred twenty-five kilovolts
10 or more extending a distance of one mile or more, or of one hundred
11 kilovolts or more and less than one hundred twenty-five kilovolts,
12 extending a distance of ten miles or more, including associated equip-
13 ment, but shall not include any such transmission line located wholly
14 underground in a city with a population in excess of one hundred twen-
15 ty-five thousand or a primary transmission line approved by the federal
16 energy regulatory commission in connection with a hydro-electric facili-
17 ty.

18 4. "Major renewable energy facility" means any renewable energy
19 system, as such term is defined in section sixty-six-p of this chap-
20 ter, with a nameplate generating capacity of twenty-five thousand kilo-
21 watts or more, and any co-located system storing energy generated from
22 such a renewable energy system prior to delivering it to the bulk
23 transmission system, including all associated appurtenances to electric
24 plants, including electric transmission facilities less than ten miles
25 in length in order to provide access to load and to integrate such
26 facilities into the state's bulk electric transmission system.

ment of at least nine gigawatts of offshore wind electricity generation by two thousand thirty-five, six gigawatts of photovoltaic solar generation by two thousand twenty-five and to support three gigawatts of statewide energy storage capacity by two thousand thirty.

2. "Dormant electric generating site" shall mean a site at which one or more electric generating facilities produced electricity but has permanently ceased operating.

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3. "Major electric transmission facility" means an electric transmission line of a design capacity of one hundred twenty-five kilovolts or more extending a distance of one mile or more, or of one hundred kilovolts or more and less than one hundred twenty-five kilovolts, extending a distance of ten miles or more, including associated equipment, but shall not include any such transmission line located wholly underground in a city with a population in excess of one hundred twenty-five thousand or a primary transmission line approved by the federal energy regulatory commission in connection with a hydroelectric facility.

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19 system, as such term is defined in section sixty-six-p of this chapter, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.

4. "Major renewable energy facility" means any renewable energy

1 5. "Landowner" means the holder of any right, title, or interest in
2 real property subject to a proposed site or right of way as identified
3 from the most recent tax roll of the appropriate municipality.

4 6. "Local agency" means any local agency, board, district, commission
5 or governing body, including any city, county, and other political
6 subdivision of the state.

7 7. "Local agency account" or "account" shall mean the account estab-
8 lished pursuant to section one hundred forty-two of this section.

9 8. "Municipality" shall mean a county, city, town, or village.

10 9. "Right-of-way" shall mean:

11 (a) real property that is used or authorized to be used for electric
12 utility purposes; or

13 (b) real property owned or controlled by or under the jurisdiction of
14 the state, a distribution utility, or a state public authority including
15 by means of ownership, lease or easement, that is used or authorized to
16 be used for transportation or canal purposes.

17 10. "ORES" shall mean the office of renewable energy siting and elec-
18 tric transmission established pursuant to section three-c of this chap-
19 ter.

20 11. "Executive director" or "director" shall mean the executive direc-
21 tor of the office of renewable energy siting and electric transmission.

22 12. "Siting permit" shall mean the major renewable energy facility
23 siting permit or major electric transmission facility permit issued by
24 the executive director pursuant to this article, and the rules and regu-
25 lations promulgated by ORES.

26 § 138. General provisions related to establishing standards related to
27 siting. 1. (a) ORES shall be authorized to establish and amend a set of
28 uniform standards and conditions for the siting, design, construction

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5. "Landowner" means the holder of any right, title, or interest in real property subject to a proposed site or right of way as identified from the most recent tax roll of the appropriate municipality.

6. "Local agency" means any local agency, board, district, commission or governing body, including any city, county, and other political subdivision of the state.

7. "Local agency account" or "account" shall mean the account established pursuant to section one hundred forty-two of this section.

8. "Municipality" shall mean a county, city, town, or village. 9. "Right-of-way" shall mean:

(a) real property that is used or authorized to be used for electric utility purposes; or

(b) real property owned or controlled by or under the jurisdiction of the state, a distribution utility, or a state public authority including by means of ownership, lease or easement, that is used or authorized to be used for transportation or canal purposes.

10. "ORES" shall mean the office of renewable energy siting and electric transmission established pursuant to section three-c of this chapter.

11. "Executive director" or "director" shall mean the executive director of the office of renewable energy siting and electric transmission.

12. "Siting permit" shall mean the major renewable energy facility siting permit or major electric transmission facility permit issued by the executive director pursuant to this article, and the rules and regulations promulgated by ORES.

§ 138. General provisions related to establishing standards related to siting. 1. (a) ORES shall be authorized to establish and amend a set of uniform standards and conditions for the siting, design, construction

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1 and operation of each type of major renewable energy facility subject to
2 this article relevant to issues that are common for particular classes
3 and categories of major renewable energy facilities, in consultation
4 with other offices within the department, the New York state energy
5 research and development authority, the department of environmental
6 conservation, the department of agriculture and markets, and other rele-
7 vant state agencies and authorities with subject matter expertise.

8 (b) The uniform standards and conditions established pursuant to this
9 subdivision shall be designed to avoid or minimize, to the maximum
10 extent practicable, any potential significant adverse environmental
11 impacts related to the siting, design, construction and operation of a
12 major renewable energy facility. Such uniform standards and conditions
13 shall apply to those environmental impacts ORES determines are common to
14 each type of major renewable energy facility.

15 (c) In its review of an application for a permit to develop a major-
16 renewable energy facility, ORES, in consultation with the department of
17 environmental conservation, shall identify those site-specific adverse
18 environmental impacts, if any, that may be caused or contributed to by a
19 specific proposed major renewable energy facility and are unable to be
20 addressed by the uniform standards and conditions. ORES shall draft in
21 consultation with the department of environmental conservation site-spe-
22 cific permit terms and conditions for such impacts, including provisions
23 for the avoidance or mitigation thereof, taking into account the CLCPA
24 targets and the environmental benefits of the proposed major renewable
25 energy facility; provided, however, that ORES shall require that the
26 application of uniform standards and conditions and site-specific condi-
27 tions shall achieve a net conservation benefit to any impacted endan-
28 gered and threatened species.

subdivision shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts related to the siting, design, construction and operation of a

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and operation of each type of major renewable energy facility subject to this article relevant to issues that are common for particular classes and categories of major renewable energy facilities, in consultation with other offices within the department, the New York state energy research and development authority, the department of environmental conservation, the department of agriculture and markets, and other relevant state agencies and authorities with subject matter expertise.

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8 (b) The uniform standards and conditions established pursuant to this

12 major renewable energy facility. Such uniform standards and conditions

13. 13 shall apply to those environmental impacts ORES determines are common to

14. 14 each type of major renewable energy facility.

15. 15 (c) In its review of an application for a permit to develop a major-

16. 16 renewable energy facility, ORES, in consultation with the department of

17. 17 environmental conservation, shall identify those site-specific adverse

18. 18 environmental impacts, if any, that may be caused or contributed to by a

19. 19 specific proposed major renewable energy facility and are unable to be

20. 20 addressed by the uniform standards and conditions. ORES shall draft in

21. 21 consultation with the department of environmental conservation site-spe-

22. 22 cific permit terms and conditions for such impacts, including provisions

23. 23 for the avoidance or mitigation thereof, taking into account the CLCPA

24. 24 targets and the environmental benefits of the proposed major renewable

25. 25 energy facility; provided, however, that ORES shall require that the

26. 26 application of uniform standards and conditions and site-specific condi-

27. 27 tions shall achieve a net conservation benefit to any impacted endan-

28 gered and threatened species.

1 2. (a) Within eighteen months of the effective date of this section,
2 ORES shall, in consultation with other offices within the department,
3 the New York state energy research and development authority, the
4 department of environmental conservation, the department of agriculture
5 and markets, and other agencies with subject matter expertise, establish
6 a set of uniform standards and conditions for the siting, design,
7 construction, and operation of major electric transmission facilities
8 subject to this article relevant to issues that are common to such
9 projects.

10 (b) The uniform standards and conditions established pursuant to this
11 article shall be designed to avoid or minimize, to the maximum extent
12 practicable, any potential significant adverse environmental impacts
13 related to the siting, design, construction, and operation of a major
14 electric transmission facility. Such uniform standards and conditions
15 shall apply to those environmental impacts ORES determines are common to
16 electric transmission facilities.

17 (c) In its review of an application for a permit to develop a major
18 electric transmission facility, ORES, in consultation with the depart-
19 ment of environmental conservation, shall identify those adverse site-
20 specific environmental impacts, if any, that may be caused or contrib-
21 uted to by a specific proposed major electric transmission facility and
22 are unable to be addressed by the uniform standards and conditions. ORES
23 shall draft in consultation with the department of environmental conser-
24 vation site-specific permit terms and conditions for such impacts,
25 including provisions for the avoidance or mitigation thereof, taking
26 into account the CLCPA targets, the environmental benefits of, and
27 public need for the proposed major electric transmission facility;
28 provided, however, that ORES shall require that the application of

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2. (a) Within eighteen months of the effective date of this section, ORES shall, in consultation with other offices within the department, the New York state energy research and development authority, the department of environmental conservation, the department of agriculture and markets, and other agencies with subject matter expertise, establish a set of uniform standards and conditions for the siting, design, construction, and operation of major electric transmission facilities subject to this article relevant to issues that are common to such projects.

(b) The uniform standards and conditions established pursuant to this article shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts related to the siting, design, construction, and operation of a major electric transmission facility. Such uniform standards and conditions shall apply to those environmental impacts ORES determines are common to electric transmission facilities.

(c) In its review of an application for a permit to develop a major electric transmission facility, ORES, in consultation with the department of environmental conservation, shall identify those adverse site-specific environmental impacts, if any, that may be caused or contributed to by a specific proposed major electric transmission facility and are unable to be addressed by the uniform standards and conditions. ORES shall draft in consultation with the department of environmental conservation site-specific permit terms and conditions for such impacts, including provisions for the avoidance or mitigation thereof, taking into account the CLCPA targets, the environmental benefits of, and public need for the proposed major electric transmission facility; provided, however, that ORES shall require that the application of

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1 uniform standards and conditions and site-specific conditions shall
2 achieve a net conservation benefit to any impacted endangered and
3 threatened species.

4 (d) Upon the establishment of uniform standards and conditions
5 required by this section and the promulgation of regulations specifying
6 the content of an application for a siting permit for a major electric
7 transmission facility, an application for such siting permit for a major
8 electric transmission facility shall only be made pursuant to this arti-
9 cle.

10 3. To the extent that adverse environmental impacts are not completely
11 addressed by uniform standards and conditions and site-specific permit
12 conditions proposed by ORES, and ORES determines that mitigation of such
13 impacts may be achieved by off-site mitigation, ORES may require payment
14 of a fee by the applicant to achieve such off-site mitigation. If ORES
15 determines, in consultation with the department of environmental conser-
16 vation, that mitigation of impacts to endangered or threatened species
17 that achieves a net conservation benefit can be achieved by off-site
18 mitigation, the amount to be paid for such off-site mitigation shall be
19 set forth in the final siting permit. ORES may require payment of funds
20 sufficient to implement such off-site mitigation into the endangered and
21 threatened species mitigation fund established pursuant to section nine-
22 ty-nine-hh of the state finance law.

23 4. ORES shall identify the basis of the public need for a major elec-
24 tric transmission facility and shall grant permits to such projects that
25 demonstrate a qualified public need, so long as the adverse environ-
26 mental impacts of the facility are identified and addressed by the
27 uniform standards and conditions promulgated pursuant to this article

1. 1 uniform standards and conditions and site-specific conditions shall
2. 2 achieve a net conservation benefit to any impacted endangered and
3. 3 threatened species.
4. 4 (d) Upon the establishment of uniform standards and conditions
5. 5 required by this section and the promulgation of regulations specifying
6. 6 the content of an application for a siting permit for a major electric
7. 7 transmission facility, an application for such siting permit for a major
8. 8 electric transmission facility shall only be made pursuant to this arti-
9. 9 cle.
10. 10 3. To the extent that adverse environmental impacts are not completely
11. 11 addressed by uniform standards and conditions and site-specific permit
12. 12 conditions proposed by ORES, and ORES determines that mitigation of such
13. 13 impacts may be achieved by off-site mitigation, ORES may require payment
14. 14 of a fee by the applicant to achieve such off-site mitigation. If ORES
15. 15 determines, in consultation with the department of environmental conser-

16 vation, that mitigation of impacts to endangered or threatened species 17 that achieves a net
conservation benefit can be achieved by off-site 18 mitigation, the amount to be paid for such off-site
mitigation shall be

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set forth in the final siting permit. ORES may require payment of funds sufficient to implement such
off-site mitigation into the endangered and threatened species mitigation fund established pursuant to
section nine- ty-nine-hh of the state finance law.

4. ORES shall identify the basis of the public need for a major elec- tric transmission facility and shall
grant permits to such projects that demonstrate a qualified public need, so long as the adverse environ-
mental impacts of the facility are identified and addressed by the uniform standards and conditions
promulgated pursuant to this article

1 and any site-specific permit conditions applied to the facility, or
2 otherwise mitigated as provided in this article.

3 5. ORES, in consultation with the department, shall promulgate rules
4 and regulations with respect to all necessary requirements to implement
5 the siting permit program established in this article and promulgate
6 modifications to such rules and regulations as it deems necessary;
7 provided that ORES shall promulgate regulations requiring the service of
8 applications on affected municipalities and political subdivisions
9 simultaneously with submission of an application.

10 § 139. Applicability. 1. No person shall commence the preparation of a
11 site for, or begin the construction of, a major renewable energy facili-
12 ty in the state, or increase the capacity of an existing major renewable
13 energy facility, without having first obtained a siting permit pursuant
14 to this article. Except as provided in paragraph (d) of subdivision five
15 of this section, on and after eighteen months after the effective date
16 of this article, no person shall commence the preparation of a site for,
17 or begin construction of, a major electric transmission facility in the
18 state without having first obtained a siting permit issued with respect
19 to such facility pursuant to this article. Any major renewable energy
20 facility or major electric transmission facility subject to this article
21 with respect to which a siting permit is issued shall not thereafter be
22 built, maintained, or operated except in conformity with such siting
23 permit and any terms, limitations, or conditions contained therein,
24 provided that nothing in this subdivision shall exempt such facility
25 from compliance with federal laws and regulations.

26 2. A siting permit issued by ORES may be transferred or assigned,
27 subject to the prior written approval of the office, to a person that

and any site-specific permit conditions applied to the facility, or otherwise mitigated as provided in this article.

5. ORES, in consultation with the department, shall promulgate rules and regulations with respect to all necessary requirements to implement the siting permit program established in this article and promulgate modifications to such rules and regulations as it deems necessary; provided that ORES shall promulgate regulations requiring the service of applications on affected municipalities and political subdivisions simultaneously with submission of an application.

§ 139. Applicability. 1. No person shall commence the preparation of a site for, or begin the construction of, a major renewable energy facility in the state, or increase the capacity of an existing major renewable energy facility, without having first obtained a siting permit pursuant to this article. Except as provided in paragraph (d) of subdivision five of this section, on and after eighteen months after the effective date of this article, no person shall commence the preparation of a site for, or begin construction of, a major electric transmission facility in the state without having first obtained a siting permit issued with respect to such facility pursuant to this article. Any major renewable energy facility or major electric transmission facility subject to this article with respect to which a siting permit is issued shall not thereafter be built, maintained, or operated except in conformity with such siting permit and any terms, limitations, or conditions contained therein, provided that nothing in this subdivision shall exempt such facility from compliance with federal laws and regulations.

2. A siting permit issued by ORES may be transferred or assigned, subject to the prior written approval of the office, to a person that

1 agrees to comply with the terms, limitations and conditions contained in
2 such siting permit.

3 3. ORES or a permittee may initiate an amendment to a siting permit
4 under this section. An amendment initiated by ORES or permittee that is
5 likely to result in any material increase in any adverse environmental
6 impact or involves a substantial change to the terms or conditions of a
7 siting permit shall comply with the public notice and hearing require-
8 ments of this section.

9 4. Any hearings or dispute resolution proceedings initiated under this
10 section or pursuant to rules or regulations promulgated pursuant to this
11 section may be conducted by the executive director of ORES or any person
12 to whom the executive director shall delegate the power and authority to
13 conduct such hearings or proceedings in the name of ORES at any time and
14 place.

15 5. This section shall not apply:

16 (a) to any major electric transmission facility over which any agency
17 or department of the federal government has exclusive jurisdiction, or
18 has jurisdiction concurrent with that of the state and has exercised
19 such jurisdiction, to the exclusion of regulation of the facility by the
20 state; provided, however, nothing herein shall be construed to expand
21 federal jurisdiction;

22 (b) to normal repairs, maintenance, replacements, non-material modifi-
23 cations and improvements of a major renewable energy facility or major
24 electric transmission facility subject to this article, whenever built,
25 which are performed in the ordinary course of business and which do not
26 constitute a violation of any applicable existing permit;

27 (c) to a major renewable energy facility if, on or before the effec-
28 tive date of this article, an application has been made or granted for a

agrees to comply with the terms, limitations and conditions contained in such siting permit.

3. ORES or a permittee may initiate an amendment to a siting permit under this section. An amendment initiated by ORES or permittee that is likely to result in any material increase in any adverse environmental impact or involves a substantial change to the terms or conditions of a siting permit shall comply with the public notice and hearing requirements of this section.

4. Any hearings or dispute resolution proceedings initiated under this section or pursuant to rules or regulations promulgated pursuant to this section may be conducted by the executive director of ORES or any person to whom the executive director shall delegate the power and authority to conduct such hearings or proceedings in the name of ORES at any time and place.

5. This section shall not apply:

(a) to any major electric transmission facility over which any agency

or department of the federal government has exclusive jurisdiction, or has jurisdiction concurrent with that of the state and has exercised such jurisdiction, to the exclusion of regulation of the facility by the state; provided, however, nothing herein shall be construed to expand federal jurisdiction;

(b) to normal repairs, maintenance, replacements, non-material modifications and improvements of a major renewable energy facility or major electric transmission facility subject to this article, whenever built, which are performed in the ordinary course of business and which do not constitute a violation of any applicable existing permit;

(c) to a major renewable energy facility if, on or before the effective date of this article, an application has been made or granted for a

1 license, permit, certificate, consent or approval from any federal,
2 state or local commission, agency, board or regulatory body; and

3 (d) to a major electric transmission facility for which an application
4 pursuant to article seven of this chapter and its implementing regu-
5 lations is submitted on or before the establishment of the uniform stan-
6 dards and conditions required pursuant to subdivision two of section one
7 hundred thirty-eight of this article.

8 6. After the effective date of this article, any person intending to
9 construct a major electric transmission facility excluded from this
10 section pursuant to paragraph (d) of subdivision five of this section
11 may elect to become subject to the provisions of this section by filing
12 an application for a siting permit pursuant to the regulations of ORES
13 governing such applications.

14 § 140. Application and notice. 1. (a) Notwithstanding any law to the
15 contrary, ORES shall, within sixty days of its receipt of an application
16 for a siting permit with respect to a major renewable energy facility
17 subject to this article determine whether the application is complete
18 and notify the applicant of its determination. If ORES does not deem the
19 application complete, ORES shall set forth in writing delivered to the
20 applicant the reasons why it has determined the application to be incom-
21 plete. If ORES fails to make a determination within the foregoing
22 sixty-day time period, the application shall be deemed complete;
23 provided, however, that the applicant may consent to an extension of the
24 sixty-day time period for determining application completeness.
25 Provided, further, that no application may be complete without proof of
26 consultation with the municipality or political subdivision where the
27 project is proposed to be located, or an agency thereof, prior to

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license, permit, certificate, consent or approval from any federal, state or local commission, agency, board or regulatory body; and

(d) to a major electric transmission facility for which an application pursuant to article seven of this chapter and its implementing regulations is submitted on or before the establishment of the uniform standards and conditions required pursuant to subdivision two of section one hundred thirty-eight of this article.

6. After the effective date of this article, any person intending to construct a major electric transmission facility excluded from this section pursuant to paragraph (d) of subdivision five of this section may elect to become subject to the provisions of this section by filing an application for a siting permit pursuant to the regulations of ORES governing such applications.

§ 140. Application and notice. 1. (a) Notwithstanding any law to the contrary, ORES shall, within sixty days of its receipt of an application for a siting permit with respect to a major renewable energy facility subject to this article determine whether the application is complete and notify the applicant of its determination. If ORES does not deem the application complete, ORES shall set forth in writing delivered to the applicant the reasons why it has determined the application to be incomplete. If ORES fails to make a determination within the foregoing sixty-day time period, the application shall be deemed complete; provided, however, that the applicant may consent to an extension of the sixty-day time period for determining application completeness. Provided, further, that no application may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located, or an agency thereof, prior to

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1 submission of an application to ORES, related to procedural and substan-
2 tive requirements of local law.

3 (b) No later than sixty days following the date upon which an applica-
4 tion has been deemed complete, and following consultation with any rele-
5 vant state agency or authority, ORES shall publish for public comment
6 draft permit conditions prepared by the office, which comment period
7 shall be for a minimum of sixty days from public notice thereof, or
8 notice of intent to deny with reasons thereof. Such public notice shall
9 include, but shall not be limited to: (i) written notice to the munici-
10 palities or political subdivisions in which such project is proposed to
11 be located; (ii) publication in a newspaper or in electronic form,
12 having general circulation in such municipalities or political subdivi-
13 sions; and (iii) posting the notice on the office's and the department's
14 website.

15 (c) For any municipality, political subdivision or an agency thereof
16 that has received notice of the filing of an application, pursuant to
17 regulations promulgated in accordance with this article, the munici-
18 pality or political subdivision or agency thereof shall within the time-
19 frames established by this subdivision submit a statement to ORES indi-
20 cating whether the proposed project is designed to be sited, constructed
21 and operated in compliance with applicable local laws and regulations,
22 if any, concerning the environment, or public health and safety. In the
23 event that a municipality, political subdivision or an agency thereof
24 submits a statement to ORES that the proposed project is not designed to
25 be sited, constructed or operated in compliance with local laws and
26 regulations and ORES determines not to hold an adjudicatory hearing on
27 the application, ORES shall hold a non-adjudicatory public hearing in or

submission of an application to ORES, related to procedural and substantive requirements of local law.

(b) No later than sixty days following the date upon which an application has been deemed complete, and following consultation with any relevant state agency or authority, ORES shall publish for public comment draft permit conditions prepared by the office, which comment period shall be for a minimum of sixty days from public notice thereof, or notice of intent to deny with reasons thereof. Such public notice shall include, but shall not be limited to: (i) written notice to the municipalities or political subdivisions in which such project is proposed to be located; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; and (iii) posting the notice on the office's and the department's website.

(c) For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this subdivision submit a statement to ORES indicating whether the proposed project is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed project is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in or

1 near one or more of the affected municipalities or political subdivi-
2 sions.

3 2. (a) Notwithstanding any law to the contrary, ORES shall, within one
4 hundred twenty days after its receipt of an application for a siting
5 permit with respect to a major electric transmission facility, determine
6 whether the application is complete and notify the applicant of its
7 determination. If ORES does not deem the application complete, it shall
8 set forth in writing delivered to the applicant the reasons why it has
9 determined the application to be incomplete. If ORES fails to make a
10 determination within the foregoing one hundred twenty day time period,
11 the application shall be deemed complete; provided, however, that the
12 applicant may consent to an extension of the one hundred twenty day time
13 period for determining application completeness. Provided, further,
14 that no application may be complete without proof of consultation with
15 the municipality or political subdivision where the project is proposed
16 to be located, or an agency thereof, prior to submission of an applica-
17 tion to ORES, related to procedural and substantive requirements of
18 local law.

19 (b) In addition to addressing uniform standards and conditions, the
20 application for a siting permit with respect to a major electric trans-
21 mission facility shall include, in such form as ORES may prescribe, the
22 following information: (i) the location of the site or right-of-way;
23 (ii) a description of the transmission facility to be built thereon;
24 (iii) a summary of any studies which have been made of the environmental
25 impact of the project, and a description of such studies; (iv) a state-
26 ment explaining the public need for the facility; (v) copies of any
27 studies of the electrical performance and system impacts of the facility
28 performed by the state grid operator pursuant to its tariff; and (vi)

near one or more of the affected municipalities or political subdivisions.

2. (a) Notwithstanding any law to the contrary, ORES shall, within one hundred twenty days after its receipt of an application for a siting permit with respect to a major electric transmission facility, determine whether the application is complete and notify the applicant of its determination. If ORES does not deem the application complete, it shall set forth in writing delivered to the applicant the reasons why it has determined the application to be incomplete. If ORES fails to make a determination within the foregoing one hundred twenty day time period, the application shall be deemed complete; provided, however, that the applicant may consent to an extension of the one hundred twenty day time period for determining application completeness. Provided, further, that no application may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located, or an agency thereof, prior to submission of an application to ORES, related to procedural and substantive requirements of local law.

(b) In addition to addressing uniform standards and conditions, the application for a siting permit with respect to a major electric transmission facility shall include, in such form as ORES may prescribe, the following information: (i) the location of the site or right-of-way;

(ii) a description of the transmission facility to be built thereon; (iii) a summary of any studies which have been made of the environmental impact of the project, and a description of such studies; (iv) a statement explaining the public need for the facility; (v) copies of any studies of the electrical performance and system impacts of the facility

performed by the state grid operator pursuant to its tariff; and (vi)

1 such other information as the applicant may consider relevant or ORES
2 may by regulation require.

3 (c) To the greatest extent practicable, each landowner of land on
4 which any portion of such proposed facility is to be located shall be
5 served by first class mail with a notice that such landowner's property
6 may be impacted by a project and an explanation of how to file with ORES
7 a notice of intent to be a party in the permit application proceedings
8 and the timeframe for filing such application.

9 (d) No later than sixty days following the date upon which an applica-
10 tion has been deemed complete, and following consultation with any rele-
11 vant state agency or authority, ORES shall publish for public comment
12 draft permit conditions prepared by the office, which comment period
13 shall be for a minimum of sixty days from public notice thereof. Such
14 public notice shall include, but shall not be limited to: (i) written
15 notice to the municipalities and political subdivisions, in which the
16 major electric utility transmission is proposed to be located and to
17 landowners notified of the application pursuant to paragraph (c) of this
18 subdivision; (ii) publication in a newspaper or in electronic form,
19 having general circulation in such municipalities or political subdivi-
20 sions; and (iii) posting on the office's and the department's website.

21 3. For any municipality, political subdivision or an agency thereof
22 that has received notice of the filing of an application, pursuant to
23 regulations promulgated in accordance with this section or otherwise in
24 effect on the effective date of this article, the municipality or poli-
25 tical subdivision or agency thereof shall within the timeframes estab-
26 lished by this act submit a statement to ORES indicating whether the
27 proposed facility is designed to be sited, constructed and operated in
28 compliance with applicable local laws and regulations, if any, concern-

such other information as the applicant may consider relevant or ORES may by regulation require.

(c) To the greatest extent practicable, each landowner of land on which any portion of such proposed facility is to be located shall be served by first class mail with a notice that such landowner's property may be impacted by a project and an explanation of how to file with ORES a notice of intent to be a party in the permit application proceedings and the timeframe for filing such application.

(d) No later than sixty days following the date upon which an application has been deemed complete, and following consultation with any relevant state agency or authority, ORES shall publish for public comment draft permit conditions prepared by the office, which comment period shall be for a minimum of sixty days from public notice thereof. Such public notice shall include, but shall not be limited to: (i) written notice to the municipalities and political subdivisions, in which the major electric utility transmission is proposed to be located and to landowners notified of the application pursuant to paragraph (c) of this subdivision; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; and (iii) posting on the office's and the department's website.

3. For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this section or otherwise in effect on the effective date of this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this act submit a statement to ORES indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concern-

1 ing the environment, or public health and safety. In the event that a
2 municipality, political subdivision or an agency thereof submits a
3 statement to ORES that the proposed facility is not designed to be
4 sited, constructed or operated in compliance with local laws and regu-
5 lations and ORES determines not to hold an adjudicatory hearing on the
6 application, ORES shall hold a non-adjudicatory public hearing in the
7 affected municipality or political subdivision.

8 4. If public comments on a draft permit condition published by ORES
9 pursuant to this section, including comments provided by a municipality
10 or political subdivision or agency thereof, landowners, or members of
11 the public, raise a substantive and significant issue, as defined in
12 regulations adopted pursuant to this article, that requires adjudi-
13 cation, ORES shall promptly fix a date for an adjudicatory hearing to
14 hear arguments and consider evidence with respect thereto; provided,
15 however, that with respect to an application for a siting permit for a
16 major electric transmission facility, any portion of which is to be
17 located on the land of a landowner for which the applicant lacks a
18 right-of-way agreement, ORES shall provide such landowner with an oppor-
19 tunity to challenge the explanation for the public need given in such
20 application.

21 5. Following the expiration of the public comment period set forth in
22 this section, and following the conclusion of a hearing undertaken
23 pursuant to subdivision four of this section, ORES shall, in the case of
24 a public comment period, issue a written summary of public comments and
25 an assessment of comments received, and in the case of an adjudicatory
26 hearing, the executive officer or any person to whom the executive
27 director has delegated such authority shall issue a final written hear-
28 ing report. A final siting permit may only be issued if ORES makes a

in the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed facility is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in the affected municipality or political subdivision.

1 2 3 4 5 6 7 8 9

12 regulations adopted pursuant to this article, that requires adjudication, ORES shall promptly fix a date for an adjudicatory hearing to hear arguments and consider evidence with respect thereto; provided, however, that with respect to an application for a siting permit for a major electric transmission facility, any portion of which is to be

4. If public comments on a draft permit condition published by ORES pursuant to this section, including comments provided by a municipality or political subdivision or agency thereof, landowners, or members of the public, raise a substantive and significant issue, as defined in

17 18 19 20 21 22 23 24 25 26 27 28

located on the land of a landowner for which the applicant lacks a right-of-way agreement, ORES shall provide such landowner with an opportunity to challenge the explanation for the public need given in such application.

5. Following the expiration of the public comment period set forth in this section, and following the conclusion of a hearing undertaken pursuant to subdivision four of this section, ORES shall, in the case of a public comment period, issue a written summary of public comments and an assessment of comments received, and in the case of an adjudicatory hearing, the executive officer or any person to whom the executive director has delegated such authority shall issue a final written hearing report. A final siting permit may only be issued if ORES makes a

1 finding that the proposed project, together with any applicable uniform
2 and site-specific standards and conditions, would comply with applicable
3 laws and regulations. In making a final siting permit determination with
4 respect to a major renewable energy facility or a major electric trans-
5 mission facility, ORES may elect not to apply, in whole or in part, any
6 local law or ordinance that would otherwise be applicable if it makes a
7 finding that, as applied to the proposed facility, it is unreasonably
8 burdensome in view of the CLCPA targets, the environmental benefits, and
9 in the case of a transmission facility, the public need for the proposed
10 project.

11 6. Notwithstanding any other deadline made applicable by this section,
12 ORES shall make a final decision on a siting permit within one year from
13 the date the application was deemed complete, or within six months from
14 the date the application was deemed complete if such application relates
15 to a major renewable energy facility that is proposed to be sited on an
16 existing or abandoned commercial use, including without limitation,
17 brownfields, landfills, former commercial or industrial sites, dormant
18 electric generating sites, and abandoned or otherwise underutilized
19 sites, as further defined by the regulations promulgated by or in effect
20 under this article. Unless ORES and the applicant have agreed to an
21 extension and if a final siting permit decision has not been made by
22 ORES within such time period, then such siting permit shall be deemed to
23 have been automatically granted for all purposes set forth in this arti-
24 cle and all uniform conditions or site specific permit conditions issued
25 for public comment shall constitute enforceable provisions of the siting
26 permit; provided, however, that with respect to a final siting permit
27 decision related to a major electric transmission facility, any portion
28 of which is to be located on the land of a landowner for which the

1. 1 finding that the proposed project, together with any applicable uniform
2. 2 and site-specific standards and conditions, would comply with applicable
3. 3 laws and regulations. In making a final siting permit determination with
4. 4 respect to a major renewable energy facility or a major electric trans-
5. 5 mission facility, ORES may elect not to apply, in whole or in part, any
6. 6 local law or ordinance that would otherwise be applicable if it makes a
7. 7 finding that, as applied to the proposed facility, it is unreasonably
8. 8 burdensome in view of the CLCPA targets, the environmental benefits, and
9. 9 in the case of a transmission facility, the public need for the proposed
10. 10 project.

11. 11 6. Notwithstanding any other deadline made applicable by this section,
12. 12 ORES shall make a final decision on a siting permit within one year from
13. 13 the date the application was deemed complete, or within six months from
14. 14 the date the application was deemed complete if such application relates
15. 15 to a major renewable energy facility that is proposed to be sited on an
16. 16 existing or abandoned commercial use, including without limitation,
17. 17 brownfields, landfills, former commercial or industrial sites, dormant
18. 18 electric generating sites, and abandoned or otherwise underutilized
19. 19 sites, as further defined by the regulations promulgated by or in effect
20. 20 under this article. Unless ORES and the applicant have agreed to an
21. 21 extension and if a final siting permit decision has not been made by
22. 22 ORES within such time period, then such siting permit shall be deemed to
23. 23 have been automatically granted for all purposes set forth in this arti-
24. 24 cle and all uniform conditions or site specific permit conditions issued
25. 25 for public comment shall constitute enforceable provisions of the siting
26. 26 permit; provided, however, that with respect to a final siting permit
27. 27 decision related to a major electric transmission facility, any portion
28. 28 of which is to be located on the land of a landowner for which the

1 applicant lacks an existing right-of-way agreement, no such permit may
2 be automatically granted. The final siting permit related to a major
3 renewable energy facility shall include a provision requiring the
4 permittee to provide a host community benefit, which may be a host
5 community benefit as determined by the commission pursuant to section
6 eight of part JJJ of chapter fifty-eight of the laws of two thousand
7 twenty or such other project as determined by ORES or as subsequently
8 agreed to between the applicant and the host community.

9 7. ORES, in consultation with the department, may exempt from the
10 requirements of this article applications for a major electric trans-
11 mission facility that would be constructed substantially within existing
12 rights-of-way.

13 § 141. Powers of municipalities and state agencies and authorities;
14 scope. 1. Notwithstanding any other provision of law, including without
15 limitation article eight of the environmental conservation law and arti-
16 cle seven of this chapter, no other state agency, department or authori-
17 ty, or any municipality or political subdivision or any agency thereof
18 may, except as expressly authorized under this article or the rules and
19 regulations promulgated under this article, require any approval,
20 consent, permit, certificate, contract, agreement, or other condition
21 for the development, design, construction, operation, or decommissioning
22 of a major renewable energy facility or a major electric transmission
23 facility with respect to which an application for a siting permit has
24 been filed, provided in the case of a municipality, political subdivi-
25 sion or an agency thereof, such entity has received notice of the filing
26 of the application therefor. Notwithstanding the foregoing, the depart-
27 ment of environmental conservation shall be the permitting agency for

applicant lacks an existing right-of-way agreement, no such permit may be automatically granted. The final siting permit related to a major renewable energy facility shall include a provision requiring the permittee to provide a host community benefit, which may be a host community benefit as determined by the commission pursuant to section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty or such other project as determined by ORES or as subsequently agreed to between the applicant and the host community.

7. ORES, in consultation with the department, may exempt from the requirements of this article applications for a major electric transmission facility that would be constructed substantially within existing rights-of-way.

§ 141. Powers of municipalities and state agencies and authorities; scope. 1. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article seven of this chapter, no other state agency, department or authority, or any municipality or political subdivision or any agency thereof may, except as expressly authorized under this article or the rules and regulations promulgated under this article, require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility or a major electric transmission facility with respect to which an application for a siting permit has been filed, provided in the case of a municipality, political subdivision or an agency thereof, such entity has received notice of the filing of the application therefor. Notwithstanding the foregoing, the department of environmental conservation shall be the permitting agency for

1 permits issued pursuant to federally delegated or federally approved
2 programs.

3 2. This section shall not impair or abrogate any federal, state or
4 local labor laws or any otherwise applicable state law for the
5 protection of employees engaged in the construction and operation of a
6 major renewable energy facility or major electric transmission facility.

7 3. ORES and the department shall monitor, enforce and administer
8 compliance with any terms and conditions set forth in a siting permit
9 issued pursuant to this article and in doing so may use and rely on
10 authority otherwise available under this chapter.

11 § 142. Fees; local agency account. 1. Each application for a siting
12 permit shall be accompanied by a fee in an amount equal to the follow-
13 ing:

14 (a) for a major renewable energy facility, one thousand dollars for
15 each thousand kilowatts of capacity of the proposed major renewable
16 energy facility;

17 (b) for a major electric transmission facility of one hundred twenty-
18 five kilovolts or more extending a distance of over one hundred miles,
19 four hundred fifty thousand dollars;

20 (c) for a major electric transmission facility of one hundred twenty-
21 five kilovolts or more extending a distance of over fifty miles to one
22 hundred miles, three hundred fifty thousand dollars;

23 (d) for a major electric transmission facility requiring a new right-
24 of-way and one hundred twenty-five kilovolts or more extending a
25 distance of ten miles to fifty miles, one hundred thousand dollars; and

26 (e) for a major electric transmission facility utilizing an existing
27 right-of-way and one hundred twenty-five kilovolts or more extending a
28 distance of ten miles to fifty miles, fifty thousand dollars.

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12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

permits issued pursuant to federally delegated or federally approved programs.

2. This section shall not impair or abrogate any federal, state or local labor laws or any otherwise applicable state law for the protection of employees engaged in the construction and operation of a major renewable energy facility or major electric transmission facility.

3. ORES and the department shall monitor, enforce and administer compliance with any terms and conditions set forth in a siting permit issued pursuant to this article and in doing so may use and rely on authority otherwise available under this chapter.

§ 142. Fees; local agency account. 1. Each application for a siting permit shall be accompanied by a fee in an amount equal to the follow- ing:

(a) for a major renewable energy facility, one thousand dollars for each thousand kilowatts of capacity of the proposed major renewable energy facility;

(b) for a major electric transmission facility of one hundred twenty- five kilovolts or more extending a distance of over one hundred miles, four hundred fifty thousand dollars;

(c) for a major electric transmission facility of one hundred twenty- five kilovolts or more extending a distance of over fifty miles to one hundred miles, three hundred fifty thousand dollars;

(d) for a major electric transmission facility requiring a new right- of-way and one hundred twenty-five kilovolts or more extending a distance of ten miles to fifty miles, one hundred thousand dollars; and

(e) for a major electric transmission facility utilizing an existing right-of-way and one hundred twenty-five kilovolts or more extending a distance of ten miles to fifty miles, fifty thousand dollars.

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1 2. Such fee is to be deposited in an account to be known as the local
2 agency account established for the benefit of local agencies and commu-
3 nity intervenors by the New York state energy research and development
4 authority and maintained in a segregated account in the custody of the
5 commissioner of taxation and finance. ORES, in consultation with the
6 department, may update the fee periodically solely to account for
7 inflation. The proceeds of such account shall be disbursed by the
8 office, in accordance with eligibility and procedures established by the
9 rules and regulations promulgated by ORES or the department pursuant to
10 this article or in effect as of the effective date of this article, for
11 the participation of local agencies and community intervenors in public
12 comment periods or hearing procedures established by this article,
13 including the rules and regulations promulgated hereto; provided that
14 fees must be disbursed for municipalities, political subdivisions or an
15 agency thereof, to determine whether a proposed project is designed to
16 be sited, constructed and operated in compliance with the applicable
17 local laws and regulations.

18 3. All funds so held by the New York state energy research and devel-
19 opment authority shall be subject to an annual independent audit as part
20 of such authority's audited financial statements, and such authority
21 shall prepare an annual report summarizing account balances and activ-
22 ities for each fiscal year ending March thirty-first and provide such
23 report to the office no later than ninety days after commencement of
24 such fiscal year and post on the authority's website.

25 4. To the extent an applicant submitted intervenor funds pursuant to
26 articles seven or ten of this chapter and has now filed an application
27 for a siting permit pursuant to this article, any amounts held in an
28 intervenor account established pursuant to articles seven and ten of

1. 1 2. Such fee is to be deposited in an account to be known as the local
2. 2 agency account established for the benefit of local agencies and commu-
3. 3 nity intervenors by the New York state energy research and development
4. 4 authority and maintained in a segregated account in the custody of the
5. 5 commissioner of taxation and finance. ORES, in consultation with the
6. 6 department, may update the fee periodically solely to account for
7. 7 inflation. The proceeds of such account shall be disbursed by the
8. 8 office, in accordance with eligibility and procedures established by the
9. 9 rules and regulations promulgated by ORES or the department pursuant to
10. 10 this article or in effect as of the effective date of this article, for
11. 11 the participation of local agencies and community intervenors in public
12. 12 comment periods or hearing procedures established by this article,
13. 13 including the rules and regulations promulgated hereto; provided that
14. 14 fees must be disbursed for municipalities, political subdivisions or an
15. 15 agency thereof, to determine whether a proposed project is designed to
16. 16 be sited, constructed and operated in compliance with the applicable
17. 17 local laws and regulations.

18. 18 3. All funds so held by the New York state energy research and devel-
19. 19 opment authority shall be subject to an annual independent audit as part
20. 20 of such authority's audited financial statements, and such authority
21. 21 shall prepare an annual report summarizing account balances and activ-
22. 22 ities for each fiscal year ending March thirty-first and provide such
23. 23 report to the office no later than ninety days after commencement of
24. 24 such fiscal year and post on the authority's website.

25. 25 4. To the extent an applicant submitted intervenor funds pursuant to
26. 26 articles seven or ten of this chapter and has now filed an application
27. 27 for a siting permit pursuant to this article, any amounts held in an
28. 28 intervenor account established pursuant to articles seven and ten of

1 this chapter for that project shall be applied to the intervenor account
2 established by this section.

3 5. In addition to the fees established pursuant to this section, ORES
4 or the department, pursuant to regulations adopted pursuant to this
5 article, may assess a fee for the purpose of recovering costs incurred
6 by the office; provided, however, that public utilities that are subject
7 to section eighteen-a of this chapter shall not be assessed a fee for
8 such costs.

9 6. In addition to the fees established pursuant to this section, ORES
10 or the department, pursuant to regulations adopted pursuant to this
11 article, may assess a fee for the purpose of recovering costs incurred
12 by the New York state energy research and development authority
13 pursuant to title nine-C of article eight of the public authorities
14 law; provided, however, that public utilities that are subject to
15 section eighteen-a of this chapter shall not be assessed a fee for such
16 costs.

17 § 143. Judicial review. 1. Any party aggrieved by the issuance or
18 denial of a siting permit under this article may seek judicial review of
19 such decision as provided in this section.

20 2. A judicial proceeding shall be brought in the third department of
21 the appellate division of the supreme court of the state of New York.
22 Such proceeding shall be initiated by the filing of a petition in such
23 court within ninety days after the issuance of a final decision by ORES
24 together with proof of service of a demand on ORES to file with said
25 court a copy of a written transcript of the record of the proceeding and
26 a copy of ORES's decision and opinion. ORES's copy of said transcript,
27 decision and opinion, shall be available at all reasonable times to all
28 parties for examination without cost. Upon receipt of such petition and

this chapter for that project shall be applied to the intervenor account established by this section.

5. In addition to the fees established pursuant to this section, ORES or the department, pursuant to regulations adopted pursuant to this article, may assess a fee for the purpose of recovering costs incurred by the office; provided, however, that public utilities that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs.

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6. In addition to the fees established pursuant to this section, ORES or the department, pursuant to regulations adopted pursuant to this article, may assess a fee for the purpose of recovering costs incurred

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12 by the New York state energy research and development authority 13 pursuant to title nine-C of
article eight of the public authorities

14. 14 law; provided, however, that public utilities that are subject to

15. 15 section eighteen-a of this chapter shall not be assessed a fee for such

16. 16 costs.

17. 17 § 143. Judicial review. 1. Any party aggrieved by the issuance or

18. 18 denial of a siting permit under this article may seek judicial review of

19. 19 such decision as provided in this section.

20. 20 2. A judicial proceeding shall be brought in the third department of

21. 21 the appellate division of the supreme court of the state of New York.

22. 22 Such proceeding shall be initiated by the filing of a petition in such

23. 23 court within ninety days after the issuance of a final decision by ORES

24. 24 together with proof of service of a demand on ORES to file with said

25. 25 court a copy of a written transcript of the record of the proceeding and

26. 26 a copy of ORES's decision and opinion. ORES's copy of said transcript,

27. 27 decision and opinion, shall be available at all reasonable times to all

28 parties for examination without cost. Upon receipt of such petition and

1 demand ORES shall forthwith deliver to the court a copy of the record
2 and a copy of ORES's decision and opinion. Thereupon, the court shall
3 have jurisdiction of the proceeding and shall have the power to grant
4 such relief as it deems just and proper, and to make and enter an order
5 enforcing, modifying and enforcing as so modified, remanding for further
6 specific evidence or findings or setting aside in whole or in part such
7 decision. The appeal shall be heard on the record, without requirement
8 of reproduction, and upon briefs to the court. The findings of fact on
9 which such decision is based shall be conclusive if supported by
10 substantial evidence on the record considered as a whole and matters of
11 judicial notice set forth in the opinion. The jurisdiction of the appel-
12 late division of the supreme court shall be exclusive and its judgment
13 and order shall be final, subject to review by the court of appeals in
14 the same manner and form and with the same effect as provided for
15 appeals in a special proceeding. All such proceedings shall be heard and
16 determined by the appellate division of the supreme court and by the
17 court of appeals as expeditiously as possible and with lawful precedence
18 over all other matters.

19 3. The grounds for and scope of review of the court shall be limited
20 to whether the decision and opinion of ORES are:

21 (a) In conformity with the constitution, laws and regulations of the
22 state and the United States;

23 (b) Supported by substantial evidence in the record and matters of
24 judicial notice properly considered and applied in the opinion;

25 (c) Within the statutory jurisdiction or authority of ORES and the
26 department;

27 (d) Made in accordance with procedures set forth in this section or
28 established by rule or regulation pursuant to this article;

substantial evidence on the record considered as a whole and matters of judicial notice set forth in the opinion. The jurisdiction of the appellate division of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the court of appeals in the same manner and form and with the same effect as provided for appeals in a special proceeding. All such proceedings shall be heard and determined by the appellate division of the supreme court and by the court of appeals as expeditiously as possible and with lawful precedence over all other matters.

3. The grounds for and scope of review of the court shall be limited to whether the decision and opinion of ORES are:

- (a) In conformity with the constitution, laws and regulations of the state and the United States;
- (b) Supported by substantial evidence in the record and matters of judicial notice properly considered and applied in the opinion;
- (c) Within the statutory jurisdiction or authority of ORES and the department;
- (d) Made in accordance with procedures set forth in this section or established by rule or regulation pursuant to this article;

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1 demand ORES shall forthwith deliver to the court a copy of the record 2 and a copy of ORES's decision and opinion. Thereupon, the court shall 3 have jurisdiction of the proceeding and shall have the power to grant 4 such relief as it deems just and proper, and to make and enter an order 5 enforcing, modifying and enforcing as so modified, remanding for further 6 specific evidence or findings or setting aside in whole or in part such 7 decision. The appeal shall be heard on the record, without requirement 8 of reproduction, and upon briefs to the court. The findings of fact on 9 which such decision is based shall be conclusive if supported by

1 (e) Arbitrary, capricious or an abuse of discretion; or
2 (f) Made pursuant to a process that afforded meaningful involvement of
3 citizens affected by the facility or project regardless of age, race,
4 color, national origin and income.

5 4. Except as herein provided article seventy-eight of the civil prac-
6 tice law and rules shall apply to appeals taken hereunder.

7 § 144. Farmland protection working group. 1. There is hereby created
8 in the executive department a farmland protection working group consist-
9 ing of appropriate stakeholders, including but not limited to:

10 (a) the commissioner of the department of agriculture and markets;
11 (b) the commissioner of the department of environmental conservation;
12 (c) the executive director of ORES;
13 (d) the chief executive officer of the department of public service;
14 (e) the president of the New York state energy research and develop-
15 ment authority;

16 (f) local government officials or representatives from municipal
17 organizations representing towns, villages, and counties; and
18 (g) representatives from at least two county agricultural and farmland
19 protection boards.

20 2. The working group shall, no later than one year after the effective
21 date of this section, recommend strategies to encourage and facilitate
22 input from municipalities in the siting process and to develop recommen-
23 dations that include approaches to recognize the value of viable agri-
24 cultural land and methods to minimize adverse impacts to any such land
25 resulting from the siting of major renewable energy facilities.

26 3. The working group, on call of the commissioner of the department of
27 agriculture and markets, shall meet at least three times each year and
28 at such other times as may be necessary.

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(e) Arbitrary, capricious or an abuse of discretion; or

(f) Made pursuant to a process that afforded meaningful involvement of citizens affected by the facility or project regardless of age, race, color, national origin and income.

4. Except as herein provided article seventy-eight of the civil practice law and rules shall apply to appeals taken hereunder.

§ 144. Farmland protection working group. 1. There is hereby created in the executive department a farmland protection working group consisting of appropriate stakeholders, including but not limited to:

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(a) the commissioner of the department of agriculture and markets;

(b) the commissioner of the department of environmental conservation; (c) the executive director of ORES;

(d) the chief executive officer of the department of public service; (e) the president of the New York state energy research and develop-

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19 protection boards.

20. 20 2. The working group shall, no later than one year after the effective

21. 21 date of this section, recommend strategies to encourage and facilitate

22. 22 input from municipalities in the siting process and to develop recommen-

23. 23 dations that include approaches to recognize the value of viable agri-

24. 24 cultural land and methods to minimize adverse impacts to any such land

25. 25 resulting from the siting of major renewable energy facilities.

ment authority;

(f) local government officials or representatives from municipal

organizations representing towns, villages, and counties; and

(g) representatives from at least two county agricultural and farmland

26. 26 3. The working group, on call of the commissioner of the department of

27. 27 agriculture and markets, shall meet at least three times each year and

28. 28 at such other times as may be necessary.

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1 § 12. The public service law is amended by adding a new section 174 to
2 read as follows:

3 § 174. Major steam electric generating facilities certificates. Any
4 certificate of environmental compatibility and public need issued to a
5 major steam electric generating facility under the former article eight
6 of this chapter shall be treated for purposes of compliance and enforce-
7 ment as if such certificate was issued under article ten of this chap-
8 ter.

9 § 13. Subdivision (B) of section 206 of the eminent domain procedure
10 law is amended to read as follows:

11 (B) pursuant to article VII [or article VIII] of the public service
12 law it obtained a certificate of environmental compatibility and public
13 need or pursuant to article VIII of the public service law it obtained a
14 siting permit with respect to a major electric transmission facility or;

15 § 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section
16 402 of the eminent domain procedure law is amended to read as follows:

17 (g) if the property is to be used for the construction of a major
18 utility transmission facility, as defined in section one hundred twenty
19 of the public service law[, or major steam electric generating facility
20 as defined in section one hundred forty of such law] with respect to
21 which a certificate of environmental compatibility and public need has
22 been issued under such law, a statement that such certificate relating
23 to such property has been issued and is in force, or if the property is
24 to be used for the construction of a major electric transmission facil-
25 ity, as defined under article eight of the public service law, with
26 respect to which a siting permit has been issued under such law, a
27 statement that such permit relating to such property has been issued and
28 is in force.

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§ 12. The public service law is amended by adding a new section 174 to read as follows:

§ 174. Major steam electric generating facilities certificates. Any certificate of environmental compatibility and public need issued to a major steam electric generating facility under the former article eight of this chapter shall be treated for purposes of compliance and enforcement as if such certificate was issued under article ten of this chapter.

§ 13. Subdivision (B) of section 206 of the eminent domain procedure law is amended to read as follows:

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21 which a certificate of environmental compatibility and public need has 22 been issued under such law,
a statement that such certificate relating 23 to such property has been issued and is in force, or if the
property is 24 to be used for the construction of a major electric transmission facil- 25 ity, as defined
under article eight of the public service law, with 26 respect to which a siting permit has been issued
under such law, a 27 statement that such permit relating to such property has been issued and 28 is in
force.

(B) pursuant to article VII [or article VIII] of the public service law it obtained a certificate of
environmental compatibility and public need or pursuant to article VIII of the public service law it
obtained a siting permit with respect to a major electric transmission facility or;

§ 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section 402 of the eminent domain procedure
law is amended to read as follows:

(g) if the property is to be used for the construction of a major utility transmission facility, as defined in
section one hundred twenty of the public service law[, or major steam electric generating facility as
defined in section one hundred forty of such law] with respect to

1 § 15. Subdivision 7 of section 6-106 of the energy law, as added by
2 chapter 433 of the laws of 2009, is amended to read as follows:

3 7. Any person who participated in the state energy planning proceeding
4 or any person who sought an amendment of the state energy plan pursuant
5 to subdivision six of this section, may obtain, pursuant to article
6 seventy-eight of the civil practice law and rules, judicial review of
7 the board's decision adopting a plan, or any amendment thereto, or of
8 the board's decision not to amend such plan pursuant to subdivision six
9 of this section. Any such special proceeding shall be brought in the
10 appellate division of the supreme court of the state of New York for the
11 third judicial department. Such proceeding shall be initiated by the
12 filing of a petition in such court within thirty days after the issuance
13 of a decision by the board. The proceeding shall have a lawful prefer-
14 ence over any other matter, shall be heard on an expedited basis and
15 shall be completed in all respects, including any subsequent appeal,
16 within one hundred eighty days of the filing of the petition. Where more
17 than one such petition is filed, the court may provide for consolidation
18 of the proceedings. Notwithstanding the provisions of [article] articles
19 seven and eight of the public service law, the procedure set forth in
20 this section shall constitute the exclusive means for seeking judicial
21 review of any element of the plan.

22 § 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-
23 mental conservation law, as amended by section 1 of part BBB of chapter
24 55 of the laws of 2021, is amended to read as follows:

25 (b) Actions subject to the provisions requiring a certificate of envi-
26 ronmental compatibility and public need in articles seven[,] and ten
27 [and the former article eight] of the public service law or requiring a

1. 1 § 15. Subdivision 7 of section 6-106 of the energy law, as added by
2. 2 chapter 433 of the laws of 2009, is amended to read as follows:
3. 3 7. Any person who participated in the state energy planning proceeding
4. 4 or any person who sought an amendment of the state energy plan pursuant
5. 5 to subdivision six of this section, may obtain, pursuant to article
6. 6 seventy-eight of the civil practice law and rules, judicial review of
7. 7 the board's decision adopting a plan, or any amendment thereto, or of
8. 8 the board's decision not to amend such plan pursuant to subdivision six
9. 9 of this section. Any such special proceeding shall be brought in the
10. 10 appellate division of the supreme court of the state of New York for the
11. 11 third judicial department. Such proceeding shall be initiated by the
12. 12 filing of a petition in such court within thirty days after the issuance
13. 13 of a decision by the board. The proceeding shall have a lawful prefer-
14. 14 ence over any other matter, shall be heard on an expedited basis and
15. 15 shall be completed in all respects, including any subsequent appeal,

16 within one hundred eighty days of the filing of the petition. Where more

17. 17 than one such petition is filed, the court may provide for consolidation
18. 18 of the proceedings. Notwithstanding the provisions of [article] articles
19. 19 seven and eight of the public service law, the procedure set forth in
20. 20 this section shall constitute the exclusive means for seeking judicial
21. 21 review of any element of the plan.
22. 22 § 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-

23 mental conservation law, as amended by section 1 of part BBB of chapter

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55 of the laws of 2021, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of envi-

ronmental compatibility and public need in articles seven[,] and ten [and the former article eight] of the
public service law or requiring a

1 siting permit under [section ninety-four-c of the executive law] article
2 eight of the public service law; or

3 § 17. Paragraph (d) of subdivision 2 of section 49-0307 of the envi-
4 ronmental conservation law, as added by chapter 292 of the laws of 1984,
5 is amended to read as follows:

6 (d) where land subject to a conservation easement or an interest in
7 such land is required for a major utility transmission facility which
8 has received a certificate of environmental compatibility and public
9 need pursuant to article seven of the public service law [or is required
10 for a major steam electric generating facility which has received a
11 certificate of environmental compatibility and public need pursuant to
12 article eight of the public service law] or a major electric trans-
13 mission facility which has received a siting permit pursuant to article
14 eight of the public service law, upon the filing of such certificate or
15 permit in a manner prescribed for recording a conveyance of real proper-
16 ty pursuant to section two hundred ninety-one of the real property law
17 or any other applicable provision of law.

18 § 18. Paragraph (e) of subdivision 3 of section 49-0307 of the envi-
19 ronmental conservation law, as amended by chapter 388 of the laws of
20 2011, is amended to read as follows:

21 (e) where land subject to a conservation easement or an interest in
22 such land is required for a major utility transmission facility which
23 has received a certificate of environmental compatibility and public
24 need pursuant to article seven of the public service law [or is required
25 for a major steam electric generating facility which has received a
26 certificate of environmental compatibility and public need pursuant to
27 the former article eight of the public service law], a major electric
28 transmission facility which has received a siting permit pursuant to

1. 1 siting permit under [section ninety-four-c of the executive law] article
2. 2 eight of the public service law; or
3. 3 § 17. Paragraph (d) of subdivision 2 of section 49-0307 of the envi-
4. 4 ronmental conservation law, as added by chapter 292 of the laws of 1984,
5. 5 is amended to read as follows:
6. 6 (d) where land subject to a conservation easement or an interest in
7. 7 such land is required for a major utility transmission facility which
8. 8 has received a certificate of environmental compatibility and public
9. 9 need pursuant to article seven of the public service law [or is required
10. 10 for a major steam electric generating facility which has received a
11. 11 certificate of environmental compatibility and public need pursuant to
12. 12 article eight of the public service law] or a major electric trans-

13 mission facility which has received a siting permit pursuant to article

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eight of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real proper- ty pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

§ 18. Paragraph (e) of subdivision 3 of section 49-0307 of the envi- ronmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(e) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to the former article eight of the public service law], a major electric transmission facility which has received a siting permit pursuant to

1 article eight of the public service law, or a major electric generating
2 facility or repowering project which has received a certificate of envi-
3 ronmental compatibility and public need pursuant to article ten of the
4 public service law, upon the filing of such certificate or permit in a
5 manner prescribed for recording a conveyance of real property pursuant
6 to section two hundred ninety-one of the real property law or any other
7 applicable provision of law, provided that such certificate or permit
8 contains a finding that the public interest in the conservation and
9 protection of the natural resources, open spaces and scenic beauty of
10 the Adirondack or Catskill parks has been considered.

11 § 19. Paragraph (p) of subdivision 27-a of section 1005 of the public
12 authorities law, as added by section 1 of part QQ of chapter 56 of the
13 laws of 2023, is amended to read as follows:

14 (p) Nothing in this subdivision or subdivision twenty-seven-b of this
15 section, shall be construed as exempting the authority, its subsid-
16 iaries, or any renewable energy generating projects undertaken pursuant
17 to this section from the requirements of [section ninety-four-c of the
18 executive law] article eight of the public service law respecting any
19 renewable energy system developed by the authority or an authority
20 subsidiary after the effective date of this subdivision that meets the
21 definition of "major renewable energy facility" as defined in [section
22 ninety-four-c of the executive law and section eight of part JJJ of
23 chapter fifty-eight of the laws of two thousand twenty] article eight of
24 the public service law, as it relates to host community benefits, and
25 section 11-0535-c of the environmental conservation law as it relates to
26 an endangered and threatened species mitigation bank fund.

27 § 20. Section 1014 of the public authorities law, as amended by chap-
28 ter 388 of the laws of 2011, is amended to read as follows:

1 article eight of the public service law, or a major electric generating 2 facility or repowering project which has received a certificate of envi- 3 ronmental compatibility and public need pursuant to article ten of the 4 public service law, upon the filing of such certificate or permit in a 5 manner prescribed for recording a conveyance of real property pursuant 6 to section two hundred ninety-one of the real property law or any other 7 applicable provision of law, provided that such certificate or permit 8 contains a finding that the public interest in the conservation and 9 protection of the natural resources, open spaces and scenic beauty of

10. 10 the Adirondack or Catskill parks has been considered.

11. 11 § 19. Paragraph (p) of subdivision 27-a of section 1005 of the public
12. 12 authorities law, as added by section 1 of part QQ of chapter 56 of the
13. 13 laws of 2023, is amended to read as follows:

14. 14 (p) Nothing in this subdivision or subdivision twenty-seven-b of this
15. 15 section, shall be construed as exempting the authority, its subsid-
16. 16 iaries, or any renewable energy generating projects undertaken pursuant
17. 17 to this section from the requirements of [section ninety-four-c of the
18. 18 executive law] article eight of the public service law respecting any
19. 19 renewable energy system developed by the authority or an authority
20. 20 subsidiary after the effective date of this subdivision that meets the
21. 21 definition of "major renewable energy facility" as defined in [section
22. 22 ninety-four-c of the executive law and section eight of part JJJ of
23. 23 chapter fifty-eight of the laws of two thousand twenty] article eight of
24. 24 the public service law, as it relates to host community benefits, and
25. 25 section 11-0535-c of the environmental conservation law as it relates to
26. 26 an endangered and threatened species mitigation bank fund.

27. 27 § 20. Section 1014 of the public authorities law, as amended by chap-
28. 28 ter 388 of the laws of 2011, is amended to read as follows:

1 § 1014. Public service law not applicable to authority; inconsistent
2 provisions in other acts superseded. The rates, services and practices
3 relating to the generation, transmission, distribution and sale by the
4 authority, of power to be generated from the projects authorized by this
5 title shall not be subject to the provisions of the public service law
6 nor to regulation by, nor the jurisdiction of the department of public
7 service. Except to the extent article seven of the public service law
8 applies to the siting and operation of a major utility transmission
9 facility as defined therein, article eight of the public service law
10 applies to the siting and operation of a major electric transmission
11 facility as defined therein, and article ten of the public service law
12 applies to the siting of a major electric generating facility as defined
13 therein, and except to the extent section eighteen-a of the public
14 service law provides for assessment of the authority for certain costs
15 relating thereto, the provisions of the public service law and of the
16 environmental conservation law and every other law relating to the
17 department of public service or the public service commission or to the
18 environmental conservation department or to the functions, powers or
19 duties assigned to the division of water power and control by chapter
20 six hundred nineteen of the laws of nineteen hundred twenty-six, shall
21 so far as is necessary to make this title effective in accordance with
22 its terms and purposes be deemed to be superseded, and wherever any
23 provision of law shall be found in conflict with the provisions of this
24 title or inconsistent with the purposes thereof, it shall be deemed to
25 be superseded, modified or repealed as the case may require.

26 § 21. Subdivision 1 of section 1020-s of the public authorities law,
27 as amended by chapter 681 of the laws of 2021, is amended to read as
28 follows:

1. 1 § 1014. Public service law not applicable to authority; inconsistent
2. 2 provisions in other acts superseded. The rates, services and practices
3. 3 relating to the generation, transmission, distribution and sale by the
4. 4 authority, of power to be generated from the projects authorized by this
5. 5 title shall not be subject to the provisions of the public service law
6. 6 nor to regulation by, nor the jurisdiction of the department of public
7. 7 service. Except to the extent article seven of the public service law
8. 8 applies to the siting and operation of a major utility transmission
9. 9 facility as defined therein, article eight of the public service law

10 applies to the siting and operation of a major electric transmission 11 facility as defined therein, and article ten of the public service law 12 applies to the siting of a major electric generating facility as defined 13 therein, and except to the extent section eighteen-a of the public 14 service law provides for assessment of the authority for certain costs 15 relating thereto, the provisions of the public service law and of the 16 environmental conservation law and every other law relating to the 17 department of public service or the public service commission or to the 18 environmental conservation department or to the functions, powers or 19 duties assigned to the division of water power and control by chapter 20 six hundred nineteen of the laws of nineteen hundred twenty-six, shall 21 so far as is necessary to make this title effective in accordance with

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its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

§ 21. Subdivision 1 of section 1020-s of the public authorities law, as amended by chapter 681 of the laws of 2021, is amended to read as follows:

1 1. The rates, services and practices relating to the electricity
2 generated by facilities owned or operated by the authority shall not be
3 subject to the provisions of the public service law or to regulation by,
4 or the jurisdiction of, the public service commission, except to the
5 extent (a) article seven of the public service law applies to the siting
6 and operation of a major utility transmission facility as defined there-
7 in, (b) article eight of the public service law applies to the siting
8 and operation of a major electric transmission facility as defined ther-
9 ein, (c) article ten of such law applies to the siting of a generating
10 facility as defined therein, [(c)] (d) section eighteen-a of such law
11 provides for assessment for certain costs, property or operations, [(d)]
12 (e) to the extent that the department of public service reviews and
13 makes recommendations with respect to the operations and provision of
14 services of, and rates and budgets established by, the authority pursu-
15 ant to section three-b of such law, [(e)] (f) that section seventy-four
16 of the public service law applies to qualified energy storage systems
17 within the authority's jurisdiction, and [(f)] (g) that section seven-
18 ty-four-b of the public service law applies to Long Island community
19 choice aggregation programs.

20 § 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public
21 authorities law, as amended by chapter 201 of the laws of 2019, is
22 amended to read as follows:

23 (b) "utility transmission facility" means any electric transmission
24 line operating at sixty-five kilovolts or higher in the service area,
25 including associated equipment. It shall not include any transmission
26 line which is an in-kind replacement or which is located wholly under-
27 ground. This section also shall not apply to any major [utility] elec-

1. 1 The rates, services and practices relating to the electricity
2. 2 generated by facilities owned or operated by the authority shall not be
3. 3 subject to the provisions of the public service law or to regulation by,
4. 4 or the jurisdiction of, the public service commission, except to the
5. 5 extent (a) article seven of the public service law applies to the siting
6. 6 and operation of a major utility transmission facility as defined there-
7. 7 in, (b) article eight of the public service law applies to the siting
8. 8 and operation of a major electric transmission facility as defined ther-
9. 9 ein, (c) article ten of such law applies to the siting of a generating

10 facility as defined therein, [(c)] section eighteen-a of such law 11 provides for assessment for
certain costs, property or operations, [(d)] 12 to the extent that the department of public service
reviews and 13 makes recommendations with respect to the operations and provision of 14 services of,
and rates and budgets established by, the authority pursu- 15 ant to section three-b of such law, [(e)]
1.tl_ that section seventy-four 16 of the public service law applies to qualified energy storage systems 17
within the authority's jurisdiction, and [(f)] that section seven-

18. 18 ty-four-b of the public service law applies to Long Island community
19. 19 choice aggregation programs.
20. 20 § 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public
21. 21 authorities law, as amended by chapter 201 of the laws of 2019, is
22. 22 amended to read as follows:
23. 23 (b) "utility transmission facility" means any electric transmission
24. 24 line operating at sixty-five kilovolts or higher in the service area,
25. 25 including associated equipment. It shall not include any transmission
26. 26 line which is an in-kind replacement or which is located wholly under-
27. 27 ground. This section also shall not apply to any major [utility] elec-

1 tric transmission facility subject to the jurisdiction of article seven
2 of the public service law; and

3 § 23. Paragraph c of subdivision 8 of section 1020-c of the public
4 authorities law, as amended by chapter 388 of the laws of 2011, is
5 amended to read as follows:

6 c. Article [seven] eight of the public service law shall apply to the
7 authority's siting and operation of a major electric transmission facil-
8 ity as therein defined and article ten of the public service law shall
9 apply to the authority's siting and operation of a major electric gener-
10 ating facility as therein defined.

11 § 24. Subdivision 4 of section 18-a of the public service law, as
12 amended by chapter 447 of the laws of 1972, is amended to read as
13 follows:

14 4. In the case of the power authority of the state of New York, the
15 [chairman] chairperson of the department shall ascertain from time to
16 time, but not less than once in each fiscal year, all direct and indi-
17 rect costs of investigating requests by the power authority of the state
18 of New York to establish new, major [utility] electric transmission
19 facilities [as defined in article seven of this chapter] and major
20 renewable energy facilities or to establish new, major [steam] electric
21 generating facilities [as defined in article eight of this chapter]. The
22 [chairman] chairperson shall for each such investigation assess such
23 costs against the power authority of the state of New York. Bills for
24 such an investigation may be rendered from time to time, but not less
25 than once in each fiscal year, and the amount of such bills shall be
26 paid by the power authority of the state of New York to the department
27 within thirty days from the date of rendition.

1. 1 tric transmission facility subject to the jurisdiction of article seven
2. 2 of the public service law; and
3. 3 § 23. Paragraph c of subdivision 8 of section 1020-c of the public
4. 4 authorities law, as amended by chapter 388 of the laws of 2011, is
5. 5 amended to read as follows:
6. 6 c. Article [seven] eight of the public service law shall apply to the
7. 7 authority's siting and operation of a major electric transmission facil-
8. 8 ity as therein defined and article ten of the public service law shall
9. 9 apply to the authority's siting and operation of a major electric gener-
10. 10 ating facility as therein defined.
11. 11 § 24. Subdivision 4 of section 18-a of the public service law, as
12. 12 amended by chapter 447 of the laws of 1972, is amended to read as
13. 13 follows:
14. 14 4. In the case of the power authority of the state of New York, the
15. 15 [chairman] chairperson of the department shall ascertain from time to
16. 16 time, but not less than once in each fiscal year, all direct and indi-
17. 17 rect costs of investigating requests by the power authority of the state
18. 18 of New York to establish new, major [utility] electric transmission
19. 19 facilities [as defined in article seven of this chapter] and major
20. 20 renewable energy facilities or to establish new, major [steam] electric
21. 21 generating facilities [as defined in article eight of this chapter]. The
22. 22 [chairman] chairperson shall for each such investigation assess such
23. 23 costs against the power authority of the state of New York. Bills for
24. 24 such an investigation may be rendered from time to time, but not less
25. 25 than once in each fiscal year, and the amount of such bills shall be

26 paid by the power authority of the state of New York to the department 27 within thirty days from the
date of rendition.

1 § 25. Subdivision 2 of section 160 of the public service law, as added
2 by chapter 388 of the laws of 2011, is amended to read as follows:

3 2. "Major electric generating facility" means an electric generating
4 facility with a nameplate generating capacity of twenty-five thousand
5 kilowatts or more, including interconnection electric transmission lines
6 that are not subject to review under article eight of this chapter and
7 fuel gas transmission lines that are not subject to review under article
8 seven of this chapter.

9 § 26. Paragraph (e) of subdivision 4 of section 162 of the public
10 service law, as added by section 3 of part JJJ of chapter 58 of the laws
11 of 2020, is amended to read as follows:

12 (e) To a major renewable energy facility as such term is defined in
13 [section ninety-four-c of the executive law] section eight of this chap-
14 ter; provided, however, that any person intending to construct a major
15 renewable energy facility, that has a draft pre-application public
16 involvement program plan pursuant to section one hundred sixty-three of
17 this article and the regulations implementing this article, which is
18 pending with the siting board as of the effective date of this paragraph
19 may remain subject to the provisions of this article or, may, by written
20 notice to the secretary of the commission, elect to become subject to
21 the provisions of [section ninety-four-c of the executive law] article
22 eight of this chapter.

23 § 27. Subdivision 3 of section 11-103 of the energy law, as amended by
24 chapter 374 of the laws of 2022, is amended to read as follows:

25 3. Notwithstanding any other provision of law, the state fire
26 prevention and building code council in accordance with the mandate
27 under this article shall have exclusive authority among state agencies
28 to promulgate a construction code incorporating energy conservation

§ 25. Subdivision 2 of section 160 of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

2. "Major electric generating facility" means an electric generating facility with a nameplate generating capacity of twenty-five thousand kilowatts or more, including interconnection electric transmission lines that are not subject to review under article eight of this chapter and fuel gas transmission lines that are not subject to review under article seven of this chapter.

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§ 26. Paragraph (e) of subdivision 4 of section 162 of the public service law, as added by section 3 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

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19 may remain subject to the provisions of this article or, may, by written

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notice to the secretary of the commission, elect to become subject to the provisions of [section ninety-four-c of the executive law] article eight of this chapter.

§ 27. Subdivision 3 of section 11-103 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

3. Notwithstanding any other provision of law, the state fire prevention and building code council in accordance with the mandate under this article shall have exclusive authority among state agencies to promulgate a construction code incorporating energy conservation

(e) To a major renewable energy facility as such term is defined in [section ninety-four-c of the executive law] section eight of this chapter; provided, however, that any person intending to construct a major

renewable energy facility, that has a draft pre-application public involvement program plan pursuant to section one hundred sixty-three of this article and the regulations implementing this article, which is pending with the siting board as of the effective date of this paragraph

1 features and clean energy features applicable to the construction of any
2 building, including but not limited to greenhouse gas reduction. Any
3 other code, rule or regulation heretofore promulgated or enacted by any
4 other state agency, incorporating specific energy conservation and clean
5 energy requirements applicable to the construction of any building,
6 shall be superseded by the code promulgated pursuant to this section.
7 Notwithstanding the foregoing, nothing in this section shall be deemed
8 to expand the powers of the council to include matters that are exclu-
9 sively within the statutory jurisdiction of the public service commis-
10 sion, the department of environmental conservation, [the office of
11 renewable energy siting] or another state entity.

12 § 28. Paragraph (d) of subdivision 27-a of section 1005 of the public
13 authorities law, as added by section 1 of part QQ of chapter 56 of the
14 laws of 2023, is amended to read as follows:

15 (d) No later than one hundred eighty days after the effective date of
16 this subdivision, and annually thereafter, the authority shall confer
17 with the New York state energy research and development authority, [the
18 office of renewable energy siting,] the department of public service,
19 climate and resiliency experts, labor organizations, and environmental
20 justice and community organizations concerning the state's progress on
21 meeting the renewable energy goals established by the climate leadership
22 and community protection act. When exercising the authority provided for
23 in paragraph (a) of this subdivision, the information developed through
24 such conferral shall be used to identify projects to help ensure that
25 the state meets its goals under the climate leadership and community
26 protection act. Any conferral provided for in this paragraph shall
27 include consideration of the timing of projects in the interconnection
28 queue of the federally designated electric bulk system operator for New

features and clean energy features applicable to the construction of any building, including but not limited to greenhouse gas reduction. Any other code, rule or regulation heretofore promulgated or enacted by any other state agency, incorporating specific energy conservation and clean energy requirements applicable to the construction of any building, shall be superseded by the code promulgated pursuant to this section. Notwithstanding the foregoing, nothing in this section shall be deemed to expand the powers of the council to include matters that are exclusively within the statutory jurisdiction of the public service commission, the department of environmental conservation, [the office of renewable energy siting] or another state entity.

§ 28. Paragraph (d) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

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15 (d) No later than one hundred eighty days after the effective date of

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this subdivision, and annually thereafter, the authority shall confer with the New York state energy research and development authority, [the office of renewable energy siting,] the department of public service, climate and resiliency experts, labor organizations, and environmental justice and community organizations concerning the state's progress on meeting the renewable energy goals established by the climate leadership and community protection act. When exercising the authority provided for in paragraph (a) of this subdivision, the information developed through such conferral shall be used to identify projects to help ensure that the state meets its goals under the climate leadership and community protection act. Any conferral provided for in this paragraph shall include consideration of the timing of projects in the interconnection queue of the federally designated electric bulk system operator for New

1 York state, taking into account both capacity factors or planned
2 projects and the interconnection queue's historical completion rate. A
3 report on the information developed through such conferral shall be
4 published and made accessible on the website of the authority.

5 § 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section
6 1005 of the public authorities law, as added by section 1 of part QQ of
7 chapter 56 of the laws of 2023, is amended to read as follows:

8 (i) Beginning in two thousand twenty-five, and biennially thereafter
9 until two thousand thirty-three, the authority, in consultation with the
10 New York state energy research and development authority, [the office of
11 renewable energy siting,] the department of public service, and the
12 federally designated electric bulk system operator for New York state,
13 shall develop and publish biennially a renewable energy generation stra-
14 tegic plan ("strategic plan") that identifies the renewable energy
15 generating priorities based on the provisions of paragraph (a) of this
16 subdivision for the two-year period covered by the plan as further
17 provided for in this paragraph.

18 § 30. Subdivision 1 of section 7208 of the education law, as amended
19 by section 15 of part A of chapter 173 of the laws of 2013, is amended
20 to read as follows:

21 1. The practice of engineering or land surveying, or using the title
22 "engineer" or "surveyor" (i) exclusively as an officer or employee of a
23 public service corporation by rendering to such corporation such
24 services in connection with its lines and property which are subject to
25 supervision with respect to the safety and security thereof by the
26 public service commission of this state, the interstate commerce commis-
27 sion or other federal regulatory body and so long as such person is thus
28 actually and exclusively employed and no longer[, or] (ii) exclusively

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York state, taking into account both capacity factors or planned projects and the interconnection queue's historical completion rate. A report on the information developed through such conferral shall be published and made accessible on the website of the authority.

§ 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(i) Beginning in two thousand twenty-five, and biennially thereafter until two thousand thirty-three, the authority, in consultation with the New York state energy research and development authority, [the office of renewable energy siting,] the department of public service, and the federally designated electric bulk system operator for New York state, shall develop and publish biennially a renewable energy generation strategic plan ("strategic plan") that identifies the renewable energy generating priorities based on the provisions of paragraph (a) of this subdivision for the two-year period covered by the plan as further provided for in this paragraph.

§ 30. Subdivision 1 of section 7208 of the education law, as amended by section 15 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

1. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" (i) exclusively as an officer or employee of a public service corporation by rendering to such corporation such services in connection with its lines and property which are subject to supervision with respect to the safety and security thereof by the public service commission of this state, the interstate commerce commission or other federal regulatory body and so long as such person is thus actually and exclusively employed and no longer[, or]L (ii) exclusively

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1 as an officer or employee of the Long Island power authority or its
2 service provider, as defined under section three-b of the public service
3 law, by rendering to such authority or provider such services in
4 connection with its lines and property which are located in such author-
5 ity's service area and so long as such person is thus actually and
6 exclusively employed and no longer; or (iii) exclusively as an officer
7 or employee of the department of public service by rendering to such
8 department such services in connection with reviewing the design,
9 construction and operation of utility infrastructure and so long as such
10 person is thus actually and exclusively employed and no longer;

11 § 31. The public service commission shall commence a proceeding within
12 ninety days of the effective date of this act to consider metrics
13 related to the timely interconnection of distributed generation
14 resources into the distribution system owned by an electric corporation,
15 as well as negative revenue adjustments related to such metrics.

16 § 32. This act shall take effect immediately; provided that the amend-
17 ments to paragraph (e) of subdivision 4 of section 162 of the public
18 service law made by section twenty-six of this act shall not affect the
19 repeal of such paragraph and shall be deemed repealed therewith.

20 PART P

21 Section 1. Short title. This act shall be known and may be cited as
22 the "affordable gas transition act".

23 § 2. Legislative findings. The legislature finds and declares that:

24 1. The public service law (the "PSL") establishes the public service
25 commission ("commission") and department of public service ("depart-
26 ment") and charges them to ensure that New York residents have safe and

1 as an officer or employee of the Long Island power authority or its 2 service provider, as defined under section three-b of the public service 3 law, by rendering to such authority or provider such services in 4 connection with its lines and property which are located in such author- s ity's service area and so long as such person is thus actually and 6 exclusively employed and no longer; or (iii) exclusively as an officer 7 or employee of the department of public service by rendering to such 8 department such services in connection with reviewing the design, 9 construction and operation of utility infrastructure and so long as such

10 person is thus actually and exclusively employed and no longer;

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§ 31. The public service commission shall commence a proceeding within ninety days of the effective date of this act to consider metrics related to the timely interconnection of distributed generation resources into the distribution system owned by an electric corporation, as well as negative revenue adjustments related to such metrics.

§ 32. This act shall take effect immediately; provided that the amend- ments to paragraph (e) of subdivision 4 of section 162 of the public service law made by section twenty-six of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith.

PART P

Section 1. Short title. This act shall be known and may be cited as the "affordable gas transition act".

§ 2. Legislative findings. The legislature finds and declares that:

1. The public service law (the "PSL") establishes the public service commission ("commission") and department of public service ("depart- ment") and charges them to ensure that New York residents have safe and

1 reliable access to energy at rates that are just and reasonable. These
2 bedrock principles have persisted and guided commission decisions even
3 as policy priorities and the technologies relied upon by regulated util-
4 ities and their customers have changed.

5 2. The climate leadership and community protection act (the "CLCPA")
6 requires significant greenhouse gas emission reductions from all sectors
7 of New York's economy and directs state agencies and authorities to
8 prioritize equity for the communities and workers most directly affected
9 as they pursue those reductions.

10 3. Buildings account for approximately one-third of the greenhouse gas
11 emissions in New York state and produce local air pollution, with
12 significant adverse health impacts. Reducing the greenhouse gas emis-
13 sions and local air pollution emitted from New York's buildings, espe-
14 cially in disadvantaged communities, is necessary to comply with the
15 CLCPA.

16 4. Consumers' growing adoption of new electric technologies for space
17 heating, water heating, cooking, and other functions will increasingly
18 require responsive changes on the part of electric and gas corporations.
19 The trend toward electrification is expected to eventually pose a funda-
20 mental challenge to gas corporations' longstanding business model and,
21 in particular, make it difficult for gas corporations to recover the
22 full costs of their extensive infrastructure networks from consumers.

23 5. To enable the commission to plan effectively for a changing legal
24 and technological landscape, New York must update how it regulates the
25 service provided by gas corporations. Appropriate statutory updates will
26 enable alignment between energy infrastructure investments, changing
27 technological options and consumer preferences, and the two thousand
28 thirty and two thousand fifty greenhouse gas emission reduction mandates

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25. 25 service provided by gas corporations. Appropriate statutory updates will
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27. 27 technological options and consumer preferences, and the two thousand
28. 28 thirty and two thousand fifty greenhouse gas emission reduction mandates

1 in article seventy-five of the environmental conservation law. Without
2 such updates, it will become increasingly difficult to ensure all New
3 Yorkers have access to the energy they need for heating, cooling, and
4 powering the buildings in which they live and work at just and reason-
5 able rates.

6 6. The New York State public service law requires utilities to expand
7 natural gas infrastructure in response to requests from consumers, even
8 when the foreseeable costs of such expansion promise to become unmanage-
9 able, and alternatives would be more cost-effective. In this way, the
10 public service law constrains the commission and department from ensur-
11 ing that utilities respond appropriately to a changing marketplace and
12 the CLCPA's emission reduction requirements.

13 a. Statutorily mandated utility system extension allowances shift the
14 significant costs of new customer hookups to existing customers, creat-
15 ing strong incentives to expand reliance on natural gas and the infras-
16 tructure that delivers it while obscuring the costs of such expansion to
17 all stakeholders.

18 b. Citing their obligation under the public service law, gas corpo-
19 rations in New York continue investing in the expansion of gas infras-
20 tructure despite the risk of that infrastructure becoming a stranded
21 asset. These investments are made at the expense of alternative
22 solutions available to utility customers today.

23 c. Gas corporations' obligation to serve, codified in the public
24 service law, is a major obstacle to development of neighborhood-scale
25 building decarbonization projects that would help align energy system
26 investments with the two thousand thirty and two thousand fifty green-
27 house gas emission reduction mandates in article seventy-five of the

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b. Citing their obligation under the public service law, gas corpo- rations in New York continue investing in the expansion of gas infras- tructure despite the risk of that infrastructure becoming a stranded asset. These investments are made at the expense of alternative solutions available to utility customers today.

c. Gas corporations' obligation to serve, codified in the public service law, is a major obstacle to development of neighborhood-scale building decarbonization projects that would help align energy system investments with the two thousand thirty and two thousand fifty green- house gas emission reduction mandates in article seventy-five of the

1 environmental conservation law in a manner that mitigates costs for all
2 utility customers and ensures a just transition for impacted workers.

3 7. Now that multiple liquified natural gas export terminals have inte-
4 grated domestic sources of natural gas into the international market,
5 New Yorkers that rely on natural gas may face generally higher fuel
6 prices and greater price volatility. Decarbonizing buildings, investing
7 in energy efficiency, and developing renewable sources of electricity
8 will all yield greater energy security and savings for New York energy
9 consumers.

10 8. Thus, it is the intent of the legislature to enact the affordable
11 gas transition act for the following purposes:

12 a. to ensure that regulation and oversight of gas utilities pursuant
13 to the public service law will provide for the timely and strategic
14 management of the gas system in light of changing technologies and
15 consumer preferences, greenhouse gas emission reduction requirements,
16 the need to keep energy affordable for all consumers, and the need to
17 ensure a just transition for affected communities and workers;

18 b. to provide the commission with statutory authority and direction to
19 align its regulations and gas and electric corporations' planning
20 efforts with ongoing changes in technology and consumer preferences as
21 well as the CLCPA's requirements;

22 c. to end statutorily mandated incentives for the expansion of fossil
23 fuel infrastructure while maintaining the equitable provision of elec-
24 tric service for efficient heating, cooling, cooking, hot water, and
25 other uses;

26 d. to address barriers to the provision of affordable access to elec-
27 tricity for heating and cooling for low-income and moderate-income
28 consumers; and

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environmental conservation law in a manner that mitigates costs for all utility customers and ensures a just transition for impacted workers.

7. Now that multiple liquified natural gas export terminals have integrated domestic sources of natural gas into the international market, New Yorkers that rely on natural gas may face generally higher fuel prices and greater price volatility. Decarbonizing buildings, investing in energy efficiency, and developing renewable sources of electricity will all yield greater energy security and savings for New York energy consumers.

8. Thus, it is the intent of the legislature to enact the affordable gas transition act for the following purposes:

a. to ensure that regulation and oversight of gas utilities pursuant to the public service law will provide for the timely and strategic management of the gas system in light of changing technologies and consumer preferences, greenhouse gas emission reduction requirements, the need to keep energy affordable for all consumers, and the need to ensure a just transition for affected communities and workers;

b. to provide the commission with statutory authority and direction to align its regulations and gas and electric corporations' planning efforts with ongoing changes in technology and consumer preferences as well as the CLCPA's requirements;

c. to end statutorily mandated incentives for the expansion of fossil fuel infrastructure while maintaining the equitable provision of electric service for efficient heating, cooling, cooking, hot water, and other uses;

d. to address barriers to the provision of affordable access to electricity for heating and cooling for low-income and moderate-income consumers; and

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1 e. to clarify that municipal building codes regulating on-site emis-
2 sions are not preempted under New York state law.

3 9. This legislation does not establish a ban on the use of gas. It is
4 neither the intent nor would it be the effect of this legislation to
5 require the immediate transition of any existing gas customer to alter-
6 native heating and cooling services.

7 § 3. Subdivision 1 of section 4 of the public service law, as amended
8 by chapter 594 of the laws of 2021, is amended to read as follows:

9 1. There shall be in the department of public service a public service
10 commission, which shall possess the powers and duties hereinafter speci-
11 fied, and also all powers necessary or proper to enable it to carry out
12 the purposes of this chapter and to enable achievement of the climate
13 justice and emission reduction mandates in article seventy-five of the
14 environmental conservation law. The commission shall consist of five
15 members, to be appointed by the governor, by and with the advice and
16 consent of the senate. A commissioner shall be designated as [chairman]
17 chairperson of the commission by the governor to serve in such capacity
18 at the pleasure of the governor or until [his] their term as commission-
19 er expires whichever first occurs. At least one commissioner shall have
20 experience in utility consumer advocacy. No more than three commission-
21 ers may be members of the same political party unless, pursuant to
22 action taken under subdivision two of this section, the number of
23 commissioners shall exceed five, and in such event no more than four
24 commissioners may be members of the same political party.

25 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 5 of
26 the public service law, paragraph b of subdivision 1 as amended and
27 subdivision 2 as added by chapter 155 of the laws of 1970, are amended
28 to read as follows:

e. to clarify that municipal building codes regulating on-site emissions are not preempted under New York state law.

9. This legislation does not establish a ban on the use of gas. It is neither the intent nor would it be the effect of this legislation to require the immediate transition of any existing gas customer to alternative heating and cooling services.

§ 3. Subdivision 1 of section 4 of the public service law, as amended by chapter 594 of the laws of 2021, is amended to read as follows:

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1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this chapter and to enable achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law. The commission shall consist of five

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21. 21 ers may be members of the same political party unless, pursuant to
22. 22 action taken under subdivision two of this section, the number of
23. 23 commissioners shall exceed five, and in such event no more than four
24. 24 commissioners may be members of the same political party.

25. 25 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 5 of
26. 26 the public service law, paragraph b of subdivision 1 as amended and
27. 27 subdivision 2 as added by chapter 155 of the laws of 1970, are amended
28. 28 to read as follows:

1 b. To the manufacture, conveying, transportation, sale or distribution
2 of gas (natural or manufactured or mixture of both) and electricity for
3 light, heat, cooling, or power, to gas plants and to electric plants and
4 to the persons or corporations owning, leasing or operating the same.

5 2. The commission shall encourage all persons and corporations subject
6 to its jurisdiction to formulate and carry out long-range programs,
7 individually or cooperatively, for the performance of their public
8 service responsibilities, including the achievement of the climate
9 justice and emission reduction mandates in article seventy-five of the
10 environmental conservation law, with economy, efficiency, and care for
11 the public safety, the preservation of environmental values and the
12 conservation of natural resources.

13 § 5. Section 30 of the public service law, as amended by chapter 686
14 of the laws of 2002, is amended to read as follows:

15 § 30. Residential gas, electric and steam service policy. 1. This
16 article shall apply to the provision of all or any part of the gas,
17 electric or steam service provided to any residential customer by any
18 gas, electric or steam and municipalities corporation or municipality.
19 It is hereby declared to be the policy of this state that the continued
20 provision of [all or any part of such gas,] electric and steam service
21 to all residential customers without unreasonable qualifications or
22 lengthy delays is necessary for the preservation of the health and
23 general welfare, is consistent with the achievement of the state's
24 climate justice and emission reduction mandates in article seventy-five
25 of the environmental conservation law, and is in the public interest.
26 It is further the policy of this state that gas service for existing
27 residential customers must be provided in a manner that is safe and
28 adequate, not unjustly discriminatory or unduly preferential, and in all

b. To the manufacture, conveying, transportation, sale or distribution of gas (natural or manufactured or mixture of both) and electricity for light, heat, cooling, or power, to gas plants and to electric plants and to the persons or corporations owning, leasing or operating the same.

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2. The commission shall encourage all persons and corporations subject to its jurisdiction to formulate and carry out long-range programs, individually or cooperatively, for the performance of their public service responsibilities, including the achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources.

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19 It is hereby declared to be the policy of this state that the continued 20 provision of [all or any part of such gas,] electric and steam service 21 to all residential customers without unreasonable qualifications or 22 lengthy delays is necessary for the preservation of the health and 23 general welfare, is consistent with the achievement of the state's 24 climate justice and emission reduction mandates in article seventy-five 25 of the environmental conservation law, and is in the public interest. 26 It is further the policy of this state that gas service for existing 27 residential customers must be provided in a manner that is safe and 28 adequate, not unjustly discriminatory or unduly preferential, and in all

§ 5. Section 30 of the public service law, as amended by chapter 686 of the laws of 2002, is amended to read as follows:

§ 30. Residential gas, electric and steam service policy. 1. This article shall apply to the provision of all or any part of the gas, electric or steam service provided to any residential customer by any gas, electric or steam and municipalities corporation or municipality.

1 respects just and reasonable, while providing for an orderly gas system
2 transition to achieve consistency with the climate justice and emission
3 reduction mandates in article seventy-five of the environmental conser-
4 vation law, prioritizing low-to-moderate income customers and disadvan-
5 taged communities as defined in article seventy-five of the environ-
6 mental conservation law, and encouraging neighborhood-scale transitions.

7 2. The commission shall regulate for the continued provision of gas
8 service to all existing residential customers who choose to continue
9 service, unless such service is discontinued pursuant to a program
10 approved by the commission. The commission shall only approve programs
11 that ensure affected customers retain continuous access to safe, reli-
12 able, and affordable energy services and can secure adequate substitutes
13 for gas-fired space heating, water heating, and cooking appliances prior
14 to the discontinuance of gas service.

15 § 6. Subdivisions 1, 3 and 4 of section 31 of the public service law,
16 as added by chapter 713 of the laws of 1981, are amended and a new
17 subdivision 4-a is added to read as follows:

18 1. Every gas corporation, electric corporation or municipality shall
19 provide residential service upon the oral or written request of an
20 applicant, provided that any residential gas service shall only be
21 provided in accordance with section thirty of this article, and provided
22 further that the commission may require that requests for service be in
23 writing under circumstances as it deems necessary and proper as set
24 forth by regulation, and provided further that the applicant:

25 (a) makes full payment for residential utility service provided to a
26 prior account in [his] the applicant's name; or

27 (b) agrees to make payments under a deferred payment plan of any
28 amounts due for service to a prior account in [his] the applicant's name

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respects just and reasonable, while providing for an orderly gas system transition to achieve consistency with the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, prioritizing low-to-moderate income customers and disadvantaged communities as defined in article seventy-five of the environmental conservation law, and encouraging neighborhood-scale transitions.

2. The commission shall regulate for the continued provision of gas service to all existing residential customers who choose to continue service, unless such service is discontinued pursuant to a program approved by the commission. The commission shall only approve programs that ensure affected customers retain continuous access to safe, reliable, and affordable energy services and can secure adequate substitutes for gas-fired space heating, water heating, and cooking appliances prior to the discontinuance of gas service.

§ 6. Subdivisions 1, 3 and 4 of section 31 of the public service law, as added by chapter 713 of the laws of 1981, are amended and a new subdivision 4-a is added to read as follows:

1. Every gas corporation, electric corporation or municipality shall provide residential service upon the oral or written request of an applicant, provided that any residential gas service shall only be provided in accordance with section thirty of this article, and provided further that the commission may require that requests for service be in writing under circumstances as it deems necessary and proper as set forth by regulation, and provided further that the applicant:

(a) makes full payment for residential utility service provided to a prior account in [his] the applicant's name; or

(b) agrees to make payments under a deferred payment plan of any amounts due for service to a prior account in [his] the applicant's name

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1 and makes a down payment based on criteria to be established by the
2 commission. No such down payment shall exceed one-half of any money due
3 from an applicant for residential utility service, or three months aver-
4 age billing, whichever is less; or

5 (c) is a recipient of public assistance, supplemental security income
6 or additional state payments pursuant to the social services law, or is
7 an applicant for such assistance, income or payments, and the utility
8 corporation or the municipality receives payment from, or is notified of
9 the applicant's eligibility for utility payments by the social services
10 official of the social services district in which such person resides
11 for amounts due for service to a prior account in the applicant's name,
12 together with guarantee of future payments to the extent authorized by
13 the social services law; and

14 (d) receives clear, timely information from the gas corporation, elec-
15 tric corporation, or municipality, written in plain language on incen-
16 tives and opportunities for installing energy-efficient electric heating
17 and cooling technologies, weatherization, demand-side management, and
18 distributed energy resource programs.

19 (e) nothing in this subdivision shall be construed to prohibit exist-
20 ing gas customers, in accordance with section thirty of this article and
21 subject to any other regulations implemented by the commission, from
22 reconnecting to the gas corporation's system following a gas inter-
23 ruption due to emergency repairs or remediation of leaking equipment.

24 3. Subject to the requirements of subdivisions four, four-a, and five
25 of this section, and in accordance with section thirty of this article,
26 whenever a residential customer moves to a new residence within the
27 service territory of the same utility corporation or municipality, [he]
28 the applicant shall be eligible to receive service at the new residence

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and makes a down payment based on criteria to be established by the commission. No such down payment shall exceed one-half of any money due from an applicant for residential utility service, or three months average billing, whichever is less; or

(c) is a recipient of public assistance, supplemental security income or additional state payments pursuant to the social services law, or is an applicant for such assistance, income or payments, and the utility corporation or the municipality receives payment from, or is notified of the applicant's eligibility for utility payments by the social services official of the social services district in which such person resides for amounts due for service to a prior account in the applicant's name, together with guarantee of future payments to the extent authorized by the social services law; and

(d) receives clear, timely information from the gas corporation, electric corporation, or municipality, written in plain language on incentives and opportunities for installing energy-efficient electric heating and cooling technologies, weatherization, demand-side management, and distributed energy resource programs.

(e) nothing in this subdivision shall be construed to prohibit existing gas customers, in accordance with section thirty of this article and subject to any other regulations implemented by the commission, from reconnecting to the gas corporation's system following a gas interruption due to emergency repairs or remediation of leaking equipment.

3. Subject to the requirements of subdivisions four, four-a, and five of this section, and in accordance with section thirty of this article, whenever a residential customer moves to a new residence within the service territory of the same utility corporation or municipality, [he] the applicant shall be eligible to receive service at the new residence

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1 and such service shall be considered a continuation of service [in all
2 respects], with any deferred payment agreement honored, and with all
3 rights of such customer and such utility corporation provided by this
4 article unimpaired.

5 4. In the case of any application for service to a building which is
6 not supplied with electricity [or gas], a utility corporation or munici-
7 pality shall be obligated to provide electric service to such a build-
8 ing, provided however, that the commission may require applicants for
9 service to buildings located in excess of one hundred feet from [gas or]
10 electric transmission lines to pay or agree in writing to pay material
11 and installation costs relating to the applicant's proportion of the
12 [pipe,] conduit, duct or wire, or other facilities to be installed.

13 4-a. In the case of any application for gas service to a building
14 which is not supplied with gas, a utility corporation or municipality
15 shall provide gas service to such a building as authorized by the
16 commission, provided however, that the commission may require applicants
17 for gas service to buildings to pay or agree in writing to pay material
18 and installation costs relating to all or a portion of the pipe or other
19 facilities to be installed to enable service to the applicant.

20 § 7. Section 12 of the transportation corporations law, as separately
21 amended by chapters 713 and 895 of the laws of 1981, is amended to read
22 as follows:

23 § 12. [Gas and electricity] Electricity must be supplied on applica-
24 tion. Except in the case of an application for residential utility
25 service pursuant to article two of the public service law, upon written
26 application of the owner or occupant of any building within one hundred
27 feet of any [main of a gas corporation or gas and electric corporation,
28 or a] line of an electric corporation or gas and electric corporation,

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and such service shall be considered a continuation of service [in all respects], with any deferred payment agreement honored, and with all rights of such customer and such utility corporation provided by this article unimpaired.

4. In the case of any application for service to a building which is not supplied with electricity [or gas], a utility corporation or municipality shall be obligated to provide electric service to such a building, provided however, that the commission may require applicants for service to buildings located in excess of one hundred feet from [gas or] electric transmission lines to pay or agree in writing to pay material and installation costs relating to the applicant's proportion of the

[pipe,] conduit, duct or wire, or other facilities to be installed.

4-a. In the case of any application for gas service to a building which is not supplied with gas, a utility corporation or municipality shall provide gas service to such a building as authorized by the commission, provided however, that the commission may require applicants for gas service to buildings to pay or agree in writing to pay material and installation costs relating to all or a portion of the pipe or other

facilities to be installed to enable service to the applicant.

§ 7. Section 12 of the transportation corporations law, as separately amended by chapters 713 and 895 of the laws of 1981, is amended to read

as follows:

§ 12. [Gas and electricity] Electricity must be supplied on applica-

tion. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any [main of a gas corporation or gas and electric corporation, or a] line of an electric corporation or gas and electric corporation,

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1 appropriate to the service requested, and payment by [him] the applicant
2 of all money due from [him] the applicant to the corporation, it shall
3 supply [gas or] electricity as may be required for [lighting] such
4 building, notwithstanding there be rent or compensation in arrears for
5 gas or electricity supplied, or for meter, wire, pipe or fittings
6 furnished, to a former occupant thereof, unless such owner or occupant
7 shall have undertaken or agreed with the former occupant to pay or to
8 exonerate [him] them from the payment of such arrears, and shall refuse
9 or neglect to pay the same; and if for the space of ten days after such
10 application, and the deposit of a reasonable sum [as provided in the
11 next section], if required, the corporation shall refuse or neglect to
12 supply [gas or electric light] electricity as required, such corporation
13 shall forfeit and pay to the applicant the sum of ten dollars, and the
14 further sum of five dollars for every day thereafter during which such
15 refusal or neglect shall continue; provided that no such corporation
16 shall be required to lay service [pipes or] wires for the purpose of
17 supplying [gas or electric light] electricity to any applicant where the
18 ground in which such [pipe or] wire is required to be laid shall be
19 frozen, or shall otherwise present serious obstacles to laying the same;
20 nor unless the applicant, if required, shall deposit in advance with the
21 corporation a sum of money sufficient to pay the cost of [his propor-
22 tion] the applicant's portion of the [pipe,] conduit, duct or wire
23 required to be installed, and the expense of the installation of such
24 portion.

25 § 8. The transportation corporations law is amended by adding a new
26 section 13 to read as follows:

27 § 13. Gas must be supplied in accordance with public service commis-
28 sion rules and regulations. Except in the case of an application for

1 appropriate to the service requested, and payment by [him] the applicant 2 of all money due from [him] the applicant to the corporation, it shall 3 supply [gas or] electricity as may be required for [lighting] such 4 building, notwithstanding there be rent or compensation in arrears for 5 gas or electricity supplied, or for meter, wire, pipe or fittings 6 furnished, to a former occupant thereof, unless such owner or occupant 7 shall have undertaken or agreed with the former occupant to pay or to 8 exonerate [him] them from the payment of such arrears, and shall refuse 9 or neglect to pay the same; and if for the space of ten days after such

10 application, and the deposit of a reasonable sum [as provided in the 11 next section], if required, the corporation shall refuse or neglect to 12 supply [gas or electric light] electricity as required, such corporation 13 shall forfeit and pay to the applicant the sum of ten dollars, and the 14 further sum of five dollars for every day thereafter during which such 15 refusal or neglect shall continue; provided that no such corporation 16 shall be required to lay service [pipes or] wires for the purpose of 17 supplying [gas or electric light] electricity to any applicant where the 18 ground in which such [pipe or] wire is required to be laid shall be 19 frozen, or shall otherwise present serious obstacles to laying the same; 20 nor unless the applicant, if required, shall deposit in advance with the 21 corporation a sum of money sufficient to pay the cost of [his propor-

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tion] the applicant's portion of the [pipe,] conduit, duct or wire required to be installed, and the expense of the installation of such portion.

§ 8. The transportation corporations law is amended by adding a new section 13 to read as follows:

§ 13. Gas must be supplied in accordance with public service commis- sion rules and regulations. Except in the case of an application for

1 residential utility service pursuant to article two of the public
2 service law, upon written application of the owner or occupant of any
3 building within one hundred feet of any main of a gas corporation or gas
4 and electric corporation appropriate to the service requested, and
5 payment by the applicant of all money due from the applicant to the
6 corporation, it shall supply gas for such building as authorized by the
7 commission, notwithstanding there be rent or compensation in arrears for
8 gas supplied, or for meter, pipe or fittings furnished, to a former
9 occupant thereof, unless such owner or occupant shall have undertaken or
10 agreed with the former occupant to pay or to exonerate them from the
11 payment of such arrears, and shall refuse or neglect to pay the same;
12 and if for the space of ten days after such application, and the deposit
13 of a reasonable sum, if required, the corporation shall refuse or
14 neglect to supply gas as required pursuant to public service commission
15 rules and regulations, such corporation shall forfeit and pay to the
16 applicant the sum of ten dollars, and the further sum of five dollars
17 for every day thereafter during which such refusal or neglect shall
18 continue; provided that no such corporation shall be required to lay
19 service pipes for the purpose of supplying gas to any applicant where
20 the ground in which such pipe is required to be laid shall be frozen, or
21 shall otherwise present serious obstacles to laying the same; nor unless
22 the applicant, if required, shall deposit in advance with the corpo-
23 ration a sum of money sufficient to pay the material and installation
24 costs relating to all or a portion of the pipe or other facilities to be
25 installed to enable service to the applicant.

26 § 9. Subdivision 2 of section 66 of the public service law, as amended
27 by chapter 877 of the laws of 1953, is amended and two new subdivisions
28 2-b and 12-e are added to read as follows:

1 residential utility service pursuant to article two of the public 2 service law, upon written application of the owner or occupant of any 3 building within one hundred feet of any main of a gas corporation or gas 4 and electric corporation appropriate to the service requested, and 5 payment by the applicant of all money due from the applicant to the 6 corporation, it shall supply gas for such building as authorized by the 7 commission, notwithstanding there be rent or compensation in arrears for 8 gas supplied, or for meter, pipe or fittings furnished, to a former 9 occupant thereof, unless such owner or occupant shall have undertaken or

10 agreed with the former occupant to pay or to exonerate them from the 11 payment of such arrears, and shall refuse or neglect to pay the same; 12 and if for the space of ten days after such application, and the deposit 13 of a reasonable sum, if required, the corporation shall refuse or 14 neglect to supply gas as required pursuant to public service commission

15 16 17 18 19 20 21 22 23 24 25 26 27 28

rules and regulations, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service pipes for the purpose of supplying gas to any applicant where the ground in which such pipe is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the material and installation costs relating to all or a portion of the pipe or other facilities to be installed to enable service to the applicant.

§ 9. Subdivision 2 of section 66 of the public service law, as amended by chapter 877 of the laws of 1953, is amended and two new subdivisions 2-b and 12-e are added to read as follows:

1 2. Investigate and ascertain, from time to time, the quality of gas
2 supplied by persons, corporations and municipalities; examine or inves-
3 tigate the methods employed by such persons, corporations and munici-
4 palities in manufacturing, distributing and supplying gas or electricity
5 for light, heat, cooling, or power and in transmitting the same, and
6 have power to order such reasonable improvements as will best promote
7 the public interest, preserve the public health and protect those using
8 such gas or electricity and those employed in the manufacture and
9 distribution thereof, and have power to order reasonable improvements
10 and extensions of the works, wires, poles, lines, conduits, ducts and
11 other reasonable devices, apparatus and property of gas corporations,
12 electric corporations and municipalities; and have power after an inves-
13 tigation and a hearing to order any corporation having authority under
14 any general or special law or under any charter or franchise, to lay
15 down, erect or maintain wires, pipes, conduits, ducts or other fixtures
16 in, over or under the streets, highways and public places of any munici-
17 pality for the purpose of supplying, selling or distributing natural
18 gas, to augment its supply of natural gas, whenever the commission deems
19 necessary and whenever artificial gas can be reasonably obtained, by
20 acquiring by purchase, manufacture or otherwise a supply thereof to be
21 mixed with such natural gas, in order to render adequate service to the
22 customers of such corporation or to maintain a proper and uniform pres-
23 sure; and have power after an investigation and a hearing to order any
24 corporation having authority under any general or special law or under
25 any charter or franchise, to lay down, erect or maintain wires, pipes,
26 conduits, ducts or other fixtures in, over or under the streets, high-
27 ways and public places of any municipality for the purpose of supplying,
28 selling or distributing artificial gas, to augment its supply of artifi-

2. Investigate and ascertain, from time to time, the quality of gas supplied by persons, corporations and municipalities; examine or investigate the methods employed by such persons, corporations and municipalities in manufacturing, distributing and supplying gas or electricity for light, heat, cooling, or power and in transmitting the same, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas or electricity and those employed in the manufacture and distribution thereof, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electric corporations and municipalities; and have power after an investigation and a hearing to order any corporation having authority under any general or special law or under any charter or franchise, to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality for the purpose of supplying, selling or distributing natural gas, to augment its supply of natural gas, whenever the commission deems necessary and whenever artificial gas can be reasonably obtained, by acquiring by purchase, manufacture or otherwise a supply thereof to be mixed with such natural gas, in order to render adequate service to the customers of such corporation or to maintain a proper and uniform pressure; and have power after an investigation and a hearing to order any corporation having authority under any general or special law or under any charter or franchise, to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality for the purpose of supplying, selling or distributing artificial gas, to augment its supply of arti-

1 cial gas, whenever the commission deems necessary and whenever natural
2 gas can be reasonably obtained, by acquiring by purchase or otherwise a
3 supply thereof to be mixed with such artificial gas, in order to render
4 adequate service to the customers of such corporation or to maintain a
5 proper and uniform pressure; and to fix such rate for the supplying of
6 mixed gas as shall secure to such corporation a fair return; and may
7 order the curtailment or discontinuance of the use of natural gas for
8 manufacturing or industrial purposes, for periods aggregating not to
9 exceed four months in any calendar year, if it is established to the
10 satisfaction of the commission that the supply of natural gas is not
11 adequate to meet the reasonable demands of domestic consumption [and may
12 prohibit the use of natural gas in wasteful devices and practices].

13 2-b. Have power to prohibit the use of natural gas in wasteful devices
14 and practices, and to order the curtailment or discontinuance of the use
15 of all or portions of the works, pipes, and other gas plant of a gas
16 corporation, where the commission has determined that such curtailment
17 or discontinuance is reasonably required to implement state energy poli-
18 cy, provided that such curtailment or discontinuance shall be consistent
19 with a commission-approved program to achieve consistency with the
20 climate justice and emission reduction mandates in article seventy-five
21 of the environmental conservation law, including the opportunity for
22 recovery of the gas corporation's investment in such system at just and
23 reasonable rates.

24 12-e. The commission shall review the capital construction plan of
25 each gas corporation and establish a process to examine feasible alter-
26 natives to such construction in order to align with the climate justice
27 and emission reduction mandates in article seventy-five of the environ-
28 mental conservation law. The commission may require participation in

1. 1 cial gas, whenever the commission deems necessary and whenever natural
2. 2 gas can be reasonably obtained, by acquiring by purchase or otherwise a
3. 3 supply thereof to be mixed with such artificial gas, in order to render
4. 4 adequate service to the customers of such corporation or to maintain a
5. 5 proper and uniform pressure; and to fix such rate for the supplying of
6. 6 mixed gas as shall secure to such corporation a fair return; and may
7. 7 order the curtailment or discontinuance of the use of natural gas for
8. 8 manufacturing or industrial purposes, for periods aggregating not to
9. 9 exceed four months in any calendar year, if it is established to the
10. 10 satisfaction of the commission that the supply of natural gas is not
11. 11 adequate to meet the reasonable demands of domestic consumption [and may
12. 12 prohibit the use of natural gas in wasteful devices and practices].
13. 13 2-b. Have power to prohibit the use of natural gas in wasteful devices
14. 14 and practices, and to order the curtailment or discontinuance of the use
15. 15 of all or portions of the works, pipes, and other gas plant of a gas
16. 16 corporation, where the commission has determined that such curtailment
17. 17 or discontinuance is reasonably required to implement state energy poli-
18. 18 cy, provided that such curtailment or discontinuance shall be consistent
19. 19 with a commission-approved program to achieve consistency with the
20. 20 climate justice and emission reduction mandates in article seventy-five
21. 21 of the environmental conservation law, including the opportunity for
22. 22 recovery of the gas corporation's investment in such system at just and
23. 23 reasonable rates.
24. 24 12-e. The commission shall review the capital construction plan of
25. 25 each gas corporation and establish a process to examine feasible alter-
26. 26 natives to such construction in order to align with the climate justice
27. 27 and emission reduction mandates in article seventy-five of the environ-
28. 28 mental conservation law. The commission may require participation in

1 such process by each electric corporation with a service area overlap-
2 ping the service area of the gas corporation.

3 § 10. Section 66-a of the public service law, as added by chapter 7 of
4 the laws of 1948, subdivision 1 as amended and subdivision 3 as added by
5 chapter 582 of the laws of 1975, subdivision 2 as amended by chapter 722
6 of the laws of 1977, is amended to read as follows:

7 § 66-a. Conservation of gas, declaration of policy, delegation of
8 power. 1. It is hereby declared to be the policy of this state that
9 when there develops in any area a situation under which a gas corpo-
10 ration supplying gas to such area is unable to meet the reasonable needs
11 of its consumers and of persons or corporations applying for new or
12 additional gas service, the available supply of gas shall be allocated
13 among the customers of such gas corporation, in such manner as may be
14 necessary to protect public health and safety and to avoid undue hard-
15 ship, particularly for low-to-moderate income residential customers,
16 electric generation needed for electric system reliability, and custom-
17 ers with hard-to-electrify industrial and commercial uses, pursuant to
18 rules and regulations as may be adopted by the commission, and that to
19 carry out this declared policy the jurisdiction of the public service
20 commission should be clarified.

21 2. Notwithstanding the provisions of any statute or any franchise held
22 by a gas corporation, the commission shall have power, upon the finding
23 that continued gas service is not consistent with the achievement of the
24 climate justice and emission reduction mandates in article seventy-five
25 of the environmental conservation law, or that there exists such a shor-
26 tage of gas in any area in the state, that the gas corporation supplying
27 such area is unable and will be unable to secure or produce sufficient
28 gas to meet the reasonable needs of its customers and of persons or

such process by each electric corporation with a service area overlapping the service area of the gas corporation.

§ 10. Section 66-a of the public service law, as added by chapter 7 of the laws of 1948, subdivision 1 as amended and subdivision 3 as added by chapter 582 of the laws of 1975, subdivision 2 as amended by chapter 722 of the laws of 1977, is amended to read as follows:

§ 66-a. Conservation of gas, declaration of policy, delegation of power. 1. It is hereby declared to be the policy of this state that when there develops in any area a situation under which a gas corpo-

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ration supplying gas to such area is unable to meet the reasonable needs of its consumers and of persons or corporations applying for new or additional gas service, the available supply of gas shall be allocated among the customers of such gas corporation, in such manner as may be necessary to protect public health and safety and to avoid undue hard-

ship, particularly for low-to-moderate income residential customers, electric generation needed for electric system reliability, and customers with hard-to-electrify industrial and commercial uses, pursuant to rules and regulations as may be adopted by the commission, and that to carry out this declared policy the jurisdiction of the public service commission should be clarified.

2. Notwithstanding the provisions of any statute or any franchise held

by a gas corporation, the commission shall have power, upon the finding that continued gas service is not consistent with the achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, or that there exists such a shortage of gas in any area in the state, that the gas corporation supplying such area is unable and will be unable to secure or produce sufficient gas to meet the reasonable needs of its customers and of persons or

1 corporations applying for new or additional gas service, to require such
2 corporation to immediately discontinue the supplying of gas to addi-
3 tional customers or of supplying additional service to present custom-
4 ers, for such purpose or purposes as may be designated by the commis-
5 sion, or to customers using gas for a purpose prohibited by the
6 commission pursuant to this act, and that upon the finding that the
7 supply of gas available is and will be insufficient to supply the
8 demands of all consumers receiving service, to require such gas corpo-
9 ration to curtail or discontinue service to any or all classes of
10 customers of such gas corporation. In imposing such a direction or
11 requirement, the commission shall give consideration first to existing
12 domestic uses and uses deemed to be necessary by the commission to
13 protect public health and safety and to avoid undue hardship [and shall
14 be limited to the period of the emergency provided that the gas corpo-
15 ration affected shall make such restriction, curtailing or discontin-
16 uance applicable to all customers or applicants for service in a like
17 class. If the commission determines that good cause exists for supplying
18 service to additional customers or for supplying additional service to
19 some existing customers, notwithstanding the curtailment or discontin-
20 uance of service to other existing customers, it shall, to the extent
21 feasible, allocate gas with equal priority to new or additional domestic
22 uses of gas and commercial or industrial processes which require gas
23 because there is no practical substitute for it in such proportion as
24 the commission determines to be reasonable. Provided that the commis-
25 sion shall be permitted, after public hearing, to authorize any natural
26 gas produced from lands under the waters of Lake Erie to be used for
27 process or feedstock requirements]. The commission is authorized to

1 corporations applying for new or additional gas service, to require such 2 corporation to immediately discontinue the supplying of gas to addi- 3 tional customers or of supplying additional service to present custom- 4 ers, for such purpose or purposes as may be designated by the commis- 5 sion, or to customers using gas for a purpose prohibited by the 6 commission pursuant to this act, and that upon the finding that the 7 supply of gas available is and will be insufficient to supply the 8 demands of all consumers receiving service, to require such gas corpo- 9 ration to curtail or discontinue service to any or all classes of

10 customers of such gas corporation. In imposing such a direction or 11 requirement, the commission shall give consideration first to existing 12 domestic uses and uses deemed to be necessary by the commission to 13 protect public health and safety and to avoid undue hardship [and shall 14 be limited to the period of the emergency provided that the gas corpo- 15 ration affected shall make such restriction, curtailing or discontin- 16 uance applicable to all customers or applicants for service in a like 17 class. If the commission determines that good cause exists for supplying 18 service to additional customers or for supplying additional service to 19 some existing customers, notwithstanding the curtailment or discontin- 20 uance of service to other existing customers, it shall, to the extent 21 feasible, allocate gas with equal priority to new or additional domestic 22 uses of gas and commercial or industrial processes which require gas 23 because there is no practical substitute for it in such proportion as 24 the commission determines to be reasonable. Provided that the commis- 25 sion shall be permitted, after public hearing, to authorize any natural 26 gas produced from lands under the waters of Lake Erie to be used for 27 process or feedstock requirements]. The commission is authorized to

1 adopt such rules, regulations and orders as are necessary or appropriate
2 to carry out these delegated powers.

3 3. In carrying out the delegated powers provided for in this section,
4 the commission shall, to the extent practicable, determine and establish
5 gas conservation measures or standards, including energy-efficient elec-
6 trification of gas end uses. The commission may require compliance with
7 such measures or standards as a condition of receiving service.

8 4. The commission shall determine conditions under which new or addi-
9 tional gas service is warranted notwithstanding the need to conserve
10 resources for service to existing gas customers. Such determination
11 shall be consistent with the achievement of the climate justice and
12 emission reduction mandates in article seventy-five of the environmental
13 conservation law, and may take into account factors including economic
14 development, impacts on new and existing customers including low-to-mod-
15 erate income customers, impacts on system safety and adequacy, equity
16 toward existing customers with limited conversion alternatives, and the
17 feasibility of neighborhood-scale alternatives to usage of fuels with
18 high life-cycle greenhouse gas emissions and on-site co-pollutant emis-
19 sions, including thermal energy networks.

20 § 11. Section 66-b of the public service law is REPEALED.

21 § 12. The public service law is amended by adding a new section 66-w
22 to read as follows:

23 § 66-w. Expansion of gas plant into new areas. Except as provided in
24 this section, and notwithstanding any other provision of this chapter,
25 after December thirty-first, two thousand twenty-five, no gas corpo-
26 ration shall commence construction of a new gas plant that would expand
27 the availability of service into geographic areas where gas service was
28 not available prior to that date as defined by the applicable utility's

1. 1 adopt such rules, regulations and orders as are necessary or appropriate
2. 2 to carry out these delegated powers.
3. 3 3. In carrying out the delegated powers provided for in this section,
4. 4 the commission shall, to the extent practicable, determine and establish
5. 5 gas conservation measures or standards, including energy-efficient elec-
6. 6 trification of gas end uses. The commission may require compliance with
7. 7 such measures or standards as a condition of receiving service.
8. 8 4. The commission shall determine conditions under which new or addi-
9. 9 tional gas service is warranted notwithstanding the need to conserve
10. 10 resources for service to existing gas customers. Such determination
11. 11 shall be consistent with the achievement of the climate justice and
12. 12 emission reduction mandates in article seventy-five of the environmental
13. 13 conservation law, and may take into account factors including economic
14. 14 development, impacts on new and existing customers including low-to-mod-
15. 15 erate income customers, impacts on system safety and adequacy, equity
16. 16 toward existing customers with limited conversion alternatives, and the
17. 17 feasibility of neighborhood-scale alternatives to usage of fuels with
18. 18 high life-cycle greenhouse gas emissions and on-site co-pollutant emis-
19. 19 sions, including thermal energy networks.
20. 20 § 11. Section 66-b of the public service law is REPEALED.
21. 21 § 12. The public service law is amended by adding a new section 66-w
22. 22 to read as follows:
23. 23 § 66-w. Expansion of gas plant into new areas. Except as provided in
24. 24 this section, and notwithstanding any other provision of this chapter,
25. 25 after December thirty-first, two thousand twenty-five, no gas corpo-
26. 26 ration shall commence construction of a new gas plant that would expand
27. 27 the availability of service into geographic areas where gas service was
28. 28 not available prior to that date as defined by the applicable utility's

1 certificate of public convenience and necessity approved by the commis-
2 sion. The commission may authorize exceptions on a case-by-case basis,
3 provided that the commission finds that such construction serves the
4 public interest or alternatives to gas service are either not technical-
5 ly feasible or prohibitively expensive.

6 § 13. Severability clause. The provisions of this act shall be severa-
7 ble and if the application of any clause, sentence, paragraph, subdivi-
8 sion, section, or part thereof to any person or circumstance shall be
9 adjudged by any court of competent jurisdiction to be invalid, such
10 judgment shall not necessarily affect, impair, or invalidate the appli-
11 cation of any such clause, sentence, paragraph, subdivision, section,
12 part or remainder thereof, as the case may be, to any other person,
13 circumstance, but shall be confined in its operation to the clause,
14 sentence, paragraph, subdivision, section or part thereof directly
15 involved in the controversy in which such judgment shall have been
16 rendered.

17 § 14. This act shall take effect immediately.

18

PART Q

19 Section 1. Expenditures of moneys appropriated to the department of
20 agriculture and markets from the special revenue funds-other/state oper-
21 ations, miscellaneous special revenue fund-339, public service account
22 shall be subject to the provisions of this section. Notwithstanding any
23 other provision of law to the contrary, direct and indirect expenses
24 relating to the department of agriculture and markets' participation in
25 general ratemaking proceedings pursuant to section 65 of the public
26 service law or certification proceedings pursuant to article 7 or 10 of

1. 1 certificate of public convenience and necessity approved by the commis-
2. 2 sion. The commission may authorize exceptions on a case-by-case basis,

3 provided that the commission finds that such construction serves the 4 public interest or alternatives to gas service are either not technical- s ly feasible or prohibitively expensive.

6 § 13. Severability clause. The provisions of this act shall be severa- 7 ble and if the application of any clause, sentence, paragraph, subdivi- 8 sion, section, or part thereof to any person or circumstance shall be 9 adjudged by any court of competent jurisdiction to be invalid, such

10 judgment shall not necessarily affect, impair, or invalidate the appli- 11 cation of any such clause, sentence, paragraph, subdivision, section, 12 part or remainder thereof, as the case may be, to any other person,

13. 13 circumstance, but shall be confined in its operation to the clause,
14. 14 sentence, paragraph, subdivision, section or part thereof directly
15. 15 involved in the controversy in which such judgment shall have been
16. 16 rendered.

17. 17 § 14. This act shall take effect immediately.

18. 18 P A R T Q

19. 19 Section 1. Expenditures of moneys appropriated to the department of
20. 20 agriculture and markets from the special revenue funds-other/state oper-
21. 21 ations, miscellaneous special revenue fund-339, public service account
22. 22 shall be subject to the provisions of this section. Notwithstanding any
23. 23 other provision of law to the contrary, direct and indirect expenses
24. 24 relating to the department of agriculture and markets' participation in
25. 25 general ratemaking proceedings pursuant to section 65 of the public
26. 26 service law or certification proceedings pursuant to article 7 or 10 of