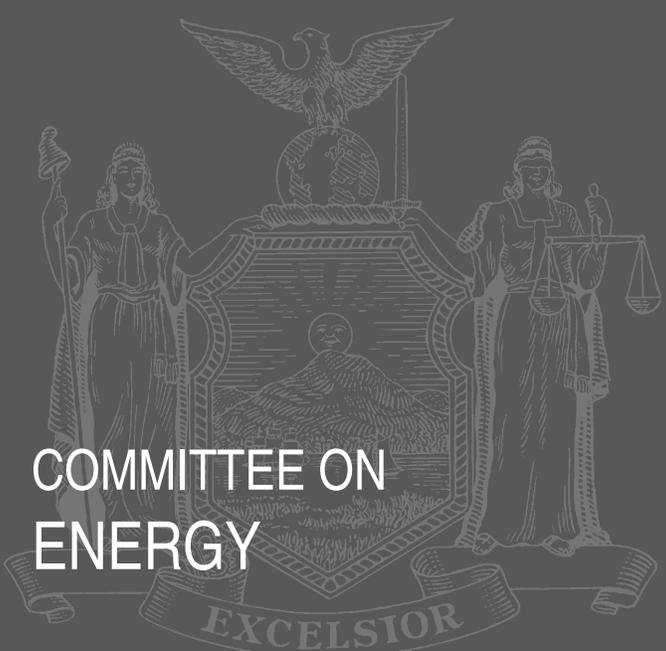


NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
ENERGY

CARL E. HEASTIE
SPEAKER

MICHAEL J. CUSICK
CHAIR



MICHAEL J. CUSICK
Assemblyman 63rd District
Richmond County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Energy
COMMITTEES
Governmental Employees
Higher Education
Transportation
Veterans' Affairs
Ways and Means

December 15, 2020

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

Dear Speaker Heastie:

I am pleased to submit to you the 2020 Annual Report of the Assembly Standing Committee on Energy.

Throughout the course of the year, the Committee was actively engaged in the passage of the SFY 2020-2021 budget as well as legislation related to consumer protections, the siting of renewable generation facilities, the impact of the COVID-19 pandemic on the State's utilities and the achievement of the State's clean energy goals.

Outside of the budget process, the Committee was involved in matters relating to the resiliency and reliability of the State electrical grid. Tropical Storm Isaias underscored the many areas of emergency response, customer communications and infrastructure resiliency in which the State's utilities must improve their performance before another such storm inevitably makes landfall in New York. Investigations into utility storm preparedness and response are ongoing, and the Committee anticipates continued engagement with the State's utilities in the interest of maintaining the safety and well-being of all New Yorkers.

I have greatly enjoyed working with the Energy Committee. Under your leadership, the Assembly will continue its efforts to protect ratepayers and enhance the deployment of renewable energy systems.

Sincerely,

Michael J. Cusick
Chair, Assembly Standing Committee on Energy

2020 ANNUAL REPORT
OF NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ENERGY

Michael J. Cusick, Chairman

Committee Members

Majority

Marcos Crespo

Aravella Simotas

Angelo Santabarbara

Charles Barron

Erik Dilan

Pamela Hunter

Steve Stern

Nily Rozic

Nader Sayegh

Steve Englebright

Minority

Phillip Palmesano

Kenneth Blankenbush

Douglas Smith

Mark Walczyk

Michael Thomas, Legislative Analyst
Michael Lloyd, Associate Counsel
Michelle Milot, Assistant Secretary for Program and Policy
Thomas Conlon, Committee Assistant
Gerard Weir, Committee Clerk
Maya Wilson, Program and Counsel Secretary

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INTRODUCTION

The Assembly Energy Committee has jurisdiction over legislation relating to energy availability and sources, policy and planning, conservation and electric, gas and steam rate making in New York State. The Committee considers legislation that amends the Energy Law, Public Service Law, Public Authorities Law, Economic Development Law, General Municipal Law and Rural Electric Cooperative Law. The Committee works closely with the Assembly Committee on Corporations, Authorities and Commissions, which considers legislation concerning the structure and operations of the Power Authority of the State of New York (PASNY, d/b/a NYPA), the Public Service Commission (PSC), the Long Island Power Authority (LIPA) and the New York State Energy Research and Development Authority (NYSERDA). The Committee also works with other state agencies including the Department of Economic Development (DED), the Department of Environmental Conservation (DEC), the Department of State (DOS) and the Department of Transportation (DOT) on energy-related issues.

In 2020, 90 bills introduced in the Assembly were referenced to the Committee and five bills were reported from the Committee. The full Assembly considered and passed two of these bills, and both were signed into law. This report outlines the legislation addressing the challenges to New York State energy policy.

MAJOR ISSUES OF 2020

A. BUDGET HIGHLIGHTS

Utility Assessments

The 2020-2021 Budget included provisions that:

- extended for an additional year the authorization for certain energy siting-related expenses of the Office of Parks, Recreation and Historic Preservation and the Departments of Agriculture and Markets, Health, Environmental Conservation and State to be reimbursed by a utility assessment; and,
- authorized NYSERDA to receive up to \$22.7 million from an assessment on gas and electric corporations.

Accelerated Renewable Energy Growth and Community Benefit Act

The 2020-2021 Budget established an Office of Renewable Energy Siting within the Department of State to consolidate the environmental review and permitting processes of major renewable energy facilities. Other provisions of the Act included:

- the undertaking of a State Power Grid Study in order to identify distribution and local transmission upgrades as well as bulk transmission investments that would facilitate the timely achievement of the State's climate targets as outlined in the Climate Leadership and Community Protection Act;
- the creation of a "Build-Ready" Program to be administered by NYSERDA to facilitate the development of renewable energy facilities, prioritizing the acquisition and development of previously-developed or otherwise underutilized sites; and
- the establishment of a host community benefit program by the PSC under which renewable facility owners would provide utility bill discounts or other benefits to residents of communities that host renewable facilities.

B. COMMITTEE LEGISLATION

CONSUMER ISSUES

Eviction Defense

(A.2365 Rodriguez; Reported from Committee)

The Committee reported legislation that would provide tenants a defense against eviction for unpaid utility charges. The legislation provides that if it is determined that the outstanding charges for utility service claimed by the landlord are deemed to be rent under an existing rental agreement, such determination would be a complete defense against eviction.

ENERGY PLANNING

Sustainable Energy Loans

(A.7805-C Cusick; Chapter 184 of the Laws of 2020)

Commercial Property Assessed Clean Energy (PACE) financing programs offer financing for property owners to fund energy efficiency and renewable energy projects. This law amended the General Municipal Law to allow for the inclusion of new construction in PACE financing programs. Previously, the program's funding was only available for the retrofitting of existing buildings.

Energy Efficiency Reporting

(A.9743 Fahy; Chapter 69 of the Laws of 2020)

This law amended Chapter 666 of the Laws of 2019, which required ongoing reporting on the State's implementation of energy efficiency standards and the resulting energy and utility bill savings. This amendment streamlined the reporting requirements and required a report by March 15th of 2030.

Critical Infrastructure Security

(A.10006 Cusick; Reported from Committee)

This legislation would establish cyber-security criteria for the State's gas and electric utilities. Utilities would be required to update their Emergency Response Plans to include restoration procedures to be implemented in the event of a cyber attack. The legislation would also direct the Public Service Commission to adopt rules related to the interconnection of advanced metering infrastructure and network monitoring technologies.

Nuclear Decommissioning Oversight

(A.10236-B Galef; Reported from Committee)

This legislation would establish New York State decommissioning oversight boards within the Department of Public Service for retiring nuclear power plants located in the State. These boards would facilitate community involvement and transparency throughout the decommissioning process, observe the disbursement of the retiring facility's decommissioning trust fund, and make reports and recommendations on decommissioning activities.

C. ENERGY-RELATED ACTIVITIES IN OTHER COMMITTEES

COVID-19 State of Emergency

Moratorium on Utility Shutoffs

(A.10521 Mosley; Chapter 108 of the Laws of 2020)

This law amended Chapter 686 of the Laws of 2002 to provide temporary protections for essential utility and municipal services for customers who experienced a change in financial circumstance during the COVID-19 pandemic. The law prohibits utilities from terminating or disconnecting service for lack of payment during the pandemic, and requires utilities to offer customers a deferred payment agreement to repay any outstanding balance.

PUBLIC OVERSIGHT AND HEARINGS

Electrical Grid Resiliency and Reliability

On August 4th, Tropical Storm Isaias made landfall in New York with heavy rain and 70-mile-per-hour gusts of wind. Hundreds of thousands of New Yorkers were left in the dark and without power for days on end across New York City, Long Island, Westchester, Rockland, the Hudson Valley and other areas of the state within the service territories of PSEG-Long Island, Con Edison, Orange and Rockland, National Grid, Central Hudson, NYSEG and other utility providers. On August 20th, the State Legislature held a Joint Public Hearing to address the failures of utilities in their emergency storm response and customer communications.

The Joint Hearing included the Assembly Standing Committees on Energy, Environmental Conservation, Cities, Local Governments, Government Operations, Corporations, Authorities and Commissions. The Senate was represented by the Standing Committees on Energy and Telecommunications, Environmental Conservation, Local Government, Cities, Corporations, Authorities, and Commissions, Veterans, Homeland Security and Military Affairs. The Committees received testimony from service providers including Con Edison and PSEG-Long Island, as well as testimony from certain State agencies, community representatives and labor unions. The hearing was an opportunity to address utility failures during the Isaias response and presented a forum within which necessary improvements for utilities were discussed.

OUTLOOK FOR 2021

During the 2021 legislative session, the Energy Committee will continue to oversee State energy policy to ensure that consumers are provided safe and reliable energy at reasonable costs. Additionally, the Committee looks forward to continued efforts to achieve the State's renewable energy, energy efficiency and energy storage goals and the State's clean energy targets outlined in the Climate Leadership and Community Protection Act.

APPENDIX A

2020 SUMMARY SHEET

Summary of Action on All Bills Referred to the Energy Committee

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
<u>Bills Reported Favorable To:</u>			
Codes	2	0	2
Judiciary	0	0	0
Ways and Means	2	0	2
Rules	0	0	0
Floor	1	0	1
Total	5	0	5
<u>Bills Held for Consideration</u>	5	0	5
<u>Bills Defeated</u>	0	0	0
<u>Bills Enacting Clause Stricken</u>	4	0	4
<u>Bills Never Reported, Remained in Committee</u>	73	3	76
TOTAL NUMBER OF COMMITTEE MEETINGS HELD:		3	

APPENDIX B
ENERGY BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.7805-C	Cusick	Allows for the inclusion of new construction in Property Assessed Clean Energy (PACE) financing programs.	Chapter 184
A.9743	Fahy	Relates to reporting requirements on appliance and equipment energy efficiency standards and the resulting energy and utility bill savings.	Chapter 69