



2021 ANNUAL REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON ENERGY & TELECOMMUNICATIONS



**SENATOR
KEVIN S. PARKER**
CHAIR

CHAIR
ENERGY AND TELECOMMUNICATIONS
COMMITTEES
BANKS
FINANCE
HIGHER EDUCATION
INSURANCE
INTERNET AND TECHNOLOGY
RULES



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December 31, 2021

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Energy and Telecommunications for the 2021 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

During the 2021 session, this committee met seven times in session and reported 50 bills.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in black ink that reads "Kevin Parker". The signature is fluid and cursive, with the first name "Kevin" and last name "Parker" clearly distinguishable.

Kevin Parker
Chair
Senate Standing Committee on Energy and Telecommunications

2021 LEGISLATIVE SESSION REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Senator Kevin Parker, Chairman

COMMITTEE MEMBERS

Senator James Gaughran	Senator Patty Ritchie, <i>Ranking Member</i>
Senator Pete Harckham	Senator Phil Boyle
Senator Michelle Hinchey	Senator Thomas F. O'Mara
Senator Brian Kavanagh	
Senator Timothy M. Kennedy	

COMMITTEE STAFF

Robert Habermann, Senate Counsel
Maegen Dills, Interim Committee Director

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Energy and Telecommunications has legislative oversight responsibilities for issues concerning energy, nuclear power, water companies, public service utilities, communications, and related franchise and tax issues.

During the 2021 Legislative Session, 217 bills were referred to the Committee for its review. Of these bills, 50 were reported from the Committee. Forty-eight were passed by the Senate, and 24 passed in both houses. This work was conducted through a series of seven committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2021:

- S136B **MAYER** – Relates to strengthening of utility storm response and compliance
- S1199 **GIANARIS** – Requires that at least one commission of the Public Service Commission have experience in utility consumer advocacy
- S1453B **PARKER** – Relates to extending a moratorium on utility shut-offs
- S1556 **PARKER** – Relates to utility membership dues used for lobbying activities
- S1556 **PARKER** – Requires the release of individuals from utility, phone, and television contracts in instances of domestic violence
- S2838A **PARKER** – Relates to the purchase or lease of zero emission vehicles for state-owned vehicle fleets
- S3126B **PARKER** – Establishes energy efficiency measures to be implemented by the Public Service Commission
- S3521A **PARKER** – Relates to expanding customer access to community distributed generation
- S3929 **KENNEDY** – Establishes an electric vehicle charging commercial tariff
- S4824A **COMRIE** – Provides for utility climate resiliency planning and investment and requires utility companies to reimburse customers for prolonged outages
- S4878B **RYAN** – Directs the Public Service Commission to review broadband and fiber optic services within the state
- S4884 **SAVINO** – Creates the state Office of the Utility Consumer Advocate
- S5525 **PARKER** – Requires broadband providers to offer high speed broadband service to certain low-income consumers
- S6426A **GAUGHRAN** – Relates to the results of an annual stress test of all systems that support outage and restoration management and communities of the Long Island Power Authority

TWO HOUSE BILLS

In 2021, 24 of the 217 bills referred to the Standing Committee on Energy passed both houses of the Legislature. Of these bills, the Governor has signed 13 and vetoed one. Eight bills are currently being reviewed by the Governor, and two bills await transmission to the Governor.

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S1199	Gianaris	Requires that at least one commissioner of the public service commission have experience in utility consumer advocacy. Eff. Date 12/08/2021 (See Table)	Chaptered 594
S1311A	Gaughran	Requires the Long Island Power Authority to prepare a semi-annual expenditure and lobbying report to be submitted to the governor, the temporary president of the senate and the speaker of the assembly; defines terms.	Delivered to Governor
S1453B	Parker	Relates to extending a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires for a period of 180 days after such expiration or until December 31, 2021 whichever is later. Eff. Date 05/11/2021 (See Table)	Chaptered 106
S1544A	Kaminsky	Requires a compensation statement to be filed annually with the public service commission by any public utility corporation or service provider with a gross annual operating revenue of more than one million dollars.	Delivered to Governor
S1556	Parker	Disallows the cost recovery for membership dues of any entity that engages in legislative lobbying activities. Eff. Date 08/02/2021	Chaptered 394
S1557	Parker	Requires the release of individuals from utility corporation services in instances of domestic violence where such individuals request to opt-out in writing and provide certain documents to the utility corporation.	Substituted By A4496 Chaptered 517
S3521A	Parker	Expands customer access to community distributed generation by creating a model tariff to provide for the transfer of bill credits associated with electricity produced by community distributed generation facilities in one electric corporation territory to other territories.	Delivered to Governor

Bill	Sponsor	Summary	Significant Action
S3789	Comrie	Authorizes the public service commission to require water-works corporations to provide certain residents with non-billing related information.	Substituted By A949 Chaptered 191
S3929	Kennedy	Provides that each investor owned utility must file with the public service commission an electric vehicle charging commercial tariff that allows a customer to purchase electricity for the purpose of recharging an electric vehicle.	Substituted By A3876 Passed Both Houses
S4186A	Comrie	Directs the public service commission to study the feasibility and the costs of burying all or most of the electrical, telephone and internet transmission lines in New York state and to publish and deliver a report of its findings to the governor and the legislature, and requires new electrical, telephone and internet transmission lines to be buried underground.	Substituted By A2330A Delivered to Governor
S4194	Comrie	Prohibits telephone, cable and utility companies from charging a fee to customers who request copies of previous bill statements or statements verifying that they are a customer.	Substituted By A3427 Chaptered 636
S4281A	Kaminsky	Requires providers of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of voice service providers.	Substituted By A585A Chaptered 585
S4823	Comrie	Prohibits utility companies from harassing, oppressing or abusing any residential customer in connection with the handling of a residential customer complaint, the offering and/or negotiating of a deferred payment agreement, or the collection of an unpaid balance or any other obligation owed by such customer.	Substituted By A3359 Chaptered 590
S4824A	Comrie	Requires each electric corporation to submit a storm hardening and system resiliency plan to the public service commission for review and approval; makes related provisions (Part A); requires utility companies to reimburse customers for certain widespread prolonged outages; prohibits utility companies from recovering from customers the costs incurred due to power outage reimbursements; authorizes utility companies to petition the public service commission for a waiver of the reimbursement requirements (Part B).	Delivered to Governor
S4884	Savino	Creates the state office of the utility consumer advocate to represent interests of residential utility customers.	Vetoed Memorandum 55

Bill	Sponsor	Summary	Significant Action
S5062	Parker	Directs the commission to establish standards and safeguards for certain radio and phone providers to meet eligibility to provide lifeline services to be applicable to new applicants only.	Substituted By A6436 Chaptered 592
S5325	Hoylman	Requires utility corporations, municipalities, water-works corporations, and telephone service providers to allow customers to use their preferred name and pronouns.	Substituted By A6193 Chaptered 630
S5868A	Parker	Facilitates access to telephone providers to deliver fiber-based services; permits telephone corporations to replace or supplement a telephone line or portion of a line with fiber optic facilities for purposes of providing any telephone, broadband, cable or other video service that the telephone corporation or its affiliate may lawfully provide.	Substituted By A7214A Delivered to Governor
S5992	Ryan	Relates to recharge New York power for eligible small businesses and not-for-profit corporations by dedicating up to 150 megawatts for such businesses.	Substituted By A6261 Chaptered 197
S6189	Kaminsky	Authorizes the formation of Community Choice Aggregation programs in the Long Island Power Authority service territory.	Substituted By A6890 Delivered to Governor
S6190	May	Allows meetings of members of a rural electric cooperative to be held partially or solely by means of electronic communication. Eff. Date 07/01/2021	Chaptered 220
S6426A	Gaughran	Requires the service provider to successfully complete and submit to the Long Island power authority the results of an annual stress test of all systems that support outage and restoration management and communications; imposes a civil penalty of two hundred fifty thousand dollars for the failure to complete such stress test; makes related provisions.	Delivered to Governor
S6455C	Kaminsky	Relates to the Long Island power authority and the utility debt securitization authority; permits the issuance of securitized restructuring bonds to finance system resiliency costs. Eff. Date 08/02/2021	Chaptered 369
S7028	Hinchey	Requires contracts for cable television and broadband internet attachments to utility poles and the use of utility ducts, trenches and conduits to include all such poles, ducts, trenches and conduits located within a given city, town or village pursuant to a negotiated site license; relates to necessary repairs and replacement costs.	Substituted By A2396A Delivered to Governor

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S136B	Mayer	Relates to strengthening of utility storm response and compliance.	Senate Rules
S544	Kaminsky	Requires certain engineering plans or specifications for engineering work or services that could pose a material risk to public safety to bear a stamp of approval of a professional engineer; authorizes the public service commission to promulgate rules and regulations relating to such requirement.	Passed Senate referred to Assembly Committee
S695B	Kaplan	Requires cell towers to be equipped with a back-up power source in case of a power outage.	Senate Rules
S928A	Kaplan	Requires electric companies to provide alternative measures to ensure customers with documented need for essential electricity for medical needs have access to electricity during power outages; requires electric companies to provide generators or lodging for such individuals and transportation for medical devices.	Senate Rules
S929B	Kaplan	Provides a reimbursement to small businesses and residential consumers of certain utilities for failure to provide contracted services; requires the Long Island power authority to do the same.	Passed Senate referred to Assembly Committee
S931A	Kaplan	Defines medical needs for essential electricity as including but not limited to, apnea monitors for infants, cuirass respirators, hemodialysis machines, IV feeding machines, IV medical infusion machines, oxygen concentrators, positive pressure respirators, respirator/ventilators, rocking bed respirators, suction machines, tank type respirators, as well as any medical equipment or equipment necessary for an individual whose diagnosis is likely to be significantly triggered or significantly exacerbated by a continued loss of power that will adversely impact that individual's health.	Passed Senate referred to Assembly Committee
S944	Gaughran	Relates to proof of service to municipalities by applicants for certificates of environmental compatibility and public need relating to the construction of major utility transmission facilities; requires applicants to provide proof of service to municipalities within a one mile radius of where such facility is to be located.	Passed Senate referred to Assembly Committee

Bill	Sponsor	Summary	Significant Action
S968	Gaughran	Requires service providers to annually submit an emergency response plan to the public service commission for review; authorizes the public service commission to require the service provider amend the plan and authorizes the commission to open an investigation to review the performance of service providers in meeting the requirements of the emergency response plan.	Passed Senate referred to Assembly Committee
S1085	Gaughran	Relates to false material statements related to a public utility.	Passed Senate referred to Assembly Committee
S1199	Gianaris	Requires that at least one commissioner of the public service commission have experience in utility consumer advocacy. Eff. Date 12/08/2021 (See Table)	Chaptered 594
S1244	Gianaris	Increases the penalties imposed upon gas and electric utilities for failure to file or correct an annual report with the public service commission; such penalties shall not be more than one-tenth of 1% of the utilities' annual net revenue for each day of violation, but not to exceed \$25,000 nor be less than \$100.	Senate Rules
S1311A	Gaughran	Requires the Long Island Power Authority to prepare a semi-annual expenditure and lobbying report to be submitted to the governor, the temporary president of the senate and the speaker of the assembly; defines terms.	Delivered to Governor
S1313	Gaughran	Relates to the liability of a municipality or governmental subdivision for the refund of property taxes to the Long Island power authority.	Passed Senate referred to Assembly Committee
S1453B	Parker	Relates to extending a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires for a period of 180 days after such expiration or until December 31, 2021 whichever is later. Eff. Date 05/11/2021 (See Table)	Chaptered 106
S1544A	Kaminsky	Requires a compensation statement to be filed annually with the public service commission by any public utility corporation or service provider with a gross annual operating revenue of more than one million dollars.	Passed Both Houses
S1556	Parker	Disallows the cost recovery for membership dues of any entity that engages in legislative lobbying activities. Eff. Date 08/02/2021	Chaptered 394

Bill	Sponsor	Summary	Significant Action
S1557	Parker	Requires the release of individuals from utility corporation services in instances of domestic violence where such individuals request to opt-out in writing and provide certain documents to the utility corporation.	Substituted By A4496 Chaptered 517
S1829	Skoufis	Directs the New York state energy research and development authority to study and make recommendations regarding siting renewable energy resources at decommissioned or dormant electric generating sites and to issue a request for proposal in support of a renewable energy project at a dormant electric generating site.	Passed Senate referred to Assembly Committee
S2837	Parker	Directs the department of public service to adjust each utility corporation's residential fixed charge upon such corporation's filing with the department of an amendment of rate schedules, to recover only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections and the provision of customer service.	Passed Senate referred to Assembly Committee
S2838A	Parker	Directs the office of general services in consultation with the department of environmental conservation and the New York state energy research and development authority to prepare a state fleet procurement plan for the purchase or lease of state agency vehicles to ensure state agency vehicles will be zero emission vehicles over a certain period of time.	Passed Senate referred to Assembly Committee
S2852	Comrie	Authorizes and directs the public service commission to conduct a comprehensive study and prepare a report on the feasibility of transferring services provided by gas and electric corporations in this state to an entity owned and operated by the state of New York.	Senate Finance
S3019	Parker	Prohibits the release of a consumer's electrical or gas consumption data to any police officer, or private, local, state or federal law enforcement entity without a judicial court-ordered subpoena, warrant or the consumer's written consent.	Senate Rules
S3034A	Parker	Relates to utility intervenor reimbursement.	Passed Senate referred to Assembly Committee
S3080A	Salazar	Directs the New York state energy and development authority to establish a ride clean rebate program for electric assist bicycles and electric scooters.	Passed Senate referred to Assembly Committee

Bill	Sponsor	Summary	Significant Action
S3126B	Parker	Establishes energy efficiency measures by the public service commission including requiring utilities to hire and train employees who are from priority populations or living in areas designated as environmental justice communities.	Passed Senate referred to Assembly Committee
S3141C	Parker	Authorizes broadband franchises in cities with a population of one million or more.	Senate Rules
S3166B	Parker	Creates a revolving loan fund through the New York state energy research and development authority for the purpose of building renewable energy storage systems scaled to function as microgrids to power housing owned by the New York city housing authority.	Senate Finance
S3217A	Parker	Relates to biofuel production credit for production of biomethane, a biodiesel fuel.	Senate Finance
S3281	Parker	Relates to establishing a renewable hydrogen incentive and financing program to engage stakeholders to design and implement a competitive program for renewable hydrogen production for the purpose of meeting the state's clean energy and greenhouse emissions reductions targets.	Senate Finance
S3479	Comrie	Requires certain notices to be provided to customers at least forty-five days before such telephone corporation intends to change such customer's telephone service from copper-based telephone lines to fiber optic-based telephone lines.	Passed Senate referred to Assembly Committee
S3521A	Parker	Expands customer access to community distributed generation by creating a model tariff to provide for the transfer of bill credits associated with electricity produced by community distributed generation facilities in one electric corporation territory to other territories.	Delivered to Governor
S3784A	Comrie	Requires utility companies to reimburse consumers for spoilage of food and medication due to the lack of refrigeration in the event of a power outage lasting seventy-two hours or more.	Passed Senate referred to Assembly Committee
S3789	Comrie	Authorizes the public service commission to require water-works corporations to provide certain residents with non-billing related information.	Substituted By A949 Chaptered 191
S3929	Kennedy	Provides that each investor owned utility must file with the public service commission an electric vehicle charging commercial tariff that allows a customer to purchase electricity for the purpose of recharging an electric vehicle.	Substituted By A3876 Passed Both Houses

Bill	Sponsor	Summary	Significant Action
S4032	Comrie	Requires energy brokers and energy consultants to register with the public service commission.	Senate Finance
S4178A	Comrie	Provides that the public service commission shall commence a rulemaking proceeding to set minimum requirements regarding the rights of customers with life-saving equipment that electric corporations shall adhere to at times preceding and for the duration of an electric service disruption; defines terms; makes related provisions.	Senate Rules
S4186A	Comrie	Directs the public service commission to study the feasibility and the costs of burying all or most of the electrical, telephone and internet transmission lines in New York state and to publish and deliver a report of its findings to the governor and the legislature, and requires new electrical, telephone and internet transmission lines to be buried underground.	Substituted By A2330A Delivered to Governor
S4194	Comrie	Prohibits telephone, cable and utility companies from charging a fee to customers who request copies of previous bill statements or statements verifying that they are a customer.	Substituted By A3427 Chaptered 636
S4261	Griffo	Relates to the amount of St. Lawrence county economic development power that may be used by the New York Power Authority to generate net earnings.	Passed Senate referred to Assembly Committee
S4281A	Kaminsky	Requires providers of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of voice service providers.	Substituted By A585A Chaptered 585
S4535	Gaughran	Enacts the “Long Island power authority rate reform act”; requires that the board of trustees of LIPA not approve a final rate plan until it holds a public hearing in each county within the service area upon at least thirty days notice to the public; requires that the department of public service shall not recommend a rate increase to offset revenue loss due to energy conservation efforts by consumers.	Passed Senate referred to Assembly Committee
S4823	Comrie	Prohibits utility companies from harassing, oppressing or abusing any residential customer in connection with the handling of a residential customer complaint, the offering and/or negotiating of a deferred payment agreement, or the collection of an unpaid balance or any other obligation owed by such customer.	Substituted By A3359 Chaptered 590

Bill	Sponsor	Summary	Significant Action
S4824A	Comrie	Requires each electric corporation to submit a storm hardening and system resiliency plan to the public service commission for review and approval; makes related provisions (Part A); requires utility companies to reimburse customers for certain widespread prolonged outages; prohibits utility companies from recovering from customers the costs incurred due to power outage reimbursements; authorizes utility companies to petition the public service commission for a waiver of the reimbursement requirements (Part B).	Delivered to Governor
S4861	Comrie	Requires each electric corporation to submit a storm hardening and system resiliency plan to the public service commission for review and approval; makes related provisions.	Senate Finance
S4864	Gaughran	Requires the Long Island power authority to conduct comprehensive management and operations audits every three years instead of every five years.	Passed Senate referred to Assembly Committee
S4878B	Ryan	Requires the public service commission to review broadband and fiber optic services within the state; requires the expansion of broadband and fiber optic services.	Senate Rules
S4884	Savino	Creates the state office of the utility consumer advocate to represent interests of residential utility customers.	Vetoed Memorandum 55
S5062	Parker	Directs the commission to establish standards and safeguards for certain radio and phone providers to meet eligibility to provide lifeline services to be applicable to new applicants only.	Substituted By A6436 Chaptered 592
S5237B	Gaughran	Requires service providers to reimburse consumers for spoilage of food and medication due to the lack of refrigeration in the event of a power outage lasting seventy-two hours or more.	Passed Senate referred to Assembly Committee
S5325	Hoylman	Requires utility corporations, municipalities, water-works corporations, and telephone service providers to allow customers to use their preferred name and pronouns.	Substituted By A6193 Chaptered 630
S5451A	Parker	Relates to directing the department of public service and the department of environmental conservation to prepare written reports on the effect the COVID-19 state of emergency has on certain utilities of electric, gas, water, wastewater, and telephone service to commercial and residential customers in the state.	Passed Senate referred to Assembly Committee

Bill	Sponsor	Summary	Significant Action
S5524	Parker	Establishes a moratorium prohibiting certain broadband service terminations and disconnections during a state disaster emergency.	Senate Rules
S5525	Parker	Requires broadband providers to offer high speed broadband service to certain low-income consumers at a cost of not more than five dollars per month.	Senate Rules
S5868A	Parker	Facilitates access to telephone providers to deliver fiber-based services; permits telephone corporations to replace or supplement a telephone line or portion of a line with fiber optic facilities for purposes of providing any telephone, broadband, cable or other video service that the telephone corporation or its affiliate may lawfully provide.	Substituted By A7214A Delivered to Governor
S5992	Ryan	Relates to recharge New York power for eligible small businesses and not-for-profit corporations by dedicating up to 150 megawatts for such businesses.	Substituted By A6261 Chaptered 197
S6189	Kaminsky	Authorizes the formation of Community Choice Aggregation programs in the Long Island Power Authority service territory.	Substituted By A6890 Delivered to Governor
S6190	May	Allows meetings of members of a rural electric cooperative to be held partially or solely by means of electronic communication. Eff. Date 07/01/2021	Chaptered 220
S6268A	May	Prohibits proceeds from the auction or sale of carbon dioxide emission allowances pursuant to New York's participation in the regional greenhouse gas initiative (RGGI) from being transferred into the state general fund; provides that if such proceeds are transferred to the state general fund, they shall be used for the purposes directed by the RGGI.	Senate Finance
S6426A	Gaughran	Requires the service provider to successfully complete and submit to the Long Island power authority the results of an annual stress test of all systems that support outage and restoration management and communications; imposes a civil penalty of two hundred fifty thousand dollars for the failure to complete such stress test; makes related provisions.	Delivered to Governor
S6455C	Kaminsky	Relates to the Long Island power authority and the utility debt securitization authority; permits the issuance of securitized restructuring bonds to finance system resiliency costs. Eff. Date 08/02/2021	Chaptered 369

Bill	Sponsor	Summary	Significant Action
S6497A	Parker	Establishes a program for eligible zero emissions energy systems to promote private sector investment for the purpose of meeting the target that by the year two thousand forty the statewide electrical demand system will be zero emissions.	Passed Senate referred to Assembly Committee
S6612	Parker	Relates to the green jobs-green New York on-bill energy efficiency payment program. Energy Research Development Authority	Passed Senate referred to Assembly Committee
S7027	Parker	Relates to maintaining the continued viability of the state's existing large-scale, renewable energy resources; directs the public service commission, in consultation with NYSERDA to modify the Competitive Tier 2 Program adopted by the order modifying the clean energy standard.	Passed Senate referred to Assembly Committee
S7028	Hinchey	Requires contracts for cable television and broadband internet attachments to utility poles and the use of utility ducts, trenches and conduits to include all such poles, ducts, trenches and conduits located within a given city, town or village pursuant to a negotiated site license; relates to necessary repairs and replacement costs.	Substituted By A2396A Delivered to Governor
S7087A	Parker	Authorizes the power authority of the state of New York to form a pure captive insurance company.	Passed Senate referred to Assembly Committee



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