



NEW YORK STATE SENATOR

James S. Alesi

## Senate Passes Landmark “Power NY” Legislation

JAMES S. ALESI June 23, 2011

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### **Renews and Enhances Article X, Increases Energy Efficiency Investments and Explores Solar Power Potential**

The New York State Senate today gave final legislative passage to the “Power NY Act” to secure the state’s energy future by expanding the availability of affordable, clean and reliable electricity, while also creating jobs and boosting the economy.

Power NY (S.5844), sponsored by Senator George Maziarz (R-C, Newfane), has three main components: it reauthorizes and modernizes the licensing process for major electric generating facilities (also known as Article X), provides incentives to consumers for energy efficiency investments, and explores the potential for additional solar power generation in the state.

“This legislation is the culmination of years of work to produce a comprehensive plan that will streamline the regulatory process for major electric-generation facilities,” Senator Maziarz said. “The siting process for new energy projects has been enhanced and made permanent, and new investments in clean, efficient technology will create jobs and help to meet the increasing energy demands of our businesses and families.”

“Power NY will significantly enhance New York’s ability to provide reliable, affordable power to consumers and boost competitiveness in the electric-generation market,” Senate Majority Leader Dean G. Skelos said. “With this bill, an improved and permanent process has been created to spur private development of new power generation that is better for the environment, better for our communities, and will support the growth of new jobs and businesses.”

Article X of the state Public Service Law, which governs the siting of new electric generation facilities in New York, expired in 2003. Since then, the development of major new facilities has been at a standstill, despite a growing demand. This is because it became more difficult and time-consuming to obtain the necessary permits and environmental reviews by private investors seeking to construct power plants.

With the creation of Power NY, Article X has been renewed and improved to facilitate the expedited, fuel diverse, and technology neutral review process for the siting of energy sources that are 25 megawatts or larger. Unlike the prior version, Power NY's Article X provisions do not expire, and they increase the opportunity for public involvement in the review process.

“Over the past decade, other parts of the nation have used lower energy rates to entice existing Upstate companies to move out of the state. Today, Unshackle Upstate thanks Senate Majority Leader Dean Skelos and Senator Maziarz for their efforts to advance a new energy siting law in New York,” said Brian Sampson, Executive Director of Unshackle Upstate. “Now, more than ever, New York needs to embrace opportunities that will positively shape the future of our state and Article X will do just that. This power plant siting law will encourage the construction of new electric generation and help reduce rising energy costs incurred by Upstate's manufacturing industries and other large energy users. The enactment of Article X will help provide a much needed boost to the Upstate economy.”

New incentives for the construction of energy efficiency projects would also be available for homeowners through an on-bill recovery mechanism. Customers could borrow funds for qualified energy efficient upgrades to their home and pay back the loan through an installment plan included on their utility bill.

In addition to increasing energy efficiency, Power NY encourages alternative energy production by including a requirement that the state explore the potential for additional solar energy generation.

The Power NY legislation has support from a broad group of organizations including: Unshackle Upstate, Independent Power Producers of New York, the Business Council of New York State, National Federation of Independent Business, International Brotherhood of Electrical Workers, New York State Building and Construction Trades Council, the New York League of Conservation Voters, Environmental Advocates, the New York Public Interest Research Group, and the New York City Environmental Justice Alliance, among others.

The bill will be sent to the Governor.