

A5985-A Thiele Same as **S 4800-A** AVELLA

Text Versions: [A 5985-A](#), [A 5985](#)

A 5985-A Thiele Same as **S 4800-A** AVELLA

Public Services

TITLE....Establishes a moratorium on an order of the public service commission enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities

02/21/17 referred to energy

03/21/17 amend and recommit to energy

03/21/17 print number 5985a

S4800-A AVELLA Same as **A 5985-A** Thiele

ON FILE: 03/22/17 Public Services

TITLE....Establishes a moratorium on an order of the public service commission enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities

03/01/17 REFERRED TO ENERGY AND TELECOMMUNICATIONS

03/21/17 AMEND AND RECOMMIT TO ENERGY AND TELECOMMUNICATIONS

03/21/17 PRINT NUMBER 4800A

THIELE, GLICK, LIFTON, ZEBROWSKI, ORTIZ, PEOPLES-STOKES, FAHY, GUNTHER, MOSLEY, ENGLEBRIGHT, BRAUNSTEIN, SIMON, JEAN-PIERRE, DINOWITZ, CAHILL, GALEF, RODRIGUEZ, D'URSO, SEPULVEDA, HOOPER, ROSENTHAL, STECK, RAIA, MONTESANO, JAFFEE, LAVINE; M-S: Cook, Weinstein
Establishes a moratorium on an order of the public service commission enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities.

STATE OF NEW YORK

5985--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. THIELE, GLICK, LIFTON, ZEBROWSKI, ORTIZ, PEOPLES-STOKES, FAHY, GUNTHER, MOSLEY, ENGLEBRIGHT, BRAUNSTEIN, SIMON, JEAN-PIERRE, DINOWITZ, CAHILL, GALEF, RODRIGUEZ, D'URSO, SEPULVEDA, HOOPER, ROSENTHAL, STECK, RAIA, MONTESANO -- Multi-Sponsored by -- M. of A. COOK, WEINSTEIN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a moratorium on that portion of the order of the state of New York public service commission, issued August 1, 2016 in cases 15-E-0302 and 16-E-0270 enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. There is hereby established a moratorium on that portion of
2 the order of the state of New York public service commission, issued
3 August 1, 2016 in cases 15-E-0302 and 16-E-0270 enacting a zero-emission
4 credit requirement in relation to certain upstate nuclear generating
5 facilities. Such upstate nuclear generating facilities shall be the
6 Fitzpatrick, Ginna and Nine Mile Point nuclear generating facilities
7 referred to in such order. Specifically, paragraphs ten, eleven, and
8 twelve of said order shall be subject to the moratorium established by
9 this act.

10 § 2. Severability. If any provision of this act or the application
11 thereof shall for any reason be adjudged by any court of competent
12 jurisdiction to be invalid, such judgment shall not affect, impair, or
13 invalidate the remainder of this act, but shall be confined in its oper-
14 ation to the provision thereof directly involved in the controversy in
15 which such judgment shall have been rendered.

16 § 3. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after August 1, 2016 and shall
18 expire July 1, 2017 when upon such date the provisions of this act shall
19 be deemed repealed.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD04592-02-7

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A5985A

SPONSOR: Thiele

TITLE OF BILL:

An act to establish a moratorium on that portion of the order of the state of New York public service commission, issued August 1, 2016 in cases 15-E-0302 and 16-E-0270 enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities; and providing for the repeal of such provisions upon expiration thereof

PURPOSE:

To establish a moratorium on an order of the New York State Public

Service Commission enacting a zero-emission credit requirement in relation to certain upstate nuclear generating facilities.

SUMMARY OF PROVISIONS:

Section 1. Establishes a moratorium on paragraphs 10, 11 and 12 of the New York State Public Service Commission's order issued on August 1, 2016 enacting a zero-emission credit requirement to Fitzpatrick, Ginna and Nine Mile Point Nuclear Generating Facilities in upstate New York.

Section 2. Severability Clause

Section 3. Effective Date and repeal provisions

JUSTIFICATION:

This legislation would place a moratorium on the nuclear-specific Zero Emissions Credit (ZEC) program included in the New York Public Service Commission's (PSC) Order to implement a large-scale Renewable Program and a Clean Energy Standard that was approved on August 1, 2016. Under this program, ZECs would be granted to the Fitzpatrick, Ginna and Nine Mile Point Nuclear Generating Facilities based on megawatt-hours of carbon-free electricity generated over a 12-year period.

While remaining mindful and supportive of the effort to meet the goal of generating 50% of the state's electricity from renewable resources by the year 2030, it would be counterproductive to spend billions of dollars to subsidize a nuclear industry that would compete with clean and renewable energy technologies, such as solar and wind. These nuclear power plants are old, unprofitable, and a danger to public health and safety. Moreover, the costs of providing this credit would be passed on to New York's already financially over-burdened ratepayers. Approximately \$965 million is expected to be directed to the plants over the first two years alone.

Placing a moratorium on this aspect of the PSC's Order until July 1, 2017 will provide an opportunity to perform an unrushed and transparent examination of alternative mechanisms to succeed in meeting an ambitious, yet desirable, clean energy standard.

LEGISLATIVE HISTORY:

2017: New Legislation

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately and shall be deemed to have been in full force and effect on and after August 1, 2016 and shall expire July 1, 2017 when upon such date the provisions of this act shall be deemed repealed.