



States' Biofuels Statutes

STATE OF NEW YORK

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the New York General Assembly.

§ 6-104. State energy plan

1. The board shall adopt a state energy plan in accordance with the provisions of this article.
2. The state energy plan shall include: (a) forecasts for a minimum period of ten years, and for such other periods as the board may determine, of: (i) demand for electricity, natural gas, coal, petroleum products, including heating and transportation fuels, and alternate fuels, including ethanol and other biofuels, to the extent possible, taking into account energy conservation, load management and other demand-reducing measures which can be achieved in a cost-effective manner, including the basis for such projection, including an examination of possible alternate levels of demand and discussion of the forecasting methodologies and input variables used in making the forecasts;

(ii) energy supply requirements needed to satisfy demand for electricity, natural gas, coal, petroleum products, including heating and transportation fuels, and alternate energy sources and fuels, for each region of the state, and for the state as a whole, including with respect to electricity, the amount of capacity needed to provide adequate reserve margins and capacity needed to ensure reliability and competitive markets in the various regions of the state;

(iii) an assessment of the ability of the existing energy supply sources and the existing transmission or fuel transportation systems, to satisfy, together with those sources or systems reasonably certain to be available, such energy supply requirements, indicating planned additions, retirements, deratings, substantial planned outages, and any other expected changes in levels of generating and production capacity;

(iv) additional electric capacity and/or transmission or fuel transportation systems needed to meet such energy supply requirements that will not be met by existing sources of supply and those reasonably certain to be available, where such analysis should identify system constraints and possible alternatives available, both supply-side and demand-side alternatives, including but not limited to distributed generation, energy efficiency and conservation measures, to redress such constraint; and

(v) projected greenhouse emissions.

(b) Identification and assessment of the costs, risks, benefits, uncertainties and market potential of energy supply source alternatives, including demand-reducing measures, renewable energy resources of electric generation, distributed generation technologies, cogeneration technologies, biofuels and other methods and technologies reasonably available for satisfying energy supply requirements which are not reasonably certain to be met by the energy supply sources identified in paragraph (a) of this subdivision, provided that such analysis shall include the factors identified in paragraph (d) of this subdivision;

(c) Identification and analysis of emerging trends related to energy supply, price and demand, including trends related to the transportation sector;

(d) An assessment of current energy policies and programs, and their contributions to achieving long-range energy planning objectives including, but not limited to, the least cost integration of energy supply sources, energy transportation and distribution system and demand-reducing measures for satisfying energy supply requirements, giving due regard to such factors as required capital investments, cost, ratepayer impacts, security and diversity of fuel supplies and generating modes, protection of public health and safety, adverse and beneficial environmental impacts, conservation of energy and energy resources, the ability of the state to compete economically, and any other policy objectives deemed appropriate;

(e) In order to assist the board in such evaluation, the power authority of the state of New York and the Long Island power authority shall individually submit to the planning board: (i) a strategic plan specifying the mission and goals of the authority, the policies and programs utilized to fulfill such mission and goals, and an explanation of how such policies and programs relate to the state energy plan, (ii) an annual five-year operating plan, and (iii) a ten-year projected capital budget for their respective operations. Such plans shall include major new capital and programmatic initiatives, as well as descriptions and achievements of existing programs, including program objectives and the numbers of clients and/or customers served for each service or program;

(f) An analysis of security issues, considering both natural and human threats to the state's energy systems;

(g) An environmental justice analysis;

(h) An assessment of the ability of urban planning alternative, including but not limited to smart growth and mass transportation improvements to reduce energy and transportation fuel demand;

(i) An inventory of greenhouse gas emissions, and strategies for facilitating and accelerating the use of low carbon energy sources and/or carbon mitigation measures;

(j) Recommendations, as appropriate and desirable, for administrative and legislative actions to implement such policies, objectives and strategies;

(k) Assessment of the impacts of implementation of the plan upon economic development, health, safety and welfare, environmental quality, and energy costs for consumers, specifically low-income

consumers; and

(l) Such additional information as the board deems appropriate, such as but not limited to, information developed from consultation with the BSO.

3. The elements of the state energy plan as enumerated in subdivision two of this section shall be provided on a statewide basis, and as determined feasible and necessary by the board, for the two regions described in subdivision two of section 6-102 of this article.

4. In the development of the state energy plan the board shall, to the extent practicable, take cognizance of any comprehensive reliability planning process undertaken by the BSO.

5. (a) The state energy plan shall provide guidance for energy-related decisions to be made by the public and private sectors within the state.

(b) Any energy-related action or decision of a state agency, board, commission or authority shall be reasonably consistent with the forecasts and the policies and long-range energy planning objectives and strategies contained in the plan, including its most recent update; provided, however, that any such action or decision which is not reasonably consistent with the plan shall be deemed in compliance with this section, provided that such action or decision includes a finding that the relevant provisions of the plan are no longer reasonable or probable based on a material and substantial change in fact or circumstance, and a statement explaining the basis for this finding.

(c) Nothing in this section shall limit the authority of any state agency, board, commission or authority to deny an application to construct, operate or modify an energy facility on environmental or public health and safety grounds, or that alternate means of energy procurement or alternate location for an energy facility can be secured.

(d) A state agency, board, commission or authority may take official notice of the most recent final state energy plan adopted by the board prior to any final energy-related decision by such agency, board, commission or authority.

Credits: (Added L.2009, c. 433, § 1, eff. Sept. 16, 2009. Amended L.2011, c. 195, § 2, eff. July 20, 2011.)