

SUMMARY OF THE FINAL RULE

In September 2009, Chapter 433 of the Laws of 2009 became effective and reinstated Article 6 of the Energy Law. The legislation establishes an Energy Planning Board (“Board”), requires the Board to adopt a State Energy Plan (“Plan”) every four years, and outlines the conduct of the state energy planning proceedings. Chapter 195 of the Laws of 2011 was signed into law by Governor Cuomo on July 21, 2011. Chapter 195 enacted minor amendments to Article 6 in order to change the composition of the Board and streamline its operations.

The rule, which repeals and replaces Chapter III of Subtitle BB of Title 9 NYCRR, outlines the conduct of the state energy planning process, in order to ensure that sufficient information is collected to enable the Board to address the goals and objectives identified in the enabling legislation. This summary provides a brief description of the substance of each Part contained in the rule, which will be codified at 9 NYCRR Part 7840-7863.

Subchapter A, General Provisions

Part 7840 contains an introduction to the Chapter.

Part 7841 contains definitions for terms used in the Chapter.

Part 7842 sets forth how the public can access records of the Board, and establishes procedures for the determination of confidential status of information submitted to the Board.

Subchapter B, Procedures

Part 7844 describes the scoping procedure for the energy planning process.

Part 7845 indicates how the Board will commence the new State Energy Planning Proceedings.

Part 7846 describes the filing and service of documents.

Part 7847 provides for issuance of a draft State Energy Plan.

Part 7848 governs the conduct of public comment and evidentiary hearings on the Draft State Energy Plan.

Part 7849 governs the issuance of subpoenas for records, and subpoenas to compel attendance at evidentiary hearings.

Part 7850 governs waiver or requirements of Chapter III.

Part 7851 provides for issuance of the State Energy Plan.

Part 7852 governs amendments to the State Energy Plan.

Subchapter C, Plans of Major Energy Suppliers

Part 7856 contains general provisions relating to the filing of information by major energy suppliers.

Part 7857 sets forth information filing requirements for major electricity suppliers.

Part 7858 sets forth information filing requirements for major natural gas suppliers.

Part 7859 sets forth information filing requirements for major petroleum suppliers.

Part 7860 sets forth information filing requirements for major coal suppliers.

Part 7861 sets forth information filing requirements for major steam suppliers.

Part 7862 sets forth information filing requirements for major biogas, biofuel and biomass producers.

Part 7863 provides for submission of end-use energy efficiency, renewable and emerging technology plans by major energy suppliers and energy service companies.