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MEMORANDUM IN SUPPORT

STATEWIDE DATACENTER MORATORIUM

S.9144 – KRUEGER

A.10141 – KELLES

Description:

Imposes a moratorium on the issuance of permits for new data centers; requires the public service commission to issue an order or orders to minimize the impact of new data centers on electricity and gas rates for residential, commercial, and industrial users.

Justification:

The rapid growth of datacenters in the U.S. have led to a surge in demand for natural resources. The impacts of datacenters on communities across the U.S. warrants careful review and examination by the State of New York to determine how best to protect its natural resources, people, and communities for generations to come.

Key Provisions

- Moratorium
 - Suspends issuance of new permits for large-scale data centers (≥ 20 MW) until regulatory and analytical requirements are completed – at least 3 years
- Environmental Review (GEIS):
 - Requires a statewide study of data center impacts, including
 - Energy consumption and sources
 - Utility rate impacts – gas and electric
 - Grid reliability and infrastructure needs
 - Water usage and discharge
 - Land use changes and impacts to farmland
 - Air, water, noise pollution, and greenhouse gas emissions
 - Electronic waste generation
 - Includes public comment and hearing requirements
- Regulatory Framework:
 - Within three years, mandates new rules to:
 - Reduce energy use and emission
 - Limit water consumption and pollution
 - Require renewable energy integration and storage
- Utility Cost Protections:
 - Directs the Public Service Commission to:
 - Assess rate impacts of data centers
 - Prevent cost shifting to residential and commercial customers
 - Ensure data centers bear full infrastructure and energy costs