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2013-2014 Regular Sessions

I N   S E N A T E

January 10, 2013

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Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law and the public service law, in relation to small business energy assistance and advocacy services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The legislature hereby finds and declares that rising energy costs present a significant barrier to the economic viability of New  
2     York's small businesses, a crucial sector of the state's economy. Small  
3     businesses can least afford the time and cost associated with seeking  
4     opportunities to conserve energy, utilize energy efficient products and  
5     processes and gain access to renewable sources of energy. The viability  
6     of small businesses and the overall economic and environmental status of  
7     New York state will be enhanced by the development, expansion and  
8     promotion of accessible and affordable programs to assist small businesses in energy conservation, energy efficiency, and increased use of  
9     renewable resources, and by ensuring equitable treatment of small businesses in the proceedings of energy-related regulatory agencies.  
10    The legislature hereby establishes a small business energy assistance  
11    and advocacy services program as part of the division for small business  
12    within the New York state department of economic development to assist  
13    small businesses in accessing energy conservation, energy efficiency and  
14    renewable energy programs available through public and private sources,  
15    and to advocate for the initiation and expansion of such programs and  
16    for equitable treatment of small businesses in regulatory proceedings  
17    related to energy.  
18    S 2. The economic development law is amended by adding a new section  
19    138-a to read as follows:  
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD03293-01-3

1 S 138-A. SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES  
2 PROGRAM. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION A SMALL  
3 BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM.

4 2. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM,  
5 DIRECTLY AND IN CONJUNCTION WITH OTHER DIVISIONS OF THE DEPARTMENT AND  
6 WITH OTHER AGENCIES OF THE STATE, FEDERAL AGENCIES OR LOCAL GOVERNMENTS,  
7 SHALL:

8 A. SOLICIT INPUT FROM SMALL BUSINESSES AND FROM ORGANIZATIONS REPRES-  
9 ENTING SMALL BUSINESSES, SUCH AS TRADE ASSOCIATIONS OR OTHER ENTITIES,  
10 REGARDING THE ENERGY ASSISTANCE NEEDS OF SMALL BUSINESSES;

11 B. WITH SUCH INPUT AND THE ASSISTANCE OF THE SMALL BUSINESS ADVISORY  
12 BOARD AND OTHER APPROPRIATE STATE AGENCIES, IDENTIFY ISSUES RELATING TO  
13 ENERGY AVAILABILITY, AFFORDABILITY AND SUSTAINABILITY AFFECTING SMALL  
14 BUSINESSES AND ASSIST THE ADVISORY BOARD AND THE DIVISION IN MAKING  
15 RECOMMENDATIONS FOR LEGISLATIVE, REGULATORY AND PROGRAMMATIC ACTIONS TO  
16 ADDRESS SUCH ISSUES;

17 C. COORDINATE WITH ENTITIES INCLUDING THE NEW YORK STATE ENERGY  
18 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF  
19 NEW YORK AND OTHER APPROPRIATE PUBLIC UTILITY AUTHORITIES ESTABLISHED  
20 PURSUANT TO ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC  
21 SERVICE COMMISSION, INVESTOR-OWNED UTILITIES AND OTHER APPROPRIATE ENTI-  
22 TIES TO FACILITATE AND PROMOTE THE PARTICIPATION OF SMALL BUSINESSES AND  
23 ASSOCIATIONS REPRESENTING SMALL BUSINESSES IN THE DEVELOPMENT AND IMPE-  
24 MENTATION OF ENERGY ASSISTANCE PROGRAMS;

25 D. PROVIDE GUIDANCE AND RECOMMENDATIONS TO THE NEW YORK STATE ENERGY  
26 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF  
27 NEW YORK AND OTHER PUBLIC UTILITY AUTHORITIES ESTABLISHED PURSUANT TO  
28 ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC SERVICE COMMIS-  
29 SION, INVESTOR-OWNED UTILITIES AND OTHER ENTITIES REGARDING THE DEVELOP-  
30 MENT AND IMPLEMENTATION OF ENERGY ASSISTANCE PROGRAMS AND ON THE IMPACT  
31 OF STATE ENERGY POLICY ON SMALL BUSINESSES;

32 E. PROVIDE TO SMALL BUSINESSES INFORMATION AND MATERIALS ON ENERGY  
33 ASSISTANCE PROGRAMS, COOPERATIVE FUEL PURCHASING EFFORTS AND OTHER  
34 PROGRAMS TO MAINTAIN THE AFFORDABILITY OF ENERGY, AND PROVIDE ACCESS TO  
35 SUCH INFORMATION AND MATERIALS ON THE DEPARTMENT'S WEBSITE; AND

36 F. REFER SMALL BUSINESSES TO SPECIALISTS FOR INFORMATION AND ASSIST-  
37 ANCE ON AFFORDABLE ALTERNATIVE TECHNOLOGIES, PROCESS CHANGES, PRODUCTS  
38 AND OPERATIONAL METHODS TO ACHIEVE ENERGY SAVINGS.

39 3. A. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES  
40 PROGRAM SHALL REPRESENT THE INTERESTS OF SMALL BUSINESSES BEFORE THE  
41 PUBLIC SERVICE COMMISSION PURSUANT TO SECTION TWENTY-FOUR-C OF THE  
42 PUBLIC SERVICE LAW, AND SHALL BE AUTHORIZED TO INITIATE, INTERVENE IN OR  
43 PARTICIPATE IN ANY PROCEEDINGS BEFORE THE PUBLIC SERVICE COMMISSION AND  
44 IN ANY OTHER SUCH ENERGY-RELATED PROCEEDINGS AS THE DIVISION DEEMS TO BE  
45 NECESSARY OR APPROPRIATE.

46 B. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM  
47 SHALL ADVOCATE BEFORE THE PUBLIC SERVICE COMMISSION AND OTHER STATE AND  
48 FEDERAL REGULATORY AGENCIES FOR THE ADOPTION OF APPROPRIATE REGULATIONS  
49 PROVIDING FOR EQUITABLE TREATMENT OF SMALL BUSINESSES IN ENERGY-RELATED  
50 POLICIES, INCLUDING BUT NOT LIMITED TO EXTENDING REASONABLE CONSUMER  
51 PROTECTIONS TO SMALL BUSINESSES IN ENERGY-RELATED MATTERS.

52 S 3. The public service law is amended by adding a new section 24-c to  
53 read as follows:

54 S 24-C. NOTICE TO BE GIVEN TO DIVISION PRIOR TO RATE INCREASE. 1.  
55 NOTWITHSTANDING ANY INCONSISTENT GENERAL, SPECIAL OR LOCAL LAW OR RULE  
56 OR REGULATION TO THE CONTRARY, THE COMMISSION SHALL TO THE EXTENT THE

1 DIVISION SHALL SO REQUEST IN ANY CASES OR CLASS OF CASES, GIVE NOTICE TO  
2 THE DIVISION OF ANY FILED STATEMENT PROPOSING TO MODIFY OR INCREASE  
3 RATES, SERVICES, SCHEDULE OF RATES OR ANY OTHER RATING RULE OR TO ADOPT  
4 OR AMEND ANY RATE OR SERVICE RULES OR REGULATIONS WITHIN FIVE DAYS AFTER  
5 THE COMMISSION SHALL HAVE RECEIVED SUCH STATEMENT FROM ANY UTILITY  
6 SUBJECT TO ITS JURISDICTION; PROVIDED, HOWEVER, THAT IN LIEU OF GIVING  
7 SUCH NOTICE, THE COMMISSION MAY DIRECT THAT THE UTILITY GIVE SUCH NOTICE  
8 TO THE DIVISION. THE COMMISSION SHALL DIRECTLY NOTIFY THE DIVISION OF  
9 ANY SUCH CASE THAT IS NOT INITIATED BY A UTILITY.

10 2. IN ANY SUCH CASE IN WHICH THE DIVISION SHALL FILE WITH THE COMMIS-  
11 SION A STATEMENT OF INTENT TO BE A PARTY, THE DIVISION SHALL HAVE AND IN  
12 ITS DISCRETION MAY EXERCISE ALL THE RIGHTS AND PRIVILEGES OF A PARTY.

13 3. FOR THE PURPOSES OF THIS SECTION, THE TERM "DIVISION" SHALL MEAN  
14 THE DIVISION FOR SMALL BUSINESS ESTABLISHED BY ARTICLE FOUR-B OF THE  
15 ECONOMIC DEVELOPMENT LAW, AND THE TERM "COMMISSION" SHALL MEAN THE  
16 PUBLIC SERVICE COMMISSION.

17 S 4. This act shall take effect on the first of April next succeeding  
18 the date on which it shall have become a law. Effective immediately the  
19 department of economic development and the public service commission  
20 shall be authorized to take any and all actions necessary to fully  
21 implement the provisions of this act on such effective date.