

# STATE OF NEW YORK

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5203

2017-2018 Regular Sessions

## IN SENATE

March 15, 2017

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Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to hearings following major power outages

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

1 Section 1. The public service law is amended by adding a new section  
2 66-o to read as follows:

3 § 66-o. Hearings. 1. Following any major power outage, the commission  
4 shall, within ninety days, schedule at least one public statement hear-  
5 ing in each affected county or in each affected city with a population  
6 of one hundred fifty thousand or more or in each affected borough in the  
7 city of New York, provided that such hearing has been requested via a  
8 formal resolution adopted by the county legislature or board of supervi-  
9 sors in such affected county or by the city council in such affected  
10 cities with a population of one hundred fifty thousand or more and that  
11 such resolution has been transmitted to the chairperson of the public  
12 service commission by electronic or written communication. The affected  
13 counties may agree amongst themselves to fewer public statement hearings  
14 provided that the location or locations of such hearing or hearings are  
15 conveniently located within the geographic area affected by the major  
16 power outage and easily accessible for customers. Such an agreement  
17 among the affected counties must be transmitted to the chairperson of  
18 the commission.

19 2. "Major power outage" shall be defined as any outage within a utili-  
20 ty service territory that leaves five percent or more of customers with-  
21 out power for at least seventy-two consecutive hours following the event  
22 that caused the outage.

23 3. For the purposes of providing notice and soliciting public  
24 comments, at least thirty days prior to the public statement hearing or

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

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1 hearings required in subdivision one of this section, the commission  
2 shall provide notice or electronic notice: (a) to each county and muni-  
3 cipality served by said electric corporation located in the area  
4 affected by the major power outage; (b) to the speaker of the assembly,  
5 the temporary president of the senate, the chairperson of the senate  
6 energy and telecommunications committee, the chairperson of the assembly  
7 energy committee, and each member of the state legislature that repres-  
8 ents an area where service was affected by the major power outage; (c)  
9 by publication once in each week for four successive weeks in a newspa-  
10 per and on the web site of a newspaper that has general circulation in  
11 the geographic area affected by the major power outage located within  
12 the service territory of said electric corporation; and (d) by publica-  
13 tion on the commission's website.

14 4. A member or members of the commission or department of public  
15 service senior staff, designated by the chairperson of the commission,  
16 shall be present in person at the public statement hearings required by  
17 subdivision one of this section and shall begin with a presentation on  
18 data collected during the recent outage, including information on resto-  
19 ration times in the affected county or city, customer complaints and  
20 other data which the commission or its designee may deem appropriate.  
21 The commission members or their designees shall then solicit public  
22 comment from residential and commercial customers from the affected  
23 county or city with a population of one hundred fifty thousand or more  
24 or borough in the city of New York. Such testimony shall be limited to:

25 (a) Customer feedback on their experience during the recent outage,  
26 including issues related to power restoration, restoration times and  
27 service quality;

28 (b) Suggestions for changes in commission policy in the affected  
29 service territory which, in the customer's view would lead to better  
30 service quality;

31 (c) Communication protocols between a company and customers during an  
32 outage and how such protocols may be improved; and

33 (d) Any additional topics of information that the commission may  
34 determine are necessary and appropriate.

35 5. Within one hundred twenty days of the conclusion of such public  
36 statement hearing, the commission shall publish on its website a report  
37 summarizing the events of the public statement hearing and any recom-  
38 ended policy changes that it may have initiated. Such report shall also  
39 be transmitted to the temporary president of the senate, the speaker of  
40 the assembly, the chairperson of the senate energy and telecommuni-  
41 cations committee, the chairperson of the assembly energy committee,  
42 each member of the legislature whose district lies in whole or in part  
43 in the affected county, the county executive or administrator and the  
44 chairperson of the county legislature or board of supervisors and the  
45 mayor of any city with a population of one hundred fifty thousand or  
46 more that was the subject of such hearing.

47 § 2. This act shall take effect immediately.