

1557

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GIANARIS, MARKEY, NOLAN, CAHILL, ROSENTHAL, COOK, PHEFFER, BENEDETTO, DIAZ, FIELDS, ROBINSON, MILLMAN, JAFFEE -- Multi-Sponsored by -- M. of A. BING, BOYLAND, CYMBROWITZ, DESTITO, DINOWITZ, GOTTFRIED, JOHN, MCENENY, PERRY, REILLY, SAYWARD, SWEENEY, TOBACCO, TOWNS, WEISENBERG -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to electric utility emergency plans

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

1 Section 1. Subdivision 21 of section 66 of the public service law, as
2 added by chapter 718 of the laws of 1980, is amended to read as follows:
3 21. (A) The commission shall require every electric corporation to
4 submit [storm] ELECTRIC UTILITY EMERGENCY plans to the commission for
5 review and approval at such times and in such detail and form as the
6 commission shall require, provided, however, that the same shall be
7 filed at least annually. SUCH PLANS SHALL SET FORTH (1) TRAINING
8 PROGRAMS AND EXERCISES, PLANNING, COORDINATION OF CORPORATION PERSONNEL
9 AND OUTSIDE SERVICE RESTORATION AID, AND OTHER PREPARATORY ACTIONS TO BE
10 UNDERTAKEN ON A SCHEDULED BASIS AND IN ANTICIPATION OF MAJOR STORMS,
11 OTHER ADVERSE WEATHER CONDITIONS OR OTHER EVENTS THAT MAY RESULT IN
12 SERVICE OUTAGES, (2) PROCEDURES TO BE FOLLOWED FOR ACCURATELY DETERMIN-
13 ING THE EXTENT OF A SERVICE OUTAGE, INCLUDING DETERMINATION OF THE
14 LOCATION OF AFFECTED AREAS, THE ESTIMATED NUMBER OF CUSTOMERS AND THE
15 OVERALL NUMBER OF PEOPLE AFFECTED BY LOSS OF POWER OR BY VOLTAGE
16 REDUCTIONS, (3) PROCEDURES FOR ESTIMATING THE TIME REQUIRED FOR RESTORA-
17 TION OF SERVICE TO AREAS AFFECTED BY THE OUTAGE AND COMMUNICATING WITH
18 MEDIA, LIFE SUPPORT AND OTHER SPECIAL NEEDS CUSTOMERS, PUBLIC OFFICIALS,
19 MEDICAL AND CRITICAL CARE FACILITIES AND THE PUBLIC, (4) POLICIES FOR
20 INITIATING AND IMPLEMENTING LOAD RELIEF AND LOAD CONTROL PROGRAMS, (5)
21 PROCEDURES FOR MANAGEMENT RESPONSIBILITIES, REPORTING AND DECISION

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

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1 MAKING NEEDED TO EXECUTE THE PLAN, AND (6) ANY OTHER INFORMATION THAT
2 THE COMMISSION MAY REQUIRE.

3 (B) EACH YEAR, ON OR BEFORE THE FIRST DAY OF APRIL OR ON SUCH OTHER
4 DATE AS THE COMMISSION MAY PRESCRIBE, EACH ELECTRIC CORPORATION SHALL
5 (1) FILE AN ELECTRIC UTILITY EMERGENCY PLAN INCLUDING ANY SUCH AMEND-
6 MENTS AS IT DEEMS NECESSARY, OR AS THE COMMISSION MAY REQUIRE, TO MAIN-
7 TAIN A HIGH LEVEL OF PREPAREDNESS, AND (2) CERTIFY IN A REPORT TO THE
8 COMMISSION THAT WITHIN THE PAST TWELVE MONTHS IT HAS PERIODICALLY VERI-
9 FIED TELEPHONE AND OTHER APPROPRIATE CONTACTS AND UPDATED ITS LIST OF
10 INTERNAL AND EXTERNAL CONTACT PERSONS NECESSARY TO EXECUTE THE PLAN, AND
11 HAS CONDUCTED ONE OR MORE EMERGENCY EXERCISES INVOLVING THE MANAGEMENT
12 OF THE CORPORATION AND KEY COMPANY PERSONNEL ASSIGNED SERVICE RESTORA-
13 TION RESPONSIBILITIES. PRIOR TO APPROVING ANY SUCH SUBMISSION, THE
14 COMMISSION SHALL SEEK COMMENTS FROM INTERESTED STATE AND LOCAL AGENCIES
15 AND MEMBERS OF THE PUBLIC, AND MAY REQUIRE MODIFICATIONS OR OTHERWISE
16 PRESCRIBE CONDITIONS FOR APPROVAL. AS PART OF ITS REVIEW, THE COMMISSION
17 SHALL REVIEW THE ADEQUACY OF ANY POLICIES FOR REIMBURSING CUSTOMERS FOR
18 LOSSES DUE TO OUTAGES OR INADVERTENT INTENTIONAL SHUTOFFS OF ELECTRIC-
19 ITY. SUCH REVIEW SHALL INCLUDE CONSIDERATION OF THE APPROPRIATENESS OF
20 ANY POLICY OF PROVIDING FOR, LIMITING OR DENYING REIMBURSEMENT FOR
21 DAMAGES TO ELECTRICAL EQUIPMENT OR OTHER LOSSES ATTRIBUTABLE TO THE
22 FAILURE TO DELIVER ELECTRICITY OR TO SIGNIFICANT REDUCTIONS IN THE VOLT-
23 AGE OF ELECTRICITY DELIVERED, INCLUDING LOSS OF BUSINESS OPPORTUNITIES,
24 AND THE APPROPRIATENESS OF ANY DURATION STANDARDS IN SUCH POLICIES. SUCH
25 REVIEW SHALL ALSO INCLUDE THE SUFFICIENCY OF ANY MONETARY LIMITS IN SUCH
26 POLICIES; PROVIDED, HOWEVER, THAT THE COMMISSION SHALL MODIFY THE POLICY
27 IN ACCORDANCE WITH FINDINGS OF THE STATE CONSUMER PROTECTION BOARD THAT
28 SUCH MODIFICATION IS NEEDED TO ACCOUNT FOR CHANGES IN CONSUMER PRICES
29 SINCE SUCH LIMIT WAS LAST ADOPTED.

30 (C) WITHIN SIXTY DAYS FOLLOWING COMPLETION OF SERVICE RESTORATION IN
31 AN EMERGENCY WHERE THE RESTORATION PERIOD EXCEEDS FORTY-EIGHT HOURS,
32 EACH ELECTRIC CORPORATION SHALL SUBMIT TO THE COMMISSION A REVIEW OF ALL
33 ASPECTS OF ITS PREPARATION AND SYSTEM RESTORATION PERFORMANCE. BASED ON
34 THIS REVIEW OR UPON ITS OWN ASSESSMENT OF THE ELECTRIC CORPORATION'S
35 PERFORMANCE IN RESPONDING TO SUCH EMERGENCY, THE COMMISSION MAY IMME-
36 DIATELY ORDER ANY MODIFICATIONS OR CONDITIONS TO THE CORPORATION'S EMER-
37 GENCY PLAN THAT IT DEEMS NECESSARY TO ENSURE A HIGH LEVEL OF PREPARED-
38 NESS.

39 (D) THE NAMES AND CONTACT INFORMATION OF EMPLOYEES AND OUTSIDE CONTACT
40 PERSONS MAY BE DELETED FROM COPIES OF THE PLAN AVAILABLE FOR PUBLIC
41 INSPECTION, BUT SUCH DELETED INFORMATION SHALL BE SUBJECT TO INSPECTION
42 BY THE COMMISSION AND STATE EMPLOYEES. AN ELECTRIC CORPORATION MAY
43 REQUEST THAT THE COMMISSION DESIGNATE AS CONFIDENTIAL INTERNAL SECURITY
44 MATTERS AND ANY OTHER INFORMATION REQUIRED TO BE SUBMITTED IN EMERGENCY
45 PLANS. SUCH REQUESTS SHALL IDENTIFY THE SPECIFIC INFORMATION REQUESTED
46 TO BE TREATED AS CONFIDENTIAL AND SHALL EXPLAIN WHY CONFIDENTIALITY IS
47 SOUGHT. UNLESS THE COMMISSION DIRECTS OTHERWISE, SUCH INFORMATION SHALL
48 NOT BE INCLUDED IN THE PLANS AVAILABLE FOR PUBLIC INSPECTION.

49 S 2. This act shall take effect on the one hundred twentieth day after
50 it shall have become a law. Provided, that the public service commission
51 is immediately authorized and directed to take any and all actions,
52 including but not limited to the promulgation of any necessary rules,
53 necessary to fully implement the provisions of this act on its effective
54 date.