

5877--B

2009-2010 Regular Sessions

I N   A S S E M B L Y

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Introduced by M. of A. CAHILL, ALESSI, BRENNAN, DelMONTE, ENGLEBRIGHT, GABRYSZAK, GORDON, HEVESI, HOYT, HYER-SPENCER, KELLNER, LUPARDO, ROSENTHAL, SCHIMEL -- Multi-Sponsored by -- M. of A. EDDINGTON, JACOBS, SPANO -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the energy law and the public authorities law, in relation to establishing the state energy planning board

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

1     Section 1. The energy law is amended by adding a new article 6 to read  
2 as follows:

3                                 ARTICLE 6

4                                 ENERGY PLANNING

5     SECTION 6-102. STATE ENERGY PLANNING BOARD.

6                 6-104. STATE ENERGY PLAN.

7                 6-106. CONDUCT OF THE STATE ENERGY PLANNING PROCEEDING.

8                 6-108. SUPPLEMENTAL STUDIES FOR FUTURE ENERGY PLANNING.

9     S 6-102. STATE ENERGY PLANNING BOARD. 1. THERE SHALL BE ESTABLISHED A  
10 STATE ENERGY PLANNING BOARD, HEREINAFTER REFERRED TO AS THE "BOARD",  
11 WHICH SHALL CONSIST OF THE CHAIR OF THE PUBLIC SERVICE COMMISSION, THE  
12 COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF ECONOMIC  
13 DEVELOPMENT, THE COMMISSIONER OF TRANSPORTATION, THE COMMISSIONER OF  
14 LABOR, THE DIRECTOR OF THE STATE EMERGENCY MANAGEMENT OFFICE, THE CHAIR  
15 OF THE CONSUMER PROTECTION BOARD, THE COMMISSIONER OF HEALTH, THE PRESI-  
16 DENT OF THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION, THE SECRETARY  
17 OF STATE AND THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND  
18 DEVELOPMENT AUTHORITY. THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND  
19 THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH APPOINT ONE REPRESENTATIVE

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

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1 TATIVE TO SERVE ON THE BOARD. THE PRESIDING OFFICER OF THE FEDERALLY  
2 DESIGNATED ELECTRIC BULK SYSTEM OPERATOR (BSO) SHALL SERVE AS A NON-VOT-  
3 ING MEMBER OF THE BOARD. ANY DECISION OR ACTION BY THE BOARD SHALL BE BY  
4 MAJORITY VOTE. THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND  
5 DEVELOPMENT AUTHORITY SHALL SERVE AS CHAIR OF THE BOARD. MEMBERS OF THE  
6 BOARD MAY DESIGNATE AN EXECUTIVE STAFF REPRESENTATIVE TO PARTICIPATE ON  
7 THE BOARD ON THEIR BEHALF.

8 2. REGIONAL PLANNING COUNCILS SHALL BE ESTABLISHED, WHOSE MEMBERS  
9 SHALL WORK WITH THE STATE ENERGY PLANNING BOARD. REGIONAL PLANNING  
10 COUNCIL MEMBERS SHALL NOT BE CONSIDERED TO BE MEMBERS OF THE STATE ENER-  
11 GY PLANNING BOARD FOR PURPOSES OF PARTICIPATION IN BOARD MEETINGS,  
12 EXCEPT COUNCIL MEMBERS MAY PARTICIPATE AS NON-VOTING MEMBERS WHEN ITEMS  
13 RELATING SPECIFICALLY TO THAT MEMBER'S REGION, AS DETERMINED BY THE  
14 BOARD, ARE ON THE AGENDA OF A BOARD MEETING. TWO REGIONS SHALL BE  
15 ESTABLISHED AS FOLLOWS:

16 (A) DOWNSTATE REGION - NEW YORK CITY AND DUTCHESS, NASSAU, ORANGE,  
17 PUTNAM, ROCKLAND, SUFFOLK, ULSTER AND WESTCHESTER COUNTIES;

18 (B) UPSTATE REGION - ALBANY, ALLEGANY, BROOME, CATTARAUGUS, CAYUGA,  
19 CHAUTAUQUA, CHEMUNG, CHENANGO, CLINTON, COLUMBIA, CORTLAND, DELAWARE,  
20 ERIE, ESSEX, FRANKLIN, FULTON, GENESEE, GREENE, HAMILTON, HERKIMER,  
21 JEFFERSON, LEWIS, LIVINGSTON, MADISON, MONROE, MONTGOMERY, NIAGARA,  
22 ONEIDA, ONONDAGA, ONTARIO, ORLEANS, OSWEGO, OTSEGO, RENSSELAER, SARATO-  
23 GA, SCHENECTADY, SCHOHARIE, SCHUYLER, SENECA, ST. LAWRENCE, STEUBEN,  
24 SULLIVAN, TIOGA, TOMPKINS, WARREN, WASHINGTON, WAYNE, WYOMING AND YATES  
25 COUNTIES.

26 THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
27 ASSEMBLY SHALL EACH APPOINT THREE REGIONAL PLANNING COUNCIL MEMBERS PER  
28 REGION. REGIONAL PLANNING COUNCIL MEMBERS SHALL SERVE WITHOUT COMPEN-  
29 SATION, AND SHALL HAVE THEIR PRINCIPAL RESIDENCE WITHIN THE REGION FOR  
30 WHICH THEY ARE APPOINTED. SUCH REGIONAL COUNCIL MEMBERS MAY SOLICIT  
31 INPUT FROM STAKEHOLDER INTERESTS WITHIN THEIR REGION, INCLUDING BUT NOT  
32 LIMITED TO LOCAL GOVERNMENTS, MUNICIPAL UTILITIES, RURAL ELECTRIC COOP-  
33 ERATIVES, UTILITIES, LABOR UNIONS, RATEPAYERS, BUSINESSES, TRADE ASSOCI-  
34 ATIONS, GENERATORS, AND COMMUNITY ORGANIZATIONS, AND SHALL TRANSMIT TO  
35 THE BOARD A REPORT CONTAINING ANY RECOMMENDATIONS SPECIFIC TO THEIR  
36 REGION ON A SCHEDULE CONCURRENT WITH THE RELEASE OF THE DRAFT ENERGY  
37 PLAN.

38 3. STAFF SERVICES SHALL BE PERFORMED BY PERSONNEL OF THE DEPARTMENT OF  
39 PUBLIC SERVICE, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE  
40 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF ECONOMIC DEVELOPMENT,  
41 THE STATE EMERGENCY MANAGEMENT OFFICE AND THE NEW YORK STATE ENERGY  
42 RESEARCH AND DEVELOPMENT AUTHORITY, AS DIRECTED BY THE BOARD. ASSIST-  
43 ANCE SHALL ALSO BE MADE AVAILABLE, AS REQUESTED BY THE BOARD, FROM OTHER  
44 AGENCIES, DEPARTMENTS AND PUBLIC AUTHORITIES OF THE STATE. THE BOARD MAY  
45 PROVIDE FOR ITS OWN REPRESENTATION IN ALL ACTIONS OR PROCEEDINGS IN  
46 WHICH IT IS A PARTY.

47 4. THE BOARD SHALL HAVE THE POWERS: (A) TO ADOPT A STATE ENERGY PLAN  
48 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE;

49 (B) TO ADOPT RULES AND REGULATIONS AS NECESSARY OR APPROPRIATE TO  
50 IMPLEMENT THIS ARTICLE;

51 (C) TO ISSUE SUBPOENAS AND SUBPOENAS DUCES TECUM; AND

52 (D) TO AUTHORIZE ANY PERSON TO CONDUCT HEARINGS WHICH THE BOARD IS  
53 AUTHORIZED TO CONDUCT, TO TAKE TESTIMONY WITH RESPECT TO THE SUBJECT OR  
54 MATTER UNDER INVESTIGATION, AND TO REPORT THE TESTIMONY TO THE BOARD. IN  
55 THE CONDUCT OF SUCH HEARINGS, ANY PERSON SO AUTHORIZED BY THE BOARD  
56 SHALL HAVE ALL THE POWERS OF THE BOARD.

1 5. THE BOARD SHALL IN THE CONSIDERATION AND DEVELOPMENT OF POLICIES,  
2 PROGRAMS, AND OTHER ACTIONS, BE GUIDED BY THE GOALS OF: IMPROVING THE  
3 RELIABILITY OF THE STATE'S ENERGY SYSTEMS; INSULATING CONSUMERS FROM  
4 VOLATILITY IN MARKET PRICES; REDUCING THE OVERALL COST OF ENERGY IN THE  
5 STATE; AND MINIMIZING PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS, IN  
6 PARTICULAR, ENVIRONMENTAL IMPACTS RELATED TO CLIMATE CHANGE. EACH ENER-  
7 GY PLAN SHALL ALSO IDENTIFY POLICIES AND PROGRAMS DESIGNED TO MAXIMIZE  
8 COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION ACTIVITIES TO MEET  
9 PROJECTED DEMAND GROWTH.

10 (A) THE BOARD SHALL IDENTIFY THE MOST APPROPRIATE STATE AGENCY OR  
11 AUTHORITY WITH THE RESPONSIBILITY FOR IMPLEMENTING OR OVERSEEING SUCH  
12 PRIORITIZED POLICIES AND PROGRAMS.

13 (B) EACH AGENCY OR AUTHORITY CHARGED WITH IMPLEMENTING A SPECIFIC  
14 POLICY OR PROGRAM IN THE ENERGY PLAN SHALL REPORT TO THE BOARD ANNUALLY  
15 REGARDING THE ORIGINAL GOAL OF SUCH POLICY OR PROGRAM, STEPS THAT HAVE  
16 BEEN TAKEN TO IMPLEMENT SUCH POLICY OR PROGRAM, PROGRESS IN ATTAINING  
17 GOALS, ADJUSTMENTS TO THE PROGRAM OR GOALS AND REASONS WHY ADJUSTMENTS  
18 ARE NEEDED, AND ANTICIPATED DATE OF COMPLETION.

19 (C) THE BOARD SHALL USE SUCH PROGRESS REPORTS IN THE COMPLETION OF  
20 EACH SUBSEQUENT ENERGY PLAN AND IN EACH OF THE REQUIRED BIENNIAL REPORTS  
21 AS STATED IN SECTION 6-106 OF THIS ARTICLE.

22 6. THE BOARD SHALL REQUIRE ANY CONTRACTOR OR SUBCONTRACTOR AWARDED A  
23 CONTRACT PURSUANT TO THE PROVISIONS OF THIS ARTICLE TO COMPLY, AND  
24 OTHERWISE EXERCISE ALL OF ITS RESPONSIBILITIES AND CONDUCT ALL OF ITS  
25 ACTIVITIES CONSISTENT WITH THE PROVISIONS OF ARTICLE FIFTEEN-A OF THE  
26 EXECUTIVE LAW WITH REGARDS TO THE UTILIZATION AND PARTICIPATION OF  
27 CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES.

28 S 6-104. STATE ENERGY PLAN. 1. THE BOARD SHALL ADOPT A STATE ENERGY  
29 PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

30 2. THE STATE ENERGY PLAN SHALL INCLUDE: (A) FORECASTS FOR PERIODS OF  
31 FIVE, TEN AND FIFTEEN YEARS OF: (I) DEMAND FOR ELECTRICITY, NATURAL GAS,  
32 COAL, PETROLEUM PRODUCTS, INCLUDING HEATING AND TRANSPORTATION FUELS,  
33 AND ALTERNATE FUELS, INCLUDING ETHANOL AND OTHER BIOFUELS, TO THE EXTENT  
34 POSSIBLE, FOR EACH REGION OF THE STATE, AS WELL AS THE STATE AS A WHOLE,  
35 TAKING INTO ACCOUNT ENERGY CONSERVATION, LOAD MANAGEMENT AND OTHER  
36 DEMAND-REDUCING MEASURES WHICH CAN BE ACHIEVED IN A COST-EFFECTIVE  
37 MANNER, INCLUDING THE BASIS FOR SUCH PROJECTION, INCLUDING AN EXAMINA-  
38 TION OF POSSIBLE ALTERNATE LEVELS OF DEMAND AND DISCUSSION OF THE FORE-  
39 CASTING METHODOLOGIES AND INPUT VARIABLES USED IN MAKING THE FORECASTS;

40 (II) ENERGY SUPPLY REQUIREMENTS NEEDED TO SATISFY DEMAND FOR ELECTRIC-  
41 ITY, NATURAL GAS, COAL, PETROLEUM PRODUCTS, INCLUDING HEATING AND TRANS-  
42 PORTATION FUELS, AND ALTERNATE ENERGY SOURCES AND FUELS, FOR EACH REGION  
43 OF THE STATE, AND FOR THE STATE AS A WHOLE, INCLUDING WITH RESPECT TO  
44 ELECTRICITY, THE AMOUNT OF CAPACITY NEEDED TO PROVIDE ADEQUATE RESERVE  
45 MARGINS AND CAPACITY NEEDED TO ENSURE RELIABILITY AND COMPETITIVE  
46 MARKETS IN THE VARIOUS REGIONS OF THE STATE;

47 (III) AN ASSESSMENT OF THE ABILITY OF THE EXISTING ENERGY SUPPLY  
48 SOURCES AND THE EXISTING TRANSMISSION OR FUEL TRANSPORTATION SYSTEMS, TO  
49 SATISFY, TOGETHER WITH THOSE SOURCES OR SYSTEMS REASONABLY CERTAIN TO BE  
50 AVAILABLE, SUCH ENERGY SUPPLY REQUIREMENTS, INDICATING PLANNED ADDI-  
51 TIONS, RETIREMENTS, DERATINGS, SUBSTANTIAL PLANNED OUTAGES, AND ANY  
52 OTHER EXPECTED CHANGES IN LEVELS OF GENERATING AND PRODUCTION CAPACITY;

53 (IV) ADDITIONAL ELECTRIC CAPACITY AND/OR TRANSMISSION OR FUEL TRANS-  
54 PORTATION SYSTEMS NEEDED TO MEET SUCH ENERGY SUPPLY REQUIREMENTS THAT  
55 WILL NOT BE MET BY EXISTING SOURCES OF SUPPLY AND THOSE REASONABLY  
56 CERTAIN TO BE AVAILABLE, WHERE SUCH ANALYSIS SHOULD IDENTIFY SYSTEM

1 CONSTRAINTS AND POSSIBLE ALTERNATIVES AVAILABLE, BOTH SUPPLY-SIDE AND  
2 DEMAND-SIDE ALTERNATIVES, INCLUDING BUT NOT LIMITED TO DISTRIBUTED  
3 GENERATION, ENERGY EFFICIENCY AND CONSERVATION MEASURES, TO REDRESS SUCH  
4 CONSTRAINT; AND

5 (V) AN INVENTORY OF PROJECTED GREENHOUSE EMISSIONS OVER THE FIVE, TEN  
6 AND FIFTEEN YEAR PERIODS, AND STRATEGIES FOR FACILITATING AND ACCELERAT-  
7 ING THE USE OF LOW CARBON ENERGY SOURCES AND/OR CARBON MITIGATION MEAS-  
8 URES.

9 (B) IDENTIFICATION AND ASSESSMENT OF THE COSTS, RISKS, BENEFITS,  
10 UNCERTAINTIES AND MARKET POTENTIAL OF ENERGY SUPPLY SOURCE ALTERNATIVES,  
11 INCLUDING DEMAND-REDUCING MEASURES, RENEWABLE ENERGY RESOURCES OF ELEC-  
12 TRIC GENERATION, DISTRIBUTED GENERATION TECHNOLOGIES, COGENERATION TECH-  
13 NOLOGIES, BIOFUELS AND OTHER METHODS AND TECHNOLOGIES REASONABLY AVAIL-  
14 ABLE FOR SATISFYING ENERGY SUPPLY REQUIREMENTS WHICH ARE NOT REASONABLY  
15 CERTAIN TO BE MET BY THE ENERGY SUPPLY SOURCES IDENTIFIED IN PARAGRAPH  
16 (A) OF THIS SUBDIVISION, PROVIDED THAT SUCH ANALYSIS SHALL INCLUDE THE  
17 FACTORS IDENTIFIED IN PARAGRAPH (D) OF THIS SUBDIVISION;

18 (C) IDENTIFICATION AND ANALYSIS OF EMERGING TRENDS RELATED TO ENERGY  
19 SUPPLY, PRICE AND DEMAND, INCLUDING TRENDS RELATED TO THE TRANSPORTATION  
20 SECTOR;

21 (D) AN ASSESSMENT OF CURRENT ENERGY POLICIES AND PROGRAMS, AND THEIR  
22 CONTRIBUTIONS TO ACHIEVING LONG-RANGE ENERGY PLANNING OBJECTIVES INCLUD-  
23 ING, BUT NOT LIMITED TO, THE LEAST COST INTEGRATION OF ENERGY SUPPLY  
24 SOURCES, ENERGY TRANSPORTATION AND DISTRIBUTION SYSTEM AND DEMAND-REDUC-  
25 ING MEASURES FOR SATISFYING ENERGY SUPPLY REQUIREMENTS, GIVING DUE  
26 REGARD TO SUCH FACTORS AS REQUIRED CAPITAL INVESTMENTS, COST, RATEPAYER  
27 IMPACTS, SECURITY AND DIVERSITY OF FUEL SUPPLIES AND GENERATING MODES,  
28 PROTECTION OF PUBLIC HEALTH AND SAFETY, ADVERSE AND BENEFICIAL ENVIRON-  
29 MENTAL IMPACTS, CONSERVATION OF ENERGY AND ENERGY RESOURCES, THE ABILITY  
30 OF THE STATE TO COMPETE ECONOMICALLY, AND ANY OTHER POLICY OBJECTIVES  
31 DEEMED APPROPRIATE;

32 (E) IN ORDER TO ASSIST THE BOARD IN SUCH EVALUATION, THE POWER AUTHOR-  
33 ITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY SHALL  
34 INDIVIDUALLY SUBMIT TO THE PLANNING BOARD: (I) A STRATEGIC PLAN SPECIFY-  
35 ING THE MISSION AND GOALS OF THE AUTHORITY, THE POLICIES AND PROGRAMS  
36 UTILIZED TO FULFILL SUCH MISSION AND GOALS, AND AN EXPLANATION OF HOW  
37 SUCH POLICIES AND PROGRAMS RELATE TO THE STATE ENERGY PLAN, (II) AN  
38 ANNUAL FIVE-YEAR OPERATING PLAN, AND (III) A TEN-YEAR PROJECTED CAPITAL  
39 BUDGET FOR THEIR RESPECTIVE OPERATIONS. SUCH PLANS SHALL INCLUDE MAJOR  
40 NEW CAPITAL AND PROGRAMMATIC INITIATIVES, AS WELL AS DESCRIPTIONS AND  
41 ACHIEVEMENTS OF EXISTING PROGRAMS, INCLUDING PROGRAM OBJECTIVES AND THE  
42 NUMBERS OF CLIENTS AND/OR CUSTOMERS SERVED FOR EACH SERVICE OR PROGRAM;

43 (F) AN ANALYSIS OF SECURITY ISSUES, CONSIDERING BOTH NATURAL AND HUMAN  
44 THREATS TO THE STATE'S ENERGY SYSTEMS;

45 (G) AN ENVIRONMENTAL JUSTICE ANALYSIS;

46 (H) AN ASSESSMENT OF THE ABILITY OF URBAN PLANNING ALTERNATIVE,  
47 INCLUDING BUT NOT LIMITED TO SMART GROWTH AND MASS TRANSPORTATION  
48 IMPROVEMENTS TO REDUCE ENERGY AND TRANSPORTATION FUEL DEMAND;

49 (I) AN INVENTORY OF GREENHOUSE GAS EMISSIONS, AND STRATEGIES FOR  
50 FACILITATING AND ACCELERATING THE USE OF LOW CARBON ENERGY SOURCES  
51 AND/OR CARBON MITIGATION MEASURES;

52 (J) RECOMMENDATIONS, AS APPROPRIATE AND DESIRABLE, FOR ADMINISTRATIVE  
53 AND LEGISLATIVE ACTIONS TO IMPLEMENT SUCH POLICIES, OBJECTIVES AND STRA-  
54 TEGIES;

(K) ASSESSMENT OF THE IMPACTS OF IMPLEMENTATION OF THE PLAN UPON ECONOMIC DEVELOPMENT, HEALTH, SAFETY AND WELFARE, ENVIRONMENTAL QUALITY, AND ENERGY COSTS FOR CONSUMERS, SPECIFICALLY LOW-INCOME CONSUMERS; AND

(L) SUCH ADDITIONAL INFORMATION AS THE BOARD DEEMS APPROPRIATE, SUCH AS BUT NOT LIMITED TO, INFORMATION DEVELOPED FROM CONSULTATION WITH THE BSO.

3. TO THE EXTENT PRACTICABLE, AND WHERE NOT OTHERWISE SPECIFIED, THE ELEMENTS OF THE STATE ENERGY PLAN AS ENUMERATED IN SUBDIVISION TWO OF THIS SECTION SHALL BE PROVIDED ON A STATEWIDE BASIS AS WELL AS FOR THE TWO REGIONS DESCRIBED IN SUBDIVISION TWO OF SECTION 6-102 OF THIS ARTICLE.

4. IN THE DEVELOPMENT OF THE STATE ENERGY PLAN THE BOARD SHALL, TO THE EXTENT PRACTICABLE, TAKE COGNIZANCE OF ANY COMPREHENSIVE RELIABILITY PLANNING PROCESS UNDERTAKEN BY THE BSO.

5. (A) THE STATE ENERGY PLAN SHALL PROVIDE GUIDANCE FOR ENERGY-RELATED DECISIONS TO BE MADE BY THE PUBLIC AND PRIVATE SECTORS WITHIN THE STATE.

(B) ANY ENERGY-RELATED ACTION OR DECISION OF A STATE AGENCY, BOARD, COMMISSION OR AUTHORITY SHALL BE REASONABLY CONSISTENT WITH THE FORECASTS AND THE POLICIES AND LONG-RANGE ENERGY PLANNING OBJECTIVES AND STRATEGIES CONTAINED IN THE PLAN, INCLUDING ITS MOST RECENT UPDATE; PROVIDED, HOWEVER, THAT ANY SUCH ACTION OR DECISION WHICH IS NOT REASONABLY CONSISTENT WITH THE PLAN SHALL BE DEEMED IN COMPLIANCE WITH THIS SECTION, PROVIDED THAT SUCH ACTION OR DECISION INCLUDES A FINDING THAT THE RELEVANT PROVISIONS OF THE PLAN ARE NO LONGER REASONABLE OR PROBABLE BASED ON A MATERIAL AND SUBSTANTIAL CHANGE IN FACT OR CIRCUMSTANCE, AND A STATEMENT EXPLAINING THE BASIS FOR THIS FINDING.

(C) NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF ANY STATE AGENCY, BOARD, COMMISSION OR AUTHORITY TO DENY AN APPLICATION TO CONSTRUCT, OPERATE OR MODIFY AN ENERGY FACILITY ON ENVIRONMENTAL OR PUBLIC HEALTH AND SAFETY GROUNDS, OR THAT ALTERNATE MEANS OF ENERGY PROCUREMENT OR ALTERNATE LOCATION FOR AN ENERGY FACILITY CAN BE SECURED.

(D) A STATE AGENCY, BOARD, COMMISSION OR AUTHORITY MAY TAKE OFFICIAL NOTICE OF THE MOST RECENT FINAL STATE ENERGY PLAN ADOPTED BY THE BOARD PRIOR TO ANY FINAL ENERGY-RELATED DECISION BY SUCH AGENCY, BOARD, COMMISSION OR AUTHORITY.

S 6-106. CONDUCT OF THE STATE ENERGY PLANNING PROCEEDING. 1. EVERY FOUR YEARS, THE BOARD SHALL ADOPT A STATE ENERGY PLAN, WHICH ADDRESSES EACH ITEM IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTICLE PROVIDED, HOWEVER, THE BOARD MAY ADOPT SUCH A PLAN MORE FREQUENTLY FOR GOOD CAUSE SHOWN. THE BOARD SHALL PREPARE BIENNIAL REPORTS, EVERY SECOND YEAR FOLLOWING THE ISSUANCE OF THE FINAL STATE ENERGY PLAN, INCLUDING A DISCUSSION AND EVALUATION OF THE ABILITY OF THE STATE AND PRIVATE MARKETS TO IMPLEMENT THE POLICIES, PROGRAMS, AND OTHER RECOMMENDATIONS AS FOUND IN THE STATE ENERGY PLAN, AND RECOMMENDATIONS FOR NEW OR AMENDED POLICIES AS NEEDED TO CONTINUE SUCCESSFUL MOVEMENT TOWARDS IMPLEMENTATION AND REALIZATION OF SUCH POLICIES AND PROGRAMS.

2. THE BOARD SHALL CONDUCT A STATE ENERGY PLANNING PROCEEDING, CONSISTENT WITH THE NEED TO DEVELOP THE PLAN IN A TIMELY MANNER, WHICH SHALL PROVIDE FOR THE FOLLOWING AT A MINIMUM:

(A) THE FILING OF INFORMATION BY ENERGY SUPPLIERS AS SPECIFIED IN SUBDIVISION THREE OF THIS SECTION;

(B) THE PREPARATION AND ISSUANCE OF A DRAFT PLAN, SUBSEQUENT TO THE FILING OF INFORMATION AS SPECIFIED IN SUBDIVISION THREE OF THIS SECTION, WHICH SHALL ADDRESS EACH ITEM IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTICLE;

(C) PUBLIC COMMENT HEARINGS, IN AT LEAST EACH REGION DESCRIBED IN SUBDIVISION TWO OF SECTION 6-102 OF THIS ARTICLE AND PROVIDE AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS, SUBSEQUENT TO THE ISSUANCE OF A DRAFT PLAN, TO OBTAIN VIEWS AND COMMENTS OF INTERESTED PERSONS ON ANY ASPECT OF, OR ISSUE ADDRESSED IN, SUCH DRAFT PLAN;

(D) EVIDENTIARY HEARINGS MAY BE HELD, AT THE DISCRETION OF THE BOARD, IN RESPONSE TO A WRITTEN REQUEST BY AN INTERESTED PERSON OR PERSONS SEEKING TO PROVIDE EVIDENTIARY MATERIAL OR DATA SUBSEQUENT TO THE ISSUANCE OF A DRAFT PLAN, ON ISSUES IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTICLE; AND

(E) SUBMISSION OF A NOTICE FOR ANY HEARING OR OPPORTUNITY FOR COMMENT PROVIDED FOR PURSUANT TO THIS SUBDIVISION FOR PUBLICATION WITHIN THE STATE REGISTER.

3. AS DETERMINED BY THE BOARD IN EACH INSTANCE TO BE APPROPRIATE WITH RESPECT TO THE PARTICULAR ENTITY OR ENTITIES FROM WHICH INFORMATION, IF ANY, SHALL BE REQUIRED, THE INFORMATION TO BE PROVIDED TO THE BOARD BY ENERGY TRANSMISSION AND DISTRIBUTION COMPANIES, ELECTRIC, GAS, OR STEAM CORPORATIONS, MAJOR ENERGY SUPPLIERS INCLUDING OWNERS OR OPERATORS OF ELECTRIC GENERATION FACILITIES, COMMODITY AND/OR END-USE ENERGY SERVICE PROVIDERS, STATE AGENCIES OR AUTHORITIES, INCLUDING THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY, AND/OR OTHERS, SHALL INCLUDE THE FOLLOWING:

(A) INDIVIDUALLY PREPARED COMPREHENSIVE LONG-RANGE PLANS FOR FUTURE OPERATIONS:

(I) A FORECAST OF ELECTRICITY DEMANDS OVER A PERIOD OF FIVE, TEN AND FIFTEEN YEARS, INCLUDING ANNUAL IN-STATE ELECTRIC ENERGY SALES AND SUMMER AND WINTER PEAK LOADS BY UTILITY SERVICE AREA WHERE APPLICABLE, AND TOTAL ANY ANNUAL IN-STATE ELECTRIC ENERGY SALES AND COINCIDENT PEAK LOAD, SPECIFICALLY IDENTIFYING THE EXTENT TO WHICH ENERGY CONSERVATION, LOAD MANAGEMENT AND OTHER DEMAND-REDUCING MEASURES, AND ELECTRIC ENERGY GENERATED BY COGENERATION, SMALL HYDRO AND ALTERNATE ENERGY PRODUCTION FACILITIES, INCLUDING RENEWABLE ENERGY TECHNOLOGIES AND FUEL CELLS, CONSUMED ON SITE, HAVE BEEN INCORPORATED WITHIN SUCH FORECAST;

(II) A FORECAST OF ELECTRICITY SUPPLY REQUIREMENTS OVER A PERIOD OF FIVE, TEN AND FIFTEEN YEARS, BY UTILITY SERVICE AREA WHERE APPLICABLE, SPECIFICALLY IDENTIFYING THE RESERVE MARGINS REQUIRED FOR RELIABLE ELECTRIC SERVICE, THE TRANSMISSION AND DISTRIBUTION LOSSES ASSUMED, AND THE AMOUNT OF OUT-OF-STATE SALES COMMITMENTS;

(III) AN ASSESSMENT OF THE ABILITY OF EXISTING ELECTRICITY SUPPLY SOURCES, AND THOSE REASONABLY CERTAIN TO BE AVAILABLE, TO SATISFY ELECTRICITY SUPPLY REQUIREMENTS, INCLUDING ELECTRIC GENERATING FACILITIES WHICH CAN BE RETAINED IN SERVICE BEYOND THEIR ORIGINAL DESIGN LIFE THROUGH ROUTINE MAINTENANCE AND REPAIRS;

(IV) AN INVENTORY OF: (A) ALL EXISTING ELECTRIC GENERATING AND TRANSMISSION FACILITIES INCLUDING THOSE OWNED OR OPERATED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY;

(B) ELECTRIC GENERATING AND TRANSMISSION FACILITIES PLANNED OR UNDER CONSTRUCTION INCLUDING THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY, INCLUDING THE DATES FOR COMPLETION AND OPERATION; (C) THE ANTICIPATED RETIREMENT DATES FOR ANY ELECTRIC GENERATING FACILITIES CURRENTLY OPERATED INCLUDING THOSE OWNED OR OPERATED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY; (D) LAND OWNED OR LEASED INCLUDING THAT OWNED OR LEASED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY AND HELD FOR FUTURE USE AS SITES FOR MAJOR ELECTRIC GENERATING FACILITIES; AND (E) ELECTRIC GENERATING, TRANSMISSION, AND RELATED

1 FACILITIES OPERATED, OR PLANNED TO BE OPERATED, BY OTHERS, TO THE EXTENT  
2 INFORMATION CONCERNING THE SAME IS KNOWN;

3 (V) RECOMMENDED SUPPLY ADDITIONS AND DEMAND REDUCING MEASURES FOR  
4 SATISFYING THE ELECTRICITY SUPPLY REQUIREMENTS, NOT REASONABLY CERTAIN  
5 TO BE MET BY ELECTRICITY SUPPLY SOURCES IDENTIFIED IN SUBPARAGRAPH (III)  
6 OF THIS PARAGRAPH, INCLUDING THE LIFE EXTENSION OF EXISTING ELECTRIC  
7 GENERATING FACILITIES, AND REASONS THEREFOR;

8 (VI) A STATEMENT OF RESEARCH AND DEVELOPMENT PLANS, INCLUDING OBJEC-  
9 TIVES AND PROGRAMS IN THE AREAS OF ENERGY CONSERVATION, LOAD MANAGEMENT,  
10 ELECTRIC GENERATION AND TRANSMISSION, NEW ENERGY TECHNOLOGIES AND  
11 POLLUTION ABATEMENT AND CONTROL, WHICH ARE NOT FUNDED THROUGH REGULATORY  
12 REQUIRED PROGRAMS, RECENT RESULTS OF SUCH PROGRAMS UNDERTAKEN OR FUNDED  
13 TO DATE, AND AN ASSESSMENT OF THE POTENTIAL IMPACTS OF SUCH RESULTS;

14 (VII) A PROJECTION OF ESTIMATED ELECTRICITY PRICES TO CONSUMERS OVER  
15 THE FORECAST PERIOD, AND A SENSITIVITY ANALYSIS OF THAT FORECAST RELAT-  
16 ING TO A NUMBER OF FACTORS INCLUDING FUEL PRICES AND THE LEVELS OF  
17 AVAILABLE CAPACITY AND DEMAND IN THE REGIONS OF THE STATE;

18 (VIII) A DESCRIPTION OF THE LOAD FORECASTING METHODOLOGY AND THE  
19 ASSUMPTIONS AND DATA USED IN THE PREPARATION OF THE FORECASTS, SPECIF-  
20 ICALLY INCLUDING PROJECTIONS OF DEMOGRAPHIC AND ECONOMIC ACTIVITY AND  
21 SUCH OTHER FACTORS, STATEWIDE AND BY SERVICE AREA, WHICH MAY INFLUENCE  
22 ELECTRICITY DEMAND, AND THE BASES FOR SUCH PROJECTIONS;

23 (IX) PROPOSED POLICIES, OBJECTIVES AND STRATEGIES FOR MEETING THE  
24 STATE'S FUTURE ELECTRICITY NEEDS; AND

25 (X) SUCH ADDITIONAL INFORMATION AS THE BOARD MAY, BY REGULATION,  
26 REQUIRE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

27 (B) ALL PROVIDERS OF NATURAL GAS TRANSMISSION, DISTRIBUTION AND/OR  
28 MARKETING SERVICES TO CUSTOMERS SHALL INDIVIDUALLY PREPARE AND SUBMIT A  
29 COMPREHENSIVE LONG-RANGE PLAN FOR FUTURE OPERATIONS, WHICH SHALL  
30 INCLUDE, AS APPROPRIATE:

31 (I) A FORECAST OVER A PERIOD OF FIVE, TEN AND FIFTEEN YEARS, BY UTILI-  
32 TY SERVICE AREA, OF ESTIMATED ANNUAL IN-STATE GAS SALES, WINTER SEASON  
33 SALES AND PEAK DAY SALES BY APPROPRIATE END-USE CLASSIFICATIONS, SPECIF-  
34 ICALLY IDENTIFYING THE EXTENT TO WHICH ENERGY CONSERVATION MEASURES AND  
35 THE SALE OF GAS OWNED BY PERSONS OTHER THAN NATURAL GAS TRANSMISSION AND  
36 DISTRIBUTION UTILITIES HAVE BEEN INCORPORATED WITHIN SUCH FORECAST;

37 (II) A FORECAST OF GAS SUPPLY REQUIREMENTS OVER A PERIOD OF FIVE, TEN  
38 AND FIFTEEN YEARS, BY UTILITY SERVICE AREA, SPECIFICALLY IDENTIFYING THE  
39 AMOUNTS OF GAS NEEDED TO MEET SEVERE WEATHER CONDITIONS, LOST AND UNAC-  
40 COUNTED FOR GAS, OUT-OF-STATE SALES COMMITMENTS AND INTERNAL USE;

41 (III) AN ASSESSMENT OF THE ABILITY OF EXISTING GAS SUPPLY SOURCES, AND  
42 THOSE REASONABLY CERTAIN TO BE AVAILABLE, TO SATISFY GAS SUPPLY REQUIRE-  
43 MENTS;

44 (IV) AN INVENTORY OF: (A) ALL EXISTING SUPPLY SOURCES, STORAGE FACILI-  
45 TIES, AND TRANSMISSION FACILITIES WHICH ARE USED IN PROVIDING SERVICE  
46 WITHIN THE STATE, (B) THE TRANSMISSION AND STORAGE FACILITIES UNDER  
47 CONSTRUCTION WHICH WOULD BE USED IN PROVIDING SERVICE WITHIN THE STATE,  
48 THEIR PROJECTED COSTS AND CAPACITIES, INCLUDING PEAKING CAPACITY, (C)  
49 TRANSMISSION FACILITY ADDITIONS PROPOSED TO BE CONSTRUCTED BY NATURAL  
50 GAS TRANSMISSION AND DISTRIBUTION UTILITIES, (D) TRANSMISSION FACILITIES  
51 OPERATED, OR PLANNED TO BE OPERATED, BY OTHERS, TO THE EXTENT INFORMA-  
52 TION CONCERNING THE SAME IS KNOWN;

53 (V) RECOMMENDED SUPPLY ADDITIONS AND DEMAND-REDUCING MEASURES FOR  
54 SATISFYING THE GAS SUPPLY REQUIREMENTS, NOT REASONABLY CERTAIN TO BE MET  
55 BY GAS SUPPLY SOURCES IDENTIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH  
56 AND THE REASONS THEREFOR;

1 (VI) A PROJECTION OF ESTIMATED GAS PRICES TO CONSUMERS OVER THE FORE-  
2 CAST PERIOD, AND A SENSITIVITY ANALYSIS OF THAT FORECAST RELATING TO A  
3 NUMBER OF FACTORS INCLUDING THE LEVELS OF COMMODITY SUPPLY AVAILABILITY,  
4 OF AVAILABLE PIPELINE AND STORAGE CAPACITY, AND OF DEMAND IN THE REGIONS  
5 OF THE STATE;

6 (VII) A DESCRIPTION OF THE LOAD FORECASTING METHODOLOGY AND THE  
7 ASSUMPTIONS AND DATA USED IN THE PREPARATION OF THE FORECASTS, SPECIF-  
8 ICALLY INCLUDING PROJECTIONS OF DEMOGRAPHIC AND ECONOMIC ACTIVITY AND  
9 SUCH OTHER FACTORS, STATEWIDE AND BY SERVICE AREA WHERE APPLICABLE,  
10 WHICH MAY INFLUENCE DEMAND FOR NATURAL GAS, AND THE BASES FOR SUCH  
11 PROJECTIONS;

12 (VIII) A STATEMENT OF RESEARCH AND DEVELOPMENT PLANS, INCLUDING OBJEC-  
13 TIVES AND PROGRAMS IN THE AREAS OF ENERGY CONSERVATION AND NEW ENERGY  
14 TECHNOLOGIES, RECENT RESULTS OF SUCH PROGRAMS UNDERTAKEN OR FUNDED TO  
15 DATE, AND AN ASSESSMENT OF THE POTENTIAL IMPACTS OF SUCH RESULTS;

16 (IX) PROPOSED POLICIES, OBJECTIVES AND STRATEGIES FOR MEETING THE  
17 STATE'S FUTURE GAS NEEDS; AND

18 (X) SUCH ADDITIONAL INFORMATION AS THE BOARD MAY, BY REGULATION,  
19 REQUIRE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

20 (C) SUCH INFORMATION FROM MAJOR PETROLEUM SUPPLIERS AND MAJOR COAL  
21 SUPPLIERS AS THE BOARD MAY, BY REGULATION, REQUIRE TO CARRY OUT THE  
22 PURPOSES OF THIS ARTICLE.

23 (D) SUCH OTHER INFORMATION FROM OWNERS AND OPERATORS OF ELECTRIC  
24 GENERATING POWER PLANTS AS THE BOARD MAY, BY REGULATION, REQUIRE TO  
25 CARRY OUT THE PURPOSES OF THIS ARTICLE.

26 4. ANY INFORMATION FILED UNDER THIS SECTION THAT IS CLAIMED TO BE  
27 CONFIDENTIAL SHALL BE TREATED IN ACCORDANCE WITH REGULATIONS ADOPTED BY  
28 THE BOARD PERTAINING TO THE DETERMINATION OF CONFIDENTIAL STATUS AND THE  
29 RETENTION OF CONFIDENTIAL RECORDS.

30 5. COPIES OF THE DRAFT PLAN, AND ALL NON-CONFIDENTIAL INFORMATION AND  
31 COMMENTS FILED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO THE  
32 PUBLIC FOR INSPECTION.

33 6. THE BOARD MAY AMEND THE STATE ENERGY PLAN, OR ASPECTS THEREOF, UPON  
34 ITS OWN INITIATIVE OR UPON THE WRITTEN APPLICATION OF ANY INTERESTED  
35 PERSON. IN CONNECTION WITH ANY SUCH AMENDMENT, THE BOARD MAY REQUIRE THE  
36 FILING OF SUCH INFORMATION AS MAY BE REQUIRED, CONSISTENT WITH REGU-  
37 LATION. PRIOR TO ADOPTING ANY PROPOSED AMENDMENT TO AN ELEMENT OF THE  
38 PLAN IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTICLE, THE  
39 BOARD SHALL HOLD EVIDENTIARY HEARINGS, UPON THE WRITTEN APPLICATION OF  
40 AN INTERESTED PARTY. PRIOR TO ADOPTING A PROPOSED AMENDMENT TO ANY  
41 ELEMENT OF THE PLAN, THE BOARD SHALL PREPARE AND PUBLISH IN THE STATE  
42 REGISTER NOTICE OF ANY DRAFT AMENDMENT AND REASONS THEREFOR AND SHALL  
43 SOLICIT PUBLIC COMMENTS THEREON. THE BOARD SHALL ADOPT AN AMENDMENT TO  
44 THE STATE ENERGY PLAN, OR ASPECTS THEREOF, UPON A FINDING BY THE BOARD  
45 THAT THERE HAS BEEN A MATERIAL AND SUBSTANTIAL CHANGE IN FACT OR CIRCUM-  
46 STANCE SINCE THE MOST RECENT PLAN WAS ADOPTED. A DECISION OF THE BOARD  
47 THAT NO AMENDMENT IS NECESSARY, TOGETHER WITH THE REASONS SUPPORTING  
48 SUCH DETERMINATION, SHALL BE FINAL.

49 7. ANY PERSON WHO PARTICIPATED IN THE STATE ENERGY PLANNING PROCEEDING  
50 OR ANY PERSON WHO SOUGHT AN AMENDMENT OF THE STATE ENERGY PLAN PURSUANT  
51 TO SUBDIVISION SIX OF THIS SECTION, MAY OBTAIN, PURSUANT TO ARTICLE  
52 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, JUDICIAL REVIEW OF  
53 THE BOARD'S DECISION ADOPTING A PLAN, OR ANY AMENDMENT THERETO, OR OF  
54 THE BOARD'S DECISION NOT TO AMEND SUCH PLAN PURSUANT TO SUBDIVISION SIX  
55 OF THIS SECTION. ANY SUCH SPECIAL PROCEEDING SHALL BE BROUGHT IN THE  
56 APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK FOR THE



1 THIRD JUDICIAL DEPARTMENT. SUCH PROCEEDING SHALL BE INITIATED BY THE  
2 FILING OF A PETITION IN SUCH COURT WITHIN THIRTY DAYS AFTER THE ISSUANCE  
3 OF A DECISION BY THE BOARD. THE PROCEEDING SHALL HAVE A LAWFUL PREFER-  
4 ENCE OVER ANY OTHER MATTER, SHALL BE HEARD ON AN EXPEDITED BASIS AND  
5 SHALL BE COMPLETED IN ALL RESPECTS, INCLUDING ANY SUBSEQUENT APPEAL,  
6 WITHIN ONE HUNDRED EIGHTY DAYS OF THE FILING OF THE PETITION. WHERE MORE  
7 THAN ONE SUCH PETITION IS FILED, THE COURT MAY PROVIDE FOR CONSOLIDATION  
8 OF THE PROCEEDINGS. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF  
9 THE PUBLIC SERVICE LAW, THE PROCEDURE SET FORTH IN THIS SECTION SHALL  
10 CONSTITUTE THE EXCLUSIVE MEANS FOR SEEKING JUDICIAL REVIEW OF ANY  
11 ELEMENT OF THE PLAN.

12 8. PROCEEDINGS CONDUCTED PURSUANT TO THIS SECTION SHALL NOT BE CONSID-  
13 ERED PART OF AN ADJUDICATORY PROCEEDING AS DEFINED IN SUBDIVISION THREE  
14 OF SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, OR  
15 PART OF A RULE MAKING PROCEEDING HELD UNDER SUBDIVISION ONE OF SECTION  
16 TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

17 S 6-108. SUPPLEMENTAL STUDIES FOR FUTURE ENERGY PLANNING. THE BOARD  
18 SHALL UNDERTAKE THE FOLLOWING STUDIES TO SUPPLEMENT INFORMATION FOR  
19 FUTURE ENERGY PLANNING:

20 1. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TWELVE, AND EVERY FOUR  
21 YEARS THEREAFTER, THE BOARD SHALL UNDERTAKE A STUDY OF THE OVERALL RELI-  
22 ABILITY OF THE STATE'S ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM.  
23 THE BOARD MAY CONTRACT WITH AN INDEPENDENT AND COMPETITIVELY SELECTED  
24 CONTRACTOR TO UNDERTAKE SUCH STUDY. THE BOARD SHALL PREPARE A REPORT ON  
25 SUCH STUDY'S FINDINGS AND LEGISLATIVE RECOMMENDATIONS. THE BOARD SHALL  
26 TRANSMIT SUCH REPORT ALONG WITH THE RELIABILITY STUDY TO THE GOVERNOR,  
27 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
28 CHAIR OF THE ASSEMBLY ENERGY COMMITTEE, AND THE CHAIR OF THE SENATE  
29 ENERGY AND TELECOMMUNICATIONS COMMITTEE.

30 2. SUCH STUDY SHALL INCLUDE, AT A MINIMUM, AN ASSESSMENT OF EACH OF  
31 THE FOLLOWING:

32 (A) THE CURRENT AND PROJECTED RELIABILITY OF THE ELECTRIC POWER SYSTEM  
33 OVER THE TERM OF THE PLANNING PERIOD, WITH SPECIFIC FOCUS ON TRANS-  
34 MISSION SYSTEMS AND DISTRIBUTION SYSTEMS WITHIN THE STATE. THE ASSESS-  
35 MENT SHALL EXAMINE: (I) INVESTMENT IN INFRASTRUCTURE, INCLUDING CAPITAL  
36 IMPROVEMENTS, EXPANSIONS, AND MAINTENANCE; AND (II) WORKFORCE UTILIZA-  
37 TION.

38 (B) THE POTENTIAL IMPACT OF THE FOLLOWING ON DISTRIBUTION SYSTEM RELI-  
39 ABILITY AND ON EACH FACTOR ENUMERATED IN PARAGRAPH (A) OF THIS SUBDIVI-  
40 SION: (I) DISTRIBUTED ELECTRIC GENERATION, ESPECIALLY GENERATION USING  
41 RENEWABLE OR INNOVATIVE ENERGY RESOURCES; (II) ENERGY CONSERVATION AND  
42 EFFICIENCY; (III) LOAD CONTROL AND PEAK SAVING MEASURES; (IV) CORPORATE  
43 REORGANIZATION OF ELECTRIC UTILITIES; (V) PERFORMANCE RATEMAKING,  
44 MULTI-YEAR RATE AGREEMENTS, AND OTHER DEPARTURES FROM TRADITIONAL REGU-  
45 LATORY MECHANISMS; AND (VI) LARGE SCALE INDUSTRIAL DEVELOPMENT.

46 (C) THE POTENTIAL IMPACT OF THE FOLLOWING ON TRANSMISSION SYSTEM RELI-  
47 ABILITY: (I) EACH FACTOR ENUMERATED IN PARAGRAPH (B) OF THIS SUBDIVI-  
48 SION; (II) CHANGES IN PROTOCOLS FOR ELECTRICITY DISPATCHED THROUGH THE  
49 BSO OR ITS SUCCESSOR OR SUCCESSORS; (III) ACCOMMODATION OF PROPOSED NEW  
50 ELECTRIC GENERATION FACILITIES OR REPOWERING OR LIFE EXTENSION OF EXIST-  
51 ING FACILITIES; AND (IV) THE MARKET-DRIVEN NATURE OF DECISIONS TO BUILD,  
52 SIZE, AND LOCATE SUCH FACILITIES.

53 3. THE BOARD AND ANY CONTRACTORS IT MAY RETAIN FOR SUCH PURPOSES SHALL  
54 CONSULT WITH ENTITIES THAT HAVE RESOURCES AND EXPERTISE TO ASSIST IN  
55 SUCH STUDY, INCLUDING, BUT NOT LIMITED TO, THE BSO, PUBLIC UTILITIES,  
56 AND ANY OTHER ELECTRIC COMPANY OR TRADE ORGANIZATIONS.

1 (A) THE LONG ISLAND POWER AUTHORITY, THE POWER AUTHORITY OF THE STATE  
2 OF NEW YORK, THE DEPARTMENT OF PUBLIC SERVICE, AND THE BSO SHALL COOPER-  
3 ATE WITH THE BOARD AND ITS CONTRACTOR.

4 (B) THE LONG ISLAND POWER AUTHORITY AND THE POWER AUTHORITY OF THE  
5 STATE OF NEW YORK ARE AUTHORIZED, AS DEEMED FEASIBLE AND ADVISABLE BY  
6 THEIR RESPECTIVE BOARDS, TO MAKE A VOLUNTARY CONTRIBUTION TOWARD THE  
7 STUDY.

8 S 2. Section 1005 of the public authorities law is amended by adding a  
9 new subdivision 16 to read as follows:

10 16. TO COMPLETE A BIENNIAL ENERGY PLAN IN ACCORDANCE WITH THE  
11 PROVISIONS OF ARTICLE SIX OF THE ENERGY LAW. IN ADDITION TO ANY REQUIRE-  
12 MENTS OF ARTICLE SIX OF THE ENERGY LAW, THE AUTHORITY SHALL PROVIDE  
13 COPIES OF ITS BIENNIAL ENERGY PLAN TO THE GOVERNOR, THE TEMPORARY PRESI-  
14 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE ASSEM-  
15 BLY COMMITTEE ON ENERGY AND THE CHAIR OF THE SENATE COMMITTEE ON ENERGY  
16 AND TELECOMMUNICATIONS. FURTHER, THE AUTHORITY SHALL COOPERATE AND  
17 PARTICIPATE IN THE STATE ENERGY PLANNING PROCEDURES AS ENUMERATED IN  
18 ARTICLE SIX OF THE ENERGY LAW.

19 S 3. Sections 1020-gg, 1020-hh and 1020-ii of the public authorities  
20 law, as renumbered by chapter 234 of the laws of 2004, are renumbered  
21 sections 1020-hh, 1020-ii and 1020-jj and a new section 1020-gg is added  
22 to read as follows:

23 S 1020-GG. ENERGY PLAN. THE AUTHORITY SHALL COMPLETE A BIENNIAL ENERGY  
24 PLAN IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SIX OF THE ENERGY LAW.  
25 IN ADDITION TO ANY REQUIREMENTS OF ARTICLE SIX OF THE ENERGY LAW, THE  
26 AUTHORITY SHALL PROVIDE COPIES OF ITS BIENNIAL ENERGY PLAN TO THE GOVER-  
27 NOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY,  
28 THE CHAIR OF THE ASSEMBLY COMMITTEE ON ENERGY AND THE CHAIR OF THE  
29 SENATE COMMITTEE ON ENERGY AND TELECOMMUNICATIONS. FURTHER, THE AUTHORI-  
30 TY SHALL COOPERATE AND PARTICIPATE IN THE STATE ENERGY PLANNING PROCE-  
31 DURES AS ENUMERATED IN ARTICLE SIX OF THE ENERGY LAW.

32 S 4. The first draft copy of the state energy plan pursuant to section  
33 6-104 of the energy law shall be presented for public comment on or  
34 before September 1, 2012 and the final draft of such plan shall be  
35 issued on or before March 15, 2013.

36 S 5. This act shall take effect immediately.