

8825--A

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. CAHILL, SILVER, FARRELL, O'MARA -- Multi-Sponsored by -- M. of A. ALESSI, AMEDORE, BENEDETTO, BOYLAND, CHRISTENSEN, CLARK, COLTON, CRESPO, DESTITO, ENGLEBRIGHT, GABRYSZAK, GALEF, GORDON, JACOBS, JAFFEE, KOON, LANCMAN, LATIMER, LAVINE, LIFTON, LUPARDO, MARKEY, MOLINARO, PHEFFER, RAMOS, REILLY, ROSENTHAL, RUSSELL, SCHIMEL, SKARTADOS, SPANO, STIRPE, TITONE, WEINSTEIN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, chapter 316 of the laws of 1997 amending the public authorities law and other laws relating to the provision of low cost power to foster statewide economic development, the tax law and chapter 645 of the laws of 2006 amending the economic development law and other laws relating to reauthorizing the New York power authority to make contributions to the general fund, in relation to extending the expiration of the power for jobs program and the energy cost savings benefits program; and to amend the public authorities law, in relation to authorizing an additional voluntary contribution into the state treasury under the power for jobs program; and to amend the public authorities law, in relation to an energy audit program

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

1 Section 1. Paragraphs 2 and 4 of subdivision (h) of section 183 of the
2 economic development law, paragraph 2 as amended by section 1 of part Y
3 of chapter 59 of the laws of 2008 and paragraph 4 as amended by chapter
4 89 of the laws of 2007, are amended to read as follows:

5 2. During the period commencing on November first, two thousand five
6 and ending on [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN
7 eligible businesses shall only include customers served under the power
8 authority of the state of New York's high load factor, economic develop-
9 ment power and other business customers served by political subdivisions

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

1 of the state authorized by law to engage in the distribution of electric
2 power that were authorized to be served by the authority from the
3 authority's former James A. Fitzpatrick nuclear power plant as of the
4 effective date of this subdivision whose power prices may be subject to
5 increase before [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN.
6 Provided, however, that the total amount of megawatts of replacement and
7 preservation power which, due to the extension of the energy cost
8 savings benefits, are not relinquished by or withdrawn from a recipient
9 shall be deemed to be relinquished or withdrawn for purposes of offering
10 such megawatts by the authority for reallocation pursuant to subdivision
11 thirteen of section one thousand five of the public authorities law.
12 Provided, further, that for any such reallocation, the authority shall
13 maintain the same energy cost savings benefit level for all eligible
14 businesses using any available authority resources as deemed feasible
15 and advisable by the trustees pursuant to section seven of part U of
16 chapter fifty-nine of the laws of two thousand six.

17 4. Applications for an energy cost savings benefit shall be in the
18 form and contain such information, exhibits and supporting data as the
19 board may prescribe. The board shall review the applications received
20 and shall determine the applications which best meet the criteria estab-
21 lished for the benefits pursuant to this subdivision and it shall recom-
22 mend such applications to the power authority of the state of New York
23 with such terms and conditions as it deems appropriate; provided, howev-
24 er, that for energy cost savings benefits granted on or after June thir-
25 tieth, two thousand [seven] NINE through [June thirtieth] MAY FIFTEENTH,
26 two thousand [eight] TEN, the board shall expedite the awarding of such
27 benefits and shall defer the review of compliance with such criteria
28 until after the applicant has been awarded an energy cost savings bene-
29 fit. Such terms and conditions shall include reasonable provisions
30 providing for the partial or complete withdrawal of the energy cost
31 savings benefit in the event the recipient fails to maintain mutually
32 agreed upon commitments that may include, but are not limited to, levels
33 of employment, capital investment and power utilization. Recommendation
34 for approval of an energy cost savings benefit shall qualify an appli-
35 cant to receive an energy cost savings benefit from the power authority
36 of the state of New York pursuant to the terms and conditions of the
37 recommendation.

38 S 2. The opening paragraph of paragraph 5 of subdivision (a) of
39 section 189 of the economic development law, as amended by section 2 of
40 part Y of chapter 59 of the laws of 2008, is amended to read as follows:
41 "Power for jobs electricity savings reimbursements" shall mean
42 payments made by the power authority of the state of New York as recom-
43 mended by the board to recipients of allocations of power under phases
44 four and five of the power for jobs program for a period of time until
45 November thirtieth, two thousand four, subsequent to the expiration of
46 their phase four or five power for jobs contract provided however that
47 any power for jobs recipient may choose to receive an electricity
48 savings reimbursement as a substitute for a contract extension for the
49 period from the date the recipient's contract expires through [June
50 thirtieth] MAY FIFTEENTH, two thousand [nine] TEN. The "basic
51 reimbursement" is an amount that when credited against the recipient's
52 actual "unit cost of electricity" during a quarter (meaning the cost for
53 commodity and delivery per kilowatt-hour for the quantity of electricity
54 purchased and delivered under the power for jobs program during a simi-
55 lar period in the final year of the recipient's contract), results in an
56 effective unit cost of electricity during the quarter equal to the aver-

1 age unit cost of electricity such recipient paid during the final year
2 of the contract for power allocated under phase four or five of the
3 power for jobs program.

4 S 3. Subdivisions (f) and (l) of section 189 of the economic develop-
5 ment law, as amended by section 3 of part Y of chapter 59 of the laws of
6 2008, are amended to read as follows:

7 (f) Eligibility. The board shall recommend applications for allo-
8 cations of power under the power for jobs program to or for the use of
9 businesses which normally utilize a minimum peak electric demand in
10 excess of four hundred kilowatts; provided, however, that up to one
11 hundred megawatts of power available for allocation during the initial
12 three phases of the power for jobs program may be recommended for allo-
13 cations to not-for-profit corporations and to small businesses; and,
14 provided, further that up to seventy-five megawatts of power available
15 for allocation during the fourth phase of the program may be recommended
16 for allocations to not-for-profit corporations and to small businesses.
17 The board may require small businesses that normally utilize a minimum
18 peak electric demand of less than one hundred kilowatts to aggregate
19 their electric demand in amounts of no less than one hundred kilowatts,
20 for the purposes of applying to the board for an allocation of power.
21 The board shall recommend allocations of the additional three hundred
22 megawatts available during the fourth phase of the program to any such
23 eligible applicant, including any recipient of power allocated during
24 the first phase of the program. The board shall recommend allocations of
25 the additional one hundred eighty-three megawatts available during the
26 fifth phase of the program to any eligible applicant, including any
27 recipient of power allocated during the second and third phases of the
28 program; provided, however, that the term of contracts for allocations
29 under the fifth phase of the program shall in no case extend beyond
30 [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN. Notwithstand-
31 ing any provision of law to the contrary, and, in particular, the
32 provisions of this chapter concerning the terms of contracts for allo-
33 cations under the power for jobs program, the terms of any contract with
34 a recipient of power allocated under phase two of the power for jobs
35 program that has expired or will expire on or before the thirty-first
36 day of August, two thousand two, may be extended by the power authority
37 of the state of New York for an additional period of three months effec-
38 tive on the date of such expiration, pending the filing and approval of
39 an application by such recipient for an allocation under the fifth phase
40 of the program. The term of any new contract with such recipient under
41 the fifth phase of the program shall be deemed to include any three
42 month contract extension made pursuant to this subdivision and the
43 termination date of any such new contract under phase five shall be no
44 later than if such new contract had commenced upon the expiration of the
45 recipient's original phase two contract. The terms of any contract with
46 a recipient of power allocated under phase four and/or phase five of the
47 power for jobs program that has expired or will expire on or before the
48 thirty-first day of December, two thousand five, may be extended by the
49 power authority of the state of New York from a date beginning no earli-
50 er than the first day of December, two thousand four and extending
51 through [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN.

52 (l) The board shall solicit and review applications for the power for
53 jobs electricity savings reimbursements and contract extensions from
54 recipients of power for jobs allocations under phases four and five of
55 the program for the award of such reimbursements and/or contract exten-
56 sions. The board may prescribe a simplified form and content for an

1 application for such reimbursements or extensions. An applicant shall be
2 eligible for such reimbursements and/or extensions only if it is in
3 compliance with and agrees to continue to meet the job retention and
4 creation commitments set forth in its prior power for jobs contract, or
5 such other commitments as the board deems reasonable; provided, however,
6 that for the power for jobs electricity savings reimbursements and
7 contract extensions granted on or after June thirtieth, two thousand
8 [seven] NINE through [June thirtieth] MAY FIFTEENTH, two thousand
9 [eight] TEN, the board shall expedite the awarding of such reimburse-
10 ments and/or extensions and shall defer the review of compliance with
11 such commitments until after the applicant has been awarded a power for
12 jobs electricity savings reimbursement and/or contract extension. The
13 board shall review such applications and make recommendations for the
14 award: 1. of such reimbursements through the power authority of the
15 state of New York for a period of time up to November thirtieth, two
16 thousand four, and 2. of such contract extensions or reimbursements as
17 applied for by the recipient for a period of time beginning December
18 first, two thousand four and ending [June thirtieth] MAY FIFTEENTH, two
19 thousand [nine] TEN. At no time shall a recipient receive both a
20 reimbursement and extension after December first, two thousand four. The
21 power authority of the state of New York shall receive notification from
22 the board regarding the award of power for jobs electricity savings
23 reimbursements and/or contract extensions.

24 S 4. Section 9 of chapter 316 of the laws of 1997 amending the public
25 authorities law and other laws relating to the provision of low cost
26 power to foster statewide economic development, as amended by section 4
27 of part Y of chapter 59 of the laws of 2008, is amended to read as
28 follows:

29 S 9. This act shall take effect immediately and shall expire and be
30 deemed repealed [June 30] MAY 15, [2009] 2010.

31 S 5. Subdivision 9 of section 186-a of the tax law, as amended by
32 section 5 of part Y of chapter 59 of the laws of 2008, is amended to
33 read as follows:

34 9. Notwithstanding any other provision of this chapter or any other
35 law to the contrary, for taxable periods nineteen hundred ninety-seven
36 through and including two thousand [nine] TEN, any utility which deliv-
37 ers power under the power for jobs program, as established by section
38 one hundred eighty-nine of the economic development law, shall be
39 allowed a credit, subject to the limitations thereon contained in this
40 subdivision, against the tax imposed under this section equal to net
41 lost revenues from the delivery of power under such power for jobs
42 program. Net lost revenues means the "net receipts" less "net utility
43 revenue" from such delivery of power. For purposes of this subdivision,
44 "net receipts" shall mean the amount that the utility would have other-
45 wise received from customers receiving power pursuant to allocations by
46 the New York state economic development power allocation board in
47 accordance with section one hundred eighty-nine of the economic develop-
48 ment law, or from customers whose allocation has been transferred to an
49 energy service company, or from energy service companies to which such
50 allocation has been transferred, pursuant to its tariff supervised by
51 the public service commission for substantially comparable service
52 otherwise applicable to such customers or energy service companies in
53 the absence of such designation, less the utility's annual average
54 incremental short-term variable and capacity costs of providing such
55 power in the absence of such purchase. For the purposes of this subdivi-
56 sion, "net utility revenue" shall mean the revenues the utility actually

1 receives in accordance with such section one hundred eighty-nine from
2 such customers so designated by the New York state economic development
3 power allocation board or from customers whose allocation has been
4 transferred to an energy service company, or from the energy service
5 companies to which a power for jobs allocation has been transferred,
6 less the utility's cost of such power under such program. Provided,
7 however, that any credit under this section shall be used only with
8 respect to the same taxable year during which such credit arose and
9 shall not be capable of being carried forward or backward to any other
10 taxable period. Nor shall any credit be allowed to any utility for the
11 total amount of power, expressed in kilowatt hours, purchased by the
12 customers of such utility under such program during the taxable period
13 that exceeds the prorated "baseline energy use" by all customers of that
14 utility purchasing power under such program during the taxable period.
15 "Baseline energy use" with respect to each customer shall mean the larg-
16 est amount of kilowatt hours of energy used by such customer during any
17 twelve consecutive month period occurring during the preceding thirty
18 months immediately preceding the New York state economic development
19 power allocation board's recommendation of such customer's application,
20 prorated to reflect the length of time of the customer's participation
21 in such program during the taxable period. Provided further, however,
22 that in accordance with subdivision (k) of section one hundred eighty-
23 nine of the economic development law no tax credit shall be available
24 for any revenue losses when a utility has declined to purchase power
25 allocated for sale under such program. No electric corporation shall be
26 allowed the tax credit authorized by this subdivision until it shall
27 file a certificate from the department of public service for the period
28 covered by the return verifying that the calculation of such tax credit
29 complies with this subdivision and the department of public service has
30 approved such certificate and forwarded a copy of such approved certif-
31 icate to the commissioner or any amended certificate resulting from the
32 need for correction. The credit allowed by this subdivision shall not be
33 applicable in calculating any other tax imposed or authorized to be
34 imposed by this chapter or any other law, and the amount of the tax
35 surcharge imposed under section one hundred eighty-six-c of this article
36 shall be calculated and payable as if the credit provided for by this
37 subdivision were not allowed.

38 S 6. Section 11 of chapter 645 of the laws of 2006 amending the
39 economic development law and other laws relating to reauthorizing the
40 New York power authority to make contributions to the general fund, as
41 amended by section 6 of part Y of chapter 59 of the laws of 2008, is
42 amended to read as follows:

43 S 11. This act shall take effect immediately and shall be deemed to
44 have been in full force and effect on and after April 1, 2006; provided,
45 however, that the amendments to section 183 of the economic development
46 law and subparagraph 2 of paragraph g of the ninth undesignated para-
47 graph of section 1005 of the public authorities law made by sections two
48 and six of this act shall not affect the expiration of such section and
49 subparagraph, respectively, and shall be deemed to expire therewith;
50 provided further, however, that the amendments to section 189 of the
51 economic development law and subdivision 9 of section 186-a of the tax
52 law made by sections three, four, five and ten of this act shall not
53 affect the repeal of such section and subdivision, respectively, and
54 shall be deemed to be repealed therewith; provided further, however,
55 that section seven of this act shall expire and be deemed repealed [June
56 30] MAY 15, [2009] 2010.

1 S 7. Subparagraph 2 of paragraph g of the ninth undesignated para-
2 graph of section 1005 of the public authorities law, as amended by
3 section 7 of part Y of chapter 59 of the laws of 2008, is amended to
4 read as follows:

5 2. The authority, as deemed feasible and advisable by the trustees, is
6 authorized to make payments to recipients of the power for jobs elec-
7 tricity savings reimbursements and additional annual voluntary contrib-
8 utions into the state treasury to the credit of the general fund. The
9 authority shall make such contributions to the state treasury no later
10 than ninety days after the end of the calendar year in which a credit
11 under subdivision nine of section one hundred eighty-six-a of the tax
12 law is available: (a) for the additional three hundred megawatts of
13 power under the fourth phase of the program provided under chapter
14 sixty-three of the laws of two thousand and under the fifth phase for
15 the additional one hundred eighty-three megawatts provided under chapter
16 two hundred twenty-six of the laws of two thousand two; and (b) for any
17 extension of any contract for allocations under the fourth phase of the
18 program and under the fifth phase of the program. Payments for any elec-
19 tricity savings reimbursement under section one hundred eighty-nine of
20 the economic development law shall be made pursuant to such section.
21 Such annual contributions shall be equal to fifty percent of the total
22 amount of such credits available each year to all local distributors of
23 electricity. In addition, such authorization for contribution in state
24 fiscal year two thousand two--two thousand three shall be equal to the
25 total amount of credit available in two thousand one and two thousand
26 two; and such authorization for contribution in state fiscal year two
27 thousand three--two thousand four shall be equal to the total amount of
28 credit available in two thousand three; under subdivision nine of
29 section one hundred eighty-six-a of the tax law under the fourth phase
30 of the program for the additional three hundred megawatts provided under
31 chapter sixty-three of the laws of two thousand and under the fifth
32 phase for the additional one hundred eighty-three megawatts provided
33 under chapter two hundred twenty-six of the laws of two thousand two. In
34 state fiscal year two thousand four--two thousand five, such authorized
35 annual contribution shall be equal to one hundred percent of the total
36 amount of such credits available each year to all local distributors of
37 electricity. Such authorization for contribution in state fiscal years
38 two thousand four and two thousand five shall be equal to the total
39 amount of credit available in two thousand four and two thousand five;
40 under subdivision nine of section one hundred eighty-six-a of the tax
41 law under the fourth phase of the program for the additional three
42 hundred megawatts provided under chapter sixty-three of the laws of two
43 thousand and under the fifth phase for the additional one hundred eight-
44 y-three megawatts provided under chapter two hundred twenty-six of the
45 laws of two thousand two. In addition, such authorization for contrib-
46 ution for any extension of any contract for allocations under the fourth
47 phase of the program and under the fifth phase of the program in each
48 state fiscal year shall be equal to the total amount of credit or
49 reimbursement available in state fiscal year two thousand four--two
50 thousand five, state fiscal year two thousand five--two thousand six and
51 two thousand six--two thousand seven. Additionally, notwithstanding any
52 other section of law, the authority is authorized to make a contribution
53 in an amount related to total amounts of credit received under phases
54 one, two, three, four and five of the program. In no case shall the
55 contribution for state fiscal year two thousand five--two thousand six
56 be less than seventy-five million dollars. The contribution for state

1 fiscal year two thousand six--two thousand seven shall be one hundred
2 million dollars. The contribution for state fiscal year two thousand
3 seven--two thousand eight shall be thirty million dollars. The contrib-
4 ution for state fiscal year two thousand eight--two thousand nine shall
5 be twenty-five million dollars. THE CONTRIBUTION FOR STATE FISCAL YEAR
6 TWO THOUSAND NINE--TWO THOUSAND TEN SHALL BE TWELVE MILLION FIVE HUNDRED
7 THOUSAND DOLLARS. The department of public service shall estimate the
8 payment due by the end of the calendar year in which the credit is
9 available. In no case shall the amount of the total annual contributions
10 for the years during which delivery and sale of power associated with
11 all power for jobs phases and any extensions thereof takes place exceed
12 the aggregate total of four hundred [forty-nine] SIXTY-ONE million FIVE
13 HUNDRED THOUSAND dollars.

14 S 8. Section 182 of the economic development law, as amended by chap-
15 ter 289 of the laws of 2000, is amended to read as follows:

16 S 182. The New York state economic development power allocation board.
17 There is hereby created a New York state economic development power
18 allocation board, which shall possess the powers and duties herein spec-
19 ified and all the powers necessary or proper to carry out the purposes
20 of this article. The board shall consist of [four] EIGHT members, two of
21 whom shall be appointed by the governor [and one], TWO of whom shall be
22 appointed by the speaker of the assembly [and one], TWO of whom shall be
23 appointed by the president pro tempore of the senate, ONE OF WHOM SHALL
24 BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY AND ONE OF WHOM
25 SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. Each member
26 shall be appointed for terms of three years or until a successor shall
27 have been named and qualified. The chairman shall be designated by the
28 governor from amongst the members. [Three] FIVE members shall constitute
29 a quorum for the purposes of organizing the board and conducting the
30 business thereof; and no actions of the board may be taken except upon
31 the affirmative vote of at least [three] FIVE members. Videoconferencing
32 may be used for attendance and participation by members of the board. If
33 videoconferencing is used the board shall provide an opportunity for the
34 public to attend, listen and observe at any site at which a member
35 participates. The public notice for the meeting shall inform the public
36 that [vidioconferencing] VIDEOCONFERENCING will be used, identify the
37 locations for the meeting, and state that the public has the right to
38 attend the meeting at any of the locations. Members of the board, except
39 those who are employees or officers of the state, its authorities or
40 agencies shall not receive a salary or other compensation, but shall be
41 allowed the necessary and actual expenses incurred in the performance of
42 duties under this article.

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

45 16. THE AUTHORITY SHALL CREATE AN ENERGY AUDIT PROGRAM FOR THE RECIPI-
46 ENTS OF THE AUTHORITY'S LOW COST POWER PROGRAMS.

47 A. TO ENSURE THE MOST JUDICIAL AND PRUDENT USE OF ENERGY RESOURCES, A
48 REQUIREMENT FOR ONGOING PARTICIPATION IN ECONOMIC DEVELOPMENT POWER,
49 EXPANSION POWER, REPLACEMENT POWER, PRESERVATION POWER, HIGH LOAD FACTOR
50 POWER, MUNICIPAL DISTRIBUTION AGENCY POWER AND THE POWER FOR JOBS
51 PROGRAMS, RECIPIENTS OF BENEFITS UNDER SUCH PROGRAMS SHALL UNDERGO ENER-
52 GY AUDITS AS DESCRIBED IN PARAGRAPH B OF THIS SUBDIVISION.

53 B. THE AUTHORITY SHALL PERFORM OR CAUSE TO BE PERFORMED ENERGY AUDITS
54 FOR ALL RECIPIENTS OF ECONOMIC DEVELOPMENT POWER, EXPANSION POWER,
55 REPLACEMENT POWER, PRESERVATION POWER, HIGH LOAD FACTOR POWER, MUNICIPAL
56 DISTRIBUTION AGENCY POWER AND POWER UNDER THE POWER FOR JOBS PROGRAMS.

1 THE AUDITS SHALL ASSESS A RECIPIENT'S ELECTRICITY USE TO DETERMINE (I)
2 POSSIBLE ENERGY CONSERVATION AND EFFICIENCY MEASURES THAT MAY BE
3 INSTALLED AND (II) THE FEASIBILITY OF ONSITE POWER GENERATION FOR
4 COMBINED HEAT AND POWER AND/OR DISTRIBUTED GENERATION PURPOSES. THE
5 AUTHORITY SHALL CONDUCT THE AUDITS IN A MANNER THAT WILL PROVIDE FOR A
6 REPRESENTATIVE SAMPLE OF THE PROGRAM RECIPIENTS, AS CATEGORIZED BY THE
7 PROGRAM OF ENROLLMENT, TYPE OF BUSINESS, GEOGRAPHY FOR STATEWIDE
8 PROGRAMS AND ALLOCATION SIZE. RECIPIENTS THAT HAVE HAD AN ENERGY AUDIT
9 PERFORMED UP TO FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVI-
10 SION MAY BE CONSIDERED TO HAVE SATISFIED THE REQUIREMENTS OF THIS SUBDI-
11 VISION, IF THE AUTHORITY FINDS THE AUDIT TO BE SUFFICIENT. COSTS ASSO-
12 CIATED WITH PERFORMING ENERGY AUDITS SHALL BE PAID BY THE POWER
13 AUTHORITY OF THE STATE OF NEW YORK AS DEEMED FEASIBLE AND ADVISABLE BY
14 THE BOARD.

15 C. THE AUTHORITY SHALL COMPLETE AND SUBMIT AN ANNUAL PROGRESS REPORT
16 ON THE ENERGY AUDIT PROGRAM TO THE GOVERNOR, THE SPEAKER OF THE ASSEM-
17 BLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE
18 SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY, THE CHAIR OF THE SENATE
19 FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE,
20 THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE AND THE CHAIR OF THE SENATE
21 ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE STATE COMPTROLLER BY
22 DECEMBER THIRTIETH, TWO THOUSAND NINE AND ON SUCH DATE EVERY YEAR HERE-
23 AFTER UNTIL ALL RECIPIENTS HAVE COMPLETED THE AUDIT PROGRAM.

24 S 10. (a) The department of economic development and the power author-
25 ity of the state of New York shall complete and submit a report on the
26 power authority's low cost power programs. The report shall examine the
27 replacement, expansion, preservation power programs, the industrial
28 economic development power program, the power for jobs programs, and the
29 economic cost saving benefits power programs. Information to be
30 presented in the report shall reflect the state of the programs as of
31 June 30, 2009 and the year prior and shall include but not be limited
32 to:

33 i. a short history of the programs;
34 ii. a complete list of all recipients of these programs grouped by
35 program;
36 iii. the city or town and county of each recipient;
37 iv. the allocation allotted to each recipient;
38 v. annualized retail value for each recipient's allocation;
39 vi. the metric for calculating the annualized retail value;
40 vii. the original employment commitment from each recipient;
41 viii. the current employment level for each recipient; and
42 ix. an assessment by the department of economic development of the
43 economic benefits to New York, which shall include, but not be limited
44 to: jobs created and retained, level of capital investment, wage and
45 benefit levels, and the effect of regional economies; and shall include
46 an assessment on the effect of these programs considering the ongoing
47 economic conditions in the state.

48 The report shall also include a brief description of the preference
49 power program including the total power available to the program as
50 measured in megawatts, the total power used by the program as measured
51 in megawatt hours for the program as a whole and by utility service
52 area, an estimated annualized retail value for the program and the
53 metric for calculating that value.

54 The report shall be submitted by September 30, 2009 to the governor,
55 the speaker of the assembly, the temporary president of the senate, the
56 minority leader of the senate, the minority leader of the assembly, the

1 chair of the senate finance committee, the chair of the assembly ways
2 and means committee, the chair of the assembly energy committee, the
3 chair of the senate energy and telecommunications committee, and the
4 state comptroller and shall be made available on the authority's website
5 and, except for the program's summaries, the report's information shall
6 be presented in a spreadsheet format.

7 (b) The power authority of the state of New York shall provide copies
8 of all reports required by subdivision 14 of section 1005 of the public
9 authorities law, for the year 2006, 2007, 2008 and 2009 to the governor,
10 the speaker of the assembly, the temporary president of the senate, the
11 minority leader of the senate, and the minority leader of the assembly,
12 the chair of the senate finance committee, the chair of the assembly
13 ways and means committee, the chair of the assembly energy committee and
14 the chair of the senate energy and telecommunications committee, and the
15 state comptroller by September 30, 2009.

16 (c) The power authority of the state of New York shall submit a report
17 or reports detailing in full the energy procurement practices, including
18 all supply side and demand side activities, the authority uses to meet
19 the capacity and needs of their customers, and a complete and detailed
20 report or reports on the authority's commodity pricing practices. The
21 report shall be submitted to the governor, the speaker of the assembly,
22 the temporary president of the senate, the minority leader of the
23 senate, and the minority leader of the assembly, the chair of the senate
24 finance committee, the chair of the assembly ways and means committee,
25 the chair of the assembly energy committee and the chair of the senate
26 energy and telecommunications committee, and the state comptroller by
27 September 30, 2009.

28 S 11. Severability clause. If any clause, sentence, paragraph, subdi-
29 vision, section or part of this act shall be adjudged by any court of
30 competent jurisdiction to be invalid, such judgment shall not affect,
31 impair, or invalidate the remainder thereof, but shall be confined in
32 its operation to the clause, sentence, paragraph, subdivision, section
33 or part thereof directly involved in the controversy in which such judg-
34 ment shall have been rendered. It is hereby declared to be the intent of
35 the legislature that this act would have been enacted even if such
36 invalid provisions had not been included therewith.

37 S 12. This act shall take effect immediately; provided that the amend-
38 ments to sections 183 and 189 of the economic development law, subdivi-
39 sion 9 of section 186-a of the tax law and subparagraph 2 of paragraph g
40 of the ninth undesignated paragraph of section 1005 of the public
41 authorities law, made by sections one, two, three, five and seven of
42 this act, shall not affect the expiration of such provisions and shall
43 be deemed repealed therewith.