S T A T E O F N E W Y O R K

2288--A

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sens. PARKER, DIAZ, ESPADA, HASSELL-THOMPSON, KLEIN, ONORATO, SAMPSON, SQUADRON, STAVISKY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 21 of section 66 of the public service law, as added by chapter 718 of the laws of 1980, is amended to read as follows:

21. (A) The commission shall require every electric corporation to submit [storm] ELECTRIC UTILITY EMERGENCY plans to the commission for review and approval at such times and in such detail and form as the commission shall require, provided, however, that the same shall be filed at least annually. SUCH PLANS SHALL SET FORTH (1) TRAINING PROGRAMS AND EXERCISES, PLANNING, COORDINATION OF CORPORATION PERSONNEL AND OUTSIDE SERVICE RESTORATION AID, AND OTHER PREPARATORY ACTIONS TO BE UNDERTAKEN ON A SCHEDULED BASIS AND IN ANTICIPATION OF MAJOR STORMS, OTHER ADVERSE WEATHER CONDITIONS OR OTHER EVENTS THAT MAY RESULT IN SERVICE OUTAGES, (2) PROCEDURES TO BE FOLLOWED FOR ACCURATELY DETERMINING THE EXTENT OF A SERVICE OUTAGE, INCLUDING DETERMINATION OF THE LOCATION OF AFFECTED AREAS, THE ESTIMATED NUMBER OF CUSTOMERS AND THE OVERALL NUMBER OF PEOPLE AFFECTED BY LOSS OF POWER OR BY VOLTAGE REDUCTIONS, (3) PROCEDURES FOR ESTIMATING THE TIME REQUIRED FOR RESTORATION OF SERVICE TO AREAS AFFECTED BY THE OUTAGE AND COMMUNICATING WITH MEDIA, LIFE SUPPORT AND OTHER SPECIAL NEEDS CUSTOMERS, PUBLIC OFFICIALS, MEDICAL AND CRITICAL CARE FACILITIES AND THE PUBLIC, (4) POLICIES FOR INITIATING AND IMPLEMENTING LOAD RELIEF AND LOAD CONTROL PROGRAMS, (5) PROCEDURES FOR OBTAINING AND DISTRIBUTING DRY ICE, DRINKING WATER, EMERGENCY MEALS AND OTHER ITEMS THAT MAY BECOME NECESSARY IN THE EVENT OF AN

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

LBD02507-03-9

EXTENDED SERVICE OUTAGE, (6) PROCEDURES FOR MANAGEMENT RESPONSIBILITIES, REPORTING AND DECISION MAKING NEEDED TO EXECUTE THE PLAN, AND (7) ANY OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE.

(B) EACH YEAR, ON OR BEFORE THE FIRST DAY OF APRIL OR ON SUCH OTHER DATE AS THE COMMISSION MAY PRESCRIBE, EACH ELECTRIC CORPORATION SHALL (1) FILE AN ELECTRIC UTILITY EMERGENCY PLAN INCLUDING ANY SUCH AMENDMENTS AS IT DEEMS NECESSARY, OR AS THE COMMISSION MAY REQUIRE, TO MAINTAIN A HIGH LEVEL OF PREPAREDNESS, AND (2) CERTIFY IN A REPORT TO THE COMMISSION THAT WITHIN THE PAST TWELVE MONTHS IT HAS PERIODICALLY VERIFIED TELEPHONE AND OTHER APPROPRIATE CONTACTS AND UPDATED ITS LIST OF INTERNAL AND EXTERNAL CONTACT PERSONS NECESSARY TO EXECUTE THE PLAN, AND HAS CONDUCTED ONE OR MORE EMERGENCY EXERCISES INVOLVING THE MANAGEMENT OF THE CORPORATION AND KEY COMPANY PERSONNEL ASSIGNED SERVICE RESTORATION RESPONSIBILITIES. PRIOR TO APPROVING ANY SUCH SUBMISSION, THE COMMISSION SHALL SEEK COMMENTS FROM INTERESTED STATE AND LOCAL AGENCIES AND MEMBERS OF THE PUBLIC, AND MAY REQUIRE MODIFICATIONS OR OTHERWISE PRESCRIBE CONDITIONS FOR APPROVAL. THE COMMISSION SHALL ENSURE THAT COMMENTS ARE SOLICITED FROM THE STATE EMERGENCY MANAGEMENT OFFICE, THE STATE OFFICE OF HOMELAND SECURITY AND OTHER APPROPRIATE STATE AND LOCAL AGENCIES, AND FROM ORGANIZATIONS THAT PROVIDE EMERGENCY SHELTER, WARMING/COOLING STATIONS AND OTHER RELIEF EFFORTS. AS PART OF ITS REVIEW, THE COMMISSION SHALL REVIEW THE ADEQUACY OF ANY POLICIES FOR REIMBURSING CUSTOMERS FOR LOSSES DUE TO OUTAGES OR INADVERTENT INTENTIONAL SHUTOFFS OF ELECTRICITY. SUCH REVIEW SHALL INCLUDE CONSIDERATION OF THE APPROPRIATENESS OF ANY POLICY OF PROVIDING FOR, LIMITING OR DENYING REIMBURSEMENT FOR DAMAGES TO ELECTRICAL EQUIPMENT OR OTHER LOSSES ATTRIBUTABLE TO THE FAILURE TO DELIVER ELECTRICITY OR TO SIGNIFICANT REDUCTIONS IN THE VOLTAGE OF ELECTRICITY DELIVERED, INCLUDING LOSS OF BUSINESS OPPORTUNITIES, AND THE APPROPRIATENESS OF ANY DURATION STANDARDS IN SUCH POLICIES. SUCH REVIEW SHALL ALSO INCLUDE THE SUFFICIENCY OF ANY MONETARY LIMITS IN SUCH POLICIES.

(C) WITHIN SIXTY DAYS FOLLOWING COMPLETION OF SERVICE RESTORATION IN AN EMERGENCY WHERE THE RESTORATION PERIOD EXCEEDS FORTY-EIGHT HOURS, EACH ELECTRIC CORPORATION SHALL SUBMIT TO THE COMMISSION A REVIEW OF ALL ASPECTS OF ITS PREPARATION AND SYSTEM RESTORATION PERFORMANCE. BASED ON THIS REVIEW OR UPON ITS OWN ASSESSMENT OF THE ELECTRIC CORPORATION'S PERFORMANCE IN RESPONDING TO SUCH EMERGENCY, THE COMMISSION MAY IMMEDIATELY ORDER ANY MODIFICATIONS OR CONDITIONS TO THE CORPORATION'S EMERGENCY PLAN THAT IT DEEMS NECESSARY TO ENSURE A HIGH LEVEL OF PREPAREDNESS.

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

(E) THE COMMISSION SHALL ENCOURAGE ELECTRIC CORPORATIONS TO IDENTIFY AND DISSEMINATE BEST PRACTICES IN EMERGENCY PLANNING AND RESPONSE. IN ADDITION TO OVERSEEING DISSEMINATION OF BEST PRACTICES ON AN ONGOING BASIS, THE COMMISSION SHALL BE AUTHORIZED TO INITIATE A STATEWIDE, COLLABORATIVE EMERGENCY PREPAREDNESS AND STORM MANAGEMENT PLANNING PROC-

ESS INVOLVING ALL ELECTRIC CORPORATIONS AND OTHER INVOLVED ORGANIZATIONS.

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