

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 20, 2009

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

IN ASSEMBLY -- 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

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

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

1 THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH APPOINT ONE REPRESENTATIVE TO SERVE ON THE BOARD. THE PRESIDENT OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR SHALL SERVE AS A NON-VOTING MEMBER OF THE BOARD. ANY DECISION OR ACTION BY THE BOARD SHALL BE BY MAJORITY VOTE. THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY SHALL SERVE AS CHAIR OF THE BOARD.

2 2. (A) REGIONAL PLANNING BOARDS SHALL BE ESTABLISHED, WHOSE MEMBERS SHALL WORK WITH THE STATE ENERGY PLANNING BOARD AND SHALL VOTE AND BE COUNTED FOR QUORUM PURPOSES ONLY WHEN THE FULL STATE ENERGY PLANNING BOARD IS ACTING ON RECOMMENDATIONS RELATING SOLELY TO THE REGIONAL MEMBERS' RESPECTIVE REGION. REGIONAL PLANNING BOARD MEMBERS SHALL NOT BE CONSIDERED TO BE MEMBERS OF THE STATE ENERGY PLANNING BOARD FOR PURPOSES OF PARTICIPATION IN BOARD MEETINGS, EXCEPT WHERE ITEMS RELATING SPECIFICALLY TO THAT MEMBER'S REGION ARE ON THE AGENDA OF A BOARD MEETING. THE THREE REGIONS SHALL BE AS FOLLOWS:

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

4 (II) EASTERN REGION - DELAWARE, SULLIVAN, COLUMBIA, ALBANY, CLINTON, ESSEX, FRANKLIN, FULTON, GREENE, HAMILTON, MONTGOMERY, OTSEGO, RENSSELAER, SARATOGA, SCHENECTADY, SCHOHARIE, WARREN, AND WASHINGTON COUNTIES;

5 (III) CENTRAL AND WESTERN REGION - BROOME, CAYUGA, CHEMUNG, CHENANGO, CORTLAND, HERKIMER, JEFFERSON, LEWIS, LIVINGSTON, MADISON, MONROE, ONEIDA, ONONDAGA, ONTARIO, OSWEGO, SCHUYLER, SENECA, ST. LAWRENCE, STEUBEN, TIOGA, TOMPKINS, WAYNE, YATES COUNTIES, ALLEGANY, CATTARAUGUS, CHAUTAUGUA, ERIE, GENESEE, NIAGARA, ORLEANS, AND WYOMING COUNTIES;

6 THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT TWO BOARD MEMBERS PER REGION.

7 (B) REGIONAL ADVISORY COMMITTEES SHALL BE ESTABLISHED FOR THE THREE REGIONS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION. THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT FOUR COMMITTEE MEMBERS PER REGION.

8 SUCH COMMITTEES SHALL DEVELOP RECOMMENDATIONS REFLECTING REGIONAL AND LOCAL NEEDS FOR THE STATE ENERGY PLANNING BOARD. SUCH COMMITTEES MAY SOLICIT INPUT FROM LOCAL STAKEHOLDER INTERESTS, INCLUDING BUT NOT LIMITED TO LOCAL GOVERNMENTS, UTILITIES, LABOR UNIONS, RATEPAYERS, BUSINESSES, TRADE ASSOCIATIONS, GENERATORS, AND COMMUNITY ORGANIZATIONS. EACH REGIONAL ADVISORY COMMITTEE SHALL TRANSMIT TO THE BOARD A REPORT CONTAINING ITS RECOMMENDATIONS ON A SCHEDULE CONCURRENT WITH THE RELEASE OF THE DRAFT ENERGY PLAN.

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

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

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

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

13 (D) TO AUTHORIZE ANY PERSON TO CONDUCT HEARINGS WHICH THE BOARD IS AUTHORIZED TO CONDUCT, TO TAKE TESTIMONY WITH RESPECT TO THE SUBJECT OR MATTER UNDER INVESTIGATION, AND TO REPORT THE TESTIMONY TO THE BOARD. IN

1 THE CONDUCT OF SUCH HEARINGS, ANY PERSON SO AUTHORIZED BY THE BOARD  
2 SHALL HAVE ALL THE POWERS OF THE BOARD.

3 5. THE BOARD SHALL CONSIDER AND PRESENT POLICIES AND PROGRAMS THAT ARE  
4 DESIGNED TO IMPROVE THE RELIABILITY OF THE STATE'S ENERGY SYSTEMS, INSU-  
5 LATE CONSUMERS FROM VOLATILITY IN MARKET PRICES, REDUCE THE OVERALL COST  
6 OF ENERGY IN THE STATE AND MINIMIZE PUBLIC HEALTH AND ENVIRONMENTAL  
7 IMPACTS, IN PARTICULAR, ENVIRONMENTAL IMPACTS RELATED TO CLIMATE CHANGE.  
8 EACH ENERGY PLAN SHALL ALSO IDENTIFY POLICIES AND PROGRAMS THAT MAXIMIZE  
9 COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION ACTIVITIES TO MEET  
10 PROJECTED DEMAND GROWTH.

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

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

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

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

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

35 (II) ENERGY SUPPLY REQUIREMENTS NEEDED TO SATISFY DEMAND FOR ELECTRIC-  
36 ITY, NATURAL GAS, COAL, PETROLEUM PRODUCTS, INCLUDING HEATING AND TRANS-  
37 PORTATION FUELS, AND ALTERNATE FUELS, INCLUDING ETHANOL AND OTHER BIOFU-  
38 ELS, TO THE EXTENT POSSIBLE, FOR EACH REGION OF THE STATE, AS WELL AS  
39 FOR THE STATE AS A WHOLE, INCLUDING WITH RESPECT TO ELECTRICITY, THE  
40 AMOUNT OF CAPACITY NEEDED TO PROVIDE ADEQUATE RESERVE MARGINS AND CAPAC-  
41 ITY NEEDED TO ENSURE COMPETITIVE MARKETS IN THE VARIOUS REGIONS OF THE  
42 STATE;

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

49 (IV) ADDITIONAL ELECTRIC CAPACITY AND/OR TRANSMISSION OR FUEL TRANS-  
50 PORTATION SYSTEMS NEEDED TO MEET SUCH ENERGY SUPPLY REQUIREMENTS THAT  
51 WILL NOT BE MET BY EXISTING SOURCES OF SUPPLY AND THOSE REASONABLY  
52 CERTAIN TO BE AVAILABLE, WHERE SUCH ANALYSIS SHOULD IDENTIFY SYSTEM  
53 CONSTRAINTS AND POSSIBLE ALTERNATIVES AVAILABLE, BOTH SUPPLY-SIDE AND  
54 DEMAND-SIDE ALTERNATIVES, INCLUDING BUT NOT LIMITED TO DISTRIBUTED  
55 GENERATION, ENERGY EFFICIENCY AND CONSERVATION MEASURES, TO REDRESS SUCH  
56 CONSTRAINT;

1 (B) IDENTIFICATION AND ASSESSMENT OF THE COSTS, RISKS, BENEFITS,  
2 UNCERTAINTIES AND MARKET POTENTIAL OF ENERGY SUPPLY SOURCE ALTERNATIVES,  
3 INCLUDING DEMAND-REDUCING MEASURES, RENEWABLE ENERGY RESOURCES OF ELEC-  
4 TRIC GENERATION, DISTRIBUTED GENERATION TECHNOLOGIES, COGENERATION TECH-  
5 NOLOGIES, BIOFUELS AND OTHER METHODS AND TECHNOLOGIES REASONABLY AVAIL-  
6 ABLE FOR SATISFYING ENERGY SUPPLY REQUIREMENTS WHICH ARE NOT REASONABLY  
7 CERTAIN TO BE MET BY THE ENERGY SUPPLY SOURCES IDENTIFIED IN SUBPARA-  
8 GRAPH (III) OF PARAGRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT SUCH  
9 ANALYSIS SHALL INCLUDE THE FACTORS IDENTIFIED IN PARAGRAPH (D) OF THIS  
10 SUBDIVISION;

11 (C) IDENTIFICATION AND ANALYSIS OF EMERGING TRENDS RELATED TO ENERGY  
12 SUPPLY, PRICE AND DEMAND, INCLUDING TRENDS RELATED TO THE TRANSPORTATION  
13 SECTOR;

14 (D) AN ASSESSMENT OF CURRENT ENERGY POLICIES AND PROGRAMS, AND THEIR  
15 CONTRIBUTIONS TO ACHIEVING LONG-RANGE ENERGY PLANNING OBJECTIVES INCLUD-  
16 ING, BUT NOT LIMITED TO, THE LEAST COST INTEGRATION OF ENERGY SUPPLY  
17 SOURCES AND DEMAND-REDUCING MEASURES FOR SATISFYING ENERGY SUPPLY  
18 REQUIREMENTS, GIVING DUE REGARD TO SUCH FACTORS AS REQUIRED CAPITAL  
19 INVESTMENTS, COST, RATEPAYER IMPACTS, SECURITY AND DIVERSITY OF FUEL  
20 SUPPLIES AND GENERATING MODES, PROTECTION OF PUBLIC HEALTH AND SAFETY,  
21 ADVERSE AND BENEFICIAL ENVIRONMENTAL IMPACTS, CONSERVATION OF ENERGY AND  
22 ENERGY RESOURCES, THE ABILITY OF THE STATE TO COMPETE ECONOMICALLY, AND  
23 ANY OTHER POLICY OBJECTIVES DEEMED APPROPRIATE;

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

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

37 (G) AN ENVIRONMENTAL JUSTICE ANALYSIS;

38 (H) AN INVENTORY OF GREENHOUSE GAS EMISSIONS, AND STRATEGIES FOR  
39 FACILITATING AND ACCELERATING THE USE OF LOW CARBON ENERGY SOURCES  
40 AND/OR CARBON MITIGATION MEASURES;

41 (I) RECOMMENDATIONS, AS APPROPRIATE AND DESIRABLE, FOR ADMINISTRATIVE  
42 AND LEGISLATIVE ACTIONS TO IMPLEMENT SUCH POLICIES, OBJECTIVES AND STRA-  
43 TEGIES;

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

47 (K) SUCH ADDITIONAL INFORMATION AS THE BOARD DEEMS APPROPRIATE.

48 3. TO THE EXTENT PRACTICABLE, AND WHERE NOT OTHERWISE SPECIFIED, THE  
49 ELEMENTS OF THE STATE ENERGY PLAN AS ENUMERATED IN SUBDIVISION TWO OF  
50 THIS SECTION SHALL BE PROVIDED ON A STATEWIDE BASIS AS WELL AS FOR THE  
51 THREE REGIONS DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION  
52 6-102 OF THIS ARTICLE.

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

55 (B) ANY ENERGY-RELATED ACTION OR DECISION OF A STATE AGENCY, BOARD,  
56 COMMISSION OR AUTHORITY SHALL BE REASONABLY CONSISTENT WITH THE FORE-

1 CASTS AND THE POLICIES AND LONG-RANGE ENERGY PLANNING OBJECTIVES AND  
2 STRATEGIES CONTAINED IN THE PLAN, INCLUDING ITS MOST RECENT UPDATE;  
3 PROVIDED, HOWEVER, THAT ANY SUCH ACTION OR DECISION WHICH IS NOT REASON-  
4 ABLY CONSISTENT WITH THE PLAN SHALL BE DEEMED IN COMPLIANCE WITH THIS  
5 SECTION, PROVIDED THAT SUCH ACTION OR DECISION INCLUDES A FINDING THAT  
6 THE RELEVANT PROVISIONS OF THE PLAN ARE NO LONGER REASONABLE OR PROBABLE  
7 BASED ON A MATERIAL AND SUBSTANTIAL CHANGE IN FACT OR CIRCUMSTANCE, AND  
8 A STATEMENT EXPLAINING THE BASIS FOR THIS FINDING.

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

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

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

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

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

34 (B) THE PREPARATION AND ISSUANCE OF A DRAFT PLAN, SUBSEQUENT TO THE  
35 FILING OF INFORMATION BY MAJOR ENERGY SUPPLIERS, WHICH SHALL ADDRESS  
36 EACH ITEM IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTI-  
37 CLE;

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

43 (D) EVIDENTIARY HEARINGS MAY BE HELD, AT THE DISCRETION OF THE BOARD,  
44 IN RESPONSE TO A WRITTEN REQUEST BY AN INTERESTED PERSON OR PERSONS  
45 SEEKING TO PROVIDE EVIDENTIARY MATERIAL OR DATA SUBSEQUENT TO THE ISSU-  
46 ANCE OF A DRAFT PLAN, ON ISSUES IDENTIFIED IN SUBDIVISION TWO OF SECTION  
47 6-104 OF THIS ARTICLE; AND

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

51 3. INFORMATION FILED BY MAJOR ENERGY SUPPLIERS SHALL INCLUDE THE  
52 FOLLOWING:

53 (A) ALL PROVIDERS OF ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES  
54 TO CUSTOMERS, INCLUDING THE POWER AUTHORITY OF THE STATE OF NEW YORK AND  
55 THE LONG ISLAND POWER AUTHORITY, SHALL INDIVIDUALLY PREPARE AND SUBMIT A

1 COMPREHENSIVE LONG-RANGE PLAN FOR FUTURE OPERATIONS, WHICH SHALL  
2 INCLUDE:

3 (I) A FORECAST OF ELECTRICITY DEMANDS OVER A PERIOD OF FIVE, TEN AND  
4 TWENTY YEARS, INCLUDING ANNUAL IN-STATE ELECTRIC ENERGY SALES AND SUMMER  
5 AND WINTER PEAK LOADS BY UTILITY SERVICE AREA, AND TOTAL ANNUAL IN-STATE  
6 ELECTRIC ENERGY SALES AND COINCIDENT PEAK LOAD, SPECIFICALLY IDENTIFYING  
7 THE EXTENT TO WHICH ENERGY CONSERVATION, LOAD MANAGEMENT AND OTHER  
8 DEMAND-REDUCING MEASURES, AND ELECTRIC ENERGY GENERATED BY COGENERATION,  
9 SMALL HYDRO AND ALTERNATE ENERGY PRODUCTION FACILITIES, INCLUDING RENEW-  
10 ABLE ENERGY TECHNOLOGIES AND FUEL CELLS, CONSUMED ON SITE, HAVE BEEN  
11 INCORPORATED WITHIN SUCH FORECAST;

12 (II) A FORECAST OF ELECTRICITY SUPPLY REQUIREMENTS OVER A PERIOD OF  
13 FIVE, TEN AND TWENTY YEARS, BY UTILITY SERVICE AREA, SPECIFICALLY IDEN-  
14 TIFYING THE AMOUNT OF RESERVE MARGINS REQUIRED FOR RELIABLE ELECTRIC  
15 SERVICE, THE AMOUNTS OF TRANSMISSION AND DISTRIBUTION LOSSES ASSUMED,  
16 AND THE AMOUNT OF OUT-OF-STATE SALES COMMITMENTS;

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

22 (IV) AN INVENTORY OF: (A) ALL EXISTING ELECTRIC GENERATING AND TRANS-  
23 MISSION FACILITIES INCLUDING THE POWER AUTHORITY OF THE STATE OF NEW  
24 YORK AND THE LONG ISLAND POWER AUTHORITY; (B) ELECTRIC GENERATING AND  
25 TRANSMISSION FACILITIES UNDER CONSTRUCTION INCLUDING THE POWER AUTHORITY  
26 OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY, INCLUDING  
27 THE DATES FOR COMPLETION AND OPERATION; (C) THE ANTICIPATED RETIREMENT  
28 DATES FOR ANY ELECTRIC GENERATING FACILITIES CURRENTLY OPERATED INCLUD-  
29 ING THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND  
30 POWER AUTHORITY; (D) LAND OWNED INCLUDING THE POWER AUTHORITY OF THE  
31 STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY AND HELD FOR  
32 FUTURE USE AS SITES FOR MAJOR ELECTRIC GENERATING FACILITIES; AND (E)  
33 ELECTRIC GENERATING FACILITIES OPERATED, OR PLANNED TO BE OPERATED, BY  
34 OTHERS, TO THE EXTENT INFORMATION CONCERNING THE SAME IS KNOWN;

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

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

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

50 (VIII) A PROJECTION OF ESTIMATED GREENHOUSE GAS EMISSIONS RELATED TO  
51 ELECTRICITY DEMAND OVER THE FORECAST PERIOD;

52 (IX) A DESCRIPTION OF THE LOAD FORECASTING METHODOLOGY AND THE ASSUMP-  
53 TIONS AND DATA USED IN THE PREPARATION OF THE FORECASTS, SPECIFICALLY  
54 INCLUDING PROJECTIONS OF DEMOGRAPHIC AND ECONOMIC ACTIVITY AND SUCH  
55 OTHER FACTORS, STATEWIDE AND BY SERVICE AREA, WHICH MAY INFLUENCE ELEC-  
56 TRICITY DEMAND, AND THE BASES FOR SUCH PROJECTIONS;

1 (X) PROPOSED POLICIES, OBJECTIVES AND STRATEGIES FOR MEETING THE  
2 STATE'S FUTURE ELECTRICITY NEEDS; AND

3 (XI) SUCH ADDITIONAL INFORMATION AS THE BOARD MAY, BY REGULATION,  
4 REQUIRE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

5 (B) THE MEMBERS OF THE NEW YORK GAS TRANSMISSION, DISTRIBUTION AND  
6 MARKETING COMPANIES SHALL INDIVIDUALLY PREPARE AND SUBMIT A COMPREHEN-  
7 SIVE LONG-RANGE PLAN FOR FUTURE OPERATIONS, WHICH SHALL INCLUDE:

8 (I) A FORECAST OVER A PERIOD OF FIVE, TEN AND TWENTY YEARS, BY UTILITY  
9 SERVICE AREA, OF ESTIMATED ANNUAL IN-STATE GAS SALES, WINTER SEASON  
10 SALES AND PEAK DAY SALES BY APPROPRIATE END-USE CLASSIFICATIONS, SPECIF-  
11 ICALLY IDENTIFYING THE EXTENT TO WHICH ENERGY CONSERVATION MEASURES AND  
12 THE SALE OF GAS OWNED BY PERSONS OTHER THAN THE MEMBERS OF THE NEW YORK  
13 GAS GROUP DIRECTLY TO END-USERS HAVE BEEN INCORPORATED WITHIN SUCH FORE-  
14 CAST;

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

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

22 (IV) AN INVENTORY OF: (A) ALL EXISTING SUPPLY SOURCES, STORAGE FACILI-  
23 TIES, AND TRANSMISSION FACILITIES WHICH ARE USED IN PROVIDING SERVICE  
24 WITHIN THE STATE, (B) THE TRANSMISSION AND STORAGE FACILITIES UNDER  
25 CONSTRUCTION WHICH WOULD BE USED IN PROVIDING SERVICE WITHIN THE STATE,  
26 THEIR PROJECTED COSTS AND CAPACITIES, INCLUDING PEAKING CAPACITY, (C)  
27 TRANSMISSION FACILITY ADDITIONS PROPOSED TO BE CONSTRUCTED BY MEMBERS OF  
28 THE GAS GROUP, (D) TRANSMISSION FACILITIES OPERATED, OR PLANNED TO BE  
29 OPERATED, BY OTHERS, TO THE EXTENT INFORMATION CONCERNING THE SAME IS  
30 KNOWN;

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

35 (VI) A PROJECTION OF ESTIMATED GAS PRICES TO CONSUMERS OVER THE FORE-  
36 CAST PERIOD, AND A SENSITIVITY ANALYSIS OF THAT FORECAST RELATING TO A  
37 NUMBER OF FACTORS INCLUDING THE LEVELS OF AVAILABLE CAPACITY AND DEMAND  
38 IN THE REGIONS OF THE STATE;

39 (VII) A PROJECTION OF ESTIMATED GREENHOUSE GAS EMISSIONS RELATED TO  
40 FUEL DEMAND OVER THE FORECAST PERIOD;

41 (VIII) A DESCRIPTION OF THE LOAD FORECASTING METHODOLOGY AND THE  
42 ASSUMPTIONS AND DATA USED IN THE PREPARATION OF THE FORECASTS, SPECIF-  
43 ICALLY INCLUDING PROJECTIONS OF DEMOGRAPHIC AND ECONOMIC ACTIVITY AND  
44 SUCH OTHER FACTORS, STATEWIDE AND BY SERVICE AREA, WHICH MAY INFLUENCE  
45 DEMAND FOR NATURAL GAS, AND THE BASES FOR SUCH PROJECTIONS;

46 (IX) A STATEMENT OF RESEARCH AND DEVELOPMENT PLANS, INCLUDING OBJEC-  
47 TIVES AND PROGRAMS IN THE AREAS OF ENERGY CONSERVATION AND NEW ENERGY  
48 TECHNOLOGIES, RECENT RESULTS OF SUCH PROGRAMS UNDERTAKEN OR FUNDED TO  
49 DATE, AND AN ASSESSMENT OF THE POTENTIAL IMPACTS OF SUCH RESULTS;

50 (X) PROPOSED POLICIES, OBJECTIVES AND STRATEGIES FOR MEETING THE  
51 STATE'S FUTURE GAS NEEDS; AND

52 (XI) SUCH ADDITIONAL INFORMATION AS THE BOARD MAY, BY REGULATION,  
53 REQUIRE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

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

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

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

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

11 6. THE BOARD MAY AMEND THE STATE ENERGY PLAN, OR ASPECTS THEREOF, UPON  
12 ITS OWN INITIATIVE OR UPON THE WRITTEN APPLICATION OF ANY INTERESTED  
13 PERSON. IN CONNECTION WITH ANY SUCH AMENDMENT, THE BOARD MAY REQUIRE THE  
14 FILING OF SUCH INFORMATION AS MAY BE REQUIRED, CONSISTENT WITH REGU-  
15 LATION. PRIOR TO ADOPTING ANY PROPOSED AMENDMENT TO AN ELEMENT OF THE  
16 PLAN IDENTIFIED IN SUBDIVISION TWO OF SECTION 6-104 OF THIS ARTICLE, THE  
17 BOARD SHALL HOLD EVIDENTIARY HEARINGS, UPON THE WRITTEN APPLICATION OF  
18 AN INTERESTED PARTY. PRIOR TO ADOPTING A PROPOSED AMENDMENT TO ANY  
19 ELEMENT OF THE PLAN, THE BOARD SHALL PREPARE AND PUBLISH IN THE STATE  
20 REGISTER NOTICE OF ANY DRAFT AMENDMENT AND REASONS THEREFOR AND SHALL  
21 SOLICIT PUBLIC COMMENTS THEREON. THE BOARD SHALL ADOPT AN AMENDMENT TO  
22 THE STATE ENERGY PLAN, OR ASPECTS THEREOF, UPON A FINDING BY THE BOARD  
23 THAT THERE HAS BEEN A MATERIAL AND SUBSTANTIAL CHANGE IN FACT OR CIRCUM-  
24 STANCE SINCE THE MOST RECENT PLAN WAS ADOPTED. A DECISION OF THE BOARD  
25 THAT NO AMENDMENT IS NECESSARY, TOGETHER WITH THE REASONS SUPPORTING  
26 SUCH DETERMINATION, SHALL BE FINAL.

27 7. ANY PERSON WHO PARTICIPATED IN THE STATE ENERGY PLANNING PROCEEDING  
28 OR ANY PERSON WHO SOUGHT AN AMENDMENT OF THE STATE ENERGY PLAN PURSUANT  
29 TO SUBDIVISION SIX OF THIS SECTION, MAY OBTAIN, PURSUANT TO ARTICLE  
30 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, JUDICIAL REVIEW OF  
31 THE BOARD'S DECISION ADOPTING A PLAN, OR ANY AMENDMENT THERETO, OR OF  
32 THE BOARD'S DECISION NOT TO AMEND SUCH PLAN PURSUANT TO SUBDIVISION SIX  
33 OF THIS SECTION. ANY SUCH SPECIAL PROCEEDING SHALL BE BROUGHT IN THE  
34 APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK FOR THE  
35 THIRD JUDICIAL DEPARTMENT. SUCH PROCEEDING SHALL BE INITIATED BY THE  
36 FILING OF A PETITION IN SUCH COURT WITHIN THIRTY DAYS AFTER THE ISSUANCE  
37 OF A DECISION BY THE BOARD. THE PROCEEDING SHALL HAVE A LAWFUL PREFER-  
38 ENCE OVER ANY OTHER MATTER, SHALL BE HEARD ON AN EXPEDITED BASIS AND  
39 SHALL BE COMPLETED IN ALL RESPECTS, INCLUDING ANY SUBSEQUENT APPEAL,  
40 WITHIN ONE HUNDRED EIGHTY DAYS OF THE FILING OF THE PETITION. WHERE MORE  
41 THAN ONE SUCH PETITION IS FILED, THE COURT MAY PROVIDE FOR CONSOLIDATION  
42 OF THE PROCEEDINGS. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF  
43 THE PUBLIC SERVICE LAW, THE PROCEDURE SET FORTH IN THIS SECTION SHALL  
44 CONSTITUTE THE EXCLUSIVE MEANS FOR SEEKING JUDICIAL REVIEW OF ANY  
45 ELEMENT OF THE PLAN.

46 8. PROCEEDINGS CONDUCTED PURSUANT TO THIS SECTION SHALL NOT BE CONSID-  
47 ERED PART OF AN ADJUDICATORY PROCEEDING AS DEFINED IN SUBDIVISION THREE  
48 OF SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, OR  
49 PART OF A RULE MAKING PROCEEDING HELD UNDER SUBDIVISION ONE OF SECTION  
50 TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

51 S 6-108. SUPPLEMENTAL STUDIES FOR FUTURE ENERGY PLANNING. THE BOARD  
52 SHALL UNDERTAKE THE FOLLOWING STUDIES TO SUPPLEMENT INFORMATION FOR  
53 FUTURE ENERGY PLANNING:

54 1. (A) ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, AND  
55 EVERY FOUR YEARS THEREAFTER, THE BOARD SHALL UNDERTAKE A STUDY OF THE  
56 OVERALL RELIABILITY OF THE STATE'S ELECTRIC TRANSMISSION AND DISTRIB-

UTION SYSTEM. THE BOARD MAY CONTRACT WITH AN INDEPENDENT AND COMPETITIVELY SELECTED CONTRACTOR TO UNDERTAKE SUCH STUDY. THE BOARD SHALL PREPARE A REPORT ON SUCH STUDY'S FINDINGS AND LEGISLATIVE RECOMMENDATIONS. THE BOARD SHALL TRANSMIT SUCH REPORT ALONG WITH THE RELIABILITY STUDY TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE, AND THE CHAIR OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE.

(B) SUCH STUDY SHALL INCLUDE, AT A MINIMUM, AN ASSESSMENT OF EACH OF THE FOLLOWING:

(I) THE CURRENT AND PROJECTED RELIABILITY OF THE ELECTRIC POWER SYSTEM OVER THE TERM OF THE PLANNING PERIOD, WITH SPECIFIC FOCUS ON TRANSMISSION SYSTEMS AND DISTRIBUTION SYSTEMS WITHIN THE STATE. THE ASSESSMENT SHALL EXAMINE: (A) INVESTMENT IN INFRASTRUCTURE, INCLUDING CAPITAL IMPROVEMENTS, EXPANSIONS, AND MAINTENANCE; AND (B) WORKFORCE UTILIZATION.

(II) THE POTENTIAL IMPACT OF THE FOLLOWING ON DISTRIBUTION SYSTEM RELIABILITY AND ON EACH FACTOR ENUMERATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH: (A) DISTRIBUTED ELECTRIC GENERATION, ESPECIALLY GENERATION USING RENEWABLE OR INNOVATIVE ENERGY RESOURCES; (B) ENERGY CONSERVATION AND EFFICIENCY; (C) LOAD CONTROL AND PEAK SAVING MEASURES; (D) CORPORATE REORGANIZATION OF ELECTRIC UTILITIES; (E) PERFORMANCE RATEMAKING, MULTI-YEAR RATE AGREEMENTS, AND OTHER DEPARTURES FROM TRADITIONAL REGULATORY MECHANISMS; AND (F) LARGE SCALE INDUSTRIAL DEVELOPMENT.

(III) THE POTENTIAL IMPACT OF THE FOLLOWING ON TRANSMISSION SYSTEM RELIABILITY: (A) EACH FACTOR ENUMERATED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; (B) CHANGES IN PROTOCOLS FOR ELECTRICITY DISPATCHED THROUGH THE NEW YORK POWER POOL OR ITS SUCCESSOR OR SUCCESSORS; (C) ACCOMMODATION OF PROPOSED NEW ELECTRIC GENERATION FACILITIES OR REPOWERING OR LIFE EXTENSION OF EXISTING FACILITIES; AND (D) THE MARKET-DRIVEN NATURE OF DECISIONS TO BUILD, SIZE, AND LOCATE SUCH FACILITIES.

(C) THE BOARD SHALL CONSULT WITH ENTITIES THAT HAVE RESOURCES AND EXPERTISE TO ASSIST IN SUCH INVESTIGATION, INCLUDING, BUT NOT LIMITED TO, THE NEW YORK INDEPENDENT SYSTEM OPERATOR, PUBLIC UTILITIES, AND ANY OTHER ELECTRIC COMPANY OR TRADE ORGANIZATIONS.

(I) THE LONG ISLAND POWER AUTHORITY, THE POWER AUTHORITY OF THE STATE OF NEW YORK, THE DEPARTMENT OF PUBLIC SERVICE, AND THE MEMBERS OF THE NEW YORK POWER POOL OR ITS SUCCESSOR OR SUCCESSORS SHALL COOPERATE WITH THE BOARD AND ITS CONTRACTOR.

(II) THE LONG ISLAND POWER AUTHORITY AND THE POWER AUTHORITY OF THE STATE OF NEW YORK ARE AUTHORIZED, AS DEEMED FEASIBLE AND ADVISABLE BY THEIR RESPECTIVE BOARDS, TO MAKE A VOLUNTARY CONTRIBUTION TOWARD THE INVESTIGATION.

2. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE BOARD SHALL COMPLETE AN ASSESSMENT OF THE ABILITY OF URBAN PLANNING ALTERNATIVES, INCLUDING BUT NOT LIMITED TO SMART GROWTH AND MASS TRANSPORTATION IMPROVEMENTS TO REDUCE ENERGY AND TRANSPORTATION FUEL DEMAND.

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

16. TO COMPLETE AN ANNUAL ENERGY PLAN IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SIX OF THE ENERGY LAW. IN ADDITION TO ANY REQUIREMENTS OF ARTICLE SIX OF THE ENERGY LAW, THE AUTHORITY SHALL PROVIDE COPIES OF ITS ANNUAL ENERGY PLAN TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE ASSEMBLY COMMITTEE ON ENERGY AND THE CHAIR OF THE SENATE COMMITTEE ON ENERGY AND TELECOMMUNICATIONS. FURTHER, THE AUTHORITY SHALL COOPERATE AND

1 PARTICIPATE IN THE STATE ENERGY PLANNING PROCEDURES AS ENUMERATED IN  
2 ARTICLE SIX OF THE ENERGY LAW.

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

7 S 1020-GG. ENERGY PLAN. THE AUTHORITY SHALL COMPLETE AN ANNUAL ENERGY  
8 PLAN IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SIX OF THE ENERGY LAW.  
9 IN ADDITION TO ANY REQUIREMENTS OF ARTICLE SIX OF THE ENERGY LAW, THE  
10 AUTHORITY SHALL PROVIDE COPIES OF ITS ANNUAL ENERGY PLAN TO THE GOVER-  
11 NOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY,  
12 THE CHAIR OF THE ASSEMBLY COMMITTEE ON ENERGY AND THE CHAIR OF THE  
13 SENATE COMMITTEE ON ENERGY AND TELECOMMUNICATIONS. FURTHER, THE AUTHORI-  
14 TY SHALL COOPERATE AND PARTICIPATE IN THE STATE ENERGY PLANNING PROCE-  
15 DURES AS ENUMERATED IN ARTICLE SIX OF THE ENERGY LAW.

16 S 4. The first draft copy of the state energy plan pursuant to section  
17 6-104 of the energy law shall be presented for public comment on or  
18 before September 1, 2012 and the final draft of such plan shall be  
19 issued on or before January 1, 2013.

20 S 5. This act shall take effect immediately.