

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

S. 2501--A

A. 5877--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. CAHILL, ALESSI, BRENNAN, DeMONTE, 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

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

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

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1 OF STATE AND THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND
2 DEVELOPMENT AUTHORITY. THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND
3 THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH APPOINT ONE REPRESENTATIVE
4 TO SERVE ON THE BOARD. THE PRESIDING OFFICER OF THE FEDERALLY
5 DESIGNATED REGIONAL TRANSMISSION ORGANIZATION (RTO) SHALL SERVE AS A
6 NON-VOTING MEMBER OF THE BOARD. ANY DECISION OR ACTION BY THE BOARD
7 SHALL BE BY MAJORITY VOTE. THE PRESIDENT OF THE NEW YORK STATE ENERGY
8 RESEARCH AND DEVELOPMENT AUTHORITY SHALL SERVE AS CHAIR OF THE BOARD.
9 MEMBERS OF THE BOARD MAY DESIGNATE AN EXECUTIVE STAFF REPRESENTATIVE TO
10 PARTICIPATE ON THE BOARD ON THEIR BEHALF.

11 2. REGIONAL PLANNING BOARDS SHALL BE ESTABLISHED, WHOSE MEMBERS SHALL
12 WORK WITH THE STATE ENERGY PLANNING BOARD AND SHALL VOTE AND BE COUNTED
13 FOR QUORUM PURPOSES ONLY WHEN THE FULL STATE ENERGY PLANNING BOARD IS
14 ACTING ON RECOMMENDATIONS RELATING SOLELY TO THE REGIONAL MEMBERS'
15 RESPECTIVE REGION. REGIONAL PLANNING BOARD MEMBERS SHALL NOT BE CONSID-
16 ERED TO BE MEMBERS OF THE STATE ENERGY PLANNING BOARD FOR PURPOSES OF
17 PARTICIPATION IN BOARD MEETINGS, EXCEPT WHERE ITEMS RELATING SPECIF-
18 ICALLY TO THAT MEMBER'S REGION, AS DETERMINED BY THE BOARD, ARE ON THE
19 AGENDA OF A BOARD MEETING. THREE REGIONS SHALL BE ESTABLISHED AS
20 FOLLOWS:

21 (A) DOWNSTATE REGION - NEW YORK CITY AND ORANGE, ULSTER, PUTNAM, ROCK-
22 LAND, WESTCHESTER, DUTCHESS, NASSAU AND SUFFOLK COUNTIES;

23 (B) EASTERN REGION - DELAWARE, SULLIVAN, COLUMBIA, ALBANY, CLINTON,
24 ESSEX, FRANKLIN, FULTON, GREENE, HAMILTON, MONTGOMERY, OTSEGO, RENSSE-
25 LAER, SARATOGA, SCHENECTADY, SCHOHARIE, WARREN, AND WASHINGTON COUNTIES;

26 (C) CENTRAL AND WESTERN REGION - BROOME, CAYUGA, CHEMUNG, CHENANGO,
27 CORTLAND, HERKIMER, JEFFERSON, LEWIS, LIVINGSTON, MADISON, MONROE, ONEI-
28 DA, ONONDAGA, ONTARIO, OSWEGO, SCHUYLER, SENECA, ST. LAWRENCE, STEUBEN,
29 TIOGA, TOMPKINS, WAYNE, YATES COUNTIES, ALLEGANY, CATTARAUGUS, CHAUTAU-
30 QUA, ERIE, GENESEE, NIAGARA, ORLEANS, AND WYOMING COUNTIES;

31 THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
32 ASSEMBLY SHALL EACH APPOINT TWO REGIONAL PLANNING BOARD MEMBERS PER
33 REGION. REGIONAL PLANNING BOARD MEMBERS SHALL SERVE WITHOUT COMPEN-
34 SATION, AND SHALL HAVE THEIR PRINCIPAL RESIDENCE WITHIN THE REGION FOR
35 WHICH THEY ARE APPOINTED. SUCH REGIONAL BOARD MEMBERS MAY SOLICIT INPUT
36 FROM STAKEHOLDER INTERESTS WITHIN THEIR REGION, INCLUDING BUT NOT LIMIT-
37 ED TO LOCAL GOVERNMENTS, UTILITIES, LABOR UNIONS, RATEPAYERS, BUSI-
38 NESSES, TRADE ASSOCIATIONS, GENERATORS, AND COMMUNITY ORGANIZATIONS, AND
39 SHALL TRANSMIT TO THE BOARD A REPORT CONTAINING ANY RECOMMENDATIONS
40 SPECIFIC TO THEIR REGION ON A SCHEDULE CONCURRENT WITH THE RELEASE OF
41 THE DRAFT ENERGY PLAN.

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

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

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

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

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

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

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

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

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

6. THE BOARD SHALL REQUIRE ANY CONTRACTOR OR SUBCONTRACTOR AWARDED A CONTRACT, PURSUANT TO THE PROVISIONS OF THIS ARTICLE TO COMPLY, AND SHALL OTHERWISE EXERCISE ALL OF ITS RESPONSIBILITIES AND CONDUCT ALL OF ITS ACTIVITIES CONSISTENT WITH THE PROVISIONS OF ARTICLE 15-A OF THE EXECUTIVE LAW WITH REGARDS TO THE UTILIZATION AND PARTICIPATION OF CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES.

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

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

(II) ENERGY SUPPLY REQUIREMENTS NEEDED TO SATISFY DEMAND FOR ELECTRICITY, NATURAL GAS, COAL, PETROLEUM PRODUCTS, INCLUDING HEATING AND TRANSPORTATION FUELS, AND ALTERNATE ENERGY SOURCES AND FUELS, FOR EACH REGION OF THE STATE, AND FOR THE STATE AS A WHOLE, INCLUDING WITH RESPECT TO ELECTRICITY, THE AMOUNT OF CAPACITY NEEDED TO PROVIDE ADEQUATE RESERVE MARGINS AND CAPACITY NEEDED TO ENSURE RELIABILITY AND COMPETITIVE MARKETS IN THE VARIOUS REGIONS OF THE STATE;

(III) AN ASSESSMENT OF THE ABILITY OF THE EXISTING ENERGY SUPPLY SOURCES AND THE EXISTING TRANSMISSION OR FUEL TRANSPORTATION SYSTEMS, TO SATISFY, TOGETHER WITH THOSE SOURCES OR SYSTEMS REASONABLY CERTAIN TO BE AVAILABLE, SUCH ENERGY SUPPLY REQUIREMENTS, INDICATING PLANNED ADDI-

1 TIONS, RETIREMENTS, DERATINGS, SUBSTANTIAL PLANNED OUTAGES, AND ANY
2 OTHER EXPECTED CHANGES IN LEVELS OF GENERATING AND PRODUCTION CAPACITY;

3 (IV) ADDITIONAL ELECTRIC CAPACITY AND/OR TRANSMISSION OR FUEL TRANS-
4 PORTATION SYSTEMS NEEDED TO MEET SUCH ENERGY SUPPLY REQUIREMENTS THAT
5 WILL NOT BE MET BY EXISTING SOURCES OF SUPPLY AND THOSE REASONABLY
6 CERTAIN TO BE AVAILABLE, WHERE SUCH ANALYSIS SHOULD IDENTIFY SYSTEM
7 CONSTRAINTS AND POSSIBLE ALTERNATIVES AVAILABLE, BOTH SUPPLY-SIDE AND
8 DEMAND-SIDE ALTERNATIVES, INCLUDING BUT NOT LIMITED TO DISTRIBUTED
9 GENERATION, ENERGY EFFICIENCY AND CONSERVATION MEASURES, TO REDRESS SUCH
10 CONSTRAINT; AND

11 (V) AN INVENTORY OF PROJECTED GREENHOUSE EMISSIONS OVER THE FIVE, TEN
12 AND TWENTY YEAR PERIODS, AND STRATEGIES FOR FACILITATING AND ACCELERAT-
13 ING THE USE OF LOW CARBON ENERGY SOURCES AND/OR CARBON MITIGATION MEAS-
14 URES.

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

24 (C) IDENTIFICATION AND ANALYSIS OF EMERGING TRENDS RELATED TO ENERGY
25 SUPPLY, PRICE AND DEMAND, INCLUDING TRENDS RELATED TO THE TRANSPORTATION
26 SECTOR;

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

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

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

51 (G) AN ENVIRONMENTAL JUSTICE ANALYSIS;

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

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

4 (J) RECOMMENDATIONS, AS APPROPRIATE AND DESIRABLE, FOR ADMINISTRATIVE
5 AND LEGISLATIVE ACTIONS TO IMPLEMENT SUCH POLICIES, OBJECTIVES AND STRA-
6 TEGIES;

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

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

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

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

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

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

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

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

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

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

(B) THE PREPARATION AND ISSUANCE OF A DRAFT PLAN, SUBSEQUENT TO THE FILING OF INFORMATION BY ENERGY SUPPLIERS, 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. INFORMATION TO BE PROVIDED BY ENERGY TRANSMISSION AND DISTRIBUTION COMPANIES, MAJOR ENERGY SUPPLIERS INCLUDING OWNERS OR OPERATORS OF ELECTRIC GENERATION FACILITIES, STATE AGENCIES OR AUTHORITIES, AND/OR OTHERS, AS DETERMINED BY THE BOARD SHALL INCLUDE THE FOLLOWING:

(A) FOR ALL PROVIDERS OF ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES TO CUSTOMERS, INCLUDING THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY, INDIVIDUALLY PREPARED COMPREHENSIVE LONG-RANGE PLANS FOR FUTURE OPERATIONS:

(I) A FORECAST OF ELECTRICITY DEMANDS OVER A PERIOD OF FIVE, TEN AND TWENTY YEARS, INCLUDING ANNUAL IN-STATE ELECTRIC ENERGY SALES AND SUMMER AND WINTER PEAK LOADS BY UTILITY SERVICE AREA, AND TOTAL 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 TWENTY YEARS, BY UTILITY SERVICE AREA, 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 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 TWENTY YEARS, BY UTILITY
32 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 TWENTY 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, WHICH MAY INFLUENCE
10 DEMAND FOR NATURAL GAS, AND THE BASES FOR SUCH PROJECTIONS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 3. THE BOARD SHALL CONSULT WITH ENTITIES THAT HAVE RESOURCES AND
53 EXPERTISE TO ASSIST IN SUCH INVESTIGATION, INCLUDING, BUT NOT LIMITED
54 TO, THE RTO, PUBLIC UTILITIES, AND ANY OTHER ELECTRIC COMPANY OR TRADE
55 ORGANIZATIONS.

1 (A) THE LONG ISLAND POWER AUTHORITY, THE POWER AUTHORITY OF THE STATE
2 OF NEW YORK, THE DEPARTMENT OF PUBLIC SERVICE, AND RTO OR ITS SUCCESSOR
3 OR SUCCESSORS SHALL COOPERATE 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 INVESTIGATION.

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 January 1, 2013.

36 S 5. This act shall take effect immediately.