

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LATIMER, GABRYSZAK, ABBATE, CASTRO, SCHIMEL,
COLTON, SCHROEDER, COOK, JAFFEE, SPANO, CAHILL, PAULIN, DenDEKKER,
LUPARDO -- Multi-Sponsored by -- M. of A. PHEFFER, RAMOS, REILLY,
ROBINSON, TITONE, WEISENBERG -- read once and referred to the Commit-
tee on Small Business

AN ACT to amend the economic development law and the public service law,
in relation to small business energy assistance and advocacy services

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

1 Section 1. The legislature hereby finds and declares that rising ener-
2 gy costs present a significant barrier to the economic viability of New
3 York's small businesses, a crucial sector of the state's economy. Small
4 businesses can least afford the time and cost associated with seeking
5 opportunities to conserve energy, utilize energy efficient products and
6 processes and gain access to renewable sources of energy. The viability
7 of small businesses and the overall economic and environmental status of
8 New York state will be enhanced by the development, expansion and
9 promotion of accessible and affordable programs to assist small busi-
10 nesses in energy conservation, energy efficiency, and increased use of
11 renewable resources, and by ensuring equitable treatment of small busi-
12 nesses in the proceedings of energy-related regulatory agencies.
13 The legislature hereby establishes a small business energy assistance
14 and advocacy services program as part of the division for small business
15 within the New York state department of economic development to assist
16 small businesses in accessing energy conservation, energy efficiency and
17 renewable energy programs available through public and private sources,
18 and to advocate for the initiation and expansion of such programs and
19 for equitable treatment of small businesses in regulatory proceedings
20 related to energy.

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

LBD00299-01-1

1 S 2. The economic development law is amended by adding a new section
2 138-a to read as follows:

3 S 138-A. SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES
4 PROGRAM. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION A SMALL
5 BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM.

6 2. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM,
7 DIRECTLY AND IN CONJUNCTION WITH OTHER DIVISIONS OF THE DEPARTMENT AND
8 WITH OTHER AGENCIES OF THE STATE, FEDERAL AGENCIES OR LOCAL GOVERNMENTS,
9 SHALL:

10 A. SOLICIT INPUT FROM SMALL BUSINESSES AND FROM ORGANIZATIONS REPRES-
11 ENTING SMALL BUSINESSES, SUCH AS TRADE ASSOCIATIONS OR OTHER ENTITIES,
12 REGARDING THE ENERGY ASSISTANCE NEEDS OF SMALL BUSINESSES;

13 B. WITH SUCH INPUT AND THE ASSISTANCE OF THE SMALL BUSINESS ADVISORY
14 BOARD AND OTHER APPROPRIATE STATE AGENCIES, IDENTIFY ISSUES RELATING TO
15 ENERGY AVAILABILITY, AFFORDABILITY AND SUSTAINABILITY AFFECTING SMALL
16 BUSINESSES AND ASSIST THE ADVISORY BOARD AND THE DIVISION IN MAKING
17 RECOMMENDATIONS FOR LEGISLATIVE, REGULATORY AND PROGRAMMATIC ACTIONS TO
18 ADDRESS SUCH ISSUES;

19 C. COORDINATE WITH ENTITIES INCLUDING THE NEW YORK STATE ENERGY
20 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF
21 NEW YORK AND OTHER APPROPRIATE PUBLIC UTILITY AUTHORITIES ESTABLISHED
22 PURSUANT TO ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC
23 SERVICE COMMISSION, INVESTOR-OWNED UTILITIES AND OTHER APPROPRIATE ENTI-
24 TIES TO FACILITATE AND PROMOTE THE PARTICIPATION OF SMALL BUSINESSES AND
25 ASSOCIATIONS REPRESENTING SMALL BUSINESSES IN THE DEVELOPMENT AND IMPE-
26 MENTATION OF ENERGY ASSISTANCE PROGRAMS;

27 D. PROVIDE GUIDANCE AND RECOMMENDATIONS TO THE NEW YORK STATE ENERGY
28 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF
29 NEW YORK AND OTHER PUBLIC UTILITY AUTHORITIES ESTABLISHED PURSUANT TO
30 ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC SERVICE COMMIS-
31 SION, INVESTOR-OWNED UTILITIES AND OTHER ENTITIES REGARDING THE DEVELOP-
32 MENT AND IMPLEMENTATION OF ENERGY ASSISTANCE PROGRAMS AND ON THE IMPACT
33 OF STATE ENERGY POLICY ON SMALL BUSINESSES;

34 E. PROVIDE TO SMALL BUSINESSES INFORMATION AND MATERIALS ON ENERGY
35 ASSISTANCE PROGRAMS, COOPERATIVE FUEL PURCHASING EFFORTS AND OTHER
36 PROGRAMS TO MAINTAIN THE AFFORDABILITY OF ENERGY, AND PROVIDE ACCESS TO
37 SUCH INFORMATION AND MATERIALS ON THE DEPARTMENT'S WEBSITE; AND

38 F. REFER SMALL BUSINESSES TO SPECIALISTS FOR INFORMATION AND ASSIST-
39 ANCE ON AFFORDABLE ALTERNATIVE TECHNOLOGIES, PROCESS CHANGES, PRODUCTS
40 AND OPERATIONAL METHODS TO ACHIEVE ENERGY SAVINGS.

41 3. A. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES
42 PROGRAM SHALL REPRESENT THE INTERESTS OF SMALL BUSINESSES BEFORE THE
43 PUBLIC SERVICE COMMISSION PURSUANT TO SECTION TWENTY-FOUR-C OF THE
44 PUBLIC SERVICE LAW, AND SHALL BE AUTHORIZED TO INITIATE, INTERVENE IN OR
45 PARTICIPATE IN ANY PROCEEDINGS BEFORE THE PUBLIC SERVICE COMMISSION AND
46 IN ANY OTHER SUCH ENERGY-RELATED PROCEEDINGS AS THE DIVISION DEEMS TO BE
47 NECESSARY OR APPROPRIATE.

48 B. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM
49 SHALL ADVOCATE BEFORE THE PUBLIC SERVICE COMMISSION AND OTHER STATE AND
50 FEDERAL REGULATORY AGENCIES FOR THE ADOPTION OF APPROPRIATE REGULATIONS
51 PROVIDING FOR EQUITABLE TREATMENT OF SMALL BUSINESSES IN ENERGY-RELATED
52 POLICIES, INCLUDING BUT NOT LIMITED TO EXTENDING REASONABLE CONSUMER
53 PROTECTIONS TO SMALL BUSINESSES IN ENERGY-RELATED MATTERS.

54 S 3. The public service law is amended by adding a new section 24-c to
55 read as follows:

1 S 24-C. NOTICE TO BE GIVEN TO DIVISION PRIOR TO RATE INCREASE. 1.
2 NOTWITHSTANDING ANY INCONSISTENT GENERAL, SPECIAL OR LOCAL LAW OR RULE
3 OR REGULATION TO THE CONTRARY, THE COMMISSION SHALL TO THE EXTENT THE
4 DIVISION SHALL SO REQUEST IN ANY CASES OR CLASS OF CASES, GIVE NOTICE TO
5 THE DIVISION OF ANY FILED STATEMENT PROPOSING TO MODIFY OR INCREASE
6 RATES, SERVICES, SCHEDULE OF RATES OR ANY OTHER RATING RULE OR TO ADOPT
7 OR AMEND ANY RATE OR SERVICE RULES OR REGULATIONS WITHIN FIVE DAYS AFTER
8 THE COMMISSION SHALL HAVE RECEIVED SUCH STATEMENT FROM ANY UTILITY
9 SUBJECT TO ITS JURISDICTION; PROVIDED, HOWEVER, THAT IN LIEU OF GIVING
10 SUCH NOTICE, THE COMMISSION MAY DIRECT THAT THE UTILITY GIVE SUCH NOTICE
11 TO THE DIVISION. THE COMMISSION SHALL DIRECTLY NOTIFY THE DIVISION OF
12 ANY SUCH CASE THAT IS NOT INITIATED BY A UTILITY.

13 2. IN ANY SUCH CASE IN WHICH THE DIVISION SHALL FILE WITH THE COMMIS-
14 SION A STATEMENT OF INTENT TO BE A PARTY, THE DIVISION SHALL HAVE AND IN
15 ITS DISCRETION MAY EXERCISE ALL THE RIGHTS AND PRIVILEGES OF A PARTY.

16 3. FOR THE PURPOSES OF THIS SECTION, THE TERM "DIVISION" SHALL MEAN
17 THE DIVISION FOR SMALL BUSINESS ESTABLISHED BY ARTICLE FOUR-B OF THE
18 ECONOMIC DEVELOPMENT LAW, AND THE TERM "COMMISSION" SHALL MEAN THE
19 PUBLIC SERVICE COMMISSION.

20 S 4. This act shall take effect on the first of April next succeeding
21 the date on which it shall have become a law. Effective immediately the
22 department of economic development and the public service commission
23 shall be authorized to take any and all actions necessary to fully
24 implement the provisions of this act on such effective date.