

5134

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 14, 2011

---

Introduced by M. of A. CERETTO -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to establishing the power authority of the state of New York shall make low cost hydropower available to certain hospitals

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

1     Section 1. The opening paragraph of subdivision 13 of section 1005 of  
2     the public authorities law, as amended by chapter 436 of the laws of  
3     2010, is amended to read as follows:  
4     Notwithstanding any other provision of law to the contrary but subject  
5     to the terms and conditions of federal energy regulatory commission  
6     licenses, to allocate or reallocate directly or by sale for resale, two  
7     hundred fifty megawatts of firm Niagara project hydroelectric power as  
8     "expansion power" and four hundred forty-five megawatts of firm Niagara  
9     project hydroelectric power as "replacement power" to businesses within  
10    the state located within thirty miles of the Niagara project, and four  
11    hundred ninety megawatts of firm and interruptible power from the Saint  
12    Lawrence-FDR project as "preservation power" sold to businesses located  
13    within the counties of Jefferson, Saint Lawrence and Franklin, provided  
14    that the amount of expansion power allocated to businesses in Chautauqua  
15    county on January first, nineteen hundred eighty-seven shall continue to  
16    be allocated in such county and, provided further that up to seventy  
17    megawatts of replacement power, up to thirty-eight and six-tenths mega-  
18    watts of preservation power from the Saint Lawrence-FDR project which is  
19    relinquished or withdrawn after the effective date of chapter three  
20    hundred thirteen of the laws of two thousand five which amended this  
21    subdivision and, for the period ending on December thirty-first, two  
22    thousand six, up to twenty megawatts of other power from the Saint  
23    Lawrence-FDR project which is unallocated as of the effective date of  
24    chapter three hundred thirteen of the laws of two thousand five which  
25    amended this subdivision, shall be allocated by the authority together  
26    with such other funds of the authority as the trustees deem feasible and  
27    advisable for energy cost savings benefits and for western New York

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

LBD01438-01-1

1 economic development fund benefits pursuant to the eleventh undesignated  
2 paragraph of this section AND, PROVIDED FURTHER THAT LOW COST HYDROPOWER  
3 BE MADE AVAILABLE TO HOSPITALS THAT ARE LOCATED IN THE COUNTIES OF  
4 NIAGARA AND ORLEANS. Provided, however, that the amount of replacement,  
5 preservation power, or the additional twenty megawatts of Saint  
6 Lawrence-FDR power for the period ending December thirty-first, two  
7 thousand six made available for such purpose, used for energy cost  
8 savings benefits that are relinquished by or withdrawn from a recipient  
9 thereof shall be offered by the authority proportionately for a period  
10 of six months for reallocation to applicants who qualify respectively  
11 for replacement or preservation power allocations as provided in this  
12 subdivision. If such power is not allocated within such period it shall  
13 be allocated for the purpose of energy cost savings benefits pursuant to  
14 subdivision (h) of section one hundred eighty-three of the economic  
15 development law. The authority shall negotiate contracts on reasonable  
16 terms and conditions to renew or extend every permanent contract allo-  
17 cation of expansion power in effect on the effective date of this subdi-  
18 vision and, to the extent consistent with such contracts, the authority  
19 shall negotiate contracts on reasonable terms and conditions to extend  
20 or renew all other allocations or allotments of such power in effect on  
21 such date. The authority shall negotiate contracts on reasonable terms  
22 and conditions to renew or extend for a period of at least five years  
23 every permanent contract allocation of replacement power in effect on  
24 the effective date of chapter three hundred thirteen of the laws of two  
25 thousand five which added this sentence and that would expire by its  
26 terms on or before the end of the initial federal energy regulatory  
27 commission license for the Niagara project; provided that, in negotiat-  
28 ing the terms and conditions of such contracts, the authority may  
29 consider a business' compliance with all current contractual obli-  
30 gations, including employment and power usage commitments. Contracts  
31 entered into pursuant to this subdivision shall contain reasonable  
32 provisions providing for the partial or complete withdrawal of the power  
33 in the event the recipient fails to maintain mutually agreed levels of  
34 employment, investment, and power utilization. Expansion or replacement  
35 power relinquished by businesses or withdrawn by the authority shall be  
36 allocated directly or by sale for resale by the authority to businesses  
37 within the state located within thirty miles of the Niagara project  
38 provided, that the proceeds from the sale of such unallocated and allo-  
39 cated, but relinquished or withdrawn or currently not accessed expansion  
40 or replacement power, as shall be determined by the trustees, shall be  
41 allocated for the purposes of western New York economic development fund  
42 benefits pursuant to the eleventh undesignated paragraph of this  
43 section. Proceeds to such western New York economic development fund  
44 shall not preclude the authority from allocating expansion or replace-  
45 ment power to eligible companies under the provisions of this section.  
46 The amount of power allocated to businesses in Chautauqua county on  
47 January first, nineteen hundred eighty-seven shall be allocated in such  
48 county. Preservation power that is relinquished by businesses or with-  
49 drawn by the authority shall be allocated directly or by sale for resale  
50 by the authority within the counties of Jefferson, Saint Lawrence and  
51 Franklin. Allocations made pursuant to this paragraph shall be made in  
52 accordance with criteria established by the trustees. Such criteria  
53 shall address the expansion of industry and employment pursuant to para-  
54 graph (a) of this subdivision and the revitalization of existing indus-  
55 try pursuant to paragraph (b) of this subdivision.

56 S 2. This act shall take effect immediately.