

1083

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. PARKER, DIAZ, HASSELL-THOMPSON, KLEIN, KRUGER,
PERKINS, SAMPSON, SQUADRON, STAVISKY -- read twice and ordered printed,
and when printed to be committed to the Committee on Energy and
Telecommunications

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:

1 Section 1. Subdivision 21 of section 66 of the public service law, as
2 added by chapter 718 of the laws of 1980, is amended to read as follows:
3 21. (A) The commission shall require every electric corporation to
4 submit [storm] ELECTRIC UTILITY EMERGENCY plans to the commission for
5 review and approval at such times and in such detail and form as the
6 commission shall require, provided, however, that the same shall be
7 filed at least annually. SUCH PLANS SHALL SET FORTH (1) TRAINING
8 PROGRAMS AND EXERCISES, PLANNING, COORDINATION OF CORPORATION PERSONNEL
9 AND OUTSIDE SERVICE RESTORATION AID, AND OTHER PREPARATORY ACTIONS TO BE
10 UNDERTAKEN ON A SCHEDULED BASIS AND IN ANTICIPATION OF MAJOR STORMS,
11 OTHER ADVERSE WEATHER CONDITIONS OR OTHER EVENTS THAT MAY RESULT IN
12 SERVICE OUTAGES, (2) PROCEDURES TO BE FOLLOWED FOR ACCURATELY DETERMIN-
13 ING THE EXTENT OF A SERVICE OUTAGE, INCLUDING DETERMINATION OF THE
14 LOCATION OF AFFECTED AREAS, THE ESTIMATED NUMBER OF CUSTOMERS AND THE
15 OVERALL NUMBER OF PEOPLE AFFECTED BY LOSS OF POWER OR BY VOLTAGE
16 REDUCTIONS, (3) PROCEDURES FOR ESTIMATING THE TIME REQUIRED FOR RESTORA-
17 TION OF SERVICE TO AREAS AFFECTED BY THE OUTAGE AND COMMUNICATING WITH
18 MEDIA, LIFE SUPPORT AND OTHER SPECIAL NEEDS CUSTOMERS, PUBLIC OFFICIALS,
19 MEDICAL AND CRITICAL CARE FACILITIES AND THE PUBLIC, (4) POLICIES FOR
20 INITIATING AND IMPLEMENTING LOAD RELIEF AND LOAD CONTROL PROGRAMS, (5)
21 PROCEDURES FOR OBTAINING AND DISTRIBUTING DRY ICE, DRINKING WATER, EMER-
22 GENCY MEALS AND OTHER ITEMS THAT MAY BECOME NECESSARY IN THE EVENT OF AN
23 EXTENDED SERVICE OUTAGE, (6) PROCEDURES FOR MANAGEMENT RESPONSIBILITIES,

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

LBD02120-01-1

1 REPORTING AND DECISION MAKING NEEDED TO EXECUTE THE PLAN, AND (7) ANY
2 OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE.

3 (B) EACH YEAR, ON OR BEFORE THE FIRST DAY OF APRIL OR ON SUCH OTHER
4 DATE AS THE COMMISSION MAY PRESCRIBE, EACH ELECTRIC CORPORATION SHALL
5 (1) FILE AN ELECTRIC UTILITY EMERGENCY PLAN INCLUDING ANY SUCH AMEND-
6 MENTS AS IT DEEMS NECESSARY, OR AS THE COMMISSION MAY REQUIRE, TO MAIN-
7 TAIN A HIGH LEVEL OF PREPAREDNESS, AND (2) CERTIFY IN A REPORT TO THE
8 COMMISSION THAT WITHIN THE PAST TWELVE MONTHS IT HAS PERIODICALLY VERI-
9 FIED TELEPHONE AND OTHER APPROPRIATE CONTACTS AND UPDATED ITS LIST OF
10 INTERNAL AND EXTERNAL CONTACT PERSONS NECESSARY TO EXECUTE THE PLAN, AND
11 HAS CONDUCTED ONE OR MORE EMERGENCY EXERCISES INVOLVING THE MANAGEMENT
12 OF THE CORPORATION AND KEY COMPANY PERSONNEL ASSIGNED SERVICE RESTORA-
13 TION RESPONSIBILITIES. PRIOR TO APPROVING ANY SUCH SUBMISSION, THE
14 COMMISSION SHALL SEEK COMMENTS FROM INTERESTED STATE AND LOCAL AGENCIES
15 AND MEMBERS OF THE PUBLIC, AND MAY REQUIRE MODIFICATIONS OR OTHERWISE
16 PRESCRIBE CONDITIONS FOR APPROVAL. THE COMMISSION SHALL ENSURE THAT
17 COMMENTS ARE SOLICITED FROM THE STATE EMERGENCY MANAGEMENT OFFICE, THE
18 STATE OFFICE OF HOMELAND SECURITY AND OTHER APPROPRIATE STATE AND LOCAL
19 AGENCIES, AND FROM ORGANIZATIONS THAT PROVIDE EMERGENCY SHELTER,
20 WARMING/COOLING STATIONS AND OTHER RELIEF EFFORTS. AS PART OF ITS
21 REVIEW, THE COMMISSION SHALL REVIEW THE ADEQUACY OF ANY POLICIES FOR
22 REIMBURSING CUSTOMERS FOR LOSSES DUE TO OUTAGES OR INADVERTENT INTEN-
23 TIONAL SHUTOFFS OF ELECTRICITY. SUCH REVIEW SHALL INCLUDE CONSIDERATION
24 OF THE APPROPRIATENESS OF ANY POLICY OF PROVIDING FOR, LIMITING OR DENY-
25 ING REIMBURSEMENT FOR DAMAGES TO ELECTRICAL EQUIPMENT OR OTHER LOSSES
26 ATTRIBUTABLE TO THE FAILURE TO DELIVER ELECTRICITY OR TO SIGNIFICANT
27 REDUCTIONS IN THE VOLTAGE OF ELECTRICITY DELIVERED, INCLUDING LOSS OF
28 BUSINESS OPPORTUNITIES, AND THE APPROPRIATENESS OF ANY DURATION STAND-
29 ARDS IN SUCH POLICIES. SUCH REVIEW SHALL ALSO INCLUDE THE SUFFICIENCY OF
30 ANY MONETARY LIMITS IN SUCH POLICIES.

31 (C) WITHIN SIXTY DAYS FOLLOWING COMPLETION OF SERVICE RESTORATION IN
32 AN EMERGENCY WHERE THE RESTORATION PERIOD EXCEEDS FORTY-EIGHT HOURS,
33 EACH ELECTRIC CORPORATION SHALL SUBMIT TO THE COMMISSION A REVIEW OF ALL
34 ASPECTS OF ITS PREPARATION AND SYSTEM RESTORATION PERFORMANCE. BASED ON
35 THIS REVIEW OR UPON ITS OWN ASSESSMENT OF THE ELECTRIC CORPORATION'S
36 PERFORMANCE IN RESPONDING TO SUCH EMERGENCY, THE COMMISSION MAY IMME-
37 DIATELY ORDER ANY MODIFICATIONS OR CONDITIONS TO THE CORPORATION'S EMER-
38 GENCY PLAN THAT IT DEEMS NECESSARY TO ENSURE A HIGH LEVEL OF PREPARED-
39 NESS.

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

50 (E) THE COMMISSION SHALL ENCOURAGE ELECTRIC CORPORATIONS TO IDENTIFY
51 AND DISSEMINATE BEST PRACTICES IN EMERGENCY PLANNING AND RESPONSE. IN
52 ADDITION TO OVERSEEING DISSEMINATION OF BEST PRACTICES ON AN ONGOING
53 BASIS, THE COMMISSION SHALL BE AUTHORIZED TO INITIATE A STATEWIDE,
54 COLLABORATIVE EMERGENCY PREPAREDNESS AND STORM MANAGEMENT PLANNING PROC-
55 ESS INVOLVING ALL ELECTRIC CORPORATIONS AND OTHER INVOLVED ORGANIZA-
56 TIONS.

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