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

6926

I N S E N A T E

April 13, 2012

Introduced by Sen. GALLIVAN -- 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 creating a citizen advisory panel

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

Section 1. The public service law is amended by adding a new section 174 to read as follows:

S 174. CITIZEN ADVISORY PANEL. 1. A CITIZEN ADVISORY PANEL IS HEREBY ESTABLISHED.

2. A. THE PANEL SHALL CONSIST OF SIX PERMANENT AND THREE ROTATING MEMBERS APPOINTED BY THE CHAIR OF THE DEPARTMENT OF PUBLIC SERVICE TO FOUR YEAR TERMS AS FOLLOWS: ONE PERMANENT MEMBER SHALL BE A RESIDENT OF LONG ISLAND; TWO PERMANENT MEMBERS SHALL BE RESIDENTS OF THE CITY OF NEW YORK; THREE PERMANENT MEMBERS SHALL BE RESIDENTS OF UPSTATE NEW YORK; ONE ROTATING MEMBER SHALL BE A RESIDENT OF LONG ISLAND; ONE ROTATING MEMBER SHALL BE A RESIDENT OF NEW YORK CITY; AND ONE ROTATING MEMBER SHALL BE A RESIDENT OF UPSTATE NEW YORK. FOR THE PURPOSES OF THIS SECTION:

I. "LONG ISLAND" MEANS THE COUNTIES OF NASSAU AND SUFFOLK.

II. "NEW YORK CITY" MEANS THE COUNTIES OF THE BRONX, KINGS, NEW YORK, QUEENS, AND RICHMOND.

III. "UPSTATE NEW YORK" MEANS ALL COUNTIES NOT INCLUDED IN SUBPARAGRAPHS I OR II OF THIS PARAGRAPH.

B. EACH MEMBER OF THE PANEL SHALL HAVE BEEN AWARDED A DEGREE FROM AN ACCREDITED FOUR-YEAR COLLEGE OR UNIVERSITY OR A GRADUATE DEGREE FROM SUCH COLLEGE OR UNIVERSITY OR ACCREDITED GRADUATE SCHOOL AND SHALL HAVE HAD AT LEAST FIVE YEARS OF EXPERIENCE IN ONE OR MORE OF THE FIELDS OF ENGINEERING, SCIENCE, ECONOMICS, OR BUSINESS.

C. THE MEMBERS OF THE PANEL SHALL, BY MAJORITY VOTE, SELECT ONE OF THE PERMANENT MEMBERS TO SERVE AS THE PANEL CHAIRPERSON.

D. VACANCIES ON THE PANEL SHALL BE FILLED BY A MAJORITY VOTE OF CURRENT MEMBERS OF THE PANEL TO SERVE OUT THE REMAINDER OF THE TERM.

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

LBD15338-01-2

E. IN ADDITION TO THE REQUIREMENTS OF THE PUBLIC OFFICERS LAW, NO PERSON SHALL BE ELIGIBLE TO BE AN APPOINTEE TO THE PANEL WHO HOLDS ANOTHER STATE OR LOCAL OFFICE. NO MEMBER OF THE PANEL MAY RETAIN OR HOLD ANY OFFICIAL RELATION TO, OR ANY SECURITIES OF AN ELECTRIC UTILITY CORPORATION OPERATING IN THE STATE OR PROPOSED FOR OPERATION IN THE STATE, ANY AFFILIATE THEREOF OR ANY OTHER COMPANY, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION OR JOINT-STOCK ASSOCIATION THAT MAY APPEAR BEFORE THE PANEL, NOR SHALL EITHER OF THE APPOINTEES HAVE BEEN A DIRECTOR, OFFICER OR, WITHIN THE PREVIOUS TEN YEARS, AN EMPLOYEE THEREOF.

F. EACH MEMBER OF THE PANEL SHALL RECEIVE HIS NECESSARY EXPENSES ACTUALLY INCURRED IN THE DISCHARGE OF HIS DUTIES.

G. ANY MEMBER OF THE PANEL MAY BE REMOVED BY THE CHAIR OF THE PUBLIC SERVICE COMMISSION FOR CAUSE AFTER AN OPPORTUNITY TO BE HEARD.

H. EXCEPT AS OTHERWISE PROVIDED BY LAW, A MAJORITY OF THE PANEL SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS OF THE PANEL.

3. THE ROTATING MEMBER RESIDING IN THE AREA WHERE THE FACILITY IS PROPOSED TO BE LOCATED AS DEFINED IN PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION SHALL SERVE AS THE SEVENTH MEMBER ON THE PANEL FOR ALL ACTIONS RELATING TO THAT PROPOSED FACILITY.

4. THE BOARD SHALL PROVIDE EACH MEMBER OF THE PANEL INCLUDING THE APPROPRIATE ROTATING MEMBER OF THE PANEL A COPY OF ANY PRELIMINARY SCOPING STATEMENT FILED PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE OR APPLICATION FOR CERTIFICATE FILED PURSUANT TO SECTION ONE HUNDRED SIXTY-FOUR OF THIS ARTICLE.

5. THE PANEL SHALL HAVE A PERIOD OF THIRTY DAYS TO REVIEW ANY APPLICATION FOR CERTIFICATE AND TO REQUEST ANY ADDITIONAL INFORMATION. SHOULD ADDITIONAL INFORMATION BE REQUIRED BY THE PANEL, THE PANEL MAY, BY MAJORITY VOTE, EXTEND THE REVIEW PERIOD BY THIRTY DAYS. IN NO CASE SHALL THE REVIEW PERIOD EXCEED SIXTY DAYS.

6. THE PANEL SHALL HAVE FIFTEEN DAYS TO PREPARE A REPORT ON THE APPLICATION FOR CERTIFICATE ONCE THE REVIEW PERIOD IS COMPLETE. THE REPORT SHALL CONSIST OF THE FOLLOWING SECTIONS:

A. EXECUTIVE SUMMARY;

B. PROJECT LOCATION AND DESCRIPTION;

C. INPUT FROM LOCAL OFFICIALS AND GENERAL PUBLIC;

D. ANALYSIS OF ECONOMIC CONSIDERATIONS;

E. ANALYSIS OF ENVIRONMENTAL CONSIDERATIONS;

F. AREAS OF CONCERN;

G. REVIEW OF ALTERNATIVES;

H. RECOMMENDATION TO THE BOARD; AND

I. ANY NECESSARY APPENDICES.

7. UPON COMPLETION OF THE REPORT ON THE APPLICATION FOR CERTIFICATE THE CHAIR OF THE PANEL SHALL TRANSMIT A COPY OF THE REPORT TO EVERY MEMBER AND AD HOC MEMBER OF THE BOARD AND SHALL SUBMIT THE REPORT AS TESTIMONY IN ANY HEARING ON THE APPLICATION FOR CERTIFICATE HELD IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE.

8. NEITHER THE RECOMMENDATIONS NOR ANY OTHER WORK PRODUCT OF THE PANEL SHALL BE CONSTRUED TO HAVE ANY LEGAL AUTHORITY WHATSOEVER.

9. ALL FINAL WORK PRODUCTS ARE THE PROPERTY OF THE DEPARTMENT.

S 2. This act shall take effect immediately.