

4130

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. CERETTO, HAWLEY -- 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 ASSEM-
BLY, 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 645 of the laws of
3 2006, 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19 relinquished or withdrawn after the effective date of chapter three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

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

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10 savings benefits that are relinquished by or withdrawn from a recipient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

50 S 2. This act shall take effect immediately.