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

7923

2013-2014 Regular Sessions

I N A S S E M B L Y

June 10, 2013

Introduced by M. of A. HENNESSEY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the Long Island Power Authority emergency response act

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

Section 1. This act shall be known and may be cited as the "Long Island Power Authority emergency response act."

S 2. Section 1020-f of the public authorities law is amended by adding four new subdivisions (cc), (dd), (ee) and (ff) to read as follows:

(CC) TO PREPARE AN EMERGENCY RESPONSE PLAN PURSUANT TO THIS SUBDIVISION. 1. THE SERVICE PROVIDER SHALL, IN CONSULTATION WITH THE AUTHORITY, PREPARE AND MAINTAIN AN EMERGENCY RESPONSE PLAN (I) TO ASSURE THE REASONABLY PROMPT RESTORATION OF SERVICE IN THE CASE OF AN EMERGENCY EVENT, DEFINED FOR PURPOSES OF THIS SUBDIVISION AS AN EVENT WHERE WIDESPREAD OUTAGES HAVE OCCURRED IN THE AUTHORITY'S SERVICE TERRITORY DUE TO A STORM OR OTHER CAUSES BEYOND THE CONTROL OF THE AUTHORITY AND THE SERVICE PROVIDER, (II) CONSISTENT WITH THE REQUIREMENTS OF PARAGRAPH (A) OF SUBDIVISION TWENTY-ONE OF SECTION SIXTY-SIX OF THE PUBLIC SERVICE LAW AND ANY REGULATIONS AND ORDERS ADOPTED THERETO, AND (III) ESTABLISHING THE SEPARATE RESPONSIBILITIES OF THE AUTHORITY AND SERVICE PROVIDER.

2. ON OR BEFORE FEBRUARY THIRD, TWO THOUSAND FOURTEEN, THE AUTHORITY AND SERVICE PROVIDER SHALL SUBMIT AN EMERGENCY RESPONSE PLAN TO THE DEPARTMENT OF PUBLIC SERVICE FOR REVIEW. CONTEMPORANEOUSLY WITH SUCH SUBMISSION, THE AUTHORITY SHALL PROVIDE NOTICE OF SUCH PROPOSED PLAN TO THE SECRETARY OF STATE FOR PUBLICATION IN THE STATE REGISTER, THE AUTHORITY AND SERVICE PROVIDER EACH SHALL POST SUCH PLAN ON THEIR WEBSITES AND OTHERWISE MAKE SUCH PLAN AVAILABLE FOR REVIEW IN-PERSON, AND AFFORD MEMBERS OF THE PUBLIC AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS AND ORAL COMMENTS PURSUANT TO AT LEAST ONE HEARING TO BE HELD EACH IN THE COUNTY OF SUFFOLK AND THE COUNTY OF NASSAU. SUCH WRITTEN

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

LBD11402-01-3

COMMENTS MUST BE SUBMITTED BY MARCH FOURTEENTH, TWO THOUSAND FOURTEEN. THE AUTHORITY AND SERVICE PROVIDER SHALL PROVIDE A COPY OF ALL WRITTEN COMMENTS THEY RECEIVE AND A TRANSCRIPT OF SUCH PUBLIC HEARINGS TO THE DEPARTMENT OF PUBLIC SERVICE FOR ITS CONSIDERATION IN REVIEWING THE EMERGENCY RESPONSE PLAN. THE DEPARTMENT SHALL PROVIDE ANY RECOMMENDATIONS TO THE SERVICE PROVIDER WITH RESPECT TO SUCH PLAN ON OR BEFORE APRIL FIFTEENTH, TWO THOUSAND FOURTEEN. SUCH PLAN MUST BE MADE FINAL BY JUNE SECOND, TWO THOUSAND FOURTEEN. FOR EACH YEAR THEREAFTER, THE SERVICE PROVIDER SHALL SUBMIT AN EMERGENCY RESPONSE PLAN TO THE DEPARTMENT OF PUBLIC SERVICE, AND SUCH DEPARTMENT SHALL PROVIDE ITS RECOMMENDATIONS, IN ACCORDANCE WITH A SCHEDULE TO BE ESTABLISHED BY SUCH DEPARTMENT AND THAT IS CONSISTENT WITH THE SCHEDULE ASSOCIATED WITH SUCH DEPARTMENT'S REVIEW OF SIMILAR SUCH PLANS PROVIDED BY ELECTRIC CORPORATIONS PURSUANT TO SUBDIVISION TWENTY-ONE OF SECTION SIXTY-SIX OF THE PUBLIC SERVICE LAW.

3. BY JUNE SECOND, TWO THOUSAND FOURTEEN, AND BY JUNE FIRST ANNUALLY THEREAFTER, THE AUTHORITY AND SERVICE PROVIDER SHALL JOINTLY CERTIFY TO THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES THAT THE EMERGENCY RESPONSE PLAN ENSURES TO THE GREATEST EXTENT FEASIBLE THE TIMELY AND SAFE RESTORATION OF ENERGY SERVICES AFTER AN EMERGENCY CONSISTENT WITH THE REQUIREMENTS OF PARAGRAPH (A) OF SUBDIVISION TWENTY-ONE OF THE PUBLIC SERVICE LAW AND THE DEPARTMENT'S RECOMMENDATIONS. THE FILING OF SUCH EMERGENCY RESPONSE PLAN SHALL ALSO INCLUDE A COPY OF ALL WRITTEN MUTUAL ASSISTANCE AGREEMENTS AMONG UTILITIES. THE SERVICE PROVIDER SHALL FILE WITH THE COUNTY EXECUTIVES OF NASSAU AND SUFFOLK COUNTY AND THE MAYOR OF THE CITY OF NEW YORK THE MOST RECENT VERSION OF THE EMERGENCY RESPONSE PLAN, AND MAKE SURE THAT SUCH AMENDED VERSIONS ARE TIMELY FILED.

4. STARTING IN CALENDAR YEAR TWO THOUSAND FOURTEEN, THE SERVICE PROVIDER ANNUALLY SHALL UNDERTAKE AT LEAST ONE DRILL TO IMPLEMENT PROCEDURES TO PRACTICE ITS EMERGENCY RESPONSE PLAN. THE SERVICE PROVIDER SHALL NOTIFY AND ALLOW PARTICIPATION IN SUCH DRILL OF ALL APPROPRIATE MUNICIPAL EMERGENCY RESPONDERS AND OFFICIALS.

5. IF, DURING AN EMERGENCY EVENT, ELECTRIC SERVICE IS NOT RESTORED IN THREE DAYS, THE SERVICE PROVIDER SHALL WITHIN SIXTY DAYS FROM THE DATE OF FULL RESTORATION FILE WITH THE DEPARTMENT A REPORT CONSTITUTING A REVIEW OF ALL ASPECTS OF THE PREPARATION AND SYSTEM RESTORATION PERFORMANCE DURING THE EVENT, AND SHALL THEREAFTER TAKE INTO CONSIDERATION ANY RECOMMENDATIONS MADE BY THE DEPARTMENT ASSOCIATED WITH SUCH REVIEW.

(DD) ON OR BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, AND BY JANUARY FIRST OF EACH CALENDAR YEAR THEREAFTER, TO SUBMIT FOR REVIEW TO THE DEPARTMENT OF PUBLIC SERVICE A REPORT DETAILING THE SERVICE PROVIDER'S PLANNED CAPITAL EXPENDITURES.

(EE) TO SUBMIT FOR REVIEW TO THE DEPARTMENT OF PUBLIC SERVICE ANY PROPOSED PLAN RELATED TO IMPLEMENTING ENERGY EFFICIENCY MEASURES, DISTRIBUTED GENERATION OR ADVANCED GRID TECHNOLOGY PROGRAMS.

(FF) TO ASSIST AND COOPERATE WITH THE DEPARTMENT OF PUBLIC SERVICE WITH RESPECT TO ANY REVIEW, INCLUDING PROVIDING THE DEPARTMENT WITH REASONABLE ACCESS TO ALL FACILITIES AND PREMISES OWNED OR OPERATED BY THE AUTHORITY OR ITS SERVICE PROVIDER, ALLOWING REVIEW OF ALL BOOKS AND RECORDS OF THE AUTHORITY AND ITS SERVICE PROVIDER, PROVIDING COPIES OF REQUESTED DOCUMENTS, ALLOWING INTERVIEWS OF ALL APPROPRIATE PERSONNEL, AND RESPONDING IN A REASONABLE AND TIMELY MANNER TO ANY INQUIRIES OR REPORTING REQUESTS MADE BY THE DEPARTMENT.

S 3. This act shall take effect on January 1, 2014.