

4130

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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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19    relinquished or withdrawn after the effective date of chapter three  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.