

3780--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

---

Introduced by M. of A. CERETTO, HAWLEY -- Multi-Sponsored by -- M. of A. DiPIETRO -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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19    relinquished or withdrawn after the effective date of chapter three  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

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

LBD07140-03-5

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13 quished by or withdrawn from a recipient thereof shall be offered by the  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

53 S 2. This act shall take effect immediately.