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

8179

2015-2016 Regular Sessions

I N A S S E M B L Y

June 11, 2015

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

AN ACT to amend section 16 of part A of chapter 173 of the laws of 2013, amending the public service law, the public authorities law, the executive law and the education law relating to the powers and duties of the department of public service and the Long Island power authority, in relation to the timing of the commencement of certain engineering, environmental permitting and cost feasibility analysis and studies

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

Section 1. Section 16 of part A of chapter 173 of the laws of 2013, amended the public service law, the public authorities law, the executive law and the education law relating to the powers and duties of the department of public service and the Long Island power authority, as amended by section 5 of part W of chapter 58 of the laws of 2015, is amended to read as follows:

S 16. Repowering. The Long Island power authority, in cooperation with its service provider, as defined under section 3-b of the public service law, and the owner of the legacy LILCO power generating facilities will perform an engineering, environmental permitting and cost feasibility analysis and study of repowering the Port Jefferson power station located in the town of Brookhaven in the county of Suffolk, the E.F. Barrett power station located in the town of Hempstead in the county of Nassau, and the Northport power station located in the village of Northport in the county of Suffolk. Such study will focus on repowering utilizing greater efficiency and environmentally friendly technologies, and shall have been commenced no later than October 1, 2015 [for the power stations in the town of Brookhaven and the town of Hempstead, and no later than October 1, 2018 for the power station in the village of Northport]. These analyses shall be completed and presented to the board of the Long Island power authority and the Long Island branch of the

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

LBD11426-01-5

department of public service no later than eighteen months after the analysis commencement date. If after the Long Island power authority, or its successor, determines, in accordance with the feasibility determinations resulting from the studies and analyses authorized under this section, and in accordance with the terms and conditions contained in the amended and restated power supply agreement ("A&R PSA"), dated October 10, 2012, between the authority and the owner of the legacy LILCO power generating facilities, that repowering any such generating facility is in the best interests of its ratepayers and will enhance the authority's ability to provide a more efficient, reliable and economical supply of electric energy in its service territory, consistent with the goal of improving environmental quality, the authority will exercise its rights under the A&R PSA related to repowering any such facility or facilities, and shall enter into an agreement related to payments in lieu-of-taxes for a term commensurate with any power purchase agreement entered into related to such repowered facility, consistent with other such agreements related to generating facilities under contract to the authority in the service territory.

S 2. This act shall take effect immediately.