STATE OF NEW YORK

8368

IN SENATE

May 3, 2018

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the economic development law, in relation to recharge New York power

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 8 of subdivision (a) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(8) "Recharge New York power" shall mean and consist of equal amounts of (i) four hundred fifty-five megawatts of firm hydroelectric power from the Niagara and Saint Lawrence hydroelectric projects to be withdrawn from utility corporations that, prior to the effective date of this section, purchased such power for the benefit of their domestic and rural consumers ("recharge New York hydropower"), and (ii) power procured by the authority through a competitive procurement process, authority sources (other than the Niagara and Saint Lawrence projects) or through an alternate method ("recharge New York market power"); provided, however, that if such recharge New York market power comes from authority sources, the use of that power shall not reduce the availability of, or cause an increase in the price of, power provided by the authority for any other program authorized in this article or pursuant to any other statute**; provided, further, however that if such recharge New York market power comes from authority sources, the use of that power shall be at least eight percent less than default service**.

§ 2. Paragraph 3 of subdivision (c) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(3) The board's recommendation shall require that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly, provided that, **the recipient may elect to reduce the recharge New York market power allocation first, and provided further that,** under its

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

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contract with the authority, the recipient shall be afforded a reasonable period within which to fully utilize the allocation, taking into account construction schedules and economic conditions. The authority shall reallocate any withdrawn or relinquished power for the recharge New York power program consistent with paragraph four of this subdivision.

§ 3. Paragraph 7 of subdivision (c) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(7) The board shall not recommend a total of recharge New York power allocations in excess of nine hundred ten megawatts **except upon the unanimous recommendation of the board**.

§ 4. This act shall take effect immediately.