

# STATE OF NEW YORK

4610

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. MORINELLO -- 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19 relinquished or withdrawn after the effective date of chapter three  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.

LBD02279-01-9

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11 quished by or withdrawn from a recipient thereof shall be offered by the  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

51 § 2. This act shall take effect immediately.