

# STATE OF NEW YORK

8922

## IN SENATE

August 19, 2020

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to authorizing an investigation by the public service commission during a declared state of emergency

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

1 Section 1. Section 1020-s of the public authorities law, as added by  
2 chapter 517 of the laws of 1986, is amended by adding a new subdivision  
3 3 to read as follows:

4 3. Notwithstanding the foregoing provisions, if the governor declares  
5 a state declaration of disaster emergency pursuant to section twenty-  
6 eight of the executive law where the affected area includes any portion  
7 of the service territory, and such area experiences any widespread power  
8 outage persisting for a period of seventy-two hours or more, the public  
9 service commission may open an investigation to review the performance  
10 of the authority and any of its service providers in restoring service  
11 or otherwise meeting the requirements of the emergency response plan  
12 during an emergency event. If, after evidentiary hearings or other  
13 investigatory proceedings, the public service commission finds that the  
14 authority or its service providers failed to reasonably implement its  
15 emergency response plan or the length of outages were materially longer  
16 than they would have been, because of such authority or its service  
17 providers failure to reasonably implement its emergency response plan,  
18 the public service commission may deny the recovery of any part of the  
19 service restoration costs caused by such failure, commensurate with the  
20 degree and impact of the service outage.

21 § 2. This act shall take effect immediately.

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

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