

STATE OF NEW YORK

7236

2021-2022 Regular Sessions

IN ASSEMBLY

April 29, 2021

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

AN ACT to amend the public authorities law, in relation to the results of an annual stress test of all systems that support outage management and communications of the Long Island power authority

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

1 Section 1. Subdivision (cc) of section 1020-f of the public authori-
2 ties law, as added by section 7 of part A of chapter 173 of the laws of
3 2013, is amended by adding a new paragraph 6 to read as follows:

4 6. The service provider shall successfully complete, and submit to the
5 authority, the results of an annual stress test of all systems that
6 support outage management and communications. The stress test shall
7 include, but shall not be limited to, testing the capabilities at all
8 command and data centers, call centers and back-up command centers to
9 ensure capability to handle an outage impacting ninety percent or more
10 of the customers in the service area. Any management agreement entered
11 into by the authority and its service providers shall specify the dates
12 on which the stress test will be conducted. The results of the stress
13 test required pursuant to this section shall be due to the authority
14 within ten days of completion and shall be made available to the public
15 on a website maintained by the authority within seventy-two hours of
16 receipt by the authority. The authority shall certify to the department
17 of public service, receipt of a successfully completed annual stress
18 test. Failure to successfully complete the annually required stress
19 test shall result in a civil penalty in the amount of two hundred fifty
20 thousand dollars per day, to be levied against the service provider and
21 paid to the authority. Any payment made by a service provider, and the
22 cost of any litigation or investigation related to any action commenced
23 to enforce this provision, shall not be included by the authority in
24 revenue requirements used to establish rates and charges. Rather, any

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

LBD11136-01-1

1 payment made to the authority pursuant to this section shall be
2 disbursed by the authority to rate payers in the form of a rebate check,
3 prorated based off the total amount of the fine levied and the number of
4 customers in the service territory. Nothing in this section shall
5 prevent a service provider from conducting additional testing of its
6 outage management system, or prohibit the authority from contracting for
7 additional testing by its service providers.

8 § 2. This act shall take effect immediately and shall apply to any
9 contract entered into or amended on or after the effective date of this
10 act.