STATE OF NEW YORK

6426--A

2021-2022 Regular Sessions

IN SENATE

April 28, 2021

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the results of an annual stress test of all systems that support outage and restoration 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:

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

6. The service provider shall successfully complete, and submit to the authority, the results of an annual stress test of all systems that support outage and restoration management and communications. The stress test shall include, but shall not be limited to, testing the capabilities at all command and data centers, call centers, back-up command centers, and any other system deemed critical by the authority to ensure capability to handle an outage impacting ninety percent or more of the customers in the service area. Any management agreement entered into by the authority and its service providers shall specify the dates on which the stress test will be conducted. The results of the stress test required pursuant to this section shall be due to the authority within ten days of completion and shall be made available to the public on a website maintained by the authority within seventy-two hours of receipt by the authority. The authority may redact, from the publicly posted report only, any information contained in the results of a system stress test deemed sensitive whereby its release would create a cyber security risk to the authority's system. Provided, however, the authority must deliver a copy of the full, unredacted report to the department of

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

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public service. The authority shall certify to the department of public service, receipt of a successfully completed annual stress test. Failure to successfully complete the annually required stress test shall result in a civil penalty in the amount of two hundred fifty thousand dollars per day, to be levied against the service provider and paid to the authority. Any payment made by a service provider, and the cost of any litigation or investigation related to any action commenced to enforce this provision, shall not be included by the authority in revenue requirements used to establish rates and charges. Rather, any payment made to the authority pursuant to this section shall be disbursed by the authority to rate payers in the form of a rebate check, prorated based off the total amount of the fine levied and the number of customers in the service territory. Nothing in this section shall prevent a service provider from conducting additional testing of its outage management system, or prohibit the authority from contracting for additional testing by its service providers.

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