

# STATE OF NEW YORK

5822

2021-2022 Regular Sessions

## IN ASSEMBLY

February 25, 2021

Introduced by M. of A. MORINELLO, SAYEGH, DeSTEFANO, B. MILLER, NORRIS, SALKA, J. M. GIGLIO, TAGUE -- Multi-Sponsored by -- M. of A. DiPIETRO, MANKTELOW -- 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 Assembly, 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19 relinquished or withdrawn after the effective date of chapter three  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

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

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12 or withdrawn from a recipient thereof shall be offered by the authority  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

52 § 2. This act shall take effect immediately.