

STATE OF NEW YORK

3652

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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19 relinquished or withdrawn after the effective date of chapter three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 counties of Niagara and Orleans.

8 Provided, however, that the amount of replacement, preservation power,
9 or the additional twenty megawatts of Saint Lawrence-FDR power for the
10 period ending December thirty-first, two thousand six made available for
11 such purpose, used for energy cost savings benefits that are relin-
12 quished by or withdrawn from a recipient thereof shall be offered by the
13 authority proportionately for a period of six months for reallocation to
14 applicants who qualify respectively for replacement or preservation
15 power allocations as provided in this subdivision. [~~If such power is not~~
16 ~~allocated within such period it shall be allocated for the purpose of~~
17 ~~energy cost savings benefits pursuant to subdivision (h) of section one~~
18 ~~hundred eighty-three of the economic development law.] The authority
19 shall negotiate contracts on reasonable terms and conditions to renew or
20 extend every permanent contract allocation of expansion power in effect
21 on the effective date of this subdivision and, to the extent consistent
22 with such contracts, the authority shall negotiate contracts on reason-
23 able terms and conditions to extend or renew all other allocations or
24 allotments of such power in effect on such date. The authority shall
25 negotiate contracts on reasonable terms and conditions to renew or
26 extend for a period of at least five years every permanent contract
27 allocation of replacement power in effect on the effective date of chap-
28 ter three hundred thirteen of the laws of two thousand five which added
29 this sentence and that would expire by its terms on or before the end of
30 the 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.