

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:

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 and restoration management and communications. The stress
7 test shall include, but shall not be limited to, testing the capabili-
8 ties at all command and data centers, call centers, back-up command
9 centers, and any other system deemed critical by the authority to ensure
10 capability to handle an outage impacting ninety percent or more of the
11 customers in the service area. Any management agreement entered into by
12 the authority and its service providers shall specify the dates on which
13 the stress test will be conducted. The results of the stress test
14 required pursuant to this section shall be due to the authority within
15 ten days of completion and shall be made available to the public on a
16 website maintained by the authority within seventy-two hours of receipt
17 by the authority. The authority may redact, from the publicly posted
18 report only, any information contained in the results of a system stress
19 test deemed sensitive whereby its release would create a cyber security
20 risk to the authority's system. Provided, however, the authority must
21 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.

LBD11136-02-1

1 public service. The authority shall certify to the department of public
2 service, receipt of a successfully completed annual stress test. Fail-
3 ure to successfully complete the annually required stress test shall
4 result in a civil penalty in the amount of two hundred fifty thousand
5 dollars per day, to be levied against the service provider and paid to
6 the authority. Any payment made by a service provider, and the cost of
7 any litigation or investigation related to any action commenced to
8 enforce this provision, shall not be included by the authority in reven-
9 ue requirements used to establish rates and charges. Rather, any payment
10 made to the authority pursuant to this section shall be disbursed by the
11 authority to rate payers in the form of a rebate check, prorated based
12 off the total amount of the fine levied and the number of customers in
13 the service territory. Nothing in this section shall prevent a service
14 provider from conducting additional testing of its outage management
15 system, or prohibit the authority from contracting for additional test-
16 ing by its service providers.

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