

# STATE OF NEW YORK

538--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

Introduced by M. of A. SAYEGH, DICKENS, SEAWRIGHT, DeSTEFANO, THIELE, SANTABARBARA, TAGUE, DURSO, LEMONDES, SHIMSKY -- Multi-Sponsored by -- M. of A. MILLER -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities law, in relation to requiring electric companies to provide alternative measures to ensure customers are able to maintain their health and well-being during power outages

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

1 Section 1. Subparagraph (iii) of paragraph (a) of subdivision 21 of  
2 section 66 of the public service law, as separately amended by chapters  
3 395 and 743 of the laws of 2022 and chapter 38 of the laws of 2023, is  
4 amended to read as follows:  
5 (iii) identification of and outreach plans to customers who had docu-  
6 mented their need for essential electricity for medical needs, which  
7 shall include but not be limited to, apnea monitors for infants, cuirass  
8 respirators, hemodialysis machines, IV feeding machines, IV medical  
9 infusion machines, oxygen concentrators, positive pressure respirators,  
10 respirator/ventilators, rocking bed respirators, suction machines, and  
11 tank type respirators. Such outreach plans shall include provisions  
12 regarding how such customers will be provided with alternative measures  
13 to ensure their health and well-being if power cannot adequately be  
14 provided. Such provisions shall include providing electric generators or  
15 lodging for the individual requiring such essential electricity for  
16 medical needs and shall also include transportation of medical devices,  
17 as needed. Such provisions shall also specify that any cost incurred by

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

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1 an electric company in providing such alternative measures shall not be  
2 borne by rate payers;

3 § 2. Paragraph 1 of subdivision (cc) of section 1020-f of the public  
4 authorities law, as separately amended by chapter 395 of the laws of  
5 2022 and chapter 38 of the laws of 2023, is amended to read as follows:

6 1. The service provider shall, in consultation with the authority,  
7 prepare and maintain an emergency response plan (i) to assure the  
8 reasonably prompt restoration of service in the case of an emergency  
9 event, defined for purposes of this subdivision as an event where wide-  
10 spread outages have occurred in the authority's service territory due to  
11 a storm or other causes beyond the control of the authority and the  
12 service provider, (ii) consistent with the requirements of paragraph (a)  
13 of subdivision twenty-one of section sixty-six of the public service law  
14 and any regulations and orders adopted thereto, and (iii) establishing  
15 the separate responsibilities of the authority and service provider.  
16 Such emergency response plan shall include plans setting forth how the  
17 communication and coordination of efforts between the authority, service  
18 provider, authority employees, service provider employees, authority  
19 company crews, service provider company crews, mutual aid crews, other  
20 utilities, local governments and any service provider or other entity  
21 performing services to assist the authority shall occur. Such emergency  
22 response plan shall include identification of and outreach plans for  
23 customers who have documented their need for essential electricity for  
24 medical needs, which shall include but not be limited to, apnea monitors  
25 for infants, cuirass respirators, hemodialysis machines, intravenous  
26 feeding machines, intravenous medical infusion machines, oxygen concen-  
27 trators, positive pressure respirators, respirators/ventilators, rocking  
28 bed respirators, suction machines, and tank type respirators. Such  
29 outreach plans shall also include provisions regarding how customers  
30 will be provided with alternative measures to ensure their health and  
31 well-being if power cannot adequately be provided. Such provisions shall  
32 include providing electric generators or lodging for any individual  
33 requiring essential electricity for medical needs and shall also include  
34 transportation of medical devices, as needed.

35 § 3. This act shall take effect immediately.