STATE OF NEW YORK

7166

2023-2024 Regular Sessions

IN ASSEMBLY

May 11, 2023

Introduced by M. of A. OTIS, BURDICK, PAULIN, ROZIC, SAYEGH, SEAWRIGHT, SIMON, THIELE, ZEBROWSKI -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to the contents of emergency response plans required to be submitted to the public service commission by electric corporations

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

Section 1. Paragraph (a) of subdivision 21 of section 66 of the public service law, as separately amended by chapters 395 and 743 of the laws of 2022, subparagraph (iii) of paragraph (a) as separately amended by chapter 727 of the laws of 2022, is amended to read as follows:

(a) Each electric corporation subject to section twenty-five-a of this chapter shall annually, on or before December fifteenth, submit to the commission an emergency response plan for review and approval. The emergency response plan shall be designed for the reasonably prompt restoration of service in the case of an emergency event, defined for purposes of this subdivision as an event where widespread outages have occurred in the service territory of the company due to storms, cyber attack, or other causes beyond the control of the company. **To support reasonably prompt restoration of service in the case of an emergency event, emergency response plans should include details of staffing, equipment and a performance schedule with the goal of achieving restoration of service based upon a time-based restoration schedule established by the commission. In establishing such time-based restoration schedules, the commission should utilize benchmarks for the restoration of service which include, but are not limited to, the percentage of customers restored within each twenty-four-hour interval following the storm and consideration of different kinds of storm events.** The emergency response plan shall include, but need not be limited to, the following: (i) the identification of management staff responsible for company operations during

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

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an emergency; (ii) a communications system with customers during an emergency that extends beyond normal business hours and business conditions; (iii) identification of and outreach plans to customers who had documented their need for essential electricity for medical needs, which shall include but not be limited to, apnea monitors for infants, cuirass respirators, hemodialysis machines, IV feeding machines, IV medical infusion machines, oxygen concentrators, positive pressure respirators, respirator/ventilators, rocking bed respirators, suction machines, tank type respirators, as well as any medical equipment or equipment necessary for an individual whose diagnosis is likely to be significantly triggered or significantly exacerbated by a continued loss of power that will adversely impact that individual's health; (iv) identification of and outreach plans to customers who had documented their need for essential electricity to provide critical telecommunications, critical transportation, critical fuel distribution services or other large-load customers identified by the commission; (v) designation of company staff to communicate with local officials and appropriate regulatory agencies; (vi) provisions regarding how the company will assure the safety of its employees and contractors; (vii) procedures for deploying company and mutual aid crews to work assignment areas; (viii) identification of additional supplies and equipment needed during an emergency; (ix) the means of obtaining additional supplies and equipment; (x) procedures to practice the emergency response plan; (xi) appropriate safety precautions regarding electrical hazards, including plans to promptly secure downed wires within thirty-six hours of notification of the location of such downed wires from a municipal emergency official; (xii) plans setting forth how the communication and coordination of efforts between the electric corporation, electric corporation employees, electric corporation company crews, mutual aid crews, other utilities, local governments and any other entity performing services to assist such electric corporation shall occur; and (xiii) such other additional information as the commission may require. Each such corporation shall, on an annual basis, undertake drills implementing procedures to practice its emergency management plan. The commission may adopt additional requirements consistent with ensuring the reasonably prompt restoration of service in the case of an emergency event.

§ 2. This act shall take effect on the same date and in the same manner as chapter 743 of the laws of 2022, takes effect.