

# STATE OF NEW YORK

8695

## IN SENATE

March 1, 2024

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

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

20 § 2. Paragraph 1 of subdivision (cc) of section 1020-f of the public  
21 authorities law, as separately amended by chapter 395 of the laws of  
22 2022 and chapter 38 of the laws of 2023, is amended to read as follows:

23 1. The service provider shall, in consultation with the authority,  
24 prepare and maintain an emergency response plan (i) to assure the  
25 reasonably prompt restoration of service in the case of an emergency

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

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

27 § 3. This act shall take effect immediately.