

STATE OF NEW YORK

2614

2025-2026 Regular Sessions

IN ASSEMBLY

January 21, 2025

Introduced by M. of A. OTIS, LEVENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to strengthening of utility storm response and compliance

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

1 Section 1. Section 25 of the public service law, as added by chapter
2 665 of the laws of 1980, subdivision 2, paragraph (a) of subdivision 3
3 and paragraph (a) of subdivision 4 as amended by chapter 375 of the laws
4 of 1986, subdivision 4-a as added by chapter 334 of the laws of 2024,
5 subdivision 4-a as added by chapter 675 of the laws of 2024, is amended
6 to read as follows:

7 § 25. Penalties. 1. Every public utility company, corporation or
8 person and the officers, agents and employees thereof shall obey and
9 comply with every provision of this chapter and every order or regu-
10 lation adopted under authority of this chapter so long as the same shall
11 be in force.

12 2. Any public utility company, corporation or person and the officers,
13 agents and employees thereof that knowingly fails or neglects to obey or
14 comply with a provision of this chapter or a regulation or [~~an~~] order
15 adopted under authority of this chapter so long as the same shall be in
16 force, shall forfeit to the people of the state of New York a sum [~~not~~
17 ~~exceeding one hundred thousand dollars constituting a civil penalty for~~
18 ~~each and every offense and, in the case of a continuing violation, each~~
19 ~~day shall be deemed a separate and distinct offense] that shall be set
20 by the public service commission after considering the following:~~

21 (a) the scope of damages caused by the violation to individuals, busi-
22 nesses and the state;

23 (b) each individual act or omission which led to the violation;

24 (c) whether the violation was knowing or willful;

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

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1 (d) whether the violation was recurring, or had been the subject of a
2 previous finding by the commission;

3 (e) whether the violation was of a provision of this chapter, or a
4 regulation or order adopted under the authority of this chapter, adopted
5 specifically for the protection of human safety, including but not
6 limited to the commission's code of gas safety regulations, and whether
7 the violation caused or constituted a contributing factor in bringing
8 about a death or personal injury, as determined by the commission;

9 (f) whether the violation was of a provision of this chapter, or a
10 regulation or order adopted under the authority of this chapter, specif-
11 ically designed to protect the overall reliability and continuity of
12 service, the duration of any such violation, whether such violation
13 affected the reliability or continuity of service, the duration of any
14 such effect on the reliability or continuity of service, and whether any
15 effect on the reliability or continuity of service was recurring;

16 (g) the economic losses of ratepayers, in the form of increased
17 service rates or otherwise, associated with damage to or weakening of
18 infrastructure in connection with the event out of which the violation
19 arose, including but not limited to investments and costs associated
20 with repairing, improving, or replacing such infrastructure;

21 (h) whether the violation was caused in whole or in part due to the
22 systematic failure of the entity to maintain or replace obsolete or
23 deteriorated materials or equipment;

24 (i) the degree of preparation, including but not limited to the utili-
25 zation of mutual aid or other contingent resources, for a storm event or
26 other event out of which the violation arose for which there was advance
27 warning or notice;

28 (j) with respect to telephone corporations, cable television companies
29 and the officers, agents and employees thereof, whether a loss of
30 commercial electricity caused the violation; and

31 (k) mitigating factors relevant to the seriousness of the violation,
32 as determined by the commission.

33 ~~3. [Notwithstanding the provisions of subdivision two of this section,~~
34 ~~any such public utility company, corporation or person and the officers,~~
35 ~~agents and employees thereof that knowingly fails or neglects to obey or~~
36 ~~comply with a provision of this chapter, or an order or regulation~~
37 ~~adopted under the authority of this chapter, adopted specifically for~~
38 ~~the protection of human safety, including but not limited to the commis-~~
39 ~~sion's code of gas safety regulations shall, if it is determined by the~~
40 ~~commission that such safety violation caused or constituted a contribut-~~
41 ~~ing factor in bringing about a death or personal injury, forfeit to the~~
42 ~~state of New York a sum not to exceed the greater of:~~

43 ~~(a) two hundred and fifty thousand dollars constituting a civil penal-~~
44 ~~ty for each separate and distinct offense, provided, however, that for~~
45 ~~purposes of this paragraph each day of a continuing violation shall not~~
46 ~~be deemed a separate and distinct offense. The total period of a contin-~~
47 ~~uing violation, as well as every distinct violation, shall be similarly~~
48 ~~treated as a separate and distinct offense for purposes of this para-~~
49 ~~graph; or~~

50 ~~(b) the maximum forfeiture determined in accordance with subdivision~~
51 ~~two of this section.~~

52 ~~4. Notwithstanding the provisions of subdivision one or two of this~~
53 ~~section, a public utility company, corporation or person and the offi-~~
54 ~~cers, agents and employees thereof that knowingly fails or neglects to~~
55 ~~obey or comply with a provision of this chapter, or an order or regu-~~
56 ~~lation adopted under authority of this chapter, designed to protect the~~

~~overall reliability and continuity of electric service, shall forfeit to the state of New York a sum not to exceed the greater of:~~

~~(a) five hundred thousand dollars constituting a civil penalty for each separate and distinct offense; provided, however, that for purposes of this paragraph each day of a continuing violation shall not be deemed a separate and distinct offense. The total period of a continuing violation, as well as every distinct violation, shall be similarly treated as a separate and distinct offense for purposes of this paragraph; or~~

~~(b) the maximum forfeiture determined in accordance with subdivision two of this section.~~

~~4-a.]~~ (a) Notwithstanding the provisions of subdivision one or two of this section, any public utility company or corporation, and the officers, agents or employees thereof that knowingly makes a false material statement, representation or certification to the commission in any rate proceeding shall forfeit to the state of New York a sum not to exceed two hundred fifty thousand dollars. Each false material statement, representation or certification shall constitute a separate and distinct offense for purposes of this section.

(b) A public utility company or corporation, and the officers, agents or employees thereof that discover that a false material statement, representation or certification was previously made to the commission in relation to a rate proceeding shall disclose such false material statement, representation or certification to the commission within three business days of discovery. Failure to make such disclosure shall constitute a knowing violation of this subdivision and shall cause such public utility company or corporation and the officers, agents or employees thereof to be liable for forfeiture pursuant to this subdivision.

~~4-a.]~~ 4. Notwithstanding the provisions of subdivision two of this section, any such public utility company, corporation or person and the officers, agents and employees thereof that knowingly fails or neglects to obey or comply with section sixty-five of this chapter, or an order or regulation adopted pursuant to section sixty-five of this chapter, or such public utility company, corporation or person and the officers, agents and employees thereof knowingly sends a customer assistance inquiry outside a gas or electric corporation's New York state service territory or outside the state of New York without notice, a hearing and approval before the commission pursuant to section sixty-five of this chapter, shall forfeit to the state of New York a sum not to exceed the greater of:

(a) fifty thousand dollars constituting a civil penalty for each separate and distinct customer service inquiry sent outside of New York and one hundred thousand dollars constituting a civil penalty for each day a call center or other facility providing the customer assistance is closed; or

(b) the maximum forfeiture determined in accordance with subdivision two of this section.

5. Penalties provided for pursuant to this section shall be recovered in an action as provided in section twenty-four of this article.

6. Any payment made by a public utility company, corporation or person and the officers, agents and employees thereof as a result of an action as provided in section twenty-four of this article and the cost of litigation and investigation related to any such action shall not be included by the commission in revenue requirements used to establish rates and charges.

1 7. In construing and enforcing the provisions of this chapter relating
2 to forfeitures and penalties, the act of any director, officer, agent or
3 employee of a public utility company, corporation or person acting with-
4 in the scope of [~~his or her~~] their official duties or employment shall
5 be deemed to be the act of such public utility company, corporation or
6 person.

7 § 2. Section 25-a of the public service law, as added by section 2 of
8 part X of chapter 57 of the laws of 2013, is amended to read as follows:

9 § 25-a. Combination gas and electric corporations; administrative
10 sanctions; recovery of penalties. Notwithstanding sections twenty-four
11 and twenty-five of this article: 1. Every combination gas and electric
12 corporation and the officers thereof shall adhere to every provision of
13 this chapter and every order or regulation adopted under authority of
14 this chapter so long as the same shall be in force.

15 2. (a) The commission shall have the authority to assess a civil
16 penalty in an amount as set forth in this section and against a combina-
17 tion gas and electric corporation and the officers thereof subject to
18 the jurisdiction, supervision, or regulation pursuant to this chapter
19 [~~in an amount as set forth in this section. In determining the amount of~~
20 ~~any penalty to be assessed pursuant to this section, the commission~~
21 ~~shall consider: (i) the seriousness of the violation for which a penalty~~
22 ~~is sought; (ii) the nature and extent of any previous violations for~~
23 ~~which penalties have been assessed against the corporation or officer;~~
24 ~~(iii) whether there was knowledge of the violation; (iv) the gross~~
25 ~~revenues and financial status of the corporation; and (v) such other~~
26 ~~factors as the commission may deem appropriate and relevant~~].

27 The remedies provided by this subdivision are in addition to any other
28 remedies provided in law.

29 (b) Whenever the commission has reason to believe that a combination
30 gas and electric corporation or such officers thereof should be subject
31 to imposition of a civil penalty as set forth in this subdivision, it
32 shall notify such corporation or officer. Such notice shall include,
33 but shall not be limited to: (i) the date and a brief description of the
34 facts and nature of each act or failure to act for which such penalty is
35 proposed; (ii) a list of each statute, regulation or order that the
36 commission alleges has been violated; [~~and~~] (iii) the amount of each
37 penalty that the commission proposes to [~~assess~~] be assessed; and (iv)
38 any proposed actions that the commission deems necessary to address such
39 alleged violation or violations. The commission is authorized to under-
40 take any additional administrative or investigatory actions related
41 to such violation or violations, including but not limited to, service
42 of an administrative complaint, implementation of discovery, interviews,
43 depositions, entering into a settlement agreement or other stipulation,
44 and the holding of evidentiary hearings, as provided in this chapter.

45 (c) Whenever the commission has reason to believe that a combination
46 gas and electric corporation or such officers thereof should be subject
47 to imposition of a civil penalty or penalties as set forth in this
48 subdivision, the commission shall hold a hearing to demonstrate why the
49 proposed penalty or penalties should be assessed against such combina-
50 tion gas and electric corporation or such officers.

51 3. Any combination gas and electric corporation or such officers ther-
52 eof determined by the commission to have failed to [~~reasonably~~]
53 as shown by a preponderance of the evidence, at an evidentiary hearing,
54 with a provision of this chapter, regulation or an order adopted under
55 authority of this chapter so long as the same shall be in force shall
56 forfeit a sum [~~not exceeding the greater of one hundred thousand dollars~~

~~or two one hundredths of one percent of the annual intrastate gross operating revenue of the corporation, not including taxes paid to and revenues collected on behalf of government entities, constituting a civil penalty for each and every offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct offense]~~
that shall be set by the public service commission, after considering the following:

(a) the scope of damages caused by the violation to individuals, businesses and the state;

(b) each individual act or omission which led to the violation;

(c) whether the violation was knowing or willful;

(d) whether the violation was recurring, or had been the subject of a previous finding by the commission;

(e) whether the violation was of a provision of this chapter, or a regulation or order adopted under the authority of this chapter, adopted specifically for the protection of human safety, including but not limited to the commission's code of gas safety regulations, and whether the violation caused or constituted a contributing factor in bringing about a death or personal injury, as determined by the commission;

(f) whether the violation was of a provision of this chapter, or a regulation or order adopted under the authority of this chapter, specifically designed to protect the overall reliability and continuity of service, the duration of any such violation, whether such violation affected the reliability or continuity of service, the duration of any such effect on the reliability or continuity of service, and whether any effect on the reliability or continuity of service was recurring;

(g) the economic losses of ratepayers, in the form of increased service rates or otherwise, associated with damage to or weakening of infrastructure in connection with the event out of which the violation arose, including but not limited to investments and costs associated with repairing, improving, or replacing such infrastructure;

(h) whether the violation was caused in whole or in part due to the systematic failure of the entity to maintain or replace obsolete or deteriorated materials or equipment;

(i) the degree of preparation, including but not limited to the utilization of mutual aid or other contingent resources, for a storm event or other event out of which the violation arose for which there was advance warning or notice;

(j) with respect to any telephone corporation or cable television company to which this section applies by reason of the application of section twenty-five-b of this article, and with respect to any officer of any such telephone corporation or cable television company, whether a loss of commercial electricity caused the violation; and

(k) mitigating factors relevant to the seriousness of the violation, as determined by the commission.

4. ~~[Notwithstanding the provisions of subdivision three of this section, any such combination gas and electric corporation determined by the commission to have failed to reasonably comply with a provision of this chapter, or an order or regulation adopted under the authority of this chapter specifically for the protection of human safety or prevention of significant damage to real property, including, but not limited to, the commission's code of gas safety regulations shall, if it is determined by the commission by a preponderance of the evidence that such safety violation caused or constituted a contributing factor in bringing about: (a) a death or personal injury, or (b) damage to real~~

1 ~~property in excess of fifty thousand dollars, forfeit a sum not to~~
2 ~~exceed the greater of:~~

3 ~~(i) two hundred fifty thousand dollars or three one hundredths of one~~
4 ~~percent of the annual intrastate gross operating revenue of the corpo-~~
5 ~~ration, not including taxes paid to and revenues collected on behalf of~~
6 ~~government entities, whichever is greater, constituting a civil penalty~~
7 ~~for each separate and distinct offense, provided, however, that for~~
8 ~~purposes of this paragraph, each day of a continuing violation shall not~~
9 ~~be deemed a separate and distinct offense. The total period of a contin-~~
10 ~~uing violation, as well as every distinct violation, shall be similarly~~
11 ~~treated as a separate and distinct offense for purposes of this para-~~
12 ~~graph; or~~

13 ~~(ii) the maximum forfeiture determined in accordance with subdivision~~
14 ~~three of this section.~~

15 ~~5. Notwithstanding the provisions of subdivision three or four of this~~
16 ~~section, a combination gas and electric corporation determined by the~~
17 ~~commission to have failed to reasonably comply by a preponderance of the~~
18 ~~evidence with a provision of this chapter, or an order or regulation~~
19 ~~adopted under authority of this chapter, designed to protect the overall~~
20 ~~reliability and continuity of electric service, including but not limit-~~
21 ~~ed to the restoration of electric service following a major outage event~~
22 ~~or emergency, shall forfeit a sum not to exceed the greater of:~~

23 ~~(a) five hundred thousand dollars or four one hundredths of one~~
24 ~~percent of the annual intrastate gross operating revenue of the corpo-~~
25 ~~ration, not including taxes paid to and revenues collected on behalf of~~
26 ~~government entities, whichever is greater, constituting a civil penalty~~
27 ~~for each separate and distinct offense, provided, however, that for~~
28 ~~purposes of this paragraph each day of a continuing violation shall not~~
29 ~~be deemed a separate and distinct offense. The total period of a contin-~~
30 ~~uing violation, as well as every distinct violation shall be similarly~~
31 ~~treated as a separate and distinct offense for purposes of this para-~~
32 ~~graph; or~~

33 ~~(b) the maximum forfeiture determined in accordance with subdivision~~
34 ~~three of this section.~~

35 ~~6. Any officer of any combination gas and electric corporation deter-~~
36 ~~mined by the commission to have violated the provisions of subdivision~~
37 ~~three, four, or five of this section, and who knowingly violates a~~
38 ~~provision of this chapter, regulation or an order adopted under authori-~~
39 ~~ty of this chapter so long as the same shall be in force shall forfeit a~~
40 ~~sum not to exceed one hundred thousand dollars constituting a civil~~
41 ~~penalty for each and every offense and, in the case of a continuing~~
42 ~~violation, each day shall be deemed a separate and distinct offense.~~

43 ~~7. Any such assessment may be compromised or discontinued by the~~
44 ~~commission.] All moneys recovered pursuant to this section, together~~
45 ~~with the costs thereof, shall be remitted to, or for the benefit of, the~~
46 ~~ratepayers in a manner to be determined by the commission.~~

47 ~~[8.]~~ 5. Upon a failure by a combination gas and electric corporation
48 or officer to remit any penalty assessed by the commission pursuant to
49 this section, the commission, through its counsel, may institute an
50 action or special proceeding to collect the penalty in a court of compe-
51 tent jurisdiction.

52 ~~[9.]~~ 6. Any payment made by a combination gas and electric corporation
53 or the officers thereof as a result of an assessment or penalty as
54 provided in this section, and the cost of litigation and investigation
55 related to any such assessment, shall not be recoverable from ratepay-
56 ers.

1 ~~10.~~ 7. In construing and enforcing the provisions of this chapter
2 relating to penalties, the act of any director, officer, agent or
3 employee of a combined gas and electric corporation acting within the
4 scope of ~~his or her~~ their official duties or employment shall be
5 deemed to be the act of such corporation.

6 ~~11.~~ 8. It shall be a violation of this chapter should a director,
7 officer or employee of a public utility company, corporation, person
8 acting in ~~his or her~~ their official duties or employment, or an agent
9 acting on behalf of an employer take retaliatory personnel action such
10 as discharge, suspension, demotion, penalization or discrimination
11 against an employee for reporting a violation of a provision of this
12 chapter ~~of~~ or an order or regulation adopted under the authority of
13 this chapter, including, but not limited to, those governing safe and
14 adequate service, protection of human safety or prevention of signif-
15 icant damage to real property, including, but not limited to, the
16 commission's code of gas safety. Nothing in this subdivision shall be
17 deemed to diminish the rights, privileges or remedies of any employee
18 under any other law or regulation, including but not limited to article
19 twenty-C of the labor law and section seventy-five-b of the civil
20 service law, or under any collective bargaining agreement or employment
21 contract.

22 § 3. The public service law is amended by adding a new section 25-b to
23 read as follows:

24 § 25-b. Administrative actions against other regulated entities.
25 Notwithstanding any other provision of this chapter, section twenty-
26 five-a of this article shall apply in equal force to: 1. an electric
27 corporation as defined in subdivision thirteen of section two of this
28 article; 2. a gas corporation as defined in subdivision eleven of
29 section two of this article; 3. a cable television company or cable
30 television system as defined in subdivisions one and two of section two
31 hundred twelve of this article; 4. a telephone corporation as defined in
32 subdivision seventeen of section two of this article; 5. a steam corpo-
33 ration as defined in subdivision twenty-two of section two of this arti-
34 cle; and 6. a water-works corporation as defined in subdivision twenty-
35 seven of section two of this article; as well as the officers or
36 employees of any such corporate entities described above.

37 § 4. Subdivision 21 of section 66 of the public service law, as
38 amended by section 4 of part X of chapter 57 of the laws of 2013, para-
39 graph (a) as separately amended by chapters 395 and 743 of the laws of
40 2022, subparagraph (iii) of paragraph (a) as separately amended by chap-
41 ters 395 and 743 of the laws of 2022 and chapter 38 of the laws of 2023,
42 subparagraph (xi) of paragraph (a) as separately amended by chapter 743
43 of the laws of 2022 and chapter 38 of the laws of 2024, subparagraphs
44 (xii), (xiii) and (xiv) of paragraph (a) as amended by chapter 38 of the
45 laws of 2024, is amended to read as follows:

46 21. (a) Each electric corporation subject to section twenty-five-a of
47 this chapter shall annually, on or before December fifteenth, submit to
48 the commission an emergency response plan for review and approval. The
49 emergency response plan shall be designed for the reasonably prompt
50 restoration of service in the case of an emergency event, defined for
51 purposes of this subdivision as an event where widespread outages have
52 occurred in the service territory of the company due to storms, cyber
53 attack, or other causes beyond the control of the company. The emergency
54 response plan shall include, but need not be limited to, the following:
55 (i) the identification of management staff responsible for company oper-
56 ations during an emergency; (ii) a communications plan that includes:

1 (A) a system [with] that communicates service information to customers
2 during an emergency that extends beyond normal business hours and busi-
3 ness conditions; [~~(iii)~~] (B) identification of and outreach plans to
4 customers who had documented their need for essential electricity for
5 medical needs, which shall include but not be limited to, apnea monitors
6 for infants, cuirass respirators, hemodialysis machines, IV feeding
7 machines, IV medical infusion machines, oxygen concentrators, positive
8 pressure respirators, respirator/ventilators, rocking bed respirators,
9 suction machines, and tank type respirators; [~~(iv)~~] (C) identification
10 of and outreach plans to customers who had documented their need for
11 essential electricity to provide critical telecommunications, critical
12 transportation, critical fuel distribution services or other large-load
13 customers identified by the commission; [~~(v)~~] (D) designation of company
14 staff to communicate with local officials and appropriate regulatory
15 agencies; [~~(vi)~~] and (E) identifies, tests and verifies redundancies in
16 communications systems; (iii) provisions regarding how the company will
17 assure the safety of its employees and contractors; [~~(vii)~~] (iv) proce-
18 dures for deploying company and mutual aid crews to work assignment
19 areas; [~~(viii)~~] (v) identification of additional supplies and equipment
20 needed during an emergency; [~~(ix)~~] (vi) the means of obtaining addi-
21 tional supplies and equipment; [~~(x)~~] (vii) procedures to practice the
22 emergency response plan; [~~(xi)~~] (viii) appropriate safety precautions
23 regarding electrical hazards, including plans to promptly secure downed
24 wires within thirty-six hours of notification of the location of such
25 downed wires from a municipal emergency official; [~~(xii)~~] (ix) plans to
26 prioritize the securing of downed wires over routine maintenance or
27 other work unrelated to a response to an emergency event after notifica-
28 tion by an individual of the location of such downed wires and where
29 such notification includes information indicating wire burning,
30 arcing/sparking, or the restriction of ingress and egress from a build-
31 ing or vehicle, or other immediate hazards. Such plans shall, at mini-
32 mum, include procedures to identify, locate, and assess the reported
33 wire no later than seventy-two hours after the response to an emergency
34 event ends; [~~(xiii)~~] (x) plans setting forth how the communication and
35 coordination of efforts between the electric corporation, electric
36 corporation employees, electric corporation company crews, mutual aid
37 crews, other utilities, local governments and any other entity perform-
38 ing services to assist such electric corporation shall occur; and
39 [~~(xiv)~~] (xi) such other additional information as the commission may
40 require. Each such corporation shall, on an annual basis, undertake
41 drills implementing procedures to practice its emergency management
42 plan. The commission may adopt additional requirements consistent with
43 ensuring the reasonably prompt restoration of service in the case of an
44 emergency event.

45 (b) After review of a corporation's emergency response plan, the
46 commission may require such corporation to amend the plan. The commis-
47 sion may also open an investigation of the corporation's plan to deter-
48 mine its sufficiency to respond adequately to an emergency event. If,
49 after hearings, the commission finds a material deficiency in the plan,
50 it may order the company to make such modifications that it deems
51 reasonably necessary to remedy the deficiency.

52 (c) The commission is authorized to open an investigation to review
53 the performance of any corporation in restoring service, implementing
54 communications plans or otherwise meeting the requirements of the emer-
55 gency response plan during an emergency event. If, after evidentiary
56 hearings or other investigatory proceedings, the commission finds that

1 the corporation failed to [~~reasonably~~] implement its emergency response
2 plan or the length of such corporation's outages were materially longer
3 than they would have been, because of such corporation's failure to
4 [~~reasonably~~] implement its emergency response plan, the commission may
5 deny the recovery of any part of the service restoration costs caused by
6 such failure, commensurate with the degree and impact of the service
7 outage; provided, however, that nothing herein limits the commission's
8 authority to otherwise commence a proceeding pursuant to sections twen-
9 ty-four, twenty-five and twenty-five-a of this chapter.

10 (d) The commission shall certify to the department of homeland securi-
11 ty and emergency services that each such corporation's emergency
12 response plan is sufficient to ensure to the greatest extent feasible
13 the timely and safe restoration of energy services after an emergency in
14 compliance with the requirements of this chapter.

15 (e) The filing of each emergency response plan required under para-
16 graph (a) of this subdivision shall also include a copy of all written
17 mutual assistance agreements among utilities.

18 (f) Each electric corporation shall file with the county executive or
19 the chief elected official of a county for each county within its
20 service territory the most recent approved copy of the emergency
21 response plan required pursuant to this section. For the purposes of an
22 electric corporation operating within the city of New York, such corpo-
23 ration shall file the most recent approved emergency response plan with
24 the emergency management office of the city of New York.

25 (g) The commission shall provide access to such emergency response
26 plan pursuant to article six of the public officers law.

27 § 5. Section 94 of the public service law is amended by adding a new
28 subdivision 5 to read as follows:

29 5. (a) Each corporation subject to this article shall annually, on or
30 before December fifteenth, submit to the commission an emergency
31 response plan for review and approval. The emergency response plan shall
32 be designed for the reasonably prompt restoration of service in the case
33 of an emergency event, defined for purposes of this subdivision as an
34 event where widespread outages have occurred in the service territory of
35 the company due to storms or other causes beyond the control of the
36 company. The emergency response plan shall include, but need not be
37 limited to, the following: (i) the identification of management staff
38 responsible for company operations during an emergency; (ii) a communi-
39 ications plan that includes (A) a system that communicates service infor-
40 mation to customers during an emergency that extends beyond normal busi-
41 ness hours and business conditions; (B) designation of company staff to
42 communicate with local officials and appropriate regulatory agencies;
43 and (C) identifies, tests and verifies redundancies in communications
44 systems; (iii) provisions regarding how the company will ensure the
45 safety of its employees and contractors; (iv) procedures for deploying
46 personnel crews to work assignment areas; (v) identification of addi-
47 tional supplies and equipment needed during an emergency; (vi) the means
48 of obtaining additional supplies and equipment; (vii) procedures to
49 practice the emergency response plan; and (viii) such other additional
50 information as the commission may require. Each such corporation shall,
51 on an annual basis, undertake drills implementing procedures to practice
52 its emergency management plan. The commission may adopt additional
53 requirements consistent with ensuring the reasonably prompt restoration
54 of service in the case of an emergency event.

55 (b) After review of a corporation's emergency response plan, the
56 commission may require such corporation to amend the plan. The commis-

1 sion may also open an investigation of the corporation's plan to deter-
2 mine its sufficiency to respond adequately to an emergency event. If,
3 after hearings, the commission finds a material deficiency in the plan,
4 it may order the company to make such modifications that it deems
5 reasonably necessary to remedy the deficiency.

6 (c) The commission is authorized to open an investigation to review
7 the performance of any corporation in restoring service, implementing
8 communications plans or otherwise meeting the requirements of the emer-
9 gency response plan during an emergency event.

10 (d) Each corporation subject to this article shall file with the coun-
11 ty executive or the chief elected official of a county for each county
12 within its service territory the most recent approved copy of the emer-
13 gency response plan required pursuant to this section. For the purposes
14 of a corporation operating within the city of New York, such corporation
15 shall file the most recent approved emergency response plan with the
16 emergency management office of the city of New York.

17 (e) The commission shall provide access to such emergency response
18 plan pursuant to article six of the public officers law.

19 § 6. Section 216 of the public service law is amended by adding a new
20 subdivision 4-a to read as follows:

21 4-a. (a) Each corporation subject to this article shall annually, on
22 or before December fifteenth, submit to the commission an emergency
23 response plan for review and approval. The emergency response plan shall
24 be designed for the reasonably prompt restoration of service in the case
25 of an emergency event, defined for purposes of this subdivision as an
26 event where widespread outages have occurred in the service territory of
27 the company due to storms or other causes beyond the control of the
28 company. The emergency response plan shall include, but need not be
29 limited to, the following: (i) the identification of management staff
30 responsible for company operations during an emergency; (ii) a communi-
31 cations plan which includes: (A) a system that communicates service
32 information to customers during an emergency that extends beyond normal
33 business hours and business conditions; (B) designation of company staff
34 to communicate with local officials and appropriate regulatory agencies;
35 and (C) identifies, tests and verifies redundancies in communications
36 systems; (iii) provisions regarding how the company will ensure the
37 safety of its employees and contractors; (iv) procedures for deploying
38 personnel crews to work assignment areas; (v) identification of addi-
39 tional supplies and equipment needed during an emergency; (vi) the means
40 of obtaining additional supplies and equipment; (vii) procedures to
41 practice the emergency response plan; and (viii) such other additional
42 information as the commission may require. Each such corporation shall,
43 on an annual basis, undertake drills implementing procedures to practice
44 its emergency management plan. The commission may adopt additional
45 requirements consistent with ensuring the reasonably prompt restoration
46 of service in the case of an emergency event.

47 (b) After review of a corporation's emergency response plan, the
48 commission may require such corporation to amend the plan. The commis-
49 sion may also open an investigation of the corporation's plan to deter-
50 mine its sufficiency to respond adequately to an emergency event. If,
51 after hearings, the commission finds a material deficiency in the plan,
52 it may order the company to make such modifications that it deems
53 reasonably necessary to remedy the deficiency.

54 (c) The commission is authorized to open an investigation to review
55 the performance of any corporation in restoring service, implementing

1 communications plans or otherwise meeting the requirements of the emer-
2 gency response plan during an emergency event.

3 (d) Each corporation subject to this article shall file with the coun-
4 ty executive or the chief elected official of a county for each county
5 within its service territory the most recent approved copy of the emer-
6 gency response plan required pursuant to this section. For the purposes
7 of a corporation operating within the city of New York, such corporation
8 shall file the most recent approved emergency response plan with the
9 emergency management office of the city of New York.

10 (e) The commission shall provide access to such emergency response
11 plan pursuant to article six of the public officers law.

12 § 7. Severability. If any clause, sentence, paragraph, section or part
13 of this act shall be adjudged by any court of competent jurisdiction to
14 be invalid and after exhaustion of all further judicial review, the
15 judgment shall not affect, impair or invalidate the remainder thereof,
16 but shall be confined in its operation to the clause, sentence, para-
17 graph, section or part of this act directly involved in the controversy
18 in which the judgment shall have been rendered.

19 § 8. This act shall take effect on the ninetieth day after it shall
20 have become a law. Effective immediately, the department of public
21 service or the public service commission is authorized to promulgate any
22 regulations or orders necessary to implement this act.