



# State of New York

## Executive Chamber

No. 73

### EXECUTIVE ORDER

#### DESIGNATION PURSUANT TO SECTION 6 OF THE EXECUTIVE LAW

**WHEREAS**, beginning on October 29, 2012, Hurricane Sandy caused massive power outages throughout Long Island, New York City, Westchester, Rockland and surrounding counties, affecting over two million customers, including ninety percent of customers on Long Island; and

**WHEREAS**, storm emergencies have affected thousands of businesses and private and public services providers charged with protecting the health and safety of New Yorkers, including hospitals, adult homes, nursing homes and other residences serving persons with disabilities and other special needs; and

**WHEREAS**, storm emergencies crippled major public transportation systems, including mass transportation, bridges, tunnels, roads and several waterways, throughout the region; and

**WHEREAS**, the loss of power adversely affected a variety of other critical systems including communications services, gasoline terminals and stations, natural gas delivery to residences and steam delivery to large residential and commercial complexes; and

**WHEREAS**, on November 7, 2012, a Nor'easter with snow exacerbated the suffering, property damage and power outages sustained in some of the same areas affected by Hurricane Sandy; and

**WHEREAS**, such sustained disruption of the power supply and its cascading damage to other critical systems in many communities, neighborhoods and industrial areas, as well as the continued prevalence of downed utility lines, have jeopardized the health and safety of New Yorkers and undermined public confidence in the public utility service system; and

**WHEREAS**, in August and September of 2011, as a result of Hurricane Irene and Tropical Storm Lee over one million customers in New York State lost power and some communities suffered prolonged power outages which not only impacted Long Island, New York City, Westchester, Rockland and surrounding counties, but also the counties of Albany, Broome, Chenango, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Montgomery, Oneida, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren and Washington; and

**WHEREAS**, in December 2008, an ice storm caused over 300,000 power outages in New York State, and many customers were still without power a week after the storm; and

**WHEREAS**, these recent and past events indicate that utility emergency response planning and procedures must anticipate future emergencies and be prepared; and

**WHEREAS**, utilities are required to provide safe, adequate and reliable services to the public; and

**WHEREAS**, while the New York State Public Service Commission is the regulatory agency charged with oversight of private utilities in the State of New York, there exists a labyrinth of other regulatory bodies, state agencies, authorities and quasi-governmental bodies including but not limited to the New York Power Authority, the Long Island Power Authority, and the New York State Energy and Research Development Authority, whose overlapping mandates, jurisdiction and responsibilities have contributed to a dysfunctional utility system; and

**WHEREAS**, serious questions have been raised about the adequacy of utility management, structures, resources, the current regulatory framework and oversight to ensure effective preparation for and response to natural disasters by utilities in this State, particularly in light of the increasing frequency and intensity of such disasters as well as the licensing, certification, supervision and regulation of the power industry in New York; and

**WHEREAS**, to maintain public confidence in the provision of vital services by utilities, it is manifestly in the public interest to study, examine, investigate and review each and every component of the provision of power to New York State; and

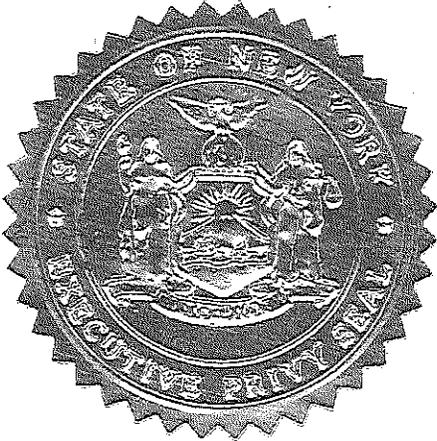
**WHEREAS**, Article IV, Section 3, of the New York Constitution vests the Governor with the obligation to take care that the laws are faithfully executed;

**NOW, THEREFORE**, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. Pursuant to Section 6 of the Executive Law, I hereby appoint a Commission to: (A) study, examine, investigate and review: (i) the emergency preparedness and response of utilities during and following emergency weather events, including the performance of the utilities during and following emergency weather events; (ii) the adequacy of present laws, rules, regulations, practices and procedures with respect to utilities' emergency preparedness and response; (iii) the adequacy of existing oversight and enforcement mechanisms; (iv) the structure, organization, ownership, financing, control, management and practices of the utilities as they affect emergency preparedness and response; and (v) the provision of utility services to New York State under the existing legal regulatory framework, including but not limited to the jurisdiction, responsibilities and missions of the New York Power Authority, the Long Island Power Authority, the New York State Energy and Research Development Authority, as well as the Public Service Commission; (B) report and make recommendations for legislative, policy and regulatory changes, as well as reforms as deemed appropriate in utility structure, management and practices, to best protect and serve the public's interest with respect to emergency preparedness and response, and the provision of safe, reliable, responsive utility services; and (C) review any other matters or activities which may affect the issues herein specified;
2. The Commission is hereby empowered to subpoena and enforce the attendance of witnesses; to administer oaths or affirmations and examine witnesses under oath; to require the production of any books, records or papers deemed relevant or material to any investigation, examination or review; and to perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office, and I hereby give and grant to the Commission all powers and authorities which may be given or granted to persons appointed by me for such purpose under authority of Section 6 of the Executive Law. The Commission may exercise any such powers in cooperation with any other body or government agency.
3. I hereby appoint each of the following as a Commissioner of the Commission established pursuant to this Executive Order:

Robert Abrams, Co-Chair  
 Benjamin Lawskey, Co-Chair  
 Peter Bradford  
 Tony Collins  
 John Dyson  
 Rev. Floyd Flake  
 Mark Green  
 Hon. Joanie Mahoney  
 Hon. Kathleen Rice  
 Dan Tishman

4. The Commission shall provide a report and recommendations at the conclusion of its work, and may issue interim, preliminary and periodic reports and recommendations.
5. Within this Executive Order, "utilities" refers to the entities engaged in the provision of electric, gas and steam services.
6. Every State department, agency, office, division, board, bureau, council, authority and public benefit corporation shall cooperate with the Commission and shall furnish such information and assistance as the Commission determines is reasonably necessary to fulfill its duties.



GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this thirteenth  
day of November in the year two  
thousand twelve.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "D. A. ...", written in a cursive style.

A handwritten signature in black ink, appearing to be "Louise Schwartz", written in a cursive style.  
Secretary to the Governor