Government Issues and News of the Week

Federal

State

City

Federal

Portman-Shaheen Energy Efficiency Bill Reintroduced

On March 11, Senators Portman (R-OH) and Shaheen (D-NH) reintroduced their energy efficiency bill with minor changes. The Energy Savings and Industrial Competitiveness Act of 2015 is substantially similar to the final version of the bill introduced last Congress, S. 2262. Senators Portman and Shaheen are now pushing for a bill mark-up in the Energy and Natural Resources Committee.

A section of great interest to utilities - building codes - remains unchanged from last year. In addition, the bill retains the repeal of Section 433. Current law (Section 433 of the 2007 Energy Bill) reduces the amount of fossil fuel generated energy used in new and renovated federal buildings, with a full fossil fuel generated energy ban in 2030. The Energy Savings and Industrial Competitiveness Act repeals Section 433 and replaces it by extending existing federal energy efficiency policy.

To read more about the new bill, click here.

Senators Introduce Bipartisan Toxic Substances Control Act Bill

Senators Inhofe (R-OK), Vitter (R-LA), and Udall (D-NM) have introduced legislation to reform the Toxic Substances Control Act (TSCA), which governs the use of chemicals. A press release on the measure can be found here. The utility industry has been monitoring the bill given its oversight of PCBs.

This bipartisan bill maintains a federal preemption of state PCB regulation, precisely what energy utilities have been advocating for. The preemption protection afforded to the federal PCB regulations

has been critical to ensure a uniformly protective program for the use of PCBs in electric and gas equipment, and has helped to promote the cost-effective and reliable provision of electric and gas services to hundreds of millions of residential, commercial, governmental, and industrial customers.

A legislative hearing on the bill took place March 18 and included testimony from the Environmental Defense Fund (EDF), you can view the hearing here.

Utility Industry Addressing FAA Proposal on Use of Drones
Interest in the commercial use of unmanned aircraft systems (UAS or drones) has grown dramatically. In response, the Edison Electric Institute (EEI) created a working group to examine potential benefits and challenges with the changing regulatory landscape for UAS.

Since 2012, the Federal Aviation Administration (FAA) has been working to create a plan that regulates the use of drones, with a specific deadline of September 30, 2015. There is concern that these rules will strictly limit the use of UAS, including requiring commercial pilots' licenses to fly drones and airworthiness certification. Because a number of utilities are interested in utilizing UAS technology to monitor gas and electric infrastructure, the EEI working group has drafted an education piece for use with agency and elected officials.

While awaiting the final rulemaking, the FAA is allowing some UAS flights by the private sector, but only after an approval process. Commonwealth Edison recently received such an approval and details can be found here.

Con Edison Joins Effort to Increase LIHEAP Funding
Con Edison has joined a coalition of social service agencies and fellow utilities in support of federal funding for the Low Income Home Energy Assistance Program (LIHEAP)**.** The group is circulating a letter, which requests that U.S. Senate and House Appropriators increase LIHEAP funding to $4.7 billion. A copy of the letter can be found here.

In addition, on March 25, Con Edison joined with HeartShare and the Salvation Army to participate in LIHEAP Action Day, educating elected officials and their staff on the importance of low income energy assistance.

State
Attorney General Data Breach Legislation Introduced
In January, Attorney General Eric Schneiderman announced his intention to pursue legislation that would overhaul New York's data security law and require new safeguards for consumers' personal data. The Chair of the Assembly Committee on Consumer Affairs and Protection recently introduced this legislation on the Attorney General's behalf.

Currently, New York State does not have a law directly requiring entities to institute data security measures to protect consumer information. Moreover, in the event of a data breach or unauthorized disclosure, companies are required to notify affected individuals if "private information" is compromised—which does not include email addresses and passwords, security questions, medical history and health insurance information, among other categories.

The bill would do several things, including the following:
- broaden the scope of information that companies would be responsible for protecting;
- require stronger technical and physical security measures for protecting information; and
- create a safe harbor for companies who meet certain security standards, incentivizing them to adopt tough measures to protect personal data.

A copy of the legislation can be found [here](#).

Pipeline Testing Legislation Introduced
Legislation has been introduced that would subject natural gas pipelines 25 feet and longer to pressure testing in accordance with federal standards. This legislation is in response to a recent finding by the National Transportation Safety Board that a 69-foot plastic pipe segment involved in last year's East Harlem explosion was not tested to federal specifications because state regulations exempt pipes under 100 feet from such testing and inspection.

A copy of the legislation can be found [here](#).

Governor Cuomo Issues Community Solar Update
Governor Cuomo announced that 26 Community Solar campaigns have been launched to date, resulting in a 20% savings. As part of the PSC's Reforming the Energy Vision (REV), Community Solar enables communities to install solar as a large group instead of individual households. The program also assists these communities by providing marketing materials, a streamlined customer acquisition platform, funding, technical assistance, and by sharing best practices.

The campaigns are located in the Bronx, Long Island, the Capital Region, the Finger Lakes, Central New York, Southern Tier, and the North Country. They are managed by community partnerships that include local municipalities, planning organizations, sustainability groups, state legislators, business groups, and Native American tribes, among others.

A complete list of the projects can be found [here](#).

NYS Receives FEMA Grants for Counterterrorism, Emergency Preparedness, and Cyber Security
New York has received more than $233 million in grants from the Federal Emergency Management Agency (FEMA) through its Homeland Security Grant Program. This money will be used to support exercises and training for first responders, equipment purchases, and other capabilities geared towards keeping New Yorkers safe. Federal guidelines require that 25 percent of each county's total award be directed toward law enforcement terrorism prevention activities.

Priority projects include efforts that build upon Governor Cuomo's Citizen Preparedness Program, development of effective cyber security programs and policies, and continued coordination of emergency management planning efforts. The state Division of Homeland Security and Emergency Services is also advancing regional partnerships and enhancing information sharing among law enforcement. The agency provides guidance and support to counties, which must submit detailed project plans in order to receive reimbursement-based grant contracts.

Key programs and grant amounts include:

- Urban Areas Security Initiative: Nearly $181M in funding will be used for anti-terrorism programs in the New York City urban area, which includes New York City, the City of Yonkers, Westchester County, Nassau County, and Suffolk County.
- State Homeland Security Program: More than $52M in funding will be provided to counties across the state and New York City to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic disasters. More than $34M is allocated to New York City and more than $1.4M is allocated to Westchester County.

Governor Announces Designation of Brownfield Opportunity Sites in NYC

Governor Cuomo announced the designation of twelve Brownfield opportunity areas in economically-challenged communities across New York State, including one in Queens and one in the Bronx.

The Brownfield Opportunity Areas (BOA) Program helps local communities establish revitalization strategies that return dormant and blighted areas into productive areas to spur economic development. The projects receiving this designation are given priority status for grants and additional Brownfield Cleanup Program (BCP) tax credit incentives. The BCP was recently extended and reformed in the 2015-2016 state budget.

In Queens, there is a 132-acre area with 224 potential brownfield sites located near the Jamaica train station. The primary focus of this revitalization strategy includes fostering mixed-use and sustainable transit-oriented development near the AirTrain, which provides a rail connection for downtown Jamaica and JFK airport. A $420,000 BOA Program grant financed these planning activities.

In the Bronx, Port Morris is a 200-acre area with 10 brownfield sites. The primary community revitalization objectives include: redeveloping underutilized, former industrial properties for commercial and residential use; removing environmentally hazardous substances; and increasing waterfront access opportunities to the Harlem River. A $208,250 BOA Program grant to the South Bronx Overall Economic Development Corporation financed planning activities.

City

City Council Announces Response to Mayor's Preliminary Budget

Speaker Melissa Mark-Viverito, Council Finance Chair Julissa Ferreras and the New York City Council today released the Council's response to the Fiscal Year 2016 Preliminary budget. The Council's recommendations for the upcoming year prioritize critical services and include:

- Investing in New York City Street Resurfacing
- Investing in NYCHA
- Expanding Services for New York City's Immigrant Population
- Hiring 1,000 additional NYPD officers
- Creating a Citywide Bail Fund
- Creating A Year Round Youth Employment Program
- Expanding the Mayor's Office of Veteran's Affairs
- Supporting Ending the Epidemic Initiatives
- Baselining Support For Senior Center Operations
- Providing Universal Free Lunch to City Students
- Supporting Industrial Business Solution Providers

- Restoring and Baselining Funding for Parks Enforcement Patrol
- Supporting Priority 5 Vouchers

City Council Unveils Council's Public Technology Plan
Speaker Melissa Mark-Viverito and the New York City Council released **Council 2.0** — a roadmap for introducing civic tech initiatives toward opening government. The Council's Public Technology Plan was an element of a rules reform package passed by the Council in May of 2014.

A Working Group on Public Technology and Civic Engagement will consult with a range of experts in building open digital platforms and tools for civic engagement, assist with an inventory of the Council's data holdings and generate ideas for new tools for public access and participation. Staff will also study web and social media analytics to help study the type and substance of digital interaction. Key stakeholders will be consulted for input on the progress on the Council's open data initiative, and on what types of datasets would be useful to inform their work.

The plan includes:
- The creation of a Public Tech team to analyze open data, drive social media interaction, lead a re-design process of the Web site, and produce user-friendly content, with the objective of driving a digitally savvy culture at the Council.
- A partnership with Civic Hall --a growing physical center for the civic tech community-- to bridge this community and the Council and tap its talent and expertise towards digital solutions.
- The introduction in Fall 2015 of "Council Labs" as an experimental, mobile-friendly website for new ideas and tools, such as those that will allow New Yorkers to understand and visualize the budget process.
- A Digital Inclusion Summit hosted by the Council this July to convene voices from diverse communities to develop best practices for the Council's public tech initiatives.
- A more accessible legislative database that presents information people are seeking upfront.
- A soon-to-be available API (Application Program Interface) that will allow civic technologists to access and analyze legislative data in different ways.
- A pilot and evaluation of engagement via texting.
- A social media strategy for sharing information and crowd-sourcing questions and comments for hearings and other Council proceedings.