

Memorandum in Opposition to A.5193 / S.4598

April 28, 2009

A.5193 (Brotsky) / S.4598 (Stewart-Cousins) - AN ACT to amend the public service law, in relation to directing the public service commission to determine governmental costs of radiological emergency preparedness for nuclear generating facilities, to assess fees to such facilities related thereto, and to disburse such fees; and to amend the state finance law, in relation to creating the radiological emergency preparedness fund

The Independent Power Producers of New York, Inc. (IPPNY) is a trade association representing companies involved in the development of electric generating facilities, the generation, sale, and marketing of electric power, and the development of natural gas facilities in the State of New York. IPPNY represents almost 75 percent of the electric generating capacity in New York.

IPPNY opposes A.5193 / S.4598. While state and local preparedness for radiological emergencies is vitally important, this proposed legislation is duplicative and unnecessary. Nuclear generating facilities in New York already are required to pay a substantial annual fee to support state and local radiological emergency planning and emergency preparedness for all hazards. This fee was first established in 1981.

Indeed, the level of this existing fee nearly was doubled during this year's New York State Budget process (Part R of S.56-A/A.156-B - Chapter 56 of the Laws of 2009). Existing law provides that monies from this fee are to be expended by the Disaster Preparedness Commission for purposes of supporting state and local government responsibilities under accepted radiological emergency preparedness plans.

The New York State Public Service Commission (PSC) is charged with ensuring a safe and reliable energy supply to the State of New York. It is an imprudent use of state resources to distract the PSC from their stated mission by requiring them to conduct unnecessary studies and promulgate duplicative regulations.

For the reasons stated above, IPPNY respectfully opposes the passage of A.5193 / S.4598

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