

EXECUTIVE ORDERS

Executive Order No. 2: Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan.

WHEREAS, decisions about how to meet the State's future energy needs can have significant impacts on the environment, public health, public welfare, safety, mobility, quality and reliability of services, energy costs, and the ability to maintain and grow the State's economy; and

WHEREAS, the burning of fossil fuels is a major contributor to global climate change, which poses a serious threat to the environment and the public health in New York State and elsewhere; and

WHEREAS, issues such as energy diversity, dependence on imported energy and fuels, the burning of fossil fuels, global climate change, acid rain and other airborne pollutants, ground-level ozone buildup, increased development, increased transportation demand, and waste generation and disposal from energy production are significant issues affecting New York and should be addressed in a comprehensive State energy plan; and

WHEREAS, discrete State actions and decision-making regarding energy resources should be based on clearly identified policies and long-range energy planning objectives and strategies; and

WHEREAS, the efficiency and effectiveness of government decision-making can be enhanced by the use of objective analyses with respect to future energy needs, the identification of various options to meet those needs, and a consideration of the environmental, health and economic impacts of those options; and

WHEREAS, the development, implementation, and periodic review of a sensible comprehensive energy plan will enable the State to determine its future energy needs and facilitate a deliberate, efficient, and cost-effective means of meeting those needs;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. There is hereby created a State Energy Planning Board ("Board"). The Board shall consist of the Chair of the Public Service Commission, the Commissioner of Environmental Conservation, the Commissioner of Transportation, the Commissioner of Health, the Commissioner of Economic Development, the President of the New York State Energy Research and Development Authority, the Director of the Budget, the President of the Urban Development Corporation, the Secretary of State, the Governor's Deputy Secretary for Environment, and the Governor's Deputy Secretary for Energy who shall serve as the Chair of the Board.

2. Members of the Board may designate an executive staff representative to participate on the Board on their behalf. A majority of the members of the Board shall constitute a quorum, and all actions and recommendations of the Board shall require approval of a majority of the total members of the Board.

3. The Board shall create a State Energy Plan ("Energy Plan"), which shall include the following:

(a) a statement of long-range energy policy objectives and strategies appropriate to increase energy supply and reduce energy demand, considering factors such as: (i) diversity of fuel supplies; (ii) protection of public health and safety; (iii) the needs of vulnerable communities; (iv) consumer cost impacts; (v) the relative economic competitiveness of the State; (vi) the State's natural resources, (vii) the reduction of greenhouse gases; (viii) energy conservation and efficiency; (ix) clean and renewable energy resources; (x) the maintenance of reliable electric and natural gas systems; and (xi) existing energy policies and objectives, including the Statewide Transportation Plan and State Implementation Plan;

(b) demand forecasts for periods up to 10 years for electricity, natural gas, coal, and petroleum products, which shall assess demand for the State, considering reasonably expected changes in demographic and economic activity, energy efficiency, and load management;

(c) supply requirements for the State (and any appropriate regions thereof) which are needed to satisfy forecasted demand for electricity, natural gas, coal, and petroleum products;

(d) assessments of existing electric generation, transmission and distribution systems, fuel transmission facilities, delivery and storage systems, and energy transport systems to meet the resource supply requirements for electricity, natural gas, coal, and petroleum products over the forecast periods;

(e) projections of energy prices over the forecast periods;

(f) assessments of the costs, benefits, uncertainties, market potential and opportunities for promoting sustainable alternatives to traditional energy resources, including clean and renewable energy resources for electric generation and other energy requirements, distributed generation technologies, cogeneration technologies, energy efficiencies, demand management, and biofuels which are reasonably available for satisfying energy supply requirements;

(g) assessments of the impacts associated with electricity production and energy use on public health and the environment, including on communities that are burdened disproportionately by health and environmental impacts;

(h) assessments of State environmental policies and programs which impact the State's development and implementation of energy policy and programs;

(i) an inventory of greenhouse gas emissions, and strategies for facilitating and accelerating the use of low carbon energy sources and/or carbon mitigation measures;

(j) assessments of the costs, benefits, and uncertainties of traditional and alternative transportation measures required to meet system demands over the forecast periods, including options, such as reduced vehicle miles traveled, to address the energy, environmental and health impacts of using traditional and alternative fuels;

(k) State energy policies and programs intended to support economic growth in the State, including those intended to develop a clean energy economy;

(l) comparison of energy prices for various customer classes provided by electric and natural gas utilities of the State with those in other states that compete with New York for business;

(m) the role of environmental justice considerations in energy-related decisions;

(n) recommendations for administrative and legislative actions to implement the policies, objectives, and strategies set forth in the Energy Plan; and

(o) recommendations for the study of additional issues and/or for further study of issues addressed in the Energy Plan.

4. The Board shall publish a draft Energy Plan on or before March 31, 2009. The Board shall solicit comments on the proposed Energy Plan from the public and other interested parties, including members of the State Legislature. The Board shall hold no fewer than six public meetings on the proposed Energy Plan in appropriate regions of the State, and have a process for the receipt of written comments during the comment period. The Board shall consider the comments received before issuing a final Energy Plan.

5. The Board shall publish the final Energy Plan on or before June 30, 2009, and shall provide copies of the final Energy Plan to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly.

6. The Board shall be authorized to issue a new Energy Plan at least every three years following the adoption of the most recent Energy Plan pursuant to the procedures established in this Order.

7. The Board shall consult with and seek to maximize input from State departments, agencies and public authorities, as well as private and public entities, including the New York Power Authority, the Long Island Power Authority, and the New York Independent System Operator, with respect to the development of the Energy Plan.

8. Upon issuance of the Energy Plan, every agency, department, office, division and public authority of this State shall, unless otherwise restricted by applicable law, give due consideration to and be guided by the Energy Plan in their decision-making.

9. Every agency, department, office, division or public authority of this State shall furnish such information and assistance as the Board determines is reasonably necessary to accomplish its purpose. In addition, the Board may call upon specific agencies and public authorities to monitor the progress of policies and programs recommended in the Energy Plan, and report to the Board as appropriate on implementation of the policies and programs, recommended adjustments to the policies and programs, and the time frames for achieving policy and program goals.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this ninth day of April in the year two thousand eight.

BY THE GOVERNOR
/S/ David A. Paterson
/s/ Charles O'Byrne
Secretary to the Governor

Executive Order No. 3: Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor.

WHEREAS, the Waterfront Commission of New York Harbor ("Waterfront Commission"), an instrumentality of the States of New York and New Jersey, has stated that it is charged with the mission "to investigate, deter, combat, and remedy criminal activity and influence

in the Port of New York and New Jersey," and to ensure "fair hiring and employment practices, so the Port and region can grow and prosper"; and

WHEREAS, on October 15, 2007, Inspector General Kristine Hamann was appointed as Commissioner, pursuant to section six of the Executive Law, to study, examine, investigate, review and make recommendations with respect to the management and affairs of the Waterfront Commission of New York Harbor;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. Pursuant to section six of the Executive Law, I hereby appoint Dennis E. Martin, who is currently serving as the Acting Inspector General of the State of New York, as Commissioner, replacing Kristine Hamann, to study, examine, investigate, review and make recommendations with respect to the management and affairs of the Waterfront Commission of New York Harbor.

2. The Commissioner 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 Commissioner all powers and authorities which may be given or granted to persons appointed by me for such purpose under authority of section six of the Executive Law. The Commissioner may exercise any such powers in cooperation with any other body or government agency. This order shall not in any way limit the powers or responsibilities of the Inspector General's Office to inquire into these or any other matters.

3. Every State department, agency, office, division, board, bureau, council, authority and public benefit corporation shall cooperate with the Commissioner and shall furnish such information and assistance as the Commissioner determines is reasonably necessary to fulfill his duties.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this ninth day of April in the year two thousand eight.

BY THE GOVERNOR
/S/ David A. Paterson
/s/ Charles O'Byrne
Secretary to the Governor