

NEW YORK STATE ENERGY PLANNING BOARD
BYLAWS

Proposed Amendment for Public Hearing 11/22/24

I. TITLE AND STATUTORY AUTHORITY

The Energy Planning Board is established pursuant to Section 6-102 of the Energy Law.

II. MEMBERS OF THE ENERGY PLANNING BOARD

- (a) The Board shall consist of thirteen (13) voting members: the Chair of the Public Service Commission, the Commissioner of Environmental Conservation, the President of Empire State Development, the Commissioner of Transportation, the Commissioner of Labor, the Commissioner of Health, the Secretary of State, the Commissioner of Agriculture and Markets, the Commissioner of the Division of Homeland Security and Emergency Services, the President of the New York State Energy Research and Development Authority, and a representative appointed by each of the Governor, the Speaker of the Assembly and the Temporary President of the Senate.
- (b) The presiding officer of the New York Independent System Operator is a nonvoting member of the Board.
- (c) Members of the Board described in sections (a) and (b) above may designate an executive staff representative to participate on the Board on their behalf. Such designation shall be made in writing to the Chair.

III. OFFICERS/LEGAL COUNSEL

- (a) Pursuant to Section 6-102(1) of the Energy Law, the President of the New York State Energy Research and Development Authority (NYSERDA) shall serve as the Chair of the Energy Planning Board. The Chair shall be responsible for presiding over the meetings of the Board and administration of its affairs.
- (b) The Board may from time to time elect a Vice-Chair and other officers and prescribe their duties.
- (c) NYSERDA's General Counsel shall serve as legal counsel to the Board and shall represent the Board at the direction of the Chair.
- (d) The Chair shall designate a member of NYSERDA's staff as Secretary to the Board.

IV. POWERS AND DUTIES

The Board shall have the powers and duties set forth in Section 6-102, 6-104, and 6-106 of the Energy Law, including but not limited to the power to: adopt a state energy plan; undertake a study of the overall reliability of the State's electric transmission and distribution system; issue subpoenas and subpoenas duces tecum; authorize any person to conduct any hearing which the Board is authorized to conduct; promulgate implementing regulations; and provide for its own representation in all actions and proceedings in which the Board is a party.

V. MEETINGS

- (a) Meetings of the Board shall be called by the Chair upon his initiative or upon receipt by him of a written request from any voting member of the Board.
- (b) Whenever possible, the Chair shall provide each member of the Board with written notice at least ten (10) days prior to each meeting of the time, place, and purpose of such meeting. Such notice shall be accompanied, whenever possible, by such background information as the Chair determines may be needed in considering the business to be discussed at the meeting.
- (c) The Chair shall furnish public notice of all meetings in accordance with the requirements of Article 7 of the Public Officers Law. Meetings of the Board shall be open to the public pursuant to the provisions of such law.
- (d) Seven (7) members of the Board shall constitute a quorum for the transaction of any business of the Board.
- (e) The Chair shall provide for the keeping of minutes of the proceedings of the Board and for the preservation of documentary records pertaining to the actions and proceedings of the Board.
- (f) Any decision or action by the Board shall be by majority vote.
- (g) Use of videoconferencing. Videoconferencing may be used as a general matter when at least a quorum of members are in physical locations where the public can attend. The Chair shall designate the place or places of meetings for attendance in person or through videoconferencing by notice given to the other Members. Provided the quorum requirement is met, a member may attend a meeting via videoconference at a private location when extraordinary circumstances prevent physical attendance.
 - (1) Extraordinary circumstances definition and procedures
 - (A) Extraordinary circumstances include disability, illness, other medical conditions, caregiving responsibilities, military service, death of a relative or other urgent or unexpected circumstances that prevents physical attendance.

(B) An extraordinary circumstances request shall be submitted to the Chair and staff to the Board as soon as reasonably possible after a member becomes aware of the extraordinary circumstance.

(C) The Chair shall approve or deny an extraordinary circumstances request and shall inform the member who made the request and relevant staff to the Board of the decision. The minutes of the meeting shall include which, if any, member participated by videoconferencing from a private location due to such extraordinary circumstances.

(2) Identification of members participating via videoconferencing. Except in the case of executive sessions, a member shall be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

(3) State or local disaster or emergency declaration. The in-person participation requirements shall not apply during a state disaster emergency declared by the governor or a local emergency declared by the chief executive of a county, city, village or town if the members determine that the circumstances necessitating the emergency declaration would affect or impair the ability of the members to hold an in-person meeting.

VI. AMENDMENTS

These rules of procedure may be amended by resolution adopted by the Board.