

will be rotating members from the private sector. The terms of office for the rotating members will be three years, but two of the initial private members shall serve one-year terms and three shall serve two-year terms. Each rotating member shall serve until a successor is named. The Governor shall designate the chairperson of the Council from among the members, who shall serve at the pleasure of the Governor.

3. The Council shall meet at least quarterly and shall prepare a yearly report on its activities. A copy of the report shall be distributed to the Governor, the Director of the Division of International Trade, Rutgers University, and the Legislature.

4. This Order shall take effect immediately.

Issued June 5, 1989.

EXECUTIVE ORDER No. 210

WHEREAS, The Power Authority of the State of New York owns and operates two hydroelectric power projects on the Niagara and Saint Lawrence Rivers pursuant to licenses issued under federal law; and

WHEREAS, These licenses require that a portion of each project's output be made available for use in neighboring states and require the Power Authority of the State of New York to negotiate for the purchase and allocation of this power with a State-appointed bargaining agent, if one has been appointed; and

WHEREAS, Executive Order No. 18 (1982) authorized the New Jersey Board of Public Utilities to act as the bargaining agent for the State of New Jersey for the purchase and allocation of such power to all residential electric consumers, whether they be customers of investor or municipally owned utilities; and

WHEREAS, The Power Authority of the State of New York has proposed a written contract which will require the Board of Public Utilities, as the State-appointed bargaining agent, to purchase all power to be allocated in New Jersey, to assume the binding obligation to compensate the Power Authority of the State of New York for the power and to ensure allocation of the power as required by the federal licenses; and

WHEREAS, It would be in the best interests of the State of New Jersey for these administrative and fiscal obligations to be assumed by the Public Power Association of New Jersey with the Board of Public Utilities retaining regulatory jurisdiction over the purchase and allocation of the power and over the rates of the power;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Public Power Association of New Jersey is designated the bargaining agent for the State of New Jersey to negotiate and administer contracts with the Power Authority of the State of New York, as appropriate, to provide for the allocation of power generated by the hydroelectric power projects on the Niagara and Saint Lawrence Rivers to New Jersey and to its residential electric consumers according to the terms of the contracts and licenses of such hydroelectric projects.

2. The Board of Public Utilities shall retain regulatory jurisdiction over the purchase and allocation of the power to the residential electric consumers in the State of New Jersey and is empowered to establish regulations and rates for such power.

3. The Public Power Association of New Jersey, as bargaining agent, shall prepare and submit an Annual Report to the Board of Public Utilities setting forth the amount and cost of the power delivered to New Jersey, the allocation of the power to New Jersey residents and any modifications to the contractual relationship with the Power Authority of the State of New York. Copies of the Annual Report shall be supplied to each utility receiving power and to any other interested party.

4. Executive Order No. 18 (1982) is rescinded.

5. This Order shall take effect immediately.

Issued June 21, 1989.