S T A T E O F N E W Y O R K

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I N A S S E M B L Y

June 28, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public service law and the state finance law, in relation to the utility intervenor account fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (i) of subdivision 1 of section 24-c of the public service law, as amended by a chapter of the laws of 2010, amending the public service law relating to utility intervenor reimbursement, as proposed in legislative bills numbers S. 7687-B and A. 8722-D, is amended to read as follows:

(a) "Compensation" means payment, FROM THE UTILITY INTERVENOR ACCOUNT FUND ESTABLISHED BY SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW, for all or part, as determined by the commission, of reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs for preparation and participation in a proceeding.

(i) "Substantial contribution" means that, in the judgment of the [commission] DEPARTMENT, the participant's application may substantially assist the commission in making its decision because the decision may adopt in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations that will be presented by the participant.

S 2. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. UTILITY INTERVENOR ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE UTILITY INTERVENOR ACCOUNT.

2. SUCH ACCOUNT SHALL CONSIST OF ALL UTILITY INTERVENOR REIMBURSEMENT MONIES RECEIVED FROM UTILITIES PURSUANT TO SECTION TWENTY-FOUR-C OF THE PUBLIC SERVICE LAW.

S 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2010, amending the public service law relating to utility intervenor reimbursement, as proposed in legislative bills numbers S. 7687-B and A. 8722-D, takes effect.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD17909-01-0