

8389

I N S E N A T E

June 28, 2010

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Paragraphs (a) and (i) of subdivision 1 of section 24-c of
2 the public service law, as amended by a chapter of the laws of 2010,
3 amending the public service law relating to utility intervenor
4 reimbursement, as proposed in legislative bills numbers S. 7687-B and A.
5 8722-D, is amended to read as follows:

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

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

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

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

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

26 S 3. This act shall take effect on the same date and in the same
27 manner as a chapter of the laws of 2010, amending the public service law
28 relating to utility intervenor reimbursement, as proposed in legislative
29 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.