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

1672

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GIANARIS, NOLAN, MARKEY, PHEFFER, ROBINSON, FIELDS, ROSENTHAL, BENEDETTO, COOK, DIAZ, CAHILL, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, CYMBROWITZ, DESTITO, DINOWITZ, GOTTFRIED, JOHN, McENENY, PERRY, REILLY, SAYWARD, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to requiring annual reviews of multi-year rate plans

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

Section 1. Paragraph (f) of subdivision 12 of section 66 of the public service law, as amended by chapter 154 of the laws of 1989, is amended to read as follows:

(f) Whenever there shall be filed with the commission by any utility any schedule stating a new rate or charge, or any change in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, the commission may, at any time within sixty days from the date when such schedule would or has become effective, either upon complaint or upon its own initiative, and, if it so orders, without answer or other formal pleading by the utility, but upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing. Pending such hearing and decision thereon, the commission, upon filing with such schedule and delivering to the utility, a statement in writing of its reasons therefor, may suspend the operation of such schedule, but not for a longer period than one hundred and twenty days beyond the time when it would otherwise go into effect. After full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, charge, form of contract or agreement,

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

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rule, regulation, service, general privilege or facility had become effective. If any such hearing cannot be concluded within the period of suspension as above stated, the commission may extend the suspension for a further period, not exceeding six months.

IF ANY SUCH SCHEDULE IS BASED ON PROJECTIONS OF REVENUES, EXPENDITURES AND UTILITY OPERATIONS FOR A PERIOD OF MORE THAN EIGHTEEN MONTHS, THE COMMISSION SHALL ORDER THAT SUCH SCHEDULE INCLUDE ANNUAL PROJECTIONS OR REVENUES AND EXPENDITURES AND BENCHMARKS FOR MAINTENANCE AND OPERATIONS, SERVICE QUALITY AND SUCH OTHER PROJECTIONS AS THE COMMISSION MAY DEEM APPROPRIATE, AND SHALL COMMENCE A PROCEEDING TO REVIEW THE CONTINUED VALIDITY OF SUCH PROJECTIONS NOT MORE THAN THREE MONTHS AFTER THE ANNIVERSARY DATE OF THE DATE SUCH SCHEDULE BECAME EFFECTIVE. ALL PARTIES TO THE PROCEEDING AT WHICH THE SCHEDULE WAS ORIGINALLY CONSIDERED SHALL BE ENTITLED TO PARTY STATUS IN THE REVIEW PROCEEDING; PROVIDED, HOWEVER, THAT NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE ADMISSION OF ADDITIONAL PERSONS TO THE PROCEEDING IF THEIR INTERVENTION IS LIKELY TO CONTRIBUTE TO THE DEVELOPMENT OF A COMPLETE RECORD OR IS OTHERWISE FAIR AND IN THE PUBLIC INTEREST. UPON A DETERMINATION THAT ANY OF THE PROJECTIONS WAS NOT MET OR IS IN NEED OF RECONSIDERATION, THE COMMISSION MAY MAKE SUCH ORDERS AS IT DEEMS APPROPRIATE. A REVIEW PROCEEDING COMMENCED PURSUANT TO THIS PARAGRAPH MAY BE DEEMED TO CONSTITUTE A PROCEEDING UNDERTAKEN PURSUANT TO SUBDIVISION TWENTY OF THIS SECTION. SIMILAR REVIEW PROCEEDINGS SHALL BE COMMENCED NOT MORE THAN THREE MONTHS AFTER ANY SUBSEQUENT ANNIVERSARY DATE OF THE ORIGINAL SCHEDULE'S EFFECTIVE DATE, PROVIDED, HOWEVER, THAT SUCH PROCEEDINGS SHALL CONSIDER ANY REVISED PROJECTIONS ORDERED IN PRIOR REVIEW PROCEEDINGS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided that the public service commission is immediately authorized and directed to take any and all actions, including but not limited to the promulgation of any necessary rules, necessary to fully implement the provisions of this act on its effective date.