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

3791

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to establishment of a public utility corporation community support program

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

Section 1. Section 5 of the public service law is amended by adding a new subdivision 7 to read as follows:

7. THERE IS HEREBY AUTHORIZED A PUBLIC UTILITY CORPORATION COMMUNITY SUPPORT PROGRAM (HEREINAFTER REFERRED TO AS "COMMUNITY SUPPORT PROGRAM"), THE PURPOSE OF WHICH IS TO ALLOW AND ENCOURAGE CONTRIBUTIONS BY PUBLIC UTILITY CORPORATIONS SUBJECT TO REGULATION BY THE COMMISSION, TO CHARITABLE ORGANIZATIONS, FOR THE BENEFIT OF COMMUNITIES SERVED BY THE PUBLIC UTILITY CORPORATIONS. THE COMMISSION SHALL FORMULATE AND PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF THE COMMUNITY SUPPORT PROGRAM, AND SHALL TAKE ACTION AND INSTITUTE ALL PROCEDURES NECESSARY OR PROPER FOR THE ESTABLISHMENT AND OPERATION OF THE COMMUNITY SUPPORT PROGRAM. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS WHICH:

A. SET FORTH THE MANNER IN WHICH A PUBLIC UTILITY CORPORATION SHALL BE ENCOURAGED TO CONTRIBUTE A MINIMUM OF ONE PERCENT OF ITS REVENUES TO CHARITABLE ORGANIZATIONS SERVING COMMUNITIES SERVED BY THE PUBLIC UTILITY CORPORATION;

B. DEFINE THE TERMS "CHARITABLE ORGANIZATION" AND "REVENUE" FOR PURPOSES OF THE COMMUNITY SUPPORT PROGRAM;

C. REQUIRE THAT THE CONSENT AND APPROVAL OF THE COMMISSION BE FIRST HAD AND OBTAINED PRIOR TO THE MAKING OF ANY CONTRIBUTION TO A CHARITABLE ORGANIZATION PURSUANT TO THIS SECTION;

D. SHALL PROHIBIT THE CONTRIBUTIONS OF A PUBLIC UTILITY CORPORATION MADE PURSUANT TO THIS SECTION FROM BEING CONSIDERED OR ALLOWED FOR RATE-MAKING PURPOSES; AND

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

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E. PROVIDE FOR NOTICE TO BE GIVEN TO THE PUBLIC BY THE PUBLIC UTILITY CORPORATION REGARDING ITS CHARITABLE CONTRIBUTIONS IN A MANNER LIKELY TO BE SEEN AND UNDERSTOOD BY MEMBERS OF THE PUBLIC.

S 2. If any item, clause, sentence, paragraph, subdivision, section or other part of this act, or the application thereof to any person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act, or the application of such section or part of a section held invalid, to any other person or circumstances, but shall be confined in its operation to the item, clause, sentence, paragraph, subdivision, section or other part of this act directly involved in such holding, or to the person and circumstances therein involved.

S 3. This act shall take effect January 1, 2011. Effective immediately the public service commission is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.