

8714

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

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

AN ACT to amend the public service law, in relation to providing for a
priority call system for use in connection with emergency discon-
nections of utilities, service coverage and oversight of response time
in connection with the emergency disconnection of utilities

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

1 Section 1. The public service law is amended by adding a new section
2 48-a to read as follows:
3 S 48-A. PRIORITY CALL SYSTEM AND REPORTING. 1. THE COMMISSION SHALL
4 ESTABLISH A PRIORITY CALL SYSTEM FOR USE BY POLICE AND FIRE DEPARTMENTS
5 AND AGENCIES IN THE EVENT OF AN EMERGENCY REQUIRING DISCONNECTION OF
6 UTILITY SERVICES PROVIDED BY A CORPORATION SUBJECT TO THIS ARTICLE. SUCH
7 SYSTEM SHALL BE IN OPERATION AT ALL TIMES, AND SHALL PROVIDE ACCESS TO
8 ONE OR MORE EMPLOYEES OF A CORPORATION, WHICH EMPLOYEES SHALL BE AUTHOR-
9 IZED TO DIRECT THE IMMEDIATE DISCONNECTION. THE COMMISSION SHALL
10 PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY TO CARRY OUT
11 THE PROVISIONS OF THIS SECTION.
12 2. EACH CORPORATION SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL
13 ESTABLISH A PRIORITY CALL SYSTEM, IN ACCORDANCE WITH THE RULES AND REGU-
14 LATIONS OF THE COMMISSION, FOR USE BY POLICE AND FIRE DEPARTMENTS AND
15 AGENCIES IN THE EVENT OF AN EMERGENCY REQUIRING DISCONNECTION OF
16 SERVICES PROVIDED BY THE CORPORATION.
17 3. EACH CORPORATION SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL
18 ANNUALLY FILE WITH THE COMMISSION A REPORT, IN SUCH FORM AS THE COMMIS-
19 SION SHALL PRESCRIBE, DETAILING THE DATES AND CIRCUMSTANCES OF EACH
20 REQUESTED EMERGENCY DISCONNECTION, THE IDENTITY OF THE PERSON, AGENCY
21 AND DEPARTMENT MAKING THE REQUEST, THE RESPONSE TO EACH SUCH REQUEST AND
22 THE TIME REQUIRED TO ACCOMPLISH THE DISCONNECTION OF SERVICE, TOGETHER
23 WITH SUCH OTHER INFORMATION THE COMMISSION DEEMS RELEVANT. FAILURE TO

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

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1 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL RESULT IN A PENAL-
2 TY, PAYABLE TO THE COMMISSION, OF ONE THOUSAND DOLLARS PER DAY UNTIL
3 SUCH TIME AS THE COMPLETED REPORT IS FILED.

4 S 2. Section 65 of the public service law is amended by adding a new
5 subdivision 12 to read as follows:

6 12. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO ENSURE
7 ADEQUATE SERVICE, EACH CORPORATION SUBJECT TO THIS ARTICLE SHALL ASSIGN,
8 AT A MINIMUM, ONE SERVICE PERSON FOR EVERY TWENTY THOUSAND PEOPLE IN THE
9 POPULATION IN EACH LOCAL AREA SERVED BY THE CORPORATION.

10 S 3. Section 66 of the public service law is amended by adding a new
11 subdivision 29 to read as follows:

12 29. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE EACH CORPORATION
13 SUBJECT TO THIS ARTICLE, INCLUDING ELECTRIC CORPORATIONS AND GAS CORPO-
14 RATIONS, TO MAINTAIN RECORDS OF AND FILE REPORTS REGARDING THE CORPO-
15 RATION'S RESPONSE TIMES IN CONNECTION WITH THE DISCONNECTION OF SERVICE
16 PROVIDED BY THE CORPORATION DURING EMERGENCY SITUATIONS AND DURING EMER-
17 GENCY AND/OR DISASTER PREPAREDNESS DRILLS CONDUCTED BY FEDERAL, STATE
18 AND LOCAL GOVERNMENTAL ENTITIES, INCLUDING, BUT NOT LIMITED TO POLICE
19 AND FIRE DEPARTMENTS, AND TO CONDUCT AUDITS WITH REGARD THERETO. THE
20 COMMISSION SHALL HAVE THE POWER TO EXAMINE THE ACCOUNTS, BOOKS,
21 CONTRACTS, RECORDS, DOCUMENTS AND PAPERS OF ANY SUCH CORPORATION REGARD-
22 ING THE RESPONSE TIME, TO DIRECT THE CORPORATION TO IMPLEMENT ANY RECOM-
23 MENDATIONS THE COMMISSION FINDS TO BE NECESSARY AND REASONABLE, AND TO
24 IMPOSE FINES FOR THE FAILURE TO FOLLOW THE COMMISSION'S RECOMMENDATIONS.

25 S 4. Section 80 of the public service law is amended by adding a new
26 subdivision 13 to read as follows:

27 13. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE EACH CORPORATION
28 SUBJECT TO THIS ARTICLE TO MAINTAIN RECORDS OF THE FILE REPORTS REGARD-
29 ING SUCH CORPORATION'S RESPONSE TIMES IN CONNECTION WITH THE DISCON-
30 NECTION OF SERVICE PROVIDED BY THE CORPORATION DURING EMERGENCY SITU-
31 ATIONS AND DURING EMERGENCY AND/OR DISASTER PREPAREDNESS DRILLS
32 CONDUCTED BY FEDERAL, STATE AND LOCAL GOVERNMENTAL ENTITIES, INCLUDING,
33 BUT NOT LIMITED TO POLICE AND FIRE DEPARTMENTS, AND TO CONDUCT AUDITS
34 WITH REGARD THERETO. THE COMMISSION SHALL HAVE THE POWER TO EXAMINE THE
35 ACCOUNTS, BOOKS, CONTRACTS, RECORDS, DOCUMENTS AND PAPERS OF ANY SUCH
36 CORPORATION REGARDING THE RESPONSE TIME, TO DIRECT SUCH CORPORATIONS TO
37 IMPLEMENT ANY RECOMMENDATIONS THE COMMISSION FINDS TO BE NECESSARY AND
38 REASONABLE, AND TO IMPOSE FINES FOR THE FAILURE TO FOLLOW THE COMMIS-
39 SION'S RECOMMENDATIONS.

40 S 5. This act shall take effect immediately.