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

7278

I N S E N A T E

March 29, 2010

Introduced by Sen. AUBERTINE -- (at request of the Department of Public Service) -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to prices, rates and charges

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

Section 1. Paragraph (h) 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:

(h) The commission may, as authorized by section seventy-two of this article, establish temporary rates or charges for any period of suspension under this section, AND ESTABLISH RATES OR CHARGES FOR ANY PERIOD FIXED IN A COMMISSION ORDER NOT EXCEEDING THREE YEARS THAT CONTINUE IN FORCE AND EFFECT DURING SUCH FIXED PERIOD.

S 2. Paragraph (k) of subdivision 12 of section 66 of the public service law is renumbered paragraph (l) and a new paragraph (k) is added to read as follows:

(K) WHEN ESTABLISHING JUST AND REASONABLE RATES PURSUANT TO THIS CHAPTER, THE COMMISSION SHALL HAVE POWER TO PROVIDE THAT RATES SHALL BE DETERMINED IN ACCORDANCE WITH THE TERMS OF ITS ORDER FOR A FIXED PERIOD NOT EXCEEDING THREE YEARS. IN THE EVENT THAT THE COMMISSION ESTABLISHES RATES FOR A FIXED PERIOD IN EXCESS OF ONE YEAR, A UTILITY SHALL NOT FILE FOR A RATE INCREASE BEFORE COMMENCEMENT OF THE ELEVEN MONTH PERIOD PRECEDING THE END OF SUCH FIXED PERIOD, EXCEPT AS OTHERWISE AUTHORIZED BY THE COMMISSION IN ITS ORDER OR A SUBSEQUENT ORDER.

S 3. This act shall take effect immediately.

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

LBD15631-02-0