

S T A T E   O F   N E W   Y O R K

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I N   S E N A T E

May 20, 2010

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Introduced by Sens. MAZIARZ, GRIFFO, AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law and the general municipal law, in relation to clarifying the regulatory authority of the New York power authority

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

1     Section 1. Section 1014 of the public authorities law, as amended by  
2 chapter 446 of the laws of 1972, is amended to read as follows:  
3     S 1014. Public service law not applicable to authority; inconsistent  
4 provisions in other acts superseded. The rates, services and practices  
5 relating to the generation, transmission, distribution and sale OF POWER  
6 by the authority[, of power to be generated from the projects authorized  
7 by this title] shall not be subject to the provisions of the public  
8 service law nor to regulation by, nor the jurisdiction of the department  
9 of public service. IN PARTICULAR, THE AUTHORITY, AND NOT THE DEPARTMENT  
10 OF PUBLIC SERVICE, WILL HAVE REGULATORY AUTHORITY AND JURISDICTION OVER  
11 ANY MUNICIPAL CORPORATION AS DEFINED IN SECTION THREE HUNDRED SIXTY OF  
12 THE GENERAL MUNICIPAL LAW THAT OWNS AND OPERATES AN ELECTRIC DISTRIBUTION  
13 SYSTEM AND DISTRIBUTES ANY POWER FROM THE AUTHORITY, EXCEPT FOR  
14 (1) MUNICIPAL CORPORATIONS THAT SELF GENERATE POWER FOR DISTRIBUTION  
15 PURPOSES; (2) POWER AUTHORITIES THAT ARE ESTABLISHED BY THE LEGISLATURE  
16 AFTER MAY TWENTIETH, TWO THOUSAND TEN; AND (3) MUNICIPAL CORPORATIONS  
17 THAT ARE ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY OF THE  
18 GENERAL MUNICIPAL LAW AFTER MAY TWENTIETH, TWO THOUSAND TEN. Except to  
19 the extent article seven of the public service law applies to the siting  
20 and operation of a major utility transmission facility as defined therein,  
21 and except to the extent section eighteen-a of such law provides for  
22 assessment of the authority for certain costs relating thereto, the

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

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1 provisions of the public service law and of the ENVIRONMENTAL conserva-  
2 tion law and every other law relating to the department of public  
3 service or the public service commission or to the conservation depart-  
4 ment or to the functions, powers or duties assigned to the division of  
5 water power and control by chapter six hundred nineteen, of the laws of  
6 nineteen hundred twenty-six, shall so far as is necessary to make this  
7 title effective in accordance with its terms and purposes be deemed to  
8 be superseded, and wherever any provision of law shall be found in  
9 conflict with the provisions of this title or inconsistent with the  
10 purposes thereof, it shall be deemed to be superseded, modified or  
11 repealed as the case may require.

12 S 2. Subdivision 2 of section 364 of the general municipal law is  
13 amended by adding a new paragraph (c) to read as follows:

14 (C) A MUNICIPAL CORPORATION THAT OWNS AND OPERATES AN ELECTRIC  
15 DISTRIBUTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE NEW YORK POWER  
16 AUTHORITY SHALL BE REGULATED BY THE NEW YORK POWER AUTHORITY, AND NOT  
17 SUBJECT TO ARTICLE FOUR OF THE PUBLIC SERVICE LAW, EXCEPT FOR (1) THOSE  
18 MUNICIPALITIES THAT SELF GENERATE POWER FOR DISTRIBUTION PURPOSES; (2)  
19 POWER AUTHORITIES THAT ARE ESTABLISHED BY THE LEGISLATURE AFTER MAY  
20 TWENTIETH, TWO THOUSAND TEN; AND (3) MUNICIPAL CORPORATIONS THAT ARE  
21 ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY OF THE GENERAL  
22 MUNICIPAL LAW AFTER MAY TWENTIETH, TWO THOUSAND TEN.

23 S 3. This act shall take effect January 1, 2011.