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I N   A S S E M B L Y

May 21, 2010

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

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 ASSEM-  
BLY, 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4     provisions in other acts superseded.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 MUNICIPALITY THAT OWNS AND OPERATES AN ELECTRIC DISTRIBUTION SYSTEM  
12    AND DISTRIBUTES ANY POWER FROM THE AUTHORITY, EXCEPT FOR THOSE MUNICI-  
13    PALITIES THAT SELF GENERATE POWER FOR DISTRIBUTION PURPOSES. Except to  
14    the extent article seven of the public service law applies to the siting  
15    and operation of a major utility transmission facility as defined there-  
16    in, and except to the extent section eighteen-a of such law provides for  
17    assessment of the authority for certain costs relating thereto, the  
18    provisions of the public service law and of the conservation law and  
19    every other law relating to the department of public service or the  
20    public service commission or to the conservation department or to the  
21    functions, powers or duties assigned to the division of water power and  
22    control by chapter six hundred nineteen, of the laws of nineteen hundred  
23    twenty-six, shall so far as is necessary to make this title effective in  
24    accordance with its terms and purposes be deemed to be superseded, and  
25    wherever any provision of law shall be found in conflict with the  
26    provisions of this title or inconsistent with the purposes thereof, it

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

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1 shall be deemed to be superseded, modified or repealed as the case may  
2 require.

3 S 2. Section 364 of the general municipal law, as amended by chapter  
4 181 of the laws of 1945, is amended to read as follows:

5 S 364. Provisions of public service law applicable. 1. Except as  
6 provided in subdivision two of this section, all of the provisions of  
7 article four of the public service law, so far as the same are applica-  
8 ble, shall apply to a municipal corporation furnishing a public utility  
9 service under this article.

10 2. (a) A municipal corporation need not apply to or obtain from the  
11 public service commission a certificate of authority for a public utili-  
12 ty service under this article.

13 (b) A municipal corporation furnishing a public utility service or  
14 services need not decrease its rates and charges for such service or  
15 services on order of the public service commission unless such order is  
16 issued upon notice and after hearing instituted upon the verified  
17 complaint in writing of not less than twenty-five of the active consum-  
18 ers as shown by the records of the utility, residing in the territory in  
19 which the utility rate or rates referred to in said complaint is or are  
20 applicable.

21 (C) A MUNICIPAL CORPORATION THAT OWNS AND OPERATES AN ELECTRIC  
22 DISTRIBUTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE NEW YORK POWER  
23 AUTHORITY SHALL BE REGULATED BY THE NEW YORK POWER AUTHORITY, AND NOT  
24 SUBJECT TO ARTICLE FOUR OF THE PUBLIC SERVICE LAW, EXCEPT FOR THOSE  
25 MUNICIPALITIES THAT SELF-GENERATE POWER FOR DISTRIBUTION PURPOSES.

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