

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

11166--B

I N A S S E M B L Y

May 21, 2010

Introduced by M. of A. BRODSKY, RUSSELL, MAGEE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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4 provisions in other acts superseded.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
23 provisions of the public service law and of the ENVIRONMENTAL conserva-

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

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7 be superseded, and wherever any provision of law shall be found in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9 purposes thereof, it shall be deemed to be superseded, modified or
10 repealed as the case may require.

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

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

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