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

4202

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. THIELE, GIGLIO -- Multi-Sponsored by -- M. of A. SPANO -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to increases in rates or charges for fuel costs

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

Section 1. Section 66 of the public service law is amended by adding a new subdivision 12-d to read as follows:

12-D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL NOT ALLOW ANY FUEL-RELATED INCREASE IN THE RATE OR CHARGES WHICH WOULD INCREASE THE TOTAL REVENUES OF THE APPLICANT WITH MORE THAN THE GREATER OF ONE HUNDRED THOUSAND DOLLARS OR TWO AND ONE-HALF PERCENT WITHOUT HEARINGS HELD UPON NOTICE TO THE PUBLIC. AS USED IN THIS SUBDIVISION ANY "FUEL-RELATED INCREASE IN THE RATE OR CHARGES" SHALL MEAN ANY SINGLE INCREASE OR ANY COMBINATION OF INCREASES IN THE AGGREGATE RELATING TO THE RATE, CHARGE OR SERVICE FILED BY A UTILITY WITHIN THE PRIOR TWELVE MONTH PERIOD ARISING FROM ANY CHANGE IN THE FUEL COSTS OF NATURAL GAS, OIL, COAL, KEROSENE, OR PETROLEUM DISTILLATE OR NUCLEAR FUEL OR ANY ADJUSTMENT TO RECOVER THE EXPENSES INCURRED TO REPLACE ELECTRIC OR GAS SERVICE LOST OR UNAVAILABLE DUE TO AN UNSCHEDULED OUTAGE OR DISABILITY OF AN ELECTRIC OR GAS FACILITY. AT THE PUBLIC HEARING THE UTILITY SHALL HAVE THE BURDEN OF PROVING THE INCREASE IS JUSTIFIED AND THAT FUEL WAS PURCHASED AT THE LOWEST POSSIBLE COST. THE COMMISSION SHALL ESTABLISH AND PROMULGATE SUCH RULES AND REGULATIONS TO EFFECTUATE THIS SUBDIVISION AS IT MAY DEEM NECESSARY, AND MAY MODIFY OR AMEND SUCH RULES AND REGULATIONS FROM TIME TO TIME.

S 2. This act shall take effect immediately.

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

LBD03935-01-9