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

8714

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

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

AN ACT to amend the public service law, in relation to providing for a priority call system for use in connection with emergency disconnections of utilities, service coverage and oversight of response time in connection with the emergency disconnection of utilities

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

Section 1. The public service law is amended by adding a new section 48-a to read as follows:

S 48-A. PRIORITY CALL SYSTEM AND REPORTING. 1. THE COMMISSION SHALL ESTABLISH A PRIORITY CALL SYSTEM FOR USE BY POLICE AND FIRE DEPARTMENTS AND AGENCIES IN THE EVENT OF AN EMERGENCY REQUIRING DISCONNECTION OF UTILITY SERVICES PROVIDED BY A CORPORATION SUBJECT TO THIS ARTICLE. SUCH SYSTEM SHALL BE IN OPERATION AT ALL TIMES, AND SHALL PROVIDE ACCESS TO ONE OR MORE EMPLOYEES OF A CORPORATION, WHICH EMPLOYEES SHALL BE AUTHORIZED TO DIRECT THE IMMEDIATE DISCONNECTION. THE COMMISSION SHALL PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

2. EACH CORPORATION SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL ESTABLISH A PRIORITY CALL SYSTEM, IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE COMMISSION, FOR USE BY POLICE AND FIRE DEPARTMENTS AND AGENCIES IN THE EVENT OF AN EMERGENCY REQUIRING DISCONNECTION OF SERVICES PROVIDED BY THE CORPORATION.

3. EACH CORPORATION SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL ANNUALLY FILE WITH THE COMMISSION A REPORT, IN SUCH FORM AS THE COMMISSION SHALL PRESCRIBE, DETAILING THE DATES AND CIRCUMSTANCES OF EACH REQUESTED EMERGENCY DISCONNECTION, THE IDENTITY OF THE PERSON, AGENCY AND DEPARTMENT MAKING THE REQUEST, THE RESPONSE TO EACH SUCH REQUEST AND THE TIME REQUIRED TO ACCOMPLISH THE DISCONNECTION OF SERVICE, TOGETHER WITH SUCH OTHER INFORMATION THE COMMISSION DEEMS RELEVANT. FAILURE TO

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

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COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL RESULT IN A PENALTY, PAYABLE TO THE COMMISSION, OF ONE THOUSAND DOLLARS PER DAY UNTIL SUCH TIME AS THE COMPLETED REPORT IS FILED.

S 2. Section 65 of the public service law is amended by adding a new subdivision 12 to read as follows:

12. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO ENSURE ADEQUATE SERVICE, EACH CORPORATION SUBJECT TO THIS ARTICLE SHALL ASSIGN, AT A MINIMUM, ONE SERVICE PERSON FOR EVERY TWENTY THOUSAND PEOPLE IN THE POPULATION IN EACH LOCAL AREA SERVED BY THE CORPORATION.

S 3. Section 66 of the public service law is amended by adding a new subdivision 29 to read as follows:

29. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE EACH CORPORATION SUBJECT TO THIS ARTICLE, INCLUDING ELECTRIC CORPORATIONS AND GAS CORPORATIONS, TO MAINTAIN RECORDS OF AND FILE REPORTS REGARDING THE CORPORATION'S RESPONSE TIMES IN CONNECTION WITH THE DISCONNECTION OF SERVICE PROVIDED BY THE CORPORATION DURING EMERGENCY SITUATIONS AND DURING EMERGENCY AND/OR DISASTER PREPAREDNESS DRILLS CONDUCTED BY FEDERAL, STATE AND LOCAL GOVERNMENTAL ENTITIES, INCLUDING, BUT NOT LIMITED TO POLICE AND FIRE DEPARTMENTS, AND TO CONDUCT AUDITS WITH REGARD THERETO. THE COMMISSION SHALL HAVE THE POWER TO EXAMINE THE ACCOUNTS, BOOKS, CONTRACTS, RECORDS, DOCUMENTS AND PAPERS OF ANY SUCH CORPORATION REGARDING THE RESPONSE TIME, TO DIRECT THE CORPORATION TO IMPLEMENT ANY RECOMMENDATIONS THE COMMISSION FINDS TO BE NECESSARY AND REASONABLE, AND TO IMPOSE FINES FOR THE FAILURE TO FOLLOW THE COMMISSION'S RECOMMENDATIONS.

S 4. Section 80 of the public service law is amended by adding a new subdivision 13 to read as follows:

13. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE EACH CORPORATION SUBJECT TO THIS ARTICLE TO MAINTAIN RECORDS OF THE FILE REPORTS REGARDING SUCH CORPORATION'S RESPONSE TIMES IN CONNECTION WITH THE DISCONNECTION OF SERVICE PROVIDED BY THE CORPORATION DURING EMERGENCY SITUATIONS AND DURING EMERGENCY AND/OR DISASTER PREPAREDNESS DRILLS CONDUCTED BY FEDERAL, STATE AND LOCAL GOVERNMENTAL ENTITIES, INCLUDING, BUT NOT LIMITED TO POLICE AND FIRE DEPARTMENTS, AND TO CONDUCT AUDITS WITH REGARD THERETO. THE COMMISSION SHALL HAVE THE POWER TO EXAMINE THE ACCOUNTS, BOOKS, CONTRACTS, RECORDS, DOCUMENTS AND PAPERS OF ANY SUCH CORPORATION REGARDING THE RESPONSE TIME, TO DIRECT SUCH CORPORATIONS TO IMPLEMENT ANY RECOMMENDATIONS THE COMMISSION FINDS TO BE NECESSARY AND REASONABLE, AND TO IMPOSE FINES FOR THE FAILURE TO FOLLOW THE COMMISSION'S RECOMMENDATIONS.

S 5. This act shall take effect immediately.