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

3667

2009-2010 Regular Sessions

I N S E N A T E

March 27, 2009

Introduced by Sens. FLANAGAN, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to clarifying the mandatory time within which the public service commission must act upon petitions submitted by regulated entities and the citizenry

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

Section 1. Section 5 of the public service law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. A. THE COMMISSION SHALL TAKE FORMAL ACTION UPON ALL PETITIONS RECEIVED BY IT WITHIN NINETY DAYS OF THE DATE OF FILING OF SUCH PETITION.

B. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION THE COMMISSION SHALL TAKE FORMAL ACTION UPON ALL PETITIONS PENDING BEFORE IT FOR WHICH THERE IS NO STATUTE OF LIMITATIONS OR OTHER STATUTORY TIMELINE WITHIN WHICH ACTION MUST TAKE PLACE. IF, HOWEVER, THE COMMISSION DETERMINES THAT TAKING FORMAL ACTION TO DETERMINE SOME OR ALL OF SUCH PENDING PETITIONS WOULD NOT BE IN THE PUBLIC INTEREST, THE COMMISSION MAY ISSUE A REPORT DETAILING THE FACTS AND CIRCUMSTANCES UPON WHICH IT BASED SUCH DECISION, TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADERS OF THE SENATE AND ASSEMBLY, CHAIRPERSON AND RANKING MINORITY MEMBER OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE, AND THE CHAIRPERSON AND RANKING MINORITY MEMBER OF THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEE.

C. FOR THE PURPOSES OF THIS SECTION, THE TERM "PETITION" SHALL MEAN A FORMAL WRITTEN REQUEST ADDRESSED TO THE COMMISSION, OR TO ITS DELEGATES, OR TO ANY SUCCESSOR IN FUNCTION, STATING THE FACTS AND CIRCUMSTANCES RELIED UPON AS A CAUSE FOR ACTION BY THE COMMISSION. A "PETITION" SHALL NOT INCLUDE A PRUDENCY PETITION DEFINED IN PARAGRAPH C OF SUBDIVISION EIGHT OF THIS SECTION.

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

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8. A. THE COMMISSION SHALL TAKE FORMAL ACTION UPON ALL PRUDENCY PETITIONS RECEIVED BY IT WITHIN THIRTY DAYS OF THE DATE OF FILING OF SUCH PETITION.

B. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION THE COMMISSION SHALL TAKE FORMAL ACTION UPON ALL PRUDENCY PETITIONS PENDING BEFORE IT.

C. FOR THE PURPOSES OF THIS SECTION, THE TERM "PRUDENCY PETITION", SHALL MEAN ANY PETITION REQUESTING THE COMMISSION COMMENCE AN INVESTIGATION INTO ANY ENTITY THAT THE COMMISSION REGULATES THAT ALLEGES IMPRUDENT BEHAVIOR WITH RESPECT TO THE OPERATION AND MAINTENANCE OF SUCH ENTITY, OR THE EMERGENCY PLANNING AND RESPONSE OF THAT ENTITY THAT RESULTS, WILL RESULT, OR HAS THE POTENTIAL TO RESULT, IN INCREASED COSTS OR RATES TO RATEPAYERS.

S 2. Severability. If any provision of this act or its application to any person or circumstance is held invalid, this invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

S 3. This act shall take effect immediately.