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I N   S E N A T E

February 16, 2010

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Introduced by Sens. PARKER, STACHOWSKI -- 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 the imposition of the temporary state energy and utility service conservation assessment

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

1     Section 1. Paragraph (a) of subdivision 6 of section 18-a of the  
2     public service law, as added by section 4 of part NN of chapter 59 of  
3     the laws of 2009, is amended to read as follows:  
4     (a) Notwithstanding any provision of law to the contrary, and subject  
5     to the exceptions provided for in paragraph (b) of this subdivision, for  
6     the state fiscal year beginning on April first, two thousand nine and UP  
7     TO four state fiscal years thereafter, a temporary annual assessment  
8     (hereinafter "temporary state energy and utility service conservation  
9     assessment") is hereby imposed on public utility companies (including  
10    for the purposes of this subdivision municipalities other than municipi-  
11    palities as defined in section eighty-nine-1 of this chapter), corpo-  
12    rations (including for purposes of this subdivision the Long Island  
13    power authority), and persons subject to the commission's regulation  
14    (hereinafter such public utility companies, corporations, and persons  
15    are referred to collectively as the "utility entities") to encourage the  
16    conservation of energy and other resources provided through utility  
17    entities, to be assessed in the manner provided in this subdivision;  
18    provided, however, that such assessment shall not be imposed upon tele-  
19    phone corporations as defined in subdivision seventeen of section two of  
20    this article; AND PROVIDED, FURTHER, THAT THE AUTHORITY TO IMPOSE SUCH  
21    ASSESSMENT SHALL EXPIRE AT THE END OF EACH STATE FISCAL YEAR ON OR AFTER  
22    MARCH THIRTY-FIRST, TWO THOUSAND TEN, UNLESS THE GOVERNOR REQUESTS THE  
23    AUTHORITY FROM THE LEGISLATURE TO CONTINUE TO IMPOSE THE TEMPORARY  
24    STATE ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT FOR AN ADDI-  
25    TIONAL FISCAL YEAR, AFTER CERTIFYING THE NECESSITY FOR SUCH CONTINUED  
26    ASSESSMENT TO THE LEGISLATURE.

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

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1       S   2. This act shall take effect immediately; provided that the amend-  
2 ments to subdivision 6 of section 18-a of the public service law, made  
3 by section one of this act, shall not affect the expiration and repeal  
4 of such subdivision and shall expire and be deemed repealed therewith.