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

2240

2011-2012 Regular Sessions

I N A S S E M B L Y

January 14, 2011

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

AN ACT to amend the public service law, in relation to authorizing the New York state public service commission to approve sewer rate increases

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

Section 1. Subdivisions 1 and 4 of section 89-c of the public service law, as added by chapter 715 of the laws of 1931, are amended to read as follows:

1. Shall have general supervision of all water-works corporations, INCLUDING SUCH CORPORATIONS PROVIDING SEWERAGE SERVICES, as hereinbefore defined, having authority under any general or special law or under any charter or franchise to lay down, construct or maintain pipes, conduits, ducts or other fixtures in, on or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing water for domestic, commercial, SEWERAGE or public uses, and all water systems owned, leased or operated by any such water-works corporation; provided, however, that nothing herein contained shall be construed to delegate the general powers of the state department of health or of the water power and control commission or any of the powers and functions of either as provided by law, nor shall anything herein contained be construed to impair nor to deprive such department or commission of its powers and functions as now provided by law.

4. Shall have power to examine all water-works corporations, INCLUDING SUCH CORPORATIONS PROVIDING SEWERAGE SERVICES, and keep informed as to the methods, practices, regulations and property employed by [them] SUCH CORPORATIONS in the transaction of their business. Whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint, that the rates, charges or classifications or the acts or regulations of any such corporation, INCLUDING SUCH CORPORATIONS

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

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PROVIDING SEWERAGE SERVICES, are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in any wise in violation of any provision of law, the commission shall determine and prescribe in the manner provided by and subject to the provisions of section eighty-nine-j of this [chapter] ARTICLE, the just and reasonable rates, charges and classifications thereafter to be enforced for the service to be rendered, notwithstanding that a different rate or charge has heretofore been prescribed by general or special statute, contract, grant, franchise, condition, consent or other agreement, and the just and reasonable acts and regulations to be done and observed; and whenever the commission shall be of opinion, after a hearing had upon its own motion or upon complaint, that the property, equipment or appliances of any such corporation are unsafe, inefficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters; provided, however, that in its determination and prescription of safe, efficient and adequate property, equipment and appliances as herein provided any such property, equipment and appliances theretofore approved by the water power and control commission, or its predecessor, shall be deemed to have been adequate, safe and efficient at the time of such approval. Nothing herein contained shall be deemed to dispense with any approval of work by the water power and control commission required by the FORMER conservation law; and if such an approval pertains to work done pursuant to such determination or prescription of the public service commission, such approval shall be conclusive that the work was done in compliance with such determination or prescription.

S 2. Section 89-i of the public service law, as amended by chapter 651 of the laws of 1974, is amended to read as follows:

S 89-i. Complaints as to price of water; investigation by commission; forms of complaints. Upon the complaint in writing of the mayor of a city, the trustees of a village or the town board of a town in which a person or corporation is authorized to supply or distribute water for domestic, commercial, SEWERAGE or public uses, or upon the complaint in writing of not less than twenty-five customers or purchasers of such water in such municipality or upon complaint of a water-works corporation supplying such water, as to the rates, charges or classifications of service for water sold and delivered in such municipality, or upon the complaint in writing of the state consumer protection board, or as to the methods employed in furnishing such service, the commission shall investigate as to the cause of such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the works, system, plant, devices, appliances and methods used by such water-works corporation, INCLUDING SUCH CORPORATIONS PROVIDING SEWERAGE SERVICES, in supplying and distributing such water, and may examine or cause to be examined the books and papers of such water-works corporation pertaining to the supplying and distributing of such water. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaints shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their places of residence, by street and number, if any.

S 3. Section 89-l of the public service law, as added by chapter 715 of the laws of 1931, is amended to read as follows:

S 89-l. Municipal water systems. 1. For the purposes of this section, and for the purposes of any jurisdiction conferred by it upon the public service commission, a municipality is one which owns, maintains or operates, or proposes to own, maintain or operate, a water system, or which sells, furnishes or distributes, or proposes to sell, furnish or distribute, water for domestic, commercial, SEWERAGE or public uses, whether provided by its own system or the system of a water-works corporation or another municipality. As so limited, the term "municipality" for the purposes of this section, means a city, town, village or public district; and a "public district," as here used, is a district or other territorial division, whether incorporated or not, whose affairs are managed by any officer or officers, person or persons, elected by voters or taxpayers or appointed by a public officer or officers, and includes, without excluding others, a water district, water supply district and a fire district. The other provisions of this chapter shall not apply to such a municipality, nor to its said business of owning, maintaining or operating a water system or of selling, furnishing or distributing water, except such provisions as are applied by this section by express reference. The jurisdiction of the public service commission, with respect to such a municipality or its said business, is that, and only that, provided for in this section.

2. Each such municipality shall file with the public service commission a copy of the annual report of its division, bureau or department of water.

S 4. This act shall take effect immediately.