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

7088

2011-2012 Regular Sessions

I N A S S E M B L Y

April 12, 2011

Introduced by M. of A. J. MILLER -- 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 discount for utility service to any benevolent or fraternal order or society incorporated under and pursuant to the laws of this state

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

Section 1. Section 2 of the public service law is amended by adding a new subdivision 5 to read as follows:

5. THE TERM "BENEVOLENT OR FRATERNAL ORGANIZATION", WHEN USED IN THIS CHAPTER, INCLUDES ANY BENEVOLENT OR FRATERNAL ORDER OR SOCIETY INCORPORATED UNDER AND PURSUANT TO THE LAWS OF THIS STATE.

S 2. Section 66 of the public service law is amended by adding a new subdivision 29 to read as follows:

29. WITH RESPECT TO THE DETERMINATION OF FAIR AND REASONABLE DISCOUNTS, THE COMMISSION SHALL DETERMINE SUCH DISCOUNTS AS FOLLOWS:

(A) WHERE THERE IS A DIFFERENCE BETWEEN RESIDENTIAL AND NON-RESIDENTIAL RATES, THE DISCOUNTED RATE SHALL BE THE RESIDENTIAL RATE; AND

(B) WHERE THERE IS NO SUCH DIFFERENTIAL, THE DISCOUNT SHALL BE FAIR AND REASONABLE AND NO LESS THAN TEN PERCENT NOR MORE THAN TWENTY-FIVE PERCENT.

S 3. Section 76 of the public service law, as amended by chapter 82 of the laws of 1998, is amended to read as follows:

S 76. Rates charged veteran organizations, religious bodies and community residences, AND BENEVOLENT OR FRATERNAL ORGANIZATIONS. No gas corporation, electric corporation or municipality shall, directly or indirectly, charge, demand, collect or receive from any post or hall owned or leased by a not-for-profit corporation that is a veterans' organization, or corporation or association organized and conducted in good faith for religious purposes, including the operation by such corporation or association of a school, notwithstanding that secular

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

LBD08182-01-1

subjects are taught at such school, [or] from a community residence as defined in subdivision twenty-eight, twenty-eight-a or twenty-eight-b of section 1.03 of the mental hygiene law, provided, however, that such residence shall be operated by a not-for-profit corporation and if supervisory staff is on site on a twenty-four hour per day basis, that the residence provides living accommodations for fourteen or fewer residents, OR FROM A BENEVOLENT OR FRATERNAL ORGANIZATION, a rate, regardless of the type of service offered, for any gas or electric service utilized exclusively in connection with such veteran organization or for such religious purposes or utilized exclusively at such community residence, OR BENEVOLENT OR FRATERNAL ORGANIZATION PURPOSES, greater than the rates or charges charged, demanded, collected or received by such gas corporation, electric corporation or municipality from domestic consumers receiving single-phase service within the same village, town or municipality.

S 4. Section 79 of the public service law is amended by adding a new subdivision 6 to read as follows:

6. THE COMMISSION SHALL REQUIRE EACH STEAM CORPORATION PROVIDING STEAM SERVICE, INSTRUMENTALITIES, OR FACILITIES TO ANY BENEVOLENT OR FRATERNAL ORGANIZATION TO PROVIDE THE SAME AT A DISCOUNT, THE AMOUNT THEREOF TO BE AS THE COMMISSION SHALL DETERMINE TO BE FAIR AND REASONABLE.

S 5. Section 89-b of the public service law is amended by adding a new subdivision 8 to read as follows:

8. THE COMMISSION SHALL REQUIRE EACH WATER-WORKS CORPORATION PROVIDING WATER SERVICE, INSTRUMENTALITIES, OR FACILITIES TO ANY BENEVOLENT OR FRATERNAL ORGANIZATION TO PROVIDE THE SAME AT A DISCOUNT, THE AMOUNT THEREOF TO BE AS THE COMMISSION SHALL DETERMINE TO BE FAIR AND REASONABLE.

S 6. Subdivision 3 of section 92 of the public service law, as amended by chapter 124 of the laws of 1911, is amended and a new subdivision 3-b is added to read as follows:

3. No telegraph corporation or telephone corporation subject to the provisions of this chapter shall, directly or indirectly, give any free or reduced service, or any free pass or frank for the transmission of messages by either telephone or telegraph between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys-at-law and their families; to persons or corporations exclusively engaged in charitable and eleemosynary work and ministers of religions; TO BENEVOLENT OR FRATERNAL ORGANIZATIONS; to officers and employees of other telegraph corporations and telephone corporations, railroad corporations and street railroad corporations. But this subdivision shall not apply to state, municipal or federal contracts.

3-B. THE COMMISSION SHALL REQUIRE EACH TELEPHONE CORPORATION PROVIDING TELEPHONE SERVICE TO ANY BENEVOLENT OR FRATERNAL ORGANIZATION IN THIS STATE TO PROVIDE SUCH SERVICE AT A DISCOUNT, THE AMOUNT THEREOF TO BE AS THE COMMISSION SHALL DETERMINE TO BE FAIR AND REASONABLE.

S 7. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that, the public service commission is authorized and directed to immediately promulgate any and all rules and regulations and take any other measures, including ratemaking proceedings, necessary to implement this act.