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I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT in relation to authorizing the public service commission, upon application by a municipality, to order costs for public fire protection to be charged to all customer classes located in such municipality

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

1 Section 1. 1. Notwithstanding any law to the contrary, a municipality
2 may apply to the public service commission to have any costs for public
3 fire protection it is charged by a water-works corporation to instead be
4 charged to all customers across all customer classes located in the
5 municipality provided the municipality has held a public hearing on the
6 matter and has adopted a resolution and determined by a majority vote of
7 the total voting strength of its governing body that it is in the over-
8 all public interest to have such costs charged to all customers across
9 all customer classes. Within 120 days after receiving an application
10 pursuant to this act, the public service commission is empowered and
11 directed to issue an order requiring that costs for public fire
12 protection be included in the rates charged to all customer classes and
13 apportioned among all customers located in the municipality and that
14 such municipality shall not be charged separately or additionally for
15 costs for public fire protection. The water-works corporation shall
16 apply to the public service commission for an increased water rate to
17 recover such increase in fire protection costs. The public service
18 commission shall have the power to request any information that it may
19 deem necessary from the water-works corporation or municipality so that
20 it may issue an order as required by this section and may require that
21 such information or application be in the form and manner as the commis-
22 sion may request.

23 2. Definitions. For purposes of this act:

24 a. "costs for public fire protection" means all costs allocated to the
25 public fire protection function of a water-works corporation including

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

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1 costs associated with fire hydrants such as capital costs, maintenance
2 repair and operating expenses, rental and access charges, and shall also
3 include public fire protection costs associated with water transmission,
4 distribution and supply.

5 b. "municipality" shall mean a city, town or village located in the
6 county of Westchester.

7 c. "water-works corporation" shall have the same meaning as that term
8 is defined in section 2 of the public service law.

9 S 2. This act shall take effect immediately.