

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

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2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sen. GIANARIS -- 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 requiring annual reviews of multi-year rate plans

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

1 Section 1. Paragraph (f) of subdivision 12 of section 66 of the public
2 service law, as amended by chapter 154 of the laws of 1989, is amended
3 to read as follows:
4 (f) Whenever there shall be filed with the commission by any utility
5 any schedule stating a new rate or charge, or any change in any form of
6 contract or agreement or any rule or regulation relating to any rate,
7 charge or service, or in any general privilege or facility, the commis-
8 sion may, at any time within sixty days from the date when such schedule
9 would or has become effective, either upon complaint or upon its own
10 initiative, and, if it so orders, without answer or other formal plead-
11 ing by the utility, but upon reasonable notice, hold a hearing concern-
12 ing the propriety of a change proposed by the filing. If such change is
13 a major change, the commission shall hold such a hearing. Pending such
14 hearing and decision thereon, the commission, upon filing with such
15 schedule and delivering to the utility, a statement in writing of its
16 reasons therefor, may suspend the operation of such schedule, but not
17 for a longer period than one hundred and twenty days beyond the time
18 when it would otherwise go into effect. After full hearing, whether
19 completed before or after the schedule goes into effect, the commission
20 may make such order in reference thereto as would be proper in a
21 proceeding begun after the rate, charge, form of contract or agreement,
22 rule, regulation, service, general privilege or facility had become
23 effective. If any such hearing cannot be concluded within the period of

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

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1 suspension as above stated, the commission may extend the suspension for
2 a further period, not exceeding six months.

3 IF ANY SUCH SCHEDULE IS BASED ON PROJECTIONS OF REVENUES, EXPENDITURES
4 AND UTILITY OPERATIONS FOR A PERIOD OF MORE THAN EIGHTEEN MONTHS, THE
5 COMMISSION SHALL ORDER THAT SUCH SCHEDULE INCLUDE ANNUAL PROJECTIONS OR
6 REVENUES AND EXPENDITURES AND BENCHMARKS FOR MAINTENANCE AND OPERATIONS,
7 SERVICE QUALITY AND SUCH OTHER PROJECTIONS AS THE COMMISSION MAY DEEM
8 APPROPRIATE, AND SHALL COMMENCE A PROCEEDING TO REVIEW THE CONTINUED
9 VALIDITY OF SUCH PROJECTIONS NOT MORE THAN THREE MONTHS AFTER THE ANNI-
10 VERSARY DATE OF THE DATE SUCH SCHEDULE BECAME EFFECTIVE. ALL PARTIES TO
11 THE PROCEEDING AT WHICH THE SCHEDULE WAS ORIGINALLY CONSIDERED SHALL BE
12 ENTITLED TO PARTY STATUS IN THE REVIEW PROCEEDING; PROVIDED, HOWEVER,
13 THAT NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE ADMISSION OF ADDI-
14 TIONAL PERSONS TO THE PROCEEDING IF THEIR INTERVENTION IS LIKELY TO
15 CONTRIBUTE TO THE DEVELOPMENT OF A COMPLETE RECORD OR IS OTHERWISE
16 FAIR AND IN THE PUBLIC INTEREST. UPON A DETERMINATION THAT ANY OF THE
17 PROJECTIONS WAS NOT MET OR IS IN NEED OF RECONSIDERATION, THE COMMISSION
18 MAY MAKE SUCH ORDERS AS IT DEEMS APPROPRIATE. A REVIEW PROCEEDING
19 COMMENCED PURSUANT TO THIS PARAGRAPH MAY BE DEEMED TO CONSTITUTE A
20 PROCEEDING UNDERTAKEN PURSUANT TO SUBDIVISION TWENTY OF THIS SECTION.
21 SIMILAR REVIEW PROCEEDINGS SHALL BE COMMENCED NOT MORE THAN THREE MONTHS
22 AFTER ANY SUBSEQUENT ANNIVERSARY DATE OF THE ORIGINAL SCHEDULE'S EFFEC-
23 TIVE DATE, PROVIDED, HOWEVER, THAT SUCH PROCEEDINGS SHALL CONSIDER ANY
24 REVISED PROJECTIONS ORDERED IN PRIOR REVIEW PROCEEDINGS.

25 S 2. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law. Provided that the public service commission
27 is immediately authorized and directed to take any and all actions,
28 including but not limited to the promulgation of any necessary rules,
29 necessary to fully implement the provisions of this act on its effective
30 date.