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

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I N S E N A T E

March 5, 2012

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the transportation corporations law, in relation to restricting transportation corporations that are electric corporations from exercising the right of eminent domain

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

Section 1. Section 11 of the transportation corporations law is amended by adding a new subdivision 8 to read as follows:

8. SUBDIVISIONS THREE AND THREE-A OF THIS SECTION SHALL NOT APPLY TO ANY ELECTRIC CORPORATION:

(A) SEEKING TO BUILD A TRANSMISSION LINE, OR TO EXPAND AN EXISTING TRANSMISSION LINE, WHICH LINE CONNECTS A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS OF THE UNITED STATES OF AMERICA, TO A LOCATION WITHIN THE STATE OF NEW YORK AND DOES NOT PERMIT INTERCONNECTION TO SAID LINE THROUGHOUT THE STATE OF NEW YORK BY ANY GENERATION FACILITY OR FACILITIES LOCATED OR PROPOSED TO BE LOCATED IN THE STATE OF NEW YORK. WITH RESPECT TO THE AFOREMENTIONED TRANSMISSION LINE, IN THE EVENT INTERCONNECTION IS PERMITTED FOR GENERATING FACILITIES THROUGHOUT THE STATE OF NEW YORK BY SAID ELECTRIC CORPORATION, INTERCONNECTION COSTS SHALL BE PAID ENTIRELY BY SAID ELECTRIC CORPORATION, EXCLUDING COSTS SUBJECT TO ALLOCATION BY, AND SUBJECT TO THE EXCLUSIVE JURISDICTION UNDER THE TARIFFS OF, THE FEDERAL ENERGY REGULATORY COMMISSION; OR

(B) SEEKING TO BUILD AN ELECTRIC GENERATING FACILITY, OR TO EXPAND AN EXISTING ELECTRIC GENERATING FACILITY, IN A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS OF THE UNITED STATES OF AMERICA TOGETHER WITH BUILDING AN ELECTRICAL INTERCONNECTION TO A LOCATION WITHIN THE STATE OF NEW YORK.

S 2. This act shall take effect immediately.

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

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