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

3311

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. BRENNAN, CAHILL -- Multi-Sponsored by -- M. of A. CLARK, COOK, GOTTFRIED, HOOPER, JACOBS, MAISEL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the staying or suspending of certain orders of the commission by the supreme court

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

Section 1. Subdivision 2 of section 23 of the public service law, as amended by chapter 732 of the laws of 1928, is amended to read as follows:

2. No order staying or suspending an order of the commission fixing any rate, fare or charge or joint rate, fare or charge shall be made by the supreme court otherwise than upon notice and after hearing; and if the order of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great and irreparable damage would otherwise result to the petitioner OR OTHER PERSON AFFECTED THEREBY and specifying the nature of the damage; PROVIDED THAT NOTWITHSTANDING THE GRANTING OF A NEW TARIFF SCHEDULE, SUBJECT TO REFUND WITH INTEREST, THE COURT MAY FIND GREAT AND IRREPARABLE DAMAGE ON THE BASIS OF EVIDENCE SUBMITTED.

S 2. This act shall take effect immediately.

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

LBD06018-01-1