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

2397

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

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 public authorities law and the general municipal law, in relation to clarifying the regulatory authority of the New York power authority

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

Section 1. Section 1014 of the public authorities law, as amended by chapter 446 of the laws of 1972, is amended to read as follows:

S 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices relating to the generation, transmission, distribution and sale OF POWER by the authority[, of power to be generated from the projects authorized by this title] shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. IN PARTICULAR, THE AUTHORITY, AND NOT THE DEPARTMENT OF PUBLIC SERVICE, WILL HAVE REGULATORY AUTHORITY AND JURISDICTION OVER ANY MUNICIPAL CORPORATION AS DEFINED IN SECTION THREE HUNDRED SIXTY OF THE GENERAL MUNICIPAL LAW THAT OWNS AND OPERATES AN ELECTRIC DISTRIBUTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE AUTHORITY, PROVIDED, HOWEVER, THAT SUCH MUNICIPAL CORPORATIONS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SECTION SIXTY-EIGHT OF THE PUBLIC SERVICE LAW; AND PROVIDED, FURTHER, THAT THIS EXEMPTION FROM PUBLIC SERVICE COMMISSION JURISDICTION SHALL NOT APPLY TO: (1) MUNICIPAL CORPORATIONS THAT SELF GENERATE POWER FOR DISTRIBUTION PURPOSES; (2) POWER AUTHORITIES THAT ARE ESTABLISHED BY THE LEGISLATURE AFTER MAY TWENTIETH, TWO THOUSAND TEN; AND (3) MUNICIPAL CORPORATIONS THAT ARE ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY OF THE GENERAL MUNICIPAL LAW AFTER MAY TWENTIETH, TWO THOUSAND TEN. Except to the extent article seven of the public service law applies to the siting and operation of a major utility tran-

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

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smission facility as defined therein, and except to the extent section eighteen-a of such law provides for assessment of the authority for certain costs relating thereto, the provisions of the public service law and of the ENVIRONMENTAL conservation law and every other law relating to the department of public service or the public service commission or to the conservation department or to the functions, powers or duties assigned to the division of water power and control by chapter six hundred nineteen, of the laws of nineteen hundred twenty-six, shall so far as is necessary to make this title effective in accordance with its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

S 2. Subdivision 2 of section 364 of the general municipal law is amended by adding a new paragraph (c) to read as follows:

(C) A MUNICIPAL CORPORATION THAT OWNS AND OPERATES AN ELECTRIC DISTRIBUTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE NEW YORK POWER AUTHORITY SHALL BE REGULATED BY THE NEW YORK POWER AUTHORITY, AND NOT SUBJECT TO ARTICLE FOUR OF THE PUBLIC SERVICE LAW, PROVIDED, HOWEVER, THAT SUCH MUNICIPAL CORPORATIONS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SECTION SIXTY-EIGHT OF THE PUBLIC SERVICE LAW; AND PROVIDED FURTHER THAT THIS EXEMPTION FROM PUBLIC SERVICE COMMISSION JURISDICTION SHALL NOT APPLY TO: (1) THOSE MUNICIPALITIES THAT SELF GENERATE POWER FOR DISTRIBUTION PURPOSES; (2) POWER AUTHORITIES THAT ARE ESTABLISHED BY THE LEGISLATURE AFTER MAY TWENTIETH, TWO THOUSAND TEN; AND (3) MUNICIPAL CORPORATIONS THAT ARE ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY OF THIS ARTICLE AFTER MAY TWENTIETH, TWO THOUSAND TEN.

S 3. This act shall take effect January 1, 2012.