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I N   S E N A T E

January 24, 2012

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Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and  
when printed to be committed to the Committee on Energy and Telecommu-  
nications

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 muni-  
cipality

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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.