

7619

I N S E N A T E

June 7, 2012

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

AN ACT in relation to authorizing the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 infras-
3 tructure maintenance and access it is charged by a water-works corpo-
4 ration to instead be charged to all customers across all customer class-
5 es located in the municipality provided the municipality has held a
6 public hearing on the matter and has adopted a resolution and determined
7 by a majority vote of the total voting strength of its governing body
8 that it is in the overall public interest to have such costs charged to
9 all customers across all customer classes. Within 120 days after receiv-
10 ing an application pursuant to this act, the public service commission
11 is empowered and directed to issue an order requiring that costs for
12 infrastructure maintenance and access be included in the rates charged
13 to all customer classes and apportioned among all customers located in
14 the municipality and that such municipality shall not be charged sepa-
15 rately or additionally for costs for infrastructure maintenance and
16 access. The public service commission shall have the power to request
17 any information that it may deem necessary from the water-works corpo-
18 ration or municipality so that it may issue an order as required by this
19 section and may require that such information or application be in the
20 form and manner as the commission may request.

21 2. Definitions. For purposes of this act:

22 a. "costs for infrastructure maintenance and access" means all costs
23 associated with maintenance and operation of infrastructure and equip-
24 ment used in connection with the sale, furnishing, transmission and
25 distribution of water for domestic, commercial, public and emergency

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

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1 purposes and shall also mean costs or charges associated with municipal
2 access to infrastructure or equipment.

3 b. "municipality" shall mean a city, town or village located in the
4 county of Westchester.

5 c. "water-works corporation" shall have the same meaning as that term
6 is defined in section 2 of the public service law.

7 S 2. This act shall take effect immediately.