

4086

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. PAULIN, OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

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. Any savings achieved as a
10 result of this action shall be applied to the property tax levy of the
11 municipality which has adopted such a resolution in an amount equal to
12 such savings in the following fiscal year. Within 120 days after
13 receiving an application pursuant to this act, the public service
14 commission is empowered and directed to issue an order requiring that
15 costs for infrastructure maintenance and access be included in the rates
16 charged to all customer classes and apportioned among all customers
17 located in the municipality and that such municipality shall not be
18 charged separately or additionally for costs for infrastructure mainte-
19 nance and access. The public service commission shall have the power to
20 request any information that it may deem necessary from the water-works
21 corporation or municipality so that it may issue an order as required by
22 this section and may require that such information or application be in
23 the form and manner as the commission may request.

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

LBD05066-02-3

1 2. Definitions. For purposes of this act:

2 a. "costs for infrastructure maintenance and access" means all costs
3 associated with maintenance and operation of infrastructure and equip-
4 ment used in connection with the sale, furnishing, transmission and
5 distribution of water for domestic, commercial, public and emergency
6 purposes and shall also mean costs or charges associated with municipal
7 access to infrastructure or equipment.

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

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

12 S 2. This act shall take effect immediately.