

1344

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, RITCHIE, KENNEDY, LARKIN, LIBOUS, RANZEN-
HOFER -- read twice and ordered printed, and when printed to be
committed to the Committee on Energy and Telecommunications

AN ACT to amend the transportation corporations law, in relation to the
powers of gas and electric corporations

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

1 Section 1. Section 11 of the transportation corporations law is
2 amended by adding a new subdivision 8 to read as follows:
3 8. SUBDIVISIONS THREE, THREE-A AND THREE-B OF THIS SECTION SHALL NOT
4 APPLY TO ANY ELECTRIC CORPORATION WHICH:
5 (A) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS
6 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD A TRAN-
7 SMISION LINE OR TO EXPAND AN EXISTING TRANSMISSION LINE WHICH TRANS-
8 MISSION LINE ORIGINATES AT A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS
9 OF THE UNITED STATES OF AMERICA AND EXTENDS TO A LOCATION WITHIN THE
10 STATE OF NEW YORK; OR
11 (B) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS
12 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD AN
13 ELECTRIC GENERATING FACILITY, OR TO EXPAND AN EXISTING ELECTRIC GENERAT-
14 ING FACILITY THAT IS LOCATED OUTSIDE OF THE TERRITORIAL LIMITS OF THE
15 UNITED STATES OF AMERICA TOGETHER WITH BUILDING OR OTHERWISE UTILIZING
16 AN EXISTING ELECTRICAL INTERCONNECTION TO A POINT LOCATED WITHIN THE
17 STATE OF NEW YORK.
18 (C) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL
19 HAVE THE FOLLOWING MEANINGS:
20 I. "AFFILIATED INTERESTS" SHALL INCLUDE BUT NOT BE LIMITED TO, ANY
21 PERSON WHICH DIRECTLY, INDIRECTLY, OR CONSTRUCTIVELY:
22 A. CONTROLS ANOTHER PERSON;
23 B. IS CONTROLLED BY ANOTHER PERSON; OR

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

LBD02279-02-3

1 C. IS, ALONG WITH ANOTHER PERSON, UNDER THE CONTROL OF A COMMON
2 PARENT.

3 II. "CONTROL" MEANS POSSESSION OF THE POWER TO DIRECT, OR CAUSE THE
4 DIRECTION OF, THE MANAGEMENT AND POLICIES OF ANOTHER PERSON.

5 III. "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PUBLIC BENEFIT CORPO-
6 RATION, POLITICAL SUBDIVISION, SOVEREIGN OR TRIBAL NATION, GOVERNMENT
7 AGENCY, MUNICIPALITY, PARTNERSHIP, CO-OPERATIVE ASSOCIATION, TRUST OR
8 ESTATE.

9 S 2. This act shall take effect immediately.