

1704

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, GALLIVAN, 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 service law, in relation to a temporary annual assessment; to amend part NN of chapter 59 of the laws of 2009 amending the public service law relating to financing operations of the department of public service, in relation to the effectiveness thereof; and to amend the public service law, in relation to reducing the amount a utility can be assessed

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

1 Section 1. Paragraph (a) of subdivision 6 of section 18-a of the
2 public service law, as added by section 4 of part NN of chapter 59 of
3 the laws of 2009, is amended to read as follows:
4 (a) Notwithstanding any provision of law to the contrary, and subject
5 to the exceptions provided for in paragraph (b) of this subdivision, for
6 the state fiscal year beginning on April first, two thousand nine and
7 [four] THREE state fiscal years thereafter, a temporary annual assess-
8 ment (hereinafter "temporary state energy and utility service conserva-
9 tion assessment") is hereby imposed on public utility companies (includ-
10 ing for the purposes of this subdivision municipalities other than
11 municipalities as defined in section eighty-nine-1 of this chapter),
12 corporations (including for purposes of this subdivision the Long Island
13 power authority), and persons subject to the commission's regulation
14 (hereinafter such public utility companies, corporations, and persons
15 are referred to collectively as the "utility entities") to encourage the
16 conservation of energy and other resources provided through utility
17 entities, to be assessed in the manner provided in this subdivision;
18 provided, however, that such assessment shall not be imposed upon tele-

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

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1 phone corporations as defined in subdivision seventeen of section two of
2 this article.

3 S 2. Section 6 of part NN of chapter 59 of the laws of 2009, amending
4 the public service law relating to financing operations of the depart-
5 ment of public service is amended to read as follows:

6 S 6. This act shall take effect immediately; provided, however, that
7 subdivision 6 of section 18-a of the public service law, as added by
8 section four of this act shall take effect April 1, 2009 and shall
9 expire and be deemed repealed March 31, [2014] 2013; and provided,
10 further, that if section four of this act shall become law after April
11 1, 2009, it shall take effect immediately and shall be deemed to have
12 been in full force and effect on and after April 1, 2009.

13 S 3. Paragraph (g) of subdivision 2 of section 18-a of the public
14 service law, as amended by section 2 of part NN of chapter 59 of the
15 laws of 2009, is amended to read as follows:

16 (g) The total amount which may be charged to any public utility compa-
17 ny under authority of this subdivision for any state fiscal year shall
18 not exceed ONE-THIRD OF one per centum of such public utility company's
19 gross operating revenues derived from intrastate utility operations in
20 the last preceding calendar year, or other twelve month period as deter-
21 mined by the chairman; provided, however, that no corporation or person
22 that is subject to the jurisdiction of the commission only with respect
23 to safety, or the power authority of the state of New York, shall be
24 subject to the general assessment provided for under this subdivision.

25 S 4. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on the same date and in the same
27 manner as part NN of chapter 59 of the laws of 2009 took effect;
28 provided that the amendment to paragraph (a) of subdivision 6 of section
29 18-a of the public service law made by section one of this act shall not
30 affect the expiration and repeal of such subdivision 6 and shall expire
31 and be deemed repealed therewith; and provided further that section
32 three of this act shall take effect April 1, 2013.