

6944

I N S E N A T E

April 4, 2014

Introduced by Sen. MARTINS -- 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, water system, municipal water system, or water authority to
5 instead be charged to all customers across all customer classes located
6 in the municipality provided the municipality has held a public hearing
7 with notice on the matter and has adopted a resolution and determined by
8 a majority vote of the total voting strength of its governing body that
9 it is in the overall public interest to have such costs charged to all
10 customers across all customer classes. Any savings achieved as a result
11 of this action shall be applied to the property tax levy of the munici-
12 pality which has adopted such a resolution in an amount equal to such
13 savings in the following fiscal year. Within 120 days after receiving an
14 application pursuant to this act, the public service commission is
15 empowered and directed to issue an order requiring that costs for
16 infrastructure maintenance and access be included in the rates charged
17 to all customer classes and apportioned among all customers located in
18 the municipality and that such municipality shall not be charged sepa-
19 rately or additionally for costs for infrastructure maintenance and
20 access. The public service commission shall have the power to request
21 any information that it may deem necessary from the water-works corpo-
22 ration, water system, municipal water system, or water authority or
23 municipality so that it may issue an order as required by this section
24 and may require that such information or application be in the form and
25 manner as the commission may request.

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

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2. Definitions. For purposes of this act:

a. "costs for infrastructure maintenance and access" means all costs associated with maintenance and operation of infrastructure and equipment used connection with the sale, furnishing, transmission and distribution of water for domestic, commercial, public and emergency purposes and shall also mean costs or charges associated with municipal access to infrastructure or equipment.

b. "municipality" shall mean a city, town, village or fire district in the county of Nassau.

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

d. "water system" shall have the same meaning as that term is defined in section 2 of the public service law.

e. "municipal water system" shall have the same meaning as that term is defined in section 89-1 of the public service law.

f. "water authority" shall mean any authority established under article 5 of the public authorities law.

S 2. This act shall take effect immediately.