S T A T E O F N E W Y O R K

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:

Section 1. 1. Notwithstanding any law to the contrary, a municipality may apply to the public service commission to have any costs for infrastructure maintenance and access it is charged by a water-works corporation, water system, municipal water system, or water authority to instead be charged to all customers across all customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes. Any savings achieved as a result of this action shall be applied to the property tax levy of the municipality which has adopted such a resolution in an amount equal to such savings in the following fiscal year. Within 120 days after receiving an application pursuant to this act, the public service commission is empowered and directed to issue an order requiring that costs for infrastructure maintenance and access be included in the rates charged to all customer classes and apportioned among all customers located in the municipality and that such municipality shall not be charged separately or additionally for costs for infrastructure maintenance and access. The public service commission shall have the power to request any information that it may deem necessary from the water-works corporation, water system, municipal water system, or water authority or municipality so that it may issue an order as required by this section and may require that such information or application be in 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.

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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-l 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.