

3679--B

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to limiting increases in the amount of surcharges established by the public service commission

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

1 Section 1. This act shall be known and may be cited as the "Energy  
2 assessment cap and consumer cost relief act of 2016".  
3 S 2. The public service law is amended by adding a new section 18 to  
4 read as follows:  
5 S 18. LIMIT ON SURCHARGE INCREASES. NOTWITHSTANDING ANY LAW, RULE,  
6 REGULATION OR ORDER TO THE CONTRARY, THE COMMISSION SHALL NOT INCREASE  
7 THE AMOUNT OF THE SURCHARGE OF THE SYSTEM BENEFIT CHARGE OR THE  
8 SURCHARGE FOR THE RENEWABLE PORTFOLIO STANDARD OR THE SURCHARGE FOR THE  
9 ENERGY EFFICIENCY PORTFOLIO STANDARD OR ANY SIMILAR FUND THAT MAY BE  
10 CREATED BY ORDER OF THE COMMISSION BEFORE THE EFFECTIVE DATE OF THIS  
11 SECTION, WHETHER SUCH FUND IS NEW OR IS A RESULT OF COMBINING ALL OR  
12 SOME OF THE SURCHARGES REFERENCED HEREIN. NOTHING IN THIS SECTION SHALL  
13 BE CONSTRUED AS TO PREVENT THE COMMISSION FROM LOWERING THE AMOUNT OF  
14 ANY SURCHARGE EITHER INDIVIDUALLY OR COLLECTIVELY FROM THE AMOUNT  
15 COLLECTED IN TWO THOUSAND FIFTEEN, EXCEPT THAT UNDER NO CIRCUMSTANCES  
16 SHALL THE TOTAL COST OF THOSE CHARGES EXCEED THE TOTAL AGGREGATE AMOUNTS  
17 IN TWO THOUSAND FIFTEEN.  
18 S 3. Moratorium on new energy taxes and fees. Notwithstanding any law,  
19 rule, regulation or order to the contrary, the public service commission

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

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1 shall not establish any new surcharge assessment, tax or fee on energy  
2 consumers, excepting those fees which may arise from an electric gener-  
3 ating facility that provides notice of closure to such commission and a  
4 reliability need is identified by the bulk system operator.

5 S 4. This act shall take effect immediately.