

4411

2015-2016 Regular Sessions

I N S E N A T E

March 19, 2015

Introduced by Sen. ORTT -- 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 exempting religious organizations from the temporary state energy and utility service conservation assessment fee

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

1 Section 1. Paragraph (b) of subdivision 6 of section 18-a of the
2 public service law, as amended by section 1 of part S of chapter 57 of
3 the laws of 2014, is amended and a new paragraph (i) is added to read as
4 follows:
5 (b) The temporary state energy and utility service conservation
6 assessment shall be based upon the following [percentum] PER CENTUM of
7 the utility entity's gross operating revenues derived from intrastate
8 utility operations in the last preceding calendar year, minus the
9 amount, if any, that such utility entity is assessed pursuant to subdivi-
10 sions one and two of this section for the corresponding state fiscal
11 year period: (1) two [percentum] PER CENTUM for the state fiscal year
12 beginning April first, two thousand thirteen; (2) 1.63 [percentum] PER
13 CENTUM for the state fiscal year beginning April first, two thousand
14 fourteen; (3) 1.00 [percentum] PER CENTUM for the state fiscal year
15 beginning April first, two thousand fifteen; and (4) .73 [percentum] PER
16 CENTUM for the state fiscal year beginning April first, two thousand
17 sixteen. With respect to the temporary state energy and utility service
18 conservation assessment to be paid for the state fiscal year beginning
19 April first, two thousand seventeen and notwithstanding clause (i) of
20 paragraph (d) of this subdivision, on or before March tenth, two thou-
21 sand seventeen, utility entities shall make a payment equal to one-half
22 of the assessment paid by such entities pursuant to this paragraph for
23 the state fiscal year beginning on April first, two thousand sixteen;

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

LBD07139-01-5

1 provided, further that such assessment for state fiscal year beginning
2 April first, two thousand seventeen shall not be reflected in a custom-
3 er's rate after December thirty-first, two thousand seventeen. With
4 respect to the Long Island power authority, the temporary state energy
5 and utility service conservation assessment shall be based upon the
6 following [percentum] PER CENTUM of such authority's gross operating
7 revenues derived from intrastate utility operations in the last preced-
8 ing calendar year, minus the amount, if any, that such authority is
9 assessed pursuant to subdivisions one-a and two of this section for the
10 corresponding state fiscal year period: (1) one [percentum] PER CENTUM
11 for the state fiscal year beginning April first, two thousand thirteen;
12 (2) .84 [percentum] PER CENTUM for the state fiscal year beginning April
13 first, two thousand fourteen; (3) .50 [percentum] PER CENTUM for the
14 state fiscal year beginning April first, two thousand fifteen; and (4)
15 .34 [percentum] PER CENTUM for the state fiscal year beginning April
16 first, two thousand sixteen; provided, however, that should the amount
17 assessed by the department for costs and expenses pursuant to such
18 subdivisions equal or exceed such authority's temporary state energy and
19 utility service conservation assessment for a particular fiscal year,
20 the amount to be paid under this subdivision by such authority shall be
21 zero. With respect to the temporary state energy and utility service
22 conservation assessment to be paid for the state fiscal year beginning
23 April first, two thousand seventeen and notwithstanding clause (i) of
24 paragraph (d) of this subdivision, on or before March tenth, two thou-
25 sand seventeen, the Long Island power authority shall make a payment
26 equal to one-half of the assessment it paid for the state fiscal year
27 beginning on April first, two thousand sixteen; provided, further that
28 such assessment for state fiscal year beginning April first, two thou-
29 sand seventeen shall not be reflected in a customer's rate after Decem-
30 ber thirty-first, two thousand seventeen. No corporation or person
31 subject to the jurisdiction of the commission only with respect to safe-
32 ty, or the power authority of the state of New York, shall be subject to
33 the temporary state energy and utility service conservation assessment
34 provided for under this subdivision. Utility entities whose gross oper-
35 ating revenues from intrastate utility operations are five hundred thou-
36 sand dollars or less in the preceding calendar year shall not be subject
37 to the temporary state energy and utility service conservation assess-
38 ment. RECEIPTS FROM REVENUES DERIVED FROM RELIGIOUS ORGANIZATIONS WHO
39 ARE EXEMPT FROM TAXATION UNDER FEDERAL AND STATE LAW SHALL NOT BE
40 SUBJECT TO SUCH ASSESSMENT. The minimum temporary state energy and util-
41 ity service conservation assessment to be billed to any utility entity
42 whose gross revenues from intrastate utility operations are in excess of
43 five hundred thousand dollars in the preceding calendar year shall be
44 two hundred dollars.

45 (I) NO PUBLIC UTILITY COMPANY OR OTHER UTILITY ENTITY SUBJECT TO THE
46 PROVISIONS OF THIS SECTION SHALL CHARGE OR PASS ALONG THE AMOUNT OF
47 ASSESSMENT IMPOSED UNDER THIS SECTION TO ANY RELIGIOUS ORGANIZATION IN
48 THIS STATE WHICH IS EXEMPT FROM TAXATION UNDER STATE LAW OR FEDERAL LAW.

49 S 2. This act shall take effect immediately; provided that the amend-
50 ments to subdivision 6 of section 18-a of the public service law made by
51 section one of this act shall not affect the repeal of such subdivision
52 and shall be deemed repealed therewith.