

6912--C

Cal. No. 434

2015-2016 Regular Sessions

I N A S S E M B L Y

April 10, 2015

Introduced by M. of A. FAHY, BRENNAN, SEAWRIGHT, ABINANTI, OTIS, STECK, BRINDISI, STIRPE, SKOUFIS, COLTON, GALEF, KAVANAGH -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law, in relation to municipal acquisition of street lights from electric utilities

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

1 Section 1. The public service law is amended by adding a new section
2 70-a to read as follows:
3 S 70-A. STREET LIGHTS. 1. ANY MUNICIPALITY OR OTHER GOVERNMENT ENTITY
4 PROPOSING TO ACQUIRE TITLE TO AND TRANSFER OWNERSHIP OF THE COMPLETE
5 SYSTEM OF STREET LIGHT LUMINAIRES OR FIXTURES, ALL SUPPORTING INFRA-
6 STRUCTURE, AND ASSOCIATED ELECTRIC CIRCUITRY MAY FILE AN APPLICATION WITH
7 THE COMMISSION TO DETERMINE IF THERE IS PUBLIC INTEREST FOR THE COMMIS-
8 SION TO COMMENCE A PROCEEDING TO FACILITATE AN OWNERSHIP TRANSFER AGREE-
9 MENT BETWEEN THE OWNER OF THE STREET LIGHTS AND THE PETITIONING MUNICI-
10 PALITY.
11 2. THE MUNICIPALITY SHALL FILE AN APPLICATION WITH THE COMMISSION
12 IDENTIFYING OR PROVIDING:
13 (A) AN INVENTORY FORM WITH POLE NUMBERS, LOCATION, LIGHT SIZE, LIGHT
14 TYPE AND OTHER RELEVANT DESCRIPTIVE INFORMATION; UPON REQUEST AN ELEC-
15 TRIC CORPORATION SHALL PROVIDE SUCH INFORMATION REQUIRED BASED ON THE
16 ACTUAL COST, IF ANY, TO PREPARE THE SAME;
17 (B) A STATEMENT EXPLAINING THE NEED FOR THE CHANGE IN OWNERSHIP
18 INCLUDING THE ANTICIPATED FINANCIAL IMPACTS TO THE MUNICIPALITY;

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

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1 (C) A STATEMENT EXPLAINING THE MUNICIPALITY'S PLANS TO RETROFIT THE
2 FIXTURES TO BE ACQUIRED WITH ENERGY EFFICIENT LIGHTING; AND

3 (D) SUCH OTHER INFORMATION AS THE APPLICANT MAY CONSIDER RELEVANT OR
4 AS THE COMMISSION MAY REQUIRE.

5 3. ANY SUCH APPLICATION FILED WITH THE COMMISSION SHALL BE ACCOMPANIED
6 BY PROOF OF SERVICE, AND SHALL BE SERVED ON THE OWNER OR OWNERS OF THE
7 STREET LIGHT EQUIPMENT AND SUPPORTING INFRASTRUCTURE WHICH ARE SUBJECT
8 TO SUCH PROCEEDING. THE APPLICANT SHALL SERVE A COPY OF SUCH APPLICATION
9 ON SUCH OTHER PERSONS OR ENTITIES AS THE CHAIR MAY DEEM APPROPRIATE. THE
10 APPLICANT, THE COMMISSION AND THOSE SERVED SHALL CONSTITUTE THE PARTIES
11 TO A PROCEEDING PURSUANT TO THIS SECTION.

12 4. THE COMMISSION SHALL REQUIRE ANY UTILITY NAMED AS A PARTY TO A
13 PROCEEDING PURSUANT TO THIS SECTION TO HAVE AN EFFECTIVE TARIFF WHICH
14 ESTABLISHES THE PROCESS TO FACILITATE THE TRANSFER OF OWNERSHIP OF
15 STREET LIGHT EQUIPMENT, INCLUDING LIGHT EMITTING DIODES, SUPPORTING
16 INFRASTRUCTURE, ANY REQUIRED STREET LIGHTING ATTACHMENT PROVISIONS, AND
17 THE RATES AND CHARGES RELATED TO THE FOREGOING.

18 5. THE COMMISSION SHALL REQUIRE THAT ANY AGREEMENT BETWEEN THE MUNICI-
19 PALITY AND THE OWNER OF THE STREET LIGHTING SYSTEM PROVIDE THAT ANY
20 PERSONNEL THAT WORK ON SUCH STREET LIGHTING SYSTEM WILL BE ELECTRICALLY
21 QUALIFIED TO ACCOMMODATE THE ENVIRONMENT WITHIN WHICH THE STREET LIGHT
22 EQUIPMENT SHALL EXIST AND/OR BE IN COMPLIANCE WITH ESTABLISHED STANDARDS
23 ASSOCIATED WITH WORK IN CLOSE PROXIMITY TO ELECTRICAL EQUIPMENT AND
24 FURTHER PROVIDE THAT ANY REQUIRED MAKE-READY WORK MUST BE PERFORMED BY
25 THE UTILITY OR QUALIFIED CONTRACTOR.

26 6. THE COMMISSION SHALL WORK WITH THE NEW YORK STATE ENERGY RESEARCH
27 AND DEVELOPMENT AUTHORITY TO IDENTIFY ENERGY EFFICIENCY OR OF THE FUND-
28 ING WHICH WOULD BE AVAILABLE FOR MUNICIPALITIES FOR THE PURPOSES OF THE
29 SECTION.

30 S 2. This act shall take effect on the one hundred twentieth day after
31 it shall have become a law.