

5205--B

2015-2016 Regular Sessions

I N   S E N A T E

May 7, 2015

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Introduced by Sens. GRIFFO, AMEDORE, HOYLMAN, LATIMER, PANEPINTO, SERRA-  
NO -- 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 -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 INFRAS-  
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;  
19    (C) A STATEMENT EXPLAINING THE MUNICIPALITY'S PLANS TO RETROFIT THE  
20    FIXTURES TO BE ACQUIRED WITH ENERGY EFFICIENT LIGHTING; AND

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

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

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

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

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

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

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