

## LOCAL LAW # 2 OF THE YEAR 1991

### A LOCAL LAW ESTABLISHING PROCEDURE FOR PETITIONS FILED PURSUANT TO TRANSPORTATION CORPORATIONS LAW SECTION 121

#### SECTION 1. LEGISLATIVE INTENT

By the adoption of this Local Law the Town Board of the Town of Hunter declares its intent in so doing to be to establish a uniform procedure in connection with Petitions filed with the Town Board of the Town of Hunter pursuant to Transportation Corporations Law Section 121. It is deemed to be in the public interest that there be an established uniform procedure.

#### SECTION 2. RATE PETITION

- A. Contents - All Petitions filed with the Town Board of the Town of Hunter pursuant to Transportation Corporations Law section 121 shall be verified and shall contain, at a minimum, the following:
  1. All relevant information necessary for the Town Board to determine fair, reasonable and adequate rates for the services provided.
  2. For each year since the most recent previous rate filing, or if no previous filing has been made, for the previous two years, an annual certified financial statement including but not limited to, balance sheets, and income and expense statements, and any other information included within the Corporation's annual report.
  3. A pro-forma year, both with and without the requested increase, with forecast capitalizations, rate base and projected cost of capital.
  4. For any changes between the historic results and the pro-forma year presented, the Petition shall contain a detailed explanation and rationale for the projections. A verifiable link between historic and pro-forma results shall be provided,
  5. If capital expenditures are included in the pro-forma year, the Petition shall also contain:
    - a. A source and use of funds statement for capital expenditures;
    - b. Engineering plans for the proposed project with any necessary approvals from the County Department of Health, Department of Environmental Conservation or other authority;
    - c. A detailed cost estimate of the project;
    - d. An explanation of the need for the project; and
    - e. A proposed construction schedule for the project including an estimated in-service date.
  6. Proof of the written notification required hereby.

The Town Board may waive, in the exercise of its own absolute discretion, any of the foregoing requirements. A request for such waiver shall be filed with the Petition,

- B. Additional Information - In addition to the above information, a Petition will not be deemed complete, until the Town Board has received a Petition as set forth above and any further information required by the Board as is reasonably necessary to render a determination on the proposed rates. The Board shall, within 30 days of the receipt of an initial Petition, inform the corporation of whether further information is required.

**C. Effective Filing Date -** The filing date of a Petition shall be the date when:

1. The Town Board has received all of the information required above; or
2. On the receipt of the Petition by the Board if the Board fails to notify the corporation of any deficiencies within 30 days of such receipt; or
3. On the filing by the corporation of additional information requested by the Board if the Board fails to notify the corporation of any deficiencies in the additional information within 10 days of such filing.

**SECTION 3. Professional Services**

In its discretion, the Town Board shall be authorized to obtain professional services including, but not limited to, a certified public accountant, engineer and special counsel, the reasonable expenses of which shall be charged to the Petitioner and allowed to the Petitioner as expenses for the first fiscal year which is the subject of the Petition. Within 30 days of the filing of the Petition the Town Board shall inform the Petitioner of the estimated costs for said services, said estimate shall not be a limitation upon the actual expenses which may be incurred and charged. Within 30 days of being informed, in writing, of said estimate, the Petitioner shall pay to the Town of Hunter the amount of the estimated charge, Should said estimated amount not be paid to the Town of Hunter within said 30 day period then, upon the 30th day, the Petition shall be deemed to be incomplete, not filed and further review of said Petition shall be suspended until full payment is made. All days passing within a period of suspension shall not be counted within the 90 days in which the Town must act upon a Petition as set forth in Transportation corporations Law Section 121.

**SECTION 4. HEARING**

The Town Board shall, prior to the approval of a rate, conduct a public hearing upon a filed and complete Petition.

**SECTION 5. DETERMINATION**

The Board shall issue a written determination based upon the evidence and arguments presented.

**SECTION 6. SEVERABILITY EFFECTIVE DATE**

In the event any portion of this statute is found by any Court of competent jurisdiction to be unlawful for any reason, said determination shall not affect any other provision hereof, and any remaining portion of this statute shall remain in full force and effect. This Local Law shall be effective immediately upon its filing with the Secretary of State.