

# STATE OF NEW YORK

5224

2017-2018 Regular Sessions

## IN ASSEMBLY

February 7, 2017

Introduced by M. of A. DINOWITZ, RICHARDSON, M. G. MILLER, JOYNER, MOSLEY, COLTON, COOK, GALEF, PEOPLES-STOKES, JENNE, BARRETT, ZEBROWSKI, GOTTFRIED, TITONE, CAHILL, STECK, BICHOTTE, RIVERA, BLAKE, HUNTER, ROSENTHAL, HOOPER -- Multi-Sponsored by -- M. of A. HIKIND, HYNDMAN, LIFTON, MAGEE, SIMON, THIELE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to changes in energy service pricing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 6 and 7 of section 349-d of the general busi-  
2 ness law, as added by chapter 416 of the laws of 2010, are amended to  
3 read as follows:

4 6. No material change shall be made in the terms or duration of any  
5 contract for the provision of energy services by an ESCO without the  
6 express consent of the customer. A change in price or a change to or  
7 from fixed or variable pricing shall be deemed to be material. This  
8 shall not restrict an ESCO from renewing a contract by clearly informing  
9 the customer in writing, not less than thirty days nor more than sixty  
10 days prior to the renewal date, of the renewal terms and of his or her  
11 option not to accept the renewal offer; provided, however, that no fee  
12 pursuant to subdivision five of this section shall be charged to a  
13 customer whose express consent has not been obtained to any change in  
14 material terms and conditions, or who objects to such renewal not later  
15 than three business days after receiving the first billing statement  
16 from the ESCO under the terms of the contract as renewed. The public  
17 service commission and the Long Island power authority may adopt addi-  
18 tional guidelines, practices, rules or regulations governing the renewal  
19 process.

20 7. In every contract for energy services and in all marketing materi-  
21 als provided to prospective purchasers of such contracts, all variable

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

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1 charges shall be clearly and conspicuously identified. In any notice  
2 regarding contract renewability, the provider shall disclose the follow-  
3 ing information as it exists at the time of such notice: (i) the price  
4 charged for energy services; (ii) the price it proposes to charge upon  
5 renewal; (iii) the price that is charged by the customer's distribution  
6 utility; and (iv) information notifying the customer how they may  
7 compare past bills with what they would have been charged had they  
8 received energy services from their respective distribution utility,  
9 including, the internet address of any bill calculator offered by such  
10 customer's distribution utility's website.  
11 § 2. This act shall take effect immediately.