

# STATE OF NEW YORK

8999

## IN SENATE

June 12, 2018

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to providing water usage data to municipalities

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

1 Section 1. Subdivision 6 of section 89-b of the public service law, as  
2 added by chapter 114 of the laws of 1978, is amended to read as follows:

3 6. No water works corporation shall sell or offer for sale any list of  
4 names of its customers. However, upon request by a municipality, a water  
5 works corporation shall provide water usage data by property address to  
6 such municipality where: (a) such municipality is within the service  
7 territory of such water works corporation; (b) such data shall only be  
8 used for municipal purposes related to the financing of clean, storm or  
9 drinking water infrastructure projects and service; and (c) the  
10 provision of such data shall be pursuant to a written agreement between  
11 the water works corporation and the municipality which adequately  
12 provides for customer privacy safeguards and conforms with regulations  
13 of the commission promulgated pursuant to this section. The water works  
14 corporation may provide for reimbursement of any nominal administrative  
15 costs which result from this provision of data in the written agreement.  
16 Property water usage data shall be used solely for the financing of such  
17 municipal purposes and such data information shall not be sold or shared  
18 with any other person or corporation. If a private vendor is used by the  
19 municipality in association with such municipal purposes, the  
20 restrictions related to municipalities on sale or sharing of water usage  
21 data shall apply to such private vendor. Upon request by a municipality,  
22 the commission may commence a proceeding to: (a) establish a written  
23 agreement between the municipality and a water works corporation; or (b)  
24 review any written agreement entered into between the municipality and a  
25 water works corporation, and make any modifications to such agreement as  
26 would be in the public interest. Any agency, as defined under section  
27 eighty-six of the public officers law, shall not disclose any personally  
28 identifiable information contained within such water usage data to the

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

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1 public. For purposes of this subdivision, "municipality" shall only  
2 include the city of Rye and the villages of Port Chester and Rye Brook.  
3 The commission shall, within ninety days of the effective date of this  
4 act, promulgate regulations that establish the requirements of the writ-  
5 ten agreement between the municipality and the water works corporation,  
6 and such regulations shall include, but not be limited to, customer  
7 privacy safeguards and what expenses the water works corporation may  
8 calculate in any nominal administrative cost reimbursement.

9 § 2. This act shall take effect immediately.