

# STATE OF NEW YORK

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2021-2022 Regular Sessions

## IN ASSEMBLY

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Introduced by M. of A. DINOWITZ, GOTTFRIED, GALEF, D. ROSENTHAL, ZEBROWSKI, ABINANTI, RAMOS, SIMON, REYES, DICKENS, SOLAGES, LAVINE, FAHY, CYMBROWITZ, GRIFFIN, THIELE, BARRON, EICHENSTEIN, ENGLEBRIGHT, OTIS, SEAWRIGHT, ROZIC, FRONTUS, MONTESANO, DeSTEFANO, McDONOUGH -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to establishing the electric customer bill of rights during a service disruption

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

- 1 Section 1. 1. Definitions. For purposes of this section:  
2 a. "customer with life-saving equipment" shall have the same meaning  
3 as a person living in a residence that uses a life support system as  
4 defined in subdivision 12 of section 65 of the public service law;  
5 b. "electric service disruption" shall mean a storm, storm-like emer-  
6 gency or system emergency that causes or is projected to cause one or  
7 more customers in a county or service area of an electric corporation to  
8 lose electric service for twelve hours or more; and  
9 c. "special needs customer" shall mean electric corporation customers  
10 including but not limited to the elderly, the vision-impaired, the hear-  
11 ing and speech-impaired, and the mobility impaired, and human service  
12 agencies representing such customers.  
13 2. The public service commission shall commence a rulemaking proceed-  
14 ing to set minimum requirements regarding the rights of customers that  
15 electric corporations shall adhere to at times preceding and for the  
16 duration of an electric service disruption. Upon adoption by the commis-  
17 sion, each electric corporation shall incorporate the established mini-  
18 mum requirements into its emergency response plan pursuant to subdivi-  
19 sion 21 of section 66 of the public service law and shall inform its  
20 customers of such information via posts on its website, e-mail and bill

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

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1 inserts. Such rulemaking proceeding shall set minimum requirements  
2 regarding:

3 a. electric corporations providing a refund or discount to customers  
4 for the basic service charge, fixed charge, or minimum customer charge  
5 for electric service on a pro-rata basis, based on the duration of elec-  
6 tric service disruption to the customer;

7 b. for customers with life-saving equipment and special needs custom-  
8 ers, electric corporations delivering, and refueling or recharging back-  
9 up generators capable of powering life-saving equipment to such custom-  
10 ers, or providing temporary lodging accommodations at a location capable  
11 of powering life-saving equipment, including but not limited to compen-  
12 sation for hotel rooms or hospital admissions, based on the duration of  
13 electric service disruption to the customer;

14 c. the establishment of a plan by electric corporations to prioritize  
15 electric service restoration to customers with life-saving equipment and  
16 special needs customers;

17 d. electric corporations providing customers who work from home,  
18 compensation for lost income or revenue based on the duration of elec-  
19 tric service disruption to the customer;

20 e. the establishment, modification or replacement of an electric  
21 corporation tariff that adopts the provisions of subdivision 5 of  
22 section 65-c of the public service law regarding reimbursement for spoi-  
23 lage of food and medication. Such tariff shall establish requirements  
24 regarding communications to customers on the claims process for spoiled  
25 food and medication at times preceding and for the duration of an elec-  
26 tric service disruption, so that customers are aware of how to document  
27 their losses; and

28 f. the establishment of a plan by electric corporations to identify  
29 locations for dry ice distribution and co-located power charging  
30 stations in the event a storm, storm-like emergency or system emergency  
31 that causes or is projected to cause five thousand or more customers in  
32 a county or service area of an electric corporation to lose electric  
33 service for twelve hours or more. In cooperation with relevant entities,  
34 such plan shall identify public and private locations and provide for  
35 backup locations. Such plan shall provide that, in a city with a popu-  
36 lation of one million or more residents, all customers affected by an  
37 outage shall be within one-quarter of a mile from a dry ice and power  
38 charging location.

39 § 2. The public service law is amended by adding a new section 65-c to  
40 read as follows:

41 § 65-c. Electric customer bill of rights during a service disruption.

42 1. Definitions. For purposes of this section:

43 (a) "customer with life-saving equipment" shall have the same meaning  
44 as a person living in a residence that uses a life support system as  
45 defined in subdivision twelve of section sixty-five of this article;

46 (b) "electric service disruption" shall mean a storm, storm-like emer-  
47 gency or system emergency that causes or is projected to cause one or  
48 more customers in a county or service area of an electric corporation to  
49 lose electric service for twelve hours or more; and

50 (c) "special needs customer" shall mean electric corporation customers  
51 including but not limited to the elderly, the vision-impaired, the hear-  
52 ing and speech-impaired, and the mobility impaired, and human service  
53 agencies representing such customers.

54 2. Customer communication. (a) To the extent practicable based on  
55 weather projections, storm classification and pre-disruption information  
56 regarding the extent of the outage, an electric corporation prior to an

1 electric service disruption shall communicate with customers via posts  
2 on such corporation's website, e-mail, automated phone call, and if  
3 indicated by the customer, text message; and communicate with news  
4 media, social media sites, and local elected officials. An electric  
5 corporation shall have the capability of conveying such communication in  
6 at least one language other than English. Such communication shall  
7 include but not be limited to:

8 i. information regarding the severity of a storm, storm-like electric  
9 emergency or system emergency;

10 ii. outage safety precautions, including but not limited to: storm  
11 survival without electric power, safety precautions regarding electrical  
12 hazards such as downed wires and the use of portable generators;

13 iii. instructions on how to report an outage;

14 iv. instructions on how to receive or obtain information regarding an  
15 estimated time of restoration in the event there is an outage;

16 v. planned dry ice distribution and power charging locations pursuant  
17 to subdivision four of this section;

18 vi. planned cooling locations if necessary;

19 vii. the claims process for spoiled food and medication pursuant to  
20 subdivision five of this section, so that customers are aware of how to  
21 document their losses;

22 viii. potential information adopted pursuant to a rulemaking proceed-  
23 ing commenced by the commission regarding: a pro-rata discount on the  
24 basic service charge, backup generators or temporary lodging accommo-  
25 modations and compensation for customers with life-saving equipment and  
26 special needs customers, and compensation for lost income or revenue for  
27 customers that work from home; and

28 ix. information for customers with life-saving equipment and special  
29 needs customers including but not limited to: the unique priority phone  
30 number for such customers established pursuant to paragraph (a) of  
31 subdivision three of this section, the potential use of backup equipment  
32 needed to power life-saving equipment, and the potential facilitation of  
33 transportation to the nearest hospital or facility that is capable of  
34 powering life-saving equipment.

35 (b) For the duration of an electric service disruption, such electric  
36 corporation shall communicate with customers via posts on such corpo-  
37 ration's website, e-mail, automated phone call, and if indicated by the  
38 customer, text message; and communicate with news media, social media  
39 sites, and local elected officials. An electric corporation shall have  
40 the capability of conveying such communication in at least one language  
41 other than English. Such communication shall include but not be limited  
42 to:

43 i. information regarding the ongoing severity of a storm, storm-like  
44 electric emergency or system emergency;

45 ii. outage safety precautions, including but not limited to: storm  
46 survival without electric power, safety precautions regarding electrical  
47 hazards such as downed wires and the use of portable generators;

48 iii. instructions on how to report an outage;

49 iv. updated information regarding the estimated time of restoration,  
50 including website links to outage maps updated every thirty minutes;

51 v. notification to customers with life-saving equipment, special needs  
52 customers and customers who reported an outage when power has been  
53 restored to their area for verification purposes;

54 vi. instructions on how to receive or obtain information regarding an  
55 estimated time of restoration;

1 vii. dry ice distribution and power charging locations pursuant to  
2 subdivision four of this section;

3 viii. cooling locations, if necessary;

4 ix. the claims process for spoiled food and medication pursuant to  
5 subdivision five of this section so that customers are aware of how to  
6 document their losses;

7 x. potential information adopted pursuant to a rulemaking proceeding  
8 commenced by the commission regarding: a pro-rata discount on the basic  
9 service charge, backup generators or temporary lodging accommodations  
10 and compensation for customers with life-saving equipment and special  
11 needs customers, and compensation for lost income or revenue for custom-  
12 ers that work from home; and

13 xi. information for customers with life-saving equipment and special  
14 needs customers including but not limited to: the unique priority phone  
15 number for such customers established pursuant to paragraph (a) of  
16 subdivision three of this section, the potential use of backup equipment  
17 needed to power life-saving equipment, and the facilitation of transpor-  
18 tation to the nearest hospital or facility that is capable of powering  
19 life-saving equipment.

20 3. Customers with life-saving equipment and special needs customers.

21 (a) Electric corporations shall establish a unique priority phone number  
22 that shall remain in operation every day of the year for customers with  
23 life-saving equipment and special needs customers.

24 (b) Information regarding such phone number shall be provided in bill  
25 inserts, via e-mail, and posted on electric corporations' websites and  
26 shall include reminders for existing customers with life-saving equip-  
27 ment and special needs customers to call such number to ensure they are  
28 still registered with the electric corporation as a customer with life-  
29 saving equipment or a special needs customer.

30 (c) Customers with life-saving equipment and special needs customers  
31 shall be able to call such number established by paragraph (a) of this  
32 subdivision at any time, including a time preceding or during an elec-  
33 tric service disruption to:

34 i. register with an electric corporation so as to be placed on its  
35 current list of customers who use life support systems pursuant to  
36 subdivision twelve of section sixty-five of this article;

37 ii. receive information or projections regarding the severity of a  
38 storm, storm-like electric emergency or system emergency, if applicable;

39 iii. report an outage or receive instructions on how to report an  
40 outage;

41 iv. receive updated information regarding the estimated time of resto-  
42 ration, including website links to outage maps updated every thirty  
43 minutes, if applicable;

44 v. receive outage safety precautions, including but not limited to:  
45 storm survival without electric power, safety precautions regarding  
46 electrical hazards such as downed wires and the use of portable genera-  
47 tors;

48 vi. receive information regarding dry ice distribution and power  
49 charging locations pursuant to subdivision four of this section, if  
50 applicable;

51 vii. receive information regarding power charging locations, if appli-  
52 cable;

53 viii. receive information regarding cooling locations, if necessary  
54 and applicable;

1 ix. receive information regarding the claims process for spoiled food  
2 and medication pursuant to subdivision five of this section, if applica-  
3 ble, so that customers are aware of how to document their losses;

4 x. receive potential information adopted pursuant to a rulemaking  
5 proceeding commenced by the commission regarding: a pro-rata discount on  
6 the basic service charge, backup generators or temporary lodging accom-  
7 modations and compensation for customers with life-saving equipment and  
8 special needs customers, and compensation for lost income or revenue for  
9 customers that work from home, if applicable; and

10 xi. receive information regarding the facilitation of transportation  
11 to the nearest hospital or facility that is capable of powering life-  
12 saving equipment, if applicable.

13 4. Dry ice distribution and power charging stations. (a) In the event  
14 a storm, storm-like emergency or system emergency that causes or is  
15 projected to cause five thousand or more customers in a county or  
16 service area of an electric corporation to lose electric service for  
17 twelve hours or more, an electric corporation shall commence the  
18 distribution of dry ice and deployment of co-located power charging  
19 stations to customers no later than twelve hours following the start of  
20 power restoration operations undertaken by such electric corporation.  
21 Such distribution shall be pursuant to a rulemaking proceeding commenced  
22 by the commission regarding locations for dry ice distribution and power  
23 charging locations, if such proceeding has been completed.

24 (b) Prior to a storm, storm-like emergency or system emergency that  
25 causes or is projected to cause five thousand or more customers in a  
26 county or service area of an electric corporation to lose electric  
27 service for twelve hours or more, to the extent practicable based on  
28 weather projections, storm classification, and pre-disruption informa-  
29 tion regarding the extent of the outage, an electric corporation shall  
30 begin the procurement process for dry ice for purposes of distribution  
31 to customers during such disruption.

32 5. Reimbursement for spoilage of food and medication. (a) An electric  
33 corporation shall reimburse customers for spoilage of food and medica-  
34 tion due to lack of refrigeration that is attributable to a loss of  
35 electric service because of a storm, storm-like electric emergency or  
36 system emergency when such service disruption lasts for a period in  
37 excess of twelve hours or when the same customer is subjected to two or  
38 more such service disruptions aggregating twelve hours or more within a  
39 twenty-four hour period, pursuant to the following:

40 i. For a residential customer with a claim for spoilage of food total-  
41 ing two hundred twenty-five dollars or less, the electric corporation  
42 shall only be authorized to require an itemized list of such food in  
43 order to process such claim;

44 ii. For residential customers with a claim for spoilage of food total-  
45 ing two hundred twenty-six dollars or more, the electric corporation  
46 shall only be authorized to require an itemized list and documented  
47 proof, which may constitute a picture, of a loss of such food in order  
48 to process such claim;

49 iii. For a residential customer with a claim for spoilage of medica-  
50 tion totaling any amount, the electric corporation shall only be author-  
51 ized to require an itemized list and documented proof, which may consti-  
52 tute a picture, of loss of such medication in order to process such  
53 claim;

54 iv. Residential customers shall be authorized to submit one claim for  
55 spoilage of food per week for the duration of the outage. There shall be

1 no limit on the number of claims submitted for spoilage of medication;  
2 and

3 v. Upon receipt of such claims, an electric corporation shall facili-  
4 tate payment to such customer as soon as possible.

5 (b) Electric corporations shall be required to communicate to custom-  
6 ers the claims process for spoiled food and medication established by  
7 this section at times preceding and for the duration of an electric  
8 service disruption, so that customers are aware of how to document their  
9 losses.

10 § 3. This act shall take effect immediately, provided that section two  
11 shall take effect one year after the effective date of this act.