

STATE OF NEW YORK

4322

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to providing a customer of gas or electric services the right to commence an action prior to making a formal complaint with the commission

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

1 Section 1. Subdivision 5 of section 66 of the public service law, as
2 amended by chapter 134 of the laws of 1921, is amended to read as
3 follows:

4 5. Examine all persons, corporations and municipalities under its
5 supervision and keep informed as to the methods, practices, regulations
6 and property employed by them in the transaction of their business.
7 Whenever the commission shall be of opinion, after a hearing had upon
8 its own motion or upon complaint, that the rates, charges or classifica-
9 tions or the acts or regulations of any such person, corporation or
10 municipality are unjust, unreasonable, unjustly discriminatory or unduly
11 preferential or in anywise in violation of any provision of law, the
12 commission shall determine and prescribe in the manner provided by and
13 subject to the provisions of section seventy-two of this chapter the
14 just and reasonable rates, charges and classifications thereafter to be
15 in force for the service to be furnished notwithstanding that a higher
16 or lower rate or charge has heretofore been prescribed by general or
17 special statute, contract, grant, franchise condition, consent or other
18 agreement, and the just and reasonable acts and regulations to be done
19 and observed; and whenever the commission shall be of opinion, after a
20 hearing had upon its own motion or upon complaint, that the property,
21 equipment or appliances of any such person, corporation or municipality
22 are unsafe, inefficient or inadequate, the commission shall determine
23 and prescribe the safe, efficient and adequate property, equipment and

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

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1 appliances thereafter to be used, maintained and operated for the secu-
2 rity and accommodation of the public and in compliance with the
3 provisions of law and of their franchises and charters. Notwithstanding
4 any other provision of this article to the contrary, a customer of any
5 gas corporation or electric corporation, or a customer of any person,
6 company or corporation providing electricity or gas service to customers
7 may, at any point prior to making a formal complaint to the commission,
8 or before filing an article seventy-eight following a formal commission
9 decision, commence an action before a court of competent jurisdiction in
10 this state to enforce any rights provided to such customer by this arti-
11 cle.

12 § 2. This act shall take effect immediately.