

STATE OF NEW YORK

6275

2021-2022 Regular Sessions

IN SENATE

April 20, 2021

Introduced by Sen. PARKER -- 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 establishing arrears resolution programs

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

1 Section 1. The public service law is amended by adding a new section
2 37-a to read as follows:

3 § 37-a. Arrears resolution program. 1. For the purposes of this
4 section, the following terms shall have the following meanings:

5 (a) "covered period" means the period beginning February first, two
6 thousand twenty until ninety days after December thirty-first, two thou-
7 sand twenty-one;

8 (b) "COVID-19 state of emergency" means the state disaster emergency
9 declared pursuant to executive order number two hundred two of two thou-
10 sand twenty;

11 (c) "small business customer" means a business with twenty-five or
12 fewer employees that is not a (i) publicly held company, or a subsidiary
13 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
14 energy customer as defined by the commission, or (iv) customer that the
15 utility corporation can demonstrate has the resources to pay its
16 arrears; and

17 (d) "utility arrears" means unpaid utility payments by a residential
18 customer, small business customer and/or ratepayer to a utility corpo-
19 ration accrued during the covered period.

20 2. The commission shall require utility corporations to establish an
21 arrears resolution program no later than ninety days after the effective
22 date of this section for residential customers and small business
23 customers to pay any utility arrears owed to such utility corporation
24 during the covered period when such a customer has experienced a change

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

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1 in financial circumstances due to the COVID-19 state of emergency, as
2 defined by the department. The fiscal impact of such program shall not
3 be borne by customers and shall not be added to bills rendered by the
4 utility corporation to customers.

5 3. A customer's utility arrears shall be paid:

6 (a) fifty percent by the utility corporation from such corporation's
7 shareholder funds; and

8 (b) fifty percent by the commission from any federal funds made avail-
9 able for such purposes.

10 4. The commission shall require utility corporations to provide infor-
11 mation and application forms for such programs to eligible customers on
12 their websites, at their offices, and by other means, and to provide
13 information regarding the availability and eligibility standards for
14 such program to residential customers and small business customers at
15 the time of service initiation, in bill inserts, in communications with
16 customers in arrears, and by other means required or approved by the
17 commission.

18 5. The commission shall require utility corporations to file periodic
19 reports regarding the number of eligible customers participating in such
20 programs and other information deemed necessary or appropriate by the
21 commission.

22 § 2. The public service law is amended by adding a new section 89-bb
23 to read as follows:

24 § 89-bb. Arrears resolution program. 1. For the purposes of this
25 section, the following terms shall have the following meanings:

26 (a) "covered period" means the period beginning February first, two
27 thousand twenty until ninety days after December thirty-first, two thou-
28 sand twenty-one;

29 (b) "COVID-19 state of emergency" means the state disaster emergency
30 declared pursuant to executive order number two hundred two of two thou-
31 sand twenty;

32 (c) "small business customer" means a business with twenty-five or
33 fewer employees that is not a (i) publicly held company, or a subsidiary
34 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
35 energy customer as defined by the commission, or (iv) customer that the
36 water-works corporation can demonstrate has the resources to pay its
37 arrears; and

38 (d) "water arrears" means unpaid water utility payments by a residen-
39 tial customer, small business customer and/or ratepayer to a water-works
40 corporation accrued during the covered period.

41 2. The commission shall require water-works corporations to establish
42 an arrears resolution program no later than ninety days after the effec-
43 tive date of this section for residential customers and small business
44 customers to pay any water arrears owed to such water-works corporation
45 during the covered period when such a customer has experienced a change
46 in financial circumstances due to the COVID-19 state of emergency, as
47 defined by the department. The fiscal impact of such program shall not
48 be borne by customers and shall not be added to bills rendered by the
49 water-works corporation to customers.

50 3. A customer's water arrears shall be paid:

51 (a) fifty percent by the water-works corporation from such corpo-
52 ration's shareholder funds; and

53 (b) fifty percent by the commission from any federal funds made avail-
54 able for such purposes.

55 4. The commission shall require water-works corporations to provide
56 information and application forms for such programs to eligible custom-

1 ers on their websites, at their offices, and by other means, and to
2 provide information regarding the availability and eligibility standards
3 for such program to residential customers and small business customers
4 at the time of service initiation, in bill inserts, in communications
5 with customers in arrears, and by other means required or approved by
6 the commission.

7 5. The commission shall require water-works corporations to file peri-
8 odic reports regarding the number of eligible customers participating in
9 such programs and other information deemed necessary or appropriate by
10 the commission.

11 § 3. The public service law is amended by adding a new section 91-b to
12 read as follows:

13 § 91-b. Arrears resolution program. 1. For the purposes of this
14 section, the following terms shall have the following meanings:

15 (a) "covered period" means the period beginning February first, two
16 thousand twenty until ninety days after December thirty-first, two thou-
17 sand twenty-one;

18 (b) "COVID-19 state of emergency" means the state disaster emergency
19 declared pursuant to executive order number two hundred two of two thou-
20 sand twenty;

21 (c) "small business customer" means a business with twenty-five or
22 fewer employees that is not a (i) publicly held company, or a subsidiary
23 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
24 usage customer as defined by the commission, or (iv) customer that the
25 telephone corporation can demonstrate has the resources to pay its
26 arrears; and

27 (d) "telephone arrears" means unpaid telephone payments by a residen-
28 tial and/or small business customer to a telephone corporation accrued
29 during the covered period.

30 2. The commission shall require telephone corporations to establish an
31 arrears resolution program no later than ninety days after the effective
32 date of this section for residential customers and small business
33 customers to pay any telephone arrears owed to such telephone corpo-
34 ration during the covered period when such a customer has experienced a
35 change in financial circumstances due to the COVID-19 state of emergen-
36 cy, as defined by the department. The fiscal impact of such program
37 shall not be borne by customers and shall not be added to bills rendered
38 by the telephone corporation to customers.

39 3. A customer's telephone arrears shall be paid:

40 (a) fifty percent by the telephone corporation from such corporation's
41 shareholder funds; and

42 (b) fifty percent by the commission from any federal funds made avail-
43 able for such purposes.

44 4. The commission shall require telephone corporations to provide
45 information and application forms for such programs to eligible custom-
46 ers on their websites, at their offices, and by other means, and to
47 provide information regarding the availability and eligibility standards
48 for such program to residential customers and small business customers
49 at the time of service initiation, in bill inserts, in communications
50 with customers in arrears, and by other means required or approved by
51 the commission.

52 5. The commission shall require telephone corporations to file period-
53 ic reports regarding the number of eligible customers participating in
54 such programs and other information deemed necessary or appropriate by
55 the commission.

1 § 4. The public service law is amended by adding a new section 224-c
2 to read as follows:

3 § 224-c. Broadband services arrears resolution program. 1. For the
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (a) "broadband service" means a mass-market retail service that
7 provides the capability to transmit data to and receive data from all or
8 substantially all internet endpoints, including any capabilities that
9 are incidental to and enable the operation of the communications
10 service, but shall not include dial-up service;

11 (b) "broadband service arrears" means unpaid broadband payments by a
12 residential and/or small business customer to an internet service
13 provider accrued during the covered period;

14 (c) "covered period" means the period beginning February first, two
15 thousand twenty until ninety days after December thirty-first, two thou-
16 sand twenty-one;

17 (d) "COVID-19 state of emergency" means the state disaster emergency
18 declared pursuant to executive order number two hundred two of two thou-
19 sand twenty;

20 (e) "internet service provider" means any person, business or organ-
21 ization qualified to do business in this state that provides individ-
22 uals, corporations, or other entities with the ability to connect to the
23 internet; and

24 (f) "small business customer" means a business with twenty-five or
25 fewer employees that is not a (i) publicly held company, or a subsidiary
26 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
27 usage customer as defined by the commission, or (iv) customer that the
28 internet service provider can demonstrate has the resources to pay its
29 arrears.

30 2. (a) The commission shall study broadband service arrears accrued
31 during the COVID-19 state of emergency including by area of the state
32 where customers owe such arrears, the types of services customers
33 receive and the average amount of such arrears, and any current programs
34 internet service providers offer their customers to assist with the
35 payment of such arrears.

36 (b) Within ninety days of the effective date of this section, the
37 commission shall submit a report of its findings and recommendations
38 from the study and for the creation of broadband services arrears resol-
39 ution programs, to the governor, the temporary president of the senate
40 and the speaker of the assembly.

41 3. The commission shall require internet service providers to estab-
42 lish an arrears resolution program no later than ninety days after the
43 submission of the commission's report on broadband service arrears for
44 residential customers and small business customers to pay any broadband
45 services arrears owed to such internet service provider during the
46 covered period when such a customer has experienced a change in finan-
47 cial circumstances due to the COVID-19 state of emergency, as defined by
48 the department. The fiscal impact of such program shall not be borne by
49 customers and shall not be added to bills rendered by the internet
50 service provider to customers.

51 4. A customer's broadband service arrears shall be paid:

52 (a) fifty percent by the internet service provider from such provid-
53 er's shareholder funds; and

54 (b) fifty percent by the commission from any federal funds made avail-
55 able for such purposes.

1 5. The commission shall require internet service providers to provide
2 information and application forms for such programs to eligible custom-
3 ers on their websites, at their offices, and by other means, and to
4 provide information regarding the availability and eligibility standards
5 for such program to residential customers and small business customers
6 at the time of service initiation, in bill inserts, in communications
7 with customers in arrears, and by other means required or approved by
8 the commission.

9 6. The commission shall require internet service providers to file
10 periodic reports regarding the number of eligible customers participat-
11 ing in such programs and other information deemed necessary or appropri-
12 ate by the commission.

13 § 5. This act shall take effect immediately.