

STATE OF NEW YORK

6275--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 during the covered period when such a customer has experienced a change
2 in financial circumstances due to the COVID-19 state of emergency, as
3 defined by the department. The fiscal impact of such program shall not
4 be borne by customers and shall not be added to bills rendered by the
5 utility corporation to customers.

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (a) fifty percent by the water-works corporation and/or municipal
55 water system from such corporation's and/or system's shareholder funds;
56 and

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

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

11 5. The commission shall require water-works corporations and municipal
12 water systems to file periodic reports regarding the number of eligible
13 customers participating in such programs and other information deemed
14 necessary or appropriate by the commission.

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

17 § 91-b. Arrears resolution program. 1. For the purposes of this
18 section, the following terms shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

5 § 4. The public service law is amended by adding a new section 224-d
6 to read as follows:

7 § 224-d. Broadband services arrears resolution program. 1. For the
8 purposes of this section, the following terms shall have the following
9 meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 5. This act shall take effect immediately.