

STATE OF NEW YORK

6275--B

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 -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. The public service law is amended by adding a new section 28 to read as follows:

§ 28. Arrears resolution funding program. 1. The commission is hereby authorized and directed to implement, as soon as practicable, a program to fund arrears resolution programs established pursuant to sections thirty-seven-a, eighty-nine-bb, ninety-one-b and two hundred twenty-four-d of this chapter.

2. Such program shall be funded with: (a) funds received by the state from the American Rescue Plan Act of 2021, Pub. L. 117-2, and any other federal funds made available for such purpose; and

(b) any state funds appropriated for such program.

3. The commission may adopt any rules or regulations necessary to carry out the provisions of this section.

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

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

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

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

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

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

(d) "utility arrears" means unpaid utility payments by a residential customer, small business customer and/or ratepayer to a utility corporation accrued during the covered period.

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

3. A customer's utility arrears shall be paid from funds received by the utility corporation from the arrears resolution funding program established pursuant to section twenty-eight of this chapter.

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

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

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

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

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

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

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

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

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

3. A customer's water arrears shall be paid from funds received by the water-works corporation or municipal water system from the arrears resolution funding program established pursuant to section twenty-eight of this chapter.

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

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

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

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

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

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

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

(d) "telephone arrears" means unpaid telephone payments by a residential and/or small business customer to a telephone corporation accrued during the covered period.

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

1 3. A customer's telephone arrears shall be paid from funds received by
2 the telephone corporation from the arrears resolution funding program
3 established pursuant to section twenty-eight of this chapter.

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

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

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

18 § 224-d. Broadband services arrears resolution program. 1. For the
19 purposes of this section, the following terms shall have the following
20 meanings:

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

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

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

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

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

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

45 2. (a) The commission shall study broadband service arrears accrued
46 during the COVID-19 state of emergency including by area of the state
47 where customers owe such arrears, the types of services customers
48 receive and the average amount of such arrears, and any current programs
49 internet service providers offer their customers to assist with the
50 payment of such arrears.

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

1 3. The commission shall require internet service providers to estab-
2 lish an arrears resolution program no later than ninety days after the
3 submission of the commission's report on broadband service arrears for
4 residential customers and small business customers to pay any broadband
5 services arrears owed to such internet service provider during the
6 covered period when such a customer has experienced a change in finan-
7 cial circumstances due to the COVID-19 state of emergency, as defined by
8 the department. The fiscal impact of such program shall not be borne by
9 customers and shall not be added to bills rendered by the internet
10 service provider to customers.

11 4. A customer's broadband service arrears shall be paid from funds
12 received by the internet service provider from the arrears resolution
13 funding program established pursuant to section twenty-eight of this
14 chapter.

15 5. The commission shall require internet service providers to provide
16 information and application forms for such programs to eligible custom-
17 ers on their websites, at their offices, and by other means, and to
18 provide information regarding the availability and eligibility standards
19 for such program to residential customers and small business customers
20 at the time of service initiation, in bill inserts, in communications
21 with customers in arrears, and by other means required or approved by
22 the commission.

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

27 § 6. This act shall take effect immediately.