

# STATE OF NEW YORK

4573--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 17, 2023

Introduced by M. of A. ZEBROWSKI, L. ROSENTHAL, THIELE, STECK, COLTON, REYES, SIMONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT directing the department of public service to prepare a written report on the affordability of water services for commercial and residential customers

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

1 Section 1. 1. As used in this act:  
2 a. "Assistance program" shall mean any program offered to eligible  
3 low-income customers to assist with the costs of electricity, gas, and  
4 water, including but not limited to the low-income home energy assist-  
5 ance program, any low-income affordability plans as provided by public  
6 service commission case number 14-M-0565, and/or any other financial  
7 assistance program provided through or by New York state or individual  
8 utilities, counties or municipalities.  
9 b. "Commission" shall mean the public service commission.  
10 c. "Municipality" shall mean potable water districts and potable water  
11 systems owned and/or operated by a city, town, village, authority or  
12 other governmental subdivision.  
13 d. "Water-works corporation" shall have the same meaning as subdivi-  
14 sion 27 of section 2 of the public service law, or a municipality.  
15 2. a. Every water-work corporation shall be subject to the jurisdic-  
16 tion of the public service commission for the purposes of enforcing the  
17 provisions of this act pursuant to sections 24, 25 and 26 of the public  
18 service law. The commission shall adjudicate complaints and conduct  
19 investigations for violation of this act in the manner provided by the  
20 provisions of article 2 of the public service law.

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

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1 b. Within 180 days after the effective date of this act, the commis-  
2 sion shall prepare and submit to the governor and the legislature a  
3 written report that shall make findings and recommendations concerning  
4 the affordability of water services to commercial and residential  
5 customers in this state. An updated report shall be submitted one year  
6 after the commission has submitted such initial report to the governor  
7 and legislature. Without unreasonably exposing consumer personally  
8 identifiable information in a manner that violates public service law  
9 and public service commission practice or federal law, the reports shall  
10 include but not be limited to the following, with all information to be  
11 broken down by water-work corporation, type of service provided, month,  
12 customer class, and county:

13 (1) the number of disconnection notices sent due to non-payment,  
14 disconnections due to non-payment, and reconnections of customers that  
15 were disconnected for non-payment;

16 (2) the number of liens on real property placed, sold, or enforced due  
17 to non-payment, and how those numbers compare to the previous year on  
18 the same month and day, if applicable;

19 (3) the number of customers in arrears greater than 60 days at the end  
20 of each month, and the total dollar amount of arrears;

21 (4) the number of customers enrolled in deferred payment agreements at  
22 the end of each month;

23 (5) the number of customers that entered into, successfully completed,  
24 or defaulted from a deferred payment agreement, and how those numbers  
25 compare to the previous year on the same month and day;

26 (6) the number of customers receiving assistance under each assistance  
27 program at the end of each month, the total dollar amount of assistance  
28 provided for arrears, the total dollar amount of assistance provided for  
29 current or future bills and the average amount per customer, and how  
30 those numbers compare to the previous year on the same month and day;  
31 and

32 (7) the commission's assessment of whether existing customer assist-  
33 ance programs are presently and will in the future be sufficient to meet  
34 the financial needs of customer accounts in arrears who are unable to  
35 pay those arrears in full, as well as the needs of customer accounts who  
36 may be unable to pay bills for current service.

37 c. Following the commission's submission of the reports to the gover-  
38 nor and legislature such reports shall be posted on the commission's  
39 website and be subject to 30 days of public comment on affordability  
40 from the date of the submission to the governor and the legislature. The  
41 commission shall provide meaningful opportunities for public comment  
42 from all persons who will be impacted by findings of the commission,  
43 including persons living in disadvantaged communities and in rural  
44 communities across the state in entirety. Within 90 days of the  
45 submission of the initial report, the commission shall conduct at least  
46 five public hearings in different regions of the state, as defined  
47 by the empire state development corporation, and provide meaningful  
48 opportunity for comment. The public hearings may be held virtually.

49 d. Each water-work corporation shall, within 90 days of the effective  
50 date of this act, submit to the commission, in a form and manner deter-  
51 mined by the commission, the information required pursuant to paragraph  
52 b of this subdivision. Six months after the submission of the initial  
53 report to the governor and legislature, each water-work corporation  
54 shall submit to the commission, in a form and manner determined by the  
55 commission, the information required pursuant to paragraph b of this  
56 subdivision. Each water-work corporation shall publish on its website

1 the data it reports pursuant to this paragraph, simultaneously with  
2 submission of the data to the commission.

3 3. If the data required by this act cannot reasonably be obtained from  
4 an existing water-work corporation's information technology system with-  
5 out an increase in customer utility bills, a water-work corporation or  
6 municipality may petition the commission, in a form and manner to be  
7 determined by the commission, to provide the required data in an alter-  
8 native format.

9 4. The commission shall publish on its website the reports required  
10 pursuant to subdivision two of this section, simultaneously with the  
11 submission of each report. The reports shall include the information  
12 required pursuant to this section in a spreadsheet format.

13 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
14 sion, section or part of this act shall be adjudged by any court of  
15 competent jurisdiction to be invalid, such judgment shall not affect,  
16 impair, or invalidate the remainder thereof, but shall be confined in  
17 its operation to the clause, sentence, paragraph, subdivision, section  
18 or part thereof directly involved in the controversy in which such judg-  
19 ment shall have been rendered. It is hereby declared to be the intent of  
20 the legislature that this act would have been enacted even if such  
21 invalid provisions had not been included herein.

22 § 3. This act shall take effect immediately.