

STATE OF NEW YORK

6803

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. GONZALEZ -- 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 and the general business law, in relation to termination of certain utility services

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "consumer utility protections during investigations act" or the
3 "CUPDI act".

4 § 2. Section 2 of the public service law is amended by adding a new
5 subdivision 30 to read as follows:

6 30. The term "investigation," when used in this chapter, shall mean a
7 formal proceeding conducted by the commission to examine the policies,
8 practices, rates, charges, services, facilities, operations, or manage-
9 ment of a public utility corporation or to determine compliance with any
10 law, rule, regulation, order or tariff applicable to such utility.
11 "Investigation" shall include those conducted pursuant to sections
12 seventy-one and eighty-nine-i of this chapter.

13 Notwithstanding anything to the contrary in this chapter, "investi-
14 gation," as defined in this subdivision shall not include commission
15 inquiries triggered by an individual customer complaint filed pursuant
16 to section forty-three of this chapter.

17 § 3. Subdivision 2 of section 32 of the public service law is amended
18 by adding five new paragraphs (e), (f), (g), (h) and (i) to read as
19 follows:

20 (e) Notwithstanding any law, rule, regulation, order, or tariff to the
21 contrary, utility service shall not be terminated to residential or
22 commercial accounts for non-payment of an overdue charge from the
23 commencement of any commission investigation until one hundred twenty
24 days after the findings of such investigation have been published and a

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

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determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(f) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no utility corporation or municipality shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(g)(i) Within three days of the commencement of such investigation, both the utility corporation and the department shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(h) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(i) Any overdue charges incurred by a utility corporation or municipality pursuant to this section shall not be recoverable from ratepayers.

§ 4. Subdivision 3-b of section 89-b of the public service law is amended by adding five new paragraphs (d), (e), (f), (g) and (h) to read as follows:

(d) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, utility service shall not be terminated and no water-works corporation shall terminate or disconnect the supply of water to residential or commercial accounts for non-payment of an overdue charge from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(e) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no water-works corporation shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(f) (i) Within three days of the commencement of such investigation, both the utility corporation and the department shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being

1 investigated is also required to advertise in its local newspaper within
2 three days of the commencement of such investigation.

3 (g) In the event the service to a residential or commercial customer
4 is terminated without such notice and charged overdue fees, the customer
5 is entitled to treble damages.

6 (h) Any overdue charges incurred by a water-works corporation pursuant
7 to this section shall not be recoverable from ratepayers.

8 § 5. Section 89-1 of the public service law is amended by adding two
9 new subdivisions 3 and 4 to read as follows:

10 3. (a) No municipality shall terminate or discontinue service to, or
11 place, sell or enforce a lien of the real property of any residential or
12 commercial customer for the nonpayment of bills, taxes or fees and no
13 bills, taxes or fees charged to such customers shall otherwise become a
14 lien on real property from the commencement of any commission investi-
15 gation until one hundred twenty days after the findings of such investi-
16 gation have been published and a determination has been issued by the
17 commission. Nothing in this section shall prohibit a utility corporation
18 or municipality from disconnecting service necessary to protect the
19 health and safety of customers and the public.

20 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
21 contrary, no utility corporation or municipality shall charge, collect,
22 or be allowed to recover overdue charges from residential or commercial
23 customers from the commencement of any commission investigation until
24 one hundred twenty days after the findings of such investigation has
25 been published and a determination has been issued by the commission.

26 (c) (i) Within three days of the commencement of such investigation, a
27 municipality shall inform residential and commercial customers of such
28 investigation and pause on any overdue charges.

29 (ii) Forms of required communication that shall be made to all resi-
30 dential and commercial customers shall include but not be limited to
31 letters, notices on utility bills, phone calls, and updates on the
32 public website for the department and utility corporation or munici-
33 pality being investigated. The utility corporation or municipality being
34 investigated is also required to advertise in its local newspaper within
35 three days of the commencement of such investigation.

36 (d) In the event the service to a residential or commercial customer
37 is terminated without such notice and charged overdue fees, the customer
38 is entitled to treble damages.

39 (e) Any overdue charges incurred by a utility corporation or munici-
40 pality pursuant to this section shall not be recoverable from ratepay-
41 ers.

42 4. Notwithstanding the provisions of subdivision one of this section,
43 for the purposes of subdivision three of this section, a "municipality"
44 shall also include a public water authority established pursuant to
45 article five of the public authorities law. Every municipality shall be
46 subject to the jurisdiction of the commission for the purposes of
47 enforcing the provisions of subdivision three of this section pursuant
48 to sections twenty-four, twenty-five and twenty-six of this chapter.

49 § 6. Section 91 of the public service law is amended by adding a new
50 subdivision 9 to read as follows:

51 9. (a) No telephone corporation shall terminate or discontinue any
52 services provided by its infrastructure to any residential or commercial
53 customer for the nonpayment of bills, taxes or fees from the commence-
54 ment of any commission investigation until one hundred twenty days after
55 the findings of such investigation have been published and a determi-
56 nation has been issued by the commission. Nothing in this section shall

1 prohibit a utility corporation or municipality from disconnecting
2 service necessary to protect the health and safety of customers and the
3 public.

4 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
5 contrary, no telephone corporation shall charge, collect, or be allowed
6 to recover overdue charges from residential or commercial customers from
7 the commencement of any commission investigation until one hundred twen-
8 ty days after the findings of such investigation has been published and
9 a determination has been issued by the commission.

10 (c) (i) Within three days of the commencement of such investigation, a
11 telephone corporation shall inform residential and commercial customers
12 of such investigation and pause on any overdue charges.

13 (ii) Forms of required communication that shall be made to all resi-
14 dential and commercial customers shall include but not be limited to
15 letters, notices on utility bills, phone calls, and updates on the
16 public website for the department and utility corporation or municipi-
17 ality being investigated. The utility corporation or municipality being
18 investigated is also required to advertise in its local newspaper within
19 three days of the commencement of such investigation.

20 (d) In the event the service to a residential or commercial customer
21 is terminated without such notice and charged overdue fees, the customer
22 is entitled to treble damages.

23 (e) Any overdue charges incurred by a telephone corporation pursuant
24 to this section shall not be recoverable from ratepayers.

25 § 7. Section 216 of the public service law is amended by adding a new
26 subdivision 6 to read as follows:

27 6. (a) No cable television company shall terminate or discontinue any
28 services provided by its infrastructure to any residential or commercial
29 customer for the nonpayment of bills, taxes or fees from the commence-
30 ment of any commission investigation until one hundred twenty days after
31 the findings of such investigation have been published and a determi-
32 nation has been issued by the commission. Nothing in this section shall
33 prohibit a utility corporation or municipality from disconnecting
34 service necessary to protect the health and safety of customers and the
35 public.

36 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
37 contrary, no cable television company shall charge, collect, or be
38 allowed to recover overdue charges from residential or commercial
39 customers from the commencement of any commission investigation until
40 one hundred twenty days after the findings of such investigation has
41 been published and a determination has been issued by the commission.

42 (c) (i) Within three days of the commencement of such investigation, a
43 cable television company shall inform residential and commercial custom-
44 ers of such investigation and pause on any overdue charges.

45 (ii) Forms of required communication that shall be made to all resi-
46 dential and commercial customers shall include but not be limited to
47 letters, notices on utility bills, phone calls, and updates on the
48 public website for the department and utility corporation or municipi-
49 ality being investigated. The utility corporation, cable television
50 company or municipality being investigated is also required to advertise
51 in its local newspaper within three days of the commencement of such
52 investigation.

53 (d) In the event the service to a residential or commercial customer
54 is terminated without such notice and charged overdue fees, the customer
55 is entitled to treble damages.

1 (e) Any overdue charges incurred by a cable television company pursu-
2 ant to this section shall not be recoverable from ratepayers.

3 § 8. Section 399-zzzzz of the general business law, as added by
4 section 1 of part NN of chapter 56 of the laws of 2021, is amended by
5 adding a new subdivision 11 to read as follows:

6 11. (a) No person, business, corporation or their agents providing or
7 seeking to provide broadband service shall terminate or discontinue any
8 services provided by its infrastructure to any residential or commercial
9 customer for the nonpayment of bills, taxes or fees from the commence-
10 ment of any commission investigation until one hundred twenty days after
11 the findings of such investigation have been published and a determi-
12 nation has been issued by the commission. Nothing in this section shall
13 prohibit a utility corporation or municipality from disconnecting
14 service necessary to protect the health and safety of customers and the
15 public.

16 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
17 contrary, no person, business, corporation or their agents providing or
18 seeking to provide broadband service shall charge, collect, or be
19 allowed to recover overdue charges from residential or commercial
20 customers from the commencement of any commission investigation until
21 one hundred twenty days after the findings of such investigation has
22 been published and a determination has been issued by the commission.

23 (c) (i) Within three days of the commencement of such investigation,
24 such broadband service provider shall inform residential and commercial
25 customers of such investigation and pause on any overdue charges.

26 (ii) Forms of required communication that shall be made to all resi-
27 dential and commercial customers shall include but not be limited to
28 letters, notices on utility bills, phone calls, and updates on the
29 public website for the department and utility corporation or munici-
30 pality being investigated. The utility corporation or municipality being
31 investigated is also required to advertise in its local newspaper within
32 three days of the commencement of such investigation.

33 (d) In the event the service to a residential or commercial customer
34 is terminated without such notice and charged overdue fees, the customer
35 is entitled to treble damages.

36 (e) Any overdue charges incurred by a person, business, corporation or
37 their agents providing or seeking to provide broadband service pursuant
38 to this section shall not be recoverable from ratepayers.

39 § 9. This act shall take effect on the thirtieth day after it shall
40 have become a law.