

STATE OF NEW YORK

6803--A

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sens. GONZALEZ, BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- 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 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. The public service law is amended by adding a new section
2 54 to read as follows:

3 § 54. Investigations relating to residential gas, electric and steam
4 utility service. 1. For the purposes of this section, the term "investi-
5 gation" shall mean a formal proceeding conducted by the commission to
6 examine the policies, practices, rates, charges, services, facilities,
7 operations, or management of a utility corporation or to determine
8 compliance with any law, rule, regulation, order, or tariff applicable
9 to such utility corporation. The term "investigation" shall include such
10 proceedings conducted pursuant to section seventy-one of this chapter.
11 Notwithstanding anything to the contrary, the term "investigation" shall
12 not include commission inquiries triggered by an individual customer
13 complaint filed pursuant to section forty-three of this article.

14 2. (a) A utility corporation shall not impose late fees, interest or
15 penalties during an investigation if such utility corporation is the
16 subject of a pending investigation, provided however, that such late
17 fees, interest and penalties may be imposed retroactively if such inves-
18 tigation is finally resolved in favor of such utility corporation. Such
19 late payment charges shall be in compliance with the guidelines set
20 forth in section forty-two of this article.

21 (b) Upon the final determination of any investigation covered by this
22 section, the commission shall either (i) determine any allowable penal-
23 ties the utility corporation may impose upon its customers, or (ii)
24 wave, or partially waive, any interest or fees charged by the utility

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

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1 corporation to the consumer on such consumer's billing statements during
2 a period such utility corporation determines to be related to such
3 investigation.

4 3. Notwithstanding any law, rule, regulation, order, or tariff to the
5 contrary, utility service shall not be terminated to residential
6 accounts for non-payment of an overdue charge from the commencement of
7 any commission investigation until one hundred twenty days after the
8 findings of such investigation have been published and a determination
9 has been issued by the commission. Nothing in this section shall prohib-
10 it a utility corporation from disconnecting service necessary to protect
11 the health and safety of customers and the public.

12 4. (a) Within ten days of the commencement of an investigation, the
13 utility corporation shall notify residential customers of such investi-
14 gation. Forms of notification of an investigation from a utility corpo-
15 ration to a residential customer shall include, but not be limited to,
16 letters, notices on utility bills, phone calls, and notices posted on
17 the utility corporation's website.

18 (b) Within three days of the commencement of an investigation, the
19 department shall post a notice to the general public of such investi-
20 gation on its website.

21 § 2. The public service law is amended by adding a new section 77-a to
22 read as follows:

23 § 77-a. Investigations relating to commercial gas and electric utility
24 service. 1. For the purposes of this section, the term "investigation"
25 shall mean a formal proceeding conducted by the commission to examine
26 the policies, practices, rates, charges, services, facilities, oper-
27 ations, or management of a utility corporation or to determine compli-
28 ance with any law, rule, regulation, order or tariff applicable to such
29 utility corporation. The term "investigation" shall include such
30 proceedings conducted pursuant to section seventy-one of this article.
31 Notwithstanding anything to the contrary, the term "investigation" shall
32 not include commission inquiries triggered by an individual customer
33 complaint filed pursuant to section forty-three of this chapter.

34 2. (a) A utility corporation shall not impose late fees, interest or
35 penalties during an investigation if such utility corporation is the
36 subject of a pending investigation, provided however, that such late
37 fees, interest and penalties may be imposed retroactively if such inves-
38 tigation is finally resolved in favor of such utility corporation. Such
39 late payment charges shall be in compliance with the guidelines set
40 forth in section sixty-five of this article.

41 (b) Upon the final determination of any investigation covered by this
42 section, the commission shall either (i) determine any allowable penal-
43 ties the utility corporation may impose upon its customers, or (ii)
44 waive, or partially waive, any interest or fees charged by such utility
45 corporation to the consumer on such consumer's billing statements during
46 a period such utility corporation determines to be related to such
47 investigation.

48 3. Notwithstanding any law, rule, regulation, order, or tariff to the
49 contrary, utility service shall not be terminated to residential
50 accounts for non-payment of an overdue charge from the commencement of
51 any commission investigation until one hundred twenty days after the
52 findings of such investigation have been published and a determination
53 has been issued by the commission. Nothing in this section shall prohib-
54 it a utility corporation from disconnecting service necessary to protect
55 the health and safety of customers and the public.

1 4. (a) Within ten days of the commencement of an investigation, the
2 utility corporation shall notify residential customers of such investi-
3 gation. Forms of notification of an investigation from a utility corpo-
4 ration to a residential customer shall include, but not be limited to,
5 letters, notices on utility bills, phone calls, and notices posted on
6 the utility corporation's website.

7 (b) Within three days of the commencement of an investigation, the
8 department shall post a notice to the general public of such investi-
9 gation on its website.

10 § 3. The public service law is amended by adding a new section 85-b to
11 read as follows:

12 § 85-b. Investigations relating to commercial steam utility service.

13 1. For the purposes of this section, the term "investigation" shall
14 mean a formal proceeding conducted by the commission to examine the
15 policies, practices, rates, charges, services, facilities, operations,
16 or management of a utility corporation or to determine compliance with
17 any law, rule, regulation, order or tariff applicable to such utility
18 corporation. The term "investigation" shall include such proceedings
19 conducted pursuant to section seventy-one of this chapter. Notwith-
20 standing anything to the contrary, the term "investigation" shall not
21 include commission inquiries triggered by an individual customer
22 complaint filed pursuant to section forty-three of this chapter.

23 2. (a) A utility corporation shall not impose late fees, interest, or
24 penalties during an investigation if such utility corporation is the
25 subject of a pending investigation, provided however, that such late
26 fees, interest and penalties may be imposed retroactively if such inves-
27 tigation is finally resolved in favor of such utility corporation. Such
28 late payment charges shall be in compliance with section seventy-nine of
29 this article.

30 (b) Upon the final determination of any investigation covered by this
31 section, the commission shall either (i) determine any allowable penal-
32 ties the utility corporation may impose upon its customers, or (ii)
33 waive, or partially waive, any interest or fees charged by the utility
34 corporation to the consumer on such consumer's billing statements during
35 a period such utility corporation determines to be related to such
36 investigation.

37 3. Notwithstanding any law, rule, regulation, order, or tariff to the
38 contrary, utility service shall not be terminated to residential
39 accounts for non-payment of an overdue charge from the commencement of
40 any commission investigation until one hundred twenty days after the
41 findings of such investigation have been published and a determination
42 has been issued by the commission. Nothing in this section shall prohib-
43 it a utility corporation from disconnecting service necessary to protect
44 the health and safety of customers and the public.

45 4. (a) Within ten days of the commencement of an investigation, the
46 utility corporation shall notify residential customers of such investi-
47 gation. Forms of notification of an investigation from a utility corpo-
48 ration to a residential customer shall include, but not be limited to,
49 letters, notices on utility bills, phone calls, and notices posted on
50 the utility corporation's website.

51 (b) Within three days of the commencement of an investigation, the
52 department shall post a notice to the general public of such investi-
53 gation on its website.

54 § 4. This act shall take effect on the thirtieth day after it shall
55 have become a law.