

STATE OF NEW YORK

8012

IN SENATE

January 5, 2024

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to the finality of certain utility charges and the contents of utility bills; and to amend a chapter of the laws of 2023 amending the public service law relating to the finality of certain utility charges and the contents of utility bills, as proposed in legislative bills numbers S. 4234-A and A. 4055-A, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 1 of section 41 of the public service law, as
2 amended by a chapter of the laws of 2023 amending the public service
3 law relating to the finality of certain utility charges and the contents
4 of utility bills, as proposed in legislative bills numbers S. 4234-A and
5 A. 4055-A, is amended to read as follows:

6 1. Notwithstanding any other provision of law, ~~[no]~~ if a utility
7 corporation or municipality ~~[shall charge]~~ does not render a residential
8 customer for gas or electric service ~~[which was rendered more than two]~~,
9 with the exception of a seasonal or short-term customer as defined by
10 rule of the commission, a monthly bill for gas and/or electric services
11 used by such customer during that monthly period, or, in the case of
12 bi-monthly meter reads, during that month and the prior month, within
13 three months ~~[prior to the mailing of the first bill to the customer for~~
14 ~~such service unless]~~ from the end date of such monthly billing period,
15 then, such residential customer shall not be charged for such gas and
16 electric services which were not billed to the customer as provided
17 herein, unless the failure of the corporation or municipality to bill
18 sooner was not due to the neglect of the corporation or municipality or
19 was due to the culpable conduct of the customer. If the customer remains
20 liable for such service, the utility shall permit payments to be made
21 under an installment payment plan, provided, however, that the utility
22 or municipality may require prompt payment if the non-billing resulted
23 from the culpable conduct of the customer. Any such installment payment

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

LBD04105-06-4

1 plan may provide for a downpayment of up to one-half of the amounts due
2 from the customer, or three months average billing, whichever is less.

3 § 2. Section 41-a of the public service law, as added by a chapter of
4 the laws of 2023 amending the public service law relating to the finali-
5 ty of certain utility charges and the contents of utility bills, as
6 proposed in legislative bills numbers S. 4234-A and A. 4055-A, is renu-
7 bered section 66-w and is amended to read as follows:

8 § 66-w. Finality of charges; small non-residential customers.
9 Notwithstanding any other provision of law~~[, no utility corporation or~~
10 ~~municipality shall charge a non-residential customer for gas or electric~~
11 ~~service which was rendered more than two months prior to the mailing of~~
12 ~~the first bill to the customer for such service unless the failure of~~
13 ~~the corporation or municipality to bill sooner was not due to the negli-~~
14 ~~gence or neglect of the corporation or municipality or was due to the~~
15 ~~culpable conduct of the customer]~~ if a utility corporation or munici-
16 pality does not render a small non-residential customer for gas or elec-
17 tric service, with the exception of a seasonal or short-term customer as
18 defined by rule of the commission, a monthly bill for gas and/or elec-
19 tric services used by such customer during that monthly period, or, in
20 the case of bi-monthly meter reads, during that month and the prior
21 month, within three months from the end date of such monthly billing
22 period, then, such small non-residential customer shall not be charged
23 for such gas and electric services which were not billed to the customer
24 as provided herein, unless the failure of the corporation or munici-
25 pality to bill sooner was not due to the neglect of the corporation or
26 municipality or was due to the culpable conduct of the customer. The
27 commission shall promulgate regulations necessary to effectuate the
28 purposes of this section. For the purposes of this section, "small non-
29 residential customer" means non-residential electric customers that are
30 non-demand billed customers and non-residential gas customers that use
31 less than or equal to 750 dekatherms per year. Such term shall not
32 include street lighting accounts.

33 § 3. Subdivision 7 of section 44 of the public service law, as added
34 by a chapter of the laws of 2023 amending the public service law relat-
35 ing to the finality of certain utility charges and the contents of util-
36 ity bills, as proposed in legislative bills numbers S. 4234-A and A.
37 4055-A, is amended to read as follows:

38 7. [As] Notwithstanding any other provision of law, as part of every
39 billing statement, [the] any utility corporation [or municipality] that
40 serves more than fifteen thousand customers in the state shall provide
41 ~~[both in graph and written form, for the prior two years of the customer~~
42 ~~or the prior customers at the same address, the monthly usage of the~~
43 ~~customer, the monthly unit charges for usage, and the monthly billing~~
44 ~~charge amount to the customer. This requirement shall apply to both~~
45 ~~residential and non-residential customers]~~ the average daily usage per
46 month or the monthly usage at the customer's address for the prior thir-
47 teen months. Additionally, notwithstanding any conflicting provision of
48 law, upon request by the customer, such utility corporation shall
49 provide monthly billing charge amounts at such customer's address for
50 the thirteen months prior to the current billing period, no later than
51 thirty days after such request is made.

52 § 4. Section 4 of a chapter of the laws of 2023 amending the public
53 service law relating to the finality of certain utility charges and the
54 contents of utility bills, as proposed in legislative bills numbers S.
55 4234-A and A. 4055-A, is amended to read as follows:

1 § 4. This act shall take effect on the [~~first of January next succeed-~~
2 ~~ing the date upon which~~] one hundred eightieth day after it shall have
3 become a law. Effective immediately, the addition, amendment and/or
4 repeal of any rule or regulation necessary for the implementation of
5 this act on its effective date are authorized to be made and completed
6 on or before such effective date.

7 § 5. This act shall take effect immediately; provided, however, that
8 sections one, two, and three of this act shall take effect on the same
9 date and in the same manner as a chapter of the laws of 2023 amending
10 the public service law relating to the finality of certain utility
11 charges and the contents of utility bills, as proposed in legislative
12 bills numbers S. 4234-A and A. 4055-A, takes effect.