

STATE OF NEW YORK

8626--A

IN SENATE

February 22, 2024

Introduced by Sens. MANNION, ADDABBO, GOUNARDES, HARCKHAM, JACKSON, PARKER, RAMOS -- 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

AN ACT to amend the public service law, in relation to call centers for gas and electric corporations

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

1 Section 1. Paragraphs (a) and (b) of subdivision 13 of section 65 of
2 the public service law, paragraph (a) as added by chapter 330 of the
3 laws of 2010 and paragraph (b) as amended by chapter 520 of the laws of
4 2014, are amended to read as follows:

5 (a) Every gas corporation or electric corporation furnishing utility
6 services shall provide the following call center customer assistance
7 receiving inquiries and associated office tasks by phone, in writing, or
8 any electronic communication, including but not limited to emails,
9 texts, and chats on: customer financial responsibility; receiving appli-
10 cation requests to initiate or terminate service; receiving requests for
11 emergency services; shared metering; determining deposit required or
12 billing rate; receiving meter and service orders and access to meter
13 requests; explaining company rates, regulations, policies, procedures,
14 and common practices; initiating trouble order forms and high bill
15 investigations; inbound and/or outbound handling of payment and other
16 credit arrangements such as obtaining deposits, financial statements and
17 payment plans; collection assistance inquiries and referring customers
18 to social service agencies and other assistance programs. For purposes
19 of this section, each individual phone call, writing, email, text, chat,
20 or any other communication shall count as an independent instance of
21 customer assistance, and therefore each shall trigger a gas or electric
22 corporation's duties under paragraph (b) of this subdivision.

23 (b) (i) No gas or electric corporation shall close a call center or
24 other facility providing the customer assistance set forth in paragraph
25 (a) of this subdivision or [~~relocate~~] send such customer assistance [~~to~~

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

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1 ~~another area of~~ outside such gas or electric corporation's New York
2 state service territory or outside of New York state without notice
3 ~~[and]~~, a hearing and approval before the commission. Upon receipt of the
4 notice required pursuant to this paragraph, the commission shall provide
5 notice of the proceeding to interested parties and the public; and shall
6 promptly fix a date for the commencement of a public hearing thereon not
7 less than sixty days after such receipt. The testimony presented at such
8 hearing may be presented in writing or orally, provided that the commis-
9 sion may make rules designed to exclude repetitive, redundant or irrel-
10 evant testimony while giving all interested parties the opportunity to
11 present their documentary and/or testimonial evidence. The commission
12 shall make a record of all testimony in all contested hearings. The
13 commission within thirty days shall approve or deny the closure of a
14 call center or other facility providing customer service or the relo-
15 cation of customer service assistance inquiries. For purposes of this
16 section "public hearing" means a public forum at a physical location,
17 attended by commission members or their designees, where oral testimony
18 is accepted and written testimony may be submitted for inclusion in the
19 record. Such forum shall be open to parties to the proceeding and the
20 general public for the presentation of comments that shall be limited to
21 relevant facts directly related to the proceeding in question. Such
22 hearing shall be commenced upon proper notice to the parties to the
23 proceeding and the public at least thirty days prior to the scheduled
24 date. Such hearing shall be closed after the commission approves or
25 denies the closure of a call center or other facility providing customer
26 service or the relocation of customer service assistance inquiries. In
27 no event shall a gas or electric corporation's history of sending
28 customer assistance outside the gas or electric corporation's New York
29 state service territory or outside of New York state be used as justi-
30 fication for doing so after the effective date of the chapter of the
31 laws of two thousand twenty-four that amended this paragraph takes
32 effect. It shall be permissible for a gas or electric corporation to
33 initiate work flexibility policies that allow call center employees to
34 work from an approved alternative worksite other than a call center
35 location. Provided, however, before a gas or electric corporation can
36 establish policies for any call center employees that are represented by
37 a bona fide labor organization through a collective bargaining agree-
38 ment, such policies must have been mutually agreed to by the corporation
39 and the labor organization. Such policies shall not violate this
40 section.

41 (ii) The commission shall make available a form allowing an entity to
42 take an action against a gas or electric corporation that knowingly
43 failed or neglected to obey or comply with this section. Upon receipt of
44 such form, it shall commence a proceeding to determine if a call center
45 or other facility providing customer assistance was closed or customer
46 service assistance inquiries were relocated outside New York state with-
47 out notice, hearing, and approval before the commission. Pursuant to
48 this paragraph, the commission shall provide notice of such proceeding
49 to interested parties and the public and shall promptly fix a date for
50 the commencement of a public hearing thereon not less than sixty days
51 after such receipt. The testimony presented at such hearing may be
52 presented in writing or orally, provided that the commission may make
53 rules designed to exclude repetitive, redundant or irrelevant testimony
54 while giving all parties the opportunity to present their documentary
55 and/or testimonial evidence. The commission shall a make record of all
56 testimony in all contested hearings. The commission shall within thirty

1 days make a determination if such gas or electric corporation was in
2 violation of this section.

3 § 2. Section 25 of the public service law is amended by adding a new
4 subdivision 4-a to read as follows:

5 4-a. Notwithstanding the provisions of subdivision two of this
6 section, any such public utility company, corporation or person and the
7 officers, agents and employees thereof that knowingly fails or neglects
8 to obey or comply with section sixty-five of this chapter, or an order
9 or regulation adopted pursuant to section sixty-five of this chapter, or
10 such public utility company, corporation or person and the officers,
11 agents and employees thereof knowingly sends a customer assistance
12 inquiry outside a gas or electric corporation's New York state service
13 territory or outside the state of New York without notice, a hearing and
14 approval before the commission pursuant to section sixty-five of this
15 chapter, shall forfeit to the state of New York a sum not to exceed the
16 greater of:

17 (a) fifty thousand dollars constituting a civil penalty for each sepa-
18 rate and distinct customer service inquiry sent outside of New York and
19 one hundred thousand dollars constituting a civil penalty for each day a
20 call center or other facility providing the customer assistance is
21 closed; or

22 (b) the maximum forfeiture determined in accordance with subdivision
23 two of this section.

24 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part of this act shall be adjudged by any court of
26 competent jurisdiction to be invalid, such judgment shall not affect,
27 impair, or invalidate the remainder thereof, but shall be confined in
28 its operation to the clause, sentence, paragraph, subdivision, section
29 or part thereof directly involved in the controversy in which such judg-
30 ment shall have been rendered. It is hereby declared to be the intent of
31 the legislature that this act would have been enacted even if such
32 invalid provisions had not been included herein.

33 § 4. This act shall take effect immediately and shall apply to all
34 actions or proceedings commenced on or after the effective date of this
35 act.