

STATE OF NEW YORK

953--B

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. SHRESTHA, GALLAGHER, JACOBSON, STECK, BURDICK, SIMON, MITAYNES, EPSTEIN, STIRPE, MAMDANI, FORREST, R. CARROLL, ROSENTHAL, DE LOS SANTOS, SEPTIMO, REYES, RAGA, COLTON -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reference changed to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the public service law, in relation to termination of certain utility services and to reports on investigatory proceedings relating to gas, electric, and steam service

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. "Final determination" or "finally determined" means a judicial
7 decision: (i) by the highest court of competent jurisdiction; or (ii) by
8 a court of competent jurisdiction from which no appeal has been taken
9 and the time within which to appeal has expired.

10 § 3. The public service law is amended by adding a new section 54 to
11 read as follows:

12 § 54. Investigations relating to residential gas, electric and steam
13 utility service. 1. For the purposes of this section, the term "investi-
14 gation" shall mean a formal proceeding conducted by the commission to
15 examine the billing, rates, or charges of a utility corporation or any

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

LBD00509-04-5

1 proceeding during which the commission deems it appropriate to pause the
2 charges described in subdivision two of this section. The term "inves-
3 tigation" shall include such proceedings conducted pursuant to section
4 seventy-one of this chapter. Notwithstanding any provision of law, rule
5 or regulation to the contrary, the term "investigation" shall not
6 include commission inquiries triggered by an individual customer
7 complaint filed pursuant to section forty-three of this article. The
8 term "investigation" shall not include a proceeding relating to a "major
9 change" as defined in paragraph (c) of subdivision twelve of section
10 sixty-six of this chapter.

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

18 (b) Upon the final determination or by the issuance of a final order,
19 of any investigation covered by this section, the commission shall
20 either (i) determine any allowable penalties the utility corporation may
21 impose upon its customers, or (ii) waive, or partially waive, any inter-
22 est or fees charged by the utility corporation to the consumer on such
23 consumer's billing statements during a period such utility corporation
24 determines to be related to such investigation.

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

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

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

42 § 4. The public service law is amended by adding a new section 77-a to
43 read as follows:

44 § 77-a. Investigations relating to commercial gas and electric utility
45 service. 1. For the purposes of this section, the term "investigation"
46 shall mean a formal proceeding conducted by the commission to examine
47 the billing, rates, or charges of a utility corporation or any proceed-
48 ing during which the commission deems it appropriate to pause the charg-
49 es described in subdivision two of this section. The term "investi-
50 gation" shall include such proceedings conducted pursuant to section
51 seventy-one of this article. Notwithstanding any law, rule or regu-
52 lation to the contrary, the term "investigation" shall not include
53 commission inquiries triggered by an individual customer complaint filed
54 pursuant to section forty-three of this chapter. The term "investi-
55 gation" shall not include a proceeding relating to a "major change" as

1 defined in paragraph (c) of subdivision twelve of section sixty-six of
2 this article.

3 2. (a) A utility corporation shall not impose late fees, interest or
4 penalties during an investigation if such utility corporation is the
5 subject of a pending investigation, provided however, that such late
6 fees, interest and penalties may be imposed retroactively if such inves-
7 tigation is issued a final order in favor of such utility corporation.
8 Such late payment charges shall be in compliance with the guidelines set
9 forth in section sixty-five of this article.

10 (b) Upon the final determination or by the issuance of a final order,
11 of any investigation covered by this section, the commission shall
12 either (i) determine any allowable penalties the utility corporation may
13 impose upon its customers, or (ii) waive, or partially waive, any inter-
14 est or fees charged by such utility corporation to the consumer on such
15 consumer's billing statements during a period such utility corporation
16 determines to be related to such investigation.

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

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

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

34 § 5. The public service law is amended by adding a new section 85-a to
35 read as follows:

36 § 85-a. Investigations relating to commercial steam utility service.
37 1. For the purposes of this section, the term "investigation" shall
38 mean a formal proceeding conducted by the commission to examine the
39 billing, rates, or charges, of a utility corporation or any proceeding
40 during which the commission deems it appropriate to pause the charges
41 described in subdivision two of this section. The term "investigation"
42 shall include such proceedings conducted pursuant to section seventy-one
43 of this chapter. Notwithstanding any law, rule or regulation to the
44 contrary, the term "investigation" shall not include commission
45 inquiries triggered by an individual customer complaint filed pursuant
46 to section forty-three of this chapter. The term "investigation" shall
47 not include a proceeding relating to a "major change" as defined in
48 paragraph (c) of subdivision twelve of section sixty-six of this chap-
49 ter.

50 2. (a) A utility corporation shall not impose late fees, interest, or
51 penalties during an investigation if such utility corporation is the
52 subject of a pending investigation, provided however, that such late
53 fees, interest and penalties may be imposed retroactively if such inves-
54 tigation is issued a final order in favor of such utility corporation.
55 Such late payment charges shall be in compliance with section seventy-
56 nine of this article.

1 (b) Upon the final determination or by the issuance of a final order,
2 of any investigation covered by this section, the commission shall
3 either (i) determine any allowable penalties the utility corporation may
4 impose upon its customers, or (ii) waive, or partially waive, any inter-
5 est or fees charged by the utility corporation to the consumer on such
6 consumer's billing statements during a period such utility corporation
7 determines to be related to such investigation.

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

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

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

25 § 6. The public service law is amended by adding a new section 16-a to
26 read as follows:

27 § 16-a. Reports on investigatory proceedings relating to gas, elec-
28 tric, and steam service. The commission shall submit to the governor,
29 the speaker of the assembly, the temporary president of the senate, the
30 chair of the assembly corporations, commissions, and authorities commit-
31 tee, and the chair of the senate energy and telecommunications committee
32 an annual report detailing the list of investigations that were deemed
33 applicable under sections fifty-four, seventy-seven-a, and eighty-five-a
34 of this chapter. Such report shall include an explanation of the
35 instances where the commission has deemed the use of such provisions
36 appropriate. Additionally, the report shall include all appropriate
37 case numbers, or docket numbers where applicable, utilized in the
38 commission's records keeping systems and any other information that the
39 commission deems necessary.

40 For the purposes of this section, the term "investigation" shall have
41 the same meaning as defined in sections fifty-four, seventy-seven-a, and
42 eighty-five-a of this chapter.

43 § 7. This act shall take effect on the thirtieth day after it shall
44 have become a law.