

STATE OF NEW YORK

904--A

Cal. No. 141

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GONZALEZ, BRISPORT, HINCHEY, SALAZAR, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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
16 proceeding during which the commission deems it appropriate to pause the
17 charges described in subdivision two of this section. The term "inves-

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

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1 igation" shall include such proceedings conducted pursuant to section
2 seventy-one of this chapter. Notwithstanding anything to the contrary,
3 the term "investigation" shall not include commission inquiries trig-
4 gered by an individual customer complaint filed pursuant to section
5 forty-three of this article.

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

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

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

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

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

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

39 § 77-a. Investigations relating to commercial gas and electric utility
40 service. 1. For the purposes of this section, the term "investigation"
41 shall mean a formal proceeding conducted by the commission to examine
42 the billing, rates, or charges of a utility corporation or any proceed-
43 ing during which the commission deems it appropriate to pause the charg-
44 es described in subdivision two of this section. The term "investi-
45 gation" shall include such proceedings conducted pursuant to section
46 seventy-one of this article. Notwithstanding anything to the contrary,
47 the term "investigation" shall not include commission inquiries trig-
48 gered by an individual customer complaint filed pursuant to section
49 forty-three of this chapter.

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 the guidelines set
56 forth in section sixty-five 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 such 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 § 5. The public service law is amended by adding a new section 85-a to
26 read as follows:

27 § 85-a. Investigations relating to commercial steam utility service.

28 1. For the purposes of this section, the term "investigation" shall
29 mean a formal proceeding conducted by the commission to examine the
30 billing, rates, or charges, of a utility corporation or any proceeding
31 during which the commission deems it appropriate to pause the charges
32 described in subdivision two of this section. The term "investigation"
33 shall include such proceedings conducted pursuant to section seventy-one
34 of this chapter. Notwithstanding anything to the contrary, the term
35 "investigation" shall not include commission inquiries triggered by an
36 individual customer complaint filed pursuant to section forty-three of
37 this chapter.

38 2. (a) A utility corporation shall not impose late fees, interest, or
39 penalties during an investigation if such utility corporation is the
40 subject of a pending investigation, provided however, that such late
41 fees, interest and penalties may be imposed retroactively if such inves-
42 tigation is issued a final order in favor of such utility corporation.
43 Such late payment charges shall be in compliance with section seventy-
44 nine of this article.

45 (b) Upon the final determination or by the issuance of a final order,
46 of any investigation covered by this section, the commission shall
47 either (i) determine any allowable penalties the utility corporation may
48 impose upon its customers, or (ii) waive, or partially waive, any inter-
49 est or fees charged by the utility corporation to the consumer on such
50 consumer's billing statements during a period such utility corporation
51 determines to be related to such investigation.

52 3. Notwithstanding any law, rule, regulation, order, or tariff to the
53 contrary, utility service shall not be terminated to residential
54 accounts for non-payment of an overdue charge from the commencement of
55 any commission investigation until one hundred twenty days after the
56 findings of such investigation have been published and a determination

1 has been issued by the commission. Nothing in this section shall prohib-
2 it a utility corporation from disconnecting service necessary to protect
3 the health and safety of customers and the public.

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

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

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

15 § 16-a. Reports on investigatory proceedings relating to gas, elec-
16 tric, and steam service. The commission shall submit to the governor,
17 the speaker of the assembly, the temporary president of the senate, the
18 chair of the assembly corporations, commissions, and authorities commit-
19 tee, and the chair of the senate energy and telecommunications committee
20 an annual report detailing the list of investigations that were deemed
21 applicable under sections fifty-four, seventy-seven-a, and eighty-five-a
22 of this chapter. Such report shall include an explanation of the
23 instances where the commission has deemed the use of such provisions
24 appropriate. Additionally, the report shall include all appropriate
25 case numbers, or docket numbers where applicable, utilized in the
26 commission's records keeping systems and any other information that the
27 commission deems necessary.

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

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