STATE OF NEW YORK

904--B

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 -- repassed 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:

Section 1. Short title. This act shall be known and may be cited as the "consumer utility protections during investigations act" or the "CUPDI act".

§ 2. Section 2 of the public service law is amended by adding a new subdivision 30 to read as follows:

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

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

§ 54. Investigations relating to residential gas, electric and steam utility service. 1. For the purposes of this section, the term "investigation" shall mean a formal proceeding conducted by the commission to

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

LBD00509-05-5

examine the billing, rates, or charges of a utility corporation or any proceeding during which the commission deems it appropriate to pause the charges described in subdivision two of this section. The term "investigation" shall include such proceedings conducted pursuant to section seventy-one of this chapter. Notwithstanding any provision of law, rule or regulation to the contrary, the term "investigation" shall not include commission inquiries triggered by an individual customer complaint filed pursuant to section forty-three of this article. The term "investigation" shall not include a proceeding relating to a "major change" as defined in paragraph (c) of subdivision twelve of section sixty-six of this chapter.

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

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

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

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

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

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

§ 77-a. Investigations relating to commercial gas and electric utility service. 1. For the purposes of this section, the term "investigation" shall mean a formal proceeding conducted by the commission to examine the billing, rates, or charges of a utility corporation or any proceeding during which the commission deems it appropriate to pause the charges described in subdivision two of this section. The term "investigation" shall include such proceedings conducted pursuant to section seventy-one of this article. Notwithstanding any law, rule or regulation to the contrary, the term "investigation" shall not include commission inquiries triggered by an individual customer complaint filed pursuant to section forty-three of this chapter. The term "investigation" shall not include a proceeding relating to a "major change" as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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