

# STATE OF NEW YORK

9118

## IN SENATE

February 4, 2026

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to termination of service, deferred payment plans and quarterly billing

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

1 Section 1. Paragraph (d) of subdivision 2 of section 32 of the public  
2 service law, as added by chapter 713 of the laws of 1981, is amended to  
3 read as follows:

4 (d) is sent a final notice of termination no less than [~~fifteen~~] thir-  
5 ty days before the termination date shown on the notice. Any such notice  
6 shall, at a minimum, clearly state the reason for termination of  
7 service; how termination may be avoided; that the utility corporation or  
8 municipality has available procedures for handling complaints; a summary  
9 of the protections available under this article; that any customer  
10 eligible for such protections should contact the utility corporation or  
11 municipality; and such other provisions as the commission may require. A  
12 utility corporation or municipality may not issue a final notice of  
13 termination unless at least [~~twenty~~] forty-five days have elapsed from  
14 the date payment was due. The commission may increase the number of days  
15 before which a final notice of termination may be sent.

16 § 2. Paragraph (b) of subdivision 3 of section 32 of the public  
17 service law, as added by chapter 713 of the laws of 1981, is amended to  
18 read as follows:

19 (b) Customers who are elderly, blind, or disabled. The commission  
20 shall provide special procedures to be followed by a utility or munici-  
21 pality with respect to the termination or restoration of service to a  
22 residence where the customer is known to or identified to the utility to  
23 be blind, disabled, or sixty-two years of age or older; provided that  
24 all the remaining residents of the household are sixty-two years of age  
25 or older, [~~eighteen~~] twenty-one years of age or under, or blind or dis-  
26 abled. The commission shall afford reasonable protections to elderly,  
27 blind or disabled customers, including a requirement that the utility

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

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1 corporation or municipality make a diligent effort to contact by tele-  
2 phone or in person an adult resident at the customer's premises at least  
3 seventy-two hours prior to termination of service. The commission shall  
4 also establish reasonable procedures for identifying customers eligible  
5 for the protections of this section.

6 § 3. Subdivision 1 of section 37 of the public service law, as amended  
7 by chapter 686 of the laws of 2002, is amended to read as follows:

8 1. No utility corporation or municipality shall terminate or refuse to  
9 take all actions within such corporation or municipality's control and,  
10 where applicable, consistent with the provisions of the agreement for  
11 commodity service, if any, between the corporation and the customer,  
12 provided such provisions are consistent with this article, to restore  
13 service to a residential customer, because of arrears owed the utility  
14 corporation or municipality, unless the utility or municipality offers  
15 such customer a deferred payment agreement for such arrears; provided,  
16 however, that a deferred payment agreement under this article shall not  
17 be available to any customer who the commission determines has the  
18 resources available to pay [~~his~~] the customer's bill, and provided  
19 further, however, that any such agreement may provide for the customer  
20 to make a downpayment of the arrears, provided that no such downpayment  
21 shall exceed [~~one-half~~] one-third of the amount of arrears or [~~three~~]  
22 six months average billing, whichever is less. In addition, the commis-  
23 sion shall provide by regulation that (a) all deferred payment agree-  
24 ments authorized by this article be fair and equitable, considering the  
25 customer's financial circumstances; (b) that such agreements obligate  
26 customers to make timely payment of current charges for service together  
27 with payment of arrears during the pendency of the agreements; that such  
28 agreements may be renegotiated and amended where the customer can demon-  
29 strate that there have been significant changes in [~~his or her~~] the  
30 customer's financial circumstances which have arisen due to conditions  
31 beyond the customer's control, and that, if the customer receives a  
32 utility service by the receipt of portions of such service from each of  
33 two or more utility corporations and is billed for such service through  
34 a single bill, the payments pursuant to the deferred payment agreement  
35 for current charges shall be allocated to each such utility corporation  
36 based on the current charges owing to each and the payments for arrears  
37 shall be allocated equitably on a pro-rata basis between such utility  
38 corporations based on the amount of arrears owing to each.

39 § 4. Subdivision 2 of section 38 of the public service law, as added  
40 by chapter 716 of the laws of 1985, is amended to read as follows:

41 2. Every utility corporation or municipality shall offer residential  
42 customers who are [~~sixty-two~~] fifty-five years of age or older, as an  
43 alternative to monthly billing, a plan for payment on a quarterly basis  
44 of charges for gas and electric service rendered by such corporation or  
45 municipality, provided that such customer's average annual billing is  
46 not more than one hundred fifty dollars.

47 § 5. This act shall take effect on the first of January next succeed-  
48 ing the date upon which it shall have become a law. Effective immediate-  
49 ly, the addition, amendment and/or repeal of any rule or regulation  
50 necessary for the implementation of this act on its effective date are  
51 authorized to be made and completed on or before such effective date.