S T A T E O F N E W Y O R K

S. 5252 A. 7867

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

April 27, 2009

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

IN ASSEMBLY -- Introduced by M. of A. KELLNER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to notification to utility customers of their right to direct access to public service commission complaint procedures without arbitration or court proceedings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature hereby finds that some providers of residential utility service have created barriers to prompt resolution of customer complaints through the complaint adjudication functions of the public service commission. Some providers of electric service refer customers to private arbitration or judicial adjudication of utility customer complaints, contrary to the primary jurisdiction of the public service commission, creating barriers to the efficient and uniform enforcement and administration of the Home Energy Fair Practices Act. The legislature further finds that it is in the public interest to require the public service commission to notify all residential utility customers of their right to file complaints directly with the public service commission for administrative determination without pursuing third party arbitration or judicial relief.

S 2. Subdivision 1 of section 43 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

1. The commission shall maintain regulations for the handling of residential customer complaints, which at a minimum shall require that each utility or municipality: (a) maintain procedures for prompt investigation of any complaint on a bill for gas or electric service rendered

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

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or a deposit required and for prompt reporting to the complainant of the result of such investigation. If such report is made orally, the utility corporation or municipality shall offer the complainant upon a written request the opportunity to receive the report in writing; (b) inform any complainant whose complaint is resolved in favor of the utility corporation or municipality, in whole or in part, of the availability of the commission's complaint handling procedures; (c) refrain from terminating service for nonpayment so long as a complaint is pending before a utility, municipality or the commission and for fifteen days thereafter, or for such period as the commission for good cause shall establish; provided however, that as a condition of continued service during the pendency of any such dispute, a customer shall pay the undisputed portions of any bill for service including bills for current usage, or such amounts as the commission determines reasonably reflect the cost of usage to such customer; [and] (d) refrain from treating the disputed portion of any bill as late during the pendency of any complaint before the utility or municipality; AND (E) NOTIFY ALL RESIDENTIAL CUSTOMERS ANNUALLY, INCLUDING SUBMETERED CUSTOMERS, THAT THE COMPLAINT HANDLING PROCEDURES OF THE PUBLIC SERVICE COMMISSION CAN BE INVOKED TO OBTAIN AN ADMINISTRATIVE DETERMINATION OF COMPLAINTS REGARDING UTILITY SERVICE BY TELEPHONE CALL, LETTER, ONLINE COMPLAINT FORM, OR VISIT TO AN OFFICE OF THE PUBLIC SERVICE COMMISSION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.