

1314

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- 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

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

1 Section 1. Section 32 of the public service law is amended by adding
2 two new subdivisions 7 and 8 to read as follows:
3 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER RECEIPT BY A
4 UTILITY CORPORATION OR MUNICIPALITY OF A WRITTEN NOTICE FROM AN OWNER
5 THAT RESIDENTIAL GAS OR ELECTRIC SERVICE IS BEING PROVIDED TO A TENANT
6 OF THE OWNER IN A ONE-FAMILY, TWO-FAMILY, THREE-FAMILY OR FOUR-FAMILY
7 DWELLING, THE UTILITY CORPORATION OR MUNICIPALITY SHALL NOT TERMINATE
8 RESIDENTIAL GAS OR ELECTRIC HEAT RELATED SERVICE DURING THE COLD WEATHER
9 PERIODS ESTABLISHED BY THE COMMISSION REGULATIONS TO THAT TENANT:
10 (A) FOR NON-PAYMENT OF BILLS RENDERED FOR SERVICE UNLESS THE UTILITY
11 CORPORATION OR MUNICIPALITY, (I) AFTER RECEIPT OF NOTIFICATION BY AN
12 OWNER PURSUANT TO THIS SUBDIVISION AFFORDED THAT OWNER AN OPPORTUNITY TO
13 ASSURE THE CONTINUATION OF RESIDENTIAL GAS OR ELECTRIC SERVICE IN THAT
14 OWNER'S NAME IN THE EVENT OF A SUBSEQUENT TERMINATION OF GAS OR ELECTRIC
15 SERVICE DUE TO NON-PAYMENT OF BILLS RENDERED FOR SERVICE BY A TENANT, OR
16 (II) NO LATER THAN FIVE DAYS PRIOR TO THE DATE SET FORTH AS THE EARLIEST
17 POSSIBLE DATE OF SERVICE TERMINATION IN THE FINAL NOTICE OF TERMINATION
18 SENT TO THAT TENANT, HAS MAILED A NOTICE TO THE OWNER ADVISING THAT IF
19 NEITHER SATISFACTORY PAYMENT NOR PAYMENT ARRANGEMENTS HAVE BEEN MADE BY
20 THE TENANT BEFORE THAT DATE, THE TENANT'S GAS OR ELECTRIC SERVICE WILL
21 BE TERMINATED ON OR AFTER THAT DATE, AND THE OWNER MAY PREVENT A SERVICE
22 TERMINATION AT THE DWELLING BY MAKING ARRANGEMENTS TO OPEN A NEW ACCOUNT
23 AS OF THE DATE THAT THE TENANT'S SERVICE WOULD FIRST BE SUBJECT TO
24 SERVICE TERMINATION; OR

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

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1 (B) UPON THE REQUEST OF THAT TENANT UNLESS THE UTILITY CORPORATION OR
2 MUNICIPALITY (I) AFTER RECEIPT OF NOTIFICATION BY AN OWNER PURSUANT TO
3 THIS SUBDIVISION AFFORDED THAT OWNER AN OPPORTUNITY TO ASSURE THE
4 CONTINUATION OF RESIDENTIAL GAS OR ELECTRIC SERVICE IN THAT OWNER'S NAME
5 IN THE EVENT OF A SUBSEQUENT VOLUNTARY TERMINATION OF GAS OR ELECTRIC
6 SERVICE BY A TENANT, OR (II) HAS NOTIFIED THE OWNER BY EITHER MAILING A
7 NOTICE TO THE OWNER AT LEAST FIVE DAYS PRIOR TO THE DAY OF ACTUAL
8 DISCONTINUANCE OF SERVICE OR BY GIVING ACTUAL NOTICE BY TELEPHONE
9 CONVERSATION WITH THE OWNER OR THE OWNER'S AGENT AT LEAST TWO BUSINESS
10 DAYS PRIOR TO THE DAY OF ACTUAL DISCONTINUANCE OF SERVICE, THAT THE
11 OWNER MAY OPEN A NEW ACCOUNT FOR SERVICE IN THE OWNER'S NAME.

12 8. NO UTILITY CORPORATION OR MUNICIPALITY SHALL TERMINATE RESIDENTIAL
13 UTILITY GAS OR ELECTRIC SERVICE IN ANY INSTANCE WHERE THE CUSTOMER OF
14 RECORD'S MAILING ADDRESS OR DWELLING UNIT DIFFERS FROM THE STREET
15 ADDRESS OF THE DWELLING OR THE DWELLING UNIT IN A MULTIPLE DWELLING
16 WHERE SERVICE IS TO BE TERMINATED, UNLESS (A) IN THE CASE OF A REQUEST
17 FROM THE CUSTOMER OF RECORD THAT UTILITY SERVICE BE TERMINATED, THE
18 UTILITY CORPORATION OR MUNICIPALITY DETERMINES, AT THE TIME OF ACTUAL
19 DISCONTINUANCE OF SERVICE, THAT THE DWELLING UNIT OR THE DWELLING UNIT
20 IN A MULTIPLE DWELLING WHERE SERVICE IS TO BE TERMINATED IS UNOCCUPIED,
21 OR (B) IN THE CASE OF EITHER A TERMINATION OF SERVICE FOR NON-PAYMENT OF
22 BILLS RENDERED FOR SERVICE OR A REQUEST FROM THE CUSTOMER OF RECORD THAT
23 UTILITY SERVICE BE TERMINATED, A NOTICE IS MAILED TO THE OCCUPANT OR
24 OCCUPANTS OF THAT DWELLING AT LEAST FIVE DAYS PRIOR TO THE DAY OF ACTUAL
25 DISCONTINUANCE OF SERVICE, ADVISING THAT SERVICE IS SCHEDULED TO BE
26 TERMINATED ON OR AFTER A SPECIFIED DATE, AND THAT THE OCCUPANT OR OCCU-
27 PANTS MAY MAKE ALTERNATIVE ARRANGEMENTS TO OPEN A NEW ACCOUNT FOR
28 SERVICE IN AN OCCUPANT'S NAME. THE REQUIREMENTS OF THIS SUBDIVISION DO
29 NOT APPLY TO THE DISCONTINUANCE OF SERVICE REQUIRING NOTICES PURSUANT TO
30 SECTIONS THIRTY-THREE AND THIRTY-FOUR OF THIS ARTICLE, NOR TO THE
31 DISCONTINUANCE OF SERVICE TO SHARED METER ACCOUNTS AS SPECIFIED IN
32 COMMISSION REGULATIONS.

33 S 2. Subdivision 5 of section 33 of the public service law is renum-
34 bered subdivision 6 and a new subdivision 5 is added to read as follows:

35 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PUBLIC UTILITY
36 COMPANY OR MUNICIPALITY SHALL DISCONTINUE GAS, ELECTRIC OR STEAM SERVICE
37 TO AN ENTIRE MULTIPLE DWELLING (AS DEFINED IN THE MULTIPLE DWELLING LAW
38 OR THE MULTIPLE RESIDENCE LAW) LOCATED ANYWHERE IN THIS STATE UPON A
39 REQUEST FROM THE CUSTOMER OF RECORD UNLESS (A) THE UTILITY CORPORATION
40 OR MUNICIPALITY DETERMINES, AT THE TIME OF ACTUAL DISCONTINUANCE OF
41 SERVICE, THAT THE DWELLING UNITS IN THE MULTIPLE DWELLING WHERE SERVICE
42 IS TO BE TERMINATED ARE UNOCCUPIED, OR (B) A NOTICE IS MAILED TO THE
43 OCCUPANTS OF THE MULTIPLE DWELLING AT LEAST FIVE DAYS PRIOR TO THE DAY
44 OF ACTUAL DISCONTINUANCE OF SERVICE ADVISING THAT SERVICE IS SCHEDULED
45 TO BE TERMINATED ON OR AFTER A SPECIFIED DATE, AND THAT THE OCCUPANTS
46 MAY MAKE ALTERNATIVE ARRANGEMENTS TO OPEN A NEW ACCOUNT FOR SERVICE AS
47 OF THE DATE THAT THE SERVICE TO THE MULTIPLE DWELLING IS TO BE TERMI-
48 NATED. THE REQUIREMENTS OF THIS SUBDIVISION DO NOT APPLY TO THE DISCON-
49 TINUANCE OF SERVICE TO SHARED METER ACCOUNTS AS SPECIFIED IN COMMISSION
50 REGULATIONS.

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