

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

7777--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. SIMOTAS, LINARES, CAHILL, HEVESI, WEPRIN, STEVENSON, KELLNER, P. RIVERA, COLTON, N. RIVERA, ROSENTHAL, PERRY, JAFFEE, GABRYSZAK, HOOPER -- Multi-Sponsored by -- M. of A. BOYLAND, GLICK, LUPARDO, MARKEY, MCENENY -- read once and referred to the Committee on Energy -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to direct the public service commission to undertake a study of consumer protections adopted by electric corporations and utilities

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

1 Section 1. The New York State public service commission shall under-
2 take an immediate study of consumer protections adopted by electric
3 corporations and municipalities ("utilities") pursuant to article 2 of
4 the public service law and provide a report to the governor, the tempo-
5 rary president of the senate, the speaker of the assembly, the chair of
6 the senate committee on energy and telecommunications and the chair of
7 the assembly committee on energy. Such report shall include an analysis
8 of the effectiveness of current utility procedures for notifying custom-
9 ers in arrears on utility charges of how they may avoid termination of
10 electric, gas or steam service, including the availability of deferred
11 payment agreements. In addition, such report shall review the adequacy
12 of the commission's assistance to customers negotiating deferred payment
13 agreements with utilities in lieu of disconnection of service including
14 the number of deferred payment plans by utility service territory; the
15 number of incidences, if any, in which utilities have required more than
16 the lawfully allowed level of down payments or deferred payments from
17 customers seeking to connect service or avoid disconnection; the effec-
18 tiveness and availability of the commission's shutoff hotline in receiv-
19 ing calls from customers facing termination of electric, gas and steam
20 service; the call volume to such hotline in each utility service terri-

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

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1 tory; the monthly number of electric and natural gas customers who
2 previously received utility bill assistance from the Home Energy Assist-
3 ance Program whose service was terminated for bill collection purposes
4 in each utility service area in the previous calendar year, provided
5 further that the commission shall require each utility provide such
6 information while maintaining customer confidentiality; and any proposed
7 legislative remedies necessary to increase customer awareness of such
8 hotline. The report shall be made available to the public on the commis-
9 sion's website.

10 S 2. The New York State public service commission shall seek comments
11 from utilities, municipalities, consumer advocates and the public and
12 may include in the report recommendations to improve existing consumer
13 protection policies.

14 S 3. If the study pursuant to section one of this act is not received
15 by November 15, 2012, the commission shall institute a moratorium
16 preventing utility corporations from terminating electric, gas or steam
17 service to any residential customer in arrears with whom it has entered
18 into an agreement for the provision of such services. The moratorium
19 shall last for the period beginning December 1, 2012 and ending on March
20 31, 2013. Nothing in this act shall be construed to prevent a utility
21 corporation from charging customers for electric, gas or steam service
22 or from offering a deferred payment agreement for the period beginning
23 December 1, 2012 and ending on March 31, 2013.

24 S 4. This act shall take effect immediately.