

6241

2013-2014 Regular Sessions

I N A S S E M B L Y

March 19, 2013

Introduced by M. of A. WEISENBERG -- Multi-Sponsored by -- M. of A. AUBRY, COOK, ENGLEBRIGHT, GIBSON, TITONE -- read once and referred to the Committee on Energy

AN ACT to amend the public service law and the executive law, in relation to emergency disconnections of certain public utilities during a state disaster emergency or local state of emergency

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

1 Section 1. Section 46 of the public service law, as amended by chapter
2 686 of the laws of 2002, is amended to read as follows:
3 S 46. Emergency disconnections to residences. 1. Notwithstanding any
4 other section of this article, a utility corporation in ownership or
5 control of the meters, pipes, fittings, wires and other apparatus asso-
6 ciated with the establishment of service to a residence or a munici-
7 pality may disconnect service to a residence when an emergency may
8 threaten the health or safety of a person, the surrounding area or the
9 utility's or municipality's distribution system. The utility corporation
10 or municipality shall act promptly to assure restoration of service as
11 soon as feasible. Service shall be restored to any residence before it
12 may be terminated for any other reason.
13 2. IN THE EVENT OF A STATE DISASTER EMERGENCY, AS DEFINED IN SECTION
14 TWENTY OF THE EXECUTIVE LAW, OR A LOCAL STATE OF EMERGENCY, AS DEFINED
15 IN SECTION TWENTY-FOUR OF THE EXECUTIVE LAW, A UTILITY CORPORATION OR
16 MUNICIPALITY SHALL DISCONNECT ELECTRICAL SERVICE WITHIN TWENTY-FOUR
17 HOURS OF NOTIFICATION FROM AN EMERGENCY MANAGEMENT DIRECTOR OR OTHER
18 MUNICIPAL CORPORATION OFFICIAL RESPONSIBLE FOR EMERGENCY PREPAREDNESS,
19 RESPONSE AND RECOVERY, CHIEF EXECUTIVE, OR LOCAL OFFICER EMPOWERED UNDER
20 SECTION SEVENTY-SEVEN OF THIS CHAPTER, THAT DISCONNECTION IS NECESSARY
21 FOR REPAIRS TO THE AFFECTED AREA AND CONTINUED SERVICE MAY THREATEN THE
22 HEALTH OR SAFETY OF A PERSON, THE SURROUNDING AREA OR THE UTILITY'S OR
23 MUNICIPALITY'S DISTRIBUTION SYSTEM.

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

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1 3. WHERE A UTILITY CORPORATION OR MUNICIPALITY IS REQUIRED TO DISCON-
2 NECT ELECTRICAL SERVICE PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND
3 FAILS OR NEGLECTS WITHIN TWENTY-FOUR HOURS OF NOTIFICATION TO DO SO
4 WITHOUT GOOD CAUSE AS DETERMINED BY THE COMMISSION, THE UTILITY CORPO-
5 RATION SHALL FORFEIT AND PAY TO THE COMMISSION THE SUM OF NOT LESS THAN
6 ONE THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS PER DAY FOR
7 EACH DAY THEREAFTER, AS DETERMINED BY THE COMMISSION THAT SUCH ELEC-
8 TRICAL SERVICE IS NOT DISCONNECTED.

9 S 2. Subdivision 1 of section 24 of the executive law is amended by
10 adding a new paragraph h to read as follows:

11 H. (I) A UTILITY CORPORATION OR MUNICIPALITY TO DISCONNECT ELECTRICAL
12 SERVICE TO RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN TWENTY-FOUR HOURS
13 OF NOTIFICATION BY THE CHIEF EXECUTIVE WHERE DISCONNECTION IS NECESSARY
14 FOR REPAIRS TO THE AFFECTED AREA AND CONTINUED SERVICE MAY THREATEN THE
15 HEALTH OR SAFETY OF A PERSON, THE SURROUNDING AREA OR A UTILITY'S OR
16 MUNICIPALITY'S DISTRIBUTION SYSTEM;

17 (II) WHERE A UTILITY CORPORATION OR MUNICIPALITY IS REQUIRED TO
18 DISCONNECT ELECTRICAL SERVICE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARA-
19 GRAPH AND FAILS OR NEGLECTS WITHIN TWENTY-FOUR HOURS OF NOTIFICATION TO
20 DO SO WITHOUT GOOD CAUSE AS DETERMINED BY THE PUBLIC SERVICE COMMISSION,
21 THE UTILITY CORPORATION OR MUNICIPALITY SHALL FORFEIT AND PAY TO THE
22 PUBLIC SERVICE COMMISSION THE SUM OF NOT LESS THAN ONE THOUSAND DOLLARS
23 AND NOT MORE THAN FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY THEREAFTER,
24 AS DETERMINED BY THE PUBLIC SERVICE COMMISSION THAT SUCH ELECTRICAL
25 SERVICE IS NOT DISCONNECTED.

26 S 3. Section 28 of the executive law is amended by adding a new subdi-
27 vision 5 to read as follows:

28 5. (A) FOLLOWING A STATE DECLARATION OF DISASTER EMERGENCY BY THE
29 GOVERNOR PURSUANT TO THIS SECTION, A UTILITY CORPORATION OR MUNICIPALITY
30 SHALL DISCONNECT ELECTRICAL SERVICE TO RESIDENTIAL OR COMMERCIAL PROPER-
31 TY WITHIN TWENTY-FOUR HOURS OF NOTIFICATION FROM AN EMERGENCY MANAGEMENT
32 DIRECTOR OR OTHER MUNICIPAL CORPORATION OFFICIAL RESPONSIBLE FOR EMER-
33 GENCY PREPAREDNESS, RESPONSE AND RECOVERY, CHIEF EXECUTIVE, OR LOCAL
34 OFFICER EMPOWERED UNDER SECTION SEVENTY-SEVEN OF THE PUBLIC SERVICE LAW,
35 THAT DISCONNECTION IS NECESSARY FOR REPAIRS TO THE AFFECTED AREA AND
36 CONTINUED SERVICE MAY THREATEN THE HEALTH OR SAFETY OF A PERSON, THE
37 SURROUNDING AREA OR THE UTILITY'S OR MUNICIPALITY'S DISTRIBUTION SYSTEM.

38 (B) WHERE A UTILITY CORPORATION OR MUNICIPALITY IS REQUIRED TO DISCON-
39 NECT ELECTRICAL SERVICE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION
40 AND FAILS OR NEGLECTS WITHIN TWENTY-FOUR HOURS OF NOTIFICATION TO DO SO
41 WITHOUT GOOD CAUSE AS DETERMINED BY THE PUBLIC SERVICE COMMISSION, THE
42 UTILITY CORPORATION OR MUNICIPALITY SHALL FORFEIT AND PAY TO THE PUBLIC
43 SERVICE COMMISSION THE SUM OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT
44 MORE THAN FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY THEREAFTER, AS
45 DETERMINED BY THE PUBLIC SERVICE COMMISSION THAT SUCH ELECTRICAL SERVICE
46 IS NOT DISCONNECTED.

47 S 4. This act shall take effect immediately.