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

6524--B

2013-2014 Regular Sessions

I N A S S E M B L Y

April 4, 2013

Introduced by M. of A. MAYER, BUCHWALD, GIBSON, OTIS, JAFFEE, LAVINE, ORTIZ, RAIA, SCHIMEL, TITONE, ABINANTI, KAVANAGH -- Multi-Sponsored by -- M. of A. COOK, PERRY, RIVERA, SALADINO, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to requiring the public service commission to conduct annual hearings regarding certain electric corporations

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

Section 1. The public service law is amended by adding a new section 66-n to read as follows:

S 66-N. HEARINGS. 1. THE COMMISSION, NOT LESS THAN ONCE ANNUALLY, AFTER THE RECEIPT OF THE ANNUAL REPORT PROVIDED PURSUANT TO SUBDIVISION SIX OF SECTION SIXTY-SIX OF THIS ARTICLE, SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF PUBLIC HEARINGS THEREON AND SAID PUBLIC HEARING SHALL BE SCHEDULED AND CONDUCTED NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN ONE HUNDRED EIGHTY DAYS OF RECEIPT OF SAID ANNUAL REPORT. THE COMMISSION SHALL CONDUCT PUBLIC HEARINGS IN THE FOLLOWING LOCATIONS WITHIN THE FOLLOWING ELECTRIC CORPORATIONS' RESPECTIVE SERVICE TERRITORIES:

(A) CONSOLIDATED EDISON OR ANY SUCCESSOR CORPORATION: CITY OF NEW YORK AND WESTCHESTER COUNTY. THE COMMISSION SHALL CONDUCT AT LEAST ONE HEARING ANNUALLY IN THE CITY OF NEW YORK AND AT LEAST ONE HEARING ANNUALLY IN WESTCHESTER COUNTY. THE HEARINGS HELD IN THE CITY OF NEW YORK SHALL ALTERNATE COUNTIES SO THAT AT LEAST ONE HEARING SHALL BE HELD IN EACH COUNTY EVERY FIVE YEARS.

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

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(B) ORANGE AND ROCKLAND UTILITIES OR ANY SUCCESSOR CORPORATION: ORANGE COUNTY AND ROCKLAND COUNTY. THE COMMISSION SHALL CONDUCT AT LEAST ONE HEARING ANNUALLY IN ONE OF THE COUNTIES AND SHALL NOT CONDUCT A HEARING IN THE SAME COUNTY AS THE PREVIOUS YEAR'S HEARING HELD UNDER THIS SECTION.

(C) CENTRAL HUDSON GAS AND ELECTRIC OR ANY SUCCESSOR CORPORATION: ULSTER COUNTY AND DUTCHESS COUNTY. THE COMMISSION SHALL CONDUCT AT LEAST ONE HEARING ANNUALLY IN ONE OF THE COUNTIES AND SHALL NOT CONDUCT A HEARING IN THE SAME COUNTY AS THE PREVIOUS YEAR'S HEARING HELD UNDER THIS SECTION.

(D) NIAGARA MOHAWK D/B/A NATIONAL GRID OR ANY SUCCESSOR CORPORATION: ALBANY COUNTY, ONONDAGA COUNTY AND ERIE COUNTY. THE COMMISSION SHALL CONDUCT AT LEAST ONE HEARING ANNUALLY IN ONE OF THE COUNTIES AND SHALL CONDUCT AT LEAST ONE HEARING IN EACH COUNTY EVERY THREE YEARS.

(E) NEW YORK STATE ELECTRIC AND GAS OR ANY SUCCESSOR CORPORATION: BROOME COUNTY AND PUTNAM COUNTY. THE COMMISSION SHALL CONDUCT AT LEAST ONE HEARING ANNUALLY IN ONE OF THE COUNTIES AND SHALL NOT CONDUCT A HEARING IN THE SAME COUNTY AS THE PREVIOUS YEAR'S HEARING HELD UNDER THIS SECTION.

(F) ROCHESTER GAS AND ELECTRIC OR ANY SUCCESSOR CORPORATION: MONROE COUNTY.

2. FOR THE PURPOSES OF PROVIDING NOTICE AND SOLICITING PUBLIC COMMENTS, AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC HEARINGS REQUIRED IN SUBDIVISION ONE OF THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE OR ELECTRONIC NOTICE: (A) TO EACH COUNTY AND CITY SERVED BY SAID ELECTRIC CORPORATION; (B) TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, EACH MEMBER OF THE STATE LEGISLATURE WHERE SERVICE IS PROVIDED IN SUCH MEMBER'S LEGISLATIVE DISTRICT; (C) TO THE UTILITY INTERVENTION UNIT OF THE DEPARTMENT OF STATE; (D) BY PUBLICATION ONCE IN EACH WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER AND ON THE WEB SITE OF A NEWSPAPER THAT HAS GENERAL CIRCULATION IN THE SERVICE TERRITORY OF SAID ELECTRIC CORPORATION; AND (E) BY PUBLICATION ON THE COMMISSION'S WEB SITE.

3. (A) THE CHAIRMAN OR CHAIRWOMAN AND A MAJORITY OF THE DULY APPOINTED COMMISSIONERS SHALL BE PRESENT AT THE HEARINGS REQUIRED BY SUBDIVISION ONE OF THIS SECTION AND SHALL SOLICIT PUBLIC COMMENT FROM RESIDENTIAL AND COMMERCIAL CUSTOMERS REGARDING AN ELECTRIC CORPORATION'S PERFORMANCE, INCLUDING BUT NOT LIMITED TO:

(1) THE QUALITY OF ELECTRIC SERVICE;

(2) THE IMPACT OF ANY COMMISSION DECISIONS IN THE PREVIOUS YEAR REGARDING RATES FOR SERVICE OR OTHER DECISIONS AFFECTING SERVICE;

(3) THE ADMINISTRATION OF ENERGY EFFICIENCY PROGRAMS AND SERVICES BY THE UTILITY;

(4) COMMUNICATION PROTOCOLS BETWEEN A COMPANY AND CUSTOMERS IN ARREARS ON UTILITY CHARGES REGARDING THE POTENTIAL FOR TERMINATION OF SERVICE;

(5) SERVICE RESTORATION PERFORMANCE AND CUSTOMER COMMUNICATION DURING ANY OUTAGES OCCURRING IN THE PREVIOUS YEAR; AND

(6) ANY ADDITIONAL TOPICS OR INFORMATION THE COMMISSION DEEMS NECESSARY.

(B) NOT LESS THAN THIRTY DAYS PRIOR TO A PUBLIC HEARING UNDERTAKEN PURSUANT TO THIS SECTION THE COMMISSION SHALL CREATE AND PUBLISH ON ITS WEB SITE A REPORT REGARDING THE ELECTRIC CORPORATION AND ITS SERVICE TERRITORY THAT IS THE SUBJECT OF SUCH HEARING, WHICH PROVIDES, IN DETAIL FOR THE PREVIOUS YEAR, INFORMATION INCLUDING BUT NOT LIMITED TO:

(1) ANY COMMISSION ORDERS REGARDING RATES AND ALL OTHER DECISIONS DETERMINED RELEVANT BY THE COMMISSION;

(2) A LIST OF ALL ENERGY EFFICIENCY PROGRAMS AND THE NUMBER OF CUSTOMERS UTILIZING SAID PROGRAMS;

(3) THE NUMBER OF CUSTOMERS WHO HAVE FALLEN INTO ARREARS OVER THE LAST YEAR AND THE NUMBER OF CUSTOMERS WHOSE SERVICE WAS SUSPENDED AND/OR TERMINATED DUE TO ARREARS;

(4) THE NUMBER OF WIDESPREAD OUTAGES THAT HAVE OCCURRED IN THE SERVICE TERRITORY OF THE ELECTRIC CORPORATION DUE TO STORMS OR OTHER CAUSES BEYOND THE CONTROL OF THE ELECTRIC CORPORATION IN THE LAST YEAR, THE NUMBER OF CUSTOMERS AFFECTED BY EACH OUTAGE, THE DURATION OF EACH OUTAGE AND THE CAUSE OF EACH OUTAGE; AND

(5) ANY OTHER INFORMATION THE COMMISSION DETERMINES IS RELEVANT TO THE SERVICE TERRITORY.

(C) THE COMMISSION SHALL ALSO PUBLISH THE ANNUAL REPORT SUBMITTED PURSUANT TO SUBDIVISION SIX OF SECTION SIXTY-SIX OF THIS ARTICLE BY THE RESPECTIVE ELECTRIC CORPORATION ON THE COMMISSION'S WEB SITE.

S 2. This act shall take effect January 1, 2014.