

6640--A

2013-2014 Regular Sessions

I N A S S E M B L Y

April 12, 2013

Introduced by M. of A. SANTABARBARA, OTIS -- read once and referred to the Committee on Small Business -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law and the public service law, in relation to small business energy assistance and advocacy services

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

1 Section 1. The legislature hereby finds and declares that rising energy costs present a significant barrier to the economic viability of New
2 York's small businesses, a crucial sector of the state's economy. Small
3 businesses can least afford the time and cost associated with seeking
4 opportunities to conserve energy, utilize energy efficient products and
5 processes and gain access to renewable sources of energy. The viability
6 of small businesses and the overall economic and environmental status of
7 New York state will be enhanced by the development, expansion and
8 promotion of accessible and affordable programs to assist small businesses in energy conservation, energy efficiency, and increased use of
9 renewable resources, and by ensuring equitable treatment of small businesses in the proceedings of energy-related regulatory agencies.

10 The legislature hereby establishes a small business energy assistance
11 and advocacy services program as part of the division for small business
12 within the New York state department of economic development to assist
13 small businesses in accessing energy conservation, energy efficiency and
14 renewable energy programs available through public and private sources,
15 and to advocate for the initiation and expansion of such programs and
16 for equitable treatment of small businesses in regulatory proceedings
17 related to energy.

18 S 2. The economic development law is amended by adding a new section
19 138-a to read as follows:
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD03293-03-3

1 S 138-A. SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES
2 PROGRAM. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION A SMALL
3 BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM.

4 2. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM,
5 DIRECTLY AND IN CONJUNCTION WITH OTHER DIVISIONS OF THE DEPARTMENT AND
6 WITH OTHER AGENCIES OF THE STATE, FEDERAL AGENCIES OR LOCAL GOVERNMENTS,
7 SHALL:

8 A. SOLICIT INPUT FROM SMALL BUSINESSES AND FROM ORGANIZATIONS REPRES-
9 ENTING SMALL BUSINESSES, SUCH AS TRADE ASSOCIATIONS OR OTHER ENTITIES,
10 REGARDING THE ENERGY ASSISTANCE NEEDS OF SMALL BUSINESSES;

11 B. WITH SUCH INPUT AND THE ASSISTANCE OF THE SMALL BUSINESS ADVISORY
12 BOARD AND OTHER APPROPRIATE STATE AGENCIES, IDENTIFY ISSUES RELATING TO
13 ENERGY AVAILABILITY, AFFORDABILITY AND SUSTAINABILITY AFFECTING SMALL
14 BUSINESSES AND ASSIST THE ADVISORY BOARD AND THE DIVISION IN MAKING
15 RECOMMENDATIONS FOR LEGISLATIVE, REGULATORY AND PROGRAMMATIC ACTIONS TO
16 ADDRESS SUCH ISSUES;

17 C. COORDINATE WITH ENTITIES INCLUDING THE NEW YORK STATE ENERGY
18 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF
19 NEW YORK AND OTHER APPROPRIATE PUBLIC UTILITY AUTHORITIES ESTABLISHED
20 PURSUANT TO ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC
21 SERVICE COMMISSION, INVESTOR-OWNED UTILITIES AND OTHER APPROPRIATE ENTI-
22 TIES TO FACILITATE AND PROMOTE THE PARTICIPATION OF SMALL BUSINESSES AND
23 ASSOCIATIONS REPRESENTING SMALL BUSINESSES IN THE DEVELOPMENT AND IMPLE-
24 MENTATION OF ENERGY ASSISTANCE PROGRAMS;

25 D. PROVIDE GUIDANCE AND RECOMMENDATIONS TO THE NEW YORK STATE ENERGY
26 RESEARCH AND DEVELOPMENT AUTHORITY, THE POWER AUTHORITY OF THE STATE OF
27 NEW YORK AND OTHER PUBLIC UTILITY AUTHORITIES ESTABLISHED PURSUANT TO
28 ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC SERVICE COMMIS-
29 SION, INVESTOR-OWNED UTILITIES AND OTHER ENTITIES REGARDING THE DEVELOP-
30 MENT AND IMPLEMENTATION OF ENERGY ASSISTANCE PROGRAMS AND ON THE IMPACT
31 OF STATE ENERGY POLICY ON SMALL BUSINESSES;

32 E. PROVIDE TO SMALL BUSINESSES INFORMATION AND MATERIALS ON ENERGY
33 ASSISTANCE PROGRAMS, COOPERATIVE FUEL PURCHASING EFFORTS AND OTHER
34 PROGRAMS TO MAINTAIN THE AFFORDABILITY OF ENERGY, AND PROVIDE ACCESS TO
35 SUCH INFORMATION AND MATERIALS ON THE DEPARTMENT'S WEBSITE; AND

36 F. REFER SMALL BUSINESSES TO SPECIALISTS FOR INFORMATION AND ASSIST-
37 ANCE ON AFFORDABLE ALTERNATIVE TECHNOLOGIES, PROCESS CHANGES, PRODUCTS
38 AND OPERATIONAL METHODS TO ACHIEVE ENERGY SAVINGS.

39 3. A. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES
40 PROGRAM SHALL REPRESENT THE INTERESTS OF SMALL BUSINESSES BEFORE THE
41 PUBLIC SERVICE COMMISSION PURSUANT TO SECTION TWENTY-FOUR-C, SEVENTY-ONE
42 OR EIGHTY-FOUR OF THE PUBLIC SERVICE LAW, AND SHALL BE AUTHORIZED TO
43 INITIATE, INTERVENE IN OR PARTICIPATE IN ANY PROCEEDINGS BEFORE THE
44 PUBLIC SERVICE COMMISSION AND IN ANY OTHER SUCH ENERGY-RELATED
45 PROCEEDINGS AS THE DIVISION DEEMS TO BE NECESSARY OR APPROPRIATE.

46 B. THE SMALL BUSINESS ENERGY ASSISTANCE AND ADVOCACY SERVICES PROGRAM
47 SHALL ADVOCATE BEFORE THE PUBLIC SERVICE COMMISSION AND OTHER STATE AND
48 FEDERAL REGULATORY AGENCIES FOR THE ADOPTION OF APPROPRIATE REGULATIONS
49 PROVIDING FOR EQUITABLE TREATMENT OF SMALL BUSINESSES IN ENERGY-RELATED
50 POLICIES, INCLUDING BUT NOT LIMITED TO EXTENDING REASONABLE CONSUMER
51 PROTECTIONS TO SMALL BUSINESSES IN ENERGY-RELATED MATTERS.

52 S 3. The public service law is amended by adding a new section 24-c to
53 read as follows:

54 S 24-C. NOTICE TO BE GIVEN TO DIVISION PRIOR TO RATE INCREASE. 1.
55 NOTWITHSTANDING ANY INCONSISTENT GENERAL, SPECIAL OR LOCAL LAW OR RULE
56 OR REGULATION TO THE CONTRARY, THE COMMISSION SHALL TO THE EXTENT THE

1 DIVISION SHALL SO REQUEST IN ANY CASES OR CLASS OF CASES, GIVE NOTICE TO
2 THE DIVISION OF ANY FILED STATEMENT PROPOSING TO MODIFY OR INCREASE
3 RATES, SERVICES, SCHEDULE OF RATES OR ANY OTHER RATING RULE OR TO ADOPT
4 OR AMEND ANY RATE OR SERVICE RULES OR REGULATIONS WITHIN FIVE DAYS AFTER
5 THE COMMISSION SHALL HAVE RECEIVED SUCH STATEMENT FROM ANY UTILITY
6 SUBJECT TO ITS JURISDICTION; PROVIDED, HOWEVER, THAT IN LIEU OF GIVING
7 SUCH NOTICE, THE COMMISSION MAY DIRECT THAT THE UTILITY GIVE SUCH NOTICE
8 TO THE DIVISION. THE COMMISSION SHALL DIRECTLY NOTIFY THE DIVISION OF
9 ANY SUCH CASE THAT IS NOT INITIATED BY A UTILITY.

10 2. IN ANY SUCH CASE IN WHICH THE DIVISION SHALL FILE WITH THE COMMIS-
11 SION A STATEMENT OF INTENT TO BE A PARTY, THE DIVISION SHALL HAVE AND IN
12 ITS DISCRETION MAY EXERCISE ALL THE RIGHTS AND PRIVILEGES OF A PARTY.

13 3. FOR THE PURPOSES OF THIS SECTION, THE TERM "DIVISION" SHALL MEAN
14 THE DIVISION FOR SMALL BUSINESS ESTABLISHED BY ARTICLE FOUR-B OF THE
15 ECONOMIC DEVELOPMENT LAW, AND THE TERM "COMMISSION" SHALL MEAN THE
16 PUBLIC SERVICE COMMISSION.

17 S 4. Section 71 of the public service law, as amended by section 48 of
18 part A of chapter 62 of the laws of 2011, is amended to read as follows:

19 S 71. Complaints as to quality and price of gas and electricity;
20 investigation by commission; forms of complaints. Upon the complaint in
21 writing of the mayor of a city, the trustees of a village, the town
22 board of a town or the chief executive officer or the legislative body
23 of a county in which a person or corporation is authorized to manufac-
24 ture, convey, transport, sell or supply gas or electricity for heat,
25 light or power, or upon the complaint in writing of not less than twen-
26 ty-five customers or purchasers of such gas or electricity, or upon the
27 complaint in writing of the department of state OR THE DIVISION FOR
28 SMALL BUSINESS, or upon a complaint of a gas corporation or electrical
29 corporation supplying or transmitting said gas or electricity, as to the
30 illuminating or heating power, purity or pressure or the rates, charges
31 or classifications of service of gas, the efficiency of the electric
32 incandescent lamp supply, the voltage of the current supplied for light,
33 heat or power, or the rates charged or classification of service of
34 electricity sold and delivered in such municipality, the commission
35 shall investigate as to the cause for such complaint. When such
36 complaint is made, the commission may, by its agents, examiners and
37 inspectors, inspect the works, system, plant, devices, appliances and
38 methods used by such person or corporation in manufacturing, transmit-
39 ting and supplying such gas or electricity, and may examine or cause to
40 be examined the books and papers of such person, or corporation pertain-
41 ing to the manufacture, sale, transmitting and supplying of such gas or
42 electricity. The form and contents of complaints made as provided in
43 this section shall be prescribed by the commission. Such complaints
44 shall be signed by the officers, or by the customers, purchasers or
45 subscribers making them, who must add to their signatures their places
46 of residence, by street and number, if any.

47 S 5. Section 84 of the public service law, as amended by section 49 of
48 part A of chapter 62 of the laws of 2011, is amended to read as follows:

49 S 84. Complaints as to service and price of steam heat; investigation
50 by commission; forms of complaints. Upon the complaint in writing of the
51 mayor of the city, the trustees of a village or the town board of a town
52 in which a person or corporation is authorized to manufacture, sell or
53 supply steam for heat or power, or upon the complaint in writing of not
54 less than fifty customers or purchasers of such steam heat in cities of
55 the first or second class, or of not less than twenty-five in cities of
56 the third class, or of not less than ten elsewhere, or upon the

1 complaint in writing of the department of state OR THE DIVISION FOR
2 SMALL BUSINESS, as to the price, pressure or efficiency of steam
3 supplied for heat or power, sold and delivered in such municipality, the
4 commission shall investigate as to the cause for such complaint. When
5 such complaint is made, the commission may, by its agents, examiners and
6 inspectors, inspect the work, system, plant, devices, appliances and
7 methods used by such person or corporation in manufacturing, transmit-
8 ting and supplying such steam, and may examine or cause to be examined
9 the books and papers of such person or corporation pertaining to the
10 manufacture, sale, transmitting and supplying of such steam. The form
11 and contents of complaints made as provided in this section shall be
12 prescribed by the commission. Such complaint shall be signed by the
13 officers, or by the customers, purchasers or subscribers making them,
14 who must add to their signatures their place of residence, by street and
15 number, if any.

16 S 6. This act shall take effect September 1, 2014. Effective imme-
17 diately the department of economic development and the public service
18 commission shall be authorized to take any and all actions necessary to
19 fully implement the provisions of this act on such effective date.