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

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2013-2014 Regular Sessions

I N S E N A T E

February 15, 2013

Introduced by Sens. CARLUCCI, KLEIN -- 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 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:

Section 1. Section 46 of the public service law, as amended by chapter 686 of the laws of 2002, is amended to read as follows:

S 46. Emergency disconnections to residences. 1. Notwithstanding any other section of this article, a utility corporation in ownership or control of the meters, pipes, fittings, wires and other apparatus associated with the establishment of service to a residence or a municipality may disconnect service to a residence when an emergency may threaten the health or safety of a person, the surrounding area or the utility's or municipality's distribution system. The utility corporation or municipality shall act promptly to assure restoration of service as soon as feasible. Service shall be restored to any residence before it may be terminated for any other reason.

2. IN THE EVENT OF A STATE DISASTER EMERGENCY, AS DEFINED IN SECTION TWENTY OF THE EXECUTIVE LAW, OR A LOCAL STATE OF EMERGENCY, AS DEFINED IN SECTION TWENTY-FOUR OF THE EXECUTIVE LAW, A UTILITY CORPORATION OR MUNICIPALITY SHALL DISCONNECT ELECTRICAL SERVICE WITHIN TWENTY-FOUR HOURS OF NOTIFICATION FROM AN EMERGENCY MANAGEMENT DIRECTOR OR OTHER MUNICIPAL CORPORATION OFFICIAL RESPONSIBLE FOR EMERGENCY PREPAREDNESS, RESPONSE AND RECOVERY, CHIEF EXECUTIVE, OR LOCAL OFFICER EMPOWERED UNDER SECTION SEVENTY-SEVEN OF THIS CHAPTER, THAT DISCONNECTION IS NECESSARY FOR REPAIRS TO THE AFFECTED AREA AND CONTINUED SERVICE MAY THREATEN THE HEALTH OR SAFETY OF A PERSON, THE SURROUNDING AREA OR THE UTILITY'S OR MUNICIPALITY'S DISTRIBUTION SYSTEM.

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

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

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

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

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

S 3. Section 28 of the executive law is amended by adding a new subdivision 5 to read as follows:

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

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

S 4. This act shall take effect immediately.