

9032

I N A S S E M B L Y

January 19, 2016

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to changes in energy service pricing

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

1 Section 1. Subdivisions 6 and 7 of section 349-d of the general business law, as added by chapter 416 of the laws of 2010, are amended to
2 read as follows:
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4 6. No material change shall be made in the terms or duration of any
5 contract for the provision of energy services by an ESCO without the
6 express consent of the customer. A CHANGE IN PRICE OR A CHANGE TO OR
7 FROM FIXED OR VARIABLE PRICING SHALL BE DEEMED TO BE MATERIAL. This
8 shall not restrict an ESCO from renewing a contract by clearly informing
9 the customer in writing, not less than thirty days nor more than sixty
10 days prior to the renewal date, of the renewal terms and of his or her
11 option not to accept the renewal offer; provided, however, that no fee
12 pursuant to subdivision five of this section shall be charged to a
13 customer WHOSE EXPRESS CONSENT HAS NOT BEEN OBTAINED TO ANY CHANGE IN
14 MATERIAL TERMS AND CONDITIONS, OR who objects to such renewal not later
15 than three business days after receiving the first billing statement
16 from the ESCO under the terms of the contract as renewed. The public
17 service commission and the Long Island power authority may adopt additional
18 guidelines, practices, rules or regulations governing the renewal
19 process.
20 7. In every contract for energy services and in all marketing materials
21 provided to prospective purchasers of such contracts, all variable
22 charges shall be clearly and conspicuously identified. IN ANY NOTICE
23 REGARDING CONTRACT RENEWABILITY, THE PROVIDER SHALL DISCLOSE THE FOLLOWING
24 INFORMATION AS IT EXISTS AT THE TIME OF SUCH NOTICE: (I) THE PRICE
25 CHARGED FOR ENERGY SERVICES; (II) THE PRICE IT PROPOSES TO CHARGE UPON
26 RENEWAL; (III) THE PRICE THAT IS CHARGED BY THE CUSTOMER'S DISTRIBUTION
27 UTILITY; AND (IV) INFORMATION NOTIFYING THE CUSTOMER HOW THEY MAY
28 COMPARE PAST BILLS WITH WHAT THEY WOULD HAVE BEEN CHARGED HAD THEY

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

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1 RECEIVED ENERGY SERVICES FROM THEIR RESPECTIVE DISTRIBUTION UTILITY,
2 INCLUDING, THE INTERNET ADDRESS OF ANY BILL CALCULATOR OFFERED BY SUCH
3 CUSTOMER'S DISTRIBUTION UTILITY'S WEBSITE.
4 S 2. This act shall take effect immediately.