

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:

3 6. No material change shall be made in the terms or duration of any
4 contract for the provision of energy services by an ESCO without the
5 express consent of the customer. A CHANGE IN PRICE OR A CHANGE TO OR
6 FROM FIXED OR VARIABLE PRICING SHALL BE DEEMED TO BE MATERIAL. This
7 shall not restrict an ESCO from renewing a contract by clearly informing
8 the customer in writing, not less than thirty days nor more than sixty
9 days prior to the renewal date, of the renewal terms and of his or her
10 option not to accept the renewal offer; provided, however, that no fee
11 pursuant to subdivision five of this section shall be charged to a
12 customer WHOSE EXPRESS CONSENT HAS NOT BEEN OBTAINED TO ANY CHANGE IN
13 MATERIAL TERMS AND CONDITIONS, OR who objects to such renewal not later
14 than three business days after receiving the first billing statement
15 from the ESCO under the terms of the contract as renewed. The public
16 service commission and the Long Island power authority may adopt additional
17 guidelines, practices, rules or regulations governing the renewal
18 process.

19 7. In every contract for energy services and in all marketing materials
20 provided to prospective purchasers of such contracts, all variable
21 charges shall be clearly and conspicuously identified. IN ANY NOTICE
22 REGARDING CONTRACT RENEWABILITY, THE PROVIDER SHALL DISCLOSE THE FOLLOWING
23 INFORMATION AS IT EXISTS AT THE TIME OF SUCH NOTICE: (I) THE PRICE
24 CHARGED FOR ENERGY SERVICES; (II) THE PRICE IT PROPOSES TO CHARGE UPON
25 RENEWAL; (III) THE PRICE THAT IS CHARGED BY THE CUSTOMER'S DISTRIBUTION
26 UTILITY; AND (IV) INFORMATION NOTIFYING THE CUSTOMER HOW THEY MAY
27 COMPARE PAST BILLS WITH WHAT THEY WOULD HAVE BEEN CHARGED HAD THEY
28

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.