STATE OF NEW YORK

3169

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the general powers of the commission in respect to gas and electricity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 66 of the public service law is amended by adding two new subdivisions 11-a and 11-b to read as follows:

11-a. Require every gas corporation, electric corporation and gas and electric corporation, where necessary, to amend its filed tariff schedules by eliminating any provision (a) attempting to relieve such corporation from liability arising from the negligence or willful misconduct of its officers, agents or servants; (b) limiting the liability of the corporation for damages resulting from its own negligence in connection with the property owned, installed or maintained by a customer or leased by a customer from a third party; and (c) limiting the liability of the company for any damages resulting from the negligence of the company in connection with the supplying or use of electricity or gas or from the presence or operation of the company's structures, equipment, wires, pipes, appliances or devices on the consumer's premises.

11-b. Have power in all parts of the state, either as a commission or through its members, or through an officer or employee specifically authorized to consider regulatory conduct of every gas corporation, electric corporation and gas and electric corporation, where necessary, to (a) investigate that a regulatory failure occurred despite the exercise of ordinary business care and prudence and to conduct a hearing or proceeding to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it in reference to such matter within its jurisdiction; and (b) allow such commission to award damages resulting from such failure to persons thereby affected in the community.

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

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§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made by the public service commission on or before such effective date.