

# STATE OF NEW YORK

11056

## IN ASSEMBLY

October 7, 2020

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

AN ACT to amend the public service law, in relation to establishing the electric customer bill of rights during a service disruption

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

Section 1. 1. Definitions. For purposes of this section:

a. "customer with life-saving equipment" shall have the same meaning as a person living in a residence that uses a life support system as defined in subdivision 12 of section 65 of the public service law;

b. "electric service disruption" shall mean a storm, storm-like emergency or system emergency that causes or is projected to cause one or more customers in a county or service area of an electric corporation to lose electric service for twelve hours or more; and

c. "special needs customer" shall mean electric corporation customers including but not limited to the elderly, the vision-impaired, the hearing and speech-impaired, and the mobility impaired, and human service agencies representing such customers.

2. The public service commission shall commence a rulemaking proceeding to set minimum requirements regarding the rights of customers that electric corporations shall adhere to at times preceding and for the duration of an electric service disruption. Upon adoption by the commission, each electric corporation shall incorporate the established minimum requirements into its emergency response plan pursuant to subdivision 21 of section 66 of the public service law and shall inform its customers of such information via posts on its website, e-mail and bill inserts. Such rulemaking proceeding shall set minimum requirements regarding:

a. electric corporations providing a refund or discount to customers for the basic service charge, fixed charge, or minimum customer charge for electric service on a pro-rata basis, based on the duration of electric service disruption to the customer;

b. for customers with life-saving equipment and special needs customers, electric corporations delivering, and refueling or recharging backup generators capable of powering life-saving equipment to such customers, or providing temporary lodging accommodations at a location capable of powering life-saving equipment, including but not limited to compen-

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

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1 sation for hotel rooms or hospital admissions, based on the duration of  
2 electric service disruption to the customer;

3 c. the establishment of a plan by electric corporations to prioritize  
4 electric service restoration to customers with life-saving equipment and  
5 special needs customers;

6 d. electric corporations providing customers who work from home,  
7 compensation for lost income or revenue based on the duration of elec-  
8 tric service disruption to the customer;

9 e. the establishment, modification or replacement of an electric  
10 corporation tariff that adopts the provisions of subdivision 5 of  
11 section 65-c of the public service law regarding reimbursement for spoi-  
12 lage of food and medication. Such tariff shall establish requirements  
13 regarding communications to customers on the claims process for spoiled  
14 food and medication at times preceding and for the duration of an elec-  
15 tric service disruption, so that customers are aware of how to document  
16 their losses; and

17 f. the establishment of a plan by electric corporations to identify  
18 locations for dry ice distribution and co-located power charging  
19 stations in the event a storm, storm-like emergency or system emergency  
20 that causes or is projected to cause five thousand or more customers in  
21 a county or service area of an electric corporation to lose electric  
22 service for twelve hours or more. In cooperation with relevant entities,  
23 such plan shall identify public and private locations and provide for  
24 backup locations. Such plan shall provide that, in a city with a popu-  
25 lation of one million or more residents, all customers affected by an  
26 outage shall be within one-quarter of a mile from a dry ice and power  
27 charging location.

28 § 2. The public service law is amended by adding a new section 65-c to  
29 read as follows:

30 § 65-c. Electric customer bill of rights during a service disruption.  
31 1. Definitions. For purposes of this section:

32 (a) "customer with life-saving equipment" shall have the same meaning  
33 as a person living in a residence that uses a life support system as  
34 defined in subdivision twelve of section sixty-five of this article;

35 (b) "electric service disruption" shall mean a storm, storm-like emer-  
36 gency or system emergency that causes or is projected to cause one or  
37 more customers in a county or service area of an electric corporation to  
38 lose electric service for twelve hours or more; and

39 (c) "special needs customer" shall mean electric corporation customers  
40 including but not limited to the elderly, the vision-impaired, the hear-  
41 ing and speech-impaired, and the mobility impaired, and human service  
42 agencies representing such customers.

43 2. Customer communication. (a) To the extent practicable based on  
44 weather projections, storm classification and pre-disruption information  
45 regarding the extent of the outage, an electric corporation prior to an  
46 electric service disruption shall communicate with customers via posts  
47 on such corporation's website, e-mail, automated phone call, and if  
48 indicated by the customer, text message; and communicate with news  
49 media, social media sites, and local elected officials. An electric  
50 corporation shall have the capability of conveying such communication in  
51 at least one language other than English. Such communication shall  
52 include but not be limited to:

53 i. information regarding the severity of a storm, storm-like electric  
54 emergency or system emergency;

1 ii. outage safety precautions, including but not limited to: storm  
2 survival without electric power, safety precautions regarding electrical  
3 hazards such as downed wires and the use of portable generators;

4 iii. instructions on how to report an outage;

5 iv. instructions on how to receive or obtain information regarding an  
6 estimated time of restoration in the event there is an outage;

7 v. planned dry ice distribution and power charging locations pursuant  
8 to subdivision four of this section;

9 vi. planned cooling locations if necessary;

10 vii. the claims process for spoiled food and medication pursuant to  
11 subdivision five of this section, so that customers are aware of how to  
12 document their losses;

13 viii. potential information adopted pursuant to a rulemaking proceed-  
14 ing commenced by the commission regarding: a pro-rata discount on the  
15 basic service charge, backup generators or temporary lodging accommo-  
16 datations and compensation for customers with life-saving equipment and  
17 special needs customers, and compensation for lost income or revenue for  
18 customers that work from home; and

19 ix. information for customers with life-saving equipment and special  
20 needs customers including but not limited to: the unique priority phone  
21 number for such customers established pursuant to paragraph (a) of  
22 subdivision three of this section, the potential use of backup equipment  
23 needed to power life-saving equipment, and the potential facilitation of  
24 transportation to the nearest hospital or facility that is capable of  
25 powering life-saving equipment.

26 (b) For the duration of an electric service disruption, such electric  
27 corporation shall communicate with customers via posts on such corpo-  
28 ration's website, e-mail, automated phone call, and if indicated by the  
29 customer, text message; and communicate with news media, social media  
30 sites, and local elected officials. An electric corporation shall have  
31 the capability of conveying such communication in at least one language  
32 other than English. Such communication shall include but not be limited  
33 to:

34 i. information regarding the ongoing severity of a storm, storm-like  
35 electric emergency or system emergency;

36 ii. outage safety precautions, including but not limited to: storm  
37 survival without electric power, safety precautions regarding electrical  
38 hazards such as downed wires and the use of portable generators;

39 iii. instructions on how to report an outage;

40 iv. updated information regarding the estimated time of restoration,  
41 including website links to outage maps updated every thirty minutes;

42 v. notification to customers with life-saving equipment, special needs  
43 customers and customers who reported an outage when power has been  
44 restored to their area for verification purposes;

45 vi. instructions on how to receive or obtain information regarding an  
46 estimated time of restoration;

47 vii. dry ice distribution and power charging locations pursuant to  
48 subdivision four of this section;

49 viii. cooling locations, if necessary;

50 ix. the claims process for spoiled food and medication pursuant to  
51 subdivision five of this section so that customers are aware of how to  
52 document their losses;

53 x. potential information adopted pursuant to a rulemaking proceeding  
54 commenced by the commission regarding: a pro-rata discount on the basic  
55 service charge, backup generators or temporary lodging accommodations  
56 and compensation for customers with life-saving equipment and special

1 needs customers, and compensation for lost income or revenue for custom-  
2 ers that work from home; and

3 xi. information for customers with life-saving equipment and special  
4 needs customers including but not limited to: the unique priority phone  
5 number for such customers established pursuant to paragraph (a) of  
6 subdivision three of this section, the potential use of backup equipment  
7 needed to power life-saving equipment, and the facilitation of transpor-  
8 tation to the nearest hospital or facility that is capable of powering  
9 life-saving equipment.

10 3. Customers with life-saving equipment and special needs customers.  
11 (a) Electric corporations shall establish a unique priority phone number  
12 that shall remain in operation every day of the year for customers with  
13 life-saving equipment and special needs customers.

14 (b) Information regarding such phone number shall be provided in bill  
15 inserts, via e-mail, and posted on electric corporations' websites and  
16 shall include reminders for existing customers with life-saving equip-  
17 ment and special needs customers to call such number to ensure they are  
18 still registered with the electric corporation as a customer with life-  
19 saving equipment or a special needs customer.

20 (c) Customers with life-saving equipment and special needs customers  
21 shall be able to call such number established by paragraph (a) of this  
22 subdivision at any time, including a time preceding or during an elec-  
23 tric service disruption to:

24 i. register with an electric corporation so as to be placed on its  
25 current list of customers who use life support systems pursuant to  
26 subdivision twelve of section sixty-five of this article;

27 ii. receive information or projections regarding the severity of a  
28 storm, storm-like electric emergency or system emergency, if applicable;

29 iii. report an outage or receive instructions on how to report an  
30 outage;

31 iv. receive updated information regarding the estimated time of resto-  
32 ration, including website links to outage maps updated every thirty  
33 minutes, if applicable;

34 v. receive outage safety precautions, including but not limited to:  
35 storm survival without electric power, safety precautions regarding  
36 electrical hazards such as downed wires and the use of portable genera-  
37 tors;

38 vi. receive information regarding dry ice distribution and power  
39 charging locations pursuant to subdivision four of this section, if  
40 applicable;

41 vii. receive information regarding power charging locations, if appli-  
42 cable;

43 viii. receive information regarding cooling locations, if necessary  
44 and applicable;

45 ix. receive information regarding the claims process for spoiled food  
46 and medication pursuant to subdivision five of this section, if applica-  
47 ble, so that customers are aware of how to document their losses;

48 x. receive potential information adopted pursuant to a rulemaking  
49 proceeding commenced by the commission regarding: a pro-rata discount on  
50 the basic service charge, backup generators or temporary lodging accom-  
51 modations and compensation for customers with life-saving equipment and  
52 special needs customers, and compensation for lost income or revenue for  
53 customers that work from home, if applicable; and

54 xi. receive information regarding the facilitation of transportation  
55 to the nearest hospital or facility that is capable of powering life-  
56 saving equipment, if applicable.

1 4. Dry ice distribution and power charging stations. (a) In the event  
2 a storm, storm-like emergency or system emergency that causes or is  
3 projected to cause five thousand or more customers in a county or  
4 service area of an electric corporation to lose electric service for  
5 twelve hours or more, an electric corporation shall commence the  
6 distribution of dry ice and deployment of co-located power charging  
7 stations to customers no later than twelve hours following the start of  
8 power restoration operations undertaken by such electric corporation.  
9 Such distribution shall be pursuant to a rulemaking proceeding commenced  
10 by the commission regarding locations for dry ice distribution and power  
11 charging locations, if such proceeding has been completed.

12 (b) Prior to a storm, storm-like emergency or system emergency that  
13 causes or is projected to cause five thousand or more customers in a  
14 county or service area of an electric corporation to lose electric  
15 service for twelve hours or more, to the extent practicable based on  
16 weather projections, storm classification, and pre-disruption informa-  
17 tion regarding the extent of the outage, an electric corporation shall  
18 begin the procurement process for dry ice for purposes of distribution  
19 to customers during such disruption.

20 5. Reimbursement for spoilage of food and medication. (a) An electric  
21 corporation shall reimburse customers for spoilage of food and medica-  
22 tion due to lack of refrigeration that is attributable to a loss of  
23 electric service because of a storm, storm-like electric emergency or  
24 system emergency when such service disruption lasts for a period in  
25 excess of twelve hours or when the same customer is subjected to two or  
26 more such service disruptions aggregating twelve hours or more within a  
27 twenty-four hour period, pursuant to the following:

28 i. For a residential customer with a claim for spoilage of food total-  
29 ing two hundred twenty-five dollars or less, the electric corporation  
30 shall only be authorized to require an itemized list of such food in  
31 order to process such claim;

32 ii. For residential customers with a claim for spoilage of food total-  
33 ing two hundred twenty-six dollars or more, the electric corporation  
34 shall only be authorized to require an itemized list and documented  
35 proof, which may constitute a picture, of a loss of such food in order  
36 to process such claim;

37 iii. For a residential customer with a claim for spoilage of medica-  
38 tion totaling any amount, the electric corporation shall only be author-  
39 ized to require an itemized list and documented proof, which may consti-  
40 tute a picture, of loss of such medication in order to process such  
41 claim;

42 iv. Residential customers shall be authorized to submit one claim for  
43 spoilage of food per week for the duration of the outage. There shall be  
44 no limit on the number of claims submitted for spoilage of medication;  
45 and

46 v. Upon receipt of such claims, an electric corporation shall facili-  
47 tate payment to such customer as soon as possible.

48 (b) Electric corporations shall be required to communicate to custom-  
49 ers the claims process for spoiled food and medication established by  
50 this section at times preceding and for the duration of an electric  
51 service disruption, so that customers are aware of how to document their  
52 losses.

53 § 3. This act shall take effect immediately, provided that section two  
54 shall take effect one year after the effective date of this act.