# 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 back-up 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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sation for hotel rooms or hospital admissions, based on the duration of electric service disruption to the customer;

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

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

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

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

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

**§ 65-c. Electric customer bill of rights during a service disruption. 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 twelve of section sixty-five of this article;**

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

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

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

iii. instructions on how to report an outage;

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

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

vi. planned cooling locations if necessary;

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

viii. potential information adopted pursuant to a rulemaking proceeding commenced by the commission regarding: a pro-rata discount on the basic service charge, backup generators or temporary lodging accommodations and compensation for customers with life-saving equipment and special needs customers, and compensation for lost income or revenue for customers that work from home; and

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

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

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

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

iii. instructions on how to report an outage;

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

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

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

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

viii. cooling locations, if necessary;

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

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

needs customers, and compensation for lost income or revenue for customers that work from home; and

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

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

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

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

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

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

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

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

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

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

vii. receive information regarding power charging locations, if applicable;

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

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

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

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

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

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

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

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

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

iii. For a residential customer with a claim for spoilage of medication totaling any amount, the electric corporation shall only be authorized to require an itemized list and documented proof, which may constitute a picture, of loss of such medication in order to process such claim;

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

v. Upon receipt of such claims, an electric corporation shall facilitate payment to such customer as soon as possible.

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

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