

# STATE OF NEW YORK

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232

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law and the public service law, in relation to small business energy assistance and advocacy services

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

1 Section 1. The legislature hereby finds and declares that rising ener-  
2 gy costs present a significant barrier to the economic viability of New  
3 York's small businesses, a crucial sector of the state's economy. Small  
4 businesses can least afford the time and cost associated with seeking  
5 opportunities to conserve energy, utilize energy efficient products and  
6 processes and gain access to renewable sources of energy. The viability  
7 of small businesses and the overall economic and environmental status of  
8 New York state will be enhanced by the development, expansion and  
9 promotion of accessible and affordable programs to assist small busi-  
10 nesses in energy conservation, energy efficiency, and increased use of  
11 renewable resources, and by ensuring equitable treatment of small busi-  
12 nesses in the proceedings of energy-related regulatory agencies.

13 The legislature hereby establishes a small business energy assistance  
14 and advocacy services program as part of the division for small business  
15 within the New York state department of economic development to assist  
16 small businesses in accessing energy conservation, energy efficiency and  
17 renewable energy programs available through public and private sources,  
18 and to advocate for the initiation and expansion of such programs and  
19 for equitable treatment of small businesses in regulatory proceedings  
20 related to energy.

21 § 2. The economic development law is amended by adding a new section  
22 138-a to read as follows:

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

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1 § 138-a. Small business energy assistance and advocacy services  
2 program. 1. There is hereby established within the division a small  
3 business energy assistance and advocacy services program.

4 2. The small business energy assistance and advocacy services program,  
5 directly and in conjunction with other divisions of the department and  
6 with other agencies of the state, federal agencies or local governments,  
7 shall:

8 a. solicit input from small businesses and from organizations repres-  
9 enting small businesses, such as trade associations or other entities,  
10 regarding the energy assistance needs of small businesses;

11 b. with such input and the assistance of the small business advisory  
12 board and other appropriate state agencies, identify issues relating to  
13 energy availability, affordability and sustainability affecting small  
14 businesses and assist the advisory board and the division in making  
15 recommendations for legislative, regulatory and programmatic actions to  
16 address such issues;

17 c. coordinate with entities including the New York state energy  
18 research and development authority, the power authority of the state of  
19 New York and other appropriate public utility authorities established  
20 pursuant to article five of the public authorities law, the public  
21 service commission, investor-owned utilities and other appropriate enti-  
22 ties to facilitate and promote the participation of small businesses and  
23 associations representing small businesses in the development and imple-  
24 mentation of energy assistance programs;

25 d. provide guidance and recommendations to the New York state energy  
26 research and development authority, the power authority of the state of  
27 New York and other public utility authorities established pursuant to  
28 article five of the public authorities law, the public service commis-  
29 sion, investor-owned utilities and other entities regarding the develop-  
30 ment and implementation of energy assistance programs and on the impact  
31 of state energy policy on small businesses;

32 e. provide to small businesses information and materials on energy  
33 assistance programs, cooperative fuel purchasing efforts and other  
34 programs to maintain the affordability of energy, and provide access to  
35 such information and materials on the department's website; and

36 f. refer small businesses to specialists for information and assist-  
37 ance on affordable alternative technologies, process changes, products  
38 and operational methods to achieve energy savings.

39 3. The small business energy assistance and advocacy services program  
40 shall advocate before the public service commission and other state and  
41 federal regulatory agencies for the adoption of appropriate regulations  
42 providing for equitable treatment of small businesses in energy-related  
43 policies, including but not limited to extending reasonable consumer  
44 protections to small businesses in energy-related matters.

45 § 3. Section 71 of the public service law, as amended by chapter 521  
46 of the laws of 2013, is amended to read as follows:

47 § 71. Complaints as to quality and price of gas and electricity;  
48 investigation by commission; forms of complaints. Upon the complaint in  
49 writing of the mayor of a city, the trustees of a village, the town  
50 board of a town or the chief executive officer or the legislative body  
51 of a county in which a person or corporation is authorized to manufac-  
52 ture, convey, transport, sell or supply gas or electricity for heat,  
53 light or power, or upon the complaint in writing of not less than twen-  
54 ty-five customers or purchasers of such gas or electricity, or upon the  
55 complaint in writing of the department of state or the division for  
56 small business, or upon a complaint of a gas corporation or electrical

1 corporation supplying or transmitting said gas or electricity, as to the  
2 illuminating or heating power, purity or pressure or the rates, charges  
3 or classifications of service of gas, the efficiency of the electric  
4 incandescent lamp supply, the voltage of the current supplied for light,  
5 heat or power, or the rates charged or classification of service of  
6 electricity sold and delivered in such municipality, or as to the extent  
7 or duration of a disruption in gas or electricity service, the commis-  
8 sion shall investigate as to the cause for such complaint. When such  
9 complaint is made, the commission may, by its agents, examiners and  
10 inspectors, inspect the works, system, plant, devices, appliances and  
11 methods used by such person or corporation in manufacturing, transmit-  
12 ting and supplying such gas or electricity, and may examine or cause to  
13 be examined the books and papers of such person, or corporation pertain-  
14 ing to the manufacture, sale, transmitting and supplying of such gas or  
15 electricity. The form and contents of complaints made as provided in  
16 this section shall be prescribed by the commission. Such complaints  
17 shall be signed by the officers, or by the customers, purchasers or  
18 subscribers making them, who must add to their signatures their places  
19 of residence, by street and number, if any. The commission shall publish  
20 the form and instructions for completing the form on the commission's  
21 website.

22 § 4. Section 84 of the public service law, as amended by section 49 of  
23 part A of chapter 62 of the laws of 2011, is amended to read as follows:

24 § 84. Complaints as to service and price of steam heat; investigation  
25 by commission; forms of complaints. Upon the complaint in writing of the  
26 mayor of the city, the trustees of a village or the town board of a town  
27 in which a person or corporation is authorized to manufacture, sell or  
28 supply steam for heat or power, or upon the complaint in writing of not  
29 less than fifty customers or purchasers of such steam heat in cities of  
30 the first or second class, or of not less than twenty-five in cities of  
31 the third class, or of not less than ten elsewhere, or upon the  
32 complaint in writing of the department of state or the division for  
33 small business, as to the price, pressure or efficiency of steam  
34 supplied for heat or power, sold and delivered in such municipality, the  
35 commission shall investigate as to the cause for such complaint. When  
36 such complaint is made, the commission may, by its agents, examiners and  
37 inspectors, inspect the work, system, plant, devices, appliances and  
38 methods used by such person or corporation in manufacturing, transmit-  
39 ting and supplying such steam, and may examine or cause to be examined  
40 the books and papers of such person or corporation pertaining to the  
41 manufacture, sale, transmitting and supplying of such steam. The form  
42 and contents of complaints made as provided in this section shall be  
43 prescribed by the commission. Such complaint shall be signed by the  
44 officers, or by the customers, purchasers or subscribers making them,  
45 who must add to their signatures their place of residence, by street and  
46 number, if any.

47 § 5. This act shall take effect September 1, 2021. Effective imme-  
48 diately the department of economic development and the public service  
49 commission shall be authorized to take any and all actions necessary to  
50 fully implement the provisions of this act on such effective date.