

STATE OF NEW YORK

7708

IN SENATE

February 10, 2020

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to certain requirements regarding billing for electric services

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

1 Section 1. Section 66 of the public service law is amended by adding a
2 new subdivision 29 to read as follows:

3 29. Notwithstanding any other provision of law, the commission shall
4 promulgate rules and regulations regarding methods of determining demand
5 requiring each electric corporation to use a demand measuring device, of
6 a type approved by the commission, to determine the charge for an elec-
7 tric service, including the minimum charge, if such charge is in any way
8 dependent upon the demand of the customer whenever:

9 (a) the demand billed is ten kilowatts or more; or

10 (b) the total rated capacity of the customer's current usage is twelve
11 kilowatts or more; or

12 (c) the customer's consumption has exceeded one thousand kilowatt
13 hours per month in two consecutive months during the preceding ten
14 months.

15 Such requirements shall be subject to reasonable exceptions as deter-
16 mined by the commission.

17 § 2. Subdivision 14 of section 66 of the public service law, as
18 amended by chapter 696 of the laws of 1936, is amended to read as
19 follows:

20 14. The commission shall have power to require each gas corporation
21 and electric corporation to establish classifications of service based
22 upon the quantity used, the time when used, the purpose for which used,
23 the duration of use and upon any other reasonable consideration, and to
24 establish in connection therewith just and reasonable graduated rates
25 and charges; and it shall have power, either upon complaint or upon its
26 own motion, to require such changes in such classifications, rates and
27 charges as it shall determine to be just and reasonable. Neither the

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

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1 scheduled rates nor the minimum charge for residential customers shall,
2 after July first, nineteen hundred thirty-seven, be based in any manner
3 on the number of outlets, number of rooms, cubic or square foot area or
4 other such standards. Such classifications of service shall be indicated
5 on each customer's bill for electric service and shall include the
6 website address to the specific public service commission leaf.

7 § 3. Subdivision 1 of section 44 of the public service law, as added
8 by chapter 713 of the laws of 1981, is amended to read as follows:

9 1. Every utility corporation or municipality shall assure that bills
10 for service to residential and demand-metered customers adequately
11 explain the charges for service in clear and understandable form and
12 language and shall indicate the account number and/or meter number for
13 the account for which service is being charged. The commission may,
14 from time to time, specify the form and content of such bills to further
15 the objectives of this subdivision. Such bill shall at a minimum
16 include the quantity billed, the unit of measurement and the highest
17 measurement of a specific line item as measured over the preceding
18 fifty-two week period, except the quantity need not be shown for interim
19 budget billing.

20 § 4. Section 44 of the public service law is amended by adding two new
21 subdivisions 6 and 7 to read as follows:

22 6. (a) Customers that currently receive electronic data interchange
23 (EDI) by protocols approved by the commission shall be exempt from
24 receiving printed bill statements if such customer's aggregate annual
25 demand per year exceeds three MW.

26 (b) Printed bill statements shall not be a requirement for customers
27 if (i) both such customer and such utility corporation or municipality
28 are state public-benefit corporations and (ii) the statewide financial
29 system receives detailed electronic information that is compliant with
30 the requirements of such system.

31 7. At the time that service is initiated to a residential and demand-
32 metered customer, and for every bill statement thereafter, a utility
33 corporation or municipality shall provide each customer with an addi-
34 tional notice that lists the interval at which demand delivery peak is
35 calculated and shall state the following disclosure:

36 "Demand-delivery charges can account for a significant portion of
37 electricity costs and prices are subject to market volatility. Demand
38 peaks (KW) may affect your billing over multiple billing cycles."

39 § 5. The public service law is amended by adding a new section 54 to
40 read as follows:

41 § 54. Residential rental building submetering. For the purposes of
42 this section, a "residential rental building" shall be defined as a
43 building with at least five residential units where the owner does not
44 occupy all or a majority of the units within the building. The commis-
45 sion shall promulgate rules and regulations regarding submetering of a
46 residential rental building. Such rules and regulations shall include,
47 but not be limited to:

48 1. A notice of intent to submeter shall be filed with the local
49 department of social services in addition to any other requirements for
50 such notice.

51 2. If an application to convert a building to submetering is approved,
52 the applicant shall notify tenants sixty days prior to the expiration of
53 a tenant's lease or at the time of signing a new lease for a new tenant.
54 Submetering for electric service shall commence only after the tenant
55 has acknowledged such submetering for electric service will occur.

1 3. A submetered account of a tenant of record currently receiving
2 public assistance shall only be disconnected if the local department of
3 social services has confirmed in writing that they have declined to
4 provide assistance to such tenant.

5 § 6. Subdivision 3 of section 38 of the public service law, as added
6 by chapter 716 of the laws of 1985, is amended to read as follows:

7 3. Every utility corporation or municipality shall notify residential
8 customers if the utility corporation projects a shortfall at the end of
9 the level billing period. Such notice shall occur at least ninety days
10 prior to the end of the level billing period.

11 4. The commission may establish such terms and conditions for plans
12 required under this section as it deems necessary or proper.

13 § 7. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law. Effective immediately, the addition, amend-
15 ment and/or repeal of any rule or regulation necessary for the implemen-
16 tation of this act on its effective date are authorized to be made and
17 completed on or before such date.