

STATE OF NEW YORK

10642

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) --
read once and referred to the Committee on Corporations, Authorities
and Commissions

AN ACT to amend the public service law and the public authorities law,
in relation to establishing arrears resolution programs

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

1 Section 1. The public service law is amended by adding a new section
2 28 to read as follows:

3 § 28. Arrears resolution funding program. 1. The commission is hereby
4 authorized and directed to implement, as soon as practicable, a program
5 to fund arrears resolution programs established pursuant to sections
6 thirty-seven-a, eighty-nine-bb, ninety-one-b, two hundred twenty-four-d,
7 and two hundred twenty-four-e of this chapter.

8 2. Such program shall be funded with: (a) funds received by the state
9 from the American Rescue Plan Act of 2021, Pub. L. 117-2, and any other
10 federal funds made available for such purpose; and

11 (b) any state funds appropriated for such program.

12 3. The commission may adopt any rules or regulations necessary to
13 carry out the provisions of this section.

14 § 2. The public service law is amended by adding a new section 37-a to
15 read as follows:

16 § 37-a. Arrears resolution program. 1. For the purposes of this
17 section, the following terms shall have the following meanings:

18 (a) "covered period" means the period beginning February first, two
19 thousand twenty until ninety days after December thirty-first, two thou-
20 sand twenty-one;

21 (b) "COVID-19 state of emergency" means the state disaster emergency
22 declared pursuant to executive order number two hundred two of two thou-
23 sand twenty;

24 (c) "small business customer" means a business with twenty-five or
25 fewer employees that is not a (i) publicly held company, or a subsidiary
26 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
27 energy customer as defined by the commission, or (iv) customer that the

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

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1 utility corporation can demonstrate has the resources to pay its
2 arrears; and

3 (d) "utility arrears" means unpaid utility payments by a residential
4 customer, small business customer and/or ratepayer to a utility corpo-
5 ration accrued during the covered period.

6 2. The commission shall require utility corporations to establish an
7 arrears resolution program no later than ninety days after the effective
8 date of this section for residential customers and small business
9 customers to pay any utility arrears owed to such utility corporation
10 during the covered period when such a customer has experienced a change
11 in financial circumstances due to the COVID-19 state of emergency, as
12 defined by the department. The fiscal impact of such program shall not
13 be borne by customers and shall not be added to bills rendered by the
14 utility corporation to customers.

15 3. A customer's utility arrears shall be paid from funds received by
16 the utility corporation from the arrears resolution funding program
17 established pursuant to section twenty-eight of this chapter.

18 4. The commission shall require utility corporations to provide infor-
19 mation and application forms for such programs to eligible customers on
20 their websites, at their offices, and by other means, and to provide
21 information regarding the availability and eligibility standards for
22 such program to residential customers and small business customers at
23 the time of service initiation, in bill inserts, in communications with
24 customers in arrears, and by other means required or approved by the
25 commission.

26 5. The commission shall require utility corporations to file periodic
27 reports regarding the number of eligible customers participating in such
28 programs and other information deemed necessary or appropriate by the
29 commission.

30 § 3. Section 1020-f of the public authorities law is amended by adding
31 a new subdivision jj to read as follows:

32 jj. To implement, as soon as practicable, a program to fund an
33 arrears resolution program.

34 1. Such program shall be funded with (i) funds received by the state
35 from the American Rescue Plan Act of 2021, Pub. L. 117-2, and any other
36 federal funds made available for such purpose; and (ii) any state funds
37 appropriated for such program. The authority may adopt any rules or
38 regulations necessary to carry out the provisions of this subdivision.

39 2. The authority shall require service providers to establish an
40 arrears resolution program no later than ninety days after the effective
41 date of this subdivision for residential customers and small business
42 customers to pay any utility arrears owed to such service provider
43 during the covered period when such a customer has experienced a change
44 in financial circumstances, due to the COVID-19 state of emergency, as
45 defined by the authority. The fiscal impact of such program shall not
46 be borne by customers and shall not be added to bills rendered by the
47 service provider to customers.

48 3. A customer's utility arrears shall be paid from funds received by
49 the service provider from the arrears resolution funding program estab-
50 lished pursuant to this subdivision.

51 4. The authority shall require service providers to provide informa-
52 tion and application forms for such programs to eligible customers on
53 their websites, at their offices, and by other means, and to provide
54 information regarding the availability and eligibility standards for
55 such program to residential customers and small business customers at
56 the time of service initiation, in bill inserts, in communications with

1 customers in arrears, and by other means required or approved by the
2 authority.

3 5. The authority shall require service providers to file periodic
4 reports regarding the number of eligible customers participating in such
5 programs and other information deemed necessary or appropriate by the
6 authority.

7 6. For the purposes of this subdivision, the following terms shall
8 have the following meanings:

9 (i) "covered period" means the period beginning February first, two
10 thousand twenty until ninety days after December thirty first, two thou-
11 sand twenty-one;

12 (ii) "COVID-19 state of emergency" means the state disaster emergency
13 declared pursuant to executive order number two hundred two of two thou-
14 sand twenty;

15 (iii) "small business customer" means a business with twenty-five or
16 fewer employees that is not a (A) publicly held company, or a subsidiary
17 thereof, (B) seasonal, short-term, or temporary customer, (C) high ener-
18 gy customer as defined by the authority, or (D) customer that the
19 service provider can demonstrate has the resources to pay its arrears;
20 and

21 (iv) "utility arrears" means unpaid utility payments by a residential
22 customer, small business customer, and/or ratepayer to a service provid-
23 er accrued during the covered period.

24 § 4. The public service law is amended by adding a new section 89-bb
25 to read as follows:

26 § 89-bb. Arrears resolution program. 1. For the purposes of this
27 section, the following terms shall have the following meanings:

28 (a) "covered period" means the period beginning February first, two
29 thousand twenty until ninety days after December thirty-first, two thou-
30 sand twenty-one;

31 (b) "COVID-19 state of emergency" means the state disaster emergency
32 declared pursuant to executive order number two hundred two of two thou-
33 sand twenty;

34 (c) "small business customer" means a business with twenty-five or
35 fewer employees that is not a (i) publicly held company, or a subsidiary
36 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
37 energy customer as defined by the commission, or (iv) customer that the
38 water-works corporation and/or municipal water system can demonstrate
39 has the resources to pay its arrears; and

40 (d) "water arrears" means unpaid water utility payments by a residen-
41 tial customer, small business customer and/or ratepayer to a water-works
42 corporation and/or municipal water system that accrued during the
43 covered period.

44 2. The commission shall require water-works corporations and municipal
45 water systems to establish an arrears resolution program no later than
46 ninety days after the effective date of this section for residential
47 customers and small business customers to pay any water arrears owed to
48 such water-works corporation and/or municipal water system during the
49 covered period when such a customer has experienced a change in finan-
50 cial circumstances due to the COVID-19 state of emergency, as defined by
51 the department. The fiscal impact of such program shall not be borne by
52 customers and shall not be added to bills rendered by the water-works
53 corporation and/or municipal water system to customers.

54 3. A customer's water arrears shall be paid from funds received by the
55 water-works corporation or municipal water system from the arrears

1 resolution funding program established pursuant to section twenty-eight
2 of this chapter.

3 4. The commission shall require water-works corporations and municipal
4 water systems to provide information and application forms for such
5 programs to eligible customers on their websites, at their offices, and
6 by other means, and to provide information regarding the availability
7 and eligibility standards for such program to residential customers and
8 small business customers at the time of service initiation, in bill
9 inserts, in communications with customers in arrears, and by other means
10 required or approved by the commission.

11 5. The commission shall require water-works corporations and municipal
12 water systems to file periodic reports regarding the number of eligible
13 customers participating in such programs and other information deemed
14 necessary or appropriate by the commission.

15 § 5. The public service law is amended by adding a new section 91-b to
16 read as follows:

17 § 91-b. Arrears resolution program. 1. For the purposes of this
18 section, the following terms shall have the following meanings:

19 (a) "covered period" means the period beginning February first, two
20 thousand twenty until ninety days after December thirty-first, two thou-
21 sand twenty-one;

22 (b) "COVID-19 state of emergency" means the state disaster emergency
23 declared pursuant to executive order number two hundred two of two thou-
24 sand twenty;

25 (c) "small business customer" means a business with twenty-five or
26 fewer employees that is not a (i) publicly held company, or a subsidiary
27 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
28 usage customer as defined by the commission, or (iv) customer that the
29 telephone corporation can demonstrate has the resources to pay its
30 arrears; and

31 (d) "telephone arrears" means unpaid telephone payments by a residen-
32 tial and/or small business customer to a telephone corporation accrued
33 during the covered period.

34 2. The commission shall require telephone corporations to establish an
35 arrears resolution program no later than ninety days after the effective
36 date of this section for residential customers and small business
37 customers to pay any telephone arrears owed to such telephone corpo-
38 ration during the covered period when such a customer has experienced a
39 change in financial circumstances due to the COVID-19 state of emergen-
40 cy, as defined by the department. The fiscal impact of such program
41 shall not be borne by customers and shall not be added to bills rendered
42 by the telephone corporation to customers.

43 3. A customer's telephone arrears shall be paid from funds received by
44 the telephone corporation from the arrears resolution funding program
45 established pursuant to section twenty-eight of this chapter.

46 4. The commission shall require telephone corporations to provide
47 information and application forms for such programs to eligible custom-
48 ers on their websites, at their offices, and by other means, and to
49 provide information regarding the availability and eligibility standards
50 for such program to residential customers and small business customers
51 at the time of service initiation, in bill inserts, in communications
52 with customers in arrears, and by other means required or approved by
53 the commission.

54 5. The commission shall require telephone corporations to file period-
55 ic reports regarding the number of eligible customers participating in

1 such programs and other information deemed necessary or appropriate by
2 the commission.

3 § 6. The public service law is amended by adding a new section 224-d
4 to read as follows:

5 § 224-d. Broadband services arrears resolution program. 1. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

8 (a) "broadband service" means a mass-market retail service that
9 provides the capability to transmit data to and receive data from all or
10 substantially all internet endpoints, including any capabilities that
11 are incidental to and enable the operation of the communications
12 service, but shall not include dial-up service;

13 (b) "broadband service arrears" means unpaid broadband payments by a
14 residential and/or small business customer to an internet service
15 provider accrued during the covered period;

16 (c) "covered period" means the period beginning February first, two
17 thousand twenty until ninety days after December thirty-first, two thou-
18 sand twenty-one;

19 (d) "COVID-19 state of emergency" means the state disaster emergency
20 declared pursuant to executive order number two hundred two of two thou-
21 sand twenty;

22 (e) "internet service provider" means any person, business or organ-
23 ization qualified to do business in this state that provides individ-
24 uals, corporations, or other entities with the ability to connect to the
25 internet; and

26 (f) "small business customer" means a business with twenty-five or
27 fewer employees that is not a (i) publicly held company, or a subsidiary
28 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
29 usage customer as defined by the commission, or (iv) customer that the
30 internet service provider can demonstrate has the resources to pay its
31 arrears.

32 2. (a) The commission shall study broadband service arrears accrued
33 during the COVID-19 state of emergency including by area of the state
34 where customers owe such arrears, the types of services customers
35 receive and the average amount of such arrears, and any current programs
36 internet service providers offer their customers to assist with the
37 payment of such arrears.

38 (b) Within ninety days of the effective date of this section, the
39 commission shall submit a report of its findings and recommendations
40 from the study and for the creation of broadband services arrears resol-
41 ution programs, to the governor, the temporary president of the senate
42 and the speaker of the assembly.

43 3. The commission shall require internet service providers to estab-
44 lish an arrears resolution program no later than ninety days after the
45 submission of the commission's report on broadband service arrears for
46 residential customers and small business customers to pay any broadband
47 services arrears owed to such internet service provider during the
48 covered period when such a customer has experienced a change in finan-
49 cial circumstances due to the COVID-19 state of emergency, as defined by
50 the department. The fiscal impact of such program shall not be borne by
51 customers and shall not be added to bills rendered by the internet
52 service provider to customers.

53 4. A customer's broadband service arrears shall be paid from funds
54 received by the internet service provider from the arrears resolution
55 funding program established pursuant to section twenty-eight of this
56 chapter.

5. The commission shall require internet service providers to provide information and application forms for such programs to eligible customers on their websites, at their offices, and by other means, and to provide information regarding the availability and eligibility standards for such program to residential customers and small business customers at the time of service initiation, in bill inserts, in communications with customers in arrears, and by other means required or approved by the commission.

6. The commission shall require internet service providers to file periodic reports regarding the number of eligible customers participating in such programs and other information deemed necessary or appropriate by the commission.

§ 7. The public service law is amended by adding a new section 224-e to read as follows:

§ 224-e. Cable service arrears resolution program. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "cable service arrears" means unpaid cable payments by a residential and/or small business customer to a cable television company accrued during the covered period;

(b) "covered period" means the period beginning February first, two thousand twenty until ninety days after December thirty-first, two thousand twenty-one;

(c) "COVID-19 state of emergency" means the state disaster emergency declared pursuant to executive order number two hundred two of two thousand twenty; and

(d) "cable television company" shall have the same meaning as subdivision one of section two hundred twelve of this article.

2. (a) The commission shall study cable service arrears accrued during the COVID-19 state of emergency including by area of the state where customers owe such arrears, the types of services customers receive and the average amount of such arrears, and any current programs cable television companies offer their customers to assist with the payment of such arrears.

(b) Within ninety days of the effective date of this section, the commission shall submit a report of its findings and recommendations from the study and for the creation of cable service arrears resolution programs, to the governor, the temporary president of the senate and the speaker of the assembly.

3. The commission shall require cable television companies to establish an arrears resolution program no later than ninety days after the submission of the commission's report on cable service arrears for residential customers and small business customers to pay any cable services arrears owed to such cable television companies during the covered period when such a customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the commission. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the cable television companies provider to customers.

4. A customer's cable service arrears shall be paid from funds received by the cable television companies from the arrears resolution funding program established pursuant to section twenty-eight of this chapter.

5. The commission shall require cable television companies to provide information and application forms for such programs to eligible customers on their websites, at their offices, and by other means, and to provide information regarding the availability and eligibility standards

1 for such program to residential customers and small business customers
2 at the time of service initiation, in bill inserts, in communications
3 with customers in arrears, and by other means required or approved by
4 the commission.

5 6. The commission shall require cable television companies to file
6 periodic reports regarding the number of eligible customers participat-
7 ing in such programs and other information deemed necessary or appropri-
8 ate by the commission.

9 § 8. This act shall take effect immediately.