STATE OF NEW YORK

3360

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. PAULIN -- 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 providing rate payers with reimbursement following prolonged power outages

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

Section 1. The public service law is amended by adding a new section 73 to read as follows:

§ 73. Compensation to residential customers experiencing prolonged service outages. 1. Notwithstanding any other provision of law, each electric corporation or combination gas and electric corporation shall provide to residential customers of such corporation:

(a) a credit of twenty-five dollars on the balance of such customer's account for each subsequent twenty-four hour period of service outage that occurs for such customers for more than forty-eight consecutive hours after the occurrence of an emergency event. For the purposes of this section, the term "emergency event" shall mean an event where widespread outages have occurred in the service territory of the corporation due to storms, high heat events, earthquakes, wildfires or other causes; and

(b) compensation in an amount of two hundred fifty dollars, in the aggregate, for any medication and food that expires or spoils due to a service outage that lasts longer than forty-eight consecutive hours in duration after the occurrence of an emergency event.

2. Any costs incurred by an electric corporation or combination gas and electric corporation pursuant to this section shall not be recoverable from ratepayers.

3. Not later than fourteen calendar days after the occurrence of an emergency event, an electric corporation or combination gas and electric corporation may petition the commission for a waiver of the requirements

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

LBD08931-02-1

of this section. The corporation shall have the burden of demonstrating that granting the waiver is fair, reasonable and in the public interest. In determining whether to grant such waiver, the commission shall consider: (a) whether the corporation complied with their submitted emergency response plan pursuant to section sixty-six of this article; (b) whether any actions or omissions of the corporation contributed to the prolonging of the service outage; (c) the hardships endured by said corporation's customers due to the prolonged service outage; (d) the severity of the emergency event; (e) conditions on the ground during the emergency event and the subsequent restoration; (f) balancing of the equities; and (g) any other criteria the commission deems in the public interest to consider. The commission shall issue a final decision regarding the grant of the requested waiver no later than forty-five days after submission of the petition.

4. The commission shall promulgate procedures, standards, methodologies and rules necessary to implement the provisions of this section.

§ 2. Section 1020-f of the public authorities law, as added by chapter 517 of the laws of 1986, is amended by adding a new subdivision (ii) to read as follows:

(ii) Compensation to residential customers experiencing prolonged service outages. 1. Notwithstanding any other provision of law, the service provider shall provide to its residential customers:

(i) a credit of twenty-five dollars on the balance of such customer's account for each subsequent twenty-four hour period of service outage that occurs for such customers for more than forty-eight consecutive hours after the occurrence of an emergency event. For the purposes of this subdivision, the term "emergency event" shall mean an event where widespread outages have occurred in the service territory of the service provider due to storms, high heat events, earthquakes, wildfires or other causes; and

(ii) compensation in an amount of two hundred fifty dollars, in the aggregate, for any medication and food that expires or spoils due to a service outage that lasts longer than forty-eight consecutive hours in duration after the occurrence of an emergency event.

2. Any costs incurred by the service provider pursuant to this section shall not be recoverable from ratepayers.

3. Not later than fourteen calendar days after the occurrence of an emergency event, the service provider may petition the authority for a waiver of the requirements of this paragraph. The service provider shall have the burden of demonstrating that granting the waiver is fair, reasonable and in the public interest. In determining whether to grant such waiver, the authority shall, in consultation with the department of public service, consider:

(i) whether the service provider complied with their submitted emergency response plan pursuant to subdivision (cc) of this section;

(ii) whether any actions or omissions of the service provider contributed to the prolonging of the service outage;

(iii) the hardships endured by the service provider's customers due to the prolonged service outage;

(iv) the severity of the emergency event;

(v) conditions on the ground during the emergency event and the subsequent restoration;

(vi) balancing of the equities; and

(vii) any other criteria the authority deems in the public interest to consider. The authority shall issue a final decision regarding the grant

of the requested waiver no later than forty-five days after submission of the petition.

4. The authority shall adopt procedures, standards, methodologies and rules necessary to implement the provisions of this subdivision.

§ 3. Severability. If any provision of this act or the application thereof to any person, corporation or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.