STATE OF NEW YORK

4322--B

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to providing a judicial remedy to resolve complaints related to utility bills

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

Section 1. Subdivision 5 of section 66 of the public service law, as amended by chapter 134 of the laws of 1921, is amended to read as follows:

5. Examine all persons, corporations and municipalities under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. Whenever the commission shall be of opinion, after a hearing had upon its own motion or upon complaint, that the rates, charges or classifications or the acts or regulations of any such person, corporation or municipality are unjust, unreasonable, unjustly discriminatory or unduly preferential or in anywise in violation of any provision of law, the commission shall determine and prescribe in the manner provided by and subject to the provisions of section seventy-two of this [~~chapter~~] *article* the just and reasonable rates, charges and classifications thereafter to be in force for the service to be furnished notwithstanding that a higher or lower rate or charge has heretofore been prescribed by general or special statute, contract, grant, franchise condition, consent or other agreement, and the just and reasonable acts and regulations to be done and observed; and whenever the commission shall be of opinion, after a hearing had upon its own motion or upon complaint, that the

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

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property, equipment or appliances of any such person, corporation or municipality are unsafe, inefficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters. **Notwithstanding any other provision of this article to the contrary, a customer of any gas corporation, electric corporation, steam corporation or any combination thereof, or a customer of any other person, company, or corporation providing electricity, steam or gas service to customers may, prior to, or in lieu of, the commencement of an informal hearing or informal review pursuant to 16 NYCRR 12.5, or before commencing an action pursuant to article seventy-eight of the civil practice law and rules following a formal regulatory body decision, commence an action under any legal theory against any party or regulatory body, for any claims in any court of competent jurisdiction to enforce any rights provided to such customer. Any court of competent jurisdiction reviewing any such claims shall not be required to defer to a regulatory body. Such action shall only be commenced when the alleged amount of damages in controversy exceeds twenty-five thousand dollars, individually or in the aggregate.**

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.