

# STATE OF NEW YORK

5237--C

Cal. No. 713

2021-2022 Regular Sessions

## IN SENATE

February 26, 2021

Introduced by Sens. GAUGHRAN, ADDABBO -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to requiring service providers to reimburse consumers in the event of a prolonged power outage

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

1 Section 1. The public authorities law is amended by adding a new  
2 section 1020-11 to read as follows:

3 § 1020-11. Compensation to customers experiencing widespread prolonged  
4 outages. 1. Notwithstanding any other provision of law, in the event  
5 that a residential utility customer or a small business customer experi-  
6 ences a widespread prolonged outage lasting at least seventy-two consec-  
7 utive hours or more without having been resolved by the service provid-  
8 er, the service provider shall:

9 (a) Provide a credit of twenty-five dollars on the balance of such  
10 residential utility customer's account for each subsequent twenty-four  
11 hour period of service outage that occurs for such customers for more  
12 than seventy-two consecutive hours after the occurrence of such wide-  
13 spread prolonged outage.

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

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1 (b) Provide reimbursement of any food spoiled due to lack of refriger-  
2 ation. Residential utility customers shall provide the service provider  
3 an itemized list of all food spoiled or proof of loss of food spoiled  
4 within fourteen days of the outage. The service provider shall reimburse  
5 the customer within thirty days of the receipt of the itemized list or  
6 proof of loss, provided, however, that if the service provider has  
7 applied for a waiver pursuant to subdivision three of this section, such  
8 service provider shall reimburse the customer within a time period to be  
9 determined by the commission after the commission renders a decision on  
10 the waiver request. The amount of the reimbursement shall not exceed a  
11 total of two hundred thirty-five dollars for customers who provide an  
12 itemized list. The amount of the reimbursement for customers who provide  
13 proof of loss shall not exceed five hundred forty dollars.

14 (c) Provide reimbursement of prescription medication spoiled due to  
15 lack of refrigeration. Residential utility customers shall provide the  
16 service provider with an itemized list and proof of loss of prescription  
17 medication due to lack of refrigeration within fourteen days of the  
18 outage. The service provider shall reimburse the customer within thirty  
19 days of the receipt of the itemized list and proof of loss of  
20 prescription medication, provided, however, that if the service provider  
21 has applied for a waiver pursuant to subdivision three of this section,  
22 such service provider shall reimburse the customer within a time period  
23 to be determined by the commission after the commission renders a deci-  
24 sion on the waiver request. The amount of the reimbursement shall total  
25 no more than the actual loss of perishable prescription medicine.

26 (d) Provide reimbursement to small business customers for any food  
27 spoiled due to lack of refrigeration. Small business customers shall  
28 provide the service provider with an itemized list for all food spoiled  
29 and proof of loss within fourteen days of the outage. The service  
30 provider shall reimburse the small business customer within thirty days  
31 of the receipt of the itemized list and proof of loss, provided, howev-  
32 er, that if the service provider has applied for a waiver pursuant to  
33 subdivision three of this section, such service provider shall reimburse  
34 the small business customer within a time period to be determined by the  
35 commission after the commission renders a decision on the waiver  
36 request. The amount of the reimbursement shall not exceed five hundred  
37 forty dollars.

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

40 3. Not later than fourteen calendar days after the occurrence of a  
41 widespread prolonged outage, a service provider may petition the commis-  
42 sion for a waiver of the requirements of this section. The service  
43 provider shall have the burden of demonstrating that granting the waiver  
44 is fair, reasonable and in the public interest. In determining whether  
45 to grant such waiver, the commission shall consider: (a) whether the  
46 service provider complied with their submitted emergency response plan  
47 pursuant to the provisions of subdivision (cc) of section one thousand  
48 twenty-f of the public authorities law, (b) whether any actions or omis-  
49 sions of the service provider contributed to the prolonging of the wide-  
50 spread prolonged outage; (c) the hardships endured by such service  
51 provider's customers due to the widespread prolonged outage; (d) the  
52 severity of the widespread prolonged outage; (e) conditions on the  
53 ground during the widespread prolonged outage and the subsequent resto-  
54 ration; (f) balancing of the equities; and (g) any other criteria the  
55 commission deems in the public interest to consider. The commission

1 shall issue a final decision regarding the grant of the requested waiver  
2 no later than forty-five days after submission of the petition.  
3 4. The commission shall promulgate procedures, standards, methodol-  
4 ogies and rules necessary to implement the provisions of this section.  
5 Such rules shall define the terms "widespread prolonged outage", "small  
6 business customer" and "proof of loss".  
7 § 2. This act shall take effect on the one hundred twentieth day after  
8 it shall have become a law.