STATE OF NEW YORK

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2021-2022 Regular Sessions

IN SENATE

April 20, 2021

Introduced by Sens. PARKER, HOYLMAN -- 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 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

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

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

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

(b) any state funds appropriated for such program.

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

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

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

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

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

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

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

(d) "utility arrears" means unpaid utility payments by a residential customer, small business customer and/or ratepayer to a utility corporation accrued during the covered period.

2. The commission shall require utility corporations to establish an arrears resolution program no later than ninety days after the effective date of this section for residential customers and small business customers to pay any utility arrears owed to such utility corporation 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 department. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the utility corporation to customers.

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

4. The commission shall require utility corporations 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.

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

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

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

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

2. The authority shall require service providers to establish an arrears resolution program no later than ninety days after the effective date of this subdivision for residential customers and small business customers to pay any utility arrears owed to such service provider 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 authority. The fiscal impact of such program shall not

be borne by customers and shall not be added to bills rendered by the service provider to customers.

3. A customer's utility arrears shall be paid from funds received by the service provider from the arrears resolution funding program established pursuant to this subdivision.

4. The authority shall require 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 authority.

5. The authority shall require 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 authority.

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

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

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

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

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

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

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

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

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

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

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

2. The commission shall require water-works corporations and municipal water systems to establish an arrears resolution program no later than

ninety days after the effective date of this section for residential customers and small business customers to pay any water arrears owed to such water-works corporation and/or municipal water system 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 department. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the water-works corporation and/or municipal water system to customers.

3. A customer's water arrears shall be paid from funds received by the water-works corporation or municipal water system from the arrears resolution funding program established pursuant to section twenty-eight of this chapter.

4. The commission shall require water-works corporations and municipal water systems 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.

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

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

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

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

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

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

(d) "telephone arrears" means unpaid telephone payments by a residential and/or small business customer to a telephone corporation accrued during the covered period.

2. The commission shall require telephone corporations to establish an arrears resolution program no later than ninety days after the effective date of this section for residential customers and small business customers to pay any telephone arrears owed to such telephone corporation 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 department. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the telephone corporation to customers.

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

4. The commission shall require telephone corporations 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.

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

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

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

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

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

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

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

(e) "internet service provider" means any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet; and

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

2. (a) The commission shall study broadband 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 internet service providers 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 broadband services arrears resolution programs, to the governor, the temporary president of the senate and the speaker of the assembly.

3. The commission shall require internet service providers to establish an arrears resolution program no later than ninety days after the submission of the commission's report on broadband service arrears for residential customers and small business customers to pay any broadband

services arrears owed to such internet service provider 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 department. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the internet service provider to customers.

4. A customer's broadband service arrears shall be paid from funds received by the internet service provider from the arrears resolution funding program established pursuant to section twenty-eight of this 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 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 cable television companies to file periodic reports regarding the number of eligible customers participating in such programs and other information deemed necessary or appropriate by the commission.

§ 8. This act shall take effect immediately.