

# STATE OF NEW YORK

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6428--C

2021-2022 Regular Sessions

## IN ASSEMBLY

March 17, 2021

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Introduced by M. of A. THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

14 (b) Provide reimbursement of any food spoiled due to lack of refriger-  
15 ation. Residential utility customers shall provide the service provider  
16 an itemized list of all food spoiled or proof of loss of food spoiled  
17 within fourteen days of the outage. The service provider shall reimburse

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

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1 the customer within thirty days of the receipt of the itemized list or  
2 proof of loss, provided, however, that if the service provider has  
3 applied for a waiver pursuant to subdivision three of this section, such  
4 service provider shall reimburse the customer within a time period to be  
5 determined by the commission after the commission renders a decision on  
6 the waiver request. The amount of the reimbursement shall not exceed a  
7 total of two hundred thirty-five dollars for customers who provide an  
8 itemized list. The amount of the reimbursement for customers who provide  
9 proof of loss shall not exceed five hundred forty dollars.

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

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

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

36 3. Not later than fourteen calendar days after the occurrence of a  
37 widespread prolonged outage, a service provider may petition the commis-  
38 sion for a waiver of the requirements of this section. The service  
39 provider shall have the burden of demonstrating that granting the waiver  
40 is fair, reasonable and in the public interest. In determining whether  
41 to grant such waiver, the commission shall consider: (a) whether the  
42 service provider complied with their submitted emergency response plan  
43 pursuant to the provisions of subdivision (cc) of section one thousand  
44 twenty-f of the public authorities law, (b) whether any actions or omis-  
45 sions of the service provider contributed to the prolonging of the wide-  
46 spread prolonged outage; (c) the hardships endured by such service  
47 provider's customers due to the widespread prolonged outage; (d) the  
48 severity of the widespread prolonged outage; (e) conditions on the  
49 ground during the widespread prolonged outage and the subsequent resto-  
50 ration; (f) balancing of the equities; and (g) any other criteria the  
51 commission deems in the public interest to consider. The commission  
52 shall issue a final decision regarding the grant of the requested waiver  
53 no later than forty-five days after submission of the petition.

54 4. The commission shall promulgate procedures, standards, methodol-  
55 ogies and rules necessary to implement the provisions of this section.

1 Such rules shall define the terms "widespread prolonged outage", "small  
2 business customer" and "proof of loss".  
3 § 2. This act shall take effect on the one hundred twentieth day after  
4 it shall have become a law.