STATE OF NEW YORK

7256

2021-2022 Regular Sessions

IN ASSEMBLY

April 29, 2021

Introduced by M. of A. J. D. RIVERA -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to certain requirements regarding billing for electric services

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

Section 1. Section 66 of the public service law is amended by adding a new subdivision 29 to read as follows:

29. Notwithstanding any other provision of law, the commission shall promulgate rules and regulations regarding methods of determining demand requiring each electric corporation to use a demand measuring device, of a type approved by the commission, to determine the charge for an electric service, including the minimum charge, if such charge is in any way dependent upon the demand of the customer whenever:

(a) the demand billed is ten kilowatts or more; or

(b) the total rated capacity of the customer's current usage is twelve kilowatts or more; or

(c) the customer's consumption has exceeded one thousand kilowatt hours per month in two consecutive months during the preceding ten months.

Such requirements shall be subject to reasonable exceptions as determined by the commission.

§ 2. Subdivision 14 of section 66 of the public service law, as amended by chapter 696 of the laws of 1936, is amended to read as follows:

14. The commission shall have power to require each gas corporation and electric corporation to establish classifications of service based upon the quantity used, the time when used, the purpose for which used, the duration of use and upon any other reasonable consideration, and to establish in connection therewith just and reasonable graduated rates and charges; and it shall have power, either upon complaint or upon its

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

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own motion, to require such changes in such classifications, rates and charges as it shall determine to be just and reasonable. Neither the scheduled rates nor the minimum charge for residential customers shall, after July first, nineteen hundred thirty-seven, be based in any manner on the number of outlets, number of rooms, cubic or square foot area or other such standards. **Such classifications of service shall be indicated on each customer's bill for electric service and shall include the website address to the specific public service commission leaf.**

§ 3. Subdivision 1 of section 44 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

1. Every utility corporation or municipality shall assure that bills for service to residential **and demand-metered** customers adequately explain the charges for service in clear and understandable form and language **and shall indicate the account number and/or meter number for the account for which service is being charged**. The commission may, from time to time, specify the form and content of such bills to further the objectives of this subdivision. **Such bill shall at a minimum include the quantity billed, the unit of measurement and the highest measurement of a specific line item as measured over the preceding fifty-two week period, except the quantity need not be shown for interim budget billing.**

§ 4. Section 44 of the public service law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. (a) Customers that currently receive electronic data interchange (EDI) by protocols approved by the commission shall be exempt from receiving printed bill statements if such customer's aggregate annual demand per year exceeds three MW.

(b) Printed bill statements shall not be a requirement for customers if (i) both such customer and such utility corporation or municipality are state public-benefit corporations and (ii) the statewide financial system receives detailed electronic information that is compliant with the requirements of such system.

7. At the time that service is initiated to a residential and demand-metered customer, and for every bill statement thereafter, a utility corporation or municipality shall provide each customer with an additional notice that lists the interval at which demand delivery peak is calculated and shall state the following disclosure:

"Demand-delivery charges can account for a significant portion of electricity costs and prices are subject to market volatility. Demand peaks (KW) may affect your billing over multiple billing cycles."

§ 5. The public service law is amended by adding a new section 52-a to read as follows:

§ 52-a. Residential rental building submetering. For the purposes of this section, a "residential rental building" shall be defined as a building with at least five residential units where the owner does not occupy all or a majority of the units within the building. The commission shall promulgate rules and regulations regarding submetering of a residential rental building. Such rules and regulations shall include, but not be limited to:

1. A notice of intent to submeter shall be filed with the local department of social services in addition to any other requirements for such notice.

2. If an application to convert a building to submetering is approved, the applicant shall notify tenants sixty days prior to the expiration of a tenant's leave or at the time of signing a new lease for a new tenant.

Submetering for electric service shall commence only after the tenant has acknowledged such submetering for electric service will occur.

3. A submetered account of a tenant of record currently receiving public assistance shall only be disconnected if the local department of social services has confirmed in writing that they have declined to provide assistance to such tenant.

§ 6. Subdivision 3 of section 38 of the public service law, as added by chapter 716 of the laws of 1985, is amended to read as follows:

3. **Every utility corporation or municipality shall notify residential customers if the utility corporation projects a shortfall at the end of the level billing period. Such notice shall occur at least ninety days prior to the end of the level billing period.**

4. The commission may establish such terms and conditions for plans required under this section as it deems necessary or proper.

§ 7. This act shall take effect on the one hundred eightieth 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 date.