STATE OF NEW YORK

8891

IN ASSEMBLY

January 19, 2022

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

AN ACT to amend the public service law and the transportation corporations law, in relation to the provision of electric service upon application and to requiring electric providers to submit annual reports regarding proposals to meet emission-free electricity generation

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

Section 1. Section 30 of the public service law, as amended by chapter 686 of the laws of 2002, is amended to read as follows:

§ 30. Residential [~~gas,~~] electric and steam service policy. This article shall apply to the provision of all or any part of the [~~gas,~~] electric or steam service provided to any residential customer by any [~~gas,~~] electric or steam and municipalities corporation or municipality. It is hereby declared to be the policy of this state that the continued provision of all or any part of such [~~gas,~~] electric and steam service to all residential customers without unreasonable qualifications or lengthy delays is necessary for the preservation of the health and general welfare and is in the public interest.

§ 2. Subdivisions 1, 4 and 6 of section 31 of the public service law, subdivisions 1 and 4 as added by chapter 713 of the laws of 1981 and subdivision 6 as added by chapter 686 of the laws of 2002, are amended to read as follows:

1. Every [~~gas corporation,~~] electric corporation or municipality shall provide residential service upon the oral or written request of an applicant, provided that the commission may require that requests for service be in writing under circumstances as it deems necessary and proper as set forth by regulation, and provided further that the applicant:

(a) makes full payment for residential utility service provided to a prior account in his name; or

(b) agrees to make payments under a deferred payment plan of any amounts due for service to a prior account in his name and makes a down

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

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payment based on criteria to be established by the commission. No such down payment shall exceed one-half of any money due from an applicant for residential utility service, or three months average billing, whichever is less; or

(c) is a recipient of public assistance, supplemental security income or additional state payments pursuant to the social services law, or is an applicant for such assistance, income or payments, and the utility corporation or the municipality receives payment from, or is notified of the applicant's eligibility for utility payments by the social services official of the social services district in which such person resides for amounts due for service to a prior account in the applicant's name, together with guarantee of future payments to the extent authorized by the social services law.

4. In the case of any application for service to a building which is not supplied with electricity [~~or gas~~], a utility corporation or municipality shall be obligated to provide service to such a building, provided however, that the commission may require applicants for service to buildings located in excess of one hundred feet from [~~gas or~~] electric transmission lines to pay or agree in writing to pay material and installation costs relating to the applicant's proportion of the [~~pipe,~~] conduit, duct or wire, or other facilities to be installed.

6. In the event the service sought in applications submitted pursuant to this section is comprised of the provision of [~~gas or~~] electricity commodity only, nothing in this section shall require the provision of such service to any and all such applicants; provided, however, that nothing in this subdivision shall prevent or preclude the commission or a court from ordering the provision of such service to all such applicants if such order is authorized pursuant to or required to implement a provision of law other than this article.

§ 3. The public service law is amended by adding a new section 111-b to read as follows:

§ 111-b. Additional information in annual reports; proposal to meet emission-free electricity generation. Any gas corporation, electric corporation, or water-works corporation or service provider which generates or delivers energy for the purpose of providing electricity shall prepare and file with the department, on or before October thirty-first of each year, a report on how it will meet the requirements of subdivision two of section sixty-six-p of this chapter and allow its customers to meet the requirements of subdivision one of section 75-0107 of the environmental conservation law. Such proposal shall include:

a. A plan for how the corporation or provider will transition to emission-free electricity generation by the year two thousand forty in accordance with subdivision two of section sixty-six-p of this chapter;

b. A plan for how its actions will allow its customers and the state to meet the requirements of subdivision one of section 75-0107 of the environmental conservation law; and

c. Annual updates on their progress to completing the plan created pursuant to subdivision a of this section. If the corporation or provider is not on target to meet the plan created pursuant to subdivision a of this section, such annual update shall include an analysis of why the corporation or provider is not on target, a description of any needs the corporation or provider may have to meet their targets, and an updated plan to ensure compliance with subdivision two of section sixty-six-p of this chapter.

§ 4. Section 12 of the transportation corporations law, as separately amended by chapters 713 and 895 of the laws of 1981, is amended to read as follows:

§ 12. [~~Gas and electricity~~] **Electricity** must be supplied on application. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any [~~main of a gas corporation or gas and electric corporation, or a~~] line of an electric corporation or gas and electric corporation, appropriate to the service requested, and payment by him of all money due from him to the corporation, it shall supply [~~gas or~~] electricity as may be required for lighting such building, notwithstanding there be rent or compensation in arrears for [~~gas or~~] electricity supplied, or for meter[~~,~~] **or** wire[~~, pipe or fittings~~] furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate him from the payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum as provided in the next section, if required, the corporation shall refuse or neglect to supply [~~gas or~~] electric light as required, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service [~~pipes or~~] wires for the purpose of supplying [~~gas or~~] electric light to any applicant where the ground in which such [~~pipe or~~] wire is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the cost of his proportion of the [~~pipe,~~] conduit, duct or wire required to be installed, and the expense of the installation of such portion.

§ 5. This act shall take effect immediately.