

# 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:

1 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:

2 § 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.

3 § 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:

4 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:

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

6 (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.

LBD14164-01-1

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

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

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

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

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

32 § 111-b. Additional information in annual reports; proposal to meet  
33 emission-free electricity generation. Any gas corporation, electric  
34 corporation, or water-works corporation or service provider which gener-  
35 ates or delivers energy for the purpose of providing electricity shall  
36 prepare and file with the department, on or before October thirty-first  
37 of each year, a report on how it will meet the requirements of subdivi-  
38 sion two of section sixty-six-p of this chapter and allow its customers  
39 to meet the requirements of subdivision one of section 75-0107 of the  
40 environmental conservation law. Such proposal shall include:

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

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

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

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

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

32     § 5. This act shall take effect immediately.