

STATE OF NEW YORK

9402

IN ASSEMBLY

March 1, 2022

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to complaint procedures and retaining billing records for a certain period of time

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

1 Section 1. Subdivisions 2 and 3 of section 43 of the public service
2 law, subdivision 2 as added by chapter 713 of the laws of 1981 and
3 subdivision 3 as added by chapter 686 of the laws of 2002, are amended
4 and a new subdivision 4 is added to read as follows:

5 2. The commission shall maintain regulations for complaint handling
6 procedures including complaints with respect to the negotiation of a
7 deferred payment agreement which shall include, at a minimum: (a)
8 provision for investigation and informal review and for appeal to the
9 commission in its discretion; (b) that the burden of proof in all
10 proceedings shall be on the utility corporation or municipality, except
11 as otherwise provided by the commission for good cause; and (c)
12 provision for parties to receive a written determination of any
13 complaint, [~~upon request,~~] in plain and simple English, which determi-
14 nation shall set forth the relevant facts established, the reasons for
15 the determination, what actions must be taken and what further proce-
16 dures are available to a complainant.

17 3. The commission shall [~~use its best efforts to~~] complete its inves-
18 tigation and review and to issue, within ninety days, its final written
19 determination of any appeal to it pursuant to this section.

20 4. Each utility corporation subject to this article shall retain bill-
21 ing records for a period of eight years for all customers.

22 § 2. Section 89-i of the public service law, as amended by section 50
23 of part A of chapter 62 of the laws of 2011, is amended to read as
24 follows:

25 § 89-i. Complaints as to price of water; investigation by commission;
26 forms of complaints. 1. Upon the complaint in writing of the mayor of a
27 city, the trustees of a village or the town board of a town in which a
28 person or corporation is authorized to supply or distribute water for

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

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1 domestic, commercial or public uses, or upon the complaint in writing of
2 not less than twenty-five customers or purchasers of such water in such
3 municipality or upon complaint of a water-works corporation supplying
4 such water, as to the rates, charges or classifications of service for
5 water sold and delivered in such municipality, or upon the complaint in
6 writing of the department of state, or as to the methods employed in
7 furnishing such service, the commission shall investigate as to the
8 cause of such complaint. When such complaint is made, the commission
9 may, by its agents, examiners and inspectors, inspect the works, system,
10 plant, devices, appliances and methods used by such water-works corpo-
11 ration in supplying and distributing such water, and may examine or
12 cause to be examined the books and papers of such water-works corpo-
13 ration pertaining to the supplying and distributing of such water. The
14 form and contents of complaints made as provided in this section shall
15 be prescribed by the commission. Such complaints shall be signed by the
16 officers, or by the customers, purchasers or subscribers making them,
17 who must add to their signatures their places of residence, by street
18 and number, if any.

19 2. The commission shall complete its investigation and review and
20 issue, within ninety days, to the complainant, its final written deter-
21 mination of any appeal pursuant to this section. Such written determi-
22 nation shall include the relevant facts established, the reasons for the
23 determination, what actions must be taken and what further procedures
24 are available to a complainant.

25 3. Each utility corporation subject to this article shall retain bill-
26 ing records for a period of eight years for all customers.

27 § 3. Section 71 of the public service law, as amended by chapter 521
28 of the laws of 2013, is amended to read as follows:

29 § 71. Complaints as to quality and price of gas and electricity;
30 investigation by commission; forms of complaints. 1. Upon the complaint
31 in writing of the mayor of a city, the trustees of a village, the town
32 board of a town or the chief executive officer or the legislative body
33 of a county in which a person or corporation is authorized to manufac-
34 ture, convey, transport, sell or supply gas or electricity for heat,
35 light or power, or upon the complaint in writing of not less than twen-
36 ty-five customers or purchasers of such gas or electricity, or upon the
37 complaint in writing of the department of state, or upon a complaint of
38 a gas corporation or electrical corporation supplying or transmitting
39 said gas or electricity, as to the illuminating or heating power, purity
40 or pressure or the rates, charges or classifications of service of gas,
41 the efficiency of the electric incandescent lamp supply, the voltage of
42 the current supplied for light, heat or power, or the rates charged or
43 classification of service of electricity sold and delivered in such
44 municipality, or as to the extent or duration of a disruption in gas or
45 electricity service, the commission shall investigate as to the cause
46 for such complaint. When such complaint is made, the commission may, by
47 its agents, examiners and inspectors, inspect the works, system, plant,
48 devices, appliances and methods used by such person or corporation in
49 manufacturing, transmitting and supplying such gas or electricity, and
50 may examine or cause to be examined the books and papers of such person,
51 or corporation pertaining to the manufacture, sale, transmitting and
52 supplying of such gas or electricity. The form and contents of
53 complaints made as provided in this section shall be prescribed by the
54 commission. Such complaints shall be signed by the officers, or by the
55 customers, purchasers or subscribers making them, who must add to their
56 signatures their places of residence, by street and number, if any. The

1 commission shall publish the form and instructions for completing the
2 form on the commission's website.

3 2. The commission shall complete its investigation and review and
4 issue, within ninety days, to the complainant, its final written deter-
5 mination of any appeal pursuant to this section. Such written determi-
6 nation shall include the relevant facts established, the reasons for the
7 determination, what actions must be taken and what further procedures
8 are available to a complainant.

9 3. Each utility corporation subject to this article shall retain bill-
10 ing records for a period of eight years for all customers.

11 § 4. Section 84 of the public service law, as amended by section 49 of
12 part A of chapter 62 of the laws of 2011, is amended to read as follows:

13 § 84. Complaints as to service and price of steam heat; investigation
14 by commission; forms of complaints. 1. Upon the complaint in writing of
15 the mayor of the city, the trustees of a village or the town board of a
16 town in which a person or corporation is authorized to manufacture, sell
17 or supply steam for heat or power, or upon the complaint in writing of
18 not less than fifty customers or purchasers of such steam heat in cities
19 of the first or second class, or of not less than twenty-five in cities
20 of the third class, or of not less than ten elsewhere, or upon the
21 complaint in writing of the department of state, as to the price, pres-
22 sure or efficiency of steam supplied for heat or power, sold and deliv-
23 ered in such municipality, the commission shall investigate as to the
24 cause for such complaint. When such complaint is made, the commission
25 may, by its agents, examiners and inspectors, inspect the work, system,
26 plant, devices, appliances and methods used by such person or corpo-
27 ration in manufacturing, transmitting and supplying such steam, and may
28 examine or cause to be examined the books and papers of such person or
29 corporation pertaining to the manufacture, sale, transmitting and
30 supplying of such steam. The form and contents of complaints made as
31 provided in this section shall be prescribed by the commission. Such
32 complaint shall be signed by the officers, or by the customers, purchas-
33 ers or subscribers making them, who must add to their signatures their
34 place of residence, by street and number, if any.

35 2. The commission shall complete its investigation and review and
36 issue, within ninety days, to the complainant, its final written deter-
37 mination of any appeal pursuant to this section. Such written determi-
38 nation shall include the relevant facts established, the reasons for the
39 determination, what actions must be taken and what further procedures
40 are available to a complainant.

41 3. Each utility corporation subject to this article shall retain bill-
42 ing records for a period of eight years for all customers.

43 § 5. This act shall take effect on the thirtieth day after it shall
44 have become a law.