

# STATE OF NEW YORK

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4178

2021-2022 Regular Sessions

## IN SENATE

February 2, 2021

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Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to establishing the electric customer bill of rights during a service disruption

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

- 1 Section 1. 1. Definitions. For purposes of this section:
- 2 a. "customer with life-saving equipment" shall have the same meaning
- 3 as a person living in a residence that uses a life support system as
- 4 defined in subdivision 12 of section 65 of the public service law;
- 5 b. "electric service disruption" shall mean a storm, storm-like emer-
- 6 gency or system emergency that causes or is projected to cause one or
- 7 more customers in a county or service area of an electric corporation to
- 8 lose electric service for twelve hours or more; and
- 9 c. "special needs customer" shall mean electric corporation customers
- 10 including but not limited to the elderly, the vision-impaired, the hear-
- 11 ing and speech-impaired, and the mobility impaired, and human service
- 12 agencies representing such customers.
- 13 2. The public service commission shall commence a rulemaking proceed-
- 14 ing to set minimum requirements regarding the rights of customers that
- 15 electric corporations shall adhere to at times preceding and for the
- 16 duration of an electric service disruption. Upon adoption by the commis-
- 17 sion, each electric corporation shall incorporate the established mini-
- 18 mum requirements into its emergency response plan pursuant to subdivi-
- 19 sion 21 of section 66 of the public service law and shall inform its
- 20 customers of such information via posts on its website, e-mail and bill
- 21 inserts. Such rulemaking proceeding shall set minimum requirements
- 22 regarding:
- 23 a. electric corporations providing a refund or discount to customers
- 24 for the basic service charge, fixed charge, or minimum customer charge

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

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1 for electric service on a pro-rata basis, based on the duration of elec-  
2 tric service disruption to the customer;

3 b. for customers with life-saving equipment and special needs custom-  
4 ers, electric corporations delivering, and refueling or recharging back-  
5 up generators capable of powering life-saving equipment to such custom-  
6 ers, or providing temporary lodging accommodations at a location capable  
7 of powering life-saving equipment, including but not limited to compen-  
8 sation for hotel rooms or hospital admissions, based on the duration of  
9 electric service disruption to the customer;

10 c. the establishment of a plan by electric corporations to prioritize  
11 electric service restoration to customers with life-saving equipment and  
12 special needs customers;

13 d. electric corporations providing customers who work from home,  
14 compensation for lost income or revenue based on the duration of elec-  
15 tric service disruption to the customer;

16 e. the establishment, modification or replacement of an electric  
17 corporation tariff that adopts the provisions of subdivision 5 of  
18 section 65-c of the public service law regarding reimbursement for spoi-  
19 lage of food and medication. Such tariff shall establish requirements  
20 regarding communications to customers on the claims process for spoiled  
21 food and medication at times preceding and for the duration of an elec-  
22 tric service disruption, so that customers are aware of how to document  
23 their losses; and

24 f. the establishment of a plan by electric corporations to identify  
25 locations for dry ice distribution and co-located power charging  
26 stations in the event a storm, storm-like emergency or system emergency  
27 that causes or is projected to cause five thousand or more customers in  
28 a county or service area of an electric corporation to lose electric  
29 service for twelve hours or more. In cooperation with relevant entities,  
30 such plan shall identify public and private locations and provide for  
31 backup locations. Such plan shall provide that, in a city with a popu-  
32 lation of one million or more residents, all customers affected by an  
33 outage shall be within one-quarter of a mile from a dry ice and power  
34 charging location.

35 § 2. The public service law is amended by adding a new section 65-c to  
36 read as follows:

37 § 65-c. Electric customer bill of rights during a service disruption.  
38 1. Definitions. For purposes of this section:

39 (a) "customer with life-saving equipment" shall have the same meaning  
40 as a person living in a residence that uses a life support system as  
41 defined in subdivision twelve of section sixty-five of this article;

42 (b) "electric service disruption" shall mean a storm, storm-like emer-  
43 gency or system emergency that causes or is projected to cause one or  
44 more customers in a county or service area of an electric corporation to  
45 lose electric service for twelve hours or more; and

46 (c) "special needs customer" shall mean electric corporation customers  
47 including but not limited to the elderly, the vision-impaired, the hear-  
48 ing and speech-impaired, and the mobility impaired, and human service  
49 agencies representing such customers.

50 2. Customer communication. (a) To the extent practicable based on  
51 weather projections, storm classification and pre-disruption information  
52 regarding the extent of the outage, an electric corporation prior to an  
53 electric service disruption shall communicate with customers via posts  
54 on such corporation's website, e-mail, automated phone call, and if  
55 indicated by the customer, text message; and communicate with news  
56 media, social media sites, and local elected officials. An electric

1 corporation shall have the capability of conveying such communication in  
2 at least one language other than English. Such communication shall  
3 include but not be limited to:

4 i. information regarding the severity of a storm, storm-like electric  
5 emergency or system emergency;

6 ii. outage safety precautions, including but not limited to: storm  
7 survival without electric power, safety precautions regarding electrical  
8 hazards such as downed wires and the use of portable generators;

9 iii. instructions on how to report an outage;

10 iv. instructions on how to receive or obtain information regarding an  
11 estimated time of restoration in the event there is an outage;

12 v. planned dry ice distribution and power charging locations pursuant  
13 to subdivision four of this section;

14 vi. planned cooling locations if necessary;

15 vii. the claims process for spoiled food and medication pursuant to  
16 subdivision five of this section, so that customers are aware of how to  
17 document their losses;

18 viii. potential information adopted pursuant to a rulemaking proceed-  
19 ing commenced by the commission regarding: a pro-rata discount on the  
20 basic service charge, backup generators or temporary lodging accommo-  
21 datations and compensation for customers with life-saving equipment and  
22 special needs customers, and compensation for lost income or revenue for  
23 customers that work from home; and

24 ix. information for customers with life-saving equipment and special  
25 needs customers including but not limited to: the unique priority phone  
26 number for such customers established pursuant to paragraph (a) of  
27 subdivision three of this section, the potential use of backup equipment  
28 needed to power life-saving equipment, and the potential facilitation of  
29 transportation to the nearest hospital or facility that is capable of  
30 powering life-saving equipment.

31 (b) For the duration of an electric service disruption, such electric  
32 corporation shall communicate with customers via posts on such corpo-  
33 ration's website, e-mail, automated phone call, and if indicated by the  
34 customer, text message; and communicate with news media, social media  
35 sites, and local elected officials. An electric corporation shall have  
36 the capability of conveying such communication in at least one language  
37 other than English. Such communication shall include but not be limited  
38 to:

39 i. information regarding the ongoing severity of a storm, storm-like  
40 electric emergency or system emergency;

41 ii. outage safety precautions, including but not limited to: storm  
42 survival without electric power, safety precautions regarding electrical  
43 hazards such as downed wires and the use of portable generators;

44 iii. instructions on how to report an outage;

45 iv. updated information regarding the estimated time of restoration,  
46 including website links to outage maps updated every thirty minutes;

47 v. notification to customers with life-saving equipment, special needs  
48 customers and customers who reported an outage when power has been  
49 restored to their area for verification purposes;

50 vi. instructions on how to receive or obtain information regarding an  
51 estimated time of restoration;

52 vii. dry ice distribution and power charging locations pursuant to  
53 subdivision four of this section;

54 viii. cooling locations, if necessary;

ix. the claims process for spoiled food and medication pursuant to subdivision five of this section so that customers are aware of how to document their losses;

x. potential information adopted pursuant to a rulemaking proceeding commenced by the commission regarding: a pro-rata discount on the basic service charge, backup generators or temporary lodging accommodations and compensation for customers with life-saving equipment and special needs customers, and compensation for lost income or revenue for customers that work from home; and

xi. information for customers with life-saving equipment and special needs customers including but not limited to: the unique priority phone number for such customers established pursuant to paragraph (a) of subdivision three of this section, the potential use of backup equipment needed to power life-saving equipment, and the facilitation of transportation to the nearest hospital or facility that is capable of powering life-saving equipment.

3. Customers with life-saving equipment and special needs customers. (a) Electric corporations shall establish a unique priority phone number that shall remain in operation every day of the year for customers with life-saving equipment and special needs customers.

(b) Information regarding such phone number shall be provided in bill inserts, via e-mail, and posted on electric corporations' websites and shall include reminders for existing customers with life-saving equipment and special needs customers to call such number to ensure they are still registered with the electric corporation as a customer with life-saving equipment or a special needs customer.

(c) Customers with life-saving equipment and special needs customers shall be able to call such number established by paragraph (a) of this subdivision at any time, including a time preceding or during an electric service disruption to:

i. register with an electric corporation so as to be placed on its current list of customers who use life support systems pursuant to subdivision twelve of section sixty-five of this article;

ii. receive information or projections regarding the severity of a storm, storm-like electric emergency or system emergency, if applicable;

iii. report an outage or receive instructions on how to report an outage;

iv. receive updated information regarding the estimated time of restoration, including website links to outage maps updated every thirty minutes, if applicable;

v. receive outage safety precautions, including but not limited to: storm survival without electric power, safety precautions regarding electrical hazards such as downed wires and the use of portable generators;

vi. receive information regarding dry ice distribution and power charging locations pursuant to subdivision four of this section, if applicable;

vii. receive information regarding power charging locations, if applicable;

viii. receive information regarding cooling locations, if necessary and applicable;

ix. receive information regarding the claims process for spoiled food and medication pursuant to subdivision five of this section, if applicable, so that customers are aware of how to document their losses;

x. receive potential information adopted pursuant to a rulemaking proceeding commenced by the commission regarding: a pro-rata discount on

1 the basic service charge, backup generators or temporary lodging accom-  
2 modations and compensation for customers with life-saving equipment and  
3 special needs customers, and compensation for lost income or revenue for  
4 customers that work from home, if applicable; and

5 xi. receive information regarding the facilitation of transportation  
6 to the nearest hospital or facility that is capable of powering life-  
7 saving equipment, if applicable.

8 4. Dry ice distribution and power charging stations. (a) In the event  
9 a storm, storm-like emergency or system emergency that causes or is  
10 projected to cause five thousand or more customers in a county or  
11 service area of an electric corporation to lose electric service for  
12 twelve hours or more, an electric corporation shall commence the  
13 distribution of dry ice and deployment of co-located power charging  
14 stations to customers no later than twelve hours following the start of  
15 power restoration operations undertaken by such electric corporation.  
16 Such distribution shall be pursuant to a rulemaking proceeding commenced  
17 by the commission regarding locations for dry ice distribution and power  
18 charging locations, if such proceeding has been completed.

19 (b) Prior to a storm, storm-like emergency or system emergency that  
20 causes or is projected to cause five thousand or more customers in a  
21 county or service area of an electric corporation to lose electric  
22 service for twelve hours or more, to the extent practicable based on  
23 weather projections, storm classification, and pre-disruption informa-  
24 tion regarding the extent of the outage, an electric corporation shall  
25 begin the procurement process for dry ice for purposes of distribution  
26 to customers during such disruption.

27 5. Reimbursement for spoilage of food and medication. (a) An electric  
28 corporation shall reimburse customers for spoilage of food and medica-  
29 tion due to lack of refrigeration that is attributable to a loss of  
30 electric service because of a storm, storm-like electric emergency or  
31 system emergency when such service disruption lasts for a period in  
32 excess of twelve hours or when the same customer is subjected to two or  
33 more such service disruptions aggregating twelve hours or more within a  
34 twenty-four hour period, pursuant to the following:

35 i. For a residential customer with a claim for spoilage of food total-  
36 ing two hundred twenty-five dollars or less, the electric corporation  
37 shall only be authorized to require an itemized list of such food in  
38 order to process such claim;

39 ii. For residential customers with a claim for spoilage of food total-  
40 ing two hundred twenty-six dollars or more, the electric corporation  
41 shall only be authorized to require an itemized list and documented  
42 proof, which may constitute a picture, of a loss of such food in order  
43 to process such claim;

44 iii. For a residential customer with a claim for spoilage of medica-  
45 tion totaling any amount, the electric corporation shall only be author-  
46 ized to require an itemized list and documented proof, which may consti-  
47 tute a picture, of loss of such medication in order to process such  
48 claim;

49 iv. Residential customers shall be authorized to submit one claim for  
50 spoilage of food per week for the duration of the outage. There shall be  
51 no limit on the number of claims submitted for spoilage of medication;  
52 and

53 v. Upon receipt of such claims, an electric corporation shall facili-  
54 tate payment to such customer as soon as possible.

55 (b) Electric corporations shall be required to communicate to custom-  
56 ers the claims process for spoiled food and medication established by

1 this section at times preceding and for the duration of an electric  
2 service disruption, so that customers are aware of how to document their  
3 losses.

4 § 3. This act shall take effect immediately, provided that section two  
5 shall take effect one year after the effective date of this act.