

# STATE OF NEW YORK

4824

2021-2022 Regular Sessions

## IN SENATE

February 12, 2021

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 and the public authorities law, in relation to providing rate payers with reimbursement following prolonged power outages

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

1 Section 1. The public service law is amended by adding a new section  
2 73 to read as follows:

3 § 73. Compensation to residential customers experiencing prolonged  
4 service outages. 1. Notwithstanding any other provision of law, each  
5 electric corporation or combination gas and electric corporation shall  
6 provide to residential customers of such corporation:

7 (a) a credit of twenty-five dollars on the balance of such customer's  
8 account for each subsequent twenty-four hour period of service outage  
9 that occurs for such customers for more than forty-eight consecutive  
10 hours after the occurrence of an emergency event. For the purposes of  
11 this section, the term "emergency event" shall mean an event where wide-  
12 spread outages have occurred in the service territory of the corporation  
13 due to storms, high heat events, earthquakes, wildfires or other causes;  
14 and

15 (b) compensation in an amount of two hundred fifty dollars, in the  
16 aggregate, for any medication and food that expires or spoils due to a  
17 service outage that lasts longer than forty-eight consecutive hours in  
18 duration after the occurrence of an emergency event.

19 2. Any costs incurred by an electric corporation or combination gas  
20 and electric corporation pursuant to this section shall not be recovera-  
21 ble from ratepayers.

22 3. Not later than fourteen calendar days after the occurrence of an  
23 emergency event, an electric corporation or combination gas and electric

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

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1 corporation may petition the commission for a waiver of the requirements  
2 of this section. The corporation shall have the burden of demonstrating  
3 that granting the waiver is fair, reasonable and in the public interest.  
4 In determining whether to grant such waiver, the commission shall  
5 consider: (a) whether the corporation complied with their submitted  
6 emergency response plan pursuant to section sixty-six of this article;  
7 (b) whether any actions or omissions of the corporation contributed to  
8 the prolonging of the service outage; (c) the hardships endured by said  
9 corporation's customers due to the prolonged service outage; (d) the  
10 severity of the emergency event; (e) conditions on the ground during the  
11 emergency event and the subsequent restoration; (f) balancing of the  
12 equities; and (g) any other criteria the commission deems in the public  
13 interest to consider. The commission shall issue a final decision  
14 regarding the grant of the requested waiver no later than forty-five  
15 days after submission of the petition.

16 4. The commission shall promulgate procedures, standards, methodol-  
17 ogies and rules necessary to implement the provisions of this section.

18 § 2. Section 1020-f of the public authorities law, as added by chapter  
19 517 of the laws of 1986, is amended by adding a new subdivision (ii) to  
20 read as follows:

21 (ii) Compensation to residential customers experiencing prolonged  
22 service outages. 1. Notwithstanding any other provision of law, the  
23 service provider shall provide to its residential customers:

24 (i) a credit of twenty-five dollars on the balance of such customer's  
25 account for each subsequent twenty-four hour period of service outage  
26 that occurs for such customers for more than forty-eight consecutive  
27 hours after the occurrence of an emergency event. For the purposes of  
28 this subdivision, the term "emergency event" shall mean an event where  
29 widespread outages have occurred in the service territory of the service  
30 provider due to storms, high heat events, earthquakes, wildfires or  
31 other causes; and

32 (ii) compensation in an amount of two hundred fifty dollars, in the  
33 aggregate, for any medication and food that expires or spoils due to a  
34 service outage that lasts longer than forty-eight consecutive hours in  
35 duration after the occurrence of an emergency event.

36 2. Any costs incurred by the service provider pursuant to this section  
37 shall not be recoverable from ratepayers.

38 3. Not later than fourteen calendar days after the occurrence of an  
39 emergency event, the service provider may petition the authority for a  
40 waiver of the requirements of this paragraph. The service provider shall  
41 have the burden of demonstrating that granting the waiver is fair,  
42 reasonable and in the public interest. In determining whether to grant  
43 such waiver, the authority shall, in consultation with the department of  
44 public service, consider:

45 (i) whether the service provider complied with their submitted emer-  
46 gency response plan pursuant to subdivision (cc) of this section;

47 (ii) whether any actions or omissions of the service provider contrib-  
48 uted to the prolonging of the service outage;

49 (iii) the hardships endured by the service provider's customers due to  
50 the prolonged service outage;

51 (iv) the severity of the emergency event;

52 (v) conditions on the ground during the emergency event and the subse-  
53 quent restoration;

54 (vi) balancing of the equities; and

55 (vii) any other criteria the authority deems in the public interest to  
56 consider. The authority shall issue a final decision regarding the grant

1 of the requested waiver no later than forty-five days after submission  
2 of the petition.

3 4. The authority shall adopt procedures, standards, methodologies and  
4 rules necessary to implement the provisions of this subdivision.

5 § 3. Severability. If any provision of this act or the application  
6 thereof to any person, corporation or circumstances is held invalid,  
7 such invalidity shall not affect other provisions or applications of the  
8 act which can be given effect without the invalid provision or applica-  
9 tion, and to this end the provisions of this act are declared to be  
10 severable.

11 § 4. This act shall take effect on the ninetieth day after it shall  
12 have become a law. Effective immediately, the addition, amendment  
13 and/or repeal of any rule or regulation necessary for the implementation  
14 of this act on its effective date are authorized to be made and  
15 completed on or before such effective date.