STATE OF NEW YORK

5237

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

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

AN ACT to amend the public authorities law, in relation to requiring service providers to reimburse consumers in the event of a prolonged power outage

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

Section 1. Subdivision (cc) of section 1020-f of the public authorities law is amended by adding a new paragraph 6 to read as follows:

6. (i) In the event that a residential utility customer or small business customer experiences a widespread prolonged outage lasting at least seventy-two consecutive hours or more without having been resolved by the service provider, the utility company shall:

(A) Provide reimbursement of any food spoiled due to lack of refrigeration. Residential utility customers shall provide the service provider an itemized list of all food spoiled or proof of loss of food spoiled within fourteen days of the outage. The service provider shall reimburse the customer within thirty days of the receipt of the itemized list or proof of loss. The amount of the reimbursement shall not exceed a total of two hundred thirty-five dollars for customers who provide an itemized list. The amount of the reimbursement for customers who provide proof of loss shall not exceed five hundred forty dollars.

(B) Provide reimbursement of prescription medication spoiled due to lack of refrigeration. Residential utility customers shall provide the service provider with an itemized list and proof of loss of prescription medication due to lack of refrigeration within fourteen days of the outage. The service provider shall reimburse the customer within thirty days of the receipt of the itemized list and proof of loss of prescription medication. The amount of the reimbursement shall total no more than the actual loss of perishable prescription medicine.

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

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(C) Provide reimbursement to small business customers for any food spoiled due to lack of refrigeration. Small business customers shall provide the service provider with an itemized list for all food spoiled and proof of loss within fourteen days of the outage. The service provider shall reimburse the small business customer within thirty days of the receipt of the itemized list and proof of loss. The amount of the reimbursement shall total no more than ten thousand seven hundred dollars.

(ii) The department of public service shall promulgate rules and regulations necessary to implement the provisions of this section. Such rules and regulations shall define the terms "widespread prolonged outage", "small business customer" and "proof of loss".

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.