STATE OF NEW YORK

5237--C

Cal. No. 713

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

Introduced by Sens. GAUGHRAN, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. The public authorities law is amended by adding a new section 1020-ll to read as follows:

§ 1020-ll. Compensation to customers experiencing widespread prolonged outages. 1. Notwithstanding any other provision of law, in the event that a residential utility customer or a 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 service provider shall:

(a) Provide a credit of twenty-five dollars on the balance of such residential utility customer's account for each subsequent twenty-four hour period of service outage that occurs for such customers for more than seventy-two consecutive hours after the occurrence of such widespread prolonged outage.

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

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(b) 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, provided, however, that if the service provider has applied for a waiver pursuant to subdivision three of this section, such service provider shall reimburse the customer within a time period to be determined by the commission after the commission renders a decision on the waiver request. 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.

(c) 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, provided, however, that if the service provider has applied for a waiver pursuant to subdivision three of this section, such service provider shall reimburse the customer within a time period to be determined by the commission after the commission renders a decision on the waiver request. The amount of the reimbursement shall total no more than the actual loss of perishable prescription medicine.

(d) 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, provided, however, that if the service provider has applied for a waiver pursuant to subdivision three of this section, such service provider shall reimburse the small business customer within a time period to be determined by the commission after the commission renders a decision on the waiver request. The amount of the reimbursement shall not exceed five hundred forty dollars.

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

3. Not later than fourteen calendar days after the occurrence of a widespread prolonged outage, a service provider may petition the commission for a waiver of the requirements of this section. The service provider shall have the burden of demonstrating that granting the waiver is fair, reasonable and in the public interest. In determining whether to grant such waiver, the commission shall consider: (a) whether the service provider complied with their submitted emergency response plan pursuant to the provisions of subdivision (cc) of section one thousand twenty-f of the public authorities law, (b) whether any actions or omissions of the service provider contributed to the prolonging of the widespread prolonged outage; (c) the hardships endured by such service provider's customers due to the widespread prolonged outage; (d) the severity of the widespread prolonged outage; (e) conditions on the ground during the widespread prolonged outage and the subsequent restoration; (f) balancing of the equities; and (g) any other criteria the commission deems in the public interest to consider. The commission

shall issue a final decision regarding the grant of the requested waiver no later than forty-five days after submission of the petition.

4. The commission shall promulgate procedures, standards, methodologies and rules necessary to implement the provisions of this section. Such rules 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.