

# STATE OF NEW YORK

6275

2021-2022 Regular Sessions

## IN SENATE

April 20, 2021

Introduced by Sen. PARKER -- 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 arrears resolution programs

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 37-a to read as follows:

3 § 37-a. Arrears resolution program. 1. For the purposes of this  
4 section, the following terms shall have the following meanings:

5 (a) "covered period" means the period beginning February first, two  
6 thousand twenty until ninety days after December thirty-first, two thou-  
7 sand twenty-one;

8 (b) "COVID-19 state of emergency" means the state disaster emergency  
9 declared pursuant to executive order number two hundred two of two thou-  
10 sand twenty;

11 (c) "small business customer" means a business with twenty-five or  
12 fewer employees that is not a (i) publicly held company, or a subsidiary  
13 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high  
14 energy customer as defined by the commission, or (iv) customer that the  
15 utility corporation can demonstrate has the resources to pay its  
16 arrears; and

17 (d) "utility arrears" means unpaid utility payments by a residential  
18 customer, small business customer and/or ratepayer to a utility corpo-  
19 ration accrued during the covered period.

20 2. The commission shall require utility corporations to establish an  
21 arrears resolution program no later than ninety days after the effective  
22 date of this section for residential customers and small business  
23 customers to pay any utility arrears owed to such utility corporation  
24 during the covered period when such a customer has experienced a change

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

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1 in financial circumstances due to the COVID-19 state of emergency, as  
2 defined by the department. The fiscal impact of such program shall not  
3 be borne by customers and shall not be added to bills rendered by the  
4 utility corporation to customers.

5 3. A customer's utility arrears shall be paid:

6 (a) fifty percent by the utility corporation from such corporation's  
7 shareholder funds; and

8 (b) fifty percent by the commission from any federal funds made avail-  
9 able for such purposes.

10 4. The commission shall require utility corporations to provide infor-  
11 mation and application forms for such programs to eligible customers on  
12 their websites, at their offices, and by other means, and to provide  
13 information regarding the availability and eligibility standards for  
14 such program to residential customers and small business customers at  
15 the time of service initiation, in bill inserts, in communications with  
16 customers in arrears, and by other means required or approved by the  
17 commission.

18 5. The commission shall require utility corporations to file periodic  
19 reports regarding the number of eligible customers participating in such  
20 programs and other information deemed necessary or appropriate by the  
21 commission.

22 § 2. The public service law is amended by adding a new section 89-bb  
23 to read as follows:

24 § 89-bb. Arrears resolution program. 1. For the purposes of this  
25 section, the following terms shall have the following meanings:

26 (a) "covered period" means the period beginning February first, two  
27 thousand twenty until ninety days after December thirty-first, two thou-  
28 sand twenty-one;

29 (b) "COVID-19 state of emergency" means the state disaster emergency  
30 declared pursuant to executive order number two hundred two of two thou-  
31 sand twenty;

32 (c) "small business customer" means a business with twenty-five or  
33 fewer employees that is not a (i) publicly held company, or a subsidiary  
34 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high  
35 energy customer as defined by the commission, or (iv) customer that the  
36 water-works corporation can demonstrate has the resources to pay its  
37 arrears; and

38 (d) "water arrears" means unpaid water utility payments by a residen-  
39 tial customer, small business customer and/or ratepayer to a water-works  
40 corporation accrued during the covered period.

41 2. The commission shall require water-works corporations to establish  
42 an arrears resolution program no later than ninety days after the effec-  
43 tive date of this section for residential customers and small business  
44 customers to pay any water arrears owed to such water-works corporation  
45 during the covered period when such a customer has experienced a change  
46 in financial circumstances due to the COVID-19 state of emergency, as  
47 defined by the department. The fiscal impact of such program shall not  
48 be borne by customers and shall not be added to bills rendered by the  
49 water-works corporation to customers.

50 3. A customer's water arrears shall be paid:

51 (a) fifty percent by the water-works corporation from such corpo-  
52 ration's shareholder funds; and

53 (b) fifty percent by the commission from any federal funds made avail-  
54 able for such purposes.

55 4. The commission shall require water-works corporations to provide  
56 information and application forms for such programs to eligible custom-

1 ers on their websites, at their offices, and by other means, and to  
2 provide information regarding the availability and eligibility standards  
3 for such program to residential customers and small business customers  
4 at the time of service initiation, in bill inserts, in communications  
5 with customers in arrears, and by other means required or approved by  
6 the commission.

7 5. The commission shall require water-works corporations to file peri-  
8 odic reports regarding the number of eligible customers participating in  
9 such programs and other information deemed necessary or appropriate by  
10 the commission.

11 § 3. The public service law is amended by adding a new section 91-b to  
12 read as follows:

13 § 91-b. Arrears resolution program. 1. For the purposes of this  
14 section, the following terms shall have the following meanings:

15 (a) "covered period" means the period beginning February first, two  
16 thousand twenty until ninety days after December thirty-first, two thou-  
17 sand twenty-one;

18 (b) "COVID-19 state of emergency" means the state disaster emergency  
19 declared pursuant to executive order number two hundred two of two thou-  
20 sand twenty;

21 (c) "small business customer" means a business with twenty-five or  
22 fewer employees that is not a (i) publicly held company, or a subsidiary  
23 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high  
24 usage customer as defined by the commission, or (iv) customer that the  
25 telephone corporation can demonstrate has the resources to pay its  
26 arrears; and

27 (d) "telephone arrears" means unpaid telephone payments by a residen-  
28 tial and/or small business customer to a telephone corporation accrued  
29 during the covered period.

30 2. The commission shall require telephone corporations to establish an  
31 arrears resolution program no later than ninety days after the effective  
32 date of this section for residential customers and small business  
33 customers to pay any telephone arrears owed to such telephone corpo-  
34 ration during the covered period when such a customer has experienced a  
35 change in financial circumstances due to the COVID-19 state of emergen-  
36 cy, as defined by the department. The fiscal impact of such program  
37 shall not be borne by customers and shall not be added to bills rendered  
38 by the telephone corporation to customers.

39 3. A customer's telephone arrears shall be paid:

40 (a) fifty percent by the telephone corporation from such corporation's  
41 shareholder funds; and

42 (b) fifty percent by the commission from any federal funds made avail-  
43 able for such purposes.

44 4. The commission shall require telephone corporations to provide  
45 information and application forms for such programs to eligible custom-  
46 ers on their websites, at their offices, and by other means, and to  
47 provide information regarding the availability and eligibility standards  
48 for such program to residential customers and small business customers  
49 at the time of service initiation, in bill inserts, in communications  
50 with customers in arrears, and by other means required or approved by  
51 the commission.

52 5. The commission shall require telephone corporations to file period-  
53 ic reports regarding the number of eligible customers participating in  
54 such programs and other information deemed necessary or appropriate by  
55 the commission.

1 § 4. The public service law is amended by adding a new section 224-c  
2 to read as follows:

3 § 224-c. Broadband services arrears resolution program. 1. For the  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 (a) "broadband service" means a mass-market retail service that  
7 provides the capability to transmit data to and receive data from all or  
8 substantially all internet endpoints, including any capabilities that  
9 are incidental to and enable the operation of the communications  
10 service, but shall not include dial-up service;

11 (b) "broadband service arrears" means unpaid broadband payments by a  
12 residential and/or small business customer to an internet service  
13 provider accrued during the covered period;

14 (c) "covered period" means the period beginning February first, two  
15 thousand twenty until ninety days after December thirty-first, two thou-  
16 sand twenty-one;

17 (d) "COVID-19 state of emergency" means the state disaster emergency  
18 declared pursuant to executive order number two hundred two of two thou-  
19 sand twenty;

20 (e) "internet service provider" means any person, business or organ-  
21 ization qualified to do business in this state that provides individ-  
22 uals, corporations, or other entities with the ability to connect to the  
23 internet; and

24 (f) "small business customer" means a business with twenty-five or  
25 fewer employees that is not a (i) publicly held company, or a subsidiary  
26 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high  
27 usage customer as defined by the commission, or (iv) customer that the  
28 internet service provider can demonstrate has the resources to pay its  
29 arrears.

30 2. (a) The commission shall study broadband service arrears accrued  
31 during the COVID-19 state of emergency including by area of the state  
32 where customers owe such arrears, the types of services customers  
33 receive and the average amount of such arrears, and any current programs  
34 internet service providers offer their customers to assist with the  
35 payment of such arrears.

36 (b) Within ninety days of the effective date of this section, the  
37 commission shall submit a report of its findings and recommendations  
38 from the study and for the creation of broadband services arrears resol-  
39 ution programs, to the governor, the temporary president of the senate  
40 and the speaker of the assembly.

41 3. The commission shall require internet service providers to estab-  
42 lish an arrears resolution program no later than ninety days after the  
43 submission of the commission's report on broadband service arrears for  
44 residential customers and small business customers to pay any broadband  
45 services arrears owed to such internet service provider during the  
46 covered period when such a customer has experienced a change in finan-  
47 cial circumstances due to the COVID-19 state of emergency, as defined by  
48 the department. The fiscal impact of such program shall not be borne by  
49 customers and shall not be added to bills rendered by the internet  
50 service provider to customers.

51 4. A customer's broadband service arrears shall be paid:

52 (a) fifty percent by the internet service provider from such provid-  
53 er's shareholder funds; and

54 (b) fifty percent by the commission from any federal funds made avail-  
55 able for such purposes.

1 5. The commission shall require internet service providers to provide  
2 information and application forms for such programs to eligible custom-  
3 ers on their websites, at their offices, and by other means, and to  
4 provide information regarding the availability and eligibility standards  
5 for such program to residential customers and small business customers  
6 at the time of service initiation, in bill inserts, in communications  
7 with customers in arrears, and by other means required or approved by  
8 the commission.

9 6. The commission shall require internet service providers to file  
10 periodic reports regarding the number of eligible customers participat-  
11 ing in such programs and other information deemed necessary or appropri-  
12 ate by the commission.

13 § 5. This act shall take effect immediately.