

STATE OF NEW YORK

6275--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 28 to read as follows:

3 § 28. Arrears resolution funding program. 1. The commission is hereby
4 authorized and directed to implement, as soon as practicable, a program
5 to fund arrears resolution programs established pursuant to sections
6 thirty-seven-a, eighty-nine-bb, ninety-one-b and two hundred twenty-
7 four-d of this chapter.

8 2. Such program shall be funded with: (a) funds received by the state
9 from the American Rescue Plan Act of 2021, Pub. L. 117-2, and any other
10 federal funds made available for such purpose; and

11 (b) any state funds appropriated for such program.

12 3. The commission may adopt any rules or regulations necessary to
13 carry out the provisions of this section.

14 § 2. The public service law is amended by adding a new section 37-a to
15 read as follows:

16 § 37-a. Arrears resolution program. 1. For the purposes of this
17 section, the following terms shall have the following meanings:

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

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

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

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

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

13 2. The commission shall require utility corporations to establish an
14 arrears resolution program no later than ninety days after the effective
15 date of this section for residential customers and small business
16 customers to pay any utility arrears owed to such utility corporation
17 during the covered period when such a customer has experienced a change
18 in financial circumstances due to the COVID-19 state of emergency, as
19 defined by the department. The fiscal impact of such program shall not
20 be borne by customers and shall not be added to bills rendered by the
21 utility corporation to customers.

22 3. A customer's utility arrears shall be paid from funds received by
23 the utility corporation from the arrears resolution funding program
24 established pursuant to section twenty-eight of this chapter.

25 4. The commission shall require utility corporations to provide infor-
26 mation and application forms for such programs to eligible customers on
27 their websites, at their offices, and by other means, and to provide
28 information regarding the availability and eligibility standards for
29 such program to residential customers and small business customers at
30 the time of service initiation, in bill inserts, in communications with
31 customers in arrears, and by other means required or approved by the
32 commission.

33 5. The commission shall require utility corporations to file periodic
34 reports regarding the number of eligible customers participating in such
35 programs and other information deemed necessary or appropriate by the
36 commission.

37 § 3. The public service law is amended by adding a new section 89-bb
38 to read as follows:

39 § 89-bb. Arrears resolution program. 1. For the purposes of this
40 section, the following terms shall have the following meanings:

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

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

47 (c) "small business customer" means a business with twenty-five or
48 fewer employees that is not a (i) publicly held company, or a subsidiary
49 thereof, (ii) seasonal, short-term, or temporary customer, (iii) high
50 energy customer as defined by the commission, or (iv) customer that the
51 water-works corporation and/or municipal water system can demonstrate
52 has the resources to pay its arrears; and

53 (d) "water arrears" means unpaid water utility payments by a residen-
54 tial customer, small business customer and/or ratepayer to a water-works
55 corporation and/or municipal water system that accrued during the
56 covered period.

1 2. The commission shall require water-works corporations and municipal
2 water systems to establish an arrears resolution program no later than
3 ninety days after the effective date of this section for residential
4 customers and small business customers to pay any water arrears owed to
5 such water-works corporation and/or municipal water system during the
6 covered period when such a customer has experienced a change in finan-
7 cial circumstances due to the COVID-19 state of emergency, as defined by
8 the department. The fiscal impact of such program shall not be borne by
9 customers and shall not be added to bills rendered by the water-works
10 corporation and/or municipal water system to customers.

11 3. A customer's water arrears shall be paid from funds received by the
12 water-works corporation or municipal water system from the arrears
13 resolution funding program established pursuant to section twenty-eight
14 of this chapter.

15 4. The commission shall require water-works corporations and municipal
16 water systems to provide information and application forms for such
17 programs to eligible customers on their websites, at their offices, and
18 by other means, and to provide information regarding the availability
19 and eligibility standards for such program to residential customers and
20 small business customers at the time of service initiation, in bill
21 inserts, in communications with customers in arrears, and by other means
22 required or approved by the commission.

23 5. The commission shall require water-works corporations and municipal
24 water systems to file periodic reports regarding the number of eligible
25 customers participating in such programs and other information deemed
26 necessary or appropriate by the commission.

27 § 4. The public service law is amended by adding a new section 91-b to
28 read as follows:

29 § 91-b. Arrears resolution program. 1. For the purposes of this
30 section, the following terms shall have the following meanings:

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

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

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

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

46 2. The commission shall require telephone corporations to establish an
47 arrears resolution program no later than ninety days after the effective
48 date of this section for residential customers and small business
49 customers to pay any telephone arrears owed to such telephone corpo-
50 ration during the covered period when such a customer has experienced a
51 change in financial circumstances due to the COVID-19 state of emergen-
52 cy, as defined by the department. The fiscal impact of such program
53 shall not be borne by customers and shall not be added to bills rendered
54 by the telephone corporation to customers.

1 3. A customer's telephone arrears shall be paid from funds received by
2 the telephone corporation from the arrears resolution funding program
3 established pursuant to section twenty-eight of this chapter.

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

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

16 § 5. The public service law is amended by adding a new section 224-d
17 to read as follows:

18 § 224-d. Broadband services arrears resolution program. 1. For the
19 purposes of this section, the following terms shall have the following
20 meanings:

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

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

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

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

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

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

45 2. (a) The commission shall study broadband service arrears accrued
46 during the COVID-19 state of emergency including by area of the state
47 where customers owe such arrears, the types of services customers
48 receive and the average amount of such arrears, and any current programs
49 internet service providers offer their customers to assist with the
50 payment of such arrears.

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

1 3. The commission shall require internet service providers to estab-
2 lish an arrears resolution program no later than ninety days after the
3 submission of the commission's report on broadband service arrears for
4 residential customers and small business customers to pay any broadband
5 services arrears owed to such internet service provider during the
6 covered period when such a customer has experienced a change in finan-
7 cial circumstances due to the COVID-19 state of emergency, as defined by
8 the department. The fiscal impact of such program shall not be borne by
9 customers and shall not be added to bills rendered by the internet
10 service provider to customers.

11 4. A customer's broadband service arrears shall be paid from funds
12 received by the internet service provider from the arrears resolution
13 funding program established pursuant to section twenty-eight of this
14 chapter.

15 5. The commission shall require internet service providers to provide
16 information and application forms for such programs to eligible custom-
17 ers on their websites, at their offices, and by other means, and to
18 provide information regarding the availability and eligibility standards
19 for such program to residential customers and small business customers
20 at the time of service initiation, in bill inserts, in communications
21 with customers in arrears, and by other means required or approved by
22 the commission.

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

27 § 6. This act shall take effect immediately.