

STATE OF NEW YORK

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2021-2022 Regular Sessions

IN SENATE

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Introduced by Sens. PARKER, HOYLMAN -- 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 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities 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, two hundred twenty-four-d,
7 and two hundred twenty-four-e 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:

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

LBD10807-05-2

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

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

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

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

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

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

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

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

40 § 3. Section 1020-f of the public authorities law is amended by adding
41 a new subdivision jj to read as follows:

42 jj. To implement, as soon as practicable, a program to fund an
43 arrears resolution program.

44 1. Such program shall be funded with (i) funds received by the state
45 from the American Rescue Plan Act of 2021, Pub. L. 117-2, and any other
46 federal funds made available for such purpose; and (ii) any state funds
47 appropriated for such program. The authority may adopt any rules or
48 regulations necessary to carry out the provisions of this subdivision.

49 2. The authority shall require service providers to establish an
50 arrears resolution program no later than ninety days after the effective
51 date of this subdivision for residential customers and small business
52 customers to pay any utility arrears owed to such service provider
53 during the covered period when such a customer has experienced a change
54 in financial circumstances, due to the COVID-19 state of emergency, as
55 defined by the authority. The fiscal impact of such program shall not

1 be borne by customers and shall not be added to bills rendered by the
2 service provider to customers.

3 3. A customer's utility arrears shall be paid from funds received by
4 the service provider from the arrears resolution funding program estab-
5 lished pursuant to this subdivision.

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

14 5. The authority shall require service providers to file periodic
15 reports regarding the number of eligible customers participating in such
16 programs and other information deemed necessary or appropriate by the
17 authority.

18 6. For the purposes of this subdivision, the following terms shall
19 have the following meanings:

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

23 (ii) "COVID-19 state of emergency" means the state disaster emergency
24 declared pursuant to executive order number two hundred two of two thou-
25 sand twenty;

26 (iii) "small business customer" means a business with twenty-five or
27 fewer employees that is not a (A) publicly held company, or a subsidiary
28 thereof, (B) seasonal, short-term, or temporary customer, (C) high ener-
29 gy customer as defined by the authority, or (D) customer that the
30 service provider can demonstrate has the resources to pay its arrears;
31 and

32 (iv) "utility arrears" means unpaid utility payments by a residential
33 customer, small business customer, and/or ratepayer to a service provid-
34 er accrued during the covered period.

35 § 4. The public service law is amended by adding a new section 89-bb
36 to read as follows:

37 § 89-bb. Arrears resolution program. 1. For the purposes of this
38 section, the following terms shall have the following meanings:

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

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

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

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

55 2. The commission shall require water-works corporations and municipal
56 water systems to establish an arrears resolution program no later than

ninety days after the effective date of this section for residential customers and small business customers to pay any water arrears owed to such water-works corporation and/or municipal water system during the covered period when such a customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The fiscal impact of such program shall not be borne by customers and shall not be added to bills rendered by the water-works corporation and/or municipal water system to customers.

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

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

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

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

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

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

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

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

(d) "telephone arrears" means unpaid telephone payments by a residential and/or small business customer to a telephone corporation accrued during the covered period.

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

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

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

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

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

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

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

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

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

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

(e) "internet service provider" means any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet; and

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

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

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

3. The commission shall require internet service providers to establish an arrears resolution program no later than ninety days after the submission of the commission's report on broadband service arrears for residential customers and small business customers to pay any broadband

1 services arrears owed to such internet service provider during the
2 covered period when such a customer has experienced a change in finan-
3 cial circumstances due to the COVID-19 state of emergency, as defined by
4 the department. The fiscal impact of such program shall not be borne by
5 customers and shall not be added to bills rendered by the internet
6 service provider to customers.

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

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

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

23 § 7. The public service law is amended by adding a new section 224-e
24 to read as follows:

25 § 224-e. Cable service arrears resolution program. 1. For the purposes
26 of this section, the following terms shall have the following meanings:

27 (a) "cable service arrears" means unpaid cable payments by a residen-
28 tial and/or small business customer to a cable television company
29 accrued during the covered period;

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

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

36 (d) "cable television company" shall have the same meaning as subdivi-
37 sion one of section two hundred twelve of this article.

38 2. (a) The commission shall study cable service arrears accrued during
39 the COVID-19 state of emergency including by area of the state where
40 customers owe such arrears, the types of services customers receive and
41 the average amount of such arrears, and any current programs cable tele-
42 vision companies offer their customers to assist with the payment of
43 such arrears.

44 (b) Within ninety days of the effective date of this section, the
45 commission shall submit a report of its findings and recommendations
46 from the study and for the creation of cable service arrears resolution
47 programs, to the governor, the temporary president of the senate and the
48 speaker of the assembly.

49 3. The commission shall require cable television companies to estab-
50 lish an arrears resolution program no later than ninety days after the
51 submission of the commission's report on cable service arrears for resi-
52 dential customers and small business customers to pay any cable services
53 arrears owed to such cable television companies during the covered peri-
54 od when such a customer has experienced a change in financial circum-
55 stances due to the COVID-19 state of emergency, as defined by the
56 commission. The fiscal impact of such program shall not be borne by

1 customers and shall not be added to bills rendered by the cable tele-
2 vision companies provider to customers.

3 4. A customer's cable service arrears shall be paid from funds
4 received by the cable television companies from the arrears resolution
5 funding program established pursuant to section twenty-eight of this
6 chapter.

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

15 6. The commission shall require cable television companies to file
16 periodic reports regarding the number of eligible customers participat-
17 ing in such programs and other information deemed necessary or appropri-
18 ate by the commission.

19 § 8. This act shall take effect immediately.