STATE OF NEW YORK

9203

IN SENATE

May 12, 2022

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 requirements and penalties for combination utility companies during service outages

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

Section 1. The public service law is amended by adding a new section 66-t to read as follows:

§ 66-t. Establishment of requirements and penalties for combination utility companies during service outages. 1. (a) The commission shall have the power to establish standards of acceptable performance for combination utility companies in the event of a power outage and subsequent power restoration.

(b) The commission shall also provide for a penalty in the event that a combination utility company is determined by the commission to have failed to reasonably comply by a preponderance of the evidence with any provision of this chapter, or an order or regulation adopted under the authority of this chapter, which protects the overall reliability and continuity of combination utility company services, including but not limited to restoring service or otherwise meeting the requirements of an emergency service plan following a major outage event or emergency. Such penalty shall be up to one hundred dollars per violation of this section or, for a pattern or practice of such violations, of up to one thousand dollars per violation. A violation shall be judged per individual account and shall include both residential and commercial customers.

(c) For the purposes of this section, "combination utility company" shall mean a utility company that provides electric, gas, or steam service in a city with a population of one million or more.

2. The commission shall establish a schedule of customer credits or rebates, which shall be awarded to customers that experience service outage conditions and for missed installation appointments.

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

LBD15790-01-2

3. The commission is authorized to open an investigation to review the performance of any combination utility company in restoring service or otherwise meeting the requirements of an emergency response plan during an emergency event. If, after evidentiary hearings or other investigatory proceedings, the commission finds that the combination utility company failed to reasonably implement its emergency response plan or the length of such combination utility company's outages were materially longer than they should have been, because of such combination utility company's failure to reasonably implement its emergency response plan, the commission may deny the recovery of any part of the service restoration costs caused by such failure, commensurate with the degree and impact of the service outage; provided, however, that nothing in this section limits the commission's authority to otherwise commence a proceeding pursuant to sections twenty-four, twenty-five and twenty-five-a of this chapter, provided such action or penalty solely relates to the combination utility company's performance under the requirements of the combination utility company's emergency response plan.

4. The fiscal impact of any payment made by a combination utility company or the officers thereof as a result of a penalty assessed pursuant to this section, and the cost of litigation and investigation related to any such assessment shall not be borne by customers and shall not be added to bills rendered by the combination utility company to customers.

§ 2. This act shall take effect immediately.