

# STATE OF NEW YORK

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929--A

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. KAPLAN, HARCKHAM -- 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

AN ACT to amend the public service law and the public authorities law, in relation to providing a reimbursement to small business and residential consumers of certain utilities for failure to provide contracted services

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  
2 119-d to read as follows:

3 § 119-d. Failure to provide contracted services. 1. A residential  
4 consumer or small business who has a contract for service with a gas  
5 corporation, electric corporation, gas and electric corporation, water  
6 corporation, steam corporation, telephone corporation or a municipality  
7 rendering equivalent utility services shall be entitled to a discount  
8 when the service such residential consumer or small business has  
9 contracted for is not provided for by such gas corporation, electric  
10 corporation, gas and electric corporation, water corporation, steam  
11 corporation, telephone corporation or a municipality rendering equiv-  
12 alent utility services for a period of at least forty-eight hours after  
13 the end of a failure of equipment, weather event, natural disaster or  
14 any other disruption in the providing of service. The department shall  
15 promulgate rules and regulations, within one hundred eighty days from  
16 the effective date of this act, to calculate how a utility shall reim-  
17 burse a residential consumer or small business pursuant to this section.  
18 Such reimbursement shall be applied to the monthly charges assessed by  
19 such gas corporation, electric corporation, gas and electric corpo-

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

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1 ration, water corporation, steam corporation, telephone corporation or a  
2 municipality rendering equivalent utility services.

3 2. For purposes of this section, "small business" shall mean a busi-  
4 ness which is resident in this state, independently owned and operated,  
5 not dominant in its field and employs fifty or less persons.

6 3. No cost created pursuant to this section shall be the responsibil-  
7 ity of a ratepayer.

8 § 2. Section 1020-f of the public authorities law, as added by chapter  
9 517 of the laws of 1986, is amended by adding a new subdivision (ii) to  
10 read as follows:

11 (ii) Failure to provide contracted services. 1. A residential consum-  
12 er or small business who has a contract for service with a service  
13 provider or the authority shall be entitled to a discount when the  
14 service such residential consumer or small business has contracted for  
15 is not provided for by such service provider or the authority for a  
16 period of at least forty-eight hours after the end of a failure of  
17 equipment, weather event, natural disaster or any other disruption in  
18 the providing of service. The board shall promulgate rules and regu-  
19 lations, within one hundred eighty days from the effective date of this  
20 act, to calculate how a service provider or the authority shall reim-  
21 burse a residential consumer or small business pursuant to this subdivi-  
22 sion. Such reimbursement shall be applied to the monthly charges  
23 assessed by such service provider or the authority.

24 2. For purposes of this subdivision, "small business" shall mean a  
25 business which is resident in this state, independently owned and oper-  
26 ated, not dominant in its field and employs fifty or less persons.

27 § 3. This act shall take effect immediately.