

# STATE OF NEW YORK

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929--B

Cal. No. 248

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. KAPLAN, GAUGHRAN, HARCKHAM, HINCHEY -- 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 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 or a municipality rendering equivalent  
7 utility services shall be entitled to a discount when the service such  
8 residential consumer or small business has contracted for is not  
9 provided for by such gas corporation, electric corporation, gas and  
10 electric corporation, water corporation, steam corporation or a munici-  
11 pality rendering equivalent utility services for a period of at least  
12 forty-eight hours after the end of a failure of equipment, weather  
13 event, natural disaster or any other disruption in the providing of  
14 service. The department shall promulgate rules and regulations, within  
15 one hundred eighty days from the effective date of this act, to calcu-  
16 late how a utility shall reimburse a residential consumer or small busi-  
17 ness pursuant to this section. Such reimbursement shall be applied to

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

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1 the monthly charges assessed by such gas corporation, electric corpo-  
2 ration, gas and electric corporation, water corporation, steam corpo-  
3 ration or a municipality rendering equivalent utility services.

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

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

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

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

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

28 § 3. This act shall take effect immediately.