STATE OF NEW YORK

3168

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to energy services companies

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-u to read as follows:

§ 66-u. Energy services companies. 1. Energy services companies or "ESCO", as defined in paragraph (b) of subdivision one of section three hundred forty-nine-d of the general business law, shall only enroll new or renew existing residential or small non-residential customers in gas or electric service if at least one of the following conditions is met:

(a) the enrollment contract guarantees savings over the utility price;

(b) enrollment is for a fixed-rate commodity product, priced at no more than five percent greater than the trailing twelve-month average utility supply rate; or

(c) enrollment is for a renewably sourced electric commodity product that:

(i) has a renewable mix that is at least fifty percent greater than the ESCO's current renewable energy standard obligation; and

(ii) the ESCO complies with the renewable energy standard locational and delivery requirements when procuring renewable energy credits or entering into bilateral contracts for renewable commodity supply.

2. An ESCO shall be required to guarantee savings to all low-income customers. In order to provide service to a low-income customer, prior to enrollment in a contract, an ESCO shall submit to the department a description which includes, at minimum:

(a) a calculation of what the customer would have paid to the default utility;

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

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(b) an assurance that the customer will be paying no more than they would have paid to the default utility; and

(c) a description of how the ESCO will comply with reporting requirements in accordance with subdivision five of this section, including a process for the department or customer to verify compliance with the provisions of this section.

3. An ESCO shall receive affirmative consent from residential or small non-residential customers prior to enrolling the customer into a contract that provides renewable energy but does not guarantee savings.

4. An ESCO shall provide to customers a transparency of information and disclosure statement with respect to pricing and commodity sourcing. Such statement shall include calculations that show the price per kilowatt-hour the customer will pay and how that price compares with the applicable default utility service price, the type of renewable energy content in each product the ESCO offers and the percentage of renewable electricity that will be advertised for that product. Such disclosure statement shall be made publicly available on the ESCO's website.

5. The disclosure statement for each ESCO shall be made publicly available on the commission's website. Such disclosure statement shall include the relevant facts established and the reason for allowing the ESCO to provide energy services to low-income customers.

6. Enrollment contracts between an ESCO and a customer, pursuant to subdivisions one and two of this section, shall include a customer notice statement in fourteen-point font. Such customer notice statement shall disclose the calculation of what the customer would have paid to the default utility and an assurance that the customer will be paying no more than they would have paid to the default utility.

§ 2. This act shall take effect immediately.