STATE OF NEW YORK

3683

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to complaint procedures and retaining billing records for a certain period of time

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

Section 1. Subdivisions 2 and 3 of section 43 of the public service law, subdivision 2 as added by chapter 713 of the laws of 1981 and subdivision 3 as added by chapter 686 of the laws of 2002, are amended and a new subdivision 4 is added to read as follows:

2. The commission shall maintain regulations for complaint handling procedures including complaints with respect to the negotiation of a deferred payment agreement which shall include, at a minimum: (a) provision for investigation and informal review and for appeal to the commission in its discretion; (b) that the burden of proof in all proceedings shall be on the utility corporation or municipality, except as otherwise provided by the commission for good cause; and (c) provision for parties to receive a written determination of any complaint, [~~upon request,~~] in plain and simple English, which determination shall set forth the relevant facts established, the reasons for the determination, what actions must be taken and what further procedures are available to a complainant.

3. The commission shall [~~use its best efforts to~~] complete its investigation and review and to issue, within ninety days, its final written determination of any appeal to it pursuant to this section.

4. Each utility corporation subject to this article shall retain billing records for a period of eight years for all customers.

§ 2. Section 89-i of the public service law, as amended by section 50 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

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

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§ 89-i. Complaints as to price of water; investigation by commission; forms of complaints. **1.** Upon the complaint in writing of the mayor of a city, the trustees of a village or the town board of a town in which a person or corporation is authorized to supply or distribute water for domestic, commercial or public uses, or upon the complaint in writing of not less than twenty-five customers or purchasers of such water in such municipality or upon complaint of a water-works corporation supplying such water, as to the rates, charges or classifications of service for water sold and delivered in such municipality, or upon the complaint in writing of the department of state, or as to the methods employed in furnishing such service, the commission shall investigate as to the cause of such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the works, system, plant, devices, appliances and methods used by such water-works corporation in supplying and distributing such water, and may examine or cause to be examined the books and papers of such water-works corporation pertaining to the supplying and distributing of such water. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaints shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their places of residence, by street and number, if any.

2. The commission shall complete its investigation and review and issue, within ninety days, to the complainant, its final written determination of any appeal pursuant to this section. Such written determination shall include the relevant facts established, the reasons for the determination, what actions must be taken and what further procedures are available to a complainant.

3. Each utility corporation subject to this article shall retain billing records for a period of eight years for all customers.

§ 3. Section 71 of the public service law, as amended by chapter 521 of the laws of 2013, is amended to read as follows:

§ 71. Complaints as to quality and price of gas and electricity; investigation by commission; forms of complaints. **1.** Upon the complaint in writing of the mayor of a city, the trustees of a village, the town board of a town or the chief executive officer or the legislative body of a county in which a person or corporation is authorized to manufacture, convey, transport, sell or supply gas or electricity for heat, light or power, or upon the complaint in writing of not less than twenty-five customers or purchasers of such gas or electricity, or upon the complaint in writing of the department of state, or upon a complaint of a gas corporation or electrical corporation supplying or transmitting said gas or electricity, as to the illuminating or heating power, purity or pressure or the rates, charges or classifications of service of gas, the efficiency of the electric incandescent lamp supply, the voltage of the current supplied for light, heat or power, or the rates charged or classification of service of electricity sold and delivered in such municipality, or as to the extent or duration of a disruption in gas or electricity service, the commission shall investigate as to the cause for such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the works, system, plant, devices, appliances and methods used by such person or corporation in manufacturing, transmitting and supplying such gas or electricity, and may examine or cause to be examined the books and papers of such person, or corporation pertaining to the manufacture, sale, transmitting and supplying of such gas or electricity. The form and contents of

complaints made as provided in this section shall be prescribed by the commission. Such complaints shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their places of residence, by street and number, if any. The commission shall publish the form and instructions for completing the form on the commission's website.

2. The commission shall complete its investigation and review and issue, within ninety days, to the complainant, its final written determination of any appeal pursuant to this section. Such written determination shall include the relevant facts established, the reasons for the determination, what actions must be taken and what further procedures are available to a complainant.

3. Each utility corporation subject to this article shall retain billing records for a period of eight years for all customers.

§ 4. Section 84 of the public service law, as amended by section 49 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 84. Complaints as to service and price of steam heat; investigation by commission; forms of complaints. **1.** Upon the complaint in writing of the mayor of the city, the trustees of a village or the town board of a town in which a person or corporation is authorized to manufacture, sell or supply steam for heat or power, or upon the complaint in writing of not less than fifty customers or purchasers of such steam heat in cities of the first or second class, or of not less than twenty-five in cities of the third class, or of not less than ten elsewhere, or upon the complaint in writing of the department of state, as to the price, pressure or efficiency of steam supplied for heat or power, sold and delivered in such municipality, the commission shall investigate as to the cause for such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the work, system, plant, devices, appliances and methods used by such person or corporation in manufacturing, transmitting and supplying such steam, and may examine or cause to be examined the books and papers of such person or corporation pertaining to the manufacture, sale, transmitting and supplying of such steam. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaint shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their place of residence, by street and number, if any.

2. The commission shall complete its investigation and review and issue, within ninety days, to the complainant, its final written determination of any appeal pursuant to this section. Such written determination shall include the relevant facts established, the reasons for the determination, what actions must be taken and what further procedures are available to a complainant.

3. Each utility corporation subject to this article shall retain billing records for a period of eight years for all customers.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.