

# STATE OF NEW YORK

4059

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

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

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 Assem-  
bly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section  
2 66-u to read as follows:

3 § 66-u. Establishment of requirements and penalties for combination  
4 utility companies during service outages. 1. (a) The commission shall  
5 have the power to establish standards of acceptable performance for  
6 combination utility companies in the event of a power outage and subse-  
7 quent power restoration.

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

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

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

LBD06277-01-3

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

4     3. The commission is authorized to open an investigation to review the  
5     performance of any combination utility company in restoring service or  
6     otherwise meeting the requirements of an emergency response plan during  
7     an emergency event. If, after evidentiary hearings or other investigato-  
8     ry proceedings, the commission finds that the combination utility compa-  
9     ny failed to reasonably implement its emergency response plan or the  
10    length of such combination utility company's outages were materially  
11    longer than they should have been, because of such combination utility  
12    company's failure to reasonably implement its emergency response plan,  
13    the commission may deny the recovery of any part of the service restora-  
14    tion costs caused by such failure, commensurate with the degree and  
15    impact of the service outage; provided, however, that nothing in this  
16    section limits the commission's authority to otherwise commence a  
17    proceeding pursuant to sections twenty-four, twenty-five and twenty-  
18    five-a of this chapter, provided such action or penalty solely relates  
19    to the combination utility company's performance under the requirements  
20    of the combination utility company's emergency response plan.

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

27    § 2. This act shall take effect immediately.