

# STATE OF NEW YORK

5323--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 7, 2023

Introduced by M. of A. LUCAS, AUBRY, COLTON, KIM -- read once and referred to the Committee on Energy -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to the establishment of reduced residential rates for electric and natural gas service to low-income customers

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

Section 1. Section 65 of the public service law is amended by adding a new subdivision 17 to read as follows:

17. Reduced residential rates for electric and natural gas service to low-income customers. (a) Electric and gas corporations shall establish and continue reduced rate schedules for low-income electric and natural gas customers. The average effective rate reduction shall not be less than twenty-five percent or more than thirty-five percent of the revenues that would have been produced for the same billed usage by other residential customers receiving full service from the utility who are not eligible for the reduced rate.

(b) Reduced residential rates for electric and natural gas service shall be established for any customer who receives benefits from the supplemental security income program for the aged or disabled or other persons, the temporary assistance to needy families program, safety net assistance, the supplemental nutrition assistance program, medical assistance, the home energy assistance program, the telephone lifeline assistance program, and any other additional assistance program or income standard approved by the commission.

(c) Providers of electric and natural gas service shall cooperate with the commission and social services districts and other agencies to certify and recertify customer eligibility through privacy protected

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

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1 data exchanges approved by the commission to achieve efficient enroll-  
2 ment of eligible customers.

3 (d) Providers of electric and natural gas service shall strive to  
4 provide reduced residential rates to all customers eligible for them,  
5 and shall provide application forms for reduced rates to eligible low-  
6 income customers on their websites, at their offices, and by other  
7 means. Information regarding the availability and eligibility standards  
8 for reduced rates shall be provided to residential customers at the time  
9 of service initiation, in bill inserts, in communications to customers  
10 in arrears, and by other means required or approved by the commission.

11 (e) The incremental revenue effects of enhancement to low-income rate  
12 programs under this section shall be deferred for subsequent rate making  
13 treatment and approval by the commission. The revenue impact of such  
14 rate reduction shall be mitigated by (i) applying any earnings of the  
15 utility above the allowed return on equity set in the most recent rate  
16 case, (ii) disallowing any premium above the rate of return allowed for  
17 not filing a rate case or for sharing of overearnings, (iii) utilizing  
18 any uncommitted funds available from current surcharges allowed by the  
19 commission and not expressly authorized by statute, (iv) disallowing  
20 recovery from ratepayers of any costs of executive compensation bonuses.  
21 After such mitigation measures, and other mitigation measures which the  
22 commission may approve, any shift of revenue responsibility to other  
23 customers due to the revenue effects of low-income rates shall not be  
24 borne solely by any single class of customer.

25 § 2. The public service law is amended by adding a new section 66-w to  
26 read as follows:

27 § 66-w. Reduced residential rates for electric and natural gas service  
28 to low-income customers. 1. The commission shall require electric and  
29 natural gas corporations to establish and continue programs of rate  
30 reduction and other assistance to low-income residential electric and  
31 natural gas customers, the revenue impact of which shall not be borne  
32 solely by any single class of customer. The commission shall ensure  
33 appropriate levels of rate reduction for low-income electric and natural  
34 gas customers to mitigate hardship, which shall not be less than twenty-  
35 five percent or more than thirty-five percent of the revenues that  
36 would have been produced for the same billed usage by other residential  
37 customers receiving full service from the utility who are not eligible  
38 for the reduced rate. In establishing the appropriate percentage  
39 reduction the commission shall ensure to the extent feasible that low-  
40 income ratepayers are not jeopardized or overburdened by rates for elec-  
41 tric and natural gas service.

42 2. The commission shall establish customer income and categorical  
43 eligibility standards for reduced rates, which shall include, without  
44 limitation, any customers who receive benefits from the supplemental  
45 security income program for the aged or disabled or other persons, the  
46 temporary assistance to needy families program, safety net assistance,  
47 the supplemental nutrition assistance program, medical assistance, the  
48 home energy assistance program, and the telephone lifeline assistance  
49 program.

50 3. The commission shall promote full penetration of the reduced rate  
51 assistance to all eligible customers through privacy protected data  
52 exchanges with agencies providing assistance to categorically eligible  
53 customers to achieve efficient enrollment, certification, and periodic  
54 recertification of eligibility.

55 4. The commission shall require providers of electric and natural gas  
56 service to provide information and application forms for reduced rates

1 to eligible low-income customers on their websites, at their offices,  
2 and by other means, and to provide information regarding the availabili-  
3 ty and eligibility standards for reduced rates to residential customers  
4 at the time of service initiation, in bill inserts, in communications  
5 with customers in arrears, and by other means required or approved by  
6 the commission.

7 5. The commission shall require electric and natural gas corporations  
8 to establish reduced rates pursuant to this section to be effective no  
9 later than January first, two thousand twenty-six, and to file periodic  
10 reports at least annually regarding the number of eligible customers  
11 receiving reduced rates, utility efforts to provide reduced residential  
12 rates to all customers eligible for them, and other information deemed  
13 necessary or appropriate by the commission for the efficient adminis-  
14 tration of the reduced rates.

15 6. The commission shall require that the incremental revenue effects  
16 of enhancement to low-income rate programs under this section be  
17 deferred for subsequent rate making treatment. The incremental revenue  
18 impact of such rate reductions shall be mitigated by:

19 (a) applying any earnings of the utility above the allowed return on  
20 equity set in the most recent rate case, pursuant to subdivision twenty  
21 of section sixty-six of this article;

22 (b) disallowing any rate of return premium for not filing a rate case  
23 or for sharing of overearnings after rates are set;

24 (c) utilizing any uncommitted revenues from surcharges allowed by the  
25 commission but not expressly authorized by statute; and

26 (d) disallowing executive compensation or bonuses not essential to the  
27 provision of safe and adequate service.

28 After applying revenues from such sources, and other mitigation meas-  
29 ures which the commission may approve, any shift of revenue responsibil-  
30 ity to other customers due to the revenue effects of low-income rates  
31 shall not be borne solely by any single class of customer.

32 § 3. This act shall take effect on the sixtieth day after it shall  
33 have become a law.