

STATE OF NEW YORK

7537

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT to amend the public service law and the general business law, in relation to termination of certain utility services

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "consumer utility protections during investigations act" or the
3 "CUPDI act".

4 § 2. Section 2 of the public service law is amended by adding a new
5 subdivision 30 to read as follows:

6 30. The term "investigation," when used in this chapter, shall mean a
7 formal proceeding conducted by the commission to examine the policies,
8 practices, rates, charges, services, facilities, operations, or manage-
9 ment of a public utility corporation or to determine compliance with any
10 law, rule, regulation, order or tariff applicable to such utility.
11 "Investigation" shall include those conducted pursuant to sections
12 seventy-one and eighty-nine-i of this chapter.

13 Notwithstanding anything to the contrary in this chapter, "investi-
14 gation," as defined in this subdivision shall not include commission
15 inquiries triggered by an individual customer complaint filed pursuant
16 to section forty-three of this chapter.

17 § 3. Subdivision 2 of section 32 of the public service law is amended
18 by adding five new paragraphs (e), (f), (g), (h) and (i) to read as
19 follows:

20 (e) Notwithstanding any law, rule, regulation, order, or tariff to the
21 contrary, utility service shall not be terminated to residential or
22 commercial accounts for non-payment of an overdue charge from the
23 commencement of any commission investigation until one hundred twenty
24 days after the findings of such investigation have been published and a
25 determination has been issued by the commission. Nothing in this section

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

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1 shall prohibit a utility corporation or municipality from disconnecting
2 service necessary to protect the health and safety of customers and the
3 public.

4 (f) Notwithstanding any law, rule, regulation, order, or tariff to the
5 contrary, no utility corporation or municipality shall charge, collect,
6 or be allowed to recover overdue charges from residential or commercial
7 customers from the commencement of any commission investigation until
8 one hundred twenty days after the findings of such investigation has
9 been published and a determination has been issued by the commission.

10 (g)(i) Within three days of the commencement of such investigation,
11 both the utility corporation and the department shall inform residential
12 and commercial customers of such investigation and pause on any overdue
13 charges.

14 (ii) Forms of required communication that shall be made to all resi-
15 dential and commercial customers shall include but not be limited to
16 letters, notices on utility bills, phone calls, and updates on the
17 public website for the department and utility corporation or munici-
18 pality being investigated. The utility corporation or municipality being
19 investigated is also required to advertise in its local newspaper within
20 three days of the commencement of such investigation.

21 (h) In the event the service to a residential or commercial customer
22 is terminated without such notice and charged overdue fees, the customer
23 is entitled to treble damages.

24 (i) Any overdue charges incurred by a utility corporation or munici-
25 pality pursuant to this section shall not be recoverable from ratepay-
26 ers.

27 § 4. Subdivision 3-b of section 89-b of the public service law is
28 amended by adding five new paragraphs (d), (e), (f), (g) and (h) to read
29 as follows:

30 (d) Notwithstanding any law, rule, regulation, order, or tariff to the
31 contrary, utility service shall not be terminated and no water-works
32 corporation shall terminate or disconnect the supply of water to resi-
33 dential or commercial accounts for non-payment of an overdue charge from
34 the commencement of any commission investigation until one hundred twen-
35 ty days after the findings of such investigation have been published and
36 a determination has been issued by the commission. Nothing in this
37 section shall prohibit a utility corporation or municipality from
38 disconnecting service necessary to protect the health and safety of
39 customers and the public.

40 (e) Notwithstanding any law, rule, regulation, order, or tariff to the
41 contrary, no water-works corporation shall charge, collect, or be
42 allowed to recover overdue charges from residential or commercial
43 customers from the commencement of any commission investigation until
44 one hundred twenty days after the findings of such investigation has
45 been published and a determination has been issued by the commission.

46 (f) (i) Within three days of the commencement of such investigation,
47 both the utility corporation and the department shall inform residential
48 and commercial customers of such investigation and pause on any overdue
49 charges.

50 (ii) Forms of required communication that shall be made to all resi-
51 dential and commercial customers shall include but not be limited to
52 letters, notices on utility bills, phone calls, and updates on the
53 public website for the department and utility corporation or munici-
54 pality being investigated. The utility corporation or municipality being
55 investigated is also required to advertise in its local newspaper within
56 three days of the commencement of such investigation.

1 (g) In the event the service to a residential or commercial customer
2 is terminated without such notice and charged overdue fees, the customer
3 is entitled to treble damages.

4 (h) Any overdue charges incurred by a water-works corporation pursuant
5 to this section shall not be recoverable from ratepayers.

6 § 5. Section 89-1 of the public service law is amended by adding two
7 new subdivisions 3 and 4 to read as follows:

8 3. (a) No municipality shall terminate or discontinue service to, or
9 place, sell or enforce a lien of the real property of any residential or
10 commercial customer for the nonpayment of bills, taxes or fees and no
11 bills, taxes or fees charged to such customers shall otherwise become a
12 lien on real property from the commencement of any commission investi-
13 gation until one hundred twenty days after the findings of such investi-
14 gation have been published and a determination has been issued by the
15 commission. Nothing in this section shall prohibit a utility corporation
16 or municipality from disconnecting service necessary to protect the
17 health and safety of customers and the public.

18 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
19 contrary, no utility corporation or municipality shall charge, collect,
20 or be allowed to recover overdue charges from residential or commercial
21 customers from the commencement of any commission investigation until
22 one hundred twenty days after the findings of such investigation has
23 been published and a determination has been issued by the commission.

24 (c) (i) Within three days of the commencement of such investigation, a
25 municipality shall inform residential and commercial customers of such
26 investigation and pause on any overdue charges.

27 (ii) Forms of required communication that shall be made to all resi-
28 dential and commercial customers shall include but not be limited to
29 letters, notices on utility bills, phone calls, and updates on the
30 public website for the department and utility corporation or munici-
31 pality being investigated. The utility corporation or municipality being
32 investigated is also required to advertise in its local newspaper within
33 three days of the commencement of such investigation.

34 (d) In the event the service to a residential or commercial customer
35 is terminated without such notice and charged overdue fees, the customer
36 is entitled to treble damages.

37 (e) Any overdue charges incurred by a utility corporation or munici-
38 pality pursuant to this section shall not be recoverable from ratepay-
39 ers.

40 4. Notwithstanding the provisions of subdivision one of this section,
41 for the purposes of subdivision three of this section, a "municipality"
42 shall also include a public water authority established pursuant to
43 article five of the public authorities law. Every municipality shall be
44 subject to the jurisdiction of the commission for the purposes of
45 enforcing the provisions of subdivision three of this section pursuant
46 to sections twenty-four, twenty-five and twenty-six of this chapter.

47 § 6. Section 91 of the public service law is amended by adding a new
48 subdivision 9 to read as follows:

49 9. (a) No telephone corporation shall terminate or discontinue any
50 services provided by its infrastructure to any residential or commercial
51 customer for the nonpayment of bills, taxes or fees from the commence-
52 ment of any commission investigation until one hundred twenty days after
53 the findings of such investigation have been published and a determi-
54 nation has been issued by the commission. Nothing in this section shall
55 prohibit a utility corporation or municipality from disconnecting

1 service necessary to protect the health and safety of customers and the
2 public.

3 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
4 contrary, no telephone corporation shall charge, collect, or be allowed
5 to recover overdue charges from residential or commercial customers from
6 the commencement of any commission investigation until one hundred twen-
7 ty days after the findings of such investigation has been published and
8 a determination has been issued by the commission.

9 (c) (i) Within three days of the commencement of such investigation, a
10 telephone corporation shall inform residential and commercial customers
11 of such investigation and pause on any overdue charges.

12 (ii) Forms of required communication that shall be made to all resi-
13 dential and commercial customers shall include but not be limited to
14 letters, notices on utility bills, phone calls, and updates on the
15 public website for the department and utility corporation or munici-
16 pality being investigated. The utility corporation or municipality being
17 investigated is also required to advertise in its local newspaper within
18 three days of the commencement of such investigation.

19 (d) In the event the service to a residential or commercial customer
20 is terminated without such notice and charged overdue fees, the customer
21 is entitled to treble damages.

22 (e) Any overdue charges incurred by a telephone corporation pursuant
23 to this section shall not be recoverable from ratepayers.

24 § 7. Section 216 of the public service law is amended by adding a new
25 subdivision 6 to read as follows:

26 6. (a) No cable television company shall terminate or discontinue any
27 services provided by its infrastructure to any residential or commercial
28 customer for the nonpayment of bills, taxes or fees from the commence-
29 ment of any commission investigation until one hundred twenty days after
30 the findings of such investigation have been published and a determi-
31 nation has been issued by the commission. Nothing in this section shall
32 prohibit a utility corporation or municipality from disconnecting
33 service necessary to protect the health and safety of customers and the
34 public.

35 (b) Notwithstanding any law, rule, regulation, order, or tariff to the
36 contrary, no cable television company shall charge, collect, or be
37 allowed to recover overdue charges from residential or commercial
38 customers from the commencement of any commission investigation until
39 one hundred twenty days after the findings of such investigation has
40 been published and a determination has been issued by the commission.

41 (c) (i) Within three days of the commencement of such investigation, a
42 cable television company shall inform residential and commercial custom-
43 ers of such investigation and pause on any overdue charges.

44 (ii) Forms of required communication that shall be made to all resi-
45 dential and commercial customers shall include but not be limited to
46 letters, notices on utility bills, phone calls, and updates on the
47 public website for the department and utility corporation or munici-
48 pality being investigated. The utility corporation, cable television
49 company or municipality being investigated is also required to advertise
50 in its local newspaper within three days of the commencement of such
51 investigation.

52 (d) In the event the service to a residential or commercial customer
53 is terminated without such notice and charged overdue fees, the customer
54 is entitled to treble damages.

55 (e) Any overdue charges incurred by a cable television company pursu-
56 ant to this section shall not be recoverable from ratepayers.

§ 8. Section 399-zzzzz of the general business law, as added by section 1 of part NN of chapter 56 of the laws of 2021, is amended by adding a new subdivision 11 to read as follows:

11. (a) No person, business, corporation or their agents providing or seeking to provide broadband service shall terminate or discontinue any services provided by its infrastructure to any residential or commercial customer for the nonpayment of bills, taxes or fees from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(b) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no person, business, corporation or their agents providing or seeking to provide broadband service shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(c) (i) Within three days of the commencement of such investigation, such broadband service provider shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(d) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(e) Any overdue charges incurred by a person, business, corporation or their agents providing or seeking to provide broadband service pursuant to this section shall not be recoverable from ratepayers.

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