

STATE OF NEW YORK

7537--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. SHRESTHA, GALLAGHER, AUBRY, JACOBSON, STECK, BURDICK, SIMON, MITAYNES, EPSTEIN, STIRPE, THIELE, MAMDANI, FORREST, CARROLL, L. ROSENTHAL, DE LOS SANTOS, SEPTIMO, REYES -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions 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 termination of certain utility services

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 54 to read as follows:

§ 54. Investigations relating to residential gas, electric and steam utility service. 1. For the purposes of this section, the term "investigation" shall mean a formal proceeding conducted by the commission to examine the policies, practices, rates, charges, services, facilities, operations, or management of a utility corporation or to determine compliance with any law, rule, regulation, order, or tariff applicable to such utility corporation. The term "investigation" shall include such proceedings conducted pursuant to section seventy-one of this chapter. Notwithstanding anything to the contrary, the term "investigation" shall not include commission inquiries triggered by an individual customer complaint filed pursuant to section forty-three of this article.

2. (a) A utility corporation shall not impose late fees, interest or penalties during an investigation if such utility corporation is the subject of a pending investigation, provided however, that such late fees, interest and penalties may be imposed retroactively if such investigation is finally resolved in favor of such utility corporation. Such

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

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1 late payment charges shall be in compliance with the guidelines set
2 forth in section forty-two of this article.

3 (b) Upon the final determination of any investigation covered by this
4 section, the commission shall either (i) determine any allowable penal-
5 ties the utility corporation may impose upon its customers, or (ii)
6 waive, or partially waive, any interest or fees charged by the utility
7 corporation to the consumer on such consumer's billing statements during
8 a period such utility corporation determines to be related to such
9 investigation.

10 3. Notwithstanding any law, rule, regulation, order, or tariff to the
11 contrary, utility service shall not be terminated to residential
12 accounts for non-payment of an overdue charge from the commencement of
13 any commission investigation until one hundred twenty days after the
14 findings of such investigation have been published and a determination
15 has been issued by the commission. Nothing in this section shall prohib-
16 it a utility corporation from disconnecting service necessary to protect
17 the health and safety of customers and the public.

18 4. (a) Within ten days of the commencement of an investigation, the
19 utility corporation shall notify residential customers of such investi-
20 gation. Forms of notification of an investigation from a utility corpo-
21 ration to a residential customer shall include, but not be limited to,
22 letters, notices on utility bills, phone calls, and notices posted on
23 the utility corporation's website.

24 (b) Within three days of the commencement of an investigation, the
25 department shall post a notice to the general public of such investi-
26 gation on its website.

27 § 2. The public service law is amended by adding a new section 77-a to
28 read as follows:

29 § 77-a. Investigations relating to commercial gas and electric utility
30 service. 1. For the purposes of this section, the term "investigation"
31 shall mean a formal proceeding conducted by the commission to examine
32 the policies, practices, rates, charges, services, facilities, oper-
33 ations, or management of a utility corporation or to determine compli-
34 ance with any law, rule, regulation, order or tariff applicable to such
35 utility corporation. The term "investigation" shall include such
36 proceedings conducted pursuant to section seventy-one of this article.
37 Notwithstanding anything to the contrary, the term "investigation" shall
38 not include commission inquiries triggered by an individual customer
39 complaint filed pursuant to section forty-three of this chapter.

40 2. (a) A utility corporation shall not impose late fees, interest or
41 penalties during an investigation if such utility corporation is the
42 subject of a pending investigation, provided however, that such late
43 fees, interest and penalties may be imposed retroactively if such inves-
44 tigation is finally resolved in favor of such utility corporation. Such
45 late payment charges shall be in compliance with the guidelines set
46 forth in section sixty-five of this article.

47 (b) Upon the final determination of any investigation covered by this
48 section, the commission shall either (i) determine any allowable penal-
49 ties the utility corporation may impose upon its customers, or (ii)
50 waive, or partially waive, any interest or fees charged by such utility
51 corporation to the consumer on such consumer's billing statements during
52 a period such utility corporation determines to be related to such
53 investigation.

54 3. Notwithstanding any law, rule, regulation, order, or tariff to the
55 contrary, utility service shall not be terminated to residential
56 accounts for non-payment of an overdue charge from the commencement of

1 any commission investigation until one hundred twenty days after the
2 findings of such investigation have been published and a determination
3 has been issued by the commission. Nothing in this section shall prohib-
4 it a utility corporation from disconnecting service necessary to protect
5 the health and safety of customers and the public.

6 4. (a) Within ten days of the commencement of an investigation, the
7 utility corporation shall notify residential customers of such investi-
8 gation. Forms of notification of an investigation from a utility corpo-
9 ration to a residential customer shall include, but not be limited to,
10 letters, notices on utility bills, phone calls, and notices posted on
11 the utility corporation's website.

12 (b) Within three days of the commencement of an investigation, the
13 department shall post a notice to the general public of such investi-
14 gation on its website.

15 § 3. The public service law is amended by adding a new section 85-b to
16 read as follows:

17 § 85-b. Investigations relating to commercial steam utility service.

18 1. For the purposes of this section, the term "investigation" shall
19 mean a formal proceeding conducted by the commission to examine the
20 policies, practices, rates, charges, services, facilities, operations,
21 or management of a utility corporation or to determine compliance with
22 any law, rule, regulation, order or tariff applicable to such utility
23 corporation. The term "investigation" shall include such proceedings
24 conducted pursuant to section seventy-one of this chapter. Notwith-
25 standing anything to the contrary, the term "investigation" shall not
26 include commission inquiries triggered by an individual customer
27 complaint filed pursuant to section forty-three of this chapter.

28 2. (a) A utility corporation shall not impose late fees, interest, or
29 penalties during an investigation if such utility corporation is the
30 subject of a pending investigation, provided however, that such late
31 fees, interest and penalties may be imposed retroactively if such inves-
32 tigation is finally resolved in favor of such utility corporation. Such
33 late payment charges shall be in compliance with section seventy-nine of
34 this article.

35 (b) Upon the final determination of any investigation covered by this
36 section, the commission shall either (i) determine any allowable penal-
37 ties the utility corporation may impose upon its customers, or (ii)
38 waive, or partially waive, any interest or fees charged by the utility
39 corporation to the consumer on such consumer's billing statements during
40 a period such utility corporation determines to be related to such
41 investigation.

42 3. Notwithstanding any law, rule, regulation, order, or tariff to the
43 contrary, utility service shall not be terminated to residential
44 accounts for non-payment of an overdue charge from the commencement of
45 any commission investigation until one hundred twenty days after the
46 findings of such investigation have been published and a determination
47 has been issued by the commission. Nothing in this section shall prohib-
48 it a utility corporation from disconnecting service necessary to protect
49 the health and safety of customers and the public.

50 4. (a) Within ten days of the commencement of an investigation, the
51 utility corporation shall notify residential customers of such investi-
52 gation. Forms of notification of an investigation from a utility corpo-
53 ration to a residential customer shall include, but not be limited to,
54 letters, notices on utility bills, phone calls, and notices posted on
55 the utility corporation's website.

1 (b) Within three days of the commencement of an investigation, the
2 department shall post a notice to the general public of such investi-
3 gation on its website.
4 § 4. This act shall take effect on the thirtieth day after it shall
5 have become a law.