

# STATE OF NEW YORK

7537--B

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, RAGA -- 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 -- 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:

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. "Final determination" or "finally determined" means a judicial  
7 decision: (i) by the highest court of competent jurisdiction; or (ii) by  
8 a court of competent jurisdiction from which no appeal has been taken  
9 and the time within which to appeal has expired.

10 § 3. The public service law is amended by adding a new section 54 to  
11 read as follows:

12 § 54. Investigations relating to residential gas, electric and steam  
13 utility service. 1. For the purposes of this section, the term "investi-  
14 gation" shall mean a formal proceeding conducted by the commission to  
15 examine the policies, practices, rates, charges, services, facilities,  
16 operations, or management of a utility corporation or to determine

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

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1 compliance with any law, rule, regulation, order, or tariff applicable  
2 to such utility corporation. The term "investigation" shall include such  
3 proceedings conducted pursuant to section seventy-one of this chapter.  
4 Notwithstanding anything to the contrary, the term "investigation" shall  
5 not include commission inquiries triggered by an individual customer  
6 complaint filed pursuant to section forty-three of this article.

7 2. (a) A utility corporation shall not impose late fees, interest or  
8 penalties during an investigation if such utility corporation is the  
9 subject of a pending investigation, provided however, that such late  
10 fees, interest and penalties may be imposed retroactively if such inves-  
11 tigation is issued a final order in favor of such utility corporation.  
12 Such late payment charges shall be in compliance with the guidelines set  
13 forth in section forty-two of this article.

14 (b) Upon the final determination or by the issuance of a final order,  
15 of any investigation covered by this section, the commission shall  
16 either (i) determine any allowable penalties the utility corporation may  
17 impose upon its customers, or (ii) waive, or partially waive, any inter-  
18 est or fees charged by the utility corporation to the consumer on such  
19 consumer's billing statements during a period such utility corporation  
20 determines to be related to such investigation.

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

29 4. (a) Within ten days of the commencement of an investigation, the  
30 utility corporation shall notify residential customers of such investi-  
31 gation. Forms of notification of an investigation from a utility corpo-  
32 ration to a residential customer shall include, but not be limited to,  
33 letters, notices on utility bills, phone calls, and notices posted on  
34 the utility corporation's website.

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

38 § 4. The public service law is amended by adding a new section 77-a to  
39 read as follows:

40 § 77-a. Investigations relating to commercial gas and electric utility  
41 service. 1. For the purposes of this section, the term "investigation"  
42 shall mean a formal proceeding conducted by the commission to examine  
43 the policies, practices, rates, charges, services, facilities, oper-  
44 ations, or management of a utility corporation or to determine compli-  
45 ance with any law, rule, regulation, order or tariff applicable to such  
46 utility corporation. The term "investigation" shall include such  
47 proceedings conducted pursuant to section seventy-one of this article.  
48 Notwithstanding anything to the contrary, the term "investigation" shall  
49 not include commission inquiries triggered by an individual customer  
50 complaint filed pursuant to section forty-three of this chapter.

51 2. (a) A utility corporation shall not impose late fees, interest or  
52 penalties during an investigation if such utility corporation is the  
53 subject of a pending investigation, provided however, that such late  
54 fees, interest and penalties may be imposed retroactively if such inves-  
55 tigation is issued a final order in favor of such utility corporation.

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

3 (b) Upon the final determination or by the issuance of a final order,  
4 of any investigation covered by this section, the commission shall  
5 either (i) determine any allowable penalties the utility corporation may  
6 impose upon its customers, or (ii) waive, or partially waive, any inter-  
7 est or fees charged by such utility corporation to the consumer on such  
8 consumer's billing statements during a period such utility corporation  
9 determines to be related to such 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 § 5. The public service law is amended by adding a new section 85-a to  
28 read as follows:

29 § 85-a. Investigations relating to commercial steam utility service.  
30 1. For the purposes of this section, the term "investigation" shall  
31 mean a formal proceeding conducted by the commission to examine the  
32 policies, practices, rates, charges, services, facilities, operations,  
33 or management of a utility corporation or to determine compliance with  
34 any law, rule, regulation, order or tariff applicable to such utility  
35 corporation. The term "investigation" shall include such proceedings  
36 conducted pursuant to section seventy-one of this chapter. Notwith-  
37 standing anything to the contrary, the term "investigation" shall not  
38 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 issued a final order in favor of such utility corporation.  
45 Such late payment charges shall be in compliance with section seventy-  
46 nine of this article.

47 (b) Upon the final determination or by the issuance of a final order,  
48 of any investigation covered by this section, the commission shall  
49 either (i) determine any allowable penalties the utility corporation may  
50 impose upon its customers, or (ii) waive, or partially waive, any inter-  
51 est or fees charged by the utility corporation to the consumer on such  
52 consumer's billing statements during a period such utility corporation  
53 determines to be related to such 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 § 6. This act shall take effect on the thirtieth day after it shall  
16 have become a law.