

STATE OF NEW YORK

9444 - -A

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. CRUZ, JEAN-PIERRE, SEAWRIGHT, STERN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to call centers for gas and electric corporations

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

1 Section 1. Paragraphs (a) and (b) of subdivision 13 of section 65 of
2 the public service law, paragraph (a) as added by chapter 330 of the
3 laws of 2010 and paragraph (b) as amended by chapter 520 of the laws of
4 2014, are amended to read as follows:

5 (a) Every gas corporation or electric corporation furnishing utility
6 services shall provide the following call center customer assistance
7 receiving inquiries and associated office tasks by phone, in writing, or
8 any electronic communication, including but not limited to emails,
9 texts, and chats on: customer financial responsibility; receiving appli-
10 cation requests to initiate or terminate service; receiving requests for
11 emergency services; shared metering; determining deposit required or
12 billing rate; receiving meter and service orders and access to meter
13 requests; explaining company rates, regulations, policies, procedures,
14 and common practices; initiating trouble order forms and high bill
15 investigations; inbound and/or outbound handling of payment and other
16 credit arrangements such as obtaining deposits, financial statements and
17 payment plans; collection assistance inquiries and referring customers
18 to social service agencies and other assistance programs. For purposes
19 of this section, each individual phone call, writing, email, text, chat,
20 or any other communication shall count as an independent instance of
21 customer assistance, and therefore each shall trigger a gas or electric
22 corporation's duties under paragraph (b) of this subdivision.

23 (b) (i) No gas or electric corporation shall close a call center or
24 other facility providing the customer assistance set forth in paragraph
25 (a) of this subdivision or [~~relocate~~] send such customer assistance [~~to~~
26 ~~another area of~~] outside such gas or electric corporation's New York

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

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1 state service territory or outside of New York state without notice
2 ~~[and]~~, a hearing and approval before the commission. Upon receipt of the
3 notice required pursuant to this paragraph, the commission shall provide
4 notice of the proceeding to interested parties and the public; and shall
5 promptly fix a date for the commencement of a public hearing thereon not
6 less than sixty days after such receipt. The testimony presented at such
7 hearing may be presented in writing or orally, provided that the commis-
8 sion may make rules designed to exclude repetitive, redundant or irrel-
9 evant testimony while giving all interested parties the opportunity to
10 present their documentary and/or testimonial evidence. The commission
11 shall make a record of all testimony in all contested hearings. The
12 commission within thirty days shall approve or deny the closure of a
13 call center or other facility providing customer service or the relo-
14 cation of customer service assistance inquiries. For purposes of this
15 section "public hearing" means a public forum at a physical location,
16 attended by commission members or their designees, where oral testimony
17 is accepted and written testimony may be submitted for inclusion in the
18 record. Such forum shall be open to parties to the proceeding and the
19 general public for the presentation of comments that shall be limited to
20 relevant facts directly related to the proceeding in question. Such
21 hearing shall be commenced upon proper notice to the parties to the
22 proceeding and the public at least thirty days prior to the scheduled
23 date. Such hearing shall be closed after the commission approves or
24 denies the closure of a call center or other facility providing customer
25 service or the relocation of customer service assistance inquiries. In
26 no event shall a gas or electric corporation's history of sending
27 customer assistance outside the gas or electric corporation's New York
28 state service territory or outside of New York state be used as justi-
29 fication for doing so after the effective date of the chapter of the
30 laws of two thousand twenty-four that amended this paragraph takes
31 effect. It shall be permissible for a gas or electric corporation to
32 initiate work flexibility policies that allow call center employees to
33 work from an approved alternative worksite other than a call center
34 location. Provided, however, before a gas or electric corporation can
35 establish policies for any call center employees that are represented by
36 a bona fide labor organization through a collective bargaining agree-
37 ment, such policies must have been mutually agreed to by the corporation
38 and the labor organization. Such policies shall not violate this
39 section.

40 (ii) The commission shall make available a form allowing an entity to
41 take an action against a gas or electric corporation that knowingly
42 failed or neglected to obey or comply with this section. Upon receipt of
43 such form, it shall commence a proceeding to determine if a call center
44 or other facility providing customer assistance was closed or customer
45 service assistance inquiries were relocated outside New York state with-
46 out notice, hearing, and approval before the commission. Pursuant to
47 this paragraph, the commission shall provide notice of such proceeding
48 to interested parties and the public and shall promptly fix a date for
49 the commencement of a public hearing thereon not less than sixty days
50 after such receipt. The testimony presented at such hearing may be
51 presented in writing or orally, provided that the commission may make
52 rules designed to exclude repetitive, redundant or irrelevant testimony
53 while giving all parties the opportunity to present their documentary
54 and/or testimonial evidence. The commission shall a make record of all
55 testimony in all contested hearings. The commission shall within thirty

1 days make a determination if such gas or electric corporation was in
2 violation of this section.

3 § 2. Section 25 of the public service law is amended by adding a new
4 subdivision 4-a to read as follows:

5 4-a. Notwithstanding the provisions of subdivision two of this
6 section, any such public utility company, corporation or person and the
7 officers, agents and employees thereof that knowingly fails or neglects
8 to obey or comply with section sixty-five of this chapter, or an order
9 or regulation adopted pursuant to section sixty-five of this chapter, or
10 such public utility company, corporation or person and the officers,
11 agents and employees thereof knowingly sends a customer assistance
12 inquiry outside a gas or electric corporation's New York state service
13 territory or outside the state of New York without notice, a hearing and
14 approval before the commission pursuant to section sixty-five of this
15 chapter, shall forfeit to the state of New York a sum not to exceed the
16 greater of:

17 (a) fifty thousand dollars constituting a civil penalty for each sepa-
18 rate and distinct customer service inquiry sent outside of New York and
19 one hundred thousand dollars constituting a civil penalty for each day a
20 call center or other facility providing the customer assistance is
21 closed; or

22 (b) the maximum forfeiture determined in accordance with subdivision
23 two of this section.

24 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part of this act shall be adjudged by any court of
26 competent jurisdiction to be invalid, such judgment shall not affect,
27 impair, or invalidate the remainder thereof, but shall be confined in
28 its operation to the clause, sentence, paragraph, subdivision, section
29 or part thereof directly involved in the controversy in which such judg-
30 ment shall have been rendered. It is hereby declared to be the intent of
31 the legislature that this act would have been enacted even if such
32 invalid provisions had not been included herein.

33 § 4. This act shall take effect immediately and shall apply to all
34 actions or proceedings commenced on or after the effective date of this
35 act.