

# STATE OF NEW YORK

5458

2023-2024 Regular Sessions

## IN SENATE

March 6, 2023

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to demand delivery accounts

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

1 Section 1. The public service law is amended by adding a new section  
2 66-u to read as follows:

3 § 66-u. Demand delivery. 1. Notwithstanding any other provision of  
4 law to the contrary, each electric corporation shall reclassify demand  
5 delivery accounts every one hundred twenty days and reset the demand  
6 delivery peak every ninety days whenever demand in kilowatts is equal or  
7 less to twenty-five kilowatts in the immediately preceding three hundred  
8 sixty days. Such resets of the demand delivery peak shall occur when the  
9 actual peak demand, in kilowatts, of the previous ninety days has  
10 decreased at least thirty percent and actual kilowatt-hours consumption  
11 of the previous ninety days has decreased at least thirty percent  
12 compared to year-over-year usage.

13 2. The provisions of this section shall not apply to an electric  
14 corporation owned by the state or any political subdivision thereof, or  
15 any municipality. An electric corporation owned by the state or any  
16 political subdivision thereof, or any municipality may, at its  
17 discretion, reclassify demand delivery accounts under subdivision one of  
18 this section.

19 3. The commissioner shall promulgate any rules and regulations neces-  
20 sary for the implementation of this section.

21 § 2. Subdivision 14 of section 66 of the public service law, as  
22 amended by chapter 696 of the laws of 1936, is amended to read as  
23 follows:

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

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14. The commission shall have power to require each gas corporation and electric corporation to establish classifications of service based upon the quantity used, the time when used, the purpose for which used, the duration of use and upon any other reasonable consideration, and to establish in connection therewith just and reasonable graduated rates and charges; and it shall have power, either upon complaint or upon its own motion, to require such changes in such classifications, rates and charges as it shall determine to be just and reasonable. Neither the scheduled rates nor the minimum charge for residential customers shall, after July first, nineteen hundred thirty-seven, be based in any manner on the number of outlets, number of rooms, cubic or square foot area or other such standards. Such classifications of service shall be indicated on each customer's bill for electric service and shall include the website address to the specific public service commission leaf.

§ 3. Section 66 of the public service law is amended by adding a new subdivision 32 to read as follows:

32. Notwithstanding any other provision of law, the commission shall promulgate rules and regulations regarding methods of determining demand requiring each electric corporation to use a demand measuring device, of a type approved by the commission, to determine the charge for an electric service, including the minimum charge, if such charge is in any way dependent upon the demand of the customer whenever:

(a) the demand billed is ten kilowatts or more; or

(b) the total rated capacity of the customer's current usage is twelve kilowatts or more; or

(c) the customer's consumption has exceeded one thousand kilowatt hours per month in two consecutive months during the preceding ten months. Such requirements shall be subject to reasonable exceptions as determined by the commission.

§ 4. Section 67 of the public service law is amended by adding a new subdivision 3-a to read as follows:

3-a. An electric customer is allowed at their own expense to install an electric meter downstream of the utility-provided meter. The only meters authorized for such purpose shall be ones listed on the Approved Electric Meter List promulgated by the department. Such meter shall be installed by a New York licensed master electrician. A downstream meter installed pursuant to the provisions of this subdivision shall not be used for utility billing reconciliation purposes except when authorized in writing by the department.

§ 5. Subdivision 1 of section 44 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

1. Every utility corporation or municipality shall assure that bills for service to residential and demand-metered customers adequately explain the charges for service in clear and understandable form and language and shall indicate the account number and/or meter number for the account for which service is being charged. The commission may, from time to time, specify the form and content of such bills to further the objectives of this subdivision. Such bill shall at a minimum include the quantity billed, the unit of measurement and the highest measurement of a specific line item as measured over the preceding fifty-two week period, except the quantity need not be shown for interim budget billing.

§ 6. Section 44 of the public service law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. (a) A customer that currently receives electronic data interchange by protocols approved by the commission shall be exempt from receiving

1 printed bill statements if such customer's aggregate annual demand per  
2 year exceeds three megawatts.

3 (b) Printed bill statements shall not be a requirement for a customer  
4 if (i) both such customer and such utility corporation or municipality  
5 are state public-benefit corporations and (ii) the statewide financial  
6 system receives detailed electronic information that is compliant with  
7 the requirements of such system.

8 8. At the time that service is initiated to a residential and demand-  
9 metered customer, and for every bill statement thereafter, a utility  
10 corporation or municipality shall provide each customer with an addi-  
11 tional notice that lists the interval at which demand delivery peak is  
12 calculated and shall state the following disclosure:

13 "Demand-delivery charges can account for a significant portion of  
14 electricity costs and prices are subject to market volatility. Demand  
15 peaks (KW) may affect your billing over multiple billing cycles."

16 § 7. This act shall take effect immediately.