

# STATE OF NEW YORK

628--A

Cal. No. 964

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sens. COMRIE, BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the public service law, in relation to complaint handling procedures by the public service commission

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

1 Section 1. Section 43 of the public service law, as added by chapter  
2 713 of the laws of 1981, subdivision 3 as added by chapter 686 of the  
3 laws of 2002, is amended to read as follows:  
4 § 43. Complaint handling procedures. 1. The commission shall maintain  
5 regulations for the handling of [~~residential~~] all customer complaints,  
6 which at a minimum shall require that each utility or municipality: (a)  
7 maintain procedures, and provide a copy of those procedures, as amended,  
8 to the commission, for prompt investigation of any complaint on a bill  
9 for gas, steam, or electric service rendered or a deposit required and  
10 for prompt reporting to the complainant [~~of~~] within: (i) fifteen busi-  
11 ness days after the result of such investigation for a utility corpo-  
12 ration; or (ii) thirty business days after the result of such investi-  
13 gation for a municipality. [~~If such~~] Such report [~~is made orally, the~~  
14 ~~utility corporation or municipality shall offer the complainant upon a~~  
15 ~~written request the opportunity to receive the report in writing~~] shall  
16 be in writing and provide all supporting documentation; (b) inform any  
17 complainant [~~whose complaint is resolved in favor of the utility corpo-~~  
18 ~~ration or municipality, in whole or in part,~~] of the availability of the  
19 commission's complaint handling procedures; (c) refrain from terminating  
20 service for nonpayment so long as a complaint is pending before a utili-

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

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1 ty, municipality or the commission and for fifteen days thereafter, or  
2 for such period as the commission for good cause shall establish;  
3 provided however, that as a condition of continued service during the  
4 pendency of any such dispute, a customer shall pay the undisputed  
5 portions of any bill for service including bills for current usage, or  
6 such amounts as the commission determines reasonably reflect the cost of  
7 usage to such customer; and (d) refrain from treating the disputed  
8 portion of any bill as late during the pendency of any complaint before  
9 the utility or municipality.

10 2. The commission shall maintain regulations for complaint handling  
11 procedures including complaints with respect to the negotiation of a  
12 deferred payment agreement which shall include, at a minimum: (a)  
13 provision for investigation and informal review and for appeal to the  
14 commission [~~in its discretion~~]; (b) that the burden of proof in all  
15 proceedings shall be on the utility corporation or municipality, except  
16 as otherwise provided by the commission for good cause; and (c)  
17 provision for parties to receive a written determination of any  
18 complaint[~~, upon request,~~] in plain and simple English, which determi-  
19 nation shall set forth the relevant facts established, the reasons for  
20 the determination, what actions must be taken and what further proce-  
21 dures are available to a complainant.

22 3. [~~The commission shall use its best efforts to complete its investi-~~  
23 ~~gation and review and to issue, within ninety days, its final written~~  
24 ~~determination of any appeal to it pursuant to this section.~~] Failure by  
25 any utility corporation or municipality to provide a response as  
26 provided by subdivision one of this section, shall invoke a penalty of:  
27 (a) one hundred dollars per business day for each business day that  
28 exceeds the initial fifteen business day period for a utility corpo-  
29 ration; or (b) twenty-five dollars per business day for each business  
30 day that exceeds the initial thirty business day period for a munici-  
31 pality.

32 § 2. This act shall take effect on the ninetieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment,  
34 and/or repeal of any rule or regulation necessary to implement the  
35 provisions of this act on its effective date are authorized and directed  
36 to be completed on or before such effective date.