STATE OF NEW YORK

6803

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. GONZALEZ -- 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 and the general business 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. Short title. This act shall be known and may be cited as the "consumer utility protections during investigations act" or the "CUPDI act".

§ 2. Section 2 of the public service law is amended by adding a new subdivision 30 to read as follows:

30. The term "investigation," when used in this chapter, shall mean a formal proceeding conducted by the commission to examine the policies, practices, rates, charges, services, facilities, operations, or management of a public utility corporation or to determine compliance with any law, rule, regulation, order or tariff applicable to such utility. "Investigation" shall include those conducted pursuant to sections seventy-one and eighty-nine-i of this chapter.

Notwithstanding anything to the contrary in this chapter, "investigation," as defined in this subdivision shall not include commission inquiries triggered by an individual customer complaint filed pursuant to section forty-three of this chapter.

§ 3. Subdivision 2 of section 32 of the public service law is amended by adding five new paragraphs (e), (f), (g), (h) and (i) to read as follows:

(e) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, utility service shall not be terminated to residential or commercial accounts for non-payment of an overdue charge from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a

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

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determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(f) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no utility corporation or municipality shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(g)(i) Within three days of the commencement of such investigation, both the utility corporation and the department shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(h) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(i) Any overdue charges incurred by a utility corporation or municipality pursuant to this section shall not be recoverable from ratepayers.

§ 4. Subdivision 3-b of section 89-b of the public service law is amended by adding five new paragraphs (d), (e), (f), (g) and (h) to read as follows:

(d) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, utility service shall not be terminated and no water-works corporation shall terminate or disconnect the supply of water to residential or commercial accounts for non-payment of an overdue charge from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(e) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no water-works corporation shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(f) (i) Within three days of the commencement of such investigation, both the utility corporation and the department shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being

investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(g) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(h) Any overdue charges incurred by a water-works corporation pursuant to this section shall not be recoverable from ratepayers.

§ 5. Section 89-l of the public service law is amended by adding two new subdivisions 3 and 4 to read as follows:

3. (a) No municipality shall terminate or discontinue service to, or place, sell or enforce a lien of the real property of any residential or commercial customer for the nonpayment of bills, taxes or fees and no bills, taxes or fees charged to such customers shall otherwise become a lien on real property from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(b) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no utility corporation or municipality shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(c) (i) Within three days of the commencement of such investigation, a municipality shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(d) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(e) Any overdue charges incurred by a utility corporation or municipality pursuant to this section shall not be recoverable from ratepayers.

4. Notwithstanding the provisions of subdivision one of this section, for the purposes of subdivision three of this section, a "municipality" shall also include a public water authority established pursuant to article five of the public authorities law. Every municipality shall be subject to the jurisdiction of the commission for the purposes of enforcing the provisions of subdivision three of this section pursuant to sections twenty-four, twenty-five and twenty-six of this chapter.

§ 6. Section 91 of the public service law is amended by adding a new subdivision 9 to read as follows:

9. (a) No telephone corporation shall terminate or discontinue any services provided by its infrastructure to any residential or commercial customer for the nonpayment of bills, taxes or fees from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall

prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(b) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no telephone corporation shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(c) (i) Within three days of the commencement of such investigation, a telephone corporation shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(d) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(e) Any overdue charges incurred by a telephone corporation pursuant to this section shall not be recoverable from ratepayers.

§ 7. Section 216 of the public service law is amended by adding a new subdivision 6 to read as follows:

6. (a) No cable television company shall terminate or discontinue any services provided by its infrastructure to any residential or commercial customer for the nonpayment of bills, taxes or fees from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(b) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no cable television company shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(c) (i) Within three days of the commencement of such investigation, a cable television company shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation, cable television company or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(d) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(e) Any overdue charges incurred by a cable television company pursuant to this section shall not be recoverable from ratepayers.

§ 8. Section 399-zzzzz of the general business law, as added by section 1 of part NN of chapter 56 of the laws of 2021, is amended by adding a new subdivision 11 to read as follows:

11. (a) No person, business, corporation or their agents providing or seeking to provide broadband service shall terminate or discontinue any services provided by its infrastructure to any residential or commercial customer for the nonpayment of bills, taxes or fees from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation have been published and a determination has been issued by the commission. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

(b) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, no person, business, corporation or their agents providing or seeking to provide broadband service shall charge, collect, or be allowed to recover overdue charges from residential or commercial customers from the commencement of any commission investigation until one hundred twenty days after the findings of such investigation has been published and a determination has been issued by the commission.

(c) (i) Within three days of the commencement of such investigation, such broadband service provider shall inform residential and commercial customers of such investigation and pause on any overdue charges.

(ii) Forms of required communication that shall be made to all residential and commercial customers shall include but not be limited to letters, notices on utility bills, phone calls, and updates on the public website for the department and utility corporation or municipality being investigated. The utility corporation or municipality being investigated is also required to advertise in its local newspaper within three days of the commencement of such investigation.

(d) In the event the service to a residential or commercial customer is terminated without such notice and charged overdue fees, the customer is entitled to treble damages.

(e) Any overdue charges incurred by a person, business, corporation or their agents providing or seeking to provide broadband service pursuant to this section shall not be recoverable from ratepayers.

§ 9. This act shall take effect on the thirtieth day after it shall have become a law.