STATE OF NEW YORK

7982--A

Cal. No. 971

IN SENATE

January 4, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to prohibiting termination of residential utility service during forecasts of extreme temperature

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

Section 1. Paragraph (c) of subdivision 3 of section 32 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

(c) Special procedures for cold weather periods. [~~(i) The commission shall establish procedures to be followed by a utility or municipality supplying heat related service in cold weather periods. Such procedures shall be designed to identify and assist, prior to termination of service, those residents who may suffer serious impairment to health or safety as a result of any such termination. The commission shall establish the applicable cold weather periods; specify criteria for identifying residents who are likely to suffer serious impairments, and require that such service not be terminated unless a representative of the utility or municipality makes a diligent effort to contact by telephone or in person an adult resident of the customer's premises at least seventy-two hours prior to termination, makes a personal visit at the time of termination and provides the customer with information regarding the protections available under this article. The commission shall provide for the manner in which such contacts and personal visits are made. (ii)~~] The commission shall [~~also~~] require a utility or municipality supplying service to continue service to customers where a serious impairment to health or safety is likely to result from termination of service and the person supplied is unable because of mental or physical problems to manage [~~his or her~~] **their** own resources or to protect

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

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[~~himself or herself~~] themself from neglect or hazardous situations without the assistance of others. Doubts shall be resolved in favor of continued service. Continuations of service shall be for a period of time to be established by the commission. The commission shall consult with the department of social services and the state office for the aging in implementing the provisions of this paragraph.

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

3-a. (a) For the purposes of this subdivision, the term "forecast of extreme temperature" means a national weather service forecast of ninety-five degrees Fahrenheit or above on the national weather service heat index (apparent temperature) during any time of day or night or thirty-two degrees Fahrenheit or below during any time of day or night.

(b) A utility or municipality supplying residential heat or electricity shall not terminate such heat or electricity the day of a forecast of extreme temperature, or if such forecast of extreme temperature precedes a holiday or weekend day, on any day during such holiday or weekend day.

§ 3. This act shall take effect immediately.