

STATE OF NEW YORK

4059

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the
Committee on Energy

AN ACT to amend the public service law, in relation to establishing
requirements and penalties for combination utility companies during
service outages

The People of the State of New York, represented in Senate and Assem-
bly, 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. Establishment of requirements and penalties for combination
4 utility companies during service outages. 1. (a) The commission shall
5 have the power to establish standards of acceptable performance for
6 combination utility companies in the event of a power outage and subse-
7 quent power restoration.

8 (b) The commission shall also provide for a penalty in the event that
9 a combination utility company is determined by the commission to have
10 failed to reasonably comply by a preponderance of the evidence with any
11 provision of this chapter, or an order or regulation adopted under the
12 authority of this chapter, which protects the overall reliability and
13 continuity of combination utility company services, including but not
14 limited to restoring service or otherwise meeting the requirements of an
15 emergency service plan following a major outage event or emergency. Such
16 penalty shall be up to one hundred dollars per violation of this section
17 or, for a pattern or practice of such violations, of up to one thousand
18 dollars per violation. A violation shall be judged per individual
19 account and shall include both residential and commercial customers.

20 (c) For the purposes of this section, "combination utility company"
21 shall mean a utility company that provides electric, gas, or steam
22 service in a city with a population of one million or more.

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

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1 2. The commission shall establish a schedule of customer credits or
2 rebates, which shall be awarded to customers that experience service
3 outage conditions and for missed installation appointments.

4 3. The commission is authorized to open an investigation to review the
5 performance of any combination utility company in restoring service or
6 otherwise meeting the requirements of an emergency response plan during
7 an emergency event. If, after evidentiary hearings or other investigato-
8 ry proceedings, the commission finds that the combination utility compa-
9 ny failed to reasonably implement its emergency response plan or the
10 length of such combination utility company's outages were materially
11 longer than they should have been, because of such combination utility
12 company's failure to reasonably implement its emergency response plan,
13 the commission may deny the recovery of any part of the service restora-
14 tion costs caused by such failure, commensurate with the degree and
15 impact of the service outage; provided, however, that nothing in this
16 section limits the commission's authority to otherwise commence a
17 proceeding pursuant to sections twenty-four, twenty-five and twenty-
18 five-a of this chapter, provided such action or penalty solely relates
19 to the combination utility company's performance under the requirements
20 of the combination utility company's emergency response plan.

21 4. The fiscal impact of any payment made by a combination utility
22 company or the officers thereof as a result of a penalty assessed pursu-
23 ant to this section, and the cost of litigation and investigation
24 related to any such assessment shall not be borne by customers and shall
25 not be added to bills rendered by the combination utility company to
26 customers.

27 § 2. This act shall take effect immediately.