

# STATE OF NEW YORK

7589

2023-2024 Regular Sessions

## IN ASSEMBLY

May 25, 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 requiring utility companies to reimburse consumers in the event of a prolonged power outage

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 77-a to read as follows:

3 § 77-a. Utility reimbursement requirements. 1. In the event that a  
4 residential utility customer or small business customer experiences a  
5 widespread prolonged outage lasting at least seventy-two consecutive  
6 hours or more without having been resolved by the utility company, the  
7 utility company shall:

8 (a) Provide reimbursement of any food spoiled due to lack of refriger-  
9 ation. Residential utility customers shall provide the utility company  
10 an itemized list of all food spoiled or proof of loss of food spoiled  
11 within fourteen days of the outage. The utility company shall reimburse  
12 the customer within thirty days of the receipt of the itemized list or  
13 proof of loss. The amount of the reimbursement shall not exceed a total  
14 of two hundred thirty-five dollars for customers who provide an itemized  
15 list. The amount of the reimbursement for customers who provide proof of  
16 loss shall not exceed five hundred forty dollars.

17 (b) Provide reimbursement of prescription medication spoiled due to  
18 lack of refrigeration. Residential utility customers shall provide the  
19 utility company with an itemized list and proof of loss of prescription  
20 medication due to lack of refrigeration within fourteen days of the  
21 outage. The utility company shall reimburse the customer within thirty  
22 days of the receipt of the itemized list and proof of loss of  
23 prescription medication. The amount of the reimbursement shall total no  
24 more than the actual loss of perishable prescription medicine.

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

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1 (c) Provide reimbursement to small business customers for any food  
2 spoiled due to lack of refrigeration. Small business customers shall  
3 provide the utility company with an itemized list for all food spoiled  
4 and proof of loss within fourteen days of the outage. The utility compa-  
5 ny shall reimburse the small business customer within thirty days of the  
6 receipt of the itemized list and proof of loss. The amount of the  
7 reimbursement shall total no more than ten thousand seven hundred  
8 dollars.

9 2. The department shall promulgate rules and regulations necessary to  
10 implement the provisions of this section. Such rules and regulations  
11 shall define the terms "widespread prolonged outage", "small business  
12 customer" and "proof of loss".

13 § 2. This act shall take effect on the one hundred twentieth day after  
14 it shall have become a law.