

STATE OF NEW YORK

9444

IN ASSEMBLY

March 14, 2024

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

AN ACT to amend the public service law, in relation to call centers for gas and electric corporations

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

Section 1. Paragraphs (a) and (b) of subdivision 13 of section 65 of the public service law, paragraph (a) as added by chapter 330 of the laws of 2010 and paragraph (b) as amended by chapter 520 of the laws of 2014, are amended to read as follows:

(a) Every gas corporation or electric corporation furnishing utility services shall provide the following call center customer assistance receiving inquiries and associated office tasks by phone, in writing, or any electronic communication, including but not limited to emails, texts, and chats on: customer financial responsibility; receiving application requests to initiate or terminate service; receiving requests for emergency services; shared metering; determining deposit required or billing rate; receiving meter and service orders and access to meter requests; explaining company rates, regulations, policies, procedures, and common practices; initiating trouble order forms and high bill investigations; inbound and/or outbound handling of payment and other credit arrangements such as obtaining deposits, financial statements and payment plans; collection assistance inquiries and referring customers to social service agencies and other assistance programs.

(b) (i) No gas or electric corporation shall close a call center or other facility providing the customer assistance set forth in paragraph (a) of this subdivision or [~~relocate~~] send such customer assistance [~~to another area of~~] outside such gas or electric corporation's New York state service territory or outside of New York state without notice [~~and~~], a hearing and approval before the commission. Upon receipt of the notice required pursuant to this paragraph, the commission shall provide notice of the proceeding to interested parties and the public; and shall promptly fix a date for the commencement of a public hearing thereon not less than sixty days after such receipt. The testimony presented at such

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

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1 hearing may be presented in writing or orally, provided that the commis-
2 sion may make rules designed to exclude repetitive, redundant or irrel-
3 evant testimony while giving all interested parties the opportunity to
4 present their documentary and/or testimonial evidence. The commission
5 shall make a record of all testimony in all contested hearings. The
6 commission within thirty days shall approve or deny the closure of a
7 call center or other facility providing customer service or the relo-
8 cation of customer service assistance inquiries. For purposes of this
9 section "public hearing" means a public forum at a physical location,
10 attended by commission members or their designees, where oral testimony
11 is accepted and written testimony may be submitted for inclusion in the
12 record. Such forum shall be open to parties to the proceeding and the
13 general public for the presentation of comments that shall be limited to
14 relevant facts directly related to the proceeding in question. Such
15 hearing shall be commenced upon proper notice to the parties to the
16 proceeding and the public at least thirty days prior to the scheduled
17 date. Such hearing shall be closed after the commission approves or
18 denies the closure of a call center or other facility providing customer
19 service or the relocation of customer service assistance inquiries. It
20 shall be permissible for a gas or electric corporation and a bona fide
21 labor organization representing call center employees through a collec-
22 tive bargaining agreement to initiate a work flexibility arrangement
23 that allows a member of such bona fide labor organization to work from
24 an approved alternative worksite other than a call center location;
25 provided, however, that no inquiry provided to a call center subject to
26 such agreement shall be received by any other employee that is not
27 covered by such agreement and members of such bona fide labor organiza-
28 tion shall reside within the borders of New York state. Any and all
29 members of such bona fide labor organization, after the effective date
30 of the chapter of the laws of two thousand twenty-four that amended this
31 paragraph, receiving and/or handling customer service inquiries residing
32 outside the borders of New York state shall be exempt from residing
33 inside the borders of New York state; however all new employees hired
34 after the effective date of the chapter of the laws of two thousand
35 twenty-four that amended this paragraph shall reside within the border
36 of New York state. If such an arrangement is reached by both parties
37 through a collective bargaining agreement, such arrangement shall not
38 violate this section.

39 (ii) The commission shall make available a form allowing an entity to
40 take an action against a gas or electric corporation that knowingly
41 failed or neglected to obey or comply with this section. Upon receipt of
42 such form, it shall commence a proceeding to determine if a call center
43 or other facility providing customer assistance was closed or customer
44 service assistance inquiries were relocated outside New York state with-
45 out notice, hearing, and approval before the commission. Pursuant to
46 this paragraph, the commission shall provide notice of such proceeding
47 to interested parties and the public and shall promptly fix a date for
48 the commencement of a public hearing thereon not less than sixty days
49 after such receipt. The testimony presented at such hearing may be
50 presented in writing or orally, provided that the commission may make
51 rules designed to exclude repetitive, redundant or irrelevant testimony
52 while giving all parties the opportunity to present their documentary
53 and/or testimonial evidence. The commission shall a make record of all
54 testimony in all contested hearings. The commission shall within thirty
55 days make a determination if such gas or electric corporation was in
56 violation of this section.

1 § 2. Section 25 of the public service law is amended by adding a new
2 subdivision 4-a to read as follows:

3 4-a. Notwithstanding the provisions of subdivision two of this
4 section, any such public utility company, corporation or person and the
5 officers, agents and employees thereof that knowingly fails or neglects
6 to obey or comply with section sixty-five of this chapter, or an order
7 or regulation adopted pursuant to section sixty-five of this chapter, or
8 such public utility company, corporation or person and the officers,
9 agents and employees thereof knowingly sends a customer assistance
10 inquiry outside a gas or electric corporation's New York state service
11 territory or outside the state of New York without notice, a hearing and
12 approval before the commission pursuant to section sixty-five of this
13 chapter, shall forfeit to the state of New York a sum not to exceed the
14 greater of:

15 (a) fifty thousand dollars constituting a civil penalty for each sepa-
16 rate and distinct customer service inquiry sent outside of New York and
17 one hundred fifty thousand dollars constituting a civil penalty for each
18 day a call center or other facility providing the customer assistance is
19 closed; or

20 (b) the maximum forfeiture determined in accordance with subdivision
21 two of this section.

22 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of
29 the legislature that this act would have been enacted even if such
30 invalid provisions had not been included herein.

31 § 4. This act shall take effect immediately and shall apply to all
32 actions or proceedings commenced on or after the effective date of this
33 act.