STATE OF NEW YORK

9444--A

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. CRUZ, JEAN-PIERRE, SEAWRIGHT, STERN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. **For purposes of this section, each individual phone call, writing, email, text, chat, or any other communication shall count as an independent instance of customer assistance, and therefore each shall trigger a gas or electric corporation's duties under paragraph (b) of this subdivision.**

(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

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

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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 hearing may be presented in writing or orally, provided that the commission may make rules designed to exclude repetitive, redundant or irrelevant testimony while giving all interested parties the opportunity to present their documentary and/or testimonial evidence. The commission shall make a record of all testimony in all contested hearings. **The commission within thirty days shall approve or deny the closure of a call center or other facility providing customer service or the relocation of customer service assistance inquiries.** For purposes of this section "public hearing" means a public forum at a physical location, attended by commission members or their designees, where oral testimony is accepted and written testimony may be submitted for inclusion in the record. Such forum shall be open to parties to the proceeding and the general public for the presentation of comments that shall be limited to relevant facts directly related to the proceeding in question. Such hearing shall be commenced upon proper notice to the parties to the proceeding and the public at least thirty days prior to the scheduled date. **Such hearing shall be closed after the commission approves or denies the closure of a call center or other facility providing customer service or the relocation of customer service assistance inquiries. In no event shall a gas or electric corporation's history of sending customer assistance outside the gas or electric corporation's New York state service territory or outside of New York state be used as justification for doing so after the effective date of the chapter of the laws of two thousand twenty-four that amended this paragraph takes effect. It shall be permissible for a gas or electric corporation to initiate work flexibility policies that allow call center employees to work from an approved alternative worksite other than a call center location. Provided, however, before a gas or electric corporation can establish policies for any call center employees that are represented by a bona fide labor organization through a collective bargaining agreement, such policies must have been mutually agreed to by the corporation and the labor organization. Such policies shall not violate this section.**

(ii) The commission shall make available a form allowing an entity to take an action against a gas or electric corporation that knowingly failed or neglected to obey or comply with this section. Upon receipt of such form, it shall commence a proceeding to determine if a call center or other facility providing customer assistance was closed or customer service assistance inquiries were relocated outside New York state without notice, hearing, and approval before the commission. Pursuant to this paragraph, the commission shall provide notice of such 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 hearing may be presented in writing or orally, provided that the commission may make rules designed to exclude repetitive, redundant or irrelevant testimony while giving all parties the opportunity to present their documentary and/or testimonial evidence. The commission shall a make record of all testimony in all contested hearings. The commission shall within thirty

days make a determination if such gas or electric corporation was in violation of this section.

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

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

(a) fifty thousand dollars constituting a civil penalty for each separate and distinct customer service inquiry sent outside of New York and one hundred thousand dollars constituting a civil penalty for each day a call center or other facility providing the customer assistance is closed; or

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

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

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