

# STATE OF NEW YORK

1200--A

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to requiring the establishment of automatic payment plans

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 66-v to read as follows:

3 § 66-v. Utility automatic payment plans. 1. Within one hundred eighty  
4 days of the effective date of this section, notwithstanding any other  
5 provision of law, the commission is authorized and directed to require  
6 utility companies headquartered in New York to establish a statewide  
7 program to provide eligible participants with affordable payment plans.  
8 Utility companies shall automatically provide appropriate payment plans  
9 to qualifying low income individuals who provide documentation of their  
10 eligibility status. The fiscal impact of such a program shall not be  
11 borne by customers and shall not be added to bills rendered by the util-  
12 ity company to customers. Enrollment shall be available at any time  
13 during the year. For the purposes of this section, "utility company"  
14 shall mean a utility company that provides electric, gas, or steam  
15 service.

16 2. (a) The commission shall engage with utility companies to establish  
17 automated file matching mechanisms that will provide, via electronic  
18 means, utility companies with a list of eligible participants within the  
19 utility company's service territory. The commission shall provide such  
20 information to such utility companies no less than semi-annually. A  
21 utility company which offers such a payment plan program shall conspicu-  
22 ously advertise the availability of such plan on the website of such  
23 utility company.

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

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1 (b) The commission shall also create a mechanism by which an individ-  
2 ual's documentation is submitted and reasonably and promptly reviewed  
3 for qualification as proper documentation of the individual's eligibil-  
4 ity status. Such mechanism shall also provide for electronic submission  
5 of documentation.

6 3. An individual or household shall be determined to be eligible for a  
7 payment plan if such individual or household provides documentation of  
8 eligibility for any of the following programs:

9 (a) temporary assistance for needy families (family assistance);

10 (b) safety net assistance (public assistance);

11 (c) supplemental security income (SSI);

12 (d) supplemental nutrition assistance program (SNAP);

13 (e) low income home energy assistance program;

14 (f) veteran's disability pension;

15 (g) veteran's surviving spouse pension;

16 (h) child health plus;

17 (i) lifeline;

18 (j) home energy assistance program (HEAP);

19 (k) direct vendor or utility guarantee;

20 (l) temporary assistance to needy families (TANF);

21 (m) social security disability insurance (SSDI);

22 (n) emergency rental assistance program (ERAP); and

23 (o) any other income-based assistance program identified by the  
24 commission.

25 4. (a) When devising payment plans, the utility company shall consider  
26 the circumstances and financial condition of the customer including:

27 (i) The amount due, if any, on the account;

28 (ii) The customer's ability to pay;

29 (iii) The customer's payment history;

30 (iv) The anticipated energy assistance benefits for which the customer  
31 may be eligible;

32 (v) The circumstances which resulted in the past due bills;

33 (vi) Hardships which may result from the lack of utility service to  
34 the customer; and

35 (vii) Any other relevant factors related to the circumstances of the  
36 customer.

37 (b) A utility company shall permit each customer a period of not less  
38 than twenty-one days from the date the bill was sent to pay in full,  
39 unless the customer and the utility company agree on a different due  
40 date. A utility company shall not withdraw funds from a customer's  
41 account before the due date in cases where a customer uses an automatic  
42 bill payment plan unless the customer agrees to a different period.

43 5. The attorney general may bring a civil action against any utility  
44 companies that violate this section to enjoin such violation and may  
45 recover a civil penalty of up to one hundred dollars per violation of  
46 this section or, for a pattern or practice of such violations, of up to  
47 one thousand dollars per violation. A violation shall be judged per  
48 individual account.

49 § 2. This act shall take effect on the thirtieth day after it shall  
50 have become a law.