STATE OF NEW YORK

1303--A

Cal. No. 129

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sens. PARKER, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to adjustment of electric residential fixed charges

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

Section 1. The public service law is amended by adding a new section 42-b to read as follows:

§ 42-b. Adjustment of electric distribution company residential fixed charge. 1. As used in this section "residential fixed charge" means any fixed fee charged to residential customers of an electric, gas or combination electric and gas utility corporation, including, but not limited to, (a) a fixed charge for distribution basic service, (b) a distribution customer service charge, (c) a customer charge, or (d) a basic service fee which is separate and distinct from any distribution charge per kilowatt-hour.

2. The department shall adjust each utility corporation's residential fixed charge upon such corporation's filing with the department of an amendment of rate schedules pursuant to article four of this chapter, to recover only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections and the provision of customer service.

3. A utility corporation may not impose a residential fixed charge in excess of ten percent per month on the total balance of any bill based on a reasonable calculation of the specific costs and expenses pursuant to this subdivision. In the event that the residential fixed charge

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

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exceeds the cap established in this subdivision, the excess amount shall be carried over into future billing periods as a credit towards the customer's fixed fees. Any legitimate direct costs that cannot be recouped during the current billing period may also be carried over as a credit towards the customer's fixed fees.

4. The utility corporation shall provide clear and transparent information on fixed charges to residential electric, gas, or combination electric and gas utility customers, including, but not limited to, the specific costs and expenses included in the calculation of such charges. The information shall be easily accessible to customers, including through the corporation's website and billing statements, and shall be provided in a clear and understandable manner. The corporation shall also provide customers with notice of any changes to fixed charges, including the reasons for such changes and the impact on customers' bills, in advance of the effective date of such changes.

5. The provisions of subdivision two, three, and four of this section shall not permit or enable the department to cause a cost shift to other rate classes.

§ 2. This act shall take effect immediately.