

# STATE OF NEW YORK

6803--A

2023-2024 Regular Sessions

## IN SENATE

May 10, 2023

Introduced by Sens. GONZALEZ, BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to termination of certain utility services

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 54 to read as follows:

3 § 54. Investigations relating to residential gas, electric and steam  
4 utility service. 1. For the purposes of this section, the term "investi-  
5 gation" shall mean a formal proceeding conducted by the commission to  
6 examine the policies, practices, rates, charges, services, facilities,  
7 operations, or management of a utility corporation or to determine  
8 compliance with any law, rule, regulation, order, or tariff applicable  
9 to such utility corporation. The term "investigation" shall include such  
10 proceedings conducted pursuant to section seventy-one of this chapter.  
11 Notwithstanding anything to the contrary, the term "investigation" shall  
12 not include commission inquiries triggered by an individual customer  
13 complaint filed pursuant to section forty-three of this article.

14 2. (a) A utility corporation shall not impose late fees, interest or  
15 penalties during an investigation if such utility corporation is the  
16 subject of a pending investigation, provided however, that such late  
17 fees, interest and penalties may be imposed retroactively if such inves-  
18 tigation is finally resolved in favor of such utility corporation. Such  
19 late payment charges shall be in compliance with the guidelines set  
20 forth in section forty-two of this article.

21 (b) Upon the final determination of any investigation covered by this  
22 section, the commission shall either (i) determine any allowable penal-  
23 ties the utility corporation may impose upon its customers, or (ii)  
24 wave, or partially waive, any interest or fees charged by the utility

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

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1 corporation to the consumer on such consumer's billing statements during  
2 a period such utility corporation determines to be related to such  
3 investigation.

4 3. Notwithstanding any law, rule, regulation, order, or tariff to the  
5 contrary, utility service shall not be terminated to residential  
6 accounts for non-payment of an overdue charge from the commencement of  
7 any commission investigation until one hundred twenty days after the  
8 findings of such investigation have been published and a determination  
9 has been issued by the commission. Nothing in this section shall prohib-  
10 it a utility corporation from disconnecting service necessary to protect  
11 the health and safety of customers and the public.

12 4. (a) Within ten days of the commencement of an investigation, the  
13 utility corporation shall notify residential customers of such investi-  
14 gation. Forms of notification of an investigation from a utility corpo-  
15 ration to a residential customer shall include, but not be limited to,  
16 letters, notices on utility bills, phone calls, and notices posted on  
17 the utility corporation's website.

18 (b) Within three days of the commencement of an investigation, the  
19 department shall post a notice to the general public of such investi-  
20 gation on its website.

21 § 2. The public service law is amended by adding a new section 77-a to  
22 read as follows:

23 § 77-a. Investigations relating to commercial gas and electric utility  
24 service. 1. For the purposes of this section, the term "investigation"  
25 shall mean a formal proceeding conducted by the commission to examine  
26 the policies, practices, rates, charges, services, facilities, oper-  
27 ations, or management of a utility corporation or to determine compli-  
28 ance with any law, rule, regulation, order or tariff applicable to such  
29 utility corporation. The term "investigation" shall include such  
30 proceedings conducted pursuant to section seventy-one of this article.  
31 Notwithstanding anything to the contrary, the term "investigation" shall  
32 not include commission inquiries triggered by an individual customer  
33 complaint filed pursuant to section forty-three of this chapter.

34 2. (a) A utility corporation shall not impose late fees, interest or  
35 penalties during an investigation if such utility corporation is the  
36 subject of a pending investigation, provided however, that such late  
37 fees, interest and penalties may be imposed retroactively if such inves-  
38 tigation is finally resolved in favor of such utility corporation. Such  
39 late payment charges shall be in compliance with the guidelines set  
40 forth in section sixty-five of this article.

41 (b) Upon the final determination of any investigation covered by this  
42 section, the commission shall either (i) determine any allowable penal-  
43 ties the utility corporation may impose upon its customers, or (ii)  
44 waive, or partially waive, any interest or fees charged by such utility  
45 corporation to the consumer on such consumer's billing statements during  
46 a period such utility corporation determines to be related to such  
47 investigation.

48 3. Notwithstanding any law, rule, regulation, order, or tariff to the  
49 contrary, utility service shall not be terminated to residential  
50 accounts for non-payment of an overdue charge from the commencement of  
51 any commission investigation until one hundred twenty days after the  
52 findings of such investigation have been published and a determination  
53 has been issued by the commission. Nothing in this section shall prohib-  
54 it a utility corporation from disconnecting service necessary to protect  
55 the health and safety of customers and the public.

1 4. (a) Within ten days of the commencement of an investigation, the  
2 utility corporation shall notify residential customers of such investi-  
3 gation. Forms of notification of an investigation from a utility corpo-  
4 ration to a residential customer shall include, but not be limited to,  
5 letters, notices on utility bills, phone calls, and notices posted on  
6 the utility corporation's website.

7 (b) Within three days of the commencement of an investigation, the  
8 department shall post a notice to the general public of such investi-  
9 gation on its website.

10 § 3. The public service law is amended by adding a new section 85-b to  
11 read as follows:

12 § 85-b. Investigations relating to commercial steam utility service.

13 1. For the purposes of this section, the term "investigation" shall  
14 mean a formal proceeding conducted by the commission to examine the  
15 policies, practices, rates, charges, services, facilities, operations,  
16 or management of a utility corporation or to determine compliance with  
17 any law, rule, regulation, order or tariff applicable to such utility  
18 corporation. The term "investigation" shall include such proceedings  
19 conducted pursuant to section seventy-one of this chapter. Notwith-  
20 standing anything to the contrary, the term "investigation" shall not  
21 include commission inquiries triggered by an individual customer  
22 complaint filed pursuant to section forty-three of this chapter.

23 2. (a) A utility corporation shall not impose late fees, interest, or  
24 penalties during an investigation if such utility corporation is the  
25 subject of a pending investigation, provided however, that such late  
26 fees, interest and penalties may be imposed retroactively if such inves-  
27 tigation is finally resolved in favor of such utility corporation. Such  
28 late payment charges shall be in compliance with section seventy-nine of  
29 this article.

30 (b) Upon the final determination of any investigation covered by this  
31 section, the commission shall either (i) determine any allowable penal-  
32 ties the utility corporation may impose upon its customers, or (ii)  
33 waive, or partially waive, any interest or fees charged by the utility  
34 corporation to the consumer on such consumer's billing statements during  
35 a period such utility corporation determines to be related to such  
36 investigation.

37 3. Notwithstanding any law, rule, regulation, order, or tariff to the  
38 contrary, utility service shall not be terminated to residential  
39 accounts for non-payment of an overdue charge from the commencement of  
40 any commission investigation until one hundred twenty days after the  
41 findings of such investigation have been published and a determination  
42 has been issued by the commission. Nothing in this section shall prohib-  
43 it a utility corporation from disconnecting service necessary to protect  
44 the health and safety of customers and the public.

45 4. (a) Within ten days of the commencement of an investigation, the  
46 utility corporation shall notify residential customers of such investi-  
47 gation. Forms of notification of an investigation from a utility corpo-  
48 ration to a residential customer shall include, but not be limited to,  
49 letters, notices on utility bills, phone calls, and notices posted on  
50 the utility corporation's website.

51 (b) Within three days of the commencement of an investigation, the  
52 department shall post a notice to the general public of such investi-  
53 gation on its website.

54 § 4. This act shall take effect on the thirtieth day after it shall  
55 have become a law.