

# STATE OF NEW YORK

6803--B

Cal. No. 969

2023-2024 Regular Sessions

## IN SENATE

May 10, 2023

Introduced by Sens. GONZALEZ, BRISPORT, HINCHEY, SALAZAR, THOMAS -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a 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 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. Short title. This act shall be known and may be cited as  
2 the "consumer utility protections during investigations act" or the  
3 "CUPDI act".

4 § 2. Section 2 of the public service law is amended by adding a new  
5 subdivision 30 to read as follows:

6 30. "Final determination" or "finally determined" means a judicial  
7 decision: (i) by the highest court of competent jurisdiction; or (ii) by  
8 a court of competent jurisdiction from which no appeal has been taken  
9 and the time within which to appeal has expired.

10 § 3. The public service law is amended by adding a new section 54 to  
11 read as follows:

12 § 54. Investigations relating to residential gas, electric and steam  
13 utility service. 1. For the purposes of this section, the term "investi-  
14 gation" shall mean a formal proceeding conducted by the commission to  
15 examine the policies, practices, rates, charges, services, facilities,  
16 operations, or management of a utility corporation or to determine  
17 compliance with any law, rule, regulation, order, or tariff applicable  
18 to such utility corporation. The term "investigation" shall include such

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

LBD07069-11-4

1 proceedings conducted pursuant to section seventy-one of this chapter.  
2 Notwithstanding anything to the contrary, the term "investigation" shall  
3 not include commission inquiries triggered by an individual customer  
4 complaint filed pursuant to section forty-three of this article.

5 2. (a) A utility corporation shall not impose late fees, interest or  
6 penalties during an investigation if such utility corporation is the  
7 subject of a pending investigation, provided however, that such late  
8 fees, interest and penalties may be imposed retroactively if such inves-  
9 tigation is issued a final order in favor of such utility corporation.  
10 Such late payment charges shall be in compliance with the guidelines set  
11 forth in section forty-two of this article.

12 (b) Upon the final determination or by the issuance of a final order,  
13 of any investigation covered by this section, the commission shall  
14 either (i) determine any allowable penalties the utility corporation may  
15 impose upon its customers, or (ii) waive, or partially waive, any inter-  
16 est or fees charged by the utility corporation to the consumer on such  
17 consumer's billing statements during a period such utility corporation  
18 determines to be related to such investigation.

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

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

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

36 § 4. The public service law is amended by adding a new section 77-a to  
37 read as follows:

38 § 77-a. Investigations relating to commercial gas and electric utility  
39 service. 1. For the purposes of this section, the term "investigation"  
40 shall mean a formal proceeding conducted by the commission to examine  
41 the policies, practices, rates, charges, services, facilities, oper-  
42 ations, or management of a utility corporation or to determine compli-  
43 ance with any law, rule, regulation, order or tariff applicable to such  
44 utility corporation. The term "investigation" shall include such  
45 proceedings conducted pursuant to section seventy-one of this article.  
46 Notwithstanding anything to the contrary, the term "investigation" shall  
47 not include commission inquiries triggered by an individual customer  
48 complaint filed pursuant to section forty-three of this chapter.

49 2. (a) A utility corporation shall not impose late fees, interest or  
50 penalties during an investigation if such utility corporation is the  
51 subject of a pending investigation, provided however, that such late  
52 fees, interest and penalties may be imposed retroactively if such inves-  
53 tigation is issued a final order in favor of such utility corporation.  
54 Such late payment charges shall be in compliance with the guidelines set  
55 forth in section sixty-five of this article.

1 (b) Upon the final determination or by the issuance of a final order,  
2 of any investigation covered by this section, the commission shall  
3 either (i) determine any allowable penalties the utility corporation may  
4 impose upon its customers, or (ii) waive, or partially waive, any inter-  
5 est or fees charged by such utility corporation to the consumer on such  
6 consumer's billing statements during a period such utility corporation  
7 determines to be related to such investigation.

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

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

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

25 § 5. The public service law is amended by adding a new section 85-a to  
26 read as follows:

27 § 85-a. Investigations relating to commercial steam utility service.

28 1. For the purposes of this section, the term "investigation" shall  
29 mean a formal proceeding conducted by the commission to examine the  
30 policies, practices, rates, charges, services, facilities, operations,  
31 or management of a utility corporation or to determine compliance with  
32 any law, rule, regulation, order or tariff applicable to such utility  
33 corporation. The term "investigation" shall include such proceedings  
34 conducted pursuant to section seventy-one of this chapter. Notwith-  
35 standing anything to the contrary, the term "investigation" shall not  
36 include commission inquiries triggered by an individual customer  
37 complaint filed pursuant to section forty-three of this chapter.

38 2. (a) A utility corporation shall not impose late fees, interest, or  
39 penalties during an investigation if such utility corporation is the  
40 subject of a pending investigation, provided however, that such late  
41 fees, interest and penalties may be imposed retroactively if such inves-  
42 tigation is issued a final order in favor of such utility corporation.  
43 Such late payment charges shall be in compliance with section seventy-  
44 nine of this article.

45 (b) Upon the final determination or by the issuance of a final order,  
46 of any investigation covered by this section, the commission shall  
47 either (i) determine any allowable penalties the utility corporation may  
48 impose upon its customers, or (ii) waive, or partially waive, any inter-  
49 est or fees charged by the utility corporation to the consumer on such  
50 consumer's billing statements during a period such utility corporation  
51 determines to be related to such investigation.

52 3. Notwithstanding any law, rule, regulation, order, or tariff to the  
53 contrary, utility service shall not be terminated to residential  
54 accounts for non-payment of an overdue charge from the commencement of  
55 any commission investigation until one hundred twenty days after the  
56 findings of such investigation have been published and a determination

1 has been issued by the commission. Nothing in this section shall prohib-  
2 it a utility corporation from disconnecting service necessary to protect  
3 the health and safety of customers and the public.

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

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

13 § 6. This act shall take effect on the thirtieth day after it shall  
14 have become a law.