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:

Section 1. Short title. This act shall be known and may be cited as the "consumer utility protections during investigations act" or the "CUPDI act".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 85-a. Investigations relating to commercial steam utility service. 1. For the purposes of this section, the term "investigation" shall mean a formal proceeding conducted by the commission to examine the policies, practices, rates, charges, services, facilities, operations, or management of a utility corporation or to determine compliance with any law, rule, regulation, order or tariff applicable to such utility corporation. The term "investigation" shall include such proceedings conducted pursuant to section seventy-one of this chapter. Notwithstanding anything to the contrary, the term "investigation" shall not include commission inquiries triggered by an individual customer complaint filed pursuant to section forty-three of this chapter.

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

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

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

has been issued by the commission. Nothing in this section shall prohibit a utility corporation from disconnecting service necessary to protect the health and safety of customers and the public.

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

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

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