

# STATE OF NEW YORK

794

2023-2024 Regular Sessions

## IN SENATE

January 6, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to complaint procedures and retaining billing records for a certain period of time

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

1 Section 1. Subdivisions 2 and 3 of section 43 of the public service  
2 law, subdivision 2 as added by chapter 713 of the laws of 1981 and  
3 subdivision 3 as added by chapter 686 of the laws of 2002, are amended  
4 and a new subdivision 4 is added to read as follows:

5 2. The commission shall maintain regulations for complaint handling  
6 procedures including complaints with respect to the negotiation of a  
7 deferred payment agreement which shall include, at a minimum: (a)  
8 provision for investigation and informal review and for appeal to the  
9 commission in its discretion; (b) that the burden of proof in all  
10 proceedings shall be on the utility corporation or municipality, except  
11 as otherwise provided by the commission for good cause; and (c)  
12 provision for parties to receive a written determination of any  
13 complaint, [~~upon request,~~] in plain and simple English, which determi-  
14 nation shall set forth the relevant facts established, the reasons for  
15 the determination, what actions must be taken and what further proce-  
16 dures are available to a complainant.

17 3. The commission shall [~~use its best efforts to~~] complete its inves-  
18 tigation and review and to issue, within ninety days, its final written  
19 determination of any appeal to it pursuant to this section.

20 4. Each utility corporation subject to this article shall retain bill-  
21 ing records for a period of eight years for all customers.

22 § 2. Section 89-i of the public service law, as amended by section 50  
23 of part A of chapter 62 of the laws of 2011, is amended to read as  
24 follows:

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

LBD03230-01-3

1 § 89-i. Complaints as to price of water; investigation by commission;  
2 forms of complaints. 1. Upon the complaint in writing of the mayor of a  
3 city, the trustees of a village or the town board of a town in which a  
4 person or corporation is authorized to supply or distribute water for  
5 domestic, commercial or public uses, or upon the complaint in writing of  
6 not less than twenty-five customers or purchasers of such water in such  
7 municipality or upon complaint of a water-works corporation supplying  
8 such water, as to the rates, charges or classifications of service for  
9 water sold and delivered in such municipality, or upon the complaint in  
10 writing of the department of state, or as to the methods employed in  
11 furnishing such service, the commission shall investigate as to the  
12 cause of such complaint. When such complaint is made, the commission  
13 may, by its agents, examiners and inspectors, inspect the works, system,  
14 plant, devices, appliances and methods used by such water-works corpo-  
15 ration in supplying and distributing such water, and may examine or  
16 cause to be examined the books and papers of such water-works corpo-  
17 ration pertaining to the supplying and distributing of such water. The  
18 form and contents of complaints made as provided in this section shall  
19 be prescribed by the commission. Such complaints shall be signed by the  
20 officers, or by the customers, purchasers or subscribers making them,  
21 who must add to their signatures their places of residence, by street  
22 and number, if any.

23 2. The commission shall complete its investigation and review and  
24 issue, within ninety days, to the complainant, its final written deter-  
25 mination of any appeal pursuant to this section. Such written determi-  
26 nation shall include the relevant facts established, the reasons for the  
27 determination, what actions must be taken and what further procedures  
28 are available to a complainant.

29 3. Each utility corporation subject to this article shall retain bill-  
30 ing records for a period of eight years for all customers.

31 § 3. Section 71 of the public service law, as amended by chapter 521  
32 of the laws of 2013, is amended to read as follows:

33 § 71. Complaints as to quality and price of gas and electricity;  
34 investigation by commission; forms of complaints. 1. Upon the complaint  
35 in writing of the mayor of a city, the trustees of a village, the town  
36 board of a town or the chief executive officer or the legislative body  
37 of a county in which a person or corporation is authorized to manufac-  
38 ture, convey, transport, sell or supply gas or electricity for heat,  
39 light or power, or upon the complaint in writing of not less than twen-  
40 ty-five customers or purchasers of such gas or electricity, or upon the  
41 complaint in writing of the department of state, or upon a complaint of  
42 a gas corporation or electrical corporation supplying or transmitting  
43 said gas or electricity, as to the illuminating or heating power, purity  
44 or pressure or the rates, charges or classifications of service of gas,  
45 the efficiency of the electric incandescent lamp supply, the voltage of  
46 the current supplied for light, heat or power, or the rates charged or  
47 classification of service of electricity sold and delivered in such  
48 municipality, or as to the extent or duration of a disruption in gas or  
49 electricity service, the commission shall investigate as to the cause  
50 for such complaint. When such complaint is made, the commission may, by  
51 its agents, examiners and inspectors, inspect the works, system, plant,  
52 devices, appliances and methods used by such person or corporation in  
53 manufacturing, transmitting and supplying such gas or electricity, and  
54 may examine or cause to be examined the books and papers of such person,  
55 or corporation pertaining to the manufacture, sale, transmitting and  
56 supplying of such gas or electricity. The form and contents of

1 complaints made as provided in this section shall be prescribed by the  
2 commission. Such complaints shall be signed by the officers, or by the  
3 customers, purchasers or subscribers making them, who must add to their  
4 signatures their places of residence, by street and number, if any. The  
5 commission shall publish the form and instructions for completing the  
6 form on the commission's website.

7 2. The commission shall complete its investigation and review and  
8 issue, within ninety days, to the complainant, its final written deter-  
9 mination of any appeal pursuant to this section. Such written determi-  
10 nation shall include the relevant facts established, the reasons for the  
11 determination, what actions must be taken and what further procedures  
12 are available to a complainant.

13 3. Each utility corporation subject to this article shall retain bill-  
14 ing records for a period of eight years for all customers.

15 § 4. Section 84 of the public service law, as amended by section 49 of  
16 part A of chapter 62 of the laws of 2011, is amended to read as follows:

17 § 84. Complaints as to service and price of steam heat; investigation  
18 by commission; forms of complaints. 1. Upon the complaint in writing of  
19 the mayor of the city, the trustees of a village or the town board of a  
20 town in which a person or corporation is authorized to manufacture, sell  
21 or supply steam for heat or power, or upon the complaint in writing of  
22 not less than fifty customers or purchasers of such steam heat in cities  
23 of the first or second class, or of not less than twenty-five in cities  
24 of the third class, or of not less than ten elsewhere, or upon the  
25 complaint in writing of the department of state, as to the price, pres-  
26 sure or efficiency of steam supplied for heat or power, sold and deliv-  
27 ered in such municipality, the commission shall investigate as to the  
28 cause for such complaint. When such complaint is made, the commission  
29 may, by its agents, examiners and inspectors, inspect the work, system,  
30 plant, devices, appliances and methods used by such person or corpo-  
31 ration in manufacturing, transmitting and supplying such steam, and may  
32 examine or cause to be examined the books and papers of such person or  
33 corporation pertaining to the manufacture, sale, transmitting and  
34 supplying of such steam. The form and contents of complaints made as  
35 provided in this section shall be prescribed by the commission. Such  
36 complaint shall be signed by the officers, or by the customers, purchas-  
37 ers or subscribers making them, who must add to their signatures their  
38 place of residence, by street and number, if any.

39 2. The commission shall complete its investigation and review and  
40 issue, within ninety days, to the complainant, its final written deter-  
41 mination of any appeal pursuant to this section. Such written determi-  
42 nation shall include the relevant facts established, the reasons for the  
43 determination, what actions must be taken and what further procedures  
44 are available to a complainant.

45 3. Each utility corporation subject to this article shall retain bill-  
46 ing records for a period of eight years for all customers.

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