

# STATE OF NEW YORK

10406

## IN ASSEMBLY

March 3, 2026

Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on Small Business

AN ACT to amend the economic development law and the public service law,  
in relation to small business energy assistance and advocacy services

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

1 Section 1. Legislative findings. The legislature hereby finds and  
2 declares that rising energy costs present a significant barrier to the  
3 economic viability of New York's small businesses, a crucial sector of  
4 the state's economy. Small businesses can least afford the time and cost  
5 associated with seeking opportunities to conserve energy, utilize energy  
6 efficient products and processes and gain access to renewable sources of  
7 energy. The viability of small businesses and the overall economic and  
8 environmental status of New York state will be enhanced by the develop-  
9 ment, expansion and promotion of accessible and affordable programs to  
10 assist small businesses in energy conservation, energy efficiency, and  
11 increased use of renewable resources, and by ensuring equitable treat-  
12 ment of small businesses in the proceedings of energy-related regulatory  
13 agencies.

14 The legislature hereby establishes a small business energy assistance  
15 and advocacy services program as part of the division for small-business  
16 within the empire state development corporation to assist small busi-  
17 nesses in accessing energy conservation, energy efficiency and renewable  
18 energy programs available through public and private sources, and to  
19 advocate for the initiation and expansion of such programs and for equi-  
20 table treatment of small businesses in regulatory proceedings related to  
21 energy.

22 § 2. The economic development law is amended by adding a new section  
23 138-a to read as follows:

24 § 138-a. Small business energy assistance and advocacy services  
25 program. 1. There is hereby established within the division of small  
26 business a small business energy assistance and advocacy services  
27 program.

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

LBD11014-03-6

1 2. The small business energy assistance and advocacy services program,  
2 in consultation with other divisions of the department and with other  
3 agencies of the state, federal agencies or local governments, shall:

4 a. solicit input from small businesses and from organizations repres-  
5 enting small businesses, such as trade associations or other entities,  
6 regarding the energy assistance and energy efficiency needs of small  
7 businesses;

8 b. provide recommendations to the New York state energy research and  
9 development authority, the power authority of the state of New York and  
10 other public utility authorities established pursuant to article five of  
11 the public authorities law, the public service commission, investor-  
12 owned utilities and other entities regarding the development and imple-  
13 mentation of energy assistance programs and on the impact of state ener-  
14 gy policy on small businesses;

15 c. provide to small businesses information and materials on energy  
16 assistance programs, cooperative fuel purchasing efforts and other  
17 programs to maintain the affordability of energy, and provide access to  
18 such information and materials on the department's website;

19 d. accept and investigate complaints of any kind from all small busi-  
20 ness customers including those from the Long Island power authority,  
21 attempt to mediate such complaints where appropriate directly with such  
22 authority and refer complaints to the appropriate state or local agency  
23 authorized by law to take action with respect to such complaints; and

24 e. hold quarterly forums in each of the service territories of the  
25 combination gas and electric corporations, as defined under section two  
26 of the public service law, and the Long Island power authority to  
27 educate small business owners about utility-related matters and the  
28 regulatory process, opportunities to lower energy costs, including  
29 through energy efficiency and distributed generation, and other matters  
30 affecting small business owners.

31 3. The small business energy assistance and advocacy services program  
32 shall initiate, intervene in, or participate in any proceedings before  
33 the public service commission or the department of public service, to  
34 the extent authorized by section three-b, twenty-four-a, seventy-one,  
35 eighty-four or ninety-six of the public service law or any other appli-  
36 cable provision of law, where the division deems such initiation, inter-  
37 vention or participation to be necessary or appropriate, and may advoca-  
38 te before any other state and federal regulatory agencies for the  
39 adoption of appropriate regulations providing for equitable treatment of  
40 small businesses in energy-related policies, including but not limited  
41 to extending reasonable consumer protections to small businesses in  
42 energy-related matters.

43 4. Beginning in the calendar year following the effective date of this  
44 section, and continuing annually on or before March fifteenth, the divi-  
45 sion shall report to the governor and the legislature on any actions it  
46 has taken pursuant to this section, and any recommendations for legisla-  
47 tive, state regulatory, and/or budgetary measures the division has for  
48 improving energy affordability and energy efficiency for small busi-  
49 nesses.

50 § 3. The section heading and subdivision 1 of section 24-a of the  
51 public service law, as amended by section 47 of part A of chapter 62 of  
52 the laws of 2011, are amended to read as follows:

53 Notice to be given to department of state and the division of small  
54 business prior to rate increase.

55 1. Notwithstanding any inconsistent general, special or local law or  
56 rule or regulation to the contrary, the commission shall to the extent

1 the department shall so request in any cases or class of cases, give  
2 notice to the department and the division of small business of any filed  
3 statement proposing to modify or increase rates, services, schedule of  
4 rates or any other rating rule or to adopt or amend any rate or service  
5 rules or regulations within five days after the commission shall have  
6 received such statement from any utility subject to its jurisdiction;  
7 provided, however, that in lieu of giving such notice, the commission  
8 may direct that the utility give such notice to the department and the  
9 division of small business.

10 § 4. Section 71 of the public service law, as amended by chapter 521  
11 of the laws of 2013, is amended to read as follows:

12 § 71. Complaints as to quality and price of gas and electricity;  
13 investigation by commission; forms of complaints. Upon the complaint in  
14 writing of the mayor of a city, the trustees of a village, the town  
15 board of a town or the chief executive officer or the legislative body  
16 of a county in which a person or corporation is authorized to manufac-  
17 ture, convey, transport, sell or supply gas or electricity for heat,  
18 light or power, or upon the complaint in writing of not less than twen-  
19 ty-five customers or purchasers of such gas or electricity, or upon the  
20 complaint in writing of the department of state or the division of small  
21 business, or upon a complaint of a gas corporation or electrical corpo-  
22 ration supplying or transmitting said gas or electricity, as to the  
23 illuminating or heating power, purity or pressure or the rates, charges  
24 or classifications of service of gas, the efficiency of the electric  
25 incandescent lamp supply, the voltage of the current supplied for light,  
26 heat or power, or the rates charged or classification of service of  
27 electricity sold and delivered in such municipality, or as to the extent  
28 or duration of a disruption in gas or electricity service, the commis-  
29 sion shall investigate as to the cause for such complaint. When such  
30 complaint is made, the commission may, by its agents, examiners and  
31 inspectors, inspect the works, system, plant, devices, appliances and  
32 methods used by such person or corporation in manufacturing, transmit-  
33 ting and supplying such gas or electricity, and may examine or cause to  
34 be examined the books and papers of such person, or corporation pertain-  
35 ing to the manufacture, sale, transmitting and supplying of such gas or  
36 electricity. The form and contents of complaints made as provided in  
37 this section shall be prescribed by the commission. Such complaints  
38 shall be signed by the officers, or by the customers, purchasers or  
39 subscribers making them, who must add to their signatures their places  
40 of residence, by street and number, if any. The commission shall publish  
41 the form and instructions for completing the form on the commission's  
42 website.

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

45 § 84. Complaints as to service and price of steam heat; investigation  
46 by commission; forms of complaints. Upon the complaint in writing of the  
47 mayor of the city, the trustees of a village or the town board of a town  
48 in which a person or corporation is authorized to manufacture, sell or  
49 supply steam for heat or power, or upon the complaint in writing of not  
50 less than fifty customers or purchasers of such steam heat in cities of  
51 the first or second class, or of not less than twenty-five in cities of  
52 the third class, or of not less than ten elsewhere, or upon the  
53 complaint in writing of the department of state or the division of small  
54 business, as to the price, pressure or efficiency of steam supplied for  
55 heat or power, sold and delivered in such municipality, the commission  
56 shall investigate as to the cause for such complaint. When such

1 complaint is made, the commission may, by its agents, examiners and  
2 inspectors, inspect the work, system, plant, devices, appliances and  
3 methods used by such person or corporation in manufacturing, transmit-  
4 ting and supplying such steam, and may examine or cause to be examined  
5 the books and papers of such person or corporation pertaining to the  
6 manufacture, sale, transmitting and supplying of such steam. The form  
7 and contents of complaints made as provided in this section shall be  
8 prescribed by the commission. Such complaint shall be signed by the  
9 officers, or by the customers, purchasers or subscribers making them,  
10 who must add to their signatures their place of residence, by street and  
11 number, if any.

12 § 6. Subdivision 3 of section 96 of the public service law, as amended  
13 by section 51 of part A of chapter 62 of the laws of 2011, is amended to  
14 read as follows:

15 3. Complaints may be made to the commission by the department of  
16 state, the division of small business, or by any person or corporation  
17 aggrieved, by petition or complaint in writing, setting forth any act  
18 done or omitted to be done by any telegraph corporation or telephone  
19 corporation alleged to be in violation of the terms or conditions of its  
20 franchise or charter or of any order of the commission. Upon the presen-  
21 tation of such a complaint the commission shall cause a copy thereof to  
22 be forwarded to the person or corporation complained of which may be  
23 accompanied by an order directed to such person or corporation requiring  
24 that the matters complained of be satisfied or that the charges be  
25 answered in writing within a time to be specified by the commission. If  
26 the person or corporation complained of shall make reparation for any  
27 injury alleged and shall cease to commit or permit the violation of law,  
28 franchise, charter or order charged in the complaint, if any there be,  
29 and shall notify the commission of that fact before the time allowed for  
30 answer, the commission need take no further action upon the charges. If,  
31 however, the charges contained in such petition be not thus satisfied  
32 and it shall appear to the commission that there are reasonable grounds  
33 therefor, it shall investigate such charges in such manner and by such  
34 means as it shall deem proper and take such action within its powers as  
35 the facts in its judgment justify.

36 § 7. This act shall take effect on the one hundred eightieth day after  
37 it shall have become a law. Effective immediately, the addition, amend-  
38 ment and/or repeal of any rule or regulation necessary for the implemen-  
39 tation of this act on its effective date are authorized to be made and  
40 completed on or before such effective date.