

STATE OF NEW YORK

5969--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 25, 2025

Introduced by M. of A. JACOBSON, EACHUS, SANTABARBARA, SHIMSKY, SHRESTHA
-- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to permitting the rendering of an estimated bill from a utility corporation or municipality under certain circumstances

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

1 Section 1. Subdivisions 1 and 2 of section 39 of the public service
2 law, as amended by chapter 686 of the laws of 2002, are amended and a
3 new subdivision 1-a is added to read as follows:

4 1. (a) A utility corporation or municipality may, in accordance with
5 such requirements as the commission may impose by regulation, only
6 render an estimated bill for [~~any~~] a billing period if [~~+~~ ~~(a)~~] the proce-
7 dure used by such utility or municipality for calculating estimated
8 bills has been approved by the commission, [~~and~~] the bill clearly indi-
9 cates that it is based on an estimated reading, and [~~(b)~~] at least one
10 of the following conditions is met:

11 (i) the utility owning the meter and providing the meter reading data
12 on which the estimated bill will be based or the municipality has made
13 reasonable effort to obtain an actual meter reading and is unable to
14 obtain one or [~~(e)~~]

15 (ii) circumstances beyond the control of the utility or municipality
16 made an actual reading of the meter extremely difficult or [~~(d)~~]

17 (iii) circumstances indicate a reported reading is likely to be erro-
18 neous, or [~~(e)~~]

19 (iv) an estimated reading is prescribed or authorized by the commis-
20 sion for a billing period between periods when actual meter readings are
21 scheduled or for seasonal or short term customers.

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

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1 (b) In addition to the provisions of paragraph (a) of this subdivi-
2 sion, a utility corporation or municipality shall not issue an estimated
3 bill to a customer for any consecutive billing period under any circum-
4 stances, unless the utility is unable to obtain an actual meter reading
5 due to (i) the customer's failure to provide reasonable access to the
6 meter for an actual reading, or (ii) a declaration of a state of emer-
7 gency which prevents the ability to obtain an actual meter reading.

8 (c) Outside of the criteria for rendering estimated billing pursuant
9 to this section, all other bills shall use actual meter readings.

10 (d) A utility corporation or municipality shall not charge a customer
11 for any supply or delivery costs associated with an estimated bill that
12 does not comply with this section nor be able to recover from any of its
13 customers any revenue that the utility is precluded from collecting from
14 an individual customer by this section.

15 (e) Nothing in this subdivision shall be interpreted or otherwise
16 construed as preempting settlements with the commission or department
17 that are more strict than those contained in this subdivision.

18 (f) For the purposes of this subdivision, a reading from an advanced
19 metering infrastructure enabled meter shall be considered an actual
20 reading.

21 1-a. The commission shall require each utility corporation and munici-
22 pality within six months after the effective date of this subdivision to
23 submit to the commission a revised model for the calculation of and
24 procedures for estimated billing that complies with this article, incor-
25 porates best practices and technology, and accounts for any barriers to
26 the use of actual meter readings. No later than November first, two
27 thousand twenty-six, the commission shall promulgate rules and regu-
28 lations to incorporate and adopt such model procedures for utility
29 corporations and municipalities.

30 2. Where a utility corporation owning the meter and supplying meter
31 reading data for a bill or a municipality fails to gain access to a
32 meter [~~for a period of four months or two billing periods, whichever is~~
33 ~~greater~~], the corporation or municipality shall take reasonable actions
34 to obtain an actual meter reading for the subsequent billing period.
35 Such additional actions may include, but not be limited to: making an
36 appointment with the customer or such other person who controls access
37 to the meter for a reading at a time other than within normal business
38 hours, offering the customer the opportunity to [~~phone in a~~] submit an
39 actual meter reading by telephone or electronic transmission, which may
40 include submission of a photograph of such meter reading, or providing a
41 card to the customer on which [~~he or she~~] such customer may record the
42 reading and mail it to the utility or municipality.

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