

# STATE OF NEW YORK

953

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. SHRESTHA, GALLAGHER, JACOBSON, STECK, BURDICK, SIMON, MITAYNES, EPSTEIN, STIRPE, MAMDANI, FORREST, R. CARROLL, ROSENTHAL, DE LOS SANTOS, SEPTIMO, REYES, RAGA -- read once and referred to the Committee on Corporations, Authorities and Commissions

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

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

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

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

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

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

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

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

34 § 77-a. Investigations relating to commercial gas and electric utility  
35 service. 1. For the purposes of this section, the term "investigation"  
36 shall mean a formal proceeding conducted by the commission to examine  
37 the policies, practices, rates, charges, services, facilities, oper-  
38 ations, or management of a utility corporation or to determine compli-  
39 ance with any law, rule, regulation, order or tariff applicable to such  
40 utility corporation. The term "investigation" shall include such  
41 proceedings conducted pursuant to section seventy-one of this article.  
42 Notwithstanding anything to the contrary, the term "investigation" shall  
43 not include commission inquiries triggered by an individual customer  
44 complaint filed pursuant to section forty-three of this chapter.

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

52 (b) Upon the final determination or by the issuance of a final order,  
53 of any investigation covered by this section, the commission shall  
54 either (i) determine any allowable penalties the utility corporation may  
55 impose upon its customers, or (ii) waive, or partially waive, any inter-  
56 est or fees charged by such utility corporation to the consumer on such

1 consumer's billing statements during a period such utility corporation  
2 determines to be related to such investigation.

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

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

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

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

22 § 85-a. Investigations relating to commercial steam utility service.

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

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

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

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

55 4. (a) Within ten days of the commencement of an investigation, the  
56 utility corporation shall notify residential customers of such investi-

1 gation. Forms of notification of an investigation from a utility corpo-  
2 ration to a residential customer shall include, but not be limited to,  
3 letters, notices on utility bills, phone calls, and notices posted on  
4 the utility corporation's website.

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

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