

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.

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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.