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 Assembly, do enact as follows:

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

The legislature hereby establishes a small business energy assistance and advocacy services program as part of the division for small-business within the empire state development corporation to assist small businesses in accessing energy conservation, energy efficiency and renewable energy programs available through public and private sources, and to advocate for the initiation and expansion of such programs and for equitable treatment of small businesses in regulatory proceedings related to energy.

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

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

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

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

a. solicit input from small businesses and from organizations representing small businesses, such as trade associations or other entities, regarding the energy assistance and energy efficiency needs of small businesses;

b. provide recommendations to the New York state energy research and development authority, the power authority of the state of New York and other public utility authorities established pursuant to article five of the public authorities law, the public service commission, investor-owned utilities and other entities regarding the development and implementation of energy assistance programs and on the impact of state energy policy on small businesses;

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

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

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

3. The small business energy assistance and advocacy services program shall initiate, intervene in, or participate in any proceedings before the public service commission or the department of public service, to the extent authorized by section three-b, twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where the division deems such initiation, intervention or participation to be necessary or appropriate, and may advocate before any other state and federal regulatory agencies for the adoption of appropriate regulations providing for equitable treatment of small businesses in energy-related policies, including but not limited to extending reasonable consumer protections to small businesses in energy-related matters.

4. Beginning in the calendar year following the effective date of this section, and continuing annually on or before March fifteenth, the division shall report to the governor and the legislature on any actions it has taken pursuant to this section, and any recommendations for legislative, state regulatory, and/or budgetary measures the division has for improving energy affordability and energy efficiency for small businesses.

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

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

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

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

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

§ 71. Complaints as to quality and price of gas and electricity; investigation by commission; forms of complaints. Upon the complaint in writing of the mayor of a city, the trustees of a village, the town board of a town or the chief executive officer or the legislative body of a county in which a person or corporation is authorized to manufacture, convey, transport, sell or supply gas or electricity for heat, light or power, or upon the complaint in writing of not less than twenty-five customers or purchasers of such gas or electricity, or upon the complaint in writing of the department of state **or the division of small business**, or upon a complaint of a gas corporation or electrical corporation supplying or transmitting said gas or electricity, as to the illuminating or heating power, purity or pressure or the rates, charges or classifications of service of gas, the efficiency of the electric incandescent lamp supply, the voltage of the current supplied for light, heat or power, or the rates charged or classification of service of electricity sold and delivered in such municipality, or as to the extent or duration of a disruption in gas or electricity service, the commission shall investigate as to the cause for such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the works, system, plant, devices, appliances and methods used by such person or corporation in manufacturing, transmitting and supplying such gas or electricity, and may examine or cause to be examined the books and papers of such person, or corporation pertaining to the manufacture, sale, transmitting and supplying of such gas or electricity. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaints shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their places of residence, by street and number, if any. The commission shall publish the form and instructions for completing the form on the commission's website.

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

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

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

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

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

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.