

STATE OF NEW YORK

9438

IN ASSEMBLY

January 6, 2026

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Energy

AN ACT to amend the general business law, in relation to the requirement to include a comparison of prices charged by energy services companies on a customer's billing statement; and to amend a chapter of the laws of 2025 amending the general business law relating to requiring comparison of prices charged by energy services companies, as proposed in legislative bills numbers S. 3876 and A. 3875, in relation to the effectiveness thereof

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

1 Section 1. Subdivisions 9 and 10 of section 349-d of the general business law, subdivision 9 as amended and subdivision 10 as added by a
2 chapter of the laws of 2025 amending the general business law relating
3 to requiring comparison of prices charged by energy services companies,
4 as proposed in legislative bills numbers S. 3876 and A. 3875, are
5 amended and a new subdivision 10-a is added to read as follows:

6 9. (a) The first page of each billing statement from an ESCO delivered
7 to the customer, ~~[either]~~ whether by the ESCO directly ~~[or]~~ by a utility
8 corporation, by a municipality, or by any other method, shall include
9 a side-by-side comparison showing both the price charged by the ESCO for
10 commodity ~~[and]~~ service and the price charged to the customer for delivery
11 service during the prior billing period, and the price the customer
12 would have paid had ~~[they]~~ the customer taken both commodity and delivery
13 service from their local utility corporation or municipality, as
14 applicable. Such statement shall also include, separately and apart from
15 the price charged by the ESCO for commodity service and the price
16 charged to the customer for delivery service, an itemized list of prices
17 charged by the ESCO for any energy-related value-added products provided
18 by the ESCO during the prior billing period.

19 (b) For the purposes of this subdivision and subdivision ten of this
20 section, "customer" shall mean a person receiving residential utility
21 service from an ESCO or a small non-residential customer, as that term
22

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

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1 is defined in section sixty-six-w of the public service law, receiving
2 utility service from an ESCO.

3 10. Every twelve months, an ESCO shall provide each of its customers
4 with a statement comparing the price charged by the ESCO for commodity
5 ~~[and delivery services]~~ service, the price charged to the customer for
6 delivery service and any other energy-related value-added products
7 charged to the customer as a customer of the ESCO over the prior twelve-
8 month period with the price such customer would have paid had [~~they~~]
9 such customer taken both commodity and delivery service from [~~their~~] the
10 local utility corporation or municipality, as applicable, for such peri-
11 od. Such statement shall convey such information in a manner that unam-
12 biguously conveys whether the customer is saving money or paying a
13 premium for service from the ESCO over such period.

14 10-a. (a) ESCOs shall be responsible for any costs incurred by a util-
15 ity corporation or municipality to comply with subdivisions nine and ten
16 of this section, and any such costs incurred by a utility corporation or
17 municipality shall be recoverable from the ESCO, in a manner prescribed
18 by the public service commission. ESCOs shall not recover any costs from
19 customers related to compliance with subdivisions nine and ten of this
20 section.

21 (b) For the purposes of this subdivision, "customer" shall mean a
22 person receiving energy service from an ESCO.

23 § 2. Section 2 of a chapter of the laws of 2025 amending the general
24 business law relating to requiring comparison of prices charged by ener-
25 gy services companies, as proposed in legislative bills numbers S. 3876
26 and A. 3875, is amended to read as follows:

27 § 2. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law. Effective immediately, the addition, amend-
29 ment and/or repeal of any rule or regulation necessary for the implemen-
30 tation of this act on its effective date are authorized to be made or
31 initiated by the public service commission on or before such date.

32 § 3. This act shall take effect immediately; provided that section one
33 of this act shall take effect on the same date and in the same manner as
34 a chapter of the laws of 2025 amending the general business law relating
35 to requiring comparison of prices charged by energy services companies,
36 as proposed in legislative bills numbers S. 3876 and A. 3875, takes
37 effect.