

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.

LBD00509-01-5

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

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

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

4. (a) Within ten days of the commencement of an investigation, the utility corporation shall notify residential customers of such investigation. Forms of notification of an investigation from a utility corporation to a residential customer shall include, but not be limited to, letters, notices on utility bills, phone calls, and notices posted on the utility corporation's website.

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

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

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

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

(b) Upon the final determination or by the issuance of a final order, of any investigation covered by this section, the commission shall either (i) determine any allowable penalties the utility corporation may impose upon its customers, or (ii) waive, or partially waive, any interest 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.