

STATE OF NEW YORK

953--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to termination of certain utility services and to reports on investigatory proceedings relating to gas, electric, and steam service

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 billing, rates, or charges of a utility corporation or any
16 proceeding during which the commission deems it appropriate to pause the
17 charges described in subdivision two of this section. The term "inves-
18 tigation" shall include such proceedings conducted pursuant to section
19 seventy-one of this chapter. Notwithstanding anything to the contrary,

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

LBD00509-02-5

1 the term "investigation" shall not include commission inquiries trig-
2 gered by an individual customer complaint filed pursuant to section
3 forty-three of this article.

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

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

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

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

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

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

37 § 77-a. Investigations relating to commercial gas and electric utility
38 service. 1. For the purposes of this section, the term "investigation"
39 shall mean a formal proceeding conducted by the commission to examine
40 the billing, rates, or charges of a utility corporation or any proceed-
41 ing during which the commission deems it appropriate to pause the charg-
42 es described in subdivision two of this section. The term "investi-
43 gation" shall include such proceedings conducted pursuant to section
44 seventy-one of this article. Notwithstanding anything to the contrary,
45 the term "investigation" shall not include commission inquiries trig-
46 gered by an individual customer complaint filed pursuant to section
47 forty-three of this chapter.

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

55 (b) Upon the final determination or by the issuance of a final order,
56 of any investigation covered by this section, the commission shall

1 either (i) determine any allowable penalties the utility corporation may
2 impose upon its customers, or (ii) waive, or partially waive, any inter-
3 est or fees charged by such utility corporation to the consumer on such
4 consumer's billing statements during a period such utility corporation
5 determines to be related to such investigation.

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

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

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

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

25 § 85-a. Investigations relating to commercial steam utility service.

26 1. For the purposes of this section, the term "investigation" shall
27 mean a formal proceeding conducted by the commission to examine the
28 billing, rates, or charges, of a utility corporation or any proceeding
29 during which the commission deems it appropriate to pause the charges
30 described in subdivision two of this section. The term "investigation"
31 shall include such proceedings conducted pursuant to section seventy-one
32 of this chapter. Notwithstanding anything to the contrary, the term
33 "investigation" shall not include commission inquiries triggered by an
34 individual customer complaint filed pursuant to section forty-three of
35 this chapter.

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

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

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

1 it a utility corporation from disconnecting service necessary to protect
2 the health and safety of customers and the public.

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

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

12 § 6. The public service law is amended by adding a new section 16-a to
13 read as follows:

14 § 16-a. Reports on investigatory proceedings relating to gas, elec-
15 tric, and steam service. The commission shall submit to the governor,
16 the speaker of the assembly, the temporary president of the senate, the
17 chair of the assembly corporations, commissions, and authorities commit-
18 tee, and the chair of the senate energy and telecommunications committee
19 an annual report detailing the list of investigations that were deemed
20 applicable under sections fifty-four, seventy-seven-a, and eighty-five-a
21 of this chapter. Such report shall include an explanation of the
22 instances where the commission has deemed the use of such provisions
23 appropriate. Additionally, the report shall include all appropriate
24 case numbers, or docket numbers where applicable, utilized in the
25 commission's records keeping systems and any other information that the
26 commission deems necessary.

27 For the purposes of this section, the term "investigation" shall have
28 the same meaning as defined in sections fifty-four, seventy-seven-a, and
29 eighty-five-a of this chapter.

30 § 7. This act shall take effect on the thirtieth day after it shall
31 have become a law.