STATE OF NEW YORK

2182--A

Cal. No. 150

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. HINCHEY, MURRAY, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to permitting the rendering of an estimated bill from a utility corporation or municipality under certain circumstances

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

Section 1. Subdivisions 1 and 2 of section 39 of the public service law, as amended by chapter 686 of the laws of 2002, are amended and a new subdivision 1-a is added to read as follows:

1. **(a)** A utility corporation or municipality may, in accordance with such requirements as the commission may impose by regulation, **only** render an estimated bill for [~~any~~] **a** billing period if[~~: (a)~~] the procedure used by such utility or municipality for calculating estimated bills has been approved by the commission, [~~and~~] the bill clearly indicates that it is based on an estimated reading**,** and [~~(b)~~] **at least one of the following conditions is met:**

(i) the utility owning the meter and providing the meter reading data on which the estimated bill will be based or the municipality has made reasonable effort to obtain an actual meter reading **and is unable to obtain one** or [~~(c)~~]

(ii) circumstances beyond the control of the utility or municipality made an actual reading of the meter extremely difficult or [~~(d)~~]

(iii) circumstances indicate a reported reading is likely to be erroneous, or [~~(e)~~]

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

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(iv) an estimated reading is prescribed or authorized by the commission for a billing period between periods when actual meter readings are scheduled or for seasonal or short term customers.

(b) In addition to the provisions of paragraph (a) of this subdivision, a utility corporation or municipality shall not issue an estimated bill to a customer for any consecutive billing period under any circumstances, unless the utility is unable to obtain an actual meter reading due to (i) the customer's failure to provide reasonable access to the meter for an actual reading, or (ii) a declaration of a state of emergency which prevents the ability to obtain an actual meter reading.

(c) Outside of the criteria for rendering estimated billing pursuant to this section, all other bills shall use actual meter readings.

(d) A utility corporation or municipality shall not charge a customer for any supply or delivery costs associated with an estimated bill that does not comply with this section nor be able to recover from any of its customers any revenue that the utility is precluded from collecting from an individual customer by this section.

(e) Nothing in this subdivision shall be interpreted or otherwise construed as preempting settlements with the commission or department that are more strict than those contained in this subdivision.

(f) For the purposes of this subdivision, a reading from an advanced metering infrastructure enabled meter shall be considered an actual reading.

1-a. The commission shall require each utility corporation and municipality within six months after the effective date of this subdivision to submit to the commission a revised model for the calculation of and procedures for estimated billing that complies with this article, incorporates best practices and technology, and accounts for any barriers to the use of actual meter readings. No later than November first, two thousand twenty-six, the commission shall promulgate rules and regulations to incorporate and adopt such model procedures for utility corporations and municipalities.

2. Where a utility corporation owning the meter and supplying meter reading data for a bill or a municipality fails to gain access to a meter [~~for a period of four months or two billing periods, whichever is greater~~], the corporation or municipality shall take reasonable actions to obtain an actual meter reading for the subsequent billing period. Such additional actions may include, but not be limited to: making an appointment with the customer or such other person who controls access to the meter for a reading at a time other than within normal business hours, offering the customer the opportunity to [~~phone in a~~] submit an actual meter reading by telephone or electronic transmission, which may include submission of a photograph of such meter reading, or providing a card to the customer on which [~~he or she~~] such customer may record the reading and mail it to the utility or municipality.

§ 2. 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.