STATE OF NEW YORK

8794

IN SENATE

January 8, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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 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, are amended and a new subdivision 10-a is added to read as follows:

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

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

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

LBD07240-04-6

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

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

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

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

§ 2. Section 2 of 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, is amended to read as follows:

§ 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 **or initiated by the public service commission** on or before such date.

§ 3. This act shall take effect immediately; provided that section one of this act shall take effect on the same date and in the same manner as 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, takes effect.