

# STATE OF NEW YORK

904--B

Cal. No. 141

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GONZALEZ, BRISPORT, HINCHEY, SALAZAR, WEBB -- 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 -- repassed 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 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

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

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1 examine the billing, rates, or charges of a utility corporation or any  
2 proceeding during which the commission deems it appropriate to pause the  
3 charges described in subdivision two of this section. The term "investi-  
4 gation" shall include such proceedings conducted pursuant to section  
5 seventy-one of this chapter. Notwithstanding any provision of law, rule  
6 or regulation to the contrary, the term "investigation" shall not  
7 include commission inquiries triggered by an individual customer  
8 complaint filed pursuant to section forty-three of this article. The  
9 term "investigation" shall not include a proceeding relating to a "major  
10 change" as defined in paragraph (c) of subdivision twelve of section  
11 sixty-six of this chapter.

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

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

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

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

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

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

45 § 77-a. Investigations relating to commercial gas and electric utility  
46 service. 1. For the purposes of this section, the term "investigation"  
47 shall mean a formal proceeding conducted by the commission to examine  
48 the billing, rates, or charges of a utility corporation or any proceed-  
49 ing during which the commission deems it appropriate to pause the charg-  
50 es described in subdivision two of this section. The term "investi-  
51 gation" shall include such proceedings conducted pursuant to section  
52 seventy-one of this article. Notwithstanding any law, rule or regu-  
53 lation to the contrary, the term "investigation" shall not include  
54 commission inquiries triggered by an individual customer complaint filed  
55 pursuant to section forty-three of this chapter. The term "investi-  
56 gation" shall not include a proceeding relating to a "major change" as

1 defined in paragraph (c) of subdivision twelve of section sixty-six of  
2 this article.

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

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

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

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

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

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

36 § 85-a. Investigations relating to commercial steam utility service.  
37 1. For the purposes of this section, the term "investigation" shall  
38 mean a formal proceeding conducted by the commission to examine the  
39 billing, rates, or charges, of a utility corporation or any proceeding  
40 during which the commission deems it appropriate to pause the charges  
41 described in subdivision two of this section. The term "investigation"  
42 shall include such proceedings conducted pursuant to section seventy-one  
43 of this chapter. Notwithstanding any law, rule or regulation to the  
44 contrary, the term "investigation" shall not include commission  
45 inquiries triggered by an individual customer complaint filed pursuant  
46 to section forty-three of this chapter. The term "investigation" shall  
47 not include a proceeding relating to a "major change" as defined in  
48 paragraph (c) of subdivision twelve of section sixty-six of this chap-  
49 ter.

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

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

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

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

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

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

27 § 16-a. Reports on investigatory proceedings relating to gas, elec-  
28 tric, and steam service. The commission shall submit to the governor,  
29 the speaker of the assembly, the temporary president of the senate, the  
30 chair of the assembly corporations, commissions, and authorities commit-  
31 tee, and the chair of the senate energy and telecommunications committee  
32 an annual report detailing the list of investigations that were deemed  
33 applicable under sections fifty-four, seventy-seven-a, and eighty-five-a  
34 of this chapter. Such report shall include an explanation of the  
35 instances where the commission has deemed the use of such provisions  
36 appropriate. Additionally, the report shall include all appropriate  
37 case numbers, or docket numbers where applicable, utilized in the  
38 commission's records keeping systems and any other information that the  
39 commission deems necessary.

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

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