

STATE OF NEW YORK

9166

IN SENATE

February 10, 2026

Introduced by Sen. C. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to enhanced customer service standards and compliance framework for utility customer assistance operations

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

1 Section 1. Legislative intent and safeguards. 1. Legislative purpose.
2 This act is intended to ensure high-quality customer assistance services
3 through performance-based regulation that protects consumer interests,
4 maintains emergency response capabilities, and promotes regulatory effi-
5 ciency while avoiding unnecessary barriers to legitimate business oper-
6 ations.

7 2. Location neutrality. Performance standards shall be applied
8 consistently to all customer assistance centers serving New York custom-
9 ers regardless of physical location, with evaluation based on demon-
10 strated capability, service quality outcomes, and regulatory compliance
11 rather than assumptions about operational effectiveness based on facili-
12 ty location.

13 3. Proportionality requirements. All regulatory requirements shall be
14 proportionate to identified risks and regulatory objectives, with
15 consideration of utility size, operational complexity, and resource
16 availability to ensure requirements do not impose excessive burden rela-
17 tive to consumer benefits achieved.

18 § 2. The public service law is amended by adding a new section 65-c to
19 read as follows:

20 § 65-c. Enhanced customer service standards and compliance framework.
21 1. Definitions. For purposes of this section, the following terms shall
22 have the following meanings:

23 (a) "Customer assistance call center" means any facility, whether
24 located within or outside of the state of New York, that receives, proc-
25 esses, or responds to customer inquiries, complaints, service requests,
26 or emergency calls on behalf of a gas or electric corporation, provided

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

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1 such facility handles more than one thousand customer contacts annually
2 from New York customers.

3 (b) "Emergency service call" means any customer contact reporting an
4 event that poses an immediate threat to life, health, property, or
5 public safety involving utility infrastructure, including but not limit-
6 ed to gas leaks, electrical hazards, service outages affecting critical
7 facilities, or other situations requiring prompt utility response to
8 protect public safety.

9 (c) "First-call resolution" means the successful handling and closure
10 of a customer inquiry or complaint during the initial customer service
11 interaction as confirmed by customer acknowledgment that their inquiry
12 was answered or their complaint was addressed to their satisfaction,
13 without need for follow-up, escalation, or transfer to resolve the
14 substantive issue presented.

15 (d) "Operational integration" means electronic communication capabili-
16 ties that provide operational information updates between customer
17 assistance centers and field operations within industry-standard time-
18 frames not to exceed five minutes during normal operations, with allow-
19 ances for network disruptions and system maintenance periods.

20 (e) "Geographic risk mitigation plan" means a comprehensive documented
21 strategy demonstrating how out-of-state customer assistance operations
22 shall achieve compliance with New York emergency response, coordination,
23 and regulatory requirements through specific procedures, training
24 programs, and coordination protocols.

25 (f) "Commission-approved third-party auditors" means independent
26 auditing firms certified by the commission that demonstrate a minimum
27 five years of experience in utility customer service auditing, maintain
28 no financial relationship with audited utilities within three years, and
29 comply with commission conflict-of-interest policies.

30 (g) "Enhanced oversight" means increased reporting frequency, mandato-
31 ry third-party monitoring, additional audit requirements, or other
32 supervisory measures as specified by commission regulation.

33 (h) "Verified escalated customer complaint" means a customer complaint
34 that has been investigated following commission-established procedures
35 and resulted in a determination that utility service standards were not
36 met.

37 (i) "Utility" shall mean a gas or electric corporation.

38 2. Performance certification. Each customer assistance center serving
39 New York customers shall obtain annual certification from the commission
40 demonstrating compliance with performance standards including:

41 (a) emergency response standards; emergency call hold time average
42 shall not exceed thirty seconds with no more than twenty percent of
43 emergency calls exceeding sixty seconds hold time, measured using auto-
44 mated call monitoring systems with one-minute polling intervals;

45 (b) service resolution requirements; first-call resolution rate of not
46 less than eighty-five percent, measured by customer confirmation of
47 issue resolution through post-call surveys conducted within forty-eight
48 hours of interaction, with representative sampling achieving ninety-five
49 percent confidence levels;

50 (c) customer satisfaction thresholds; minimum customer satisfaction
51 rating of 4.0 on a five-point scale averaged over each calendar quarter,
52 measured through verified post-interaction surveys conducted by commis-
53 sion-approved third-party vendors using standardized questionnaires with
54 minimum response rates of five percent of monthly interactions. Surveys
55 shall use randomized sampling stratified by service type including emer-
56 gency calls, billing inquiries, service requests, and complaint resol-

1 ution, and by geographic region within the utility's service territory
2 to ensure representative coverage. Survey samples shall include a mini-
3 mum five percent of monthly customer interactions with sample sizes
4 sufficient to achieve statistical confidence intervals not exceeding
5 plus or minus three percentage points at ninety-five percent confidence
6 level. Survey vendors shall achieve minimum response rates of twenty-
7 five percent of attempted contacts with documentation of outreach meth-
8 odology and non-response analysis. The commission may set alternative
9 statistically valid methodologies including but not limited to weighting
10 or rolling averages, where a fixed response-rate threshold is impracti-
11 cable, provided confidence intervals are maintained. Survey results
12 shall not be used to evaluate individual employees. For first-call
13 resolution and customer satisfaction benchmarks under this paragraph and
14 paragraph (b) of this subdivision, the commission shall: (i) exclude
15 call types that by policy or law require transfer, multi-visit field
16 work, or investigation; (ii) apply risk-adjustment for predictable surge
17 periods including but not limited to major outage events, winter high-
18 bill seasons, collections peaks and information technology system inci-
19 dents; and (iii) publish standardized controllable vs. non-controllable
20 call categories. Failure to meet benchmarks due primarily to non-cont-
21 rollable factors shall not trigger enhanced oversight or penalties;

22 (d) complaint resolution timeline; all non-emergency customer
23 complaints shall be resolved within seventy-two hours of receipt unless
24 additional technical investigation requiring field inspection is neces-
25 sary, in which case utilities shall notify customers within forty-eight
26 hours and provide projected resolution timeline not exceeding ten busi-
27 ness days;

28 (e) system availability requirements; customer-facing communication
29 and emergency response systems shall maintain minimum operational avail-
30 ability of ninety-nine and nine tenths percent per calendar year, with
31 downtime including all periods of service unavailability due to system
32 failure, network disruption, or planned maintenance exceeding fifteen
33 minutes in duration, measured using automated monitoring systems; and

34 (f) location-neutral application of standards; all performance stand-
35 ards, oversight mechanisms, audit requirements, and enforcement
36 provisions under this section, including penalties and enhanced over-
37 sight measures, shall apply equally to customer assistance centers
38 regardless of physical location. In-state facilities shall be subject to
39 the same performance benchmarks, compliance obligations, data reporting
40 requirements, third-party audits, and penalty structures as out-of-state
41 facilities, with any variations in oversight frequency or methodology
42 based solely on demonstrated performance history, risk profile, or util-
43 ity size rather than geographic location. The commission shall ensure
44 that certification requirements, training standards, and operational
45 integration measures are applied in a location-neutral manner designed
46 to achieve equivalent service quality and emergency response capability.
47 Nothing in this section shall be construed to create a presumption of
48 compliance or non-compliance based on facility location, nor to impose
49 different substantive standards based on geography. Such neutrality
50 requirement shall apply to both regulatory oversight and rate treatment,
51 ensuring that performance, not location, determines regulatory outcomes.

52 3. Fair use of metrics. Performance standards under this section shall
53 be evaluated at the utility or customer assistance center level. Nothing
54 in this section shall require or authorize the use of individual quotas,
55 individual first-call resolution targets, handle-time limits, or similar
56 per-employee scorecards for disciplinary action. The use of individual

1 performance data shall remain subject to collective bargaining agree-
2 ments and applicable provisions of the labor law, and no penalty
3 assessed under this section may be passed through to individual employ-
4 ees.

5 4. Certification requirements. Each utility seeking certification
6 shall submit:

7 (a) monthly performance data in commission-prescribed format including
8 call volume statistics by service category, average response times meas-
9 ured in seconds, customer satisfaction survey results with methodology
10 disclosure including sample size and response rates, complaint resol-
11 ution metrics including percentage resolved within specified timeframes,
12 and system availability reports documenting uptime percentages and caus-
13 es of downtime exceeding fifteen minutes;

14 (b) third-party audit reports conducted by commission-approved firms
15 demonstrating compliance with service standards, staff competency, and
16 operational procedures, with audits covering representative sampling of
17 operations and submitted directly to the commission within thirty days
18 of completion;

19 (c) evidence of staff training programs covering New York state utili-
20 ty regulations and consumer protection requirements totaling not less
21 than twenty hours annually, emergency response procedures and coordi-
22 nation protocols, records demonstrating all customer-facing staff have
23 completed required training within the preceding twelve months, and
24 minimum competency certification for emergency-related communications as
25 specified in subdivision twelve of this section, including regional
26 certification requirements as specified in subdivision thirteen of this
27 section. Training required by this section, including regional and emer-
28 gency certifications, shall be provided on paid time at no loss of pay
29 or benefits. Time spent meeting such requirements may not be used as the
30 basis for adverse employment action. Utilities shall furnish necessary
31 materials and reimburse reasonable expenses for certification mainte-
32 nance; and

33 (d) documentation demonstrating compliance with consumer privacy
34 protection requirements under state and federal law including staff
35 certification in privacy protocols, data security standards established
36 by the commission including annual security assessments, and emergency
37 response protocols demonstrating coordination capability with relevant
38 emergency services.

39 5. Geographic risk mitigation plan. (a) Any utility that operates or
40 contracts for customer assistance services outside the state of New York
41 shall submit a geographic risk mitigation plan for approval by the
42 commission demonstrating:

43 (i) staff knowledge of seasonal weather patterns and infrastructure
44 challenges within the utility's New York state service territory suffi-
45 cient to appropriately prioritize emergency calls, understanding of
46 regional emergency response protocols including contact information for
47 relevant emergency services, and compliance procedures for New York
48 state consumer protection laws and commission regulations;

49 (ii) documented procedures for immediate contact with utility dispatch
50 personnel located within New York state within fifteen minutes during
51 business hours and thirty minutes during non-business hours, protocols
52 for coordination with local emergency management agencies including
53 annual testing and verification, and communication procedures with fire
54 departments and law enforcement agencies as determined appropriate by
55 local emergency management officials; and

1 (iii) backup routing procedures for service disruptions affecting
2 interstate communications including alternate facilities and communi-
3 cation methods, redundant communication systems and failure recovery
4 protocols with maximum restoration timeframes specified, and data secu-
5 rity measures ensuring compliance with New York privacy requirements
6 including encryption and access controls meeting commission standards.

7 (b) Geographic risk mitigation plans shall be subject to a thirty-day
8 public comment period with notice published in commission proceedings,
9 the opportunity for public hearing upon written request by any person
10 demonstrating potential impact, and commission approval or denial within
11 one hundred twenty days of complete submission with specific written
12 justification for any denial.

13 6. Operational integration. (a) All customer assistance centers serv-
14 ing New York state customers shall demonstrate:

15 (i) electronic systems providing operational information updates
16 between customer assistance centers and field operations, secure elec-
17 tronic communication systems allowing contact between representatives
18 and field personnel within five minutes during normal operations and
19 fifteen minutes during emergency conditions, and access to utility
20 system status information sufficient to provide current operational
21 information to customers;

22 (ii) quarterly emergency response coordination exercises involving
23 customer assistance center personnel and field response teams with
24 scenarios appropriate to the utility's service territory, documentation
25 of response time performance compared to utility-specific baselines with
26 consideration for external factors affecting response capability, and
27 customer feedback collection regarding emergency response effectiveness
28 through post-incident contacts; and

29 (iii) designation of supervisory personnel with authority to make
30 emergency response decisions located within the utility's New York state
31 service territory or with demonstrated ability to effectively coordinate
32 New York state operations, availability for consultation regarding emer-
33 gency situations through appropriate communication channels, and docu-
34 mented contact procedures with relevant emergency agencies tested annu-
35 ally.

36 (b) The commission shall consider staffing adequacy and system
37 performance, including telephony and customer relationship management
38 uptime, when evaluating compliance. Documented understaffing or informa-
39 tion technology degradation may justify temporary adjustments to bench-
40 marks and shall weigh against penalty assessment.

41 7. Enforcement. (a) With regard to violations under this section, a
42 second violation within any three-year period shall result in penalties
43 multiplied by 1.5, a third violation shall result in penalties multi-
44 plied by 2.0, and any subsequent violations shall result in penalties
45 multiplied by 3.0, with multipliers applied to both initial and daily
46 penalty amounts. Before imposing enhanced oversight or penalty multipli-
47 ers under this subdivision, the commission shall make an explicit writ-
48 ten finding, supported by substantial evidence in the administrative
49 record, that the deficiencies giving rise to penalties were primarily
50 attributable to management decisions, inadequate resource allocation,
51 systemic operational failures, or policy choices by the utility, rather
52 than to individual workforce performance, unforeseeable external circum-
53 stances, or factors substantially beyond the utility's reasonable
54 control. Such findings shall specifically identify the management deci-
55 sions or systemic failures that caused or substantially contributed to
56 non-compliance, and shall be subject to administrative review. Such

1 requirement shall not apply to initial penalties for first violations
2 that do not trigger multipliers.

3 (b) Failure to obtain required certification shall result in penalties
4 ranging from twenty-five thousand dollars for utilities serving fewer
5 than fifty thousand customers plus two thousand five hundred dollars per
6 day of continued non-compliance to one hundred thousand dollars plus ten
7 thousand dollars per day of continued non-compliance for utilities serv-
8 ing more than fifty thousand customers, with penalties calculated
9 proportionate to utility size and compliance history, subject to the
10 penalty multipliers specified in paragraph (a) of this subdivision.

11 (c) Operation of out-of-state customer assistance services without an
12 approved geographic risk mitigation plan shall constitute a violation
13 subject to daily penalties ranging from twenty-five hundred dollars for
14 utilities serving fewer than fifty thousand customers to ten thousand
15 dollars for utilities serving more than fifty thousand customers,
16 subject to the penalty multipliers specified in paragraph (a) of this
17 subdivision.

18 (d) All penalty assessments shall include written notice specifying
19 violation details and calculation methodology, opportunity for informal
20 resolution through commission staff consultation within thirty days, and
21 formal hearing rights with presentation of evidence before administra-
22 tive law judges independent of enforcement staff.

23 (e) Utilities may appeal penalty assessments through commission adju-
24 dicatory procedures within thirty days of penalty notification, with
25 automatic stay of monetary penalties but continuation of corrective
26 action requirements except where immediate safety concerns are not
27 involved, and an independent review with written decisions issued within
28 sixty days.

29 (f) Total penalties under this subdivision shall not exceed five
30 tenths of one percent of annual New York state revenues for utilities
31 serving fewer than fifty thousand customers and two percent for utili-
32 ties serving more than fifty thousand customers.

33 (g) No penalties under this subdivision, and no enhanced oversight
34 measures, may be imposed where a utility demonstrates by clear and
35 convincing evidence that: (i) benchmark deficiencies were temporary and
36 attributable to circumstances substantially beyond the utility's reason-
37 able control, including but not limited to extreme weather events,
38 pandemic conditions, unexpected technology failures, or unprecedented
39 call volume surges; (ii) the utility maintained documented staffing
40 plans, training programs, and system investments consistent with reason-
41 able utility practices and designed to achieve compliance; (iii) the
42 utility took prompt corrective action upon identifying deficiencies,
43 including interim measures to protect service quality and emergency
44 response; and (iv) the utility cooperated fully with commission over-
45 sight and provided timely, accurate reporting. This safe harbor shall
46 not apply to willful violations, repeated violations of the same stand-
47 ard within any three-year period, or violations that resulted in veri-
48 fied harm to customers or delayed emergency response. The commission
49 shall issue written findings on any safe harbor claim within sixty days
50 of submission.

51 8. Audit and oversight. (a) Customer assistance centers located within
52 the state of New York shall be subject to comprehensive on-site audits
53 every two years by commission staff or commission-approved third-party
54 auditors, annual performance reviews based on submitted metrics with
55 written assessment provided within sixty days, and streamlined compli-

1 ance certification for facilities demonstrating consistent compliance
2 over twenty-four consecutive months.

3 (b) Customer assistance centers located outside the state of New York
4 shall be subject to quarterly remote audits including performance data
5 analysis and recorded call monitoring with representative sampling,
6 annual on-site inspections at the expense of the utility by commission
7 staff or approved auditors with total costs not exceeding seventy-five
8 thousand dollars annually for utilities serving fewer than one hundred
9 thousand customers and two hundred thousand dollars annually for utili-
10 ties serving more than one hundred thousand customers, and enhanced
11 documentation requirements including monthly reporting and third-party
12 verification.

13 (c) Audit reports shall identify deficiencies using standardized clas-
14 sifications including minor issues requiring correction within ninety
15 days, significant problems requiring correction within sixty days, and
16 critical deficiencies requiring immediate protective measures within
17 seventy-two hours and full correction within thirty days, with utilities
18 required to submit corrective action plans within fifteen days of
19 receiving audit reports.

20 (d) Utilities serving fewer than fifty thousand customers may request
21 modified oversight including simplified reporting formats, combined
22 audits with other regulatory reviews, reduced documentation requirements
23 not exceeding twenty-five percent of standard requirements, and techni-
24 cal assistance from commission staff to facilitate compliance.

25 (e) Quality monitoring under this subdivision shall be used primarily
26 for service-quality improvement and compliance. The commission shall
27 prohibit invasive continuous monitoring practices unrelated to service
28 quality or safety and shall require privacy-protective protocols for any
29 call recordings or analytics.

30 (f) (i) All data collected pursuant to this subdivision, including
31 call recordings, quality monitoring analytics, performance metrics, and
32 customer satisfaction survey responses, shall be used solely for the
33 following purposes: (A) commission oversight and compliance verification
34 under this subdivision; (B) utility service quality improvement and
35 training; (C) emergency response coordination and public safety; and (D)
36 customer complaint investigation and resolution.

37 (ii) Such data collected pursuant to this subdivision shall not be
38 used for: (A) individual employee surveillance, evaluation, or disci-
39 pline, except where specific conduct directly violates safety protocols
40 or law and is documented through quality monitoring conducted consistent
41 with paragraph (e) of this subdivision; (B) commercial purposes unre-
42 lated to utility operations; (C) marketing or sale to third parties; or
43 (D) any purpose that would violate customer privacy rights under state
44 or federal law.

45 (iii) Utilities shall establish data retention policies limiting stor-
46 age to the minimum period necessary for compliance and safety purposes,
47 not to exceed seven years for quality monitoring recordings and three
48 years for aggregated performance data, unless longer retention is
49 required by law or pending litigation. Utilities shall implement priva-
50 cy-protective protocols including anonymization of customer and employee
51 data where practicable, secure storage and access controls, and annual
52 audits of data use practices. The commission shall establish rules
53 governing data security standards, breach notification, and third-party
54 auditor access to ensure confidentiality.

55 9. Transparency and disclosure. (a) All utilities shall disclose quar-
56 terly in standardized commission-prescribed formats the general location

1 by state and region of customer service centers without specific
2 addresses, the total number of employees by facility in ranges including
3 fewer than twenty-five, twenty-five to fifty, fifty-one to one hundred,
4 and more than one hundred employees, and performance metrics including
5 average wait times, resolution rates, and customer satisfaction scores
6 using validated survey methodology.

7 (b) Annual cost information shall be disclosed including total custom-
8 er service operation costs allocated between New York state and out-of-
9 state facilities using commission-approved methodologies, compliance
10 costs associated with enhanced oversight reported in aggregate, and
11 investment amounts in New York state workforce development as total
12 annual expenditures without detailed program information.

13 (c) Customer complaint summaries shall be published quarterly showing
14 statistical analysis without individual customer identification, emer-
15 gency response coordination effectiveness reported annually with objec-
16 tive performance measures, and service improvement plans describing
17 general goals without revealing strategic information.

18 (d) All disclosures shall be published in easily accessible formats on
19 utility websites with dedicated transparency pages, summary information
20 in customer bills using plain language, and comprehensive annual reports
21 with appropriate redactions for security and competitively sensitive
22 information as determined through commission review.

23 10. Performance-based incentives. (a) Utilities demonstrating superior
24 performance including customer satisfaction scores of 4.2 or higher on a
25 five-point scale, emergency response times twenty percent faster than
26 minimum requirements, and first-call resolution rates exceeding eighty-
27 five percent, maintained for eighteen consecutive months with no signif-
28 icant deficiencies, shall be eligible for performance incentives.

29 (b) Utilities meeting the benchmarks set forth in paragraph (a) of
30 this subdivision may receive reduced audit frequency extending biennial
31 audits to three-year intervals, expedited commission review and approval
32 of routine service plan modifications within thirty days, streamlined
33 rate recovery for prudent customer service investments in New York state
34 facilities, and reduced regulatory filing fees of twenty-five percent
35 for facilities demonstrating superior performance.

36 (c) Enhanced rate treatment including performance-based cost recovery
37 shall be limited to a maximum of one percent of total customer service
38 costs with annual review to ensure continued customer benefit, and total
39 incentive benefits shall not exceed the amount of demonstrated cost
40 savings achieved through reduced oversight requirements.

41 (d) Utilities receiving incentives under this subdivision shall be
42 subject to continuous monitoring including quarterly reporting of key
43 indicators, annual independent audits to verify sustained performance,
44 and automatic review triggered if performance falls below benchmark
45 levels for two consecutive quarters, with a graduated return to standard
46 oversight based on sustained improvement over twelve-month periods.

47 11. Rate recovery and cost disallowance provisions. (a) In any
48 proceeding concerning the establishment or revision of rates, the
49 commission may disallow, in whole or in part, the recovery of costs
50 associated with customer assistance operations located outside the state
51 of New York if the utility fails to demonstrate, to the satisfaction of
52 the commission, that such operations achieve service quality performance
53 equal to or greater than that of in-state operations, as measured by
54 response time, first-call resolution rate, outage reporting effective-
55 ness, language accessibility, and emergency coordination capacity, and
56 are supported by a workforce development plan that provides training,

1 wages, and benefits comparable to industry standards within the state of
2 New York.

3 (b) The commission may reduce rate recovery eligibility by up to twenty-five percent of the total costs associated with out-of-state customer
4 assistance operations that do not meet the standards set forth in paragraph (a) of this subdivision.

5 (c) The commission may provide procedural and regulatory incentives to
6 utilities that maintain or expand in-state customer assistance operations,
7 including but not limited to expedited review of proposed grid
8 modernization projects, non-wires alternatives, or capital expenditure
9 plans, earning adjustment mechanisms that reward demonstrable in-state
10 workforce investment and local service responsiveness, and public recognition
11 through commission-issued annual customer service performance
12 scorecards.

13 (d) The commission shall establish and administer a call center reliability
14 incentive program to encourage in-state investment in customer
15 assistance infrastructure and workforce. Participation in such program
16 shall be voluntary and shall not constitute a condition of utility operations.
17 Eligible utilities may receive the following benefits:

18 (i) accelerated depreciation treatment. Utilities investing in capital
19 improvements for customer assistance centers based in the state of New
20 York, including technology upgrades, physical facilities, and training
21 programs, may petition the commission for accelerated depreciation schedules
22 not to exceed fifty percent of standard recovery timelines, subject to
23 verification of actual in-state expenditures and service performance
24 enhancements;

25 (ii) preferential consideration in rate cases. The commission may give
26 favorable consideration in rate recovery determinations to utilities
27 demonstrating ongoing capital and workforce investment in customer
28 service operations based in the state of New York, provided such investments
29 yield measurable improvements in customer accessibility, emergency
30 coordination, or service reliability; or

31 (iii) expedited siting and service plan review. Utilities maintaining
32 verifiable in-state customer assistance infrastructure shall be eligible
33 for expedited review of siting applications or service territory modifications,
34 subject to applicable procedural requirements. The commission
35 may prioritize these petitions in recognition of enhanced operational
36 readiness and customer responsiveness.

37 (e) In rate proceedings, the commission shall disallow recovery where
38 the utility seeks to meet standards principally through intensified
39 individual quotas rather than adequate staffing, training, and systems
40 investment.

41 12. Implementation timeline. (a) The commission shall adopt rules and
42 regulations necessary to implement this section within one hundred
43 eighty days of the effective date of this section, including certification
44 standards, audit procedures, performance metrics, and penalty
45 schedules with stakeholder input through public workshops and comment
46 periods.

47 (b) Annual certification applications shall commence twelve months
48 after final rules and regulations are adopted pursuant to paragraph (a)
49 of this subdivision, with initial applications not required until one
50 hundred eighty days after commission adoption of certification standards
51 to allow utilities adequate preparation time.

52 (c) Utilities operating out-of-state customer assistance centers shall
53 submit geographic risk mitigation plans within eighteen months of the
54 adoption of final rules and regulations, with commission review and
55

1 approval completed within one hundred twenty days of complete
2 submission.

3 (d) Existing customer assistance operations may continue without
4 interruption during transition periods, provided utilities demonstrate
5 good faith compliance efforts including timely application submission
6 and cooperation with commission development processes, with full compli-
7 ance required within twenty-four months of the adoption of final rules
8 and regulations.

9 (e) Utilities unable to meet compliance deadlines due to circumstances
10 beyond reasonable control may petition for extension with detailed
11 justification, demonstration of good faith efforts, and a proposed
12 alternative timeline, with extensions granted based on technical
13 complexity and continued customer service quality maintenance. Exten-
14 sions may be granted only for up to six months for the following:
15 natural disasters with government emergency declarations, cyberattacks
16 verified by law enforcement, commission delays in issuing required stan-
17 dards, and technical impossibility verified by independent experts. No
18 extension shall be granted without third-party verification of circum-
19 stances including government declarations or expert technical assess-
20 ments, detailed compliance efforts undertaken and expenditures made
21 toward compliance objectives, and weekly milestone schedules with meas-
22 urable completion targets and progress reporting requirements.

23 (f) Any utility proposing to relocate customer assistance center func-
24 tions outside of the state of New York shall submit a verified compli-
25 ance and risk mitigation certification to the commission demonstrating
26 operational equivalence or superiority to existing in-state facilities.
27 Mandatory public notice plus a sixty day public comment period shall be
28 required before any substantial relocation of call center operations
29 that handle calls from residents of New York state.

30 (g) The commission shall report quarterly on the following: the number
31 of calls handled in and out of state, the average resolution times by
32 facility, any system outages or transfer failures by location, and any
33 contracts a utility has with out-of-state vendors.

34 (h) For purposes of the relocation notice requirements under paragraph
35 (f) of this subdivision, a substantial relocation shall include any
36 action or series of actions by a utility that results in a reduction of
37 twenty-five percent or more over any twelve-month period in: (i) the
38 total call volume handled by in-state customer assistance centers; (ii)
39 the amount of emergency calls triaged or handled by in-state personnel;
40 (iii) supervisory authority exercised by in-state management over
41 customer assistance operations; or (iv) full-time equivalent positions
42 at in-state facilities, excluding reductions demonstrably caused by
43 technology improvements, voluntary attrition without replacement, or
44 documented decreases in overall customer contact volume. Any such
45 constructive relocation shall trigger the notice, certification, and
46 public comment requirements of paragraph (f) of this subdivision, and
47 the commission may require the utility to demonstrate that service qual-
48 ity, emergency response capability, and workforce stability will not be
49 materially impaired.

50 (i) In promulgating rules and regulations pursuant to this subdivi-
51 sion, the commission shall convene a labor-management working group
52 including recognized employee representatives of New York state utility
53 call centers to advise on call-type exclusions, risk adjustments, train-
54 ing standards, and monitoring safeguards.

55 13. Emergency personnel competency requirements. (a) The commission
56 shall establish minimum competency and emergency preparedness require-

1 ments for all customer assistance personnel of utilities, with specific
2 provisions for emergency-related communications. Such requirements shall
3 include the following operational necessity standards:

4 (i) state certification. Any customer assistance representative who
5 handles or is authorized to triage inquiries related to gas leaks, elec-
6 trical hazards, carbon monoxide alarms, downed wires, or other high-risk
7 emergencies shall complete a commission-approved certification program
8 administered or recognized by the department or an accredited New York
9 state-based utility training institution, and shall renew such certif-
10 ication annually with updated training on regional infrastructure,
11 seasonal hazards, and emergency response protocols; and

12 (ii) cross-training requirement. All utilities operating customer
13 assistance centers, whether located within or outside of the state of
14 New York, shall participate in at least one joint emergency coordination
15 training per year with in-state utility dispatch teams and relevant
16 public safety agencies, and shall demonstrate, through drills and
17 performance reporting, the operational capability to identify, escalate,
18 and communicate life-safety calls within a time frame consistent with
19 commission regulations and mutual aid protocols.

20 (b) The requirements set forth in this subdivision shall be to ensure
21 the provision of safe and adequate service under article four of this
22 chapter, and shall be necessary to maintain emergency preparedness and
23 effective field coordination given the geographic, climatic, and infras-
24 tructural characteristics unique to the state of New York.

25 (c) Training required by this subdivision, including regional and
26 emergency certifications, shall be provided on paid time at no loss of
27 pay or benefits. Time spent meeting such requirements may not be used as
28 the basis for adverse employment action. Utilities shall furnish neces-
29 sary materials and reimburse reasonable expenses for certification main-
30 tenance.

31 (d) Nothing in this subdivision shall expand, modify, or conflict with
32 federal department of transportation drug and alcohol testing require-
33 ments under 49 CFR Parts 40, 199, or 382, or any other applicable feder-
34 al safety regulations. Only employees already subject to federal depart-
35 ment of transportation drug and alcohol testing requirements may be
36 assigned gas emergency triage duties involving direct safety-sensitive
37 functions, unless otherwise agreed through collective bargaining. The
38 commission shall harmonize certification and training requirements with
39 existing federal mandates to avoid duplicative or conflicting obli-
40 gations. Where federal and state requirements overlap, utilities may
41 demonstrate compliance through integrated programs that satisfy both
42 federal and state requirements, subject to commission approval.

43 14. Regional service framework. (a) The commission shall, by rule or
44 regulation, establish a regional service framework to ensure that
45 customer assistance representatives possess operational familiarity with
46 the geographic utility service areas they serve, including infrastruc-
47 ture, climate-related risks, emergency protocols, and local coordination
48 requirements. Such framework shall include the following:

49 (i) customer service zones. The commission shall designate customer
50 service zones aligned with utility service territories or load regions
51 and require utilities to maintain a minimum percentage, initially no
52 less than forty percent, of all live customer service interactions for
53 each region to be handled by representatives who have completed regional
54 certification, and protocols to increase such percentage incrementally
55 over time based on feasibility, performance, and workforce availability;

1 (ii) regional certification. Certification shall require familiarity
2 with local emergency escalation procedures, seasonal and geographic
3 risks affecting system reliability and safety, community resource refer-
4 ral options, and familiarity with the utility's infrastructure and
5 service priorities in the designated zone; and

6 (iii) location neutrality. Customer assistance representatives may be
7 physically located inside or outside the state of New York, provided
8 they maintain valid and current certification for the zone from which a
9 call originates.

10 (b) The commission shall monitor performance by customer service zone,
11 publish compliance rates quarterly, and adjust minimum thresholds as
12 necessary to ensure service adequacy and regional responsiveness without
13 imposing undue operational burdens.

14 15. Force majeure. Compliance requirements set forth in this section
15 may be temporarily suspended during declared emergencies, cyberattacks
16 verified by law enforcement, or vendor failures affecting multiple util-
17 ities, with immediate commission notification and restoration plans
18 required within seventy-two hours.

19 16. Periodic review and legislative reporting. The commission shall
20 prepare and submit to the governor, the temporary president of the
21 senate, and the speaker of the assembly a comprehensive report evaluat-
22 ing the implementation and effectiveness of the provisions of this
23 section no later than three years after the effective date of this
24 section, and every three years thereafter. Each report shall include:
25 (a) quantitative analysis of service quality metrics including average
26 response times, first-call resolution rates, customer satisfaction
27 scores, and emergency response performance, with year-over-year compar-
28 isons and trend analysis; (b) evaluation of workforce impacts including
29 call center employment levels in-state and out-of-state, wage and bene-
30 fit trends, attrition rates, training completion rates, and safety inci-
31 dent data; (c) assessment of utility compliance including certification
32 rates, audit findings, penalty assessments, and good-faith safe harbor
33 determinations; (d) analysis of cost impacts on ratepayers including
34 administrative costs, utility compliance expenditures, and any corre-
35 lation between compliance investments and service quality improvements;
36 (e) review of emergency response effectiveness including coordination
37 with field operations, life-safety call handling, and performance during
38 major events; (f) identification of unintended consequences, implementa-
39 tion challenges, or statutory ambiguities; and (g) recommendations for
40 statutory or regulatory amendments to improve service quality, reduce
41 administrative burden, enhance worker protections, or address emerging
42 technologies. The commission shall solicit input from utilities, recog-
43 nized employee representatives, consumer advocates, and relevant stake-
44 holders in preparing each report. The legislature may consider amend-
45 ments based on these reports to ensure the framework remains
46 evidence-based, effective, and proportionate to its consumer protection
47 and public safety objectives.

48 § 3. Constitutional compliance. Nothing in this act shall be construed
49 to prohibit the use of customer assistance centers outside of the state
50 of New York. All oversight mechanisms shall be grounded in performance
51 standards, public safety requirements, and consumer protection objec-
52 tives, with requirements applied based on objective criteria rather than
53 geographic location alone.

54 § 4. Severability. If any clause, sentence, paragraph, subdivision,
55 section or part of this act shall be adjudged by any court of competent
56 jurisdiction to be invalid, such judgment shall not affect, impair, or

1 invalidate the remainder thereof, but shall be confined in its operation
2 to the clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered. It is hereby declared to be the intent of the legislature
5 that this act would have been enacted even if such invalid provisions
6 had not been included herein.
7 § 5. This act shall take effect immediately.