



NEW YORK STATE SENATOR

Kristen Gonzalez

Senator Kristen Gonzalez and Assemblymember Sarahana Shrestha Introduce Bill to Protect Utility Customers

KRISTEN GONZALEZ May 31, 2023

| ISSUE: **SENATOR KRISTEN GONZALEZ, PROTECTING UTILITY RATEPAYERS, UTILITY COSTS**



Albany, NY – New York State Senator Kristen Gonzalez (SD-59) and Assemblywoman Sarahana Shrestha (AD-103) have introduced the Consumer Utility Protections During Investigations Act (S6803), or CUPDI. This legislation would protect residential and commercial utility customers by pausing late fees and service terminations while the Public Service Commission investigates a utility and for 120 days after the investigation has concluded. It also requires customers to be notified within three business days of an

investigation starting and bars the utility from recuperating lost revenue by passing the cost to ratepayers, as it currently does.

State Senator Kristen Gonzalez said, “I’m proud to join my colleague Assemblymember Shrestha in introducing legislation that would protect consumers from being charged late fees or losing service while their utility company is under investigation by the Public Service Commission. Currently, consumers are left holding the bag as utility companies under investigation pass on the cost of lost revenue to their customers. This bill will go a long way in ensuring consumers across the state have guaranteed protections from fees and shut-offs and creates a strong accountability measure to ensure utilities operate with caution.”

Assemblymember Sarahana Shrestha said, “That there are two major investigations on billing issues happening in New York shows the need for this legislation. There are seven energy utilities that each serve a different part of the state, and all seven should want to practice adequate care so as to avoid being investigated. We know the industry will be able to absorb the costs of temporary nonpayment, just as it did during a broad moratorium on utility shut-offs at the onset of the Covid-19 pandemic. What’s most important is that ratepayers aren’t punished when the utility is at fault.”

Laurie Wheelock, Executive Director and Counsel of the Public Utility Law Project of New York (PULP), a non-profit that has been advocating on behalf of New York State utility consumers since 1981, said, “Even though many customers are still dealing with the negative economic impacts wrought by the pandemic, they are no longer protected by this statewide moratorium. This bill identifies another important situation in which customers deserve continued protection from shutoffs and late fees due to nonpayment. When a utility is under investigation by the DPS/PSC for its potentially improper practices that utility would be prohibited from charging late fees or conducting terminations for nonpayment, both of which are common collections practices. Such added protections are important as it will

afford DPS/PSC time to investigate and issue corrective action with the utility while leaving the public protected.”

The legislation would also enable customers to receive compensation for damages done by improper shutoffs and fees. Similar to the utility moratorium during Covid, this bill applies to electric, gas, waterworks, municipal, telephone, cable, television, and broadband utilities.