

Issues with Enforcement of the Parker-Mosley Utilities Law

Introduction. Public Service Law, Section 89-1, (the Parker Mosley law), enacted into law last June, provided historic consumer protections via-a-vis public utilities. In addition to prohibiting utility shut offs during the State's disaster emergency, it granted consumers whose economic circumstances have been affected by Covid crucial new legal rights. They had the right to *negotiate* deferred payment agreements [DPAs] with public utilities that were affordable for them based on their economic circumstances. DPAs are written agreements for the payment of outstanding charges. Thousands of our most vulnerable New Yorkers owe such outstanding charges. Parker-Mosley gave them the right to negotiate affordable DPAs with monthly payments as low as \$10 a month.

The law also required public utilities to make reasonable efforts to contact customers notifying them of that right. The PSC has required utilities to forward their notices to the Commission. Thus far, the efforts to notify consumers of those rights have been woefully disappointing. Facts below support that assertion.

Facts about the notices required to go to consumers.

1. The 25 largest public water utilities in the state serve over 11 million people.
2. Of those 25 largest public water utilities, only one (Huntington / Dix Hills Water Department, serving **34,522**) has submitted the required "notice" to the PSC detailing the information they have passed along to customers about their rights under the new law.
3. Given the above facts, we have no way of knowing whether and to what extent the largest utilities, serving millions of New Yorkers, have sent the required notices to customers about the rights conferred by the law.
4. The PSC required all public water utilities to submit the required notices to the Commission by August 21, 2020.
5. According to the EPA website, there are 1,125 local government-owned community water systems in the State. As of January 20, 2021, only 80 had submitted the required notices.

<https://ofmpub.epa.gov/apex/sfdw/f?p=108:21::::RP,RIR::>

6. Of those few public water utilities who have submitted the required notices to the PSC, all of them failed to notify customers that, if they have experienced a change in financial circumstances due to COVID, they have a right to *negotiate DPAs based on what they can afford*, with monthly payments may be as low as \$10.

7. Because the law grants certain consumers the right to negotiate DPAs they can afford, it necessarily prohibits utilities from unilaterally dictating to consumers the time period within which they must pay back past due amounts. But contrary to the law, of the 80 utilities that have filed notices with the PSC, 26 require customers to repay the full amount they owe within an arbitrary number of months or billing periods.

8. In light of what we know, large numbers of low income consumers intended to be protected by the law will not be aware of the rights it confers and will not benefit from its significant protections. This deficiency in notifications sent to consumers about their rights must be addressed by further remedial legislation.