



NEW YORK STATE SENATOR

Shelley B. Mayer

## Senator Shelley Mayer's Bill to Strengthen Utility Storm Response & Compliance Adopted by the Senate

SHELLEY B. MAYER February 23, 2021

| ISSUE: UTILITIES, CON EDISON, PUBLIC SERVICE COMMISSION, EMERGENCY STORM RESPONSE, NYSEG



*[Click here](#) to watch Senator Shelley Mayer's floor remarks on her bill to strengthen utility storm response and compliance.*

Westchester, NY -- On Tuesday, February 23rd, Senator Shelley B. Mayer's bill, [S.4960](#), was adopted by the New York State Senate by a vote of 43 to 20. [S.4960](#) greatly strengthens the

Public Service Commission's (PSC) enforcement powers in response to a pattern of neglect by utility providers in storm recovery efforts.

After Tropical Storm Isaias during the summer of 2020, many ratepayers were without power for well over a week. In light of COVID, public health directives to social distance and stay home made it even more difficult for ratepayers and customers to handle multiple days without electricity, phone and internet service. Shortly thereafter, Senator Mayer pressed for a joint legislative hearing to investigate the failures of ConEdison, Altice, Verizon & others on their inadequate response, as well as readiness and communication failures. The hearing was held on Thursday, August 20, 2020 and is available to watch [here](#). Additionally, in September 2020, Senator Mayer **published an OpEd** in the Journal News titled “After Isaias, we've had it with poor storm outage response from utilities” outlining policy proposals to address persistent issues frustrating ratepayers and lawmakers. This bill reflects a comprehensive overhaul of PSC authority over these companies.

**Senator Mayer’s bill, S.4960, includes provisions to:**

- Remove the statutory limit on penalties allowing the PSC flexibility to administer stiffer penalties to incentivize better storm response;
- Restructure the processes by which the PSC determines a penalty, including by instituting a list of factors for consideration such as the scope of damages caused by the violation to individuals & businesses; whether the violation was recurring, or had been the subject of a previous finding of violation by the PSC; and the degree of preparation for a storm for which there was advance warning or notice, including whether the company made sufficient use of mutual aid resources;

- Remove the ability of utilities to argue that they “reasonably” complied with the law and therefore should not be penalized;
- Apply this new system for determining penalties to other state-regulated utilities (water, gas, steam, telephone, and cable); and
- Require cable and phone companies to be subject to the same requirements as combination gas and electric companies in terms of submitting thorough emergency response plans to the PSC for approval. Among a variety of other detailed specifications, these plans must include enhanced communication with local municipal officials and customers, and allow the PSC to penalize these companies for noncompliance with their emergency response plan during a storm event.

**Senator Shelley B. Mayer, D-Westchester**, said “As we’ve said too many times: ‘enough is enough’ with repeated failures in storm response from utility providers. The current mechanisms to hold utility providers accountable have proven to be insufficient in changing future behavior. The penalties imposed on them thus far are treated as a cost of doing business rather than incentivizing compliance and improving service for customers. By removing the statutory limit on fines, my bill provides more flexibility to the PSC to improve compliance and deliver better service for customers. This package of legislation addresses the demands of Westchester residents and New Yorkers statewide that systemic change is necessary. We commit to that change with this bill and the others adopted today in the emergency storm response legislative package.”

**The legislative package included other measures to:**

- **Utility Moratorium (S.1453A, Parker):** Extends the moratorium on utility shut-offs until December 31, 2021, or the COVID-19 state of emergency is lifted or expires.
- **Protecting Customers Lobbying Costs (S.1556, Parker):** Protects utility customers from unknowingly paying for lobbying activity, including for political activity that may influence policies that go against the best interest of the customers.
- **Electricity Plan for Essential Medical Needs (S.931A, Kaplan):** Identifies the specific medical equipment that qualifies for essential electricity and additional utility outreach during outages.
- **Utility Reimbursement (S.929B, Kaplan):** Provides consumers with a bill discount when a contracted service provider fails to provide the agreed upon service.
- **Utility Consumer Advocacy in the Public Service Commission (S.1199, Gianaris):** Requires at least one commissioner of the public service commission to have experience in advocating in the interests of utility consumers.
- **Emergency Response Plan Requirement (S.968, Gaughran):** Establishes the criteria for the Long Island Power Authority and its service provider's emergency response plans, and subjects them to review, approval and enforcement by the Public Service Commission.
- **Professional Engineer Approval Requirement (S.544, Kaminsky):** Requires a professional engineer to review and approve a gas infrastructure project to prevent public utility accidents from occurring in New York.
- **Public Statements of Compensation (S.1544A, Kaminsky):** Requires large utility companies to publicly report the annual pay of their top employees.
- **Reimbursement for Lost Food or Medicine (S.3784A, Comrie):** Provides a customer reimbursement for lost food or medicine due to an extended power outage.

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## 2021-S4960

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to strengthening of utility storm response and compliance

February 19, 2021

In Assembly Committee

Sponsored by **Shelley B. Mayer**

Do you support this bill?