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Energy consumer protections bill awaits Pataki signature

Eric Durr The Business Review

Legislation granting customers of Energy Service Companies (ESCOs) the same service guarantees as customers of the state's utilities has gone to Gov. George Pataki for approval or veto.

The Energy Consumer Protection Act, which passed the state Senate and Assembly unanimously, was sent to the governor on Dec. 9. The governor has until Dec. 20 to take action on the law.

The American Association of Retired Persons (AARP), which pushed hard for passage of the bill, is urging the governor to sign the measure, said AARP lobbyist Bill Ferris.

Under New York's energy deregulation policy, people can buy power from an ESCO. But when people switch to an ESCO, they lose consumer protections and rights guaranteed by the state's Home Energy Fair Practice Act. The proposed bill applies the protections when people switch.

Both New York State Electric and Gas (NYSERG) and Niagara Mohawk are engaged in campaigns ordered by the Public Service Commission to inform their customers about the ESCO option and help them sign up, Ferris said.

AARP, the Public Utility Law Project, the Small Customer Marketer Coalition, ECONnergy, and the StateWide Senior Action Council all endorsed the bill.

Under the terms of the bill ESCO customers must:

- Be offered budget plans.
- Not be required to make a service deposit or prepayment.
- Be able to have billing disputes and complaints settled by the Public Service Commission.
- Have late fees capped.
- Be guaranteed continued service when bills are late through a deferred payment agreement.
- Enjoy special consumer protections for the blind, elderly, disabled or people with medical emergencies.

AARP, which has over 2.5 million members in New York, will provide members with a special 1-800 number to call to urge the governor's signature on the bill, Ferris said.

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