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September 21, 2020

VIA EMAIL AND REGULAR MAIL

Michelle Phillips, Secretary
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223

**RE: Matter No. 20-01676
AMENDED LETTER WITH CORRECTIONS**

Dear Secretary Phillips

On behalf of the Town of New Scotland ("Town"), the undersigned respectfully submits this amended letter in response to the Notice of Department of Public Service ("DPS") Guidance relating to the COVID-19 Utility Moratorium on Terminations and Disconnections, issued September 8, 2020 ("Guidance"), as it relates to the Public Service Law ("PSL") § 89-1 Amendments ("PSL Amendments"). Pursuant to the Guidance, the Town must file with DPS the Town's plan for implementation of the PSL Amendments. The Town's plan for implementation of the PSL Amendments is as follows:

- The Town will review the PSL § 89-1 Amendments and follow the guidelines as outlined in the DPS Guidance document dated September 8, 2020.
- The Town will not terminate or disconnect any residential municipal water for the nonpayment of bills, taxes, or fees for the duration of the COVID-19 state disaster emergency, which is currently set to expire on October 4, 2020.
- The Town will advise its Residential Customers of the PSL Amendments and of the protections provided for in the PSL Amendments.

- The Town will accept a Residential Customers' self-certification that the customer has experienced a change in financial circumstances due to the COVID-19 state of emergency.
- Those Residential Customers who sign the self-certification will not be disconnected or terminated for non-payment until after the disconnection protection period, which shall be 180 days from the date upon which the current COVID-19 state of emergency is terminated.
- The Town's Residential Customers will be provided with the right to enter into a Deferred Payment Agreement to prevent future termination with no money down, no late fees or penalties.
- The Town charges customers a water usage fee to eight hundred forty-seven (847) Customers that are connected to the municipal water system. If water fees remain unpaid by the reley date cutoff, the Town will include a copy of the enclosed Notice pursuant to PSL §89-1 (5) in tax bills in January 2021 if the state of emergency is still in effect.
- The Town will file a final report with DPS within thirty (30) days of the effective end date of March 31, 2021 of the PSL Amendments.

Sincerely,

YOUNG/SOMMER LLC

J. Michael Naughton

Town ATTORNEY

Enclosure

NOTICE TO RESIDENTIAL CUSTOMERS OF TOWN OF NEW SCOTLAND

Section 89-1 of the Public Service Law has been amended to provide as follows:

3. No municipality shall terminate or discontinue residential service for the nonpayment of bills, taxes, or fees for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (hereinafter the "COVID-19 state of emergency"). Every municipality shall have a duty to restore service to any residential customer within forty-eight hours of the effective date of this subdivision if such service has been terminated during the pendency of the COVID-19 state of emergency.
4. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no municipality shall terminate or discontinue the service of a residential customer because of bill arrears, taxes, or fees owed to the municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The municipality shall provide a residential service customer that has experienced a change in financial circumstances due to the COVID-19 state of emergency with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter.
5. Every municipality shall provide notice to residential customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.
6. Implementation of the provisions of this section shall not prohibit a municipality from recovering lost or deferred revenues after the lifting or expiry of the COVID-19 state of emergency, provided that such means are not inconsistent with the provisions of this article. Nothing in this section shall prohibit a municipality from disconnecting service when it is necessary to protect the health and safety of customers and the public.

Your charge for Town water service is included on the enclosed tax bill dated January 1, 2021. If you have experienced a change in financial circumstances due to the COVID-19 state of emergency, please complete, sign and return a copy of this Notice, with the below Self-Certification filled out, to the Town of New Scotland as you may be given the right to enter into a Deferred Payment Agreement (DPA) for your outstanding water charge.

If you do not return a signed Certification attesting that you have experienced a change in financial circumstances due to the COVID-19 state of emergency, the Town of New Scotland will assume that you have experienced no such change.

Self-Certification:

Name of Customer: _____

Address of Customer: _____

I attest that due to the COVID-19 state of emergency, which began on March 7, 2020, I have experienced a change in financial circumstances.

Signature of Customer

The COVID-19 state of emergency is scheduled to be lifted or expire on _____. After it is lifted, if you experienced a change in financial circumstance due to the COVID-19 state of emergency, the Town of New Scotland will give you the right to entered into a Deferred Payment Agreement (DPA) for your outstanding water charge. You will be required to complete a financial statement and provide supporting documentation before a DPA will be offered to you.

If you have any questions, please contact the Town Clerk, at (518) 439-4865.