



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Department  
of State**

## **2022 ANNUAL REPORT**

### **ACTIVITIES OF THE DIVISION OF CONSUMER PROTECTION**

*Pursuant to Section 94-a (5)(a) of the Executive Law*

**FOR SUBMISSION TO:  
TEMPORARY PRESIDENT OF THE SENATE ANDREA STEWART-COUSINS  
SPEAKER OF THE ASSEMBLY CARL E. HEASTIE**

**March 15, 2023**

**Kathy Hochul  
Governor**

**Robert J. Rodriguez  
Secretary of State**

## **INTRODUCTION**

In compliance with the requirements set forth in Executive Law § 94-a (5)(a), the Department of State (“Department”) respectfully submits this report regarding the activities of the Division of Consumer Protection (“Division”). This report covers the period of January 1, 2022, through December 31, 2022.

During the reporting period, the Division accomplished its goals of educating and protecting the public by: (1) providing direct assistance and mediation to resolve marketplace complaints; (2) delivering mitigation assistance for victims of identity theft; (3) conducting education campaigns related to scam prevention, identity theft prevention, credit management, and product safety; (4) advancing cost effective and quality electric, gas, telephone, and cable service by representing consumers at utility rate and policy proceedings before State and federal regulators; and (5) enforcing the State’s Do Not Call Law (“DNC Law”).

## **CONSUMER ASSISTANCE PROGRAM**

Executive Law § 94-a (3)(a)(1) charges the Division to “receive complaints of consumers, attempt to mediate such complaints where appropriate, and refer complaints to the appropriate unit of the department, or federal, state, or local agency authorized by law for appropriate action on such complaints.” This statutory mandate is met through the Consumer Assistance Program (“CAP”). The CAP operates a Consumer Assistance Helpline five days per week, 8:30 a.m. to 4:30 p.m. Consumers also have the option of filing a consumer complaint electronically 24 hours per day, seven days per week, via the Department’s website. Among other issues, the CAP mediates and resolves complaints regarding product refunds and returns, credit card disputes, debt collection and consolidation practices, internet services, cellular services, credit report errors, and identity theft mitigation.

In 2022, the CAP staff handled 19,752 complaints and inquiries. These activities returned nearly \$2.4 million to the wallets of New York consumers. Specifically, \$2,226,959 expended by consumers was returned, and \$165,816 in obligated consumer costs were eliminated. A chart of the top ten consumer concerns addressed in 2022 is attached. (Appendix A)

## **IDENTITY THEFT PREVENTION AND MITIGATION PROGRAM**

Executive Law § 94-a (3)(a)(9) directs the Division to “establish a process by which victims of identity theft will receive assistance and information to resolve complaints,” and “to administer the Identity Theft Prevention and Mitigation Program.”

In 2022, the Division mediated 168 identity theft complaints and responded to 451 calls regarding identity theft via its Consumer Helpline, thereby providing direct, personal identity theft prevention and mitigation assistance to 619 consumers. The Division also hosted 11 identity theft prevention and mitigation education programs reaching 252 consumers statewide.

Additionally, the Division received and reviewed 30 consumer credit reporting agency annual filings to ensure compliance with Identity Theft Prevention and Mitigation Program regulations. The regulations serve to hold

consumer credit reporting agencies accountable and better assist consumers navigating their credit report, the most critical financial imprint created by the consumer credit reporting agencies.

## **OUTREACH AND EDUCATION PROGRAM**

Executive Law § 94-a (3)(a)(3) directs the Division to “initiate and encourage consumer education programs.” In 2022, the Division provided presentations on Identity Theft Prevention and Mitigation, Scam Prevention, Credit Management, Child Safety, Internet Safety and Product Safety. The Division delivered live and virtual seminars to community groups, organizations, and educational institutions across the State, a list of which is provided in Appendix B. The Division also educated consumers by utilizing social media channels Facebook and Twitter, issuing consumer alerts and contributing to statewide consumer media coverage, posting educational content on its public website, and coordinating with the Department of Financial Services (DFS) to ensure that the Division’s financial literacy-related information can be readily accessed through the DFS public website.

In 2022, the Division’s Outreach and Education Program issued 35 consumer alerts and participated in 24 events statewide, reaching approximately 90,473 consumers. Appendix C enumerates these statewide activities in a map by region.

## **DO NOT CALL ENFORCEMENT PROGRAM**

The New York State Do Not Call Law became effective in 2001, allowing consumers to place their telephone numbers on a central registry to reduce the number of unsolicited telemarketing calls they receive. In 2003, the Federal Trade Commission (“FTC”) and the Federal Communications Commission collaborated to create the National Do Not Call Program and Registry. As a result, New Yorkers started registering their home and mobile phone numbers on the National Do Not Call Registry (National Registry) and filing complaints using the FTC’s website.

As of December 31, 2022, there were 15,691,573 New York telephone numbers on the National Registry, an increase of 114,577 telephone numbers over the previous year. In 2022, New York consumers filed 131,851 Do Not Call violation complaints. The 2022 complaint data marks a forty six percent (46%) decrease in complaints when compared to the 247,014 complaints filed in 2021.

In 2022 the Division investigated 28,823 New York consumer complaints of alleged Do Not Call Law violations. The 2022 Division Do Not Call Law enforcement efforts resulting in \$173,500 in fines collected and over \$9 million in levied fines being referred to the Office of the Attorney General for collection.

## **UTILITY INTERVENTION UNIT**

Executive Law § 94-a(4)(b) sets forth the powers and duties of the Utility Intervention Unit (UIU). UIU is responsible for representing the interests of consumers before federal, state, and local agencies engaged in the regulation of energy, water, and telecommunication services. UIU staff participate in cases before the Public Service Commission (PSC), the New York Independent System Operator (NYISO), and the Federal Energy Regulatory Commission (FERC), as well as several utility and energy-related interagency working groups, task forces, and committees, including the Integrated Energy Data Resource Advisory Group, Low Income Forum on Energy Steering Committee, Home Energy Assistance Program (HEAP) Interagency Task Force, Energy

Affordability Program (EAP) Working Group, Natural Gas Reliability Advisory Group, Targeted Accessibility Fund, and National Association of State Utility Consumer Advocates.

To fulfill its mandate, UIU staff engaged in extensive analysis across multiple issue areas, including electric and gas utility rate cases with a specialized focus on cost of service, revenue allocation, rate design and service quality; resource adequacy serving wholesale electricity markets; discount calculation methodology for low-income customers; rate design in evolving end-user markets; and proliferation of advanced meters across utility service territories. While this list is not exhaustive, the wide range of UIU's involvement in multiple proceedings, confidential settlement negotiations, and policy issues affecting consumers across the State provides a unique perspective and insight to inform UIU's advocacy for financial equity and fairness for utility customers as consumers. This role has become more important during the implementation of significant and important New York State energy and environmental policy changes impacting utility service.

During 2022, UIU participated in 21 PSC utility rate, acquisition, and policy proceedings and three FERC cases, as noted in Appendix D. Participation in these proceedings involves rigorous analysis of technical documents and data, the submission of expert witness testimony and legal briefs, and participation in confidential settlement negotiations and evidentiary hearings. Utility rate cases are lengthy processes, historically lasting eleven months, yet recent cases have taken significantly longer. The first four months focus on conducting discovery, analyzing responses, and developing testimony with experts. Often after rebuttal testimony is filed, the remainder of the months may be spent on settlement negotiations and drafting a joint proposal, evidentiary hearings, initial and reply briefs, *etc.* Additionally, UIU submitted comments identifying consumer impact and recommendations on utility related legislation being considered by the Governor. UIU also advocated for equitable contributions to customer benefit charge for Long Island consumers.

While the primary focus of UIU's efforts continued to be on rate cases, it also focused on several policy cases. In rate case proceedings, UIU advocated aggressively on behalf of consumers to lower cost impact to customers that would result from utilities' proposed rate increases, including evaluating policy-driven cost impacts on customers and recommending alternative, more cost-efficient approaches; and focusing on reasonable and balanced approaches to cost of service and revenue allocation along with customer service rate design, and policy-driven depreciation proposals. In policy case filings and related follow-up working group meetings, UIU strives to advocate for positions that will reduce costs and investment risks to customers. Often, policy cases involve not only the regulated utilities, but also third parties with private financial interests that would benefit from shifting risk and costs directly to consumers or to utilities that are then indirectly paid by consumers. UIU's advocacy in this regard is essential to protecting New York consumers from unnecessary cost impact.

To keep consumers informed, the UIU utilized Division social media accounts to notify the public of opportunities for public input on rate cases, the status of available HEAP funds, and opportunities for broadband discounts.

UIU was very active in the Energy Affordability Program (EAP) Working Group that was tasked to address the electric and gas arrear balances accumulated during the COVID-19 pandemic. The Phase 1 Arrears relief assisted customers on the EAP discount and Phase 2 Arrears relief assisted non-EAP residential and small commercial customers. UIU carefully evaluated the data, weighed several scenarios and corresponding risks when considering the relief needed versus the impacts to all ratepayers both in the near and long term. UIU supported the proposal recognizing, without relief, affected customers unable to pay their bills created the potential to increase costs to all ratepayers through higher utility financing costs.

Finally, UIU serves as the designated Statewide Consumer Advocate at the NYISO, which oversees the wholesale electricity markets in New York. As a voting member on several of the NYISO's decision making committees, UIU assists in developing rules and procedures that help ensure an adequate supply of reasonably priced electricity exists for consumers in the State. In 2022, UIU filed comments in two FERC notices of proposed rule makings. In RM21-17-000, transmission planning, UIU advocated the final rule should minimize risks to

consumers considering the uncertainty for long-term planning horizons. In RM22-14-000, generator interconnection procedures, UIU generally supported the proposed reforms, but highlighted areas to be considered where it could unintentionally increase costs to consumers.

## **CONSUMER MARKETPLACE SAFETY**

### *CHILDREN'S PRODUCT TESTING*

Executive Law § 94-a (3)(a)(11) grants the Division the power and duty to “conduct product research and testing and, where appropriate, contract with private agencies and firms for the performance of such services.” In 2022, the Division conducted a child product safety testing campaign to ensure compliance with applicable New York State and federal safety standards. All testing was performed by a third-party United States Consumer Product Safety Commission (“CPSC”) accredited laboratory.

A random sampling of 10 children’s toys were tested for lead and phthalates. Where appropriate, specific products were tested for mechanical hazards. All ten items tested compliant.

The positive compliance results serve as a safety assurance for the State’s consumers of children’s products. For attentiveness, the compliance results reaffirms efforts to continue testing children’s products for hazards in order to keep the State marketplace safe for our children.

### *CONSUMER PRODUCT SAFETY COMMISSION DESIGNEE ACTIVITIES*

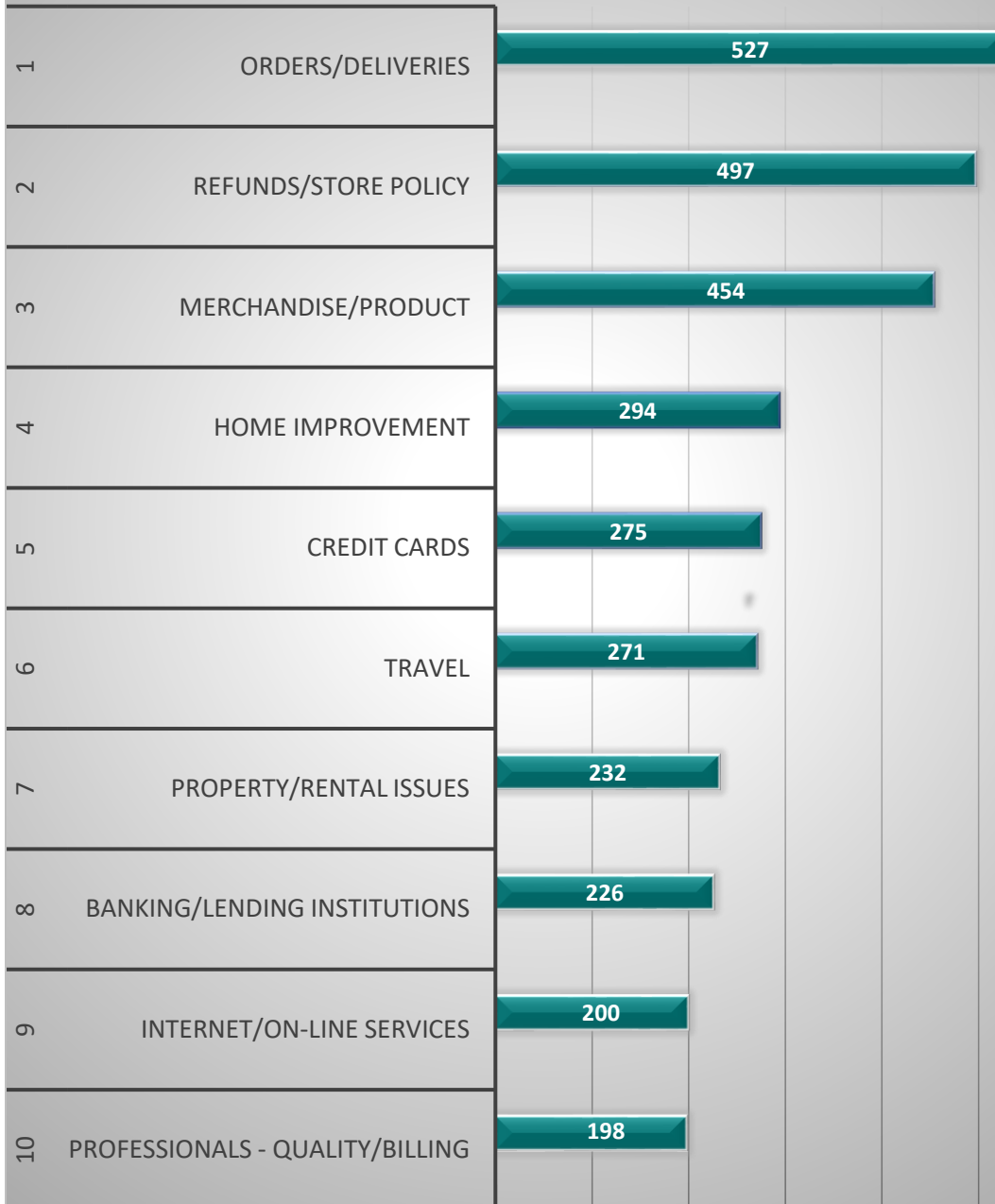
The Division serves as the CPSC’s New York State designee for product safety. Together, the Division and the CPSC work to promote product safety programs throughout the State. In this role, the Division performed 25 recall effectiveness checks and 20 resale store safety education visits in 2022. The Division also utilized its social media platforms--Facebook and Twitter-- to inform consumers of new recalls impacting New Yorkers.

## **CONCLUSION**

In 2022, the Division of Consumer Protection successfully carried out its numerous charges set forth in Executive Law 94-a. By working to mitigate harms to support consumers in need; educating consumers to prevent future harm; and advocating for the rights and interests of New York consumers, the Division serves to assist and protect New Yorkers navigate the ever-changing consumer marketplace.

## APPENDIX A

### 2022 Top Ten Categories of Consumer Assistance



## **APPENDIX B**

### **Division of Consumer Protection 2022 Outreach Events and Presentations**

#### **January**

1. NYC Department of Health – New York City Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults

#### **March**

2. Hunter College and CUNY Borough of Manhattan – New York City Region  
Topic: Credit and Debt Management with Student Loan Tips
3. New York Foundation for Senior Citizens – New York City Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults
4. Con Edison – New York City Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults
5. NY Foundation for Senior Citizens – New York City Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults

#### **April**

6. 51<sup>st</sup> Annual Legislative Conference of the New York State Association of Black, Puerto Rican, Hispanic and Asian Legislators, Inc.– Capital Region  
Topic: All Consumer Protection Topics
7. NYC Department of Transportation Safety Education and Outreach – New York City Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults

#### **June**

8. Patchogue Medford Library – Long Island Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults
9. Patchogue Medford Library – Long Island Region  
Topic: Avoiding Scams

#### **August**

10. Finkelstein Memorial Library – Mid-Hudson Region  
Topic: How to Recognize and Avoid Scams
11. The 2022 New York State Fair – Central New York Region

Topic: All Consumer Protection Topics

### **September**

12. Schenectady County Public Library – Capital Region  
Topic: Identity Theft Prevention
13. Latinx Parade and Festival – Mid-Hudson Region  
Topic: All Consumer Protection Topics
14. NYC Department of Health – New York City Region  
Topic: Avoiding Scams Targeting Older Adults

### **October**

15. NYS Senator John E. Brooks Community Presentation (Suffolk) – Long Island Region  
Topic: All Consumer Protection Topics
16. NYS Senator John E. Brooks Community Presentation (Nassau) – Long Island Region  
Topic: All Consumer Protection Topics
17. Hunter College – New York City Region  
Topic: Credit and Debt Management with Student Loan Tips
18. Colonie Town Library (William K. Sanford Town Library) – Capital Region  
Topic: Internet Safety
19. National Church Residence, Castle Hill – Capital Region  
Topic: Identity Theft Prevention and Scams Targeting Older Adults
20. DREAM (Disability Rights and Employment Awareness Month) Conference – Capital Region  
Topic: All Consumer Protection Topics

### **November**

21. NYS Department of State and NYS Community Action Association – Finger Lakes, Southern Tier and Western New York Regions  
Topic: Identity Theft Prevention
22. NYC Department of Mental Health – New York City Region  
Topic: Child Safety, Importance of Product Recall and Child Identity Theft Prevention
23. NYS Employee Assistance Program – Capital Region  
Topic: Identity Theft Prevention

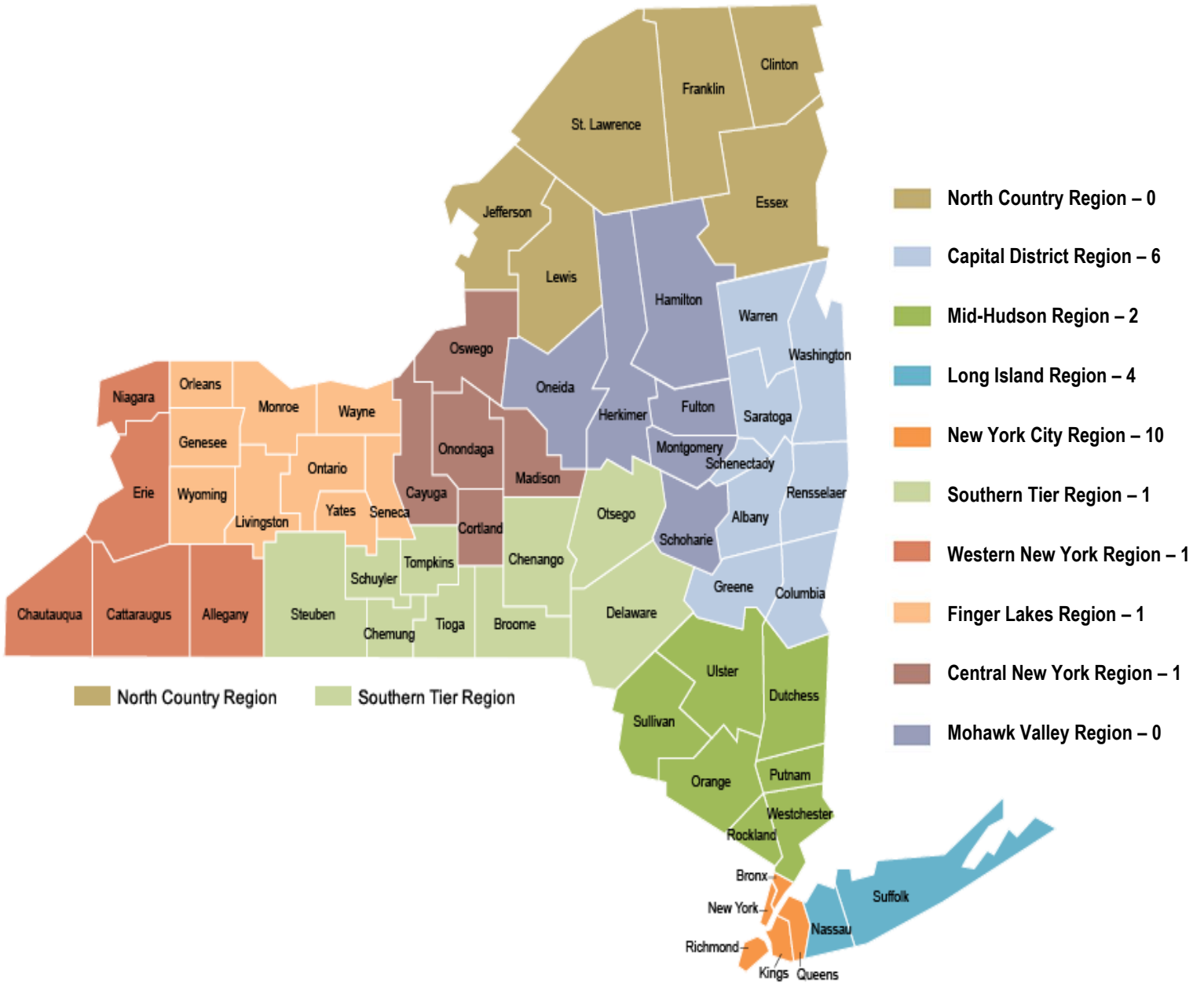
### **December**

24. Lenox Hill Neighborhood House – New York City Region  
Topic: Avoiding Scams Targeting Older Adults



# APPENDIX C

## Division of Consumer Protection 2022 Outreach Events and Presentations, Regions Served



## Appendix D

### Utility Intervention Unit 2022 Utility Rate Cases & Proceedings at the NYS DPS and FERC

Case #	Entity	Case Description	Category
22-E-0317, 22-G-0318, 22-E-0319, & 22-G-0320	NYSEG/RGE	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of NYSEG and RGE	Rate Case
22-E-0064 & 22-G-0065	Con Edison	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc.	Rate Case
21-G-0073 & 21-E-0074	Orange and Rockland	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Orange and Rockland Utilities	Rate Case
21-G-0577	St. Lawrence	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Liberty Utilities (St. Lawrence Gas) Corp.	Rate Case
20-E-0380 & 20-G-0381	Niagara Mohawk	Proceedings on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Niagara Mohawk Power Corporation d/b/a National Grid	Rate Case
21-G-0394	Corning	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Corning Natural Gas Corporation	Rate Case
21-G-0260	Corning	Joint Petition of Corning Natural Gas Corporation and ACP Crotona Corporation	Acquisition
20-E-0197	DPS	Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth Act	Policy Case
20-M-0082	DPS	Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data	Policy Case

<b>Case #</b>	<b>Entity</b>	<b>Case Description</b>	<b>Category</b>
15-M-0742	Telecom Companies	Proceeding on Motion of the Commission to Review the State Universal Service Fund	Policy Case
20-M-0266	DPS	Proceeding on Motion of the Commission Regarding the Effects of COVID-19 on Utility Service	Policy Case
18-E-0138	DPS	Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure	Policy Case
18-M-0084	DPS	In the Matter of a Comprehensive Energy Efficiency Initiative.	Policy
14-M-0565	DPS	Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers	Policy Case
98-M-1343, 12-M-0476, & 15-M-0127	DPS	Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State	Policy Case
RM22-14-000	FERC	Improvements to Generator Interconnection Procedures and Agreements	Notice of Proposed Rule Making
RM21-17-000	FERC	Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection	A Notice of Proposed Rule Making
ER16-2719-000	FERC	NextEra Energy Transmission New York, Inc. Formula Rate Implementation Protocols	Rate Review