



**Department
of State**

**2016 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 JOHN J. FLANAGAN
SPEAKER OF THE ASSEMBLY CARL E. HEASTIE**

**Andrew M. Cuomo
Governor**

**Rossana Rosado
Secretary of State**

INTRODUCTION

In compliance with the requirements set forth in Executive Law §94-a(5)(a), the Department of State (the “Department”) respectfully submits this report regarding the activities of the Division of Consumer Protection (the “Division”). This report covers the period commencing on January 1, 2016 and concluding on December 31, 2016.

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, financial literacy, 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 New York State and federal regulators; and (5) enforcing the State’s Do-Not-Call Law (the “DNC Law”).

CONSUMER ASSISTANCE UNIT

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 Unit (the “CAU”). The CAU operates a Consumer Assistance Hotline 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 CAU 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 2016, the CAU staff handled 14,830 complaints and inquiries. These activities saved New York consumers an estimated \$679,605.23 and facilitated \$90,355.52 in avoided costs. A chart of the top ten consumer concerns addressed in 2016 is contained in Appendix A.

OUTREACH AND EDUCATION PROGRAM

Executive Law §94-a(3)(a)(3) directs the Division to “initiate and encourage consumer education programs.” In 2016, the Division provided presentations on Identity Theft Prevention and Mitigation, Scam Prevention, Financial Literacy, the DNC Law, and Product Safety. The Division delivered live 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 alerts and related media coverage.

Of special note, during the reporting year, the Division collaborated with the U.S. Consumer Product Safety Commission (the “CPSC”) to deliver live carbon monoxide safety education presentations. The Division also collaborated with the CPSC’s Anchor It! Program to co-brand furniture tip-over prevention and education materials. To that end, the Division’s 2016 product safety education seminars emphasized the hazards unsecured furniture and televisions present to children.

In August 2016, the Division entered into an outreach partnership with LiveOn-NY Senior Medicare Patrol—a nationwide education and assistance program working with seniors and caregivers to prevent, detect, and report Medicare fraud and waste. Live presentations were conducted on specific scams as they relate to healthcare fraud and senior citizens. The Division, along with LiveON-NY conducted 25 presentations reaching

approximately 550 senior citizens, social workers, direct service providers and caregivers around the New York City area.

DO-NOT-CALL INVESTIGATION UNIT

The New York State DNC Law, which became effective in 2001, allowed consumers to place their home landline and personal mobile telephone numbers on a central registry in order 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. Subsequently, New Yorkers were able to register their home and mobile phone numbers on the National Do-Not-Call Registry and file complaints using the FTC’s website.

Using the National Registry to retrieve the complaints of aggrieved New Yorkers, the Department investigated alleged violations with the goal of ending unlawful conduct. As of December 31, 2016, there were 14,504,365 New York telephone numbers on the National Registry, an increase of 197,640 telephone numbers over the previous year. In 2016, the Department investigated 92,391 complaints concerning violations of the Do-Not-Call Law and collected \$351,007 in penalties related thereto.

UTILITY INTERVENTION UNIT

Executive Law §94-a(4)(b) sets forth the powers and duties of the Utility Intervention Unit (the “UIU”). The UIU is generally charged with 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 (the “PSC”), the New York Independent System Operator (the “NYISO”), and the Federal Energy Regulatory Commission (the “FERC”) as well as more than a half dozen utility and energy-related interagency working groups, task forces, and committees.

In 2016, UIU analyzed documents, submitted testimony and briefs, and engaged in settlement discussions in PSC and FERC regulatory proceedings. The UIU continues to serve as the designated consumer advocate at the NYISO, which oversees the wholesale electricity markets in New York, and is a voting member on several of the NYISO’s decision-making committees. In that role, the UIU assists in developing rules and procedures that help to ensure that an adequate supply of reasonably priced electricity exists in the State.

During 2016, the UIU participated in hearings and negotiations in 13 PSC rate and policy proceedings, as noted in Appendix C. In each of these proceedings, the UIU advocated aggressively on behalf of consumers with the goal of containing the utilities’ proposed rate increases. It is important to note that rate cases are lengthy processes.

Additionally, the UIU was instrumental in refining and advancing the PSC’s recent efforts to protect customers from rampant Energy Services Company (“ESCO”) overcharges. The UIU aggressively supported the PSC’s February, July, September, and December Orders that establish additional protections for residential, low-income, and small commercial ESCO customers. In response to the legal challenges to these Orders, the UIU filed two amici briefs supporting the PSC. The UIU has also proposed recommendations, currently under consideration at the PSC, to implement additional ESCO customer protections.

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 2016, the Department conducted a child product safety testing campaign to ensure compliance with applicable New York State and federal safety standards. All testing was conducted by a third-party Consumer Product Safety Commission (the “CPSC”) accredited laboratory.

A random sampling of 10 children’s toys found all products tested compliant with applicable New York State and federal standards. All products were tested for lead and phthalates. Where appropriate, specific products in the sampling were tested for flammability and mechanical hazards. The positive compliance results served as a safety assurance for the State’s children’s product consumers.

CONSUMER PRODUCT SAFETY COMMISSION DESIGNEE ACTIVITIES

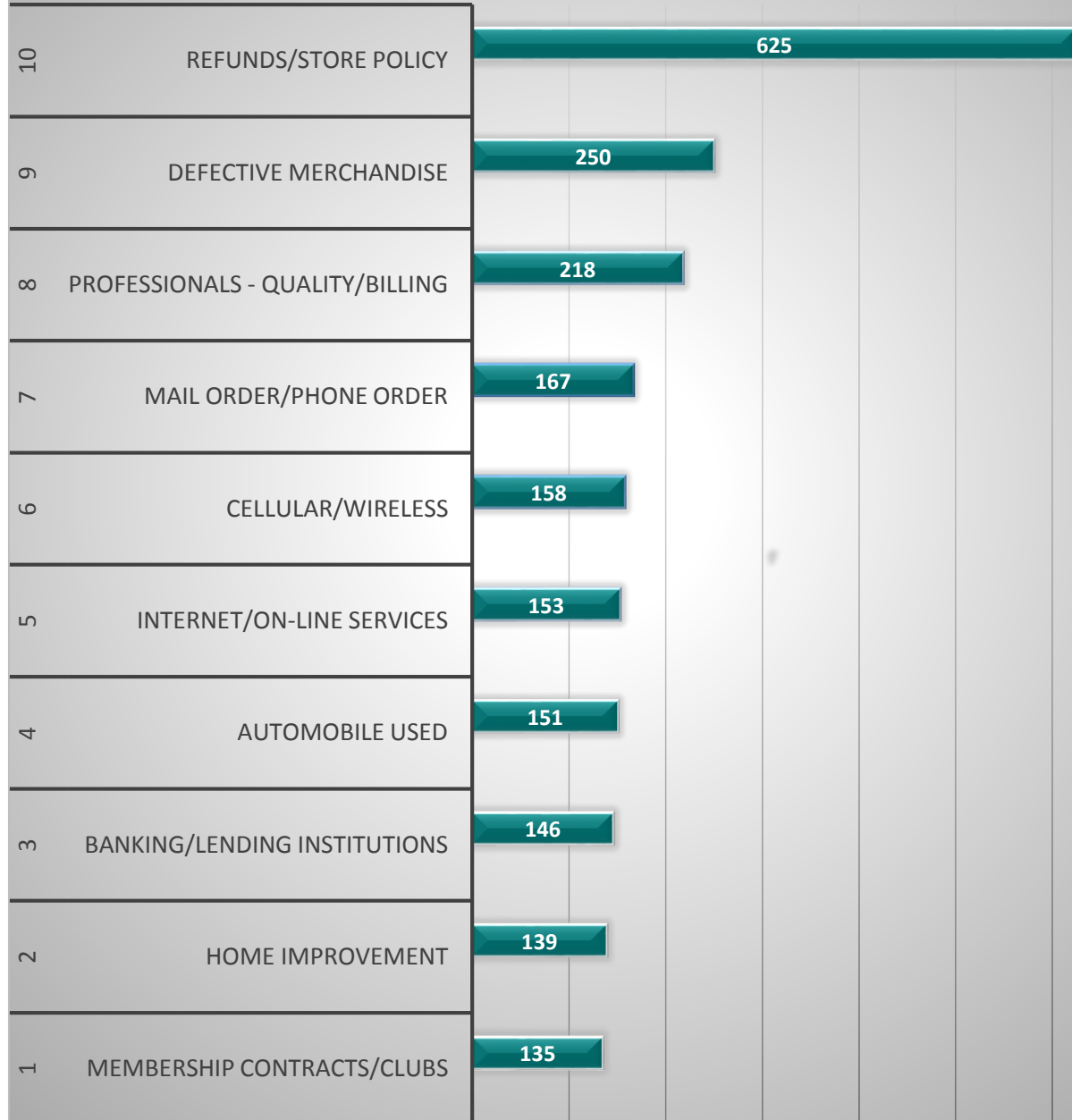
The Division serves as the CPSC’s New York State designee for product safety. Together, the Division and the CPSC work to promote product safety programs throughout the State. In this role, the Division conducted 25 recall effectiveness checks in 2016.

CONCLUSION

In 2016, the Division successfully carried out its numerous charges set forth in Executive Law 94-a. Whether mitigating harms that have occurred or educating consumers to prevent future harm, the Division serves to assist and protect consumers navigating the ever-changing marketplace.

APPENDIX A

2016 Top Ten Categories of Consumer Assistance



APPENDIX B

Division of Consumer Protection 2016 Outreach Events and Presentations

January

1. Albany Community Action Partnership – Albany County
Topic: Identity Theft
2. The Eddy Senior Care – Schenectady County
Topic: Senior Scams
3. Assets for Independence – Albany County
Topic: Financial Literacy
4. Beltrone Assisted Living Center – Albany County
Topic: General, Division of Consumer Protection Outreach
5. NYS Department of Tax and Finance – Albany County
Topic: General, Division of Consumer Protection Outreach
6. NYS Department of State, Division of Licensing Services – New York County
Topic: Data Breach Security
7. Townsend Apartment – Albany County
Topic: Data Privacy
8. Hoosick Falls Senior Citizens Center – Rensselaer County
Topic: Data Privacy

February

9. Avila Housing – Albany County
Topic: Scam Prevention
10. Southmall Towers – Albany County
Topic: Scam Prevention
11. The Eddy Senior Care – Schenectady County
Topic: Senior Safety
12. Tioga Opportunities, Inc. and Spencer First Presbyterian Church – Tioga County
Topic: Senior Identity Theft and Scam Prevention

March

13. Rensselaer Senior Citizens Center – Rensselaer County
Topic: Scam Prevention

14. Tri-City Valley Cats – Rensselaer County
Topic: Partnership Opportunities
15. Catholic Charities of Tompkins/Tioga – Tioga County
Topic: Scam Prevention
16. Westview Homes – Albany County
Topic: Scam Prevention
17. Great Neck Social Center – Nassau County
Topic: Scam Prevention
18. NYS Office of Comptroller – New York County
Topic: Scam Prevention
19. Capital District Senior Housing Options Providers – Albany County
Topic: General, Division of Consumer Protection Outreach
20. Coalition of New York State Alzheimer’s Association Chapters – Albany County
Topic: Partnership Opportunities
21. Monroe County Community College – Monroe County
Topic: College Tour, Credit and Credit Management
22. Coalition of New York State Alzheimer’s Association Chapters – Albany County
Topic: Senior Scam Prevention

April

23. Watertown Public Library – Jefferson County
Topic: Identity Theft Prevention
24. Guidance Counselors of Central NY – Onondaga County
Topic: Child Identity Theft Prevention
25. Child Abuse Prevention Conference – Albany County
Topic: Child Identity Theft Prevention
26. SUNY Oneonta – Greene County
Topic: College Tour, Credit and Credit Management
27. Creating Assets, Saving and Hope (CA\$H) Coalition – Albany County
Topic: Identity Theft Prevention and Credit Management
28. Department of Transportation, Rochester – Monroe County
Topic: Scam Prevention
29. NYS Senator Michael Venditto District Outreach – Nassau County
Topic: Senior Scam Prevention

- 30. NYS Senator Jack Martins District Outreach – Nassau County
Topic: Senior Scam Prevention
- 31. NYS Senator Kemp Hannon District Outreach – Nassau County
Topic: Senior Scam Prevention
- 32. Fulton Public Library – Oswego County
Topic: Scam Prevention

May

- 33. Clark Sports Center – Otsego County
Topic: Child Identity Theft
- 34. Empire State Association of Assisted Living Conference – Saratoga County (Statewide)
Topic: Senior Scam Prevention
- 35. Civil Service Employees Association Presidents Meeting – Albany County
Topic: Scam Prevention
- 36. Equinox Domestic Violence Shelter – Albany County
Topic: Identity Theft of a Victim of Domestic Violence
- 37. Classified Scanning & Shredding – Monroe County
Topic: Scam Prevention
- 38. Monument Square Apartments – Rensselaer County
Topic: Scam Prevention
- 39. WIOX 91.3 FM – Delaware County
Topic: Senior Scam Prevention with Alzheimer's Patients
- 40. AARP Elmira – Tioga County
Topic: Senior Scam Prevention
- 41. Glenmont Abbey Village – Albany County
Topic: Senior Scam Prevention
- 42. NYC Safe Kids Healthy Home Conference – New York City County
Topic: Tip Over Prevention (Anchor It)
- 43. Monticello Public Library – Sullivan County
Topic: Scam Prevention
- 44. Mayors Roundtable, Capital Region – Albany County
Topic: General, Division of Consumer Protection Outreach
- 45. Sequoia Financial Group – Saratoga County and Albany County
Topic: Scam Prevention

46. Low Income Forum on Energy (LIFE) Conference – Albany County (Statewide)
Topic: General, Division of Consumer Protection Outreach
47. Seneca Falls Library – Ontario County
Topic: Scam Prevention
48. Low Income Forum on Energy (LIFE) Conference – Albany County (Statewide)
Topic: Utility Fraud
49. Livingston Apartments – Albany County
Topic: Scam Prevention

June

50. United Way of the Greater Capital Region – Albany County
Topic: Tax Fraud Prevention
51. NYS Senator Kemp Hannon District Outreach, Farmingdale Library – Nassau County
Topic: Senior Scam Prevention
52. Aging Concerns Unite Us (ACUU) Conference – Albany County (Statewide)
Topic: Senior Scam Prevention
53. NYS Cyber Security Conference (ITS) – Albany County
Topic: Identity Theft Prevention
54. NYS Senator Jack Martins District Outreach, Bryant Library – Nassau County
Topic: Senior Scam Prevention
55. NYS Senator Jack Martins District Outreach, Manhasset Library – Nassau County
Topic: Senior Scam Prevention
56. World Elder Abuse Awareness Day – Albany County
Topic: General, Division of Consumer Protection Outreach
57. United Way of the Greater Capital Region – Albany County
Topic: Partnership Opportunities
58. The Terrace at The Glen at Hiland Meadows – Warren County
Topic: Senior Scam Prevention
59. Warren County Head Start, Glenn Falls Center – Warren County
Topic: Child Identity Theft Prevention and Tip Over Prevention (Anchor It)
60. First Ward Senior Center – Broome County
Topic: Scam Prevention
61. Albany Public Library – Albany County
Topic: Credit and Credit Management

- 62. Ameritrade Financial – Erie County
Topic: Credit and Credit Management
- 63. Plattsburgh Senior Citizens Council – Clinton County
Topic: Scam Prevention
- 64. International Association of Workforce Professionals – Erie County
Topic: Identity Theft Prevention
- 65. St. Joseph's Home – St. Lawrence County
Topic: Scam Prevention

July

- 66. Lucille Manor Apartments – Onondaga County
Topic: Scam Prevention
- 67. Byrne Manor Apartments – Onondaga County
Topic: Scam Prevention
- 68. St. Mary Apartments – Onondaga County
Topic: Scam Prevention
- 69. NYS Senator Sue Serino District Outreach – Dutchess County
Topic: Scam Prevention
- 70. John F. Kennedy Towers Senior Housing – Rensselaer County
Topic: General, Division of Consumer Protection Outreach
- 71. NYS PTA – Oneida County
Topic: Child Identity Theft
- 72. Plattsburgh Housing Authority at Lakeview Towers – Clinton County
Topic: Scam Prevention
- 73. The Club at Smallwood – Sullivan County
Topic: Scam Prevention
- 74. NYC Department of Design and Construction – New York City County
Topic: Scam Prevention
- 75. NYS Senator Jack Martins District Outreach, Port Washington Library – Nassau County
Topic: Senior Scam Prevention

August

- 76. Plattsburgh Public Housing Authority – Clinton County
Topic: Identity Theft Prevention
- 77. Wells Volunteer Ambulance Corps (Senior Meal Site) – Hamilton
Topic: Identity Theft Prevention

78. Pottery Barn Kids – Albany County
Topic: Child Identity Theft and Tip Over Safety (Anchor It)
79. New York Public Library, Baychester Branch – Bronx County
Topic: Senior Scam Prevention
80. Altamont Fair – Albany County
Topic: General, Division of Consumer Protection Outreach
81. NYS Senator Michael Venditto District Outreach, Wantagh Library – Nassau County
Topic: Senior Scam Prevention
82. Jamestown Area Senior Center – Chautauqua County
Topic: Senior Scam Prevention
83. NYS Office for the Aging – Chautauqua County
Topic: Senior Scam Prevention
84. New York State Fair, Senior Days – Onondaga County
Topic: General, Division of Consumer Protection Outreach

September

85. NYS Senator Michael Venditto District Outreach, North Bellmore Library – Nassau County
Topic: Senior Scam Prevention
86. Identity Theft & Senior Scam Forum – Oswego County
Topic: Scam Prevention
87. NYS Senator William Larkin District Outreach, Maybrook Senior Center – Orange County
Topic: Senior Scam Prevention
88. Lockheed Martin – Onondaga County
Topic: Senior Scam Prevention
89. East Syracuse YMCA – Onondaga County
Topic: Senior Scam Prevention
90. NYS Senator William Larkin District Outreach, Stony Point Senior Center – Orange County
Topic: Senior Scam Prevention
91. Salvation Army – Dutchess County
Topic: Senior Scam Prevention
92. Lutheran Church of Holy Spirit – Albany County
Topic: Senior Scam Prevention
93. Knights of Columbus Senior Club – Nassau County
Topic: Senior Scam Prevention

- 94. Centro Civico Cultural Dominicano – New York City County
Topic: Identity Theft Prevention
- 95. The Hearth on James – Onondaga County
Topic: Identity Theft Prevention
- 96. NYS Senator William Larkin District Outreach, Haverstraw Senior Center – Orange County
Topic: Senior Scam Prevention
- 97. Brooklyn Public Library, Eastern Parkway Branch – Kings County
Topic: General, Division of Consumer Protection and Do Not Call Outreach
- 98. GRIOT Circle – Kings County
Topic: Senior Scam Prevention

October

- 99. Capital District Child Care Council – Albany County
Topic: General, Division of Consumer Protection Outreach
- 100. NYS Senator George Amedore District Outreach, Marbletown Community Center – Ulster County
Topic: Senior Scam Prevention
- 101. NYS Senator Michael Venditto District Outreach, Golden Gathering – Nassau County
Topic: General, Division of Consumer Protection Outreach
- 102. The Kings Apartments – Dutchess County
Topic: Senior Scam Prevention
- 103. NYS Senator Michael Venditto District Outreach, Seaford Library – Nassau County
Topic: Senior Scam Prevention
- 104. New York Public Library, Wakefield Branch – Bronx County
Topic: Senior Scam Prevention
- 105. The Fountains At Millbrook – Dutchess County
Topic: Identity Theft Prevention

November

- 106. NYS Senator Kemp Hannon District Outreach, Plainview Old Bethpage Library – Nassau County
Topic: Senior Scam Prevention and Carbon Monoxide Safety
- 107. Adult Abuse Training Institute (AATI) Conference – Albany County
Topic: Senior Scam Prevention
- 108. Elmcour Services – Queens County
Topic: Senior Scam Prevention

109. Dutchess Office for the Aging Senior Seminar – Dutchess County
Topic: Senior Scam Prevention
110. Temple Hillel – Nassau County
Topic: Senior Scam Prevention
111. Care Links of Southern Saratoga – Saratoga County
Topic: Scam Prevention
112. PSS City Island – Bronx County
Topic: Senior Scam Prevention
113. SelfHelp Benjamin Rosenthal Senior Center – Queens County
Topic: Senior Scam Prevention
114. Allen Cathedral Senior Residence – Queens County
Topic: Senior Scam Prevention
115. New York Public Library, Hudson Park Branch – New York City County
Topic: Identity Theft Prevention
116. Woodhaven/Richmond Hill Senior Center – Queens County
Topic: Senior Scam Prevention
117. PSS Parkside – Bronx County
Topic: Senior Scam Prevention
118. PEP for Seniors – Bronx County
Topic: Senior Scam Prevention
119. United Jewish Council of the East Side – New York City County
Topic: Senior Scam Prevention
120. Spring Creek Towers – Kings County
Topic: Senior Scam Prevention
121. Phillip Howard NORC Program – Kings County
Topic: Senior Scam Prevention

December

122. PSS Morrisania – Bronx County
Topic: Senior Scam Prevention
123. PSS Andrew Jackson – Bronx County
Topic: Senior Scam Prevention
124. Diana H. Jones Innovative Senior Center – Kings County
Topic: Senior Scam Prevention

- 125. ArchCare St. Vincent – Bronx County
Topic: Senior Scam Prevention

- 126. HANAC Innovative Senior Center – Queens County
Topic: Senior Scam Prevention

- 127. JASA Bartow Senior Center – Bronx County
Topic: Senior Scam Prevention

- 128. Catholic Charities – Kings County
Topic: Senior Scam Prevention

- 129. Concourse Plaza Wellness Center for Adults – Bronx County
Topic: Senior Scam Prevention

- 130. Weinberg Center for Balanced Living – New York City County
Topic: Senior Scam Prevention

- 131. Union Settlement NORC at Franklin Plaza – New York City County
Topic: Senior Scam Prevention

- 132. Hope Gardens Multiservice Center – Kings County
Topic: Senior Scam Prevention

APPENDIX C

Utility Intervention Unit

List of 2016 Utility Rate Cases & PSC Proceedings

Case #	Company	Case Description	Category
16-01007	Clean Energy Advisory Council	In the Matter of the CEAC's Low & Moderate Income Clean Energy Initiatives Working Group	Policy Case
16-G-0369	Corning Natural Gas	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Corning Natural Gas Corporation for Gas Service	Rate Case
16-G-0257	National Fuel Gas	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of the National Fuel Gas Distribution Corporation for Gas Service	Rate Case
16-E-0270	GINNA-RG&E	Proceeding to Examine a Proposal for Continued Operation of the R.E. Ginna Nuclear Power Plant, LLC.	Rate Case
16-E-0060 & 16-G-0061	Con Edison	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric and Gas Service	Rate Case
16-G-0058 & 16-G-0059	KeySpan Long Island & KeySpan New York	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation and the Brooklyn Union Gas Company d/b/a National Grid for Gas Service	Rate Case
15-E-0751	DPS	In the Matter of the Value of Distributed Energy Resources	Policy Case
15-E-0302	DPS	Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard	Policy Case
15-G-0382	St. Lawrence Gas	Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of St. Lawrence Gas Company, Inc. for Gas Service	Rate Case
15-E-0283, 15-G-0284, 15-E-0285, 15-G-0286	NYSEG/RGE	Proceedings on Motion of the Commission as to the Rates, Charges, Rules and Regulations of NYSEG and RGE for Electric and Gas Service	Rate Case
15-M-0127, 12-M-0476, & 98-M-1343	Retail Access Value Added Services Collaborative	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
15-E-0082	Community Net Metering	Proceeding on Motion of the Commission as to the Policies, Requirements and Conditions For Implementing a Community Net Metering Program	Policy Case
14-M-0565	Low Income Affordability Proceeding	Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers	Policy Case