S T A T E O F N E W Y O R K

7396

I N S E N A T E

May 14, 2014

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law and the executive law, in relation to establishing the office of utility consumer advocate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2 of the public service law is amended by adding a new subdivision 28 to read as follows:

28. THE TERM "OFFICE OF THE UTILITY CONSUMER ADVOCATE" SHALL MEAN THE OFFICE OF THE UTILITY ADVOCATE AS DESCRIBED IN SUBDIVISION FOUR OF SECTION NINETY-FOUR-A OF THE EXECUTIVE LAW.

S 2. Subdivision 1 of section 16 of the public service law, as amended by chapter 833 of the laws of 1965, is amended to read as follows:

1. All proceedings of the commission and all documents and records in its possession shall be public records. THE COMMISSION MAY, IN ITS DISCRETION, PROVIDE A COPY OF SUCH DOCUMENTS OR RECORDS TO THE OFFICE OF THE UTILITY CONSUMER ADVOCATE.

S 3. Subdivision 4 of section 94-a of the executive law, as added by section 21 of part A of chapter 62 of the laws of 2011, paragraph (b) as amended by section 12 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

4. [Utility intervention unit] OFFICE OF UTILITY CONSUMER ADVOCATE. (a) [There is established within the] THE STATE UTILITY INTERVENTION UNIT IS HEREBY CONTINUED AS THE OFFICE OF UTILITY CONSUMER ADVOCATE WITHIN THIS division [a state utility intervention unit].

(b) The utility [intervention unit] CONSUMER ADVOCATE shall have the power and duty to:

(i) on behalf of the secretary, initiate, intervene in, or participate in any proceedings before the public service commission or the department of public service, to the extent authorized by sections three-b, twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where he or she

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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deems such initiation, intervention or participation to be necessary or appropriate;

(ii) represent the interests of consumers of the state before federal, state and local administrative and regulatory agencies engaged in the regulation of energy services;

(iii) accept and investigate complaints of any kind from Long Island power authority consumers, attempt to mediate such complaints where appropriate directly with such authority and refer complaints to the appropriate state or local agency authorized by law to take action with respect to such complaints; [and]

(iv) hold regular forums in each of the service territories of the combination gas and electric corporations, as defined under section two of the public service law, and the Long Island power authority to educate consumers about utility-related matters and the regulatory process, opportunities to lower energy costs, including through energy efficiency and distributed generation, and other matters affecting consumers[.]; AND

(V) CONVENE THE UTILITY POLICY ADVISORY BOARD ESTABLISHED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION NO FEWER THAN THREE TIMES PER YEAR.

(C) THERE IS HEREBY ESTABLISHED A UTILITY POLICY ADVISORY BOARD. THE UTILITY POLICY ADVISORY BOARD SHALL BE COMPOSED OF FIVE MEMBERS WHO SHALL REPRESENT THE INTERESTS OF ALL CLASSES OF RATEPAYERS, INCLUDING RESIDENTIAL, SMALL BUSINESSES, LARGE BUSINESSES, INDUSTRIAL CUSTOMERS, LABOR AND OTHER CONSUMERS AND INTERESTED PARTIES, WHO SHALL ADVISE THE UTILITY CONSUMER ADVOCATE ON MATTERS AFFECTING RESIDENTIAL, SMALL BUSINESS, LARGE BUSINESS AND INDUSTRIAL CONSUMERS AND OTHER CONSUMERS AND INTERESTED PARTIES.

(I) THREE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR, EXCEPT THAT TWO OF THOSE MEMBERS MUST BE CHOSEN FROM A LIST OF THREE QUALIFIED CANDIDATES EACH PROVIDED BY THE PRESIDENT OF THE BUSINESS COUNCIL OF NEW YORK STATE AND THE PRESIDENT OF THE AFL-CIO, AND THE THIRD MEMBER CHOSEN BY THE GOVERNOR TO MEET THE QUALIFICATIONS CONTAINED HEREIN. ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, WHO SHALL CHOOSE FROM A LIST OF THREE QUALIFIED CANDIDATES PROVIDED BY THE AMERICAN ASSOCIATION OF RETIRED PEOPLE (AARP) NEW YORK STATE BRANCH AND ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, CHOSEN FROM A LIST OF THREE QUALIFIED CANDIDATES PROVIDED BY THE NATIONAL FEDERATION OF INDEPENDENT BUSINESSES (NFIB).

(II) THE TERM OF OFFICE OF EACH MEMBER SHALL BE THREE YEARS, PROVIDED HOWEVER THAT WITH RESPECT TO THE INITIAL APPOINTMENTS TO THE BOARD, OF THE THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR, ONE MEMBER SHALL BE APPOINTED FOR A TERM OF ONE YEAR AND ONE SHALL BE APPOINTED FOR A TERM OF TWO YEARS. THEREAFTER, ALL APPOINTMENTS SHALL BE FOR THREE YEAR TERMS. VACANCIES OCCURRING BY EXPIRATION OF A TERM SHALL BE FILLED FOR AN UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS.

(III) SUCH MEMBERS SHALL HAVE EXPERTISE REPRESENTING RESIDENTIAL, SMALL BUSINESS, LARGE BUSINESS OR CUSTOMERS OF ANY OTHER CLASS, OR HAVE SUBSTANTIAL EXPERIENCE IN THE UTILITY INDUSTRY ON THE BUSINESS OR LABOR SIDE, EXCEPT THAT NO MEMBER MAY CURRENTLY WORK FOR A GAS OR ELECTRIC UTILITY COMPANY, OR HAVE BEEN EMPLOYED EITHER DIRECTLY OR INDIRECTLY IN THAT FIELD FOR THE LAST FIVE YEARS.

(IV) THE BOARD SHALL MAKE RECOMMENDATIONS TO THE UTILITY CONSUMER ADVOCATE PERTAINING TO THE UTILITY CONSUMER ADVOCATE'S PARTICIPATION IN OR INITIATION OF A PROCEEDING BEFORE THE PUBLIC SERVICE COMMISSION OR THE DEPARTMENT OF PUBLIC SERVICE AND NO PROCEEDING SHALL BE INITIATED

WITHOUT THE AGREEMENT OF A MAJORITY OF THE MEMBERS OF THE ADVISORY BOARD.

(V) NO MEMBER OF THE ADVISORY BOARD SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER APPOINTMENT TO THE BOARD.

(VI) THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCES OF THEIR DUTIES AS DESCRIBED HEREIN.

(D) THE OFFICE OF THE UTILITY CONSUMER ADVOCATE SHALL ISSUE ON JULY FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY THEREAFTER, A REPORT ON ALL OF ITS ACTIVITIES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE, THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE AND THE CHAIRS OF THE SENATE CONSUMER PROTECTION COMMITTEE AND THE ASSEMBLY CONSUMER PROTECTION COMMITTEE. SUCH REPORT SHALL ALSO BE MADE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT.

S 4. This act shall take effect immediately.