STATE OF NEW YORK

7955

IN SENATE

March 13, 2018

Introduced by Sen. GRIFFO -- (at request of the Department of Public Service) -- 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, in relation to the issuance of subpoenas

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 19 of the public service law, as amended by chapter 310 of the laws of 1962 and subdivision 1 as amended by chapter 131 of the laws of 1963, is amended to read as follows:

§ 19. Attendance of witnesses and their fees. 1. The **chairman and the** commission shall have power to issue subpoenas and subpoena duces tecum. All subpoenas shall be signed and issued by **the chairman, or by** a commissioner, **or by the general counsel or deputy general counsel to the commission, or by the chief administrative law judge, or** by an officer or employee of the [~~commission specially authorized to conduct an investigation or hearing~~] **department authorized by the chairman,** or by the secretary or assistant secretary of the commission. The fees of witnesses required to attend before the **chairman, or the** commission, or a commissioner, or an officer or employee [~~specially authorized to conduct an investigation or hearing~~], shall be the same as in the case of a subpoena issued out of a court of record, and paid when the witness is excused from further attendance. Except as is herein provided subpoenas shall be regulated by the civil practice law and rules. Whenever a subpoena is issued at the instance of a complainant, respondent, or other party to any proceeding before the commission, the cost of service thereof and the fee of the witness shall be borne by the party at whose instance the witness is summoned.

2. If a person subpoenaed to attend before **the chairman, or** the commission or a commissioner, or an officer or employee [~~specially authorized to conduct an investigation or hearing~~] **of the department authorized by the chairman**, fails to obey the command of such subpoena, without reasonable cause, or if a person in attendance before **the chairman, or** the commission or commissioner, or an officer or employee

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

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[~~specially authorized to conduct an investigation or hearing~~] **of the department authorized by the chairman**, shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or papers, when ordered so to do by **the chairman, or** the commission, or a commissioner, or an officer or employee [~~specially authorized to conduct an investigation or hearing~~] **of the department authorized by the chairman**, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor and may be prosecuted therefor in any court of competent criminal jurisdiction. **Pursuant to subdivision (b) of section twenty-three hundred eight of the civil practice law and rules, the general counsel or deputy general counsel to the commission may apply in the name of the people of the state of New York, to the supreme court of the state of New York, for an order compelling attendance of a person and/or production of books or papers, as required by the subpoena issued in accordance with this section.**

§ 2. This act shall take effect immediately and shall apply to any proceeding, case or matter pending before the public service commission or the department of public service on such date.