

STATE OF NEW YORK

11462

IN ASSEMBLY

May 20, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Braunstein)
-- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to requiring an administrative law judge to oversee the settlement negotiation process in major electric, natural gas, water, and steam rate increase proceedings before the public service commission

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

1 Section 1. Section 66 of the public service law is amended by adding a
2 new subdivision 33 to read as follows:

3 33. (a) In any rate proceeding, upon the utility filing of a notice of
4 impending negotiations pursuant to the department's rules and regu-
5 lations, the department shall assign an administrative law judge or
6 judges who have received training in mediation and facilitation from an
7 organization certified to provide such training to preside over the
8 settlement process. The settlement administrative law judge or judges
9 shall preside over all rate case settlement negotiations for the purpose
10 of ensuring an orderly, consistent, fair, and efficient process by
11 establishing structure for the negotiations, reducing impediments to
12 participation, and encouraging open communication. Among the tasks the
13 judge or judges shall perform are coordinating scheduling and facilitat-
14 ing meetings. The judge or judges shall oversee the settlement process
15 in a consistent and predictable manner so that the process itself is
16 similar for each rate proceeding and not dependent on the individual
17 judge or judges assigned. To ensure consistency in the process, the
18 department shall create and share public standards explaining how the
19 settlement process shall be organized and administered. At the request
20 of any party, the judge or judges may function as a mediator in regard
21 to any particular topic unless another party that is concerned about the
22 same topic objects.

23 (b) As used in this subdivision, the following terms shall have the
24 following meanings:

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

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1 (i) "Settlement administrative law judge" or "judge" shall mean an
2 administrative law judge assigned by the department to oversee settle-
3 ment negotiations instituted by the utility filing of impending negoti-
4 ations pursuant to the department's rules and regulations.

5 (ii) "Settlement process" shall mean a set of formal negotiations of
6 the parties organized by the department that is intended to resolve all
7 or some of the issues in any rate proceeding and lead to a joint
8 proposal.

9 (iii) "Joint proposal" shall mean a negotiated settlement agreement
10 signed by two or more parties in a rate proceeding.

11 § 2. Section 80 of the public service law is amended by adding a new
12 subdivision 13 to read as follows:

13 13. (a) In any rate proceeding, upon the utility filing of a notice of
14 impending negotiations pursuant to the department's rules and regu-
15 lations, the department shall assign an administrative law judge or
16 judges who have received training in mediation and facilitation from an
17 organization certified to provide such training to preside over the
18 settlement process. The settlement administrative law judge or judges
19 shall preside over all rate case settlement negotiations for the purpose
20 of ensuring an orderly, consistent, fair, and efficient process by
21 establishing structure for the negotiations, reducing impediments to
22 participation, and encouraging open communication. Among the tasks the
23 judge or judges shall perform are coordinating scheduling and facilitat-
24 ing meetings. The judge or judges shall oversee the settlement process
25 in a consistent and predictable manner so that the process itself is
26 similar for each rate proceeding and not dependent on the individual
27 judge or judges assigned. To ensure consistency in the process, the
28 department shall create and share public standards explaining how the
29 settlement process shall be organized and administered. At the request
30 of any party, the judge or judges may function as a mediator in regard
31 to any particular topic unless another party that is concerned about the
32 same topic objects.

33 (b) As used in this subdivision, the following terms shall have the
34 following meanings:

35 (i) "Settlement administrative law judge" shall mean an administrative
36 law judge assigned by the department to oversee settlement negotiations
37 instituted by the utility filing of impending negotiations pursuant to
38 section 3.9 of the department's rules and regulations.

39 (ii) "Settlement process" shall mean a set of formal negotiations of
40 the parties organized by the department that is intended to resolve all
41 or some of the issues in any rate proceeding and lead to a joint
42 proposal.

43 (iii) "Joint proposal" shall mean a negotiated settlement agreement
44 signed by two or more parties in a rate proceeding.

45 § 3. Section 89-c of the public service law is amended by adding a new
46 subdivision 18 to read as follows:

47 18. (a) In any rate proceeding, upon the utility filing of a notice of
48 impending negotiations pursuant to the department's rules and regu-
49 lations, the department shall assign an administrative law judge or
50 judges who have received training in mediation and facilitation from an
51 organization certified to provide such training to preside over the
52 settlement process. The settlement administrative law judge or judges
53 shall preside over all rate case settlement negotiations for the purpose
54 of ensuring an orderly, consistent, fair, and efficient process by
55 establishing structure for the negotiations, reducing impediments to
56 participation, and encouraging open communication. Among the tasks the

1 judge or judges shall perform are coordinating scheduling and facilitat-
2 ing meetings. The judge or judges shall oversee the settlement process
3 in a consistent and predictable manner so that the process itself is
4 similar for each rate proceeding and not dependent on the individual
5 judge or judges assigned. To ensure consistency in the process, the
6 department shall create and share public standards explaining how the
7 settlement process shall be organized and administered. At the request
8 of any party, the judge or judges may function as a mediator in regard
9 to any particular topic unless another party that is concerned about the
10 same topic objects.

11 (b) As used in this subdivision, the following terms shall have the
12 following meanings:

13 (i) "Settlement administrative law judge" shall mean an administrative
14 law judge assigned by the department to oversee settlement negotiations
15 instituted by the utility filing of impending negotiations pursuant to
16 section 3.9 of the department's rules and regulations.

17 (ii) "Settlement process" shall mean a set of formal negotiations of
18 the parties organized by the department that is intended to resolve all
19 or some of the issues in any rate proceeding and lead to a joint
20 proposal.

21 (iii) "Joint proposal" shall mean a negotiated settlement agreement
22 signed by two or more parties in a rate proceeding.

23 § 4. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law, and shall apply to public service commission
25 proceedings initiated on or after such date. Effective immediately, the
26 addition, amendment and/or repeal of any rule or regulation necessary
27 for the implementation of this act on its effective date are authorized
28 to be made and completed on or before such effective date.