STATE OF NEW YORK

5402--B

Cal. No. 269

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. BURDICK, SHIMSKY, OTIS, SHRESTHA, SANTABARBARA, KELLES -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law, in relation to authorizing the public service commission to establish rules to limit a utility's ability to recover certain operating expenses

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

Section 1. Subdivision 12 of section 66 of the public service law is amended by adding a new paragraph (n) to read as follows:

(n) (i) The commission is authorized and directed to, no later than January first, two thousand twenty-seven, establish rules to limit a utility's ability to recover its direct or indirect costs associated with its attendance in, participation in, preparation for, or appeal of any rate proceeding conducted before the commission. Such costs shall include, but need not be limited to, attorneys' fees, fees to engage expert witnesses or consultants, the portion of employee salaries associated with such attendance, participation, preparation or appeal of a rate proceeding and related costs identified by the commission.

(ii) In establishing such rules the commission may consider: (A) setting an overall percentage of the utility's expenses in a rate case that are not recoverable; (B) setting a baseline of the reasonable cost of participation in a rate case; and (C) establishing discovery parameters and what information in a proceeding must be disclosed to interveners and to the commission to reduce time and costs associated with a lengthy discovery process.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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