STATE OF NEW YORK

8764

IN SENATE

January 8, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to consideration of capital expenditures by a utility proposing a major change in rates

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

Section 1. Paragraph (m) of subdivision 12 of section 66 of the public service law, as added by a chapter of the laws of 2025 amending the public service law relating to consideration of capital expenditures in utility rate proceedings, as proposed in legislative bills numbers S. 8213 and A. 2736-A, is amended to read as follows:

(m) [~~Any~~] **As a separate and distinct part of any filing by a utility proposing a major change in rates, the utility must provide a description of any** proposed capital expenditure [~~to be considered in any matter affecting a major change in rates must be described, which shall include~~]**, on a per project basis, including** but not [~~be~~] limited to, the: (i) purpose of **and the need for each of** the proposed [~~project~~] **capital expenditures**, (ii) total cost, (iii) expected period of usefulness, (iv) location in the service territory, (v) rationale for inclusion in the proceeding, and (vi) anticipated benefits to ratepayers[~~, measured by lower costs to ratepayers and/or other benefits as determined by the commission~~] **and the operation of the distribution system**. Such descriptions of [~~projects~~] **capital expenditures, on a per project basis,** shall be posted on the commission's website. Pursuant to paragraph (i) of this subdivision, the burden of proof to show that a change in rates related to each capital expenditure is just and reasonable shall be on the utility.

§ 2. Nothing in this act shall be construed to limit or restrict the existing powers of the public service commission.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the public service law relating to consideration of capital expenditures in utility rate proceedings, as proposed in legislative bills numbers S. 8213 and A. 2736-A, takes effect.

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

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