STATE OF NEW YORK

11461

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 ensuring timely rulings on motions and petitions in rate and non-rate cases

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

Section 1. The public service law is amended by adding a new section 28 to read as follows:

§ 28. Pleadings practice. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Proceeding" shall mean any formal or informal matter, case, rule-making, rate proceeding, generic proceeding, or any other action of the commission or the department or any component of a proceeding that may result in decisions by the commission or recommendations to the commission. Such term shall include evidentiary hearings conducted pursuant to section sixty-six of this chapter.

(b) "Final responsive papers" shall mean a reply to a pleading, or surreply if allowed by the presiding administrative law judge or judges, secretary to the commission, or the commission, that is filed with the secretary of the commission within the timeframe specified in the rules and regulations of the department, or if no such rule covers the type of pleading, reply, or surreply, then the time shall be thirty days.

(c) "Petition" shall mean a formal, written application to the commission requesting action on a certain matter including but not limited to institution of a proceeding on a particular subject, adding a particular subject to an ongoing proceeding if an administrative law judge has not been assigned to preside over such proceeding, interlocutory review, or seeking rehearing of a commission decision.

(d) "Interlocutory review" means a pleading to the commission requesting review of a ruling by administrative law judges or the secretary to the commission.

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

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(e) "Rehearing" means a petition asserting the commission committed an error of law or fact or that new circumstances warrant a different determination.

(f) "Motion" means an application made to the presiding administrative law judge or judges, secretary to the commission, or the commission for the purpose of obtaining a ruling or order directing some act to be done in favor of the applicant.

2. Administrative law judge or judges presiding over rate proceedings shall rule on motions within fifteen days after submission of final responsive papers by the parties.

3. Administrative law judge or judges, the secretary to the commission, or the commission presiding over proceedings other than rate proceedings shall rule on motions within thirty days after submission of final responsive papers by the parties.

4. The commission shall rule on requests for interlocutory review of a ruling by administrative law judges or by the secretary to the commission within ten days after submission of final responsive papers by the parties.

5. The commission shall rule on requests for rehearing within forty-five days after submission of final responsive papers by the parties.

6. The commission shall rule on petitions for institution of a proceeding on a particular subject, or adding a particular subject to an ongoing proceeding, if an administrative law judge has not been assigned to preside over such proceeding, within sixty days after submission of final responsive papers by the parties.

7. If none of the administrative law judges assigned to the proceeding, or the secretary to the commission, rules within the timeframe set forth in subdivision two or three of this section, whichever is applicable, then the party making the motion may notify the secretary to the commission in writing. Within five days of receiving such notice, the commission shall, at its discretion, assign another administrative judge to decide on the motion, direct the original administrative law judge, or the secretary to the commission, to which the motion is directed to decide the motion, or decide the motion itself. In any such case, the ruling shall be made within ten days. Failure to issue a ruling within the applicable timeframe shall constitute constructive granting of the motion.

8. The commission shall be empowered to issue rules consistent with this section, including identifying the pleadings that shall be submitted by the parties, and when the pleading process is final such as to trigger the mandates set forth in subdivisions two, three, four, five and six of this section.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.