

# 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:

1 Section 1. The public service law is amended by adding a new section  
2 28 to read as follows:

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

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

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

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

23 (d) "Interlocutory review" means a pleading to the commission request-  
24 ing review of a ruling by administrative law judges or the secretary to  
25 the commission.

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

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

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

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

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

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

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

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

26 7. If none of the administrative law judges assigned to the proceed-  
27 ing, or the secretary to the commission, rules within the timeframe set  
28 forth in subdivision two or three of this section, whichever is applica-  
29 ble, then the party making the motion may notify the secretary to the  
30 commission in writing. Within five days of receiving such notice, the  
31 commission shall, at its discretion, assign another administrative judge  
32 to decide on the motion, direct the original administrative law judge,  
33 or the secretary to the commission, to which the motion is directed to  
34 decide the motion, or decide the motion itself. In any such case, the  
35 ruling shall be made within ten days. Failure to issue a ruling within  
36 the applicable timeframe shall constitute constructive granting of the  
37 motion.

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

43 § 2. This act shall take effect on the one hundred twentieth day after  
44 it shall have become a law. Effective immediately, the addition, amend-  
45 ment and/or repeal of any rule or regulation necessary for the implemen-  
46 tation of this act on its effective date are authorized to be made and  
47 completed on or before such effective date.