

STATE OF NEW YORK

11468

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 the standard applicable to review of joint proposals in rate proceedings submitted to the public service commission for approval

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) Notwithstanding the department's rules and regulations
4 concerning confidentiality of settlement discussions in rate case
5 proceedings, both department staff and the utility shall provide sepa-
6 rate, substantive responses to discovery requests and cross-examination
7 questions seeking evidence or explanations related to elements of the
8 joint proposal. This requirement includes inquiries comparing written
9 testimonies of department staff and the utility to the joint proposal
10 and requesting evidence and a rationale that demonstrates that an iden-
11 tified aspect of the joint proposal is in compliance with all applicable
12 laws and offers benefits to utility consumers equal to or greater than
13 those provided by its testimonial positions. Department staff and the
14 utility shall, in their respective filings in regard to the joint
15 proposal, explain how any contested aspect of the joint proposal deliv-
16 ers outcomes for utility consumers that are in compliance with all
17 applicable laws and are at least as favorable as would have resulted had
18 its testimonial position been approved by the commission.

19 (b) Notwithstanding the commission's order on procedural guidelines
20 for settlements issued in nineteen hundred ninety-two in case 90-M-0255,
21 the commission shall ensure in its order approving or modifying a joint
22 proposal that each individual element of the joint proposal adopted in
23 its rate plan order is by clear and convincing evidence in the record,
24 including parties' written and oral testimony and exhibits, the best
25 outcome for utility consumers and is in compliance with all applicable
26 laws.

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

LBD15466-01-6

1 (c) As used in this subdivision, the following terms shall have the
2 following meanings:

3 (i) "Settlement discussions" shall mean a set of formal negotiations
4 of the parties organized by the department that is intended to resolve
5 all or some of the issues in any rate proceeding and lead to the filing
6 of a joint proposal for commission approval.

7 (ii) "Joint proposal" shall mean a negotiated settlement agreement
8 signed by two or more parties in a rate proceeding.

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

11 13. (a) Notwithstanding the department's rules and regulations
12 concerning confidentiality of settlement discussions in rate case
13 proceedings, both department staff and the utility shall provide sepa-
14 rate, substantive responses to discovery requests and cross-examination
15 questions seeking evidence or explanations related to elements of the
16 joint proposal. This requirement includes inquiries comparing written
17 testimonies of department staff and the utility to the joint proposal
18 and requesting evidence and a rationale that demonstrates that an iden-
19 tified aspect of the joint proposal is in compliance with all applicable
20 laws and offers benefits to utility consumers equal to or greater than
21 those provided by its testimonial positions. Department staff and the
22 utility shall, in their respective filings in regard to the joint
23 proposal, explain how any contested aspect of the joint proposal deliv-
24 ers outcomes for utility consumers that are in compliance with all
25 applicable laws and are at least as favorable as would have resulted had
26 its testimonial position been approved by the commission.

27 (b) Notwithstanding the commission's order on procedural guidelines
28 for settlements issued in nineteen hundred ninety-two in case 90-M-0255,
29 the commission shall ensure in its order approving or modifying a joint
30 proposal that each individual element of the joint proposal adopted in
31 its rate plan order is by clear and convincing evidence in the record,
32 including parties' written and oral testimony and exhibits, the best
33 outcome for utility consumers and is in compliance with all applicable
34 laws.

35 (c) As used in this subdivision, the following terms shall have the
36 following meanings:

37 (i) "Settlement discussions" shall mean a set of formal negotiations
38 of the parties organized by the department that is intended to resolve
39 all or some of the issues in any rate proceeding and lead to the filing
40 of a joint proposal for commission approval.

41 (ii) "Joint proposal" shall mean a negotiated settlement agreement
42 signed by two or more parties in a rate proceeding.

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

45 18. (a) Notwithstanding the department's rules and regulations
46 concerning confidentiality of settlement discussions in rate case
47 proceedings, both department staff and the utility shall provide sepa-
48 rate, substantive responses to discovery requests and cross-examination
49 questions seeking evidence or explanations related to elements of the
50 joint proposal. This requirement includes inquiries comparing written
51 testimonies of department staff and the utility to the joint proposal
52 and requesting evidence and a rationale that demonstrates that an iden-
53 tified aspect of the joint proposal is in compliance with all applicable
54 laws and offers benefits to utility consumers equal to or greater than
55 those provided by its testimonial positions. Department staff and the
56 utility shall, in their respective filings in regard to the joint

1 proposal, explain how any contested aspect of the joint proposal deliv-
2 ers outcomes for utility consumers that are in compliance with all
3 applicable laws and are at least as favorable as would have resulted had
4 its testimonial position been approved by the commission.

5 (b) Notwithstanding the commission's order on procedural guidelines
6 for settlements issued in nineteen hundred ninety-two in case 90-M-0255,
7 the commission shall ensure in its order approving or modifying a joint
8 proposal that each individual element of the joint proposal adopted in
9 its rate plan order is by clear and convincing evidence in the record,
10 including parties' written and oral testimony and exhibits, the best
11 outcome for utility consumers and is in compliance with all applicable
12 laws.

13 (c) As used in this subdivision, the following terms shall have the
14 following meanings:

15 (i) "Settlement discussions" shall mean a set of formal negotiations
16 of the parties organized by the department that is intended to resolve
17 all or some of the issues in any rate proceeding and lead to the filing
18 of a joint proposal for commission approval.

19 (ii) "Joint proposal" shall mean a negotiated settlement agreement
20 signed by two or more parties in a rate proceeding.

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