STATE OF NEW YORK

7328--B

Cal. No. 147

2025-2026 Regular Sessions

IN SENATE

April 10, 2025

Introduced by Sens. HINCHEY, BROUK, JACKSON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to the commissioners of the public service commission

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

Section 1. Section 4 of the public service law, as amended by chapter 155 of the laws of 1970, subdivision 1 as amended by chapter 594 of the laws of 2021, and subdivision 4 as added by chapter 584 of the laws of 2021, is amended to read as follows:

§ 4. The public service commission. 1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this chapter. The commission shall consist of five members, to be appointed by the governor, by and with the advice and consent of the senate. A commissioner shall be designated as [~~chairman~~] **chairperson** of the commission by the governor to serve in such capacity at the pleasure of the governor or until [~~his~~] **their** term as commissioner expires whichever first occurs. At least [~~one commissioner~~] **two commissioners** shall have experience in utility consumer advocacy**. For each new commissioner, the gover-**

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

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nor shall make appointments to reasonably ensure that the commissioners represent the maximum number of fields specified in subdivision four of this section. No more than three commissioners may be members of the same political party unless, pursuant to action taken under subdivision two of this section, the number of commissioners shall exceed five, and in such event no more than four commissioners may be members of the same political party.

2. Notwithstanding subdivision one of this section, whenever the commission shall certify to the governor that additional commissioners are needed for the proper disposition of the business before it, the governor may increase the membership of the commission to seven members by appointing two additional commissioners by and with the advice and consent of the senate. The terms of office of such additional commissioners and the filling of vacancies during such terms shall be governed by subdivision three of this section, except that upon the expiration of the terms of such additional commissioners, no further appointments or reappointments shall be made to such additional offices, unless the commission shall first certify to the governor that the need for additional commissioners continues to exist.

3. The term of office of a commissioner shall be six years from the first day of February of the calendar year in which [~~he~~] such commissioner shall be appointed and commissioners shall serve on a full-time basis. Upon a vacancy occurring otherwise than by expiration of term in the office of any commissioner, the governor, by and with the advice and consent of the senate, shall fill the vacancy by appointment for the unexpired term.

4. Any commissioner appointed on or after July first, two thousand twenty-two, pursuant to this section shall have education and training, and three or more years of experience in one or more of the following fields: economics[~~,~~]; engineering[~~,~~]; law[~~,~~]; accounting[~~,~~]; business management[~~,~~]; utility regulation[~~,~~] including the regulation of electric, gas, steam, telecommunications, and water; public policy[~~,~~]; consumer advocacy; or environmental management.

5. In carrying out its powers and duties pursuant to this chapter, the commission shall have a duty to protect the public interest. Such duty shall include ensuring affordable, safe, secure, and reliable access to utility services for residential and business customers, including electric, gas, steam, telecommunications, and water. Determinations made or actions taken by the commission in carrying out its duties shall prioritize the best interests of the utility consumer and affordability for the utility consumer.

§ 2. Section 9 of the public service law, as amended by chapter 155 of the laws of 1970, is amended to read as follows:

§ 9. Oath of office; eligibility of commissioners and officers. Each commissioner and each person appointed to office by the [~~chairman~~] chairperson shall, before entering upon the duties of [~~his~~] their office, take and subscribe the constitutional oath of office. The oaths of office other than those of a commissioner shall be filed in the office of the commission. No person shall be eligible for appointment or shall hold the office of commissioner or be appointed to, or hold, any office or position under the commission, who holds any official relation to any person or corporation subject to the supervision of the commission, or who owns stocks or bonds of any such corporation. No person shall be eligible for appointment or shall hold the office of commissioner if in the previous two years they were employed by an electric,

gas, steam, telecommunications, or water utility that is regulated by the commission.

§ 3. This act shall take effect immediately and shall apply to any commissioner appointed on or after such date.