

STATE OF NEW YORK

9433

IN SENATE

March 12, 2026

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to requiring gas and electric corporations to disclose certain information with an application for a major rate change

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

1 Section 1. Subdivision 12 of section 66 of the public service law is
2 amended by adding two new paragraphs (n) and (o) to read as follows:

3 (n) The commission shall require each application for a major change
4 in rates filed by a gas corporation, an electric corporation, or a
5 combination gas and electric corporation, to include a past performance
6 disclosure which shall include:

7 (i) detailed information on all dividends paid to shareholders in the
8 previous ten years, including an explanation of the total dividends paid
9 and the date such payments were made;

10 (ii) capital investments which the applicant indicated it would make
11 in major change in rate filings in the previous ten years, and capital
12 investments actually made during such time, including an explanation of
13 why any planned capital investments not made or were abandoned, and why
14 any unplanned capital investments were made;

15 (iii) operating expenses for the previous ten years, including expla-
16 nations for any differences between the estimated operating expenses in
17 a major change in rate filing and actual operating expenses; and

18 (iv) details of programmatic and policy expenditures, including
19 required state programs, any income-based assistance program identified
20 by the public service commission, customer service initiatives, and all
21 related capital expenditures for the previous ten years, including
22 explanations for any differences between the estimated programmatic and
23 policy expenses in a major change in rate filing and actual programmatic
24 and policy expenses. The applicant shall assemble such programmatic and
25 policy expenditures in a separate and distinct part of the filing in a
26 standardized format prescribed by the commission.

27 (o) (i) The commission shall require each application for a major
28 change in rates filed by a gas corporation, electric corporation, or a
29 combination gas and electric corporation, to include, in addition to any

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

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1 other proposal, an inflation-indexed proposal that separately itemizes
2 dividends, operating expenses, capital expenditures, and programmatic
3 and policy expenditures. Such inflation-indexed proposal shall not
4 increase the applicant's aggregate revenues by more than the average
5 annual consumer price index over the prior three years. In addition to
6 past dividend information required by subparagraph (i) of paragraph (n)
7 of this subdivision, applications shall include a dividend forecast
8 covering the requested rate period.

9 (ii) If the disclosures required by subparagraph (i) of paragraph (n)
10 of this subdivision show that any dividends were paid within the four
11 years prior to the date the application was filed, the commission shall
12 consider only the inflation-indexed proposal and shall not approve an
13 increase in the applicant's aggregate revenues by more than the increase
14 set forth in the inflation-indexed proposal absent a demonstration that
15 the applicant is unable to maintain the same level of operating
16 expenses, capital expenditures, and programmatic or policy expenditures
17 without jeopardizing safety and reliability. If the commission finds
18 that the applicant has made such a demonstration, the commission must
19 provide a detailed explanation as to why an increase of more than the
20 inflation-indexed proposal was necessary in its order adopting the
21 increase. The commission, in making its determinations, shall consider
22 the disclosures required under paragraph (n) of this subdivision when
23 evaluating the rate case filing, whether such performance information is
24 comparable to information submitted in the application, and whether such
25 performance indicates a pattern of deviation from the investments,
26 expenses, and other spending represented to the commission by the appli-
27 cant in previous applications for major changes.

28 (iii) If the disclosures required by subparagraph (i) of paragraph (n)
29 of this subdivision show that dividends were increased within the previ-
30 ous four years prior to the current application, the applicant must
31 additionally submit with its application for a major change a detailed
32 explanation of the reasons dividends were increased and whether the gas
33 corporation or electric corporation could have preserved safety and
34 reliability while maintaining prior dividend amounts. The commission
35 shall make a finding of whether the amount of such dividend increase was
36 in excess of what is the minimum amount necessary to evidence that the
37 applicant earned a just and reasonable rate of return during such time
38 period. If the commission makes a finding that such dividend increase
39 was in excess of such minimum amount and that such corporation continues
40 to be in a stable financial position which is substantially similar to
41 or better than the financial position of such corporation at the time
42 when the dividend increase was made, there shall be a rebuttable
43 presumption that the applicant is able to maintain the same level of
44 operating expenses, capital expenditures, and programmatic or policy
45 expenditures without jeopardizing safety and reliability without an
46 increase in excess of the inflation-indexed proposal. Such rebuttable
47 presumption may only be rebutted by demonstrating by a preponderance of
48 the evidence that the inflation-linked proposal would, after accounting
49 for a reduction in dividends equivalent to such prior dividend increase,
50 jeopardize safety and reliability.

51 (iv) Nothing in this paragraph shall be construed to prevent the
52 commission from approving a rate increase in an amount less than the
53 inflation-indexed proposal.

54 § 2. This act shall take effect on the ninetieth day after it shall
55 have become a law and shall apply to all applications for major changes
56 in rates filed on and after such date.