STATE OF NEW YORK

9966

IN SENATE

April 20, 2026

Introduced by Sen. COMRIE -- 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 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:

Section 1. Section 66 of the public service law is amended by adding a new subdivision 33 to read as follows:

33. (a) Notwithstanding the department's rules and regulations concerning confidentiality of settlement discussions in rate case proceedings, both department staff and the utility shall provide separate, substantive responses to discovery requests and cross-examination questions seeking evidence or explanations related to elements of the joint proposal. This requirement includes inquiries comparing written testimonies of department staff and the utility to the joint proposal and requesting evidence and a rationale that demonstrates that an identified aspect of the joint proposal is in compliance with all applicable laws and offers benefits to utility consumers equal to or greater than those provided by its testimonial positions. Department staff and the utility shall, in their respective filings in regard to the joint proposal, explain how any contested aspect of the joint proposal delivers outcomes for utility consumers that are in compliance with all applicable laws and are at least as favorable as would have resulted had its testimonial position been approved by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law, and shall apply to public service commission proceedings initiated on or after such date. 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.