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New York Senate Majority Advances Legislation to Hold the Public Service Commission Accountable to NY Ratepayers

(Albany, N.Y.) The Senate Democratic Majority today will pass legislation to spur change at the Public Service Commission (PSC) so they may better assist and protect ratepayers. This package includes legislation that would notify ratepayers of a proposed rate hike via text, email, and their monthly utility bill; authorize the Public Service Commission to consider non-economic damages to consumers when determining penalties for utilities; require utilities to return excess revenues to ratepayers; and establish an energy usage monitor program for ratepayers.

The bills in today's package build on our efforts from the beginning of this year's session, when we passed [another legislative package](#) to lower utility costs and protect ratepayers across New York State. Amid the recent proliferation of proposed rate hikes, we remain especially committed to ensuring utility providers, through their PSC-approved actions and practices, work in the best interest of New York's ratepayers.

Senate Majority Leader Andrea Stewart-Cousins said, "Utilities are not a luxury, they are a necessity that every New Yorker should be able to access and afford. New Yorkers are burdened with some of the highest utility rates in the country. With a recent uptick in proposed rate hikes, the regulatory power and oversight of the PSC continues to remain vital in protecting consumers. I am proud to advance a legislative package with my Senate colleagues to better ensure the PSC is operating in the best interests of New York's ratepayers."

The legislation being passed by the Senate Democratic Majority includes:

- **Enacts the Rate Hike Notice Act:** This bill, [S.5553B](#), sponsored by Senator Comrie, would enact the Rate Hike Notice Act, which directs the Public Service Commission to mandate electric and gas utilities to provide notice of a proposed rate hike to a customer via text, email, and that customer's monthly utility bill.
- **Restores Consumer Representation on the State Energy Planning Board:** This bill, [S.2460](#), sponsored by Senator Comrie, would authorize the Secretary of State to appoint a representative from the Consumer Protection Division's Utility Intervention Unit to serve on the State Energy Planning Board.
- **Considers Non-Economic Damages When Assessing Penalties for Utilities:** This bill, [S.7165A](#), sponsored by Senator Hinchey, would authorize the Public Service Commission to consider non-economic damages suffered by consumers when determining penalties, including penalties negotiated in settlements, for utilities. These

non-economic damages may include, for example, any pain and suffering or mental anguish endured by a utility customer during an unplanned power outage.

- **Regulates Appointments to the Public Service Commission:** This bill, [S.7328A](#), sponsored by Senator Hinchey, would expand the number of Public Service Commission commissioners to eight; require the governor to appoint an additional commissioner with consumer advocacy experience; codify the Public Service Commission's mission to ensure affordable, reliable, and safe access to utility services for New Yorkers; and prohibit any employee of a utility regulated by the Public Service Commission from serving as a commissioner for two years after their employment.
- **Regulates Retroactive Revenue Recovery Following Suspension Periods:** This bill, [S.5593](#), sponsored by Senator Mayer, would regulate provisions that allow utilities to retroactively recover revenues based on the new rates that would have otherwise been applied during the period of a rate case and extends the statutory timeframe for a rate case to 14 months from the current time frame of 11 months, in order to provide additional time for consumer advocates and the Public Service Commission to review the utilities proposed rate increases.
- **Returns Excess Utilities Revenues to Ratepayers:** This bill, [S.7693](#), sponsored by Senator Mayer, would prohibit the Public Service Commission from approving any rate plan that allows a gas, electric, or combination gas and electric corporation to retain revenues in excess of their authorized rate of return on equity. It would require utilities to return any excess revenues annually to ratepayers.
- **Implements Utility Service Outage Provider Hotlines:** This bill, [S.6200](#), sponsored by Senator Skoufis, would require utility companies to maintain an available 24/7 toll free number for consumers to call to report service outages.
- **Establishes an Energy Usage Monitor Program:** This bill, [S.8062](#), sponsored by Senator Webb, would establish a usage monitor program to notify customers when their energy usage exceeds a cost or usage threshold determined by them in a given billing period.

Bill Sponsor Senator Leroy Comrie said, "As energy costs continue to burden working families, transparency and consumer protection must be at the forefront of our utility oversight. My Rate Hike Notice Act and Energy Planning Board legislation are about ensuring New Yorkers aren't blindsided by rate increases and that their voices are meaningfully represented in statewide energy planning. I'm proud to join my colleagues in pushing for a utility system that puts people first."

Bill Sponsor Senator Michelle Hinchey said, "The Public Service Commission should operate in the public's best interest at all times and in every decision. My bills would, for the first time, make affordability and consumer protection the PSC's core mission, expand the Commission to include a second Consumer Advocate, and authorize the PSC to consider both economic and non-economic damages — like emotional distress — when holding utility companies accountable when found guilty of bad actions. I thank Senate Majority Leader Andrea Stewart Cousins for bringing forward a second ratepayer protection package this session, and my

legislative colleagues for their partnership in pushing for a utility system that prioritizes New Yorkers and not corporate profits.”

Bill Sponsor Senator Shelley Mayer said, “I am pleased that two of my bills passed the Senate this week as part of the ‘Utility Affordability and Empowering the PSC Package.’ My bill, S.7693, will require utility companies to return all profits in excess of their approved rate of return on equity back to the consumer as a credit on their bill. My other bill, S.5593, would mitigate the financial burdens placed on consumers when rate cases exceed the allowable time frame by limiting the ability of utility companies to retroactively recover increased rates. I want to thank every New Yorker who has reached out to me or my colleagues to voice their concerns about high utility bills, especially those in my district dealing with Con Edison charges. Lastly, I would like to express my gratitude to Majority Leader Andrea Stewart-Cousins and my colleagues for prioritizing the crisis of utility bills, particularly those of Con Edison.”

Bill Sponsor Senator James Skoufis said, “When the power goes out — or the heat or water — New Yorkers need to know someone’s going to pick up their call for service. I’m grateful to my colleagues in the Senate for advancing legislation that will make utility companies fairer, more transparent, and more accessible for New York ratepayers.”

Bill Sponsor Senator Lea Webb said, “Too many New Yorkers are facing skyrocketing utility bills with little warning or control. I’m proud that my bill, S.8062, is part of the utility affordability package. This legislation creates an Energy Usage Monitor Program so customers can set their own usage or cost limits and get notified when they’re close to going over. It’s a simple, proactive step that puts power back in the hands of consumers and helps families better manage their monthly expenses.”

NY StateWide Senior Action Council Executive Director Maria Alvarez said, “We are pleased to see that the NYS Senate has passed this collection of consumer protection bills that take an in-depth and comprehensive view of how older New Yorkers and families are impacted by rate changes in utilities and further studies how to create fair practices in the delivery of services.”

Executive Director and Counsel of the Public Utility Law Project Laurie Wheelock said, “Far too many New Yorkers feel like they are in the dark when it comes to their utility bills. The Senate’s utility affordability package advances many reforms that promote transparency, empower ratepayers, and improve oversight of utility practices. With more than a million households struggling to keep up with rising energy costs, these reforms take important steps toward making the system more affordable and responsive to the needs of everyday New Yorkers. PULP appreciates the Senate’s continued commitment to addressing energy affordability and protecting utility consumers across the state.”

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