

# **New Yorkers for Fair and Affordable Utility Service**

American Lung Association in New York || Broadcast Media Review Group of Central New York || BronxNet || Brooklyn-Wide Interagency Council of the Aging || C.H.A.N.G.E.R. || Center for Independence of the Disabled, New York (CID-NY) || Citizen Action of New York || Clean New York || Common Cause/New York || Communications Workers of America - District 1 || Concerned Citizens of Greenwood Heights || Consumer Federation of America || Consumers Union || Educable Communications Corporation || Empire Justice Center || Empire State Consumer Project || Fiscal Policy Institute || Food Bank for Westchester || Harlem Consumer Education Council || Human Development Services of Westchester, Inc., Neighborhood Preservation Company Program || Hunger Action Network of New York State || Interfaith Council for Action, Inc. || Leviticus 25:23 Alternative Fund, Inc. || Long Island Progressive Coalition || Manhattan Neighborhood Network || Mt. Vernon United Tenants || National Hispanic Media Coalition - New York Chapter || Neighborhood Economic Development Advocacy Project || Neighborhood Preservation Coalition of NYS, Inc. || New Immigrant Community Empowerment || New York Public Interest Research Group || New York Statewide Senior Action Council || NY Jobs with Justice || NY Media Alliance || NYS Community Action Association, Inc. || People's Production House || Public Utility Law Project || Rural Law Center || Senior Tenants & Landlords Reconciliation Project || Street Vendor Project || Syracuse United Neighbors || The Bridge Fund of Westchester || United Tenants of Albany, Inc. || Urban Justice Center, Community Development Project || Urban Justice Center, Human Rights Project

January 29, 2009

Governor David Paterson  
The Executive Chamber  
State Capitol  
Albany, NY 12224

Re: Criteria for Appointments to Public Service Commission

Dear Governor Paterson:

The undersigned groups write because we believe that you have a unique opportunity to significantly shape the Public Service Commission (PSC) in your appointments over the next few months. We, therefore, write to share with you our concerns about the past performance of the PSC and to identify criteria that we urge you to use in making appointments to the Commission.

As you know, the PSC is the state regulatory agency charged with oversight of all utility companies, including electric, telecommunications, cable, and natural gas. The PSC's administrative proceedings determine not only the rates charged New Yorkers for various utilities, but also the terms under which those services are provided. Moreover, PSC decisions have a profound impact on the environment, such as the location of power plants, high voltage electricity lines and natural gas and liquid petroleum pipelines, as well as issues that affect the supply and safety of our water, natural gas, and other important resources. Rules and regulations written by the PSC play a critical role to protect the health and safety of workers in each of these industries.

The PSC has not been sufficiently responsive to the concerns of average New Yorkers and has not pursued its various statutory mandates vigorously. We believe that the PSC suffers from an over-emphasis on de-regulation and an under-emphasis on consumer protection, environmental preservation, transparency and accountability. You can and must change this.

The terms of two Commissioners come to an end on February 1, 2009. While they can be renominated or may serve until a replacement is confirmed, these two openings -- as well as selection of the Commission Chair --

provide you with the opportunity to have a significant positive impact on the PSC and its approach to utility regulation, environmental protection, and worker health and safety. We urge you to seize the opportunity to put the “public” back in the Public Service Commission by appointing Commissioners who are committed to transparent decision-making, protecting consumers and workers, and improving the quality of our air, water, and soil. We call on you to reject Governor Pataki’s practice of appointing individuals with political connections and industry ties, and instead put the public’s interests first.

**Our groups urge that you select PSC appointees from among consumers, academics and public interest advocates. Please find the enclosed “Proposed Qualifications” for such appointees. We would be happy to discuss these qualifications with you or your appropriate staff. We urge you to follow an open appointment process with an opportunity for public input as you consider candidates to appoint to the PSC.**

For more information and to arrange a discussion, please contact Susan Lerner at Common Cause/New York at 212-691-6421.

Sincerely,

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cc: Senate Majority Leader Malcolm Smith  
Senate Minority Leader Dean Skelos  
Assembly Speaker Sheldon Silver  
Assembly Minority Leader James Tedisco  
Senator Kevin Parker, Chairman, Energy & Telecommunications Committee

# **New Yorkers for Fair and Affordable Utility Service**

New Yorkers for Fair and Affordable Utility Service urge that you, Governor Paterson, select NYS Public Service Commission appointees from among consumers, academics and public interest advocates who meet the following criteria:

## **Proposed Qualifications**

A. Each Commissioner of the New York State Public Service Commission must have:

- (1) A background of substantial duration and professional expertise in at least one of the following:
  - (a) Electricity, natural gas, water, or steam issues;
  - (b) Telecommunications issues;
  - (c) Consumer protection and advocacy issues;
  
- (2) and a background of substantial duration and professional expertise in at least one of the following:
  - (a) Utility finance, economics, management, or accounting;
  - (b) Regulatory policy;
  - (c) Engineering;
  - (d) Law; or
  - (e) Teaching, academia and/or scholarly work in a relevant or related field.
  
- (3) and whose professional life, volunteer work or outside interests demonstrate a sensitivity to, understanding of, and commitment to:
  - (a) Consumer protection, including the concerns of low-income consumers;
  - (b) Environmental protection, including understanding of the nexus between state energy policy and the environment;
  - (c) Safety issues, including public and worker safety; and
  - (d) Government transparency and the importance of involving the public in decision making.

B. The Public Service Commission must always contain members with each of the backgrounds described in subsection A(1), above.