

# New Yorkers for Fair and Affordable Utility Service

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## NEWS RELEASE

**For immediate release:**

Jan 29, 2009

**For more information:**

Susan Lerner, Common Cause/NY, 917-670-5670

Gerry Norlander, PULP, 518-449-3375

Russ Haven, NYPIRG, 518-436-0876

### **GROUPS CALL ON GOVERNOR TO PUT THE “PUBLIC” BACK IN PUBLIC SERVICE COMMISSION**

#### **SENIOR, ENVIRONMENTAL, CONSUMER, LABOR, MEDIA ACCESS & COMMUNITY GROUPS URGE GOVERNOR TO APPOINT PSC COMMISSIONERS COMMITTED TO TRANSPARENCY, AND PROTECTING CONSUMERS & THE ENVIRONMENT**

(ALBANY) *New Yorkers for Fair and Affordable Utility Service*, a coalition of more than 40 senior, environmental, consumer protection, labor, media access and community groups, joined by Assemblyman Michael Gianaris, today called on Governor Paterson to open up the process of appointing Commissioners to the Public Service Commission and to appoint Commissioners committed to preserving the environment, protecting consumers, promoting media access, and advancing conservation and clean renewable energy in the state.

**Susan Lerner, Executive Director of Common Cause/New York**, said, “This is a simple matter of effective governance and accountability – Governor Paterson should introduce his nominees to the public and allow New Yorkers to learn about their qualifications and positions. New York cannot afford a continuation of the PSC's 'asleep at the switch' approach to energy, utility, and telecommunications regulation and policy. The criteria that we announce today are designed to insure that nominees are conversant with, and sensitive to, issues like worker safety and consumer and environmental protection that are too often overlooked in a selection process that has centered on industry experience or patronage in the past.”

**Assemblyman Michael Gianaris (D-Queens)** also sent a letter this week urging Governor Paterson to appoint new PSC Commissioners based on qualifications rather than connections. “The Public Service Commission has become little more than an industry rubber-stamp that abets utility malfeasance rather than policing it,” said Assemblyman Gianaris. “The Governor has a golden opportunity to demonstrate that his appointments are based on merit and not political considerations by appointing Commissioners experienced in the field and committed to the public interest, rather than coddling the industry.”

**Gerald Norlander, Executive Director of the Public Utility Law Project**, said, “We need a more transparent process to select PSC commissioners whose work will affect the everyday life and well-being of all residents of the state for at least six years to come. The qualifications of PSC nominees and their vision of how they will discharge their quasi-legislative role in meeting major challenges on the horizon should be open to public scrutiny before they are confirmed.”

**Russ Haven, NYPIRG's Legislative Counsel**, said: “The Governor's Public Service Commission picks will implement the plans he's laid out for New York's energy future. The Governor should use this opportunity to talk publicly about his selection process, the important role the PSC plays in New Yorkers' lives, and how the Commission and staff will aggressively advance policies to protect consumers, expand 21st Century telecommunications and protect the environment.”

**More-More-More**

**Chuck Bell, Programs Director of Consumers Union**, said, "At this critical time of rising unemployment and stagnant income growth, New York consumers need strong champions on the state Public Service Commission. Over the past decade, energy, phone, and cable rates have risen sharply. We need PSC commissioners who will fight to keep utility rates affordable, ensure that low-income consumers are protected, and impose tough penalties when utilities violate customer rights."

**Joshua Breitbart, Policy Director for People's Production House**, said, "Public Service Commissioners have more control over our lives than anyone else we didn't elect. We need someone on the Commission who represents the ratepayers or poor New Yorkers will be without heat in the winter, without electricity in the summer, and without modern communication services year-round."

**Steve Pierce, executive director of NY Media Alliance**, said, "Access to media is crucial for democracy and economic survival. The sweeping changes transforming global communication systems are leaving ordinary New Yorkers behind--especially those of us who live upstate. We need Commissioners willing to stand up to the media monopolies and bring concern for the public back to the Public Service Commission."

The Coalition released a letter they delivered to Governor Paterson this morning, urging the Governor to commit to an open appointment process for filling PSC vacancies and recommends he adopt "Proposed Qualifications" for potential nominees.

**The organizations that signed the letter to Governor Paterson are:**

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

\* indicates founding member of *New Yorkers for Fair and Affordable Utility Service*

**Attachment: Letter to Governor Paterson with Proposed Qualifications for PSC Appointments**

# New Yorkers for Fair and Affordable Utility Service

**New Yorkers for Fair and Affordable Utility Service is a coalition of grass-roots, senior, environmental, good government, consumer, labor and media organizations focused on reforming the NYS Public Service Commission.**

The coalition supports an open, transparent process for the nomination and confirmation of PSC Commissioners.

The coalition urges the Governor to appoint Commissioners who are not only experienced, but supportive of consumer, environmental, and worker protection, and are committed to ensuring transparency and public responsiveness in PSC proceedings.

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American Lung Association in New York  
Broadcast Media Review Group of Central NY  
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  
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Interfaith Council for Action, Inc.  
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Long Island Progressive Coalition  
\* Manhattan Neighborhood Network  
Mt. Vernon United Tenants  
National Hispanic Media Coalition – NY Chapter  
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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

\* indicates founding member of New Yorkers for Fair and Affordable Utility Service

*For more information,  
contact Chris Keeley at (212) 691-6421.*

# New Yorkers for Fair and Affordable Utility Service

The Public Service Commission regulates the state's electric, gas, steam, telecommunications, cable, and water utilities. The Commission is charged by the Public Service Law with the responsibility to set rates and ensure that safe and adequate utility service is provided at just and reasonable rates. In addition, the Commission exercises jurisdiction over the siting of major gas and electric transmission facilities and has responsibility for ensuring the safety of natural gas and liquid petroleum pipelines.

Bipartisan by law since 1970, the Commission consists of five members (expandable to seven), each appointed by the Governor and confirmed by the State Senate for a term of six years or to complete an unexpired term of a former Commissioner. The Department of Public Service is the staff arm of the Public Service Commission.

The PSC Chair's salary is \$127,000, while PSC Commissioners are salaried at \$109,800 per year.



**Chairman Garry A. Brown**  
Appointed by Gov. Spitzer  
Term Expires Feb. 1, 2009  
Prior Position: Vice President, NYISO  
Resides in Averill Park  
[www.dps.state.ny.us/gbrown.html](http://www.dps.state.ny.us/gbrown.html)



**Commissioner Patricia L. Acampora**  
Appointed by Gov. Pataki  
Term Expires February 1, 2009  
Prior Position: Assemblywoman  
Resides in Mattituck  
[www.dps.state.ny.us/acampora.htm](http://www.dps.state.ny.us/acampora.htm)



**Commissioner Robert E. Curry, Jr.**  
Appointed by Gov. Pataki  
Term expires February 1, 2012  
Prior Position: Lawyer, various firms  
Resides in New York City  
[www.dps.state.ny.us/rcurry.html](http://www.dps.state.ny.us/rcurry.html)



**Commissioner Maureen F. Harris**  
Appointed by Gov. Pataki  
Term expires February 1, 2012  
Prior Position: Partner, Girvin & Ferlazzo  
Resides in Slingerlands  
[www.dps.state.ny.us/harris.html](http://www.dps.state.ny.us/harris.html)



**Commissioner James Larocca**  
Appointed by Governor Paterson  
Term expires February 1, 2012  
(completes term of Cheryl Buley who resigned in 2008)  
Prior Position: Chairman and Trustee of the Long Island Power Authority  
Resides in Sag Harbor  
[www.dps.state.ny.us/Larocca.html](http://www.dps.state.ny.us/Larocca.html)

**The December 2008 Executive Budget recommended \$83 million of funding for the Department of Public Service, the staff arm of the Public Service Commission.**

# PSC, 'tribune of the people'

By **RUSS HAVEN**  
AND **GERALD NORLANDER**

Gov. David Paterson soon will shape the state's Public Service Commission by making his second and third appointments to the commission, including choosing the powerful PSC chair.

Why should New Yorkers care?

Because the PSC oversees electric, natural gas, and phone service access, quality, reliability and affordability.

Just ask Capital Region residents who were without power for days after the recent ice storm and wonder whether the outages were aggravated by practices of the local electric utility. The PSC shapes the mix of energy-producing sources and the quality of our environment by approving power plants and transmission lines, and directing the use of utility bill surcharges for energy efficiency and renewable energy projects.

The PSC will play a central role implementing the governor's plan to meet 45 percent of state energy demand through conservation and clean renewable energy by 2015.

The PSC also has a say in granting cable television franchises. And it could regulate the terms of cellphone contracts, doing away with "early termination fees" and other abusive conditions.

During the Pataki era, the PSC was hands-off, allowing the energy, telecommunications, and cable industries to set the agenda. Many New Yorkers are unhappy with their utility service, but the PSC is too insulated and listens too closely to the lobbyists and heads of the industries it regulates.

Paterson now has an opportunity to

## Who's who

The Public Service Commission consists of five members (expandable to seven), each appointed by the governor and confirmed by the state Senate. The Department of Public Service is the staff arm of the Public Service Commission. Members:

### Chairman Garry A. Brown

Appointed by Gov. Eliot Spitzer  
Term Expires Feb. 1

Prior position: Vice President, NYISO  
Lives in Averill Park

<http://www.dps.state.ny.us/gbrown.html>

### Commissioner Patricia L. Acampora

Appointed by Pataki

Term expires Feb. 1

Prior position: Assemblywoman

Lives in Mattituck, Suffolk County

<http://www.dps.state.ny.us/acampora.htm>

### Commissioner Maureen F. Harris

Appointed by Pataki

Term expires Feb. 1, 2012

Prior position: Partner, Girvin & Ferlazzo

Lives in Slingerlands

<http://www.dps.state.ny.us/harris.html>

### Commissioner Robert E. Curry, Jr.

Appointed by Pataki

Term expires Feb. 1, 2012

Prior position: Lawyer, various firms

Lives in New York City

<http://www.dps.state.ny.us/rcurry.html>

### Commissioner James Larocca

Appointed by Governor Paterson

Term expires Feb. 1, 2012

Prior position: Chairman and trustee of the

Long Island Power Authority

Lives in Sag Harbor, Suffolk County

[www.dps.state.ny.us/Larocca.html](http://www.dps.state.ny.us/Larocca.html)

break with the past. Unfortunately, he missed a critically important opportunity to open up the process when he recently appointed a new PSC commissioner. The appointment was kept secret until James

Larocca's name popped up on a Senate confirmation agenda in December.

There was no public discussion of the qualities the governor was seeking in his PSC pick, and no discussion of the agenda the PSC should carry out. While Larocca has an extensive background in government and the private sector, his selection and legislative confirmation was anything but public.

There's still time for the governor to get it right. In the coming months, he may appoint two more PSC commissioners, salaried at almost \$110,000 per year, to six-year terms, as well as selecting the \$127,000 per year chairman. That would give Paterson's appointees a new majority of the five-member commission.

The governor's PSC appointments must recognize how the state's energy and telecom policies affect the public and the environment. We need commissioners committed to reliable service at affordable rates.

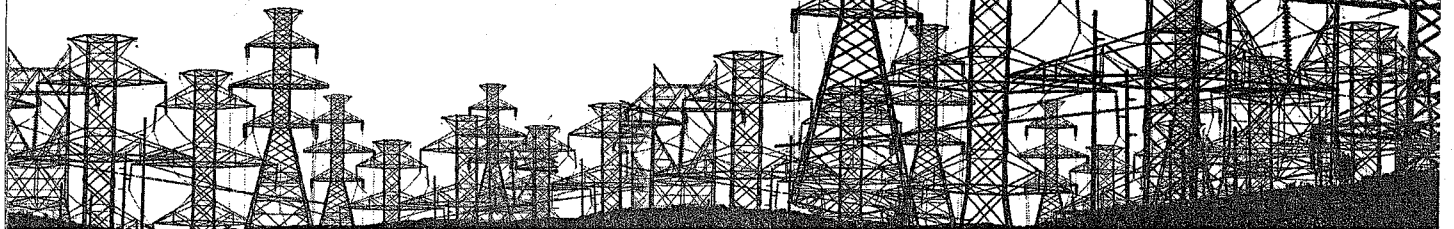
A responsive PSC would reasonably oversee consumer transactions, like cellphone contracts and cable television voice services, work for affordable natural gas and electric service, and reduce the impacts of our energy infrastructure on the environment. It would push for less expensive utility services, as well as more "green" alternatives and real competition.

Paterson should reject past practice that apparently considered the greatest qualification for PSC appointment to be political connections or industry insider credentials. Experience is important, but independence and fresh perspective are needed more than ever.

A broad and growing coalition of grassroots, senior, environmental, good government, consumer, and media organizations have joined together to form New Yorkers for Fair and Affordable Utility Service to bring attention to Paterson's unique opportunity. We want the governor to know that New Yorkers throughout the state want PSC appointees who understand the important role the commission plays in their lives. As then-Gov. Franklin Delano Roosevelt once said, the New York PSC must be a "tribune of the people."

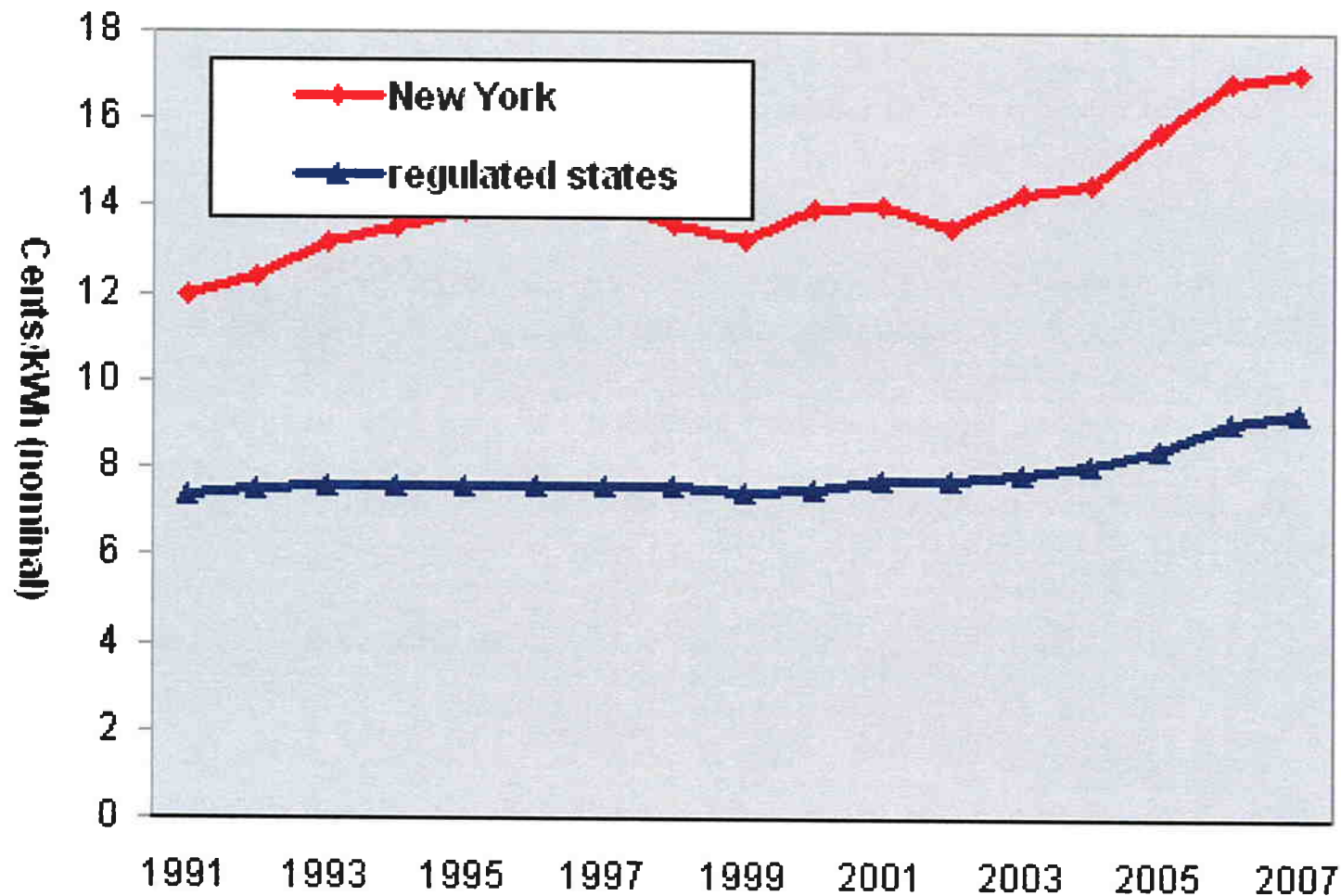
Governor Paterson, it is time to put the public's interests first: It's time to put the "public" back in the Public Service Commission.

► *Russ Haven is legislative counsel to the New York Public Interest Research Group, and Gerald Norlander is executive director of the Public Utility Law Project of New York.*



Albany Times Union  
January 17, 2009

## RESIDENTIAL Average Delivered Retail Electricity Price: New York vs Regulated States



For the 12 months ending in December of each year, through December 2007. Source: EIA 826 Sales and Revenue Spreadsheet. 'Deregulated' states include CA, CT, DC, DE, MA, MD, ME, MI, NH, NJ, NY, RI & TX. All other states are 'regulated.'

PPI Report Electricity Price Trends  
February 12, 2008