

New Yorkers for Fair and Affordable Utility Service

BronxNet || Brooklyn-Wide Interagency Council of the Aging || Center for Independence of the Disabled, New York (CID-NY) || Common Cause/New York || Communications Workers of America - District 1 || Concerned Citizens of Greenwood Heights || Consumer Federation of America || Consumers Union || Educable Communications Corporation || Fiscal Policy Institute || Food Bank for Westchester || Free Press || Institute for the Future || Long Island Progressive Coalition || Manhattan Neighborhood Network || Neighborhood Economic Development Advocacy Project || Neighborhood Preservation Coalition of NYS, Inc. || New York Public Interest Research Group || New York Statewide Senior Action Council || NY Media Alliance || NYC Community Fiber Project || NYCwireless || NYS Community Action Association, Inc. || People's Production House || Public Utility Law Project || Queens Civic Congress || Rural Law Center || Syracuse United Neighbors || United Tenants of Albany, Inc. || Urban Justice Center, Community Development Project

VIA FAX AND USPS

February 4, 2009

Senate Majority Leader Malcolm Smith
State Capitol
Albany, NY 12224

Re: Criteria for Appointments to Public Service Commission

Dear Senator Smith:

The undersigned groups write because we believe that the Governor and the State Senate have a unique opportunity to significantly shape the Public Service Commission (PSC) 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 exercising your advice and consent role under the Public Service Law in considering any nomination made by the Governor.

The terms of two members of the five-member Commission ended on February 1, 2009. While they can be renominated for a six-year term or may serve until a replacement is confirmed, when combined with the Commissioner confirmed in December 2009, these two additional appointments will provide the Governor with an opportunity to have chosen a majority of the members of the PSC.

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.

On Thursday, January 29, New Yorkers for Fair and Affordable Utility Service delivered a letter to Governor Paterson proposing qualifications for Commissioners, which we have attached, urging the Governor to put the "Public" back in Public Service Commission. We believe the PSC must be more responsive to the needs of ratepayers and workers and that the workings of the Commission should be more transparent, beginning with the nomination process.

Specifically, we urged Governor Paterson to select PSC appointees from among consumers, academics, and public interest advocates and to follow an open appointment process with an opportunity for public input as he considers candidates to appoint to the PSC.

We urge you and your colleagues in the State Senate to carefully consider pursuant to Public Service Law section 4 the obligation to provide “advice and consent” when the Governor provides you with prospective appointments for consideration. The Commissioners you approve will shape the lives of your constituents for years to come. It is critical that the public have a good understanding of the education, training, experience, and perspective of those persons being delegated power to make these critical decisions.

If you would like to discuss these issues further, we would be eager to meet with you at your convenience.

Sincerely,

Michael Max Knobbe
Executive Director
BronxNet

Maria Alvarez
Director
Brooklyn-Wide Interagency Council of the Aging

Susan M. Dooha, J.D.
Executive Director
Center for Independence of the Disabled, New York (CID-NY)

Susan Lerner
Executive Director
Common Cause/New York

Chris Shelton
Vice President
Communications Workers of America - District 1

Aaron Brashear
Co-founder
Concerned Citizens of Greenwood Heights

Travis B. Plunkett
Legislative Director
Consumer Federation of America

Chuck Bell
Programs Director
Consumers Union

Brian Caterino
Director
Educable Communications Corporation

Frank Mauro
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Fiscal Policy Institute

Christina Rohatynskyj
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Food Bank for Westchester

Timothy Karr
Campaign Director
Free Press

Anthony Townsend
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Lisa Tyson
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Denise L. Harlow
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Harvey Epstein
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Urban Justice Center, Community Development
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cc: Senate Minority Leader Dean Skelos
Senator Kevin Parker, Chairman, Energy & Telecommunications Committee
Senator Michael Nozzolio, Ranking Republican, Energy & Telecommunications Committee

Attachment: January 29, 2009 letter to Governor Paterson from New Yorkers for Fair and
Affordable Utility Service, re: Criteria for Appointments to Public Service Commission

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

New Yorkers for Fair and Affordable Utility Service

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,

Michael Seilback, MPA
Vice President, Public Policy &
Communications
American Lung Association in New York

John Oldfield
Broadcast Media Review Group of Central
New York

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Executive Director
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Lionel Ouellette
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Kathy Curtis
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Aaron Brashear
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Long Island Progressive Coalition

Dan Coughlin
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Manhattan Neighborhood Network

Dennis Hanratty
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New Immigrant Community Empowerment

Russ Haven
Legislative Counsel
New York Public Interest Research Group

Justin Cunningham
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New York Statewide Senior Action Council

Carrie Brunk
Executive Director
NY Jobs with Justice

Steve Pierce
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NY Media Alliance

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Susan Patnode, Esq.
Executive Director
Rural Law Center

Marjorie Moore
Director
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Project

Michael Wells
Director
Street Vendor Project

Phil Prehn
Community Organizer
Syracuse United Neighbors

Lisa Buck LMSW
Director
The Bridge Fund of Westchester

Maria Markovics
Co-Director
United Tenants of Albany, Inc.

Harvey Epstein
Project Director
Urban Justice Center, Community
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Ejim Dike
Director
Urban Justice Center, Human Rights Project

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.