



Department of Public Service Transparency Plan

The Department of Public Service (DPS or Department) provides this Transparency Plan consistent with the Governor's commitment to transparency, accountability, and public participation in New York State government. The Department is engaged in increasing the ability of the public to access information and participate in the Department's proceedings supporting its mission. The Department's mission is to ensure affordable, safe, secure, and reliable access to electric, gas, steam, telecommunications, and water services for New York State's residential and business consumers, while protecting the natural environment. The Department's mission also seeks to stimulate effective competitive markets for clean, renewable, and distributed energy resources that benefit New York consumers, as well as product and service innovations. These services impact all citizens of New York State, particularly as utility consumers.

The Department hereby provides its proposed plan in response to the September 20, 2021 Memorandum regarding Government Transparency Initiative, from Secretary Karen Persichilli Keogh and Counsel Elizabeth Fine. The Department has carefully considered each item identified in the Memorandum and provides the following response:

I. Review of Agency/Authority's Current Public Engagement

The Department's executive and management personnel, counsel and Records Access Officer engaged in collaborative discussions and review of the Department's current policies and procedures on transparency. This review was undertaken by a cross-section of the Department's offices, including the Office of the Secretary, the Office of Accounting, Audits and Finance, the Office of Consumer Services, the Office of Electric, Gas & Water, the Office of General Counsel, the Office of Investigations & Enforcement, the Office of Hearings and Alternative Dispute Resolution, the Office of Markets and Innovation, the Office of Resilience and Emergency Preparedness, the Office of Telecommunications, and the Office of Administration.

Public Access to Information

The Public Service Commission (Commission) holds a public session each month. The public session is available to the public via live webcast, which can be accessed on the agency's website. In addition, the public may attend this session in-person at the agency's Albany office. The agency typically provides public access at an additional office location, subject to health protocols for covid-19. The Commission's most recent Annual Report (April 2020-March 2021) noted that:

One of the hallmarks of the Commission is the openness and transparency of its regulatory processes. The Commission held 49 virtual public statement hearings across New York State that attracted over 1,000 people. In addition, the Commission received over 38,000 public comments in 2,672 proceedings, and those comments played a key role in helping the Commission in its decision-making process, leading to the issuance of 841 orders. Public input is also important to the Department in development of its recommendations in the matters it considers on Long Island.

The Department actively maintains a publicly accessible electronic filing system that provides all public filings, public comments and Commission orders for each matter and case before the Commission, along with annual reports and filings by regulated entities. The public is invited to participate in the agency decision-making process through the submission of public comment by mail, at public hearings, or through the electronic filing system. Members of the public may also appear as a party in a Commission proceeding. During the last fiscal year, April 2020 through March 2021, over 75,000 documents were filed, including, among others, 800 pieces of testimony, over 38,000 public comments, 6,500 correspondence, 841 commission orders, and 160 press releases.

This easily accessible electronic filing system is used daily by the public, media and stakeholder groups, including numerous community advocate organizations. Members of the public can also subscribe to the electronic filing system and automatically receive electronic updates on filings made in the system, including party filings and Orders issued by the Commission. Each subscriber can manage their subscription and tailor receipt of notices in accordance with individual interests. While the website includes instructions on subscribing to the electronic system, the Department intends to update its website to provide additional information on the benefits of subscribing and to make this information more prominent and accessible to the public.

The agency also maintains several very active social media profiles, including Facebook, Twitter, Instagram and YouTube. In addition, the agency's homepage provides links to popular search items, information items and cases of interest.

With respect to meetings open to the public and availability of documents, petitioner filings and project documents are available on the Department's electronic filing system in advance of public statement hearings and public sessions of the Commission. Prior to public statement hearings/forums, the Secretary issues a Notice announcing the date, time and location of the event(s), as well as information on other ways to provide comments and instructions for accessing additional information about the proceeding. For public sessions of the Commission, a Preliminary Agenda is typically released six days before a scheduled session of the Commission and the Final Agenda is released the day before each session. The Department includes the following explanation and link to draft documents in each of its agendas that are posted prior to a Commission session or meeting:

Proposed draft orders for **Regular Agenda items** will be posted for public viewing, if feasible, by 6:00 p.m. the day before a Commission meeting. The proposed draft orders will be made available at: [Documents Scheduled for Discussion at Session](#).

The posted draft orders will be removed by 6:00 p.m. on the day of the Commission meeting, or when the final order is issued, whichever is earlier. (Clicking on this link at any other time than that noted above will result in “No Documents found.”) The proposed draft order is not the final Commission action, rather, the final determination is the issued order, posted by the Secretary, and available at www.dps.ny.gov, click on “Search” then search the appropriate PSC case number.

The Department posts draft orders to the extent practicable, while balancing the need for ongoing agency deliberation and work product review with minimizing the risks of unintended market impacts and improper communications from outside parties to Commissioners and Department staff. Following the public Commission sessions, the Department endeavors to prioritize the issuance of orders of greatest public interest and timely issuance of all Commission orders.

With respect to agency operations, the most commonly sought information requests are for filings in Commission proceedings, utility filings, historical Commission documents, and consumer complaints. Documents related to Commission proceedings and utility filings are provided to requesters with accompanying instructions on how to use the electronic filing system. With respect to consumer complaint files and information, these records contain consumers’ detailed personal information and are carefully reviewed for privacy concerns.

With respect to public outreach, the Department participates in community events including, for example, home shows, the State Fair, and winter preparedness workshops. Department Staff participate in over 150 events annually all across the State. Events vary from short, mid-afternoon presentations and workshops for service organizations and community groups to week-end long home shows. Many events help the Department reach a variety of audiences such as the elderly, low income, Hispanic consumers, and environmental groups in an effort to educate and inform them about energy, telecommunications, and other utility matters. In addition, agency leadership regularly meet with consumer groups, advocates, and industry groups.

The Department has a robust consumer complaint process to assist consumers with complaints and billing issues with the consumer’s utility or ESCO. Consumers can reach the Department through our call center using various means of communication, such as telephone, electronic (email/webpage) complaint form, mail, fax, and in-person contacts. The call center operates two toll free lines: a Helpline for consumer inquiries and a Hotline for consumers who are in jeopardy of service turn off for non-payment.

II. Proposed Plan to Expand Transparency and Expected Timeline

The Department's website and electronic filing system provide a wealth of information to the public. However, the Department is aware that some users have difficulty navigating through the site and available information. As a result, the Department is undertaking a comprehensive review of its website and companion site (www.AskPSC.com) to consider updates and upgrades in order to provide information in a more accessible and consumer-friendly manner. The Department will consider the inclusion of additional information that will better assist consumers, including information on energy service companies (ESCOs), broadband information, data from federal regulatory entities, information on consumer benefits related to clean energy initiatives, resources and information for low-income discounts. The Department intends to complete its review of the current website by the third quarter of 2022, with a plan to migrate the existing site to a more modern technology after that date. The Department will seek support from the Office of Information Technology Services to assist with this project.

Public Participation

In conjunction with the Department's review of its website, the Department will undertake efforts to ensure that opportunities to involve the public in the Commission's decision-making process are more prominent on the website. The Department maintains an electronic calendar available at www.dps.ny.gov, which provides detailed information on PSC sessions, Siting Board meetings, procedural conferences, public statement hearings, status conferences, and public comment deadlines, among many other announcements. The Department also actively responds to inquiries from stakeholders, including community advocates, and members of the public to ensure they are fully informed about regulatory processes.

The Department is working to review its publicly available calendar and companion site www.AskPSC.com to consider ways to provide the public with easy access to links and registration information found in the calendar and public notices.

Language Access

In accordance with the State's commitment to language access, the Department will examine all content that is currently provided in multiple languages, including, for example, complaint forms and public notices. In addition, the Department will make language access resources more easily accessible on the agency website and consider available technological tools to facilitate language access of the website. The Department plans to conduct a full review of language access resources with the goal of facilitating public engagement with our consumers who are limited English proficient.

Project Sunlight

The Department remains committed to Project Sunlight reporting. The Department is conducting a review of its list of covered individuals and will provide guidance and training materials to all covered individuals. In addition, the Department will provide in-person refresher training (substantive training and technical training) to the covered individuals and reporters.

Freedom of Information Law (FOIL)

The Department actively tracks pending and new FOIL requests through the Records Access Officer and an administrative assistant. The Department has completed a comprehensive review of all pending FOIL requests. There are no pending FOILs more than 4 months in age (based on date of receipt by the agency). The Department has successfully completed and fully responded to all FOIL requests prior to June 11, 2021. The Department is reviewing FOIL requests to evaluate the commonly sought items under FOIL and will carefully consider information that may be posted online without impacting critical infrastructure information, regulated entities' confidential commercial information and consumer information.

With respect to costs associated with providing records, the Department is committed to providing access to agency records free of charge. The Department does not assess any charges related to record preparation or transmission. In addition, the Department provides FOIL response records via email whenever possible.

Open Data NY

The Department has a designated Data Coordinator responsible for publishing data pursuant to a schedule on the website: data.ny.gov. At this point in time, DPS has the following items listed in Open Data NY: Utility Base Rate Change; Wind Energy Projects (from 2004 to present); Utility Customer Service Indicators (from 2009 to present); EEPS Estimated Energy Savings Data; and PSC Key Credit Collection. The Department is conducting a review of its data sets to consider adding additional data sets to Open Data NY.

Record Retention

The Department's publicly accessible electronic filing system, which is a repository for all public and utility filings, public comments, Commission Orders, and annual reports, enables the public to have easy access to critical Commission and Department records. Documents filed in this electronic filing system are electronically archived and available indefinitely. Records in the system date back to 1985, and records dating back to the late 1970's have been digitized and are publicly available on the Department's website. Finally, the Department transfers archived tariff schedules to the State Archives.

The Department will undertake a review of its current record retention policy and schedule to determine if improvements can be made. The Department is reviewing its files for historical significance and will determine if additional files not yet transferred to the State Archives should be transferred.

III. Measures of Success and Long-term Monitoring

The Department leadership is fully engaged in efforts to increase transparency and committed to identifying and improving agency practices to expand opportunities for public access to information and participation in government. To meet the goals identified in this plan, the Department will continue its ongoing internal review of FOIL requests, Project Sunlight and Open Data NY. With respect to the agency website improvements, the Department anticipates it will complete its review of the current website by the third quarter of 2022, with a plan to migrate the existing site to a more modern technology after that date. The Department will

ascertain if additional technology resources are needed for this project and will seek support from the Office of Information Technology Services.