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# Organizational Systems for Managing New York State Public Service Commission's Formal Processes

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# Organizational Systems

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- Process Management
- Records Management
- » Accounting Practices

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***Process Management  
At  
New York State Department of Public Service***

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# Filings/Applications Received at NYS DPS

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- Filed with Secretary of Commission
  - *Filing entity serves copies on interested parties, if required*
- Central Operations Unit
  - *Records the filing*
    - Case management system
    - Daily record
    - Weekly bulletin (available to public)
  - *Files originals*
  - *Distributes copies to appropriate offices*
- Routine filings (e.g., Annual Reports, Minor Tariff Changes)
  - *Directors assign staff to work on filings*

# Filings/Applications Received at NYS DPS

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- Non-routine filings (e.g., Major Rate Cases, Siting Applications)
  - *Policy Advisory Committees (PACs) meet to discuss filing*
    - Designate core staff team and team leaders
      - Analyze filing
      - Confer informally w/affected parties
      - Participate in hearings/meetings
      - Provide expert testimony and/or recommendations, as appropriate
    - If hearings are required
      - Office of Hearings and Alternative Dispute Resolution assigns Hearing Officer(s)
        - » Preside over proceedings
        - » Arrange for meeting space
        - » Develop recommendations
        - » Interested parties may take exception to recommendations of opposing parties and to Hearing Officer(s)

# Filings/Applications Received at NYS DPS

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- PSC makes ultimate decision
  - PSC issues order detailing basis for decision
  
- Office directors responsible for ensuring staff carry out responsibilities in effective and appropriate manner
  
- Internal Controls Officer certifies appropriate controls in place to ensure Commission process will be adequate and effective

# Filings/Applications Received at NYS DPS

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- The Secretary of the Commission is responsible for:
  - *Administrative support to the Commission.*
  - *Operational management of the Department.*
  - *Coordination of the many elements that go into ensuring all parties a fair opportunity to be heard in Commission proceedings.*
  - *Ensuring utility and staff compliance with Commission Orders and directives*
  - *Day-to-day administration of the Department, including oversight of the process associated with filings and applications to the Commission..*

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***Records Management***  
***At***  
***New York State Department of Public Service***

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# Records Management Definitions

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- Records are the "official memory" of an organization. They are evidence of the policies and actions of officials and agencies.
- "Records", as identified in Section 7 of the Public Service Law, refers to books, papers, maps, photographs, microphotographs, electronic files, or other documentary materials, acquired, or received by any state agency.
- Files management includes all aspects of files creation, maintenance, housing, purging, transfer to storage and disposition.

# Records Management Definitions

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- The Secretary of the Commission is responsible for document management within the Department of Public Service for the Public Service Commission.
- The Department's Administrative Management Section handles document management for internal Agency matters, such as personnel and finance records.
- The Secretary coordinates all elements of the Department to ensure all parties a fair opportunity to be heard in Commission proceedings, ensuring utility and staff compliance with Commission orders and directives.

# Central Filing System

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- The Department's Central Operations Unit is responsible for providing technical advice and assistance and for maintaining the central files associated with the regulatory responsibilities of the Commission:
  - *Formal case records of the Commission and the Siting Board on Electric Generation;*
  - *Tariff schedules and related contracts;*
  - *Annual and quarterly financial reports of utilities;*
  - *Official minutes of the Commission and of the Siting Board on Electric Generation;*
  - *Certified copies of opinions, orders, recommended decisions, and some filed memoranda;*
  - *Extra copies of opinions, orders, recommended decisions, Commission memoranda, Staff memoranda, petitions, and briefs; and*
  - *An index to formal case records.*

# Office Reference Files

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- Most offices maintain reference files of data pertaining to their work. Individual Staff members also maintain their own files and databases, including those maintained in electronic formats, related to their work.

# State Records Center

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- The New York State Records Center, operated by the State Education Department, is the official depository of all inactive documents of State agencies in the Albany area.
- All inactive or non-current records of the Department in the Albany area are supposed to be stored at the State Records Center, except for those eligible for disposition or those referred to more frequently than once per month per file.
- Many records are now retained on computer disks.

# Microfilming and Electronic Filing

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- Since 1950, the Department has maintained programs to reduce the size of stored documents, first by microfilming, and then through use of optical scanning and electronic filing.
- Currently, some documents, e.g., some tariffs, may be filed electronically and can be inspected in their electronic format.
- Certain records are not suitable for microfilming or for scanning and electronic storage. Those documents are retained in their original hardcopy version.

# Access to Records

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- The records maintained by the Department are available for inspection and copying during normal business hours.
- Many of the Commission-issued documents may also be accessed at any time from the Department's Electronic File Room on the web site ([www.dps.state.ny.us](http://www.dps.state.ny.us)).
- The public may also request that specific documents be copied and mailed to them (a fee may be charged for documents).

# Access to Records

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- Under the State's Freedom of Information Law (FOIL), anyone may request a document and it must be produced within a reasonable period of time, except for documents established by law to be exempt from disclosure.
- Parties may request that filed documents not be disclosed to the public because they contain trade secrets, confidential commercial information, or critical infrastructure information.
- If disclosure is requested by a party, a lawyer will make a determination.

# Retention Periods for Records

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- Some examples of retention periods for records series
  - *25 years after close of formal proceedings*
    - Accounting and rate staff work papers used in rate or financing proceedings;
  - *10 years after filing date*
    - Duplicate copies of annual reports of utilities;
  - *6 years after publication*
    - Excess copies of publications made, acquired or received by the Commission if a fee was charged for the publication;
  - *3 years after date of final Commission decisions and correspondence associated with the case*
    - Public Service Commission formal case records (may then be stored on microfiche or filed electronically);
  - *3 years from date of filing*
    - Quarterly reports of electric and gas utilities;

# Retention Periods for Records

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- *2 years from date of creation*
  - Other correspondence, and work papers, memoranda, correspondence created, received, or acted upon by Staff that have been determined to be no longer useful to the Commission's present or anticipated work;
- *3 months after a case is closed*
  - Work papers related to closed formal cases with the exception of those prepared by Accounting and Rates Staff members in rate and financing proceeding and any determined to have continuing administrative value; and,
- *Until expiration of time for judicial review*
  - Extra copies of siting applications and all documents relating thereto.

# Disposal of Documents After Their Retention Periods

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- If documents do not contain confidential and sensitive information, they may be placed in recycle or trash bins.
- If documents contain confidential and sensitive information, they must be shredded or deleted. This includes:
  - *Convenience copies (not originals) of notes and documents that contain sensitive information;*
  - *Drafts of orders, except those that are appropriate for preservation as evidence of the agency's policies, decisions, procedures, or other activities;*

# Disposal of Documents After Their Retention Periods

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- *Drafts of other pre-decisional analyses;*
  - *Drafts of internal memoranda containing recommendations, opinion, or judgments;*
  - *Drafts of other information that would be harmful if viewed by someone other than the recipient (e.g., personnel evaluations).*
- Anyone who destroys a record with the intent of preventing its inspection shall be guilty of a violation of the Penal Law.

# Future Actions

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- A State task force is working to update standards for handling (storage, distribution, reproduction, access, and disposal) and classifying (e.g., confidentiality) all data, both electronic and hard copy.
- The Department of Public Service has requested bids for a consulting services project for a Document and Case Management Requirements Analysis.
  - *Analysis intended to examine current business practices and identify opportunities to both streamline and automate document management operations.*
  - *Department will focus first on its regulatory case management operations and expand later to other agency operations.*

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***Accounting Practice Management***  
***At***  
***New York State Department of Public Service***

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# Accounting Practices

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- The Uniform System of Accounts is the starting point for electric and gas utility accounting.
  - *The Federal Energy Regulatory Commission (FERC) version is used with minor exceptions.*
  - See [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html) (see 1998 version)
- To provide the industry with guidance on specific issues, the Department's Office of Accounting & Finance issues "Technical Releases" and "Accounting Guidance Letters."
  - *Examples:*
    - How to account for "Allowance for Funds Used During Construction" (AFDC)
    - How to account for the "Gas Adjustment Clause" (GAC)

# Accounting Practices

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- To provide the industry with guidance on generic issues, the Commission sometimes issues “Policy Statements.”
  - *Examples:*
    - How to account for pensions
    - How to account for other post-employment benefits
    - How to account for income taxes
- In response to utility requests, the Commission may issue orders to address specific issues
  - *Examples:*
    - How to account for unexpected, major storm-related expenses (e.g., deferrals)
    - How to address requests by outside auditors or standard-setting groups to change an accounting entry.

# Accounting Practices

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- To oversee utility compliance with accounting policies, the Department stations auditors in the offices of the major utilities.
  - *Auditors review the books and records of the utility and report back to the Department.*
  - *Auditors review the books for specific issues, as appropriate.*
  
- In rate and financing proceedings, proposals are reviewed thoroughly before decisions are reached.