

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

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Proceeding on Motion of the Commission to  
Examine Programs to Address Energy  
Affordability for Low Income Utility Customers.

Case 14-M-0565

Proceeding on Motion of the Commission  
Regarding the Effects of COVID-19 on  
Utility Service.

Case 20-M-0266

In the Matter of the Implementation of the  
Public Service Law §§ 32, 89-b, 89-l, 91, 216  
and General Business Law § 399-zzzzz (Chapter  
106 of the Laws of 2021) Regarding Issuing a  
Moratorium on Utility Service Terminations and  
Disconnections of Residential and Small  
Business Customers During the COVID-19 State  
of Emergency.

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Matter 20-01676

**AARP NEW YORK AND THE  
PUBLIC UTILITY LAW PROJECT  
PETITION FOR EMERGENCY RELIEF**

July 9, 2021

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## **OVERVIEW**

AARP New York (“AARP”) and the Public Utility Law Project of New York, Inc. (“PULP”) seek emergency relief in three interrelated proceedings,<sup>1</sup> as has been made necessary by the COVID-19 public health and economic crisis, and State of Emergency, of March 7, 2020, to June 24, 2021. AARP and PULP urge:

- (1) an immediate order prohibiting terminations for non-payment until the Commission approves, and the utilities implement, practical and consistent processes and programs regarding customer self-certification and the application of the AARP consumer arrears checklist (“AARP Checklist” described in detail below) in a manner designed to lower residential consumer arrears through applying as much federal and other funding for arrears resolution as practicable; and
- (2) an immediate order implementing robust energy affordability discounts and an “arrears resolution process” composed of arrears management plans (“AMPs”) where practicable and just and reasonable, and deferred payment agreements (“DPAs”), all of which shall be applied in a manner compliant with Article 2 of the Public Service Law (“HEFPA”) and consistent with the expansion(s) of HEFPA legislated in the Parker-Richardson Moratorium Act of 2021 (“Parker-Richardson”).

Due to the extraordinarily intertwined financial and public health crises created by COVID-19, AARP and PULP urgently seek immediate resolution of the issues in the three closely related proceedings above-referenced. We respectfully argue herein that resolution of the residential consumer arrears crisis is of critical importance to AARP New York’s 2.5 million members, hundreds of thousands of whom are low-income utility customers, and to the two million low-income New York utility consumer households on whose behalf PULP advocates.

## **Background**

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<sup>1</sup> The proceedings are Case 14-M-0565, Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers (“Low-Income” or “Affordability” Proceeding) and Case 20-M-0266, Proceeding on Motion of the Commission Regarding the Effects of COVID-19 on Utility Service (“COVID-19” Proceeding).

The public health state of emergency began on March 7, 2020 and was ended by the expiration of the State of Emergency on June 24, 2021. The sunset of the state of emergency ended the blanket moratoriums on terminations for non-payment and started the 180-day period during which utilities may terminate a customer, provided however that residential and small business customers may contact their utility and claim their right to the “grace period” provided for by Parker-Richardson by stating: “I attest that due to the COVID-19 state of emergency, which began on or after March 7, 2020, I have experienced a change in financial circumstances.”<sup>2</sup> As provided for by the Department of Public Service (“Department”) guidance issued in response to Parker-Richardson,<sup>3</sup> utilities have the option but not the duty to require proof of the claimed changes to financial circumstances.<sup>4</sup>

Prior to the onslaught of COVID-19 and the COVID-19 Proceeding, the Commission launched a second phase of the Affordability Proceeding<sup>5</sup> (Case 14-M-0565) at its January 2020 session to address evidence and analysis developed by New York City (“City”), and subsequently PULP, showing that the design of the Low-Income Affordability Program is flawed. Despite the passing of 18 months, the Commission has failed to issue an order in this proceeding. In fact, a DPS whitepaper addressing the concerns raised by the City and PULP was not released until more than one year had elapsed. Despite the submission of comments and reply comments within two months of such whitepaper, no further action has been taken by DPS or the Commission in the Low-Income Affordability proceeding about the obvious financial challenges being faced by low-income utility consumers during and after the COVID-19 crisis.

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<sup>2</sup> Parker-Richardson’s statutory language – see, <https://www.nysenate.gov/legislation/bills/2021/s1453/amendment/b> -- does not require a verbal certification, that requirement is created in the DPS guidance documents’ interpretation of the triggering eligibility circumstance “when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department.”. See, note 4 below.

<sup>3</sup> See, Updated Notice Requiring Filings in Response to Department of Public Service Guidance Relating to the Covid-19 Moratorium on Utility Service Terminations and Disconnections, filed July 6, 2021 at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={6CD723EB-3429-4AC9-B8FD-E8717080893F}>.

<sup>4</sup> What constitutes acceptable proof is open to interpretation, however, AARP and PULP argue that such proof cannot exceed the proofs utilities can request from a low-income consumer under HEFPA to receive a minimum DPA.

<sup>5</sup> Case 14-M-0565

The Commission launched the COVID-19 Proceeding (Case 20-M-0266) on June 11, 2020, slightly more than one year ago, to address the financial impacts of the pandemic on utilities and their customers.<sup>6</sup> Similar to the Low-Income Affordability proceeding, the Commission has failed to issue an order in the COVID-19 proceeding, despite the public health emergency and unprecedented utility consumer arrears. Over a period of more than a year within which it could have addressed the developing arrears crisis involving approximately 1.5 million New York households now owing approximately \$1.5 billion in 60-day or longer arrears to energy utilities,<sup>7</sup> the Commission has failed to develop and approve an orderly and effective process to reduce impending threats of termination and the number of terminations, and to reduce in a HEFPA-compliant manner the amount in arrears.

Consequently, AARP and PULP respectfully ask the Commission to pause all DPS efforts other than those intended to directly ensure safe and adequate/reliable service at just and reasonable rates and measures protecting the public health, safety and welfare, and instead focus its and DPS' resources upon an immediate order or series of orders creating arrears resolution methodologies for all utilities, increasing the funding of the Low-Income Affordability plans ("EAPs") deployed by energy utilities and requiring such utilities to responsibly and proactively spend such monies on relief for low-income households. Approximately 1.5 million residential energy consumer households are in crisis<sup>8</sup>, and unknown numbers of water, telephone, broadband and cable residential consumers are equally in crisis. Continuing business as usual would be neither responsible nor ethical and would compound the DPS' failure to heed the Governor's Executive Order 202 of 2020 "authoriz[ing] all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this state disaster emergency ... and to provide such other assistance as is necessary to protect public health, welfare, and safety." Exigent circumstances and emergencies such as those suffered by New York's utility consumers during 2020 and 2021

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<sup>6</sup> The Commission commenced Case 20-M-0266 in response to PULP's petition, which was filed on April 21, 2020, seeking *immediate* relief for low-income households from the economic impacts of the COVID-19 pandemic.

<sup>7</sup> Currently, only the large energy utilities report upon consumer arrears and collection activity. Small energy utilities, large and small water utilities, large and small telephone corporations, broadband and cable providers are not required to report upon their consumers' arrears or upon the companies' collection activities. Consequently, the arrears suffered by non-energy utility services is conjectural and inferred by the arrears reported in Case 91-M-0744.

<sup>8</sup> See, 91-M-0744 and see arrears and collection filings for PSEG-LIPA.

require swift and decisive action to avert inconvenience, frustration, hardship and even chaos. Such crises should not be met with inaction, which only worsens the impact upon vulnerable households and is presumptively against the public interest.

## **DISCUSSION**

### **COVID-19 Proceeding**

As noted above, the Commission began the COVID-19 proceeding in June 2020 in response to a petition filed in April 2020 by PULP requesting a proceeding to deal with utility arrears and to lower utility rates.<sup>9</sup> While AARP did not file jointly with PULP, AARP sought expedited action in the COVID-19 proceeding “because hundreds of thousands of residential customers are suffering daily harm that is jeopardizing their physical and mental health.”<sup>10</sup> Of the comments and reply comments filed by the 39 parties to the proceeding, most commented upon the uniquely harmful financial and employment stressors being experienced by utility ratepayers and sought remediation by the Commission without delay.

PULP went further and requested three-phase relief in this proceeding,<sup>11</sup> with phase 1 occurring as part of an Emergency SAPA rule filed on July 16, followed by phase 2 occurring in an interim order issued between ninety and one hundred eighty days after the filing of initial comments, with long-term solutions addressed in an order no later than March 31, 2021 (the end of the Parker-Mosley Moratorium) or at the end of the state of emergency. The Commission and Department undertook none of these actions. Instead, and despite the Governor’s orders requiring “State and local agencies to do their utmost to protect the public health and welfare of

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<sup>9</sup> Case 20-M-0198, COVID-19 Generic Proceeding, PULP Petition for Generic Proceeding on Rates and Provision of Service by Utilities (filed April 21, 2020). Multiple Intervenor also filed a petition in early 2020 to start a generic proceeding concerning COVID-19, but the petition’s sole goals were to seek a refund of unspent energy efficiency funds collected in utility rates and to suspend or lower utility collections for the State’s energy efficiency and other clean energy programs. (Case 20-M-0198 was subsequently combined into 20-M-0266 by the Commission.)

<sup>10</sup> See, AARP NY Reply Comments in Case 20-M-0266, filed September 2, 2020, at p.15.

<sup>11</sup> See, Initial Comments of the Public Utility Law Project of New York in Case 20-M-0266, filed July 10, 2020, at pp. 5-7, *et seq.* PULP’s request was supported by AARP in its comments.

the people of the State,” the Commission has taken no statewide “generic” action as of July 2021, more than one year later.<sup>12</sup>

Because of the Department and the Commission’s failure to take proactive action addressing the effects of COVID-19 upon New York’s communities, ratepayers, utilities and the State as a whole, AARP and PULP once again seek immediate action, but now the energy utility arrears have worsened by approximately \$800 million since February of 2020<sup>13</sup> and have climbed from approximately \$700 million to approximately \$1.5 billion. During the period of inaction, Illinois resolved its arrears crisis,<sup>14</sup> Indiana began phase 1 of its COVID/arrears crisis resolution,<sup>15</sup> and California also began an initial phase of such action,<sup>16</sup> subsequently completed in early 2021. If the DPS had acted upon the Commission’s statement that action should be at a minimum outlined with specificity by or before the end of the Parker-Mosley moratorium on March 31, 2021, New York’s utility consumers would not be in as serious a crisis as they now face. We respectfully request therefore that the Commission issue immediate relief that will put into place a plan and methodology for resolving (i.e., paying down) and forgiving residential energy consumer arrears before the beginning of the next heating season in October of 2021.

While AARP and PULP appreciate DPS’ issuance of the Parker-Richardson guidance documents, we believe those documents do not address in any substantive manner the steps necessary to place consumers on the pathway to arrears resolution. We also assert the measures are flawed in several ways discussed below, do not specify how oversight will be conducted and in what manner DPS will use instances of non-compliance by utilities to protect consumers, and finally the guidance principles do not address the underlying causes of arrearages.

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<sup>12</sup> As the Commission noted in its Order Establishing Proceeding in Case 20-M-0266, issued and effective June 11, 2020, it had taken piecemeal actions in several rate cases and policy cases but did not create policies guiding jurisdictional utilities and ratepayers through the COVID-19 crisis.

<sup>13</sup> See, CARS reports filed by the major utilities in Case 91-M-0744; and see, PULP’s analysis of utility CARS reports for the month of May 2021 attached hereto as Appendix A.

<sup>14</sup> See, Docket 20-0309 at <https://www.icc.illinois.gov/docket/P2020-0309/documents/297460>.

<sup>15</sup> See, Indiana COVID proceeding Cause No 45390 which has had a final order for phase 1, at [https://www.in.gov/iurc/files/45380Phase1\\_ord\\_062920.pdf](https://www.in.gov/iurc/files/45380Phase1_ord_062920.pdf).

<sup>16</sup> See, California’s partially completed terminations moratorium proceeding that morphed into a COVID proceeding, CPUC D20-04-027 at <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M334/K805/334805753.PDF>. Numerous other states have taken interim or final action concerning arrears since June of 2020.

## Guidance Document

On May 24, 2021, the Commission issued a Notice Requiring Filings in Response to Department of Public Service Guidance Relating to the Covid-19 Moratorium on Utility Service Terminations and Disconnections (“Notice”). The Notice requires the more than 1,500<sup>17</sup> utilities in the state to submit within 10 days the utility’s overall plan for implementation of this statute and a copy of the notice to consumers pursuant to PSL Sections 32(8), 89-b(10), 89-l(5), 91(11), or 216(8) or GBL Section 399-zzzz(4). A perusal of DMM indicates that dozens of utilities have filed implementation plans with the Commission’s Secretary, but large numbers of utilities have not done so.

Parker-Richardson directs the Department to define how customers demonstrate and how utilities determine that customers have experienced a change in financial circumstances due to the COVID-19 state of emergency. Accompanying the Notice is a document, “Department of Public Service Guidance Relating to the Covid-19 Moratorium on Utility Service Terminations and Disconnections,” that lists various processes recommended by Department. Several of the processes are arguably not workable in the real world because they require a perfect flow of information from utilities to customers and the easy, efficient ability of customers to contact their utilities. One process in particular, which appears not to acknowledge the 100+ languages spoken in New York, is unduly burdensome on non-native speakers. Nor are the processes specified in the guidance document necessarily binding on the utilities since they are not in the form of regulations or contained in a Commission order.

The processes are listed under the section titled “Residential Consumer Protections from Termination or Disconnection,” of the guidance document. Process No. 2 states that “a utility shall require a residential customer to contact the utility to avail themselves of the additional 180 days of protections.” This unadorned statement is not accompanied by any explanation as to how the Commission expects more than 1.5 million utility customers to know they should “contact” their utilities and then to actually “contact” their utilities (*e.g.*, no order requires

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<sup>17</sup> Parker-Richardson explicitly expands the coverage of the Public Service Law and particularly HEFPA to convey to DPS jurisdiction over municipal water and energy utilities (including public authorities and cooperatives), and additionally jurisdiction during the state of emergency over broadband internet service providers (“ISPs”) and cable television providers.

utilities to increase the capacity of their customer calling centers and/or IVR systems). Additionally, the Department and the Commission did not offer to implement their outreach effort through public service announcements on television or radio. Bill inserts, a customary form of informing consumers, are likewise inadequate because there is no evidence that more than only a small percentage of customers routinely read them. Some customers may have to navigate the phone trees or web sites of three or four utilities (water, cable, telephone, broadband, gas, electric), presuming that such customers have internet or unlimited local calling ability (*e.g.*, not the limited minutes and/or data provided by Lifeline program providers). Phone systems and websites may crash if hundreds of thousands of people do try to contact their utilities. Finally, utilities likely would have to modify their phone trees and websites and hire additional staff. None of this activity was ordered or even publicly requested by the Department or the Commission.

According to Process No. 3, utilities “shall accept a residential customer’s self-certification that the customer has experienced a change of financial circumstances due to the COVID-19 state of emergency.” However, Process No. 4 is clear that the self-certification is not valid unless the customer speaks or writes this sentence: “I attest that due to the COVID-19 state of emergency, which began on or after March 7, 2020, I have experienced a change in financial circumstances.” There is also no apparent compliance oversight process that would determine how or if utilities were applying this requirement. In contrast to the widespread practice around the state and HEFPA implications that a customer must be able to understand their rights, and contrary to the State’s Human Rights language access law, it would also appear that translations of this sentence into other languages is not acceptable. PULP and AARP strenuously object to this rigid requirement that could doubtlessly create disparate impacts upon the communities worst affected during COVID-19. We note as well that this sentence does not appear in the Richardson-Park statute; we urge the Commission to eliminate this requirement.<sup>18</sup>

Moreover, Process No. 5 authorizes utilities, if they so choose, to “require a residential customer to document the change in financial circumstances that the customer has experienced since March 7, 2020.” There is no explanation as to how many documents utilities could require

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<sup>18</sup> See, <https://www.newsday.com/business/coronavirus/utilities-lipa-pseg-late-bills-protections-assistance-1.50293897>.



or the quality of the documents that utilities could require. A standard of review is not offered. Whereas customers are commanded to utter specific words, utilities are given a great deal of latitude that arguably violates the process created by HEFPA for utilities to request and consumers to provide financial documentation.

Processes 6, 7, and 8 require each utility to offer a Deferred Payment Agreement (“DPA”), which may not include late fees, penalties, or interest to customers who the utility deems eligible without the requirement of a down payment and regardless of whether the customer previously defaulted on a DPA or is in arrears. The Department did state that utilities should make it clear that customers are not required to enter into a DPA in order to receive the statute’s protections, but there is no apparent enforcement process or mechanism to correct utilities’ acting contrary to that guidance. The Department also failed to require the utilities to encourage customers to first avail themselves of the myriad state and federal programs that offer financial assistance to customers in arrears, before seeking a DPA.

### **Maximizing the Use of Federal Funds to Pay Down Arrearages**

Throughout the pandemic, AARP and PULP have been vigorous advocates for directing existing and “newly low-income” utility customers to the financial assistance programs available. It is essential that each utility customer has the ability to apply for any and all financial assistance relating the utility arrears that they are potentially eligible for. As a result, it is more important than ever that the NYS Office of Temporary and Disability Assistance (“OTDA”) be in coordinated communication with the Department and all of the utilities, be they private, municipal, or an authority.

Due to the increase in federal funds for the Home Energy Assistance Program (“HEAP”), as well as the Cares Act and additional federal stimulus funds (e.g., the American Rescue Plan and the Consolidated Appropriations Act of 2021), new and existing financial assistance programs are available to utility customers. These programs, including but not limited to the regular HEAP grant, Emergency HEAP (“E-HEAP”), emergency energy assistance under section 131-s of the Social Services Law, Emergency Rental and Utility Assistance Program (“ERAP”), the soon to be released Emergency Homeowners and Utility Assistance Program (“EHAP”), the Low-Income Household Water Assistance Program (“LIHWAP”), and the Emergency Broadband Benefit

Program (“EBB”) should be presented to every existing and newly low-income utility customer prior to entering them into a deferred payment agreement, as it will help lower the overall balance for that customer, while assuring that the federal funds sent to the State are being most efficiently and effectively utilized, all while helping the utility receive such funds to strengthen its balance sheets and lower the amount of uncollectible debt.

In the context of energy, AARP produced a checklist that was adopted in the joint proposal for rate cases 19-G-0309 and 19-G-310, which PULP supported in its statement of neutrality.<sup>19</sup> The checklist, while in need of updating to reflect the recent roll out of ERAP and pending roll out of EHAP, serves as a valuable tool for customer service representatives to better direct customers towards the broad types of assistance available. It helps track the different programs available and where the customer can learn more and ultimately, apply for the program(s) they are interested in. As a result, AARP and PULP strongly urge the Commission to order all energy utilities to adopt a similar checklist. Such a checklist should also be adopted for water utility customers and include the Low-Income Household Water Assistance Program (“LIHWAP”) or “HEAP for Water” grant that will be opening shortly to applications.<sup>20</sup>

### **Affordability Proceeding**

In January of 2020, only two months before COVID-19 shutdown New York State and generated massive unemployment, the Commission opened the second phase (“Phase 2”) of the low-income affordability proceeding. The City of New York and PULP, with support from AARP and other stakeholders, had demonstrated that the affordability program was failing to meet the State’s goal of lowering energy costs to 6% of income for more than 60% of low-income/fixed-income households.

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<sup>19</sup> See, Case 19-G-0309 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service; Case 19-G-0310 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corp. d/b/a National Grid for Gas Service; see also, PULP’s ”Statement of Neutrality” filed June 2, 2021 in the above-captioned cases.

<sup>20</sup> To the extent the FCC’s “Emergency Broadband Benefit” or EBB funds can be used to lower arrears for broadband customers, we urge the Commission to strongly encourage internet service providers of all sizes to communicate the urgency to their customers of signing up for EBB funds before they are exhausted.

Eighteen months later there has been no action in this proceeding other than the issuance of a staff whitepaper. Not a single low-income household receiving bill discounts insufficient to meet the State's goals has received one iota of additional assistance. Instead, as shown in some of the rate cases filed in 2020 and 2021, utilities have under-collected and underspent the funds that could have helped their customers.<sup>21</sup>

PULP's involvement in all major rate cases has provided evidence to PULP (and AARP for those cases in which it was involved) that the low-income affordability program needed serious reform even before COVID-19. PULP demonstrated this conclusion in its comments in Phase 2 of the low-income affordability proceeding (14-M-0565) which argued among other points that if the program funds had not been underspent and under-collected, low-income household arrears would not have increased from 2017-2019, and that 89% of low-income household arrears from 2018 could have been eliminated in 2019.<sup>22</sup> It is not unreasonable to conclude that if the affordability program workbook and income/need assumptions had been corrected by 2019, that New York's vulnerable households might not have entered the pandemic already \$700 million in arrears.

While AARP and PULP have not analyzed the effects that would result from fully funding and proactively spending the collected monies for bill discounts in the low-income affordability proceeding, lowering current and future arrears is both necessary and in the best interests of the State.<sup>23</sup> At a minimum, the current 2% "ceiling" of utility revenues should be viewed at least temporarily for the next few years as a "floor," and every utility should be ordered to responsibly and proactively spend the collected monies, rather than failing to spend them, with the goal of eliminating pre-pandemic arrears to \$0, and as far as practicable avoiding new arrears during the State's economic recovery. In any case, the State must act to eliminate

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<sup>21</sup> Low-Income households in the Orange & Rockland Utilities territory suffered an energy burden of 12% on average, twice the State's goal, and the utility significantly underspent the sums it collected. See, e.g., Testimony of William Yates in Cases 20-G-0073 and 20-E-0074, at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={9524B366-CE4E-4A10-B960-FC5F669CC50}>, pp. 42-45, et seq.

<sup>22</sup> See, Comments of the Public Utility Law Project of New York on the February 4, 2021 Staff Report on New York State's Energy Affordability Policy, filed April 19, 2021 at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={90B151DD-06DE-467A-837B-5D4274653BC0}>, at p. 6-7.

<sup>23</sup> Such an analysis could occur in conjunction with limited discovery in case 14-M-0565 to determine which utilities and in which circumstances low-income affordability funds had been under-collected and underspent.

arrears in the energy utility consumer base, and despite the relative dearth of targeted federal funding, similar action must be taken in the water utility consumer base, and for broadband customers.

Without regard to the lost opportunities in case 14-M-0565 and case 20-M-0266, it is irrefutable that the time for action is now. New York's residential energy customers are battling arrears larger by far than during the Great Recession (see Appendix A), and arguably larger than any time in history. The economic recovery of entire sections of the State will occur or fail at least in part in tandem with the DPS and Commission's success in carrying out the emergency actions requested herein, and such other actions are necessary and convenient to achieve complete elimination of the COVID-19 arrears in a manner that does no harm to consumers and to the utilities. If such actions are planned and undertaken now, New York has a good likelihood of putting into place the necessary components of a robust arrears resolution process and the achievement of the Governor's goal of a 6% energy burden, before the winter heating season begins in October in New York City and November for the rest of the State.

### **CONCLUSION**

As requested and discussed above, AARP and PULP seek: (1) an immediate order prohibiting terminations for non-payment until the Commission approves, and utilities implement, practical and consistent processes and programs regarding customer self-certification; the Commission should also order the application of the AARP Checklist in a manner designed to "resolve" residential consumer arrears through applying as much federal and other funding for arrears resolution as practicable; (2) an immediate order requiring the utilities to increase enrollment in the existing low income rate discount program which caps a customer's payment at 6% of income;<sup>24</sup> and (3) an "arrears resolution process" composed of AMPs where practicable and just and reasonable, and DPAs, all of which shall be applied in a manner compliant with HEFPA and consistent with the expansion of HEFPA legislated in Parker-Richardson.

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<sup>24</sup> We anticipate further reforms of the low-income program in a forthcoming Phase 2 order.

Such methodologies for remediating the immense arrears crisis affecting New York utility consumers need not make an attempt to hurriedly “forgive” all arrears, but must logically and while doing no harm to consumers and utilities, place the state’s utility services consumers – both residential and small businesses – on a pathway that will transmute uncollectible utility debt into collectible debt and extract utility consumers and their communities from the harmful effects of massive arrears without undue delay. As AARP and PULP have commented many times in proceedings before the Commission, it took a decade for New York’s economically vulnerable households to recover from the Great Recession.

We come before the Commission today seeking extraordinary relief so that financially distressed communities in New York, and those hit hardest by COVID-19’s public health effects, will recover economically sufficiently quickly that the incredibly disparate impacts of COVID-19’s effects upon communities of color, medically vulnerable, senior and low-income households generally will not perpetuate the economic disparities resulting from COVID-19.

Respectfully submitted,

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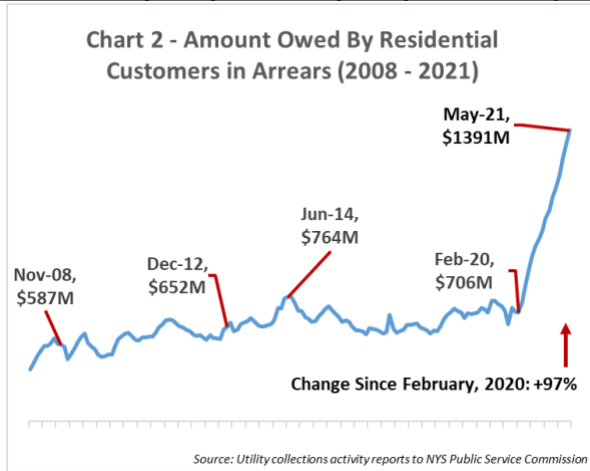
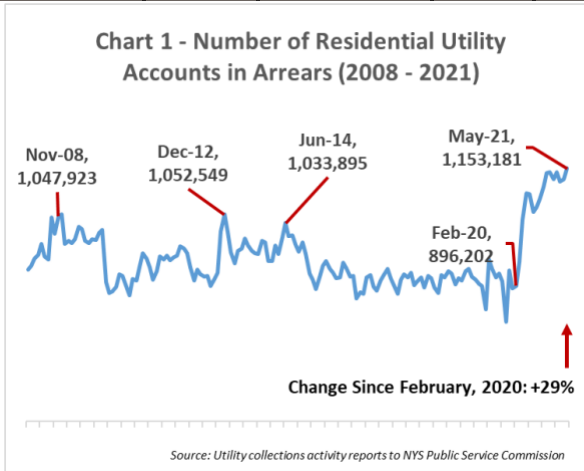
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## Appendix A

### Public Utility Law Project of New York, Inc. Monthly Residential Electric and Gas Utility Customer Arrears Report<sup>25,26</sup> (May 2021)

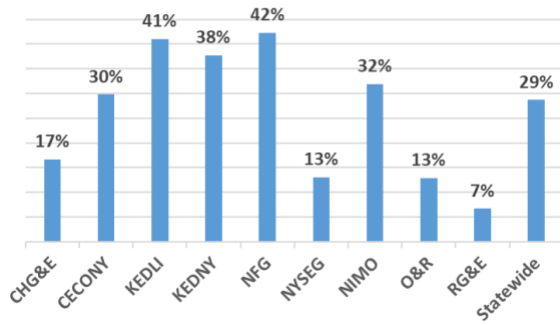
Month	Ending Balance		Monthly Change				Change Since February 2020			
	Accounts in Arrears	Amount in Arrears	Change		Dollars		Accounts		Dollars	
			Accounts	%	Amount	%	Amount	%	Amount	%
February, 2020	896,202	\$706 Million								
March	948,177	\$745 Million	51,975	6%	\$39.4 Million	6%	51,975	6%	\$39.4 Million	6%
April	1,041,568	\$805 Million	93,391	10%	\$60.1 Million	8%	145,366	16%	\$99.5 Million	14%
May	1,099,346	\$874 Million	57,778	6%	\$69.1 Million	9%	203,144	23%	\$168.7 Million	24%
June	1,096,786	\$920 Million	-2,560	0%	\$46.2 Million	5%	200,584	22%	\$214.8 Million	30%
July	1,058,363	\$955 Million	-38,423	-4%	\$34.9 Million	4%	162,161	18%	\$249.7 Million	35%
August	1,067,749	\$985 Million	9,386	1%	\$30.1 Million	3%	171,547	19%	\$279.8 Million	40%
September	1,085,412	\$1015 Million	17,663	2%	\$29.7 Million	3%	189,210	21%	\$309.5 Million	44%
October	1,113,191	\$1059 Million	27,779	3%	\$44.4 Million	4%	216,989	24%	\$353.9 Million	50%
November	1,143,412	\$1091 Million	30,221	3%	\$31.4 Million	3%	247,210	28%	\$385.3 Million	55%
December	1,144,787	\$1140 Million	1,375	0%	\$49.5 Million	5%	248,585	28%	\$434.8 Million	62%
January, 2021	1,129,413	\$1172 Million	-15,374	-1%	\$31.4 Million	3%	233,211	26%	\$466.2 Million	66%
February	1,144,574	\$1220 Million	15,161	1%	\$48.6 Million	4%	248,372	28%	\$514.7 Million	73%
March	1,125,324	\$1282 Million	-19,250	-2%	\$61.2 Million	5%	229,122	26%	\$576. Million	82%
April	1,129,514	\$1334 Million	4,190	0%	\$52.1 Million	4%	233,312	26%	\$628.1 Million	89%
May	1,153,181	\$1391 Million	23,667	2%	\$57. Million	4%	256,979	29%	\$685. Million	97%



<sup>25</sup> Includes the residential customers of Central Hudson Gas & Electric, Consolidated Edison, National Fuel Gas, National Grid NYC Gas (Brooklyn Union Gas), National Grid Long Island Gas, National Grid Upstate (Niagara Mohawk), New York State Electric & Gas, Orange & Rockland Utilities and Rochester Gas & Electric.

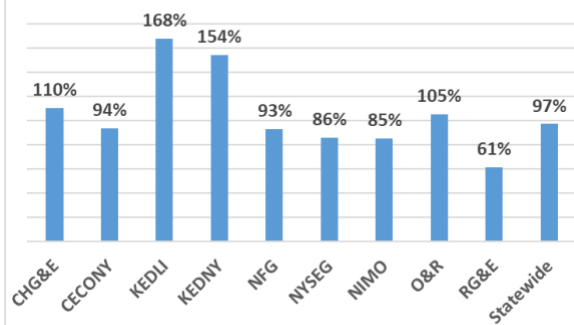
<sup>26</sup> Source: Monthly Utility Collections Activity Reports (CARs) submitted to the New York State Public Service Commission.

**Chart 3 - Percent Change in Number of Residential Accounts in Arrears (By Utility, February 2020 - May 2021)**



Source: Utility collection activity reports submitted to NYS Public Service Commission

**Chart 4 - Percent Change in Amount Owed By Residential Customers in Arrears (By Utility, February 2020 to May 2021)**



Source: Utility collection activity reports submitted to New York State PSC.

## Appendix B<sup>27</sup>

### Sample Customer Advocate Check List

The Companies agree to implement training for Consumer Advocates on the use of a new proposed customer assistance checklist targeted to [Utility X] residential customers with arrears totaling more than \$300 or who have not made a payment to [Utility X] in three billing cycles. The following is an example of the proposed checklist:

#### Customers Assistance Check List

**Step 1:** Identify gas heating or non-heating customers who are either \$300 or more behind on their bill OR who have not made a payment to [Utility X] within the last 3 billing cycles.

**Step 2:** Proceed through the checklist below:

o **Temporary Assistance:** If a customer has exhausted all of the HEAP funds, they are eligible to receive or if HEAP has closed for the season and the customer has defaulted on a minimum DPA and is out of DPA options with their utility and has a shut off notice and cannot pay their bill, refer them to their local DSS/HRA office to see if they are eligible for a One-Shot/4-month payment - <https://otda.ny.gov/programs/heap/contacts/>

**Vet customer for HEAP Eligibility and educate them on the program:**

o **Regular HEAP** (criteria based on income and number in the household)

o Determine if customer received R HEAP and/or if they qualify:

♣ Long Island Grant Programs ([nationalgridus.com](http://nationalgridus.com))

- ♣ NYC Grant Programs ([nationalgridus.com](http://nationalgridus.com))
- ♣ HEAP information for New York State: NYS HEAP Hotline at (800) 342-3009
- ♣ HEAP information for New York City: NYC HEAP Infoline at (800) 692-0557

o To **apply** for R-HEAP:

o Outside NYC, to <https://mybenefits.ny.gov/mybenefits/begin>

o **In person** to find your local DSS/HRA District contact -

<https://otda.ny.gov/programs/heap/contacts/>

o **To have an application mailed in (NYC only):** (212) 331-3126

o **In writing** – HEAP application

<https://otda.ny.gov/programs/applications/3421.pdf>

♣ **On Long Island** mail application to your local DSS district contact

<https://otda.ny.gov/programs/heap/contacts/>

♣ **In NYC** applications can be mailed to: NYC DSS/HRA/HEAP, PO Box 1401, Church Street Station, New York, NY 10008

o **Emergency HEAP** (criteria based on income and number in the household and a utility disconnect notice/emergency)

o If customer has received R HEAP and has a disconnect notice – educate them on E HEAP and that they can apply by telephone (find your local DSS/HRA contact):

<https://otda.ny.gov/programs/heap/contacts/>

#### HEAP Opens the Door to:

o **National Grid's Energy Affordability Program** is automatic with the receipt of HEAP and affords customers a **monthly bill credit**.

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<sup>27</sup> Appendix B is adapted from a similar checklist included by AARP in the KEDNY/KEDLI (Nat'l Grid NYC & LI) joint proposal.



o Explain to customers they can qualify for EAP through other qualifying programs if they do not receive HEAP or if they heat with another utility or fuel vendor such as:

- ♣ Temporary Assistance (Family Assistance)
- ♣ Safety Net Assistance – Public Assistance
- ♣ Supplemental Security Income (SSI)
- ♣ Medicaid
- ♣ SNAP (Food Stamps)
- ♣ Veterans Disability Pension
- ♣ Veterans Surviving Spouse Pension
- ♣ Child Health Plus

o **NYC EAP information:** <https://www.nationalgridus.com/NY-Home/Bill-Help/Energy-Affordability-Program>

o Contact the NYC EAP team **by telephone** at (718) 403-2216 or **by email** at [EAPNY@nationalgrid.com](mailto:EAPNY@nationalgrid.com)

o **Long Island EAP information:** <https://www.nationalgridus.com/Long-Island-NY-Home/Bill-Help/Energy-Affordability-Program?regionkey=nylongisland&customertype=home>

o Contact the Long Island EAP team **by telephone** at (718) 403-2216 or **by email** at [EAPLI@nationalgrid.com](mailto:EAPLI@nationalgrid.com)

- o HEAP’s Heating Equipment Clean & Tune
  - o To apply contact the local DSS/HRA office:  
<https://otda.ny.gov/programs/heap/contacts/>
- o HEAP’s Heating Equipment Repair & Replacement
  - o To apply contact the local DSS/HRA office:  
<https://otda.ny.gov/programs/heap/contacts/>
- o HEAP’s Cooling Benefit
  - o To apply contact the local DSS/HRA office:  
<https://otda.ny.gov/programs/heap/contacts/>
- o **Energy Assistance for Veteran’s (Don’t forget EAP)**
  - o <https://freegrantsforveterans.org/>
  - o New York State Division of Veterans' Services | ([ny.gov](http://ny.gov))
- **Offer to help customers find needed services in New York State:** o NYS Find Services: <https://findservices.ny.gov/app/survey>

### **Energy Efficiency:**

o Weatherization Assistance Program (WAP)

o Resources for Working Families | OTDA ([ny.gov](http://ny.gov))

o Empower New York for **Metro NY**

o EmPower New York - NYSERDA or call 1-877-NYSMART

o [Utility X’s] energy efficiency assistance Program for **service territory Y**

o Income Eligible Program | National Grid ([nationalgridus.com](http://nationalgridus.com))

### **Fuel Funds:**

o Utility X’s service territory/county(ies) Neighborhood Heating Fund

o HeartShare Human Services of New York | Energy Assistance & Community Development or call (718) 422-4207 to apply to United Way’s Long Island’s Project Warmth

o Project Warmth Emergency Fuel Fund | United Way of Long Island ([unitedwayli.org](http://unitedwayli.org)) or call 2-1-1 or 1-888-774-7633