

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on February 4, 2026

COMMISSIONER PRESENT:

Rory M. Christian, Chair

CASE 14-M-0565 - Proceeding on Motion of the Commission to
Examine Programs to Address Energy
Affordability for Low Income Utility Customers.

ORDER ADOPTING ACTION ON A PERMANENT BASIS

(Issued and Effective February 4, 2026)

INTRODUCTION

On November 13, 2025, the Public Service Commission (Commission) issued the Order Pausing Customer Disenrollments in Utility Energy Affordability Programs, approving a number of actions related to the Energy Affordability Programs (EAPs).¹ The Order directed the Utilities to continue providing assistance to low-income customers during the Federal government shutdown and resulting uncertainty of funding for certain EAP-qualifying programs like the Home Energy Assistance Program

¹ Case 14-M-0565, Order Pausing Customer Disenrollments in Utility Energy Affordability Programs (issued November 13, 2025) (Order).

(HEAP).² The Order was adopted on an emergency basis under the State Administrative Procedure Act (SAPA) §202(6), through the filing of a Notice of Emergency Adoption and Proposed Rulemaking with the Secretary of State.

NOTICE OF PROPOSED RULEMAKING

Pursuant to SAPA §202(1), a Notice of Proposed Rulemaking was published in the State Register on December 3, 2025 [14-M-0565SP21] soliciting comments on whether the Commission should adopt the emergency rule in the Order as a permanent rule. The time for submission of comments expired on February 2, 2026. No comments were received.

DISCUSSION AND CONCLUSION

Receipt of HEAP and other federal benefits are used as criteria for eligibility and enrollment in the Utilities' EAPs, with some of the Utilities specifying a 12-month lookback period to demonstrate receipt of a HEAP benefit for eligibility in EAP

² The Utilities include Central Hudson Gas & Electric Corporation (Central Hudson); Consolidated Edison Company of New York, Inc. (Con Edison); KeySpan Gas East Corporation d/b/a National Grid (KEDLI); National Fuel Gas Distribution Corporation (National Fuel); New York State Electric & Gas Corporation (NYSEG); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); Orange and Rockland Utilities, Inc. (O&R); Rochester Gas and Electric Corporation (RG&E); and The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY).

programs.³ Due to the delays in federal funding caused by the federal government's shutdown of operations and its cessation of long-standing energy assistance programs during October and November 2025, and the potential threats to public health, safety, and general welfare if income-eligible customers are disenrolled from utility EAPs, the Order directed a number of emergency actions.⁴ First, the Utilities, building owners of submetered buildings, Corning Natural Gas Corporation, and Liberty Utilities (St. Lawrence Gas) Corporation were directed to pause EAP disenrollments through November 30, 2026.⁵ The Utilities were additionally directed to re-enroll any customers who were disenrolled from an EAP on or after October 1, 2025.⁶ Further, the Commission directed the Utilities, Corning Natural Gas Corporation, and Liberty Utilities (St. Lawrence Gas) Corporation to file tariff revisions to extend the lookback period to 18 months for customers to demonstrate EAP eligibility, while waiving the applicable provisions of the Public Service Law and the implementing regulations that require

³ See Case 14-M-0565, Implementation plans filed by Central Hudson, Con Edison, KEDNY, KEDLI, National Fuel, Niagara Mohawk, NYSEG/RG&E, and O&R (filed September 15-16, 2016); see also Central Hudson, PSC No. 15-Electricity, Leaf No. 163.4-163.5, PSC No. 12-Gas, Leaf No. 126; Con Edison, PSC No. 10-Electricity, Leaf No. 255, PSC No. 9-Gas, Leaf No. 130; NYSEG, PSC No. 119-Electricity, Leaf No. 150.3, PSC No. 90-Gas, Leaf No. 105.5; O&R, PSC No.3-Electricity, Leaf No. 106, PSC No. 4-Gas, Leaf Nos. 47-47.1; RG&E, PSC No. 19-Electricity, Leaf No. 86.24, PSC No. 16-Gas, Leaf No. 84.3. Note that the tariffs for all National Grid operating companies do not include enrollment/disenrollment time frames for their EAPs. Similarly, National Fuel does not include enrollment/disenrollment time frames for their EAP.

⁴ For a further substantive discussion on the background and context, see Order, pp. 1-9.

⁵ See Order, pp. 19-21.

⁶ Id.

newspaper publication for tariff amendments.⁷ The Utilities were then directed to file updated EAP Implementation Plans and inform customers of the tariff amendments.⁸

The same day that the Order was issued, November 13, 2025, the Department of Public Service filed a Notice of Emergency and Proposed Rulemaking with the Secretary of State pursuant to SAPA §202(6). Notably, the Commission received no comments during the noticed public comment period.

Under SAPA §202(6), the Commission is required to either adopt the emergency rule on a permanent basis within a 90-day period, extend the period within which permanent action must be taken through readoption, or let the rule lapse. Here, the 90-day period for emergency rule effectiveness ends February 11, 2026.

No purpose would be served by further extending the period within which to consider the rule because no issues have emerged that require reconsideration. Similar to the Commission's reasoning in the Order, the emergency rule adopted therein should not lapse because such a result would harm low-income households due to factors outside their control. That rationale supporting the Order continues to apply today and is incorporated into today's action. A temporary pause of disenrollments, and additional flexibility to avoid or mitigate similar circumstances in subsequent enrollment periods, are appropriate and necessary to protect customers.

Therefore, the emergency measure taken in the Order is hereby adopted on a permanent basis, in accordance with SAPA procedures.

⁷ Id.

⁸ Id.

It is ordered:

1. The Order Pausing Customer Disenrollments in Utility Energy Affordability Programs, issued on November 13, 2025, in this proceeding, is adopted as a permanent action pursuant to SAPA §202(1).

2. This proceeding is continued.

(SIGNED)

Commissioner