

CASE 24-M-0586 - In the Matter of the Establishment of Extreme Heat
Protections, Practices and Procedures.

**PULP COMMENTS IN RESPONSE TO UTILITIES' HEAT ISLAND DESIGNATION
FILINGS AND RECOMMENDATIONS REGARDING CONSUMER PROTECTIONS IN
DESIGNATED HEAT ISLANDS**

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I. INTRODUCTION

The Public Utility Law Project of New York (“PULP”) appreciates this opportunity to comment on the filings surrounding heat-island designation across New York State's utilities. As the State's only independent nonprofit with the sole mission of advocating on behalf of low-income utility customers, PULP is deeply committed to ensuring that vulnerable customers are protected from the increasingly dangerous public health consequences of extreme heat and the loss of essential utility service during heat events.

In PULP’s experience, summer months have become increasingly untenable for low-income customers already struggling to pay their bills. While utility bills continue to rise year over year, so does the cost of housing, groceries, and medications.¹ Customers endure record-breaking heatwaves all the while facing threats and losses to vital public benefits meant to serve them.²

While comments in this proceeding are currently being solicited regarding the utility heat island designation filings, PULP takes the opportunity to remark upon our concerns about Extreme Heat generally and the Order Adopting Utility Consumer Protections During Periods of Extreme Heat and Directing Utility Filings.

Now more than ever, utility customers need uninterrupted access to electricity to preserve their health, shelter, and safety. Accordingly, PULP urges the Commission to reject the filings of the utilities in this proceeding outright. To meaningfully strengthen extreme heat protections and

¹ See, Governor Kathy Hochul’s 2026 State of the State Address, Foreword (January 2026), available at <https://digital.ny.gov/state-of-the-state-book-2026> (last visited August 19, 2026).

² See, Amy Graff, Dani Blum, *Heat Wave Updates: New York Hits 100 Degrees as High Temperatures Stifle Eastern U.S.*, New York Times (July 2, 2026), <https://www.nytimes.com/live/2026/07/02/weather/heat-wave>.

address the health impacts of extreme heat, the Commission must establish heat island designations reflective of the expertise of public health professionals and scientists.

II. PROCEDURAL HISTORY

This proceeding was borne of longstanding concerns about the health and safety of New Yorkers amid ever-rising temperatures across the State. In January 2022, Governor Hochul directed state agencies to develop an Extreme Heat Action Plan (“EHAP”) to, among other goals, mitigate community climate impacts and prioritize assistance to disadvantaged communities (“DACs”) who are most susceptible to the dangers of extreme heat.³ This directive initiated the Extreme Heat Action Plan Working Group, who published an interim report in May 2022 and a final “Extreme Heat Action Plan: Adaptation Agenda for 2024-2030” in June 2024.⁴ The Action Plan importantly tasked the Department of Public Service (“DPS”) with exploring options for strengthening consumer utility protections during heatwaves.

In January 2025, the Public Service Commission (“PSC”) initiated Case 24-M-0586- Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures, with the intention of requiring the State’s largest investor-owned electric utilities and private water utilities to establish uniform standards and procedures related to extreme heat events.⁵ The initiating Order directed DPS Staff to examine the existing protections and practices of the major electric and water utilities and to develop recommendations for the Commission’s

³ Governor Kathy Hochul’s 2022 State of the State Address, (January 6, 2022), pp. 163-164, available at <https://www.governor.ny.gov/sites/default/files/2022-01/2022StateoftheStateBook.pdf> (last visited August 13, 2026).

⁴ N.Y. State Dep’t of Env’tl Conservation and N.Y. State Energy Rsch. and Dev. Auth., *Extreme Heat Action Plan: Adaptation Agenda for 2024–2030* (2024), <https://dec.ny.gov/sites/default/files/2024-06/extremeheatactionplan.pdf> (last visited August 13, 2026).

⁵ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices, and Procedures*, Order Instituting Proceeding (issued January 23, 2025).

consideration within 90 days.⁶ In May 2025, DPS Staff published its Report and Recommendations Regarding Utility Customer Protections During Extreme Heat Events (“Staff Report”).⁷

In August 2025, interested stakeholders, including PULP, the City of New York, Earthjustice, WE ACT for Environmental Justice, Natural Resources Defense Council, Local Nature Lab, Waterfront Alliance, Columbia University’s Center for Global Energy Policy, Communities for Local Power, New York Renews, and New York’s investor-owned utilities filed comments in response to the Staff Report.⁸ Following these filings, the utilities and the City of New York also filed Reply Comments.⁹

In March of 2026, the Commission published its Order Adopting Utility Consumer Protections During Periods of Extreme Heat and Directing Utility Filings (“Commission Order”).¹⁰ The Commission Order directed the utilities to implement the new consumer protections through tariff changes. It also directed the utilities to file a list of heat islands in their service territories by June 1, 2025, following the development of criteria for heat islands with DPS Staff and other stakeholders. Technical conferences regarding the heat island designation process were held on April 15, April 30, May 15, and May 22.

On May 27, 2026, Consolidated Edison (“Con Ed”) filed a request for an extension of time to comply with the Commission Order. Con Ed requested relief through June 1, 2027, to update its

⁶ *Id.*

⁷ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Department of Public Service Report and Recommendations Regarding Utility Customer Protections During Extreme Heat Events (filed May 20, 2025).

⁸ See, generally, Case 24-M-0586.

⁹ *Id.*

¹⁰ 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices, and Procedures*, Order Adopting Utility Customer Protections During Periods of Extreme Heat and Directing Utility Filings (issued January 23, 2025).

tariff, implement updated consumer protections, and to designate heat islands, among other requests.¹¹ Con Ed was granted its request by the Secretary, but the extension was limited to September 1, 2026.¹²

On June 1, 2026, the utilities, excluding Con Edison, filed their heat island designations and criteria.¹³ Later, on July 23, 2026, a Notice Seeking Comments was published, requesting comments from interested stakeholders by September 8, 2026.¹⁴ PULP's comments, below, are submitted in response to this solicitation.

On August 21, 2026, Con Edison filed an additional extension request.¹⁵ This was granted, giving Con Edison until April 2, 2027 to comply with the Commission Order.¹⁶

III. PUBLIC HEALTH IMPLICATIONS OF EXTREME HEAT AND THE COMMISSION ORDER

As the Commission carefully considers the state's protections against extreme heat, PULP highlights the public health implications associated with extreme heat generally, and with the Commission Order. PULP contends that the Commission's future directives should be based on the efficiency of the temperature threshold, duration of protections, and evidence-informed methodology that accurately reflects heat and its impact on health.

¹¹ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Request for Compliance Extension on behalf of Con Edison only (filed May 27, 2026).

¹² Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Ruling on Extension Request (Issued May 29, 2026).

¹³ See generally, Case 24-M-0586.

¹⁴ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Notice Seeking Comments (filed July 23, 2026).

¹⁵ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Request for Compliance Extension on behalf of Con Edison only (filed August 21, 2026).

¹⁶ Case 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures*, Ruling on Extension Request (Issued August 24, 2026).

A. Identifying Vulnerable Populations and Affordability Barriers to Extreme Heat Mitigation

While extreme heat carries health and safety implications to all utility customers, the heat island designation process does not take into account the increased risks faced by vulnerable populations. Older adults, children, and individuals with chronic conditions such as cardiovascular and respiratory conditions are only a few select subgroups that should have enhanced protections. Additionally, pregnancy is a chronic condition that is often overlooked but should be regarded as critical by utilities as maternal, fetal, and neonatal health are impacted by high heat exposure. This can lead to greater risks of stillbirths, preterm births, gestational diabetes, and congenital abnormalities.¹⁷ Similarly, exposure to extreme temperature may be associated with mental health impacts that can lead to emergency department (“ED”) visits.¹⁸ PULP recommends further collaboration with public health agencies and organizations to advise the Commission on how to best identify vulnerable population and inform protection frameworks.

During extreme heat events (“EHEs”), utility services provide households with the means to mitigate high heat exposure by utilizing cooling equipment including fans, air conditioners, and medical equipment. Exposure to high heat can lead to mild symptoms such as dehydration, fatigue, and skin rashes that can quickly worsen to moderate and severe effects, including heat illness, heat stroke, and death.¹⁹

¹⁷ Darshnika P. Lakhoo et al., *A Systematic Review and Meta-analysis of Heat Exposure Impacts on Maternal, Fetal, and Neonatal Health*, 31 *Nature Medicine*, 684-694 (2025), <https://doi.org/10.1038/s41591-024-03395-8>.

¹⁸ Eun-Hye Yoo et al., *Association Between Extreme Temperature and Emergency Room Visits Related to Mental Disorders: a Multi-region Time Series Study in New York, USA*, 792 *Science of the Total Environment*, 148246 (2021), <https://doi.org/10.1016/j.scitotenv.2021.148246>

¹⁹ See, Johns Hopkins Medicine, *Dehydration and Heat Stroke*, <https://www.hopkinsmedicine.org/health/conditions-and-diseases/dehydration-and-heat-stroke>

The 2026 NYC Heat Mortality report highlighted a record high death toll with 21 heat-stress deaths.²⁰ These figures could be higher as death certificates and data are finalized, supporting higher heat mortality rates in the recent years. While the NYC report utilizes actual temperature instead of heat index, its findings are necessary to consider the true impact of heat on vulnerable communities, especially those in urban heat islands (UHIs).

Mortality rates were highest in communities with income below the federal poverty level. Additionally, the majority of reported deaths were associated with a lack of or not utilizing cooling equipment in the home. The presence of cooling equipment does not guarantee the ability to use it. Protections against utility disconnections must be coupled with affordability measures to reduce the instance of heat illness and mortality in homes with equipment but unable to afford them. According to the New York City Independent Budget Office, the cost to run a small, energy-efficient window air conditioner for 12 hours a day is approximately \$130 a month. The reality for households with older or inefficient equipment puts the cost closer to \$500 a month.²¹ As utility rates continue to increase, higher energy burden will obligate households to forego utilizing air conditioning to maintain safe indoor temperatures.

B. Implications of Heat Threshold and Window of Protection Afforded in the Order

The Commission Order prohibits utility companies from conducting service terminations for nonpayment any day the heat index is forecasted to reach or actually reaches 90°F. It extends the

²⁰ Env'tl. and Health Data Portal, NYC Dep't. of Health and Mental Hygiene, *2026 NYC Heat-Related Mortality Report*, (2026), <https://a816-dohbsp.nyc.gov/IndicatorPublic/data-features/heat-report>

²¹ Sarah Parker, City of NY Indep. Budget Off., *On Intro. 0994-2024 to Require Tenant-Occupied Dwellings Have Cooled and Dehumidified Air*, (2024), <https://www.ibo.nyc.gov/assets/ibo/downloads/pdf/housing-and-buildings/2024/intro0994-2024-testimony-november-2024.pdf>

prohibition of termination in established heat islands for two days following an extreme heat day.²²

While PULP commends establishing a statewide standard threshold, it is imperative to also recognize the loss of enhanced protections certain service territories previously had. For instance, under its previous rate plans, NYSEG and RG&E set a threshold of 85 °F.²³ Con Edison's original extreme heat threshold prohibited terminations on the day preceding and extreme heat day, accounting for a block of time that realistically considered the behavior of heat and providing a buffer protecting customers from no access to services as a result of disconnections right before an EHE.²⁴

The Order is not sufficiently protective in either its temperature threshold or the timing of its protections. Health impacts from heat exposure have been established to begin as low as 80°F for vulnerable populations.²⁵ This is further corroborated using the NYS Heat Risk and Illness Dashboard, a monitoring tool that tracks daily heat index, number of emergency department (ED) visits, and emergency services calls (EMS) related to heat illness.²⁶ At the same time, since the Order does not prohibit terminations before an extreme heat day, vulnerable customers may lose essential service immediately before conditions become dangerous.

For these reasons, the Commission should reconsider both the 90°F threshold and the duration of the protections surrounding an extreme heat event. Any EHE framework should provide customers sufficient time to address a shutoff before dangerous heat arrives and should maintain

²² 24-M-0586, *Order Adopting Protections*, supra note 10.

²³ See *Staff Report*, supra note 6.

²⁴ *Id.*

²⁵ Juhyeon Park & Jeongseob Kim, *Defining Heatwave Thresholds Using an Inductive Machine Learning Approach*, 13(11) PLOS ONE, e0206872 (2018), <https://doi.org/10.1371/journal.pone.0206872>

²⁶ N.Y. State Dep't. of Health, *New York State Heat Risk and Illness Dashboard*, (2026), https://www.health.ny.gov/statistics/environmental/heat_dashboard/

protections long enough to allow heat to dissipate and stabilize to healthy temperatures before shutoffs proceed. While PULP recognizes the Commission's desire to balance the risks of heat vulnerabilities and the potential for increased uncollectible expenses, PULP believes that standardizing a threshold as high as 90°F risks leaving vulnerable New Yorkers unprotected at temperatures already associated with negative health outcomes.

PULP maintains public health evidence should play a greater role in determining when extreme heat protections apply. Other states are already incorporating health risks in their methodologies to develop their extreme heat plans. For example, California's CalHeatScore defines when extreme heat protections go in effect through a ranking system that considers the associated risk of health impacts.²⁷ PULP encourages the Commission to similarly integrate available public health data in New York and engage with relevant public health experts and state agencies when evaluating the thresholds and durations of EHE utility customer protections.

Lastly, the Commission Order declines to extend protections to submetered customers.²⁸ PULP raised in our initial comments in this proceeding that customers who receive energy through submetering need to be equally and adequately protected in periods of extreme heat. The Commission declined to extend these protections, indicating that submetered building owners were not noticed of the proceeding. There are nearly two thousand submetered buildings in New York, with hundreds of thousands of tenants impacted by the exclusion of submetered buildings in this proceeding.

²⁷ Cal. Env'tl Prot. Agency, Off. of Env'tl. Health Hazard Assessment, *CalHeatScore*, <https://calheatscore.calepa.ca.gov/map/>.

²⁸ See, *Order Adopting Protections*, supra note 10.

IV. PULP HEAT ISLAND ANALYSIS

PULP conducted a heat island analysis from a consumer safety perspective, acknowledging heat-related vulnerabilities and the public health risk that extreme heat causes.²⁹ It was understood by PULP that the Commission did not task us to perform a climatological exercise and that it was imperative to consider heat island designations as part of a framework that will determine public health outcomes for utility customers across the state. Because heat island designations trigger additional protections from residential utility terminations, the methodology used to identify those areas must be guided not only by climatological considerations, but also by the lived experience of heat and the factors that determine whether residents can safely withstand extreme temperatures. For this reason, PULP developed a holistic, multi-domain framework that evaluates cumulative heat risk rather than temperature in isolation. While environmental heat exposure is an essential component of any heat island analysis, exposure alone does not determine whether a household is at risk during an extreme heat event.

PULP therefore developed our methodology around what we believe this proceeding is ultimately intended to answer: where are utility shut offs most likely to place vulnerable New Yorkers at risk of heat-related illness or death?

A. Guiding Principles

The Public Service Commission's heat island proceeding was initiated to protect the public from the health and safety consequences that accompany loss of essential utility services and to provide enhanced protection for heat islands due to the noted vulnerabilities an extreme heat event exacerbates. As such, PULP's main concerns in this proceeding regard public health, New

²⁹ See, Appendix 1 – PULP Heat Island Analysis Methodology

Yorkers' rights to safe and reliable utility service, and the lack of evidence to support heat island designations identified in the utilities' filings.

The Commission Order states that vulnerable populations are disproportionately affected by extreme heat and called on stakeholders to address this matter through the implementation of the Order and establishment of heat islands.³⁰ The Commission further recognized that “those living in heat islands experience heightened and prolonged heat effects compared to surrounding areas.”³¹ The Order also repeatedly emphasizes the relationship between heat, health outcomes, cooling access, affordability, and vulnerability.³² PULP does not believe the Commission tasked us with creating a scientific taxonomy. Therefore, PULP approached this proceeding through a cumulative-risk and public health-oriented framework rather than a narrow temperature-screening exercise.

PULP specifically argues that the Heat Vulnerability Index (“HVI”) energy burden, cooling access, and the location of large-load data centers must be considered when identifying heat islands.³³ The purpose of this proceeding is to determine where extended utility shutoff protections apply during dangerous heat events. We maintain that the relevant question is not simply where temperatures are elevated, but where elevated heat becomes dangerous to human beings in the context of utility shutoffs.

B. Heat Island Data Sources and Methodology

³⁰ *Order Adopting Protections*, supra note 10, at 28

³¹ *Id.* at page.6.

³² *Id.*

³³ See, N.Y. State Dep't. of Health, *Heat Vulnerability Index Data*, https://www.health.ny.gov/environmental/weather/vulnerability_index (last visited September 2, 2026). (Heat Vulnerability Index (“HVI”) is an indicator of heat vulnerability created by the NYS Department of Health which measures how likely a person is to be injured or harmed during periods of hot weather. Heat vulnerability has been linked to individual characteristics such as health status, age, race, income, and other socioeconomic factors.)

PULP’s heat island framework relies on a variety of public data to evaluate cumulative heat risk across New York State. To accomplish this, PULP developed a multi-domain screening pipeline using Python to integrate heat exposure, heat vulnerability, cooling access, energy affordability, and tract-level burden indicators into a unified framework.³⁴ The analysis evaluated overlapping climate and socioeconomic risk factors to identify localities where residents face the greatest cumulative risk during extreme heat events.

The analysis began with locality-level records statewide; each locality was linked to census tract-level vulnerability data through a spatial crosswalk, allowing tract-level disparities to inform locality-level risk on a per share basis. This structure was chosen because while many vulnerability datasets are available at the census tract level, residents understand their communities through named places, municipalities, hamlets, villages, and cities.

For the heat exposure component of the analysis, PULP relied primarily on Oregon State University’s Parameter-elevation Regressions on Independent Slopes Model (“PRISM”).³⁵ PRISM is an 800-meter gridded climate dataset that provides excellent spatial resolution and incorporates elevation, terrain, coastal influences, and other physiographic variables. PRISM produces localized climate estimates capable of capturing neighborhood scale variation in heat conditions across New York State. We maintain this level of spatial detail is crucial for a proceeding where utility shut off protections will be determined.

³⁴ Appendix 1 – PULP Heat Island Analysis Methodology

³⁵ See, PRISM Group, Oregon State University, *Northwest Alliance for Computational Science and Engineering-Bulk Data Explorer*, <https://prism.oregonstate.edu/explorer/bulk.php> (accessed April 20, 2026). (PULP bulk accessed 951 NYS localities’ daily max temperature and mean dewpoint data from 2000-2025 using the Oregon State PRISM group’s Bulk Data Explorer).

In PULP’s analysis, we evaluated historical heat from 1981 to 2025. Through multiple dimensions, heat exposure was assessed based on intensity, frequency, and emerging heat trends. This included evaluating high-end summer heat index conditions, the frequency of days where it reached 90F heat index or higher by municipality, and locations that have experienced warming in recent years. Using PRISM’s air temperature and dewpoint data, the Magnus-Tetens approximation formula³⁶, and NOAA’s heat index equation³⁷, PULP estimated the “feels like” temperatures and “new heat” to understand heat exposure for NYS residents. This “new heat” factor is important because communities that historically experienced less extreme heat may have less adaptive capacity, cooling infrastructure, and populations less acclimated to heat.

While the PRISM data was used for New York State’s heat island analysis, PULP created a New York City-specific heat exposure analysis due to the city’s residential density and housing stock age. PULP compared data from the Iowa Mesonet’s Automated Surface Observing System (“ASOS”) and Automated Weather Observing System (“AWOS”)³⁸ versus the NYC Hyperlocal Temperature Monitoring.³⁹ The comparison demonstrated that New York City’s hyperlocal temperatures in warm months are higher than those measured by ASOS/AWOS mean temperatures, which are used by the utilities to determine heat exposure for New York City. This contributed to PULP’s decision to classify all of New York City as a heat island, which is expanded upon in Section VI(A).

³⁶ Relative humidity (RH) can be calculated using the Magnus-Tetens formula by finding the ratio of actual vapor pressure to saturation vapor pressure at a given air temperature and dew point

³⁷ Lans P. Rothfusz, National Weather Service Scientific Services Division, *The Heat Index “Equation”* (1990), https://www.weather.gov/media/ffc/ta_htindx.PDF

³⁸ Iowa Environmental Mesonet, Iowa State University, ASOS/AWOS Network, <https://mesonet.agron.iastate.edu/ASOS/> (accessed April 1, 2026)

³⁹ NYC Dep’t. of Health and Mental Hygiene, NYC Open Data, *Hyperlocal Temperature Monitoring*, https://data.cityofnewyork.us/dataset/Hyperlocal-Temperature-Monitoring/qdq3-9eqn/about_data (last updated April 21, 2026).

PULP then incorporated the following vulnerability data, including the NYS HVI, AC prevalence, data center prevalence, and energy affordability indicators. Energy burden and affordability data were collected from the ACS Housing Data 2024 5-year estimates. This dataset is based on a survey of NYS households to estimate average household size, income, housing costs, and utility costs.⁴⁰ Households that exceeded the median energy cost for the state were identified as energy burdened, reflecting increased risk during heat events that require sustained cooling. Adjacent to energy burden vulnerability, PULP used data from the Nationwide Residential Air Conditioning Prevalence in the United States to determine NYS residents' access to cooling by census tract.⁴¹

Finally, PULP used the data center tracker from CleanView to determine which NYS localities host one or more large-load data centers.⁴² PULP included data center prevalence as an indicator for heat island vulnerability, as early research has demonstrated they can have significant impacts on the heat, energy demand, water quality, and water quantity for their surrounding communities.⁴³ Specifically, a study conducted by the University of Cambridge and other contributors has coined the 'data heat island effect,' estimating that land surface increase by an average of 3.6°F (2°C) after the start of hyperscale AI data center operations, creating local microclimate zones.⁴⁴

⁴⁰ U.S. Census Bureau, *American Community Survey 5-year Estimates* (2009-2024), <https://www.census.gov/data/developers/data-sets/acs-5year.html> (January 29, 2026).

⁴¹ Yoonjung Ahn, Harvard Dataverse, *Census Tract-Level Summary of Air Conditioning Prevalence*, <https://doi.org/10.7910/DVN/7GLPD7>.

⁴² Cleanview, *Data Centers in New York*, <https://cleanview.co/data-centers/new-york>. (For purposes of this exercise, PULP defined large load or "hyperscale" data centers as those who have an annual load capacity of 20 MW or more used for AI or crypto-mining operations).

⁴³ Andrea Marinoni, et al., *The Data Heat Island Effect: Quantifying the Impact of AI Data Centers in a Warming World* (2026) (Preprint), <https://arxiv.org/pdf/2603.20897>

⁴⁴ *Id.*

These datasets factored into the final matrix because they identified locations particularly vulnerable to extreme heat. Localities were flagged as heat islands when they exhibited multiple overlapping risk signals across domains, which reflects the cumulative nature of heat-related public health risk. While no single dataset can perfectly characterize heat risk statewide, a framework that incorporates these factors is more scientifically defensible and more consistent with the public health objectives of the Commission’s Order than what has been presented by the utilities.

C. Development of Final Framework

PULP evaluated 957 locality-level records statewide, with each locality linked to census tract-level vulnerability data. Following the application of the protection framework, 249 localities were identified as meeting the cumulative risk criteria for heat island designation.⁴⁵ PULP overlaid our heat island data with NY county subdivision maps to create heat island boundaries, or polygons, for geocoding. The localities fell within 120 county subdivision polygons, creating a framework that is both geographically meaningful and understandable to the public.⁴⁶

The final PULP framework was built to be both protective and administrable. PULP’s final designations should be understood as a protective interim framework, not a final, permanent solution. PULP believes additional datasets and further, independent expert review should be incorporated in future years. However, given the immediate public health stakes and the need for implementation beginning in 2026, PULP believes its framework is more consistent with the purpose of the Order than the utilities’ methodology.

⁴⁵ Appendix 1 – PULP Heat Island Analysis Methodology

⁴⁶ Appendix 2- PULP Final Heat Island Map

D. PULP Heat Island Analysis Limitations and Opportunities for Further Refinement

As with any scientific exercise, it is important to recognize limitations and identify opportunities for further review. We believe PULP's framework can be strengthened over time through the incorporation of additional data and expert review. Critically, our analysis was conducted under compressed timeframes established by this proceeding and relied on the best available public health data accessible to PULP. While PULP sought out this review independently where possible, future iterations would benefit greatly from sustained participation by climatologists, public health experts, epidemiologists, and/or GIS specialists.

Second, no single dataset fully captures heat risk. PRISM provides stronger spatial climate estimates than station-only approaches, but future heat island determinations should be enhanced through additional hyperlocal temperature monitoring, urban canopy data, soil moisture and drought data, indoor heat data, and localized information regarding housing conditions. Some of these datapoints could be accessed with NYS Mesonet data, though PULP was unable to access that dataset due to its cost.

PULP maintains these opportunities for refinement do not diminish the current value of our interim heat island framework. PULP's analysis incorporates the data and risk factors we believe are necessary to identify communities where extreme heat and the loss of service create heightened health and safety risks to customers. Therefore, our framework should serve as a protective basis for implementation now, while it continues to be refined as additional data and expertise becomes available.

V. CRITIQUE OF THE UTILITIES' METHODOLOGY

Throughout the duration of this proceeding, there was a lack of sustained participation from climate scientists, public health experts, and other specialists in extreme heat, including during the technical conferences. As a result, the methodology that emerged relies on a narrow interpretation of preliminary temperature data. PULP remains deeply concerned that the current framework risks excluding communities where residents face severe heat-related health consequences despite not meeting the utilities' narrow interpretation of a preliminary and highly sensitive dataset. The consequences of under-inclusion are not academic; they can expose vulnerable customers to serious and potentially life-threatening health risks.

Throughout the technical conferences, PULP repeatedly advocated for a holistic framework that considered both environmental heat exposure and the factors that determine whether individuals can safely withstand that exposure. Initially, Staff directed stakeholders to independently develop heat island methodologies using criteria they deemed appropriate. During subsequent conferences, Staff requested additional analyses, including comparisons at different temperature thresholds, overlays between PULP's and the utilities' maps, and evaluations using CDPs.

During the fourth technical conference, Staff announced that the final designations, as requested by the utilities, would not incorporate heat vulnerability, HVI, energy burden, or any human vulnerability indicators. Staff concluded that those considerations fell outside of the scope of analysis. Instead, the adopted interim framework focused exclusively on relative temperature differentials between urban and surrounding areas using limited data, with an arbitrary cut off between those areas.

PULP continues to oppose this decision. We maintain that the purpose of this proceeding is to determine where enhanced utility termination protections should apply after dangerous heat events. A location becomes dangerous when heat lasts and intersects with vulnerability: old housing that turns attics into furnaces that trap heat, creating indoor heat islands; formerly cooler areas that have become hotter and whose elderly or disabled populations are not acclimated. Heat vulnerability cannot be weighed separately from heat island identification because it is, in the context of this proceeding, essential to the definition.

A. Comparison of Methodologies

PULP's methodology and the utilities' methodology explore fundamentally different questions. PULP examined where heat exposure is objectively intense, frequent, and building alongside the intersection of vulnerabilities. The utilities' framework explored which urban Census Block Groups ("CBGs") were at least 2°F warmer than nearby non-urban areas under the selected Davey Tree/SUNY ESF dataset.⁴⁷

That difference, as our maps show, is important. PULP's methodology is tied to the purpose of the Extreme Heat Order: preventing harm to customers during and after extreme heat events. The utilities' methodology is a narrow temperature differential screen that excludes many significant datapoints.

The utilities' methodology generally relies on the Davey Tree/SUNY ESF data, separates CBGs into urban and non-urban areas, calculates average temperature differences between those geographies, applies a 2°F threshold, and then expands qualifying Census Block Groups into

⁴⁷ See, discussion surrounding Davey Tree/SUNY ESF data set, *infra*.

Census Designated Places or incorporated places for 2026 only. The utilities then propose to revert to Census Block Groups beginning in 2027.

B. Concerns with the Davey Tree Hottest Hour Dataset

PULP opposes the use of the Davey Tree/SUNY ESF hottest hour maps as they are “*preliminary and for informational purposes only*.”⁴⁸ These limitations acknowledged by SUNY ESF itself, who indicated during technical conferences that the dataset is likely not sufficient for the purposes of this proceeding. Davey Tree only uses 28 weather stations throughout New York State. The small sample size of this model means this data is highly sensitive; small choices can materially affect the resulting heat island designations, meaning they could be easily manipulated to favor certain outcomes, as PULP demonstrated in the fourth technical conference. While the Davey Tree/SUNY ESF work may be useful as a planning tool, it should not be treated as dispositive in a policy proceeding that determines whether households retain utility shutoff protections during extreme heat. Nonetheless, despite these acknowledgments, DPS Staff supported the utilities’ decision to rely upon the dataset.

In creating their framework, the utilities neglected to incorporate the urban heat island dataset available in Davey Tree. This data set examines past and future heat across New York State, providing insight surrounding communities that are or may become more susceptible to injury or illness related to extreme heat.

While PULP opposes the use of this dataset, if its use were to be ultimately adopted on an ongoing basis, it is necessary to include urban heat island data in the final framework when using

⁴⁸ N.Y. State Dep’t of Env’tl. Conservation, SUNY Coll. of Env’tl. Sci. & Forestry & Davey Inst., *Maximum Heat in New York State (2010-2020)*, NYS Urban Heat Islands, <https://nys-heat.daveyinstitute.com/hottest-hour/>

the Davey Tree dataset as the sole source. To leave it out would be both scientifically and ethically indefensible.

C. Concerns with the Utilities' Methodology and Scientific Process

PULP has several concerns with the utilities' methodology, namely that there is little evidence of its accuracy or validity. First, the record does not establish that a 2°F differential is the correct threshold for determining where shutoff protections should apply. The threshold functions as an arbitrary gatekeeper that materially limits customer protections. The lack of demonstration by any party that this methodology is scientifically superior to a lower threshold, a percentile-based approach, or a cumulative-risk framework is troubling to PULP.

Utilities divided NYS into Urban and Non-Urban Census Block Groups, meaning that only urban areas can be classified as heat islands under this designation. Worryingly, suburban and rural areas are fully excluded in this analysis, unless they fall into an identified CDP. For each urban area, the utilities draw a 30km buffer around it and then calculate the average urban temperature and the average non-urban temperature within that surrounding buffer. If an urban census block group is 2° F hotter than the surrounding non-urban average, it is designated as a heat island. This analysis is done to determine the 2° F difference between heat index and air temperature, as utilities were directed to choose between heat index and air temperature (whichever is more protective).

This methodology does not compare urban areas to rural areas, where differences may be more distinct. Further, using Davey Tree data for this exercise adds additional limitations because the temperature from the Davey Tree study is taken at airports and interpolated over large distances, which are usually absent of high density and vehicle traffic. This threshold is likely imperfect

and not indicative of true heat. We believe the Commission should establish more oversight and rigorous data checking to ensure the most protective dataset is being used at any given time.

Further, this methodology does not meaningfully consider the environmental and economic burdens on disadvantaged communities ("DACs"). DAC designations were created under New York's Climate Act to identify areas where climate change disproportionately impacts its residents.⁴⁹ Due to the impacts of climate change on chronic temperature rise and acute heat waves, designated DACs are likely to be disproportionately burdened by extreme heat. The Commission explicitly recognized the importance of incorporating DACs into the heat island proceeding when considering utility customer vulnerability. However, Staff only directed the utilities to demonstrate where their heat island designations overlap with DACs.⁵⁰ Because no meaningful criteria were developed regarding DACs and the heat island designation, the utilities' analysis does not analyze potential impacts to DACs that may be excluded by their heat island methodologies. Under this approach, vulnerability is descriptive but not determinative and provides no meaningful relief targeted to DACs.

D. The Use of Census Block Groups After 2026 is Harmful to Consumers

The utilities' proposal to move from census-designated places ("CDPs") to census block groups after Summer 2026 should be rejected entirely. Utilities argue that CDPs result in administrative burdens and over-inclusion, including coverage of uninhabited areas and very small communities. However, moving to substantially smaller and less geographically recognizable units raise their own administrative and consumer protection issues.

⁴⁹ See, N.Y. State Energy Rsch. and Dev. Auth., *Disadvantaged Communities* (2023).

<https://www.nyserda.ny.gov/ny/Disadvantaged-Communities>

⁵⁰ See, 24-M-0586, *Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices, and Procedures*, Extreme Heat Technical Conference Letter with Appendix (filed July 23, 2026).

At the onset, PULP finds these concerns lacking basis. CBGs would make heat island protections much more fragmented and difficult to understand. Some customers who were protected in 2026 could lose those very-same protections in 2027 solely because of this change in methodologies. During the technical conferences, stakeholders discussed the possibility that CBG boundaries could result in different protections for neighbors or even customers living on opposite sides of the street. The utilities unconvincingly indicated that they would “figure it out.” This is simply unacceptable.

The average utility customer cannot readily identify a geographic location by its census block and utility customer service representatives may not readily know whether a household falls inside or outside a qualifying CBG without complex, backend geospatial coding. Furthermore, the proposal will diminish Staff’s capacity to enforce EHE protections. If customers cannot reasonably determine whether they are protected because the boundaries are hyper-technical, invisible, or unintelligible to the average person, never mind one in crisis, they will not know whether their right to protection has been infringed upon to avail themselves of the administrative complaint process. By contrast, locality-level or census-designated place frameworks are substantially more recognizable and transparent to the public.

The use of CBGs also introduces methodological concerns. There are approximately 15,464 census block groups in New York State whose boundaries themselves are susceptible to change with every census.⁵¹ The U.S. Census Bureau prioritizes standardized statistical boundaries over

⁵¹ See, Jonathan Sperling, U.S. Dep’t of Hous. & Urban Dev., Office of Pol’y Dev. & Rsch, *The Tyranny of Census Geography: Small-Area Data and Neighborhood Statistics*, 14 Cityscape 219 (2012)

local, subjective definitions of neighborhoods.⁵² The use of CBGs creates a recognized methodological hazard known as the Modifiable Areal Unit Problem (“MAUP”), because block group boundaries are drawn to yield roughly equal population counts rather than to reflect a microclimate, housing stock, or community boundaries.⁵³

PULP therefore recommends that, prior to even considering a CBG-based framework, the Commission require an extensive boundary analysis to identify instances where proposed heat island boundaries divide otherwise contiguous streets, blocks, and neighborhoods. overlaying the utilities’ CBG-based shapefiles against primary, secondary, and local road network data. This analysis would identify every instance in which a CBG boundary bisects a single street, block face, or otherwise contiguous neighborhood. Without this analysis, stakeholders and the Commission are unable to assess the extent to which this proposal will impact transparency, public safety, and customer accessibility.

Using census blocks, the smallest possible grouping, is also susceptible to error and selective use of the data. Not only would this be incredibly complex on billing systems that have already proven themselves fragile, it creates confusing and unacceptable disparities that carve up communities without justification. Ultimately, the proposed move to CBGs would not make the maps “more precise”, it would make protections more fragmented, harder to understand, and harder to administer.

The utilities have also not established that administering protections at the CBG level would reduce administrative burden or cost. PULP worries about the implementation costs to ratepayers

⁵² See, Katy Rossiter, U.S. Census Bureau, *What Are Census Blocks?* (July 11, 2011), <https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html>.

⁵³ See, A.S. Fotheringham & D.W.S. Wong, *The Modifiable Areal Unit Problem in Multivariate Statistical Analysis*, 23 Env’t & Plan. A 1025 (1991).

to modify the internal utility billing and customer service systems needed to administer these granular boundaries. So far, these potential costs have not been disclosed. Without further analysis, it is unreasonable to determine the proposed CBG framework improves precision sufficiently to justify the additional complexities.

Another reason cited for the proposed change is that DACs are determined based on census tract. This is an inappropriate comparison, as DAC designations generally do not determine individual customer rights related to emergent health and safety protections. It is our understanding that DAC benefits are usually assessed at the utility level and established through large administrative proceedings where experts have time and resources to ascertain whether DACs are being provided benefits to which they are entitled. Importantly, while DACs are identified by census tracts, the utilities are not proposing to use census tracts, but census block groups, which are *even smaller* and less readily identifiable than census tracts.

The Commission Order repeatedly emphasized transparency and customer accessibility throughout implementation of these protections. A framework that requires customers to identify obscure census block group boundaries before determining whether utility shutoff protections apply is fundamentally inconsistent with that goal.

E. The Utility Filings are Not in Line with the Commission Order

PULP remains deeply concerned that this proceeding increasingly treated heat islands as a narrow climatological classification exercise rather than the public-health protection framework initially contemplated by the Commission Order. The Order repeatedly references vulnerable populations, DACs, affordability, cooling access, and the health impacts of extreme heat. The Order further directed utilities to identify DACs adjacent to or within heat islands. This language

strongly supports the view that heat islands should not be evaluated solely through raw temperature differentials that don't consider human vulnerabilities.

Across the utility filings, there is also remarkable degree of uniformity, including methodological assumptions, policy justifications, common advocacy positions regarding CBGs, and threshold selection.⁵⁴ Mathematically, the filings are very similar as well, with high rates of similarity at a structural level, which might be indicative of a coordinated template. Furthermore, the repeated requests that the PSC adopt the utility methodology without modification are deeply concerning to PULP, especially considering the utilities admittance of coordination through leaked audio at a recent industry conference in Florida.⁵⁵

The extraordinary level of consistency across the independent utility filings raises questions as to whether the underlying assumptions, limitations, and methodological choices received independent scrutiny. The Commission's goal of establishing uniform statewide protections does not relieve parties of their obligation to demonstrate that the proposed methodology is scientifically sound and appropriate. Common conclusions should be the result of rigorous analysis and not a substitute for that. Failure to critically evaluate risks and institutionalizing methodological flaws across the entire state undermines the purpose of this proceeding. Consistency should not be treated as evidence of accuracy.

⁵⁴ See, *24-M-0586, Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices, and Procedures*, PULP Letter Regarding Utility Filings (filed June 9, 2026).

⁵⁵ See, *Courier New York, Leaked Audio: NY Utility Officials Joke About Cutting Power to Seniors and Disabled Customers*, Available at <https://www.youtube.com/watch?app=desktop&v=fkPAPmH9jyY&ra=m>

VI. PULP RECOMMENDATIONS

A. New York City, Westchester, and Long Island should be Considered Heat Islands in their Entirety

New York City, Westchester, and Long Island should be designated as heat islands in their entirety, due to their combined heat exposure, density, vulnerability, humidity dynamics, infrastructure conditions, and cooling affordability concerns.

New York City's residents face acute vulnerabilities to extreme heat due to the city's high population density, economic status, limited green space, high overnight temperatures, as well as susceptibility to extreme weather due to aging infrastructure. PULP compared National Weather Service ASOS heat index and maximum temperature data with neighborhood-level data from the NYC Hyperlocal Temperature Monitoring and found that neighborhoods routinely experience significantly higher heat than the airport-based weather stations.⁵⁶ Based on this analysis, and consistent with the technical conference process, PULP supports that all of New York City should be treated as a heat island.

PULP's analysis supports Westchester receiving additional heat island protections due to 25 of 44 observed localities exhibiting numerous indicators of high heat exposure, elevated HVI burden, and tract-level vulnerabilities. PULP's final protection framework also identified 110 of 240 Long Island localities as heat islands, including 66 Nassau County localities and 44 Suffolk County localities. This was the largest regional concentration of localities identified in our state-wide analysis. The breadth of these results is significant; Long Island's heat risk cannot be adequately addressed through a fragmented approach. It is PULP's position that even using

⁵⁶ Appendix 3- PULP Heat Island Determination Final Presentation.

CDPs or municipality designations is inadequate. Westchester, Long Island, and NYC, should have holistic and comprehensive heat island protections for all residents.

B. Procedural Recommendations

PULP recommends that the Commission establish an Extreme Heat Working Group to meaningfully engage stakeholders around further development and analysis of extreme heat protections. A formal working group should, at minimum, include the utilities, advocacy groups, the Department of Health & other public health organizations and researchers, and the Department of Public Service. The expectations of this working group should be to regularly meet and review utility practices during extreme heat events and formulate necessary mitigations to protect customers.

Stakeholders will be unable to meaningfully engage without data to inform them of utility practices. The Commission should establish reporting cadence to update the working group on agreed metrics and expectations, including but not limited to days when shutoffs are not permitted and a review of utilities outreach and education plans as they pertain to protections in extreme heat and plans reconnect customers prior to EHEs. The working group should regularly revisit whether established heat island boundaries and general extreme heat thresholds are protective of vulnerable populations. A methodology should be developed with researchers and experts to ascertain boundaries that are accurate. It is the responsibility of the companies and Commission to translate technical boundaries and frameworks so customers can easily identify their vulnerability and the protections afforded to them.

Additionally, in the interest of protecting and keeping rules consistent and accessible for consumers, PULP recommends that all customers who currently fall into a heat island

designation remain protected by the current heat island protections, with no loss of heat island designation in upcoming years.

VII. CONCLUSION

To conclude, the heat island designation methodology in effect this Summer 2026 simply fell short of adequately protecting utility customers, particularly low-income households. The heat island designations framework, as submitted by the utilities, does not mend these issues. The failure to engage with public health professionals and to incorporate vulnerability indicators like income, energy burden, heat vulnerability, etc., leaves many vulnerable households unprotected from the loss of critical service during periods of extreme heat. Furthermore, as we look at Summer 2027, it will become even more administratively burdensome and unrecognizable to customers if this framework is adopted. For these reasons, PULP urges the Commission to strengthen its extreme heat protections and reject the heat island filings submitted during this proceeding in accordance with its goal to protect individuals burdened by extreme heat.

PULP appreciates the opportunity to provide these comments on extreme heat protections broadly and the utility heat island designation filings specifically. We respectfully request that the Commission consider the principles and recommendations raised herein. PULP reserves the right to supplement these comments depending on the procedural process that follows this comment period.