ALLIANCE FOR CLEAN ENERGY NEW YORK, INC.

January 20, 2026

VIA EMAIL
Secretary@dps.ny.gov

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3, Empire State Plaza
Albany, New York 12223-1350

Re: **CASE 15-E-0302**, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard; **CASE 22-M-0149**, Proceeding on Motion of the Commission Assessing Implementation of and Compliance with the Requirements and Targets of the Climate Leadership and Community Protection Act.

Subject: Response to the Coalition For Safe and Reliable Energy Petition for Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant To Public Service Law §66-p(4)

Dear Secretary Michelle Phillips:

The Alliance for Clean Energy New York (ACE NY) and WE ACT for Environmental Justice submits these comments in response to the January 6th filing by the Coalition for Safe and Reliable Energy of a Petition for Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant To Public Service Law §66-p(4).

ACE NY is a not-for-profit membership organization with a mission to promote the use of clean, renewable electricity technologies, energy efficiency, and the electrification of transportation in New York State, in order to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution.

WEACT for Environmental Justice is a not-for-profit organization whose mission is to build healthy communities by ensuring that people of color and/or low-income residents participate meaningfully in the creation of sound and fair environmental health and protection policies and practices. WE ACT envisions a community that has informed and engaged residents who participate fully in decision-making on key issues that impact their health and community, strong and equal environmental protections, and increased

environmental health through community-based participatory research and evidence-based campaigns.

Thank you for the opportunity to provide this feedback.

Sincerely,

Marguerite Wells
Executive Director
Alliance for Clean Energy New York

Eric Walker

Eric Walker
Senior Policy Manager, Energy Justice
WE ACT for Environmental Justice

COMMENTS OF THE *ALLIANCE FOR CLEAN ENERGY NEW YORK AND WE ACT FOR ENVIRONMENTAL JUSTICE* IN RESPONSE TO THE JANUARY 6, 2026 PETITION FILING BY THE COALITION FOR SAFE AND RELIABLE ENERGY FOR A HEARING TO TEMPORARILY SUSPEND OR MODIFY RENEWABLE ENERGY PROGRAM PURSUANT TO PUBLIC SERVICE LAW §66-P(4) IN CASE 15-E-0302, PROCEEDING ON MOTION OF THE COMMISSION TO IMPLEMENT A LARGE-SCALE RENEWABLE PROGRAM AND A CLEAN ENERGY STANDARD & CASE 22-M-0149, PROCEEDING ON MOTION OF THE COMMISSION ASSESSING IMPLEMENTATION OF AND COMPLIANCE WITH THE REQUIREMENTS AND TARGETS OF THE CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT.

On January 6, 2026, the Coalition for Safe and Reliable Energy filed a Petition requesting a Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant to Public Service Law §66-p(4).[1] The Alliance for Clean Energy New York (ACE NY) and WE ACT for Environmental Justice (WEACT) are writing to urge the Public Service Commission to reject this petition.

The Coalition for Safe and Reliable Energy's (Coalition) petition asks the Public Service Commission to hold a hearing to "evaluate whether to temporarily suspend or modify the obligations under the Renewable Energy Program established as part of the Climate Leadership and Community Protection Act."[2] The 2019 Climate Leadership and Community Protection Act (CLCPA) does allow the Public Service Commission to temporarily modify or

[1] Case 15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, Coalition for Safe and Reliable Energy ("Coalition") Petition for Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant To Public Service Law §66-p(4) (Jan. 6, 2026) ("petition").
[2] Id. p.1.

suspend the Renewable Energy Program if, after a hearing, the Commission "makes a finding that the program impedes the provision of safe and adequate electric service."[3]

It is important to state upfront that the Biennial Review process is in the midst of playing out. In a May 15, 2025 Order[4], the PSC adopted the final Clean Energy Standard (CES) Biennial Review which summarizes the progress made toward meeting the state's renewable energy and zero emission targets. This Order – which partially concludes the process started in 2024 in the July 1, 2024 draft Biennial Review filing[5] – is a key step in improving procurement in NYS. The order declined to recommend modifications to the statutory goals and instead identified concrete actions to accelerate renewable energy development including:

- Increasing the procurement size by 25%, from 4,500 GWh to 5,600 GWh annually.
- Allowing an adjustment formula for the period between contract execution and Commercial Operation Date. The specific nature of the adjustment is not clear in the order, but any adjuster would better reflect the rapidly changing dynamics of the current economy and supply chain.
- Increasing the contract tenor up to 25 years for land-based projects, and 30 years for OSW.
- Providing greater flexibility to NYSERDA on extending Commercial Operation Milestone Date (COMD) as needed when projects hit unforeseen delays.
- Extending Tier 2 (Maintenance Tier) contracts to a 10-year tenor.

To be clear, the Order kicks off "a holistic review of the CES solicitation practices to identify improvements to ensure the efficient and cost-effective achievement of the state's clean energy ambitions." The PSC's review of the CES' solicitation practices will examine ways to ensure the method NY procures new clean energy resources is aligned with the current

[3] Chapter Law 106 of 2019, Public Service Law 66-p(4)
[4] Case 15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, May 15, 2025 Commission Order Adopting Clean Energy Standard Biennial Review as Final and Making Other Findings.
[5] Case 15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, July 1, 2024 draft Biennial Review Report.

realities, e.g. rising supply chain costs, inflation, federal action that threatens the entire renewable energy industry, and significant load growth forecasts, in part the result of economic development revitalization in upstate NY. The details of these improvements are currently under discussion, but the process must be allowed to play out. This petition, if allowed to move forward, would prevent the May 2025 Clean Energy Standard Order's recommended actions from being fully implemented, and the procurement process from being improved.

The Coalition's petition claims that renewable generation is not being constructed at a fast enough pace resulting in the grid facing electricity reliability issues. The Coalition's petition misidentifies the cause of any possible reliability problems, and the petition implies that the reliability issue is statewide and persistent. Based on recent NYISO reports, that is not accurate.

The Petition makes a causation error in misattributing the reliability problem to the variability of renewable generation, when it is the increasing retirement of fossil generation and the unreliability of the remaining fossil generation that is causing reliability issues. The Petition cites the loss of 4,315MW of fossil generation retirement against 2,274 MW in new renewable generation that has come on-line. New renewable generation did not create this gap, it is actually the speed of fossil retirements that is causing the gap. New renewable generation is continuously coming online to fill the gap created by these fossil retirements and outages. Renewable generation paired with energy storage is an additional solution to this gap, not the cause of it. Although not mentioned in the petition, standalone storage projects are increasingly playing an important role in improving the reliability of the grid.

As the Petition states, fossil generating plants are going offline and the ones remaining are old and prone to failure. The Petition cites the New York Independent System Operator ("NYISO") 2025 Power Trends report on the increase in reliability concerns due to the age and maintenance of our existing fossil-fuel fleet.

> *As these fossil-fuel generators age, they are experiencing more frequent and longer outages. Greater difficulties in maintaining older equipment, combined with the*

impact of policies to restrict or eliminate emissions may drive aging generators to deactivate, which would exacerbate declining reliability margins. Reliability concerns associated with age and condition of New York's fossil fleet were underscored this past winter by the outages of three units.[6]

These aging fossil-fuel plants placed additional stress on the grid during the late June 2025 heatwave. NYISO was required "to activate dispatchable, fossil-fuel generators and purchase electricity from other grids. Fossil-fuel generators experienced challenges during the heatwave. Specifically, more than 2,000 MW of aging capacity was offline." Notably, it was renewable resources and demand response programs which reduced the peak load.[7] In addition, during that June 2025 heatwave, behind-the-meter solar not only reduced the peak load on the grid but also saved New York ratepayers $90 million from increased electricity costs.[8]

Wind and solar generation are proven technologies that can power our electric grid. Currently, Iowa generates 61 percent of their electricity from these renewable energy sources, South Dakota 58 percent and New Mexico, 54 percent.[9] Yet, in New York State, wind and solar projects face deployment hurdles, including interconnection delays, transmission constraints, permitting, and contracting challenges.

Interconnection delays remain one of the most significant barriers to timely renewable deployment. The current lack of an accountability mechanism to ensure that utilities maintain the schedules agreed to in the Interconnection Agreements has led to repeated incidents of completed projects that are not able to connect to the grid because of a lack of utility timeliness. This has resulted in renewable generation sitting idle while waiting for the utilities to complete projects in which they have had years of schedule visibility.

[6] New York System Independent Operator, 2025 Power Trends, p. 25
[7] https://www.nyiso.com/-/june-heatwave-tests-electric-grid-in-new-york
[8] https://www.aceny.org/blog/solar-power-is-already-saving-new-yorkers-millions-and-its-just-the-beginning

[9] https://cleanpower.org/facts/state-fact-sheets/

Another large barrier to the decarbonization of the New York grid is insufficient transmission capacity in certain locations. This restricts the interconnection of renewable energy projects and results in the congestion and curtailment of renewable power. The loss of this lower-cost electricity increases New Yorkers' energy bills. We encourage the PSC to address this issue by directing the NYISO to study and propose bulk transmission solutions for constrained grid zones where there are sub pockets identified as having a high risk of renewable curtailments. The NYISO's *2023-2042 System and Resource Outlook*[10] higher energy demand scenario estimates that over 2,000 GWh of renewable generation will be curtailed by 2035. This is lost electricity because of a lack of grid investment. There are concerns that the Coordinated Grid Planning Process, which was formed to address this issue, does not move in a timely manner to support the completion of renewable projects. Despite reluctance to build transmission in advance of having constructed renewable generation to fill it, that is in fact the only way forward. Generation cannot be built without the transmission existing first.

Even given these delays to deployment, renewable power paired with energy storage is still the fastest and cheapest generation to build. Repowered generation plants also have permitting hurdles and supply chain issues regarding gas-fired turbines. A recent Wood Mackenzie study has found that new fossil generation will be difficult to bring online before 2030. "Manufacturing capacity constraints could delay new gas-fired power plant construction. Wood Mackenzie calculates around 90 percent utilization of gas turbine manufacturing capacity in 2025, which could cause some US developers to find that 2030 or beyond is the earliest opportunity to bring new combined cycle capacity online." [11]

[10] New York Independent System Operator. 2023-2042 System & Resource Outlook (The Outlook). July 23, 2024.

[11] Wood Mackenzie, The new landscape for gas-fired power: turbocharged or turbo lag?
Global gas-fired power faces both opportunities and challenges through 2040, as manufacturing constraints, rising costs and regional dynamics shape the sector's outlook, May 14, 2025.

By contrast, the many fully permitted renewable energy projects in NYS can begin construction as soon as spring 2026, and solar and wind generation equipment have lead times of under one year.

The suspension or modification of the Renewable Energy Program as spelled out in the CLPCA will only increase costs to ratepayers and delay the health and climate benefits gained from renewable construction. Any modification in the State renewable policy will create uncertainty on the State climate commitments and will have ripple effects resulting in less investment in renewable generation and transmission, project delays, and increased costs. None of these impacts will address the reliability gap and will only increase ratepayer costs.

As stated above, the petition implies that the reliability issue is statewide and persistent, which does not accurately reflect the information in recent NYISO reports. The NYISO Short-Term Assessment of Reliability: 2025 Quarter 3 report identifies reliability issues that could arise in Zone J (New York City) and Zone K (long Island)[12] but this report does not include the additional MW generation available from transmission and generation projects already under construction. Not calculated into this assessment is transmission through the Gowanus-Greenwood, the Champlain Hudson Power Express, the Propel NY Public Policy Transmission Project, and generation from the Empire Wind offshore wind project.

As pointed out in the recently filed white paper by NY- Battery and Energy Storage Technology Consortium on Unlocking Distributed Energy Storage to Address Reliability Needs in New York City, NYISO undervalues the ability of distributed energy storage to meet peak load. The whitepaper estimates that distributed storage projects currently being developed and bulk storage projects coming online on transmission systems could address the identified shortfall. Energy storage projects “could be directed to discharge in a cascading fashion to cover extended peak periods. For this reason, the approximately 2,526 MWh of four-hour

[12] New York Independent System Operator (NYISO), Short-Term Assessment of Reliability: 2025 Quarter 3, October 13, 2025.

energy storage expected online in NYC by 2029 could directly address Con Ed's projected 1,800 MWh reliability need in 2031, despite the seven-hour shortfall duration."[13]

In fact, in Case 25-E-0764, the Commission has already taken steps to address any forthcoming reliability issues with the initiation of the December 2025 Order Initiating Proceeding and Directing Reliability Contingency Plan. The actions taken in this Case and under this Order will timely assess and address any reliability issues.

Renewable energy is not a luxury. These proven technologies generate lower cost electricity, decrease air pollution and climate emissions, and improve New Yorker's health. Energy storage, renewable generation, and grid modernization are proven solutions that help utilities avoid expensive peak power purchases and emergency fixes — savings that flow back to ratepayers. These technologies make the grid more resilient, reliable, and affordable.

We urge the Public Service Commission to reject this petition. New York ratepayers deserve to have lower cost, clean power. The State should support the accelerated deployment of renewable energy by continuing its actions in removing construction and transmission hurdles to ensure that more power is brought online faster than fossil-fired generation is retired or taken offline.

[13] In Case 25-E-0764, NY- Battery and Energy Storage Technology Consortium on Unlocking Distributed Energy Storage to Address Reliability Needs in New York City Whitepaper January 2026