

April 30, 2026

Hon. Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Empire State Plaza, Agency Building Three  
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

Dear Secretary Phillips,

Columbia Law School's Sabin Center for Climate Change Law ("Sabin Center") and the undersigned members of the New York State Climate Action Council, writing in their individual capacities, respectfully submit these comments in response to the *Notice Soliciting Comments Regarding Petition for Hearing To Suspend or Temporarily Modify Renewable Energy Program* issued by the Public Service Commission ("Commission") on January 28, 2026. The Notice seeks comments on a petition filed by various industry groups, requesting that the Commission hold a hearing, pursuant to Public Service Law § 66-p(4), to evaluate whether "to temporarily suspend or modify the obligations under the Renewable Energy Program," which was established via the Climate Leadership and Community Protection Act (the "CLCPA"), and is being partially implemented through the "Clean Energy Standard."<sup>1</sup>

The Petition states that it is supported by "members of the state's Climate Action Council."<sup>2</sup> The views of the two members who signed onto the Petition should not, however, be taken to represent those of the Council as a whole.<sup>3</sup> The four undersigned Council members, along with the Sabin Center, strongly oppose the Petition and urge the Commission not to move forward with a hearing for the following reasons:

- Under the Public Service Law, the Commission is only authorized to suspend or modify obligations under the Clean Energy Standard in limited circumstances. The Petition provides no evidence that those circumstances exist. It offers only vague assertions that the Standard "*may* impede the provision of safe and adequate electric service and upset the necessary balance of reliable, economic and sustainable energy in New York State"

---

<sup>1</sup> The Petition uses "Renewable Energy Program" throughout to refer to the CLCPA's electricity sector obligations, but the specific program that the Commission has thus far established "pursuant to" Pub. Serv. Law ("PSL") § 66-p is the Clean Energy Standard. We therefore use Clean Energy Standard throughout.

<sup>2</sup> Petition, at 1.

<sup>3</sup> We note that the two Council members who signed onto the Petition were among the small sub-set of members who voted against adoption of the CLCPA Scoping Plan. The Plan was approved by a supermajority of the 22-member Climate Action, with only three dissenting votes cast by Donna L. DeCarolis, Gavin J. Donohue, and Dennis Elsenbeck. The Petition's reliance on this same limited subset of Council members does not reflect the position of the Council as a whole. Moreover, there are external limitations on whether other members of the Climate Action Council can sign on to this letter. The absence of their signatures here should not be interpreted to mean that they necessarily support the Petition.

(emphasis added).<sup>4</sup> But this is not the standard set out in the Public Service Law and, in any event, these assertions are based on misleading claims about the challenges of building new generation, and the relative cost and reliability of renewable versus fossil fuel generation.

- As noted in the Petition, the Commission completed a mandatory review of the Clean Energy Standard less than a year ago and, at that time, adopted reforms designed to “advance progress towards the State’s clean energy goals as expeditiously and cost effectively as possible.”<sup>5</sup> These reforms should be given time to play out. Revaluation now, just a few months after the Commission completed its Biennial Review, would only lead to uncertainty and discourage investment in new generation, exacerbating the reliability risks the Petition claims to be concerned about.
- The Petition conveniently ignores the major environmental and climate justice issues that would flow from modifying or suspending obligations under the Clean Energy Standard. The Commission cannot similarly ignore these issues. In fact, the CLCPA requires that the Commission design programs in a manner to provide substantial benefits for disadvantaged communities.<sup>6</sup>

#### **I. The Petition Lacks Any Evidence that Would Support a Finding that the Commission has Authority to Suspend or Modify Obligations under the Clean Energy Standard**

Section 66-p(4) of the Public Service Law grants the Commission limited authority to suspend or modify obligations under the Clean Energy Standard if it, “after conducting a hearing as provided in [PSL § 20], makes a finding that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant increase in arrears or service disconnections that the commission determines is related to the program.”<sup>7</sup> The Petition provides no concrete evidence that any of these circumstances exist. Absent such evidence, the Commission should not devote time and resources to holding a hearing, especially when it only just recently completed its statutorily mandated review of the Clean Energy Standard through the Biennial Review.

The Petition asserts that “New York will not achieve ... the 70% [renewable energy] target by 2030,”<sup>8</sup> and that “there are reasons to doubt that New York will achieve the 2030 Zero Emissions Target,”<sup>9</sup> but that is wholly irrelevant to whether the Commission should suspend or modify obligations under the Clean Energy Standard. Similarly, the Petition’s vague assertions about “risks to reliability” from continuing to work towards the renewable energy targets in the CLCPA are insufficient to justify action under section 66-p(4).

---

<sup>4</sup> *Id.* at 1-2.

<sup>5</sup> Order Adopting Clean Energy Standard Biennial Review as Final and Making Other Findings, at 31, Case 15-E-0302, N.Y. PUB. SERV. COMM’N (May 15, 2025) [hereinafter “Biennial Review”].

<sup>6</sup> PSL § 66-p(7).

<sup>7</sup> *Id.* § 66-p(4).

<sup>8</sup> Petition, at 2.

<sup>9</sup> *Id.* at 17.

Many of the reliability risks asserted in the Petition are based on incorrect assumptions about (1) the cause and impact of fossil fuel generator retirements, (2) the relative ease of building new fossil fuel generation compared to renewable energy facilities, and (3) the cost and reliability of different energy sources.

**a. The Petition Misrepresents the Cause, and Effect, of Fossil Fuel Generator Retirements**

The Petition seeks to justify its claim that grid reliability is at risk by pointing to “the increasing retirement of aging fossil-fuel generators,” which it claims is “due to the CLCPA,”<sup>10</sup> but that is not the case. There are multiple reasons that aging fossil-fuel generators are retiring independent of the CLCPA’s provisions. For example, many of the fossil fuel peaker plants that have closed or at risk of closure are more than fifty years old,<sup>11</sup> operate only a handful of days per year,<sup>12</sup> face escalating maintenance and standby costs, and significant community opposition.<sup>13</sup> These operational and economic realities, not the CLCPA, are driving retirement decisions.

The Petition implies that maintaining reliability in the face of fossil fuel generator retirements is impossible because of New York’s “inability to timely develop renewable energy generation facilities” but it conveniently ignores other tools in New York’s toolkit. As recognized in the CLCPA Scoping Plan, expanding energy storage, using alternative fuels, integrating demand response and other grid technologies, and repowering fossil fuel generation in limited circumstances are all options for maintaining reliability while advancing progress under the CLCPA.<sup>14</sup> And the Scoping Plan isn’t a buck shot of hastily assembled recommendations. On the contrary, the Scoping Plan was developed through an extensive, multi-year process involving over 29 Climate Action Council meetings, approximately 79 advisory-panel meetings, 11 public hearings, and more than 35,000 public comments. It provides a comprehensive, analytically grounded framework for achieving the CLCPA’s emissions limits while also ensuring an affordable and reliable energy system for the benefit of all New Yorkers. Indeed, the Scoping Plan indicates that implementation will deliver consumer cost savings, improved public health outcomes, and significant economic and workforce benefits, while strengthening system reliability through a transition to clean energy resources. Not implementing the Scoping Plan could cost New

---

<sup>10</sup> *Id.* at 3.

<sup>11</sup> Indeed, the oldest peaker plants operating in 2020 dated back to the 1950s. *See Dirty Energy, Big Money: How Private Companies Make Billions from Polluting Fossil Fuel Peaker Plants in New York City’s Environmental Justice Communities—and How to Create a Cleaner, More Just Alternative*, at 7, PEAK COALITION (2020), <https://www.nylpi.org/wp-content/uploads/2020/05/PEAK-report-Dirty-Energy-Clean-Money-May-2020.pdf>.

<sup>12</sup> In 2019, for example, “79 out of [New York City’s] 89 peaker units were online for less than 5% of the time and 60 of them for less than 1% of the year.” THE FOSSIL FUEL END GAME: A FRONTLINE VISION TO RETIRE NEW YORK CITY’S PEAKER PLANTS BY 2030, at 9, PEAK Coalition (Mar. 2021), <https://www.cleaneenergy.org/wp-content/uploads/Fossil-Fuel-End-Game.pdf>.

<sup>13</sup> For example, the Somerset Generation Plant, which closed on March 31, 2020, cited closing due to “deteriorating market conditions” as well as tighter emissions limits. *See Somerset Generation Plant*, GLOBAL ENERGY MONITOR WIKI, [http://gem.wiki/Somerset\\_Generation\\_Plant#cite\\_note-lockport-1](http://gem.wiki/Somerset_Generation_Plant#cite_note-lockport-1).

<sup>14</sup> *See* CLCPA SCOPING PLAN, NEW YORK STATE CLIMATE ACTION COUNCIL (Dec. 2022) [hereinafter “SCOPING PLAN”]. As to repowering, the Scoping Plan makes clear that should be considered only after zero-emission and alternative fuel resources are “fully analyzed and determined to not be able to reasonably solve the identified grid reliability.” *Id.* at 227.

Yorkers more than \$115 billion.<sup>15</sup> On the other hand, achieving the targets would impose relatively modest costs on the State’s economy, while providing over \$100 billion in net benefits.<sup>16</sup>

### **b. Fossil Fuel Generating Plants Are Not Easier to Build than Renewable Energy Facilities**

The Petition erroneously suggests that New York’s reliability challenges can be solved by doubling down on fossil fuel generation. According to the Petition, there is a need to “repower[] existing, older fossil fuel plants” and build new ones, but there is no reason to think this will be faster or cheaper than expanding renewables.<sup>17</sup>

Fossil fuel infrastructure has been impacted by supply chain disruptions and bottlenecks. Currently, it can take up to five years from the time of order before a large gas turbine begins operating.<sup>18</sup> For smaller turbines, the wait is up to three years.<sup>19</sup> Long lead times also come with higher prices.<sup>20</sup> A 2026 report projects that “the cost of gas turbines is expected to spike 195 percent above 2019 levels by the end of next year.”<sup>21</sup> Beyond lead times, new or repowered fossil generators of twenty-five megawatts (“MW”) or more (i.e., “major electric generating facilities”) are also subject to siting review under Article 10 of the Public Service Law, a process that regularly takes several years.<sup>22</sup> These vulnerabilities undermine the Petition’s assertion that continued implementation of the Clean Energy Standard would “impede” safe and reliable electricity service. If anything, they demonstrate the risks of continued reliance on fossil fuel generation.

On the other hand, suspending or modifying the Clean Energy Standard risks discouraging investment in new renewable energy facilities. This would only exacerbate the reliability risks the Petition claims to be concerned about, as renewable energy can typically be deployed more rapidly than fossil fuels.<sup>23</sup>

---

<sup>15</sup> *Id.* at 129.

<sup>16</sup> *Id.*

<sup>17</sup> Petition, at 22.

<sup>18</sup> See Bobby Noble, *5-year waits and rising costs: How demand is redefining the gas turbine market*, UTILITY DIVE (Mar. 23, 2026), <https://www.utilitydive.com/news/5-year-waits-and-rising-costs-how-demand-is-redefining-the-gas-turbine-mar/813385/>; see also Jesse Cohen et al., *Gas Turbine Supply Constraints Threaten Grid Reliability; More Affordable Near-Term Solutions Can Help*, RMI (June 18, 2025), <https://rmi.org/gas-turbine-supply-constraints-threaten-grid-reliability-more-affordable-near-term-solutions-can-help/> (noting that just three companies will supply most of the demand for new gas turbines and that each company has indicated delayed delivery times for turbines).

<sup>19</sup> Noble, *supra* note 18.

<sup>20</sup> *Id.* (“In just the past six months, [*Electric Power Research Institute*] research shows average gas turbine prices increased from roughly \$2,000/kW to \$3,000/kW, a nearly 50% increase.”).

<sup>21</sup> Christa Marshall, *Gas turbine costs to spike 195% from data center boom*, report say, POLITICO (Apr. 2, 2026), <https://www.eenews.net/articles/gas-turbine-costs-to-spike-195-from-data-center-boom-report-says/>.

<sup>22</sup> See generally, PSL, Article 10.

<sup>23</sup> See Susan Tierney & Lori Bird, *Setting the Record Straight About Renewable Energy*, WORLD RESOURCES INST. (May 12, 2020) <https://www.wri.org/insights/setting-record-straight-about-renewable-energy>.

Contrary to what the Petition suggests, “clean alternatives to oil and gas ... are both inexpensive and widely available.”<sup>24</sup> Since 2010, the cost of clean energy technology has dropped significantly, making most sources more cost effective than fossil fuels.<sup>25</sup> Solar energy, in particular, has been a key driver of the “renewable energy revolution”<sup>26</sup> in many areas. One key part of solar’s recent success is that the cost of utility scale solar has dropped 90% since 2010.<sup>27</sup> Domestically, solar met 61% of electricity demand growth last year, and in states where electricity demand grew most, so did solar.<sup>28</sup> Internationally, solar deployment is surging and quickly reshaping the energy mix of entire countries. For example, Pakistan imported about 22 gigawatts of solar panels in just one year, driven in part by declining costs, and solar is expected to account for 20% of the country’s electricity production by the end of this year, up from 4% in 2021.<sup>29</sup>

Wind energy has seen similar gains in competitive pricing. Between 2010 and 2024, for example, the total installed costs and the levelized cost of electricity for offshore wind dropped 48% and 62%, respectively.<sup>30</sup> Though anticipated costs for offshore have risen since 2020, so too have “the anticipated costs of power generation from most fossil sources[.]”<sup>31</sup> Even still, a 2025 report modeling the effects of the addition of 32 planned or proposed offshore wind farms off the Atlantic coast of the United States projected they would produce \$74 of net benefits per megawatt hour (“MWh”) of offshore wind, assuming mid-level costs.<sup>32</sup> Internationally, countries are moving full steam ahead with deploying tremendous amounts of offshore wind with tens of gigawatts (“GW”) worth of capacity, underscoring the technology’s reliability and scalability.<sup>33</sup> After clean energy

---

<sup>24</sup> Jonathan Mingle, *Remember the Oil Shocks of the '70s? This Is Going to Be Worse. Much Worse.*, N.Y. TIMES (Apr. 1, 2026), <https://www.nytimes.com/2026/04/01/opinion/oil-crisis-iran-electric-solar.html>.

<sup>25</sup> See Elizabeth Yee, *Another Energy Crisis Is Here. This Time, the Way Out is Different*, THE ROCKEFELLER FOUNDATION (Apr. 1, 2026), <https://www.rockefellerfoundation.org/perspective/another-energy-crisis-is-here-this-time-the-way-out-is-different/> (noting that since 2010, the cost of utility scale solar has fallen by approximately 90 percent, onshore wind by 70 percent, and battery storage by 90 percent, and that “even at normal fuel prices, new solar costs roughly half as much as new coal or combined-cycle gas.”).

<sup>26</sup> See Rebecca Solnit, *The renewable energy revolution is a feat of technology*, THE GUARDIAN (July 30, 2025), <https://www.theguardian.com/commentisfree/ng-interactive/2025/jul/30/renewable-energy-revolution-technology>.

<sup>27</sup> See RENEWABLE POWER GENERATION COSTS IN 2023, at 9-10, INT. RENEWABLE ENERGY AGENCY (2023), [https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2024/Sep/IRENA\\_Renewable\\_power\\_generation\\_costs\\_in\\_2023\\_executive\\_summary.pdf](https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2024/Sep/IRENA_Renewable_power_generation_costs_in_2023_executive_summary.pdf).

<sup>28</sup> See Dave Jones et al., *Solar met 61% of US electricity demand growth in 2025*, EMBER (Jan. 2026), <http://ember-energy.org/latest-insights/solar-met-61-of-us-electricity-demand-growth-in-2025/>.

<sup>29</sup> See Beth Gardiner, *Pakistan’s Solar Revolution Is Bringing Power to the People*, YALE ENVIRONMENT E360 (July 9, 2025), <https://e360.yale.edu/features/pakistan-solar-boom>.

<sup>30</sup> See Renewable Power Generation Costs in 2024, at 4, INT. RENEWABLE ENERGY AGENCY (2023), [https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2025/Jul/IRENA\\_TEC\\_RPGC\\_in\\_2024\\_Summary\\_2025.pdf](https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2025/Jul/IRENA_TEC_RPGC_in_2024_Summary_2025.pdf).

<sup>31</sup> Daniel Shawhan et al., *Offshore Wind Power Examined: Effects, Benefits, and Costs of Offshore Wind Farms Along the US Atlantic and Gulf Coasts*, at 4, RESOURCES FOR THE FUTURE (Updated Feb. 2025), [https://media.rff.org/documents/WP\\_24-17\\_2.25\\_Update.pdf](https://media.rff.org/documents/WP_24-17_2.25_Update.pdf).

<sup>32</sup> *Id.* at 23-24.

<sup>33</sup> For example, the United Kingdom has quadrupled its wind energy capacity since 2012, up to almost 14 GW, and has a target to achieve 50 GW of offshore wind by 2030. See *Offshore Wind*, UNITED KINGDOM GOVERNMENT, <https://www.business.gov.uk/invest-in-uk/investment/sectors/offshore-wind/>. In 2025, between the months of January and May alone, China added 46 GW of offshore wind. See Amy Hawkins, *China breaks more records with surge in solar and wind power*, THE GUARDIAN (June 26, 2025), <https://www.theguardian.com/world/2025/jun/26/china-breaks-more-records-with-massive-build-up-of-wind-and-solar-power>.

infrastructure is installed, its operational costs are not dependent on imported commodities that also pollute the environment and contribute to global climate change.

The falling costs and rapid and widespread deployment of clean energy demonstrates that substantial investment in renewables is possible while achieving reliable electric service. It is true that New York is facing challenging circumstances with respect to clean energy deployment but increasing the grid's dependence on unstable and expensive fossil fuels is not the solution. Although the second Trump administration has attempted to halt construction of offshore wind facilities that will serve New York, every effort has been struck down in court.<sup>34</sup> Moreover, the Trump administration will only be in office until January of 2029, meaning that the time from now until then can be devoted to designing, planning, procuring and contracting, and reviewing additional projects.

### **c. Fossil Fuels are Not Inherently More Reliable or Cost-Effective than Renewable Energy**

The Petition also makes misleading claims suggesting that renewable resources are inherently less reliable than fossil-fuel generators, or at least cannot provide comparable reliability at scale.<sup>35</sup> Fossil fuel infrastructure faces major reliability challenges that the Petition conveniently ignores, including operating deficiencies in a warming world, fuel price volatility, and high capital costs with delayed timelines. On the flip side, low-carbon sources of energy like solar, wind, and battery storage have seen major price decreases, are not dependent on international geopolitical stability, and in many areas of the world, are being deployed at an unprecedented rate (as described above). While renewable energy is necessarily intermittent, this does not make them inherently unreliable. On the contrary, intermittency can be managed by developing a broad portfolio of renewable resources, taking advantage of battery storage which is seeing rapid cost declines, and harnessing demand-side resources which are similarly low cost.<sup>36</sup> Indeed, research indicates that energy systems with higher penetration of renewables are less vulnerable to extreme weather, compared to those that are more reliant on fossil fuels.<sup>37</sup>

In a warming world with expanding energy demand, fossil-fuel generators face significant reliability vulnerabilities to climate, geopolitical, and supply-chain risks. On the climate side of things, fossil-fuel generators are vulnerable to extreme temperatures—both cold and hot.

---

<sup>34</sup> See e.g., *Empire Leaseholder et al., v. Burgum et al.*, No. 1:26-cv-00004 (D.D.C. Jan. 2, 2026) (granting preliminary injunction allowing construction on Empire Wind to resume); *Sunrise Wind LLC v. Burgum et al.*, No. 1:26-cv-00028-RCL (D.D.C. Jan. 6, 2026) (same).

<sup>35</sup> See, e.g., Petition, at 3 (stating without support that “it may take more than two times the amount of certain forms of renewable generation to make up for the loss of one megawatt of fossil-fuel generation”); at 20 (summarizing a the State Energy Plan as acknowledging that “fossil-fuel generation will remain an essential part of electric grid reliability and affordability and that the retirement of that generation will not be able to occur until resources that provide the same grid reliability attributes are put in place.”); and at 23 (“The Coalition is generally supportive of the continued pursuit of renewable energy generation – but not at the expense of grid reliability and safe, adequate and affordable electric service.”).

<sup>36</sup> See Paul Cosgrove et al., *Intermittency and periodicity in net-zero renewable energy systems with storage*, 212 RENEWABLE ENERGY, 299-307 (2023), <https://doi.org/10.1016/j.renene.2023.04.135> (concluding that “[e]nergy storage is an effective means of making an intermittent and unreliable renewable energy system highly reliable.”).

<sup>37</sup> See Jin Zhao et al., *Impacts of renewable energy resources on the weather vulnerability of power systems*, NAT ENERGY 9, 1407–1414 (2024), <https://doi.org/10.1038/s41560-024-01652-1>.

Increasing average temperatures can reduce the operational efficiency of gas generators, and more frequent and severe heat waves can reduce their capacity beyond what has been planned for, or force them offline entirely.<sup>38</sup> Extreme cold often leads to “coincident peaking,” which constrains gas generators’ ability to receive fuel and meet increased demand, and can cause infrastructure like gas wells and pipelines to freeze or malfunction.<sup>39</sup> Additionally, fossil fuel infrastructure, including gas generators, require large amounts of water to operate, making them susceptible to drought conditions and other climate-driven changes in water availability.<sup>40</sup> Further, fossil fuel infrastructure located in coastal areas is vulnerable to rising sea levels, more intense storm surges, and heavy precipitation events, which can also disrupt fuel storage and transportation.<sup>41</sup> These stressors can lead to multiple and related system outages during extreme or sustained weather events, undermining the reliability of fossil fuel generators when they are needed most.<sup>42</sup> In other words, even assuming the Petition was right, swapping clean energy for repowered fossil fuel generators would not resolve the reliability impediment it alleges the Clean Energy Standard poses.

Beyond reliability impacts due to climate change, fossil-fuel generators are vulnerable to global commodity price volatility.<sup>43</sup> Recent disruptions to natural-gas supply<sup>44</sup> illustrate how access to, and the price of, fossil fuels remain susceptible to external shocks.<sup>45</sup> Sudden price increases generally stem from supply-side shocks that reduce the supply of natural gas, which in turn, can put significant pressure on the electricity system. The gas system is particularly susceptible because global gas demand has outpaced oil two-to-one over the last decade—in the U.S., demand

---

<sup>38</sup> See Paul Arbaje, *Extreme Summer Weather Threatens Gas Power Plants. Here’s How.*, UNION OF CONCERNED SCIENTISTS (Sep. 13, 2023), <https://blog.ucs.org/paul-arbaje/extreme-summer-weather-threatens-gas-power-plants/>.

<sup>39</sup> See Sarah Brown, *Expert Q&A: How Can the US Avoid Power Outages During Winter Storms?*, WORLD RESOURCES INST. (Feb. 3, 2026), <https://www.wri.org/insights/how-can-US-avoid-winter-storm-blackouts>.

<sup>40</sup> Amy Myers Jaffe et al., *IMPACT OF CLIMATE RISK ON THE ENERGY SYSTEM*, COUNCIL ON FOREIGN RELATIONS (2019), at 22-32, [https://assets.cfr.org/images/Impact-of-Climate-Risk-on-the-Energy-System\\_0/Impact-of-Climate-Risk-on-the-Energy-System\\_0.pdf](https://assets.cfr.org/images/Impact-of-Climate-Risk-on-the-Energy-System_0/Impact-of-Climate-Risk-on-the-Energy-System_0.pdf). On the other hand, “solar and wind energy do not require much water.” *Id.* at 24.

<sup>41</sup> *Id.* at 11-22 (“Because a high percentage of U.S. refining is coastal, sea-level rise and the potential for more severe storms are both challenges for the U.S. oil and gas industry.”); see also *CLIMATE CHANGE AND THE U.S. ENERGY SECTOR: REGIONAL VULNERABILITIES AND RESILIENCE SOLUTIONS*, at 7-1, U.S. DEP’T OF ENERGY (2015), [https://www.energy.gov/sites/prod/files/2015/10/f27/Regional\\_Climate\\_Vulnerabilities\\_and\\_Resilience\\_Solutions\\_0.pdf](https://www.energy.gov/sites/prod/files/2015/10/f27/Regional_Climate_Vulnerabilities_and_Resilience_Solutions_0.pdf).

<sup>42</sup> See *CLIMATE CHANGE AND THE U.S. ENERGY SECTOR: REGIONAL VULNERABILITIES AND RESILIENCE SOLUTIONS*, *supra* note 33, at 7-7 (explaining how impacts to the electric grid from weather events like hurricanes have led to cascading sector failures in the Northeast).

<sup>43</sup> See generally, Jonathan Mille et al., *Understanding energy system dynamics in a changing climate: Insights for first responders and risk managers*, 28 *ISCIENCE* 9 (Sep. 2025), <https://doi.org/10.1016/j.isci.2025.113320> (“Systems heavily reliant on fossil energy are inherently vulnerable: any disruption in its energy supply can trigger wide-ranging and cascading effects.”)

<sup>44</sup> The world’s largest fossil gas field, the South Pars gas field in Iran, was recently hit by a drone strike. In response, Iran used a ballistic missile to inflict “extensive damage” to the world’s largest liquified natural gas facility in Qatar. See Malcolm Moore, Verity Ratcliffe, Andrew England, and Najmeh Bozorgmehr, *Iran inflicts ‘extensive damage’ on site of world’s largest LNG facility in Qatar*, FINANCIAL TIMES (updated Mar. 19, 2026), <https://www.ft.com/content/e3814e6f-a1c9-4ad4-b449-c14064d58f42?syn-25a6b1a6=1> and Peter Beaumont, *Middle East war: why tit-for-tat attacks on gasfields are a major escalation*, THE GUARDIAN (Mar. 19, 2026), <https://www.theguardian.com/world/2026/mar/18/middle-east-war-why-attacks-gasfield-south-pars-are-a-major-escalation>.

<sup>45</sup> See, e.g., Gavin Maguire, *Iran war deals harder blow to natural gas than oil*, REUTERS (Mar. 24, 2026), <https://www.reuters.com/markets/commodities/iran-war-deals-harder-blow-natural-gas-than-oil-2026-03-24/> (showing that since the Iran war began, Asian liquified natural gas prices are up 143% and benchmark Europe gas prices are up 85%).

grew 21% between 2015 and 2024.<sup>46</sup> Further, because natural gas accounts for almost half of New York’s electricity generation, the state is particularly exposed to supply-side shocks that it has no control over.<sup>47</sup> Price volatility is just one of several structural risks associated with fossil fuel dependence, particularly with tightening global supply. Yet another major risk due to fossil fuel dependency is that low supply can lead to increased prices *and* actual fuel shortages, causing both reliability and affordability concerns. Several countries are experiencing this exact situation right now, leading to calls for the rationing and conservation of existing fuel supplies, or causing countries to switch to more polluting energy sources like coal.<sup>48</sup> The Petition casually overlooks these significant vulnerabilities.

## **II. The Commission Reviewed the Clean Energy Standard Last Year and Addressed Many of the Issues Raised in the Petition at that Time**

The Public Service Law, as amended by the CLCPA, requires the Commission to issue a comprehensive review of the Clean Energy Standard every two years, which includes a public comment component.<sup>49</sup> At each review, the Commission “shall determine, among other matters: (a) progress in meeting the overall targets for deployment of renewable energy systems and zero emission sources, including factors that will or are likely to frustrate progress toward the targets; (b) distribution of systems by size and load zone; and (c) annual funding commitments and expenditures.”<sup>50</sup> On July 1, 2024, the Commission and the New York State Energy Research and Development Authority (“NYSERDA”) published the Draft Clean Energy Standard Biennial Review.<sup>51</sup> On May 15, 2025, the Commission adopted a final Biennial Review (the “Biennial Review”).<sup>52</sup>

In adopting the Biennial Review last year, the Commission outlined a pathway towards achieving the 2030 renewable energy target, while simultaneously recognizing implementation challenges.<sup>53</sup> The Petition seizes on these challenges as proof that New York state will miss the 2030 renewable energy target set in the CLCPA.<sup>54</sup> But that is inapposite to whether the Commission should hold a hearing under section 66-p(4) of the Public Service Law. The Petition does not make a serious case that the criteria for action specified in that section are met.

---

<sup>46</sup> *Id.*

<sup>47</sup> See *New York*, U.S. ENERGY INFORMATION ADMIN., <https://www.eia.gov/states/NY/overview> (observing that “[n]atural gas generated more than twice as much electricity in New York in 2024 as any other fuel source, accounting for 47% of generation.”).

<sup>48</sup> See River Akira Davis, *This Is What Happens When the Gas Runs Out*, N.Y. TIMES (Mar. 30, 2026), <https://www.nytimes.com/2026/03/30/business/lng-supply-asia-qatar-iran.html> (explaining that as liquefied natural gas imports dry up due to the closure of the Strait of Hormuz, “[c]ountries across Asia that can are switching to oil- and coal-powered electricity generation and in some cases aggressively curtailing consumption,” and quoting that “[t]he only way out, if you can’t fuel-switch, is pay or reduce consumption.”); Rebecca Schneid, *The Strait of Hormuz Crisis Is Driving a Wave of Global Energy Rationing*, TIME (Apr. 5, 2026) (documenting fuel rationing and conservation calls in Australia, South Korea, and other southeast Asian countries).

<sup>49</sup> PSL § 66-p(3).

<sup>50</sup> *Id.*

<sup>51</sup> Biennial Review, at 2.

<sup>52</sup> See generally, *id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 31.

The Biennial Review expressly considered reliability concerns—the Petition’s main stated concern—and resolved them without recommending changes to the 2030 Target. The Commission recognized that “very large amounts” of new renewable and zero-emission resources must be built and that the grid must expand to maintain reliability.<sup>55</sup> But it did not conclude that these challenges rise to the level of impeding safe and adequate service (or triggering section 66-p’s other two conditions).<sup>56</sup> The Petition claims that circumstances have changed, including because federal policy is making building renewables more challenging.<sup>57</sup> But this overlooks the fact that modifying or suspending the Clean Energy Standard would only add to the challenge by increasing uncertainty and discouraging investment in renewable energy. And, as noted above, the Petition ignores that building fossil fuel generation also faces major challenges, no matter where federal policy currently stands.

The Biennial Review incorporated new information, including recent federal policy changes, evaluated system needs, and adopted “course-correcting changes to the program to maintain a trajectory towards achieving the state’s clean energy goals as quickly and cost-effectively as possible.”<sup>58</sup> These reforms should be given time to play out. Indeed, the Petition does not show that continued work toward meeting the 2030 clean energy obligations and beyond will reduce the reliability of the grid such that the obligations should be evaluated, much less paused or weakened.

### **III. Suspending or Modifying the 2030 or 2040 Targets Would Have Major Environmental and Climate Justice Implications that the Commission Must Consider**

New York State enacted the CLCPA with the recognition of the “outsized socioeconomic and public health burden that disadvantaged communities (“DACs”)<sup>59</sup> have historically endured, and continue to endure.”<sup>60</sup> To help address this, the CLCPA directs that “disadvantaged communities shall receive no less than thirty-five percent of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments,” and that DACs should receive “forty percent of overall benefits of spending on clean energy and energy efficiency programs, projects or investments.”<sup>61</sup> The Public Service Law itself directs the Commission to implement the renewable energy program “in a manner to provide substantial benefits for disadvantaged communities.”<sup>62</sup> These are not just aspirational goals, but a legislative directive to implementing

---

<sup>55</sup> *Id.* at 67.

<sup>56</sup> *Id.* at 9.

<sup>57</sup> Petition, at 2.

<sup>58</sup> Biennial Review, at 70.

<sup>59</sup> See *Disadvantaged Communities Criteria*, NEW YORK STATE, <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>.

<sup>60</sup> Hillary Aidun, Julia Li, and Antonia Pereira, *The Climate Leadership and Community Protection Act’s Environmental Justice Promise*, at 1, SABIN CTR. FOR CLIMATE CHANGE LAW (2021), <https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/CLCPA%20EJ%20White%20Paper%204.8.21.pdf> (cleaned up).

<sup>61</sup> N.Y. Envtl. Consv. § 75-0117; see also SCOPING PLAN, at 58-71, NEW YORK STATE CLIMATE ACTION COUNCIL (Dec. 2022) (“[A] fundamental objective of the Climate Act is to ensure that New York’s transition to a clean energy economy works to address the structural disadvantages that have caused historically marginalized communities (e.g., people of color, indigenous, low-income, women) to bear a disproportionate burden of the impacts of climate change and pollution.”).

<sup>62</sup> PSL § 66-p(7).

agencies to center disadvantaged communities during the state’s energy transition and address longstanding environmental and public health inequities. Reinforcing this, section 7(3) of the CLCPA specifically provides that in “considering and issuing permits, licensing, and other administrative approvals and decisions ... state agencies, offices, authorities, and divisions shall not disproportionately burden disadvantaged communities.”<sup>63</sup>

By requesting a hearing to alter the obligations under the Clean Energy Standard while advocating for continued and expanded use of fossil fuel generators, the Petition raises serious environmental and climate justice concerns. It fails to acknowledge, much less address, them. The Commission must do so, however.

Expanding fossil fuel generation would disproportionately impact DACs and undermine their receipt of the benefits of clean energy spending. Fossil fuel generators, including peaker plants, have historically been disproportionately sited in DACs.<sup>64</sup> One recent report estimates that 65 percent of emitting power generators in New York State are located within one mile of a DAC.<sup>65</sup> In New York City, nearly every active peaker plant is located near a DAC, impacting almost a million people.<sup>66</sup> Communities surrounding peaker plants endure localized air pollution, such as nitrous dioxide and fine particulate matter (PM<sub>2.5</sub>), often in addition to pollution from other sources.<sup>67</sup> Power plant pollution can lead to adverse health outcomes and reduce the quality of life in such communities,<sup>68</sup> and social stressors may further exacerbate these impacts. The Petition fails even to mention these realities.

Decisions to continue implementing the CLCPA must be made holistically—in the context of the entire statutory structure. Although the CLCPA clearly and affirmatively centers communities that would stand to benefit the most from reduced reliance on fossil fuels, the Petition devotes not a single word to environmental and climate justice considerations. Other comments submitted in support of the Petition suggest that building out renewables in the upstate region presents its own environmental justice concerns, but conveniently ignore the systemic and acute impacts of prolonging the life of fossil fuel infrastructure.<sup>69</sup>

In this way, the Petition fails to satisfy the statutory standard under PSL § 66-p(4), but also proposes a course of action that would risk directly undermining the very objectives of the CLCPA

---

<sup>63</sup> CLCPA § 7(3).

<sup>64</sup> See Bethel Tarekegne et al., *Analysis of Energy Justice and Equity Impacts from Replacing Peaker Plants with Energy Storage*, at 2, PACIFIC NORTHWEST NAT. LAB. (2022), [https://www.pnnl.gov/sites/default/files/media/file/Analysis\\_of\\_Energy\\_Justice\\_and\\_Equity\\_Impacts\\_from\\_Replacing\\_Peaker\\_Plants\\_with\\_Energy\\_Storage.pdf](https://www.pnnl.gov/sites/default/files/media/file/Analysis_of_Energy_Justice_and_Equity_Impacts_from_Replacing_Peaker_Plants_with_Energy_Storage.pdf).

<sup>65</sup> See Molly Robertson et al., *Prioritizing Justice in New York’s Cap-Trade-and-Invest: Obligating Electricity and Capping Generator Emissions*, at 1, RESOURCES FOR THE FUTURE (June 2024), [https://media.rff.org/documents/IB\\_24-04\\_v3.pdf](https://media.rff.org/documents/IB_24-04_v3.pdf).

<sup>66</sup> See ACCELERATE NOW! THE FOSSIL FUEL END GAME 2.0, at 10-12, PEAK COALITION (Jan. 2024), <https://www.cleangroup.org/wp-content/uploads/Accelerate-Now-Fossil-Fuel-End-Game.pdf>.

<sup>67</sup> PEAK Coalition, *supra* note 11, at 5-6.

<sup>68</sup> See Khanh Do & Yang Zhang, *Assessing Health Risks And Socioeconomic Disparities Associated With Ambient Air Pollution And Point Sources Across The United States*, 375 ENV’T POLLUTION (2025), <https://www.sciencedirect.com/science/article/pii/S0269749125006840>.

<sup>69</sup> See, e.g., Dennis Higgins, Public Comment, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Energy Program & Clean Energy Standard, Case 15-E-0302, N.Y. PUB. SERV. COMM’N.

that the Commission is charged with implementing. The Commission must consider these environmental and climate justice consequences in evaluating the Petition.

## **Conclusion**

For all of these reasons, the Petition does not satisfy the statutory prerequisites for a hearing under PSL § 66-p(4). The Petition offers no evidence that the Clean Energy Standard impedes the provision of safe and adequate service, impairs existing obligations, or has caused increased arrears or disconnections. Instead, it relies on speculative assertions, mischaracterizations of the Commission’s own findings, and a proposed course of action that would undermine the CLCPA’s mandates and exacerbate environmental and climate justice burdens. The undersigned, therefore, respectfully urge the Commission to deny the Petition.

Respectfully Submitted,

/s/ Romany Webb  
ROMANY WEBB  
VINCENT M. NOLETTE  
SABIN CENTER FOR CLIMATE  
CHANGE LAW  
COLUMBIA LAW SCHOOL  
435 West 116<sup>th</sup> Street  
New York, NY 10027

/s/ Steven Englebright  
Suffolk County Legislator  
Fifth Legislative District  
Climate Action Council Member

/s/ Anne K. Reynolds  
Independent Consultant  
Climate Action Council Member

/s/ Robert W. Howarth, PhD  
The Atkinson Professor of Ecology  
& Environmental Biology  
Cornell University  
Climate Action Council Member

/s/ Raya Salter  
Founder and Executive Director  
Energy Justice Law and Policy Center  
Climate Action Council Member