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

Dear Utility Counsel:

Over the last decade, the New York State Public Service Commission (Commission) has undertaken a series of actions to advance affordability protections for low-income consumers across New York State. These actions included the creation of low-income bill discount programs that were established for each of the large investor-owned electric and gas distribution utilities (Utilities). The

Commission established key directives for these programs through an Energy Affordability Policy, including the standardization of utility energy affordability programs (or EAPs) statewide.

These energy affordability programs, which date back to 2016, include processes for customers to enroll in the programs. One way for a customer to be eligible for an EAP is to have received a Home Energy Assistance Program (HEAP) benefit, or a benefit from another federal agency assistance program with overlapping eligibility requirements, within the 12-month period before submitting an application to participate in an EAP.

The New York State Office of Temporary Disability and Assistance (OTDA) administers HEAP, which is federally funded and provides financial heating assistance to low-income households. These federal funds are disbursed to each state by the United States Department of Health and Human Services through the federal government's long-standing Low Income Home Energy Assistance Program (LIHEAP). To facilitate the operation of HEAP, OTDA verifies customer information and eligibility criteria. This OTDA-verified information is then used by utilities to streamline the EAP enrollment. These processes result in a vast majority of customer enrollments in utility EAPs each year.

As you are aware, the United States federal government shutdown on October 1, 2025, after an inability to pass funding legislation for 2026. Because of the ongoing shutdown, the federal government has curtailed executive agency activities, services, and funding programs. This, in turn, has created uncertainty over the status of various federally funded programs, including HEAP. As a result, OTDA recently announced a two-week delay with potential additional delays to open HEAP enrollments for the 2025-26 winter program year. This, coupled with the uncertainty of disbursement and the lack of federal funding for LIHEAP, makes it possible that a significant number of customers will not receive a HEAP benefit or a benefit from another similar qualifying program, which, in turn, may result – under existing protocols – in the disenrollment of those persons from the Utilities' EAPs beginning in November 2025. At the same time, consumers face increasing costs flowing from inflationary pressures and the imposition of tariffs. Earlier today (October 31, 2025), various Utilities filed a petition in Commission case 14-M-0565, acknowledging these unprecedented circumstances and requesting an order from the Commission to pause disenrollment in utility EAPs.

As recognized by the Utilities, the EAPs today face a confluence of unprecedented and unforeseeable events. To avoid the disenrollment of a potentially large number of customers who would otherwise be enrolled in each utility's EAP, and while the Utilities' above referenced petition is reviewed and considered, the Utilities are directed to pause disenrollment from their respective EAPs from November 1, 2025, through Thanksgiving, and continuing on until November 30, 2025. This direction is given due to the unique and specific facts present here, including the unanticipated circumstances, inflationary pressures, and the onset of the winter months and corresponding temperatures.

Sincerely,

s/ John J. Sipos

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