NEW YORK STATE
PUBLIC SERVICE COMMISSION

Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers	**Case 14–M-0565**
In the Matter of Budget Appropriations to Enhance Energy Affordability Programs.	**Case 23-M-0298**

PULP Comments on Department of Public Service Staff's White Paper on Implementing an Enhanced Energy Affordability Program

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I. INTRODUCTION

PULP appreciates the opportunity to comment on the Department of Public Service ("DPS") Staff's White Paper on a moderate-income Energy Affordability Program ("EAP"), known as the Enhanced Energy Affordability Program ("EEAP"). We support all efforts to address affordability concerns for ratepayers who may not be categorically low-income but struggle with rising costs across the board, including in their utility bills. Many of these customers may be just dollars above the current income caps for benefit-qualifying programs and have energy burdens much higher than 6%. This moderate-income affordability program has the potential to ease these burdens, allowing more customers to remain in good standing and avoid service termination.

PULP's primary mission is to serve low-income ratepayers. While we support the development of a moderate-income program, we maintain preservation and continuation of the low-income benefit is paramount. PULP also believes that efforts to ease energy burdens on moderate-income utility customers should not be borne by ratepayers, especially not by low-income households. Although funds were not included in the recently enacted FY 2025-2026 New York State Budget, it is imperative that the Department of Public Service, the State Legislature, the Governor of New York, and all interested stakeholders continue to pursue alternative funding streams.

PULP remains committed to building a strong record that supports the creation of an Enhanced EAP as efficiently and effectively as possible. We commend the ongoing work of the EAP Working Group ("EAPWG") and staff at the Department of Public Service to date. Below, we expand upon our positions related to the Staff proposal.

II. PROCEDURAL HISTORY

In Chapter 53 of the Laws of New York 2023 ("2023-2024 Enacted Budget"), the New York State Legislature tasked DPS, in consultation with the EAPWG to establish a new, expanded discount program to "assist utility customers who do not qualify for the current EAP but whose incomes are below the State Median Income."[1] Previously, the program has also been referred to as "Expanded EAP."

In August 2023, a subgroup of the EAPWG convened to research and develop plans for an enhanced affordability program. The subgroup met regularly throughout the rest of the year. Between 2024 and 2025, DPS Staff engaged with the EAPWG to discuss potential implementation of the EEAP. Staff filed the White Paper on Implementing an Enhanced Energy Affordability Policy in the New York State Register on April 2, 2025.[2]

III. DISCUSSION

A. PULP Comments on Staff Recommendations for Program Integration

PULP recommends that the enhanced EAPs operate independently from the current low-income EAPs in order to protect the low-income programs. While PULP appreciates the lower administrative burden that would come with integrating the programs as extensions of the low-income EAPs currently in operation, the risks to low-income EAP participants are not outweighed by the potential convenience.

Since many utilities have already reached or, in some cases, exceeded the current budget caps on EAP spending, PULP is concerned that discount amounts for low-income enrollees may need be decreased to accommodate new moderate-income enrollees. Although the Staff

[1] See, Chapter 53 of the Laws of 2023, at 1188-1189.
[2] See, New York State Register Vol. XLVII, Issue 13, issued April 2, 2025.

Whitepaper proposes raising the budget caps to 3.5% to support EEAP implementation efforts, PULP holds that increasing the cap alone does not guarantee adequate protection for low-income beneficiaries. Without clear guardrails, there is a real risk that low-income benefits could still be diluted. To prevent this, PULP strongly recommends that any enhanced EAP be established as separate program with its own structure and funding.

B. PULP Comments on Staff Recommendations for Eligibility

PULP supports the recommendations made by Staff in relation to enhanced EAP eligibility. Since the State appropriation called for the creation of an energy affordability program for residential customers whose income is below the state median, it is appropriate to set the eligibility criteria at 100% of State Median Income ("SMI").

The appropriation also directed the Commission to consider the feasibility of using the Area Median Income ("AMI") or other eligibility thresholds in the event the use of SMI prevents reaching all households that have an energy burden greater than 6%. Staff have proposed testing this approach during the two-year pilot by modifying the eligibility criteria in the Con Edison and KEDNY service territories, areas where household incomes often exceed the SMI but still face high energy burdens. In these service territories, households with incomes up to 100% of AMI will be eligible for the enhanced EAP.

PULP commends Staff and working group participants for collaborating to come to this proposal, as it will provide equity for utility customers in areas of the state with both higher incomes and higher costs of living. Moreover, if adopted by the Commission, it would foster continued exploration surrounding the use of AMI in other parts of the state to more influence future program design. PULP encourages DPS Staff, the Joint Utilities, and others to conduct

research through the two-year pilot period to determine whether other areas in the state would benefit.

Staff's proposal breaks eligible customers into three categories: (1) low-income households below 60% SMI that are currently ineligible for EAPs; (2) moderate-income households between 60% and 80% SMI; and (3) households between 80% and 100% SMI.

Staff's proposal to include low-income households that are currently ineligible for EAPs but below 60 percent median income would mend an existing equity gap. These households are currently excluded from EAP simply because they do not qualify for state or federal programs that currently serve as the sole means of enrollment in EAPs. PULP enthusiastically supports this proposal and believes it will provide meaningful support to many of New York's most vulnerable utility customers.

C. PULP Comments on Staff Recommendations for Enrollment

PULP appreciates the work of the EAPWG and Enhanced EAP subgroup to explore whether existing state or federal benefits programs could serve as a proxy eligibility criteria, similar to how such programs are currently used for the low-income EAPs. Since no existing program fully captures households earning up to the state median income, PULP supports Staff's recommendation that utilities, leverage existing enrollment mechanisms when feasible and verify income eligibility either independently or through use of a clearinghouse. PULP believes this approach appropriately balances ease of enrollment for utility customers with the need for program integrity.

PULP supports the recommendation that utilities conduct benefit-cost analyses to assess whether it is more effective to use individual clearinghouse or a single, centralized clearinghouse across all utilities. During the two-year pilot proposed in the White Paper, PULP encourages

Staff to continue to explore whether enrollment verification would be feasible through a state agency, public authority, or a clearinghouse resourced by the Department of Public Service itself.

D. PULP Comments on Staff Recommendations for Benefit Levels

Through the two-year pilot period, PULP is supportive of Staff's recommendation that utilities apply fixed discounts designed to achieve a targeted energy burden of 6%. We agree that it is appropriate to establish income-based tiers, including: (1) households who have incomes less than 60% of the SMI but are no enrolled in a discount program; (2) those who have incomes between 60% and 80% of the SMI; and (3) those who have incomes between 80% and 100% of the SMI.

PULP also supports the use of utility-specific average usage levels and agrees with Staff's proposal to set discount levels assuming income at 70 percent of median income for the middle tier, and 90 percent for the upper tier. Minimum monthly discounts of $3.00 and $1.00 for the respective tiers are reasonable starting points that should move the needle for struggling households. However, without meaningful insight into the actual usage, bills, and incomes of utility customers, PULP cautions that the proposed benefit levels may not be enough to bring energy burdens to 6%. As with the regular EAP, PULP encourages further research and analysis to determine whether more individualized benefit calculations may be necessary to achieve true affordability. Tailored discounting models, particularly for high-usage or high-energy-burdened households, may prove more effective in practice and should be evaluated during the pilot.

PULP is especially supportive of Staff's proposal to provide benefits equal to low-income EAP Tier 1 levels for customers verified to have incomes below 60% of the SMI but who are not currently enrolled in EAP. This approach would help bridge an existing equity gap in the program by reaching households that fall through the cracks of current eligibility thresholds.

However, PULP is concerned by language in Staff's Proposal that may inadvertently disqualify the very population the provision intended to include. Specifically, on page 27, Staff states that such benefits would be available "*provided that a potential recipient's ineligibility is not predicated upon some disqualifying characteristic(s)*" (emphasis added). PULP believes that this qualifier is problematic. Many of the customers who are not currently enrolled in EAP are ineligible due to factors unrelated to income, most notably household immigration status. These This leaves some of the most vulnerable New York utility customers unable to access the vital lifeline that EAP provides.

PULP strongly urges the Commission to adopt the proposed Tier 1 benefit structure without this exclusionary language. Eligibility for these benefits should be based solely on verified income, not on participation, or lack thereof, in other qualifying programs that may impose unrelated restrictions.

E. PULP Comments on Staff Recommendations for Utility Budget Levels and Bill Impacts

PULP appreciates Staff's efforts to estimate the projected cost of implementing an EEAP across multiple income tiers and enrollment levels. We recognize that the estimates presented in the Staff Whitepaper are built on conservative assumptions, including full enrollment and the application of minimum discount levels. We further acknowledge that actual participation is likely to be much lower during the initial two-year pilot period.

However, PULP remains deeply concerned that the cumulative cost of expanding eligibility and applying even modest minimum benefits could place significant strains on already constrained utility EAP budgets. As Staff notes, many utilities have already reached or exceeded the existing 2% budget caps for the low-income EAP, despite only achieving an estimated 40%

enrollment.[3] While PULP appreciates Staff's recommendation to increase the cap to 3%, with the possibility of requesting a 3.5% temporary adjustment by petitioning the Commission, we maintain that a higher cap alone does ensure adequate protection for low-income customers.

PULP believes that there must be clear, structural safeguards for low-income households, who remain the most vulnerable utility consumers, to ensure their benefits are not diluted by the expansion of the EAP. We strongly recommend that any approved increase to the utility's EAP budgets be accompanied by explicit guardrails that (1) prioritize full funding of low-income EAP benefit levels before EEAP discounts are funded; (2) preserve the first 2% of budgets for low-income EAP; (3) require separate tracking and reporting of low-income EAP and EEAP budgets to ensure transparency; and (4) bar the use of EEAP funding to offset shortfalls in low-income EAP participation, or vice versa, without the Commission's prior review and approval.

PULP also echoes Staff's encouragement to explore alternative funding sources beyond ratepayer collections, particularly for the moderate-income tiers. As many members of the EAPWG know, PULP has consistently advocated for the inclusion of funds to support the EAP throughout the NYS budget process. We strongly believe that affordability initiatives, especially those aimed at households above the poverty threshold, must not come at the expense of low-income customers already facing high energy burdens.

While staff modeling suggests relatively modest overall revenue impacts for EEAP, we maintain that even small bill increases are regressive by nature and are deeply felt by low- and fixed-income households. Ratepayer surcharges alone are neither sustainable nor equitable solutions, particularly as utility rates continue to rise across the state. To ensure the long-term viability and fairness of expanded affordability efforts, PULP urges the Department of Public

[3] See, Staff Whitepaper, at 29.

Service to work with the Legislature and the Executive to revisit opportunities for public funding in future budget cycles and to proactively identify other resources, such as federal funds, future New York Cap-and-Invest proceeds, or utility shareholder contributions, that could be leveraged to offset ratepayer costs. Absent such support, the State risks undermining the very affordability goals the EAP and EEAP are seeking to achieve.

F. PULP Comments on Staff Recommendations for Program Evaluation

PULP supports Staff's recommendations that utilities should collect anonymized customer data to assess the potential impact of SMI and AMI on participation rates and discounts. Service territory specific data would be helpful in addressing the potential equity concerns surrounding use of SMI versus AMI.

Additionally, PULP supports detailed tracking and public reporting of collections data for moderate income customers in the same method already used for low-income customers. Information collected through these means will be incredibly important in qualitatively and quantitatively assessing the success of the EEAP.

G. PULP Comments on Staff Recommendations for Coordination with Other Programs

PULP agrees and supports Staff's recommendation that EEAP coordinate with other existing programs. Any and all efforts in NYS to create a "no wrong door approach" will help make access to the entire universe of programs easier and more efficient. Since many assistance programs in NYS cross multiple agencies, from NYSERDA, to NYPA, OTDA, and even DOH, creative ways to help connect individuals to all of the programs they may be eligible for is strongly encouraged.

H. PULP Comments on Enhanced EAP for LIPA/PSEG Customers

PULP acknowledges that PSEG – Long Island has indicated that implementation of the Enhanced EAP may require changes to the Long Island Power Authority's tariff, which would be subject to the notice and comment processes under the State Administrative Procedure Act.[4] We recognize that these procedural requirements may therefore affect the implementation timeline in the LIPA service territory.

However, given the importance of addressing energy affordability for moderate-income households statewide, PULP respectfully requests LIPA and PSEG to begin the implementation of EEAP expeditiously upon its approval by the PSC. Timely implementation will be critical to ensure that moderate-income customers in LIPA's service territory are not left waiting for relief as the rest of the state moves forward.

IV. CONCLUSION

PULP appreciates this opportunity to participate in the creation and implementation of programs that address affordability.

/s/

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[4] See, Staff White Paper, Comments Provided by the Joint Utilities, at PDF page 38.