



May 1, 2026

Honorable Michelle L. Phillips  
Secretary of the Commission  
New York State Department of Public Service  
Three Empire Plaza  
Albany, New York 12233-1350

Re: 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

15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-  
Scale Renewable Program and a Clean Energy Standard

Dear Secretary Phillips,

The Public Utility Law Project of New York (“PULP”) hereby submits these limited comments in response to a *Notice Soliciting Comments*, dated January 28, 2026, and a *Notice Extending Date for Comments*, dated March 24, 2026, regarding a petition in the above referenced proceedings.

## **I. Introduction**

The Public Utility Law Project of New York (“PULP”) is New York’s only independent nonprofit and public interest law firm whose sole interest is to advocate for low- and fixed-income utility consumers. PULP intervenes in all major utility rate cases before the Public Service Commission (“PSC” or “Commission”), as well as in “generic proceedings” that will impact energy affordability for financially vulnerable households and disadvantaged communities (“DACs”).

We strongly support the state’s efforts to develop an affordable, safe, and reliable electric grid to meet the targets established by the Climate Leadership and Community Protection Act (“CLCPA”). PULP has previously provided comments on the Draft State Energy Plan and the Grid of the Future proceedings, as well as submitted written testimony for the Senate’s Legislative Roundtable on Meeting New York’s Climate Targets.

PULP appreciates the opportunity to submit these limited comments in opposition to the Coalition for Safe and Reliable Energy’s Petition for Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant to Public Service Law §66-p(4).<sup>1</sup>

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<sup>1</sup> *See*, generally, Case 15-E-0302 et al., 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), filed January 6, 2026.

## II. Discussion

### A. THE COMMISSION SHOULD EXERCISE CAUTION BEFORE OPENING A PROCESS TO SUSPEND OR MODIFY STATUTORY OBLIGATIONS ENACTED BY THE STATE LEGISLATURE

The PSC should be especially cautious before initiating a process that could result in the suspension or modification of the Renewable Energy Program. The renewable energy targets at issue in this proceeding were enacted by the New York State Legislature through the CLCPA<sup>2</sup>; they are not aspirational policy goals established by regulation or Commission Order. The Coalition's petition invokes PSL § 66-p(4), which states the PSC may suspend or modify the Renewable Energy Program's ("Program") obligations if, after a hearing, the Commission finds:

[T]hat 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>3</sup>

This safety valve provision is narrow and requires an evidentiary showing that the Program is presently causing harm to New York's electric system or its utility customers. It is not a general invitation to revisit the CLCPA's targets when or if implementation proves difficult. On the contrary, the black letter law was crafted with a default expectation that the State and all its executive agencies would comply.<sup>4</sup> Allowing the PSL §66-p(4) process to be triggered by generalized concerns about renewable energy deployment and grid reliability, akin to the Petitioner's request, would effectively undermine this legislative policy choice. That outcome would be inconsistent with both the text and purpose of the statute and is not in the public interest.

Additionally, the Commission has a number of tools to address implementation challenges, including through the Clean Energy Standard's Biennial Review, which was adopted in May 2025.<sup>5</sup> The 2025 Biennial Review Order outlined several actions to improve renewable energy procurement in recognition of then-current market conditions and the forecasted electric load growth.<sup>6</sup> Importantly, while the Commission considered whether to delay the 2030 Target, it ultimately opted "to adjust course and maintain progress."<sup>7</sup> The next Biennial Review will come out later this year, so PULP believes it is premature to invoke PSL §66-p(4) when that is a much more appropriate vehicle to consider these issues broadly.

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<sup>2</sup> *See*, generally, Chapter 106 of the Laws of 2019.

<sup>3</sup> *See*, New York Public Service Law ("PSL") § 66-p(4).

<sup>4</sup> *See*, generally, §7 of the CLCPA, which obligates all state agencies to assess and implement strategies to take actions to reduce their greenhouse gas emissions.

<sup>5</sup> *See*, generally, Case 15-E-0302, Order Adopting Clean Energy Standard Biennial Review as Final and Making Other Findings, issued and effective May 15, 2025.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, at 19.

**B. THE PETITION DOES NOT ADEQUATELY JUSTIFY A HEARING PURSUANT TO PSL § 66-P(4).**

***1. The Petitioners have not demonstrated the Renewable Energy Program has caused an active and present harm to New York's electric grid or its utility customers.***

The Coalition's request for a hearing relies on two related arguments: that New York is unlikely to meet the 2030 and 2040 renewable energy targets, and that reliability margins have tightened across the state.<sup>8</sup> As we previously established, PULP does not believe these observations alone satisfy the narrow evidentiary threshold required by statute. For that reason, the Commission should decline to open that process on the basis of the showing made here.

It is important to acknowledge that fossil fuel generation is being retired at a faster pace than new renewable resources are coming online. However, this phenomenon is largely driven by the age and condition of the existing fossil fleet. According to the New York Independent Service Operator ("NYISO"), roughly 25% of the state's total generation capacity has been in operation for 50 years or longer.<sup>9</sup> As the Petition states, aging power plants are prone to frequent and prolonged outages and face maintenance challenges the longer they are kept in service;<sup>10</sup> issues that are independent of the CLCPA's goals or any other policy mandates.

The strain this places on the grid is noteworthy, especially during extreme weather events. For example, in June 2025, New York experienced a three-day heat wave that severely tested the state's energy grid.<sup>11</sup> When load demand peaked at around 32,000 megawatts ("MW"), the NYISO had to make emergency energy purchases to maintain system reliability because the state's aging fossil fuel generators experienced widespread failures.<sup>12</sup> Specifically, more than 2,000 MW of capacity was offline during that period.<sup>13</sup> Importantly, renewable resources and demand response programs helped shave peak load demand during the heat wave.<sup>14</sup> Suffice to say: suspending or modifying the state's Renewable Energy Program's obligations would do nothing to address the underlying condition of the fossil fleet. It would simply extend our reliance on infrastructure whose own reliability is in question.

Further, the Petition presents its reliability concerns as if they are uniform across the state, which is not accurate.<sup>15</sup> The reliability challenges are mostly concentrated geographically in New York City and Long Island, where the combination of aging generation, transmission constraints, and extremely high demand puts significant stress on the system. These load zones are the areas that stand to benefit most once transmission infrastructure projects like Champlain Hudson Power Express and Propel NY, as well as utility-scale renewable assets like Empire Wind 1, come online. It's expected that the reliability situation will improve substantially downstate, especially

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<sup>8</sup> *See*, supra note 1, at 14-24.

<sup>9</sup> *See*, New York Independent System Operator ("NYISO") 2025 Power Trends Report, at 12.

<sup>10</sup> *Id.* *See*, also, supra note 1 at 19-20. Available at: <https://www.nyiso.com/power-trends>.

<sup>11</sup> *See*, NYISO, "June Heatwave Tests Electric Grid in New York," issued July 28, 2025. Available at: <https://www.nyiso.com/-/june-heatwave-tests-electric-grid-in-new-york>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *See*, supra note 1, at 19-23.

as new renewables and distributed energy resources like battery storage continue to come online.

Ultimately, the reliability evidence presented by the Coalition describes a grid under stress from aging infrastructure and a clean energy transition that is moving slower than its drafters originally envisioned. PULP does not believe that the Petitioners have demonstrated that the Renewable Energy Program has caused active and present harm to New York's electric grid or its utility ratepayers. To the contrary, the Petition raises generalized concerns about the pace of the clean energy transition in an attempt to scapegoat the Program and further extend the lifespan of the dirty, old, and unreliable fossil fuel fleet. Accordingly, PULP urges the Commission to deny the Petitioner's requested relief as the statutory threshold to invoke PSL § 66-p(4) has not been met.

***2. The Petition fails to identify a causal link between the Renewable Energy Program and rising utility arrears.***

PULP acknowledges that PSL §66-p(4) does provide the Commission with an important offramp if it determines the Renewable Energy Program has caused a significant increase in arrears or service disconnections.<sup>16</sup> However, we note the Coalition does not seriously engage with this prong of the statute. Instead, the Petition briefly notes the existence of a prior filing by the Independent Intervenors<sup>17</sup> and suggests, without taking a position, that arrears should be examined if the Commission decides to hold a hearing.<sup>18</sup> Effectively, PULP views this request as an invitation to look for evidence in support of the suspension or modification of the Renewable Energy Program that the Petition itself does not provide.

PULP does not minimize the energy affordability crisis faced by New York's utility customers. Residential households, particularly low-income customers and those in disadvantaged communities, continue to fall further behind on their bills as many utilities ramp up collection activities.<sup>19</sup> We also see the real-world consequences of this crisis come through our hotline every day. Emergency cases involving active shutoffs have more than doubled so far in 2026 compared to the same period last year. PULP logged almost 100 emergency cases in April 2026 alone, surpassing our previous busiest month on record.

With all of that said, the mere existence of an affordability crisis does not, by itself, satisfy the §66-p(4) requirement that the increase in arrears or disconnections has a causal relationship to the Program. Conversely, we believe there are a multitude of factors driving the increase in arrears, including the rising costs of essential electric and natural gas utility services due to recently approved, double-digit delivery rate increases, volatile energy supply prices, and the

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<sup>16</sup> *See*, NY PSL §66-p(4).

<sup>17</sup> *See*, generally, Case 22-M-0149, Filing Concerning the Need for Safety Valve Provisions Regarding the Implementation of the Public Service Law Section 66-P(4) Mandate for Climate Leadership & Community Protection Act, filed August 12, 2025.

<sup>18</sup> *See*, supra note 1, at 2.

<sup>19</sup> According to the collections activity reports filed by the investor-owned energy utilities and PSEG-LI in Case 91-M-0744, as of March 2026, more than 1.1 million households were 60+ days behind on their utility bill and collectively owe nearly \$1.9 billion. Nearly 30,000 households had their essential electric or gas service terminated that month.

federal government's unpredictable and inflationary economic policies both domestically and internationally. The Coalition has not presented sufficient evidence to suggest that the Renewable Energy Program is a material driver of arrears or disconnections, much less the primary cause of such.

Finally, we maintain that the more appropriate response to this crisis is to ensure its implementation is accompanied by deliberate actions to maintain affordability. This could include, but not be limited to, meaningful changes to rate design, utility bill relief, arrears management plans, better access to clean energy programs and distributed energy resources for low-income households and DACs, more energy efficiency and weatherization program funding to address New York State's aging housing stock, and targeted protections for vulnerable households. These reforms, which PULP has opined in length previously in the Grid of the Future proceeding<sup>20</sup> and in our comments on the Draft State Energy Plan<sup>21</sup>, would address the real drivers of energy unaffordability directly.

### III. Conclusion

PULP appreciates the opportunity to provide these limited comments on the Coalition for Safe and Reliable Energy's Petition for Hearing to Temporarily Suspend or Modify Renewable Energy Program Pursuant to Public Service Law §66-p(4). We respectfully request the Commission to deny the Petition's requested relief and to consider the principles and recommendations raised herein. PULP reserves the right to supplement these comments at a later stage in this proceeding. Thank you.

/s

Ian Donaldson  
Communications and Policy Manager  
Public Utility Law Project of New York

Erica Riekert  
Intake Associate & Community Advocate  
Public Utility Law Project of New York

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<sup>20</sup> *See*, Case 24-M-0165, PULP Limited Comments on the Grid Flexibility Potential Study and the first iteration of the Grid of the Future Plan, filed July 15, 2025.

<sup>21</sup> *See*, PULP Comments on the Draft State Energy Plan, filed October 6, 2025. Available at: <https://www.ergcommentcat.com/docs/NYSEP25/NYSEP25-15597/PULP%20Comments%20on%20Draft%20State%20Energy%20Plan%20FINAL.pdf>.