VIA ELECTRONIC FILING

May 1, 2026

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Empire State Plaza, Agency Building 3
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

PEAK Coalition Comment Opposing Petition for a Hearing to Suspend or Modify the Renewable Energy Program Pursuant to Public Service Law § 66-p(4).

Dear Secretary Philips,

The PEAK coalition, comprised of member organizations UPROSE, THE POINT CDC, New York City Environmental Justice Alliance (NYC-EJA), New York Lawyers for the Public Interest (NYLPI), and Clean Energy Group (CEG), respectfully submits the following comment urging rejection of the Coalition for Safe and Reliable Energy's Petition for a Hearing to Temporarily Suspend or Modify the Renewable Energy Program Pursuant to Public Service Law ("PSL") § 66-p(4) (the "Petition").[1]

The petition must be denied in its entirety where it asks the Public Service Commission (PSC) to exercise authority it does not have under PSL § 66-p(4), is based on "evidence" described as suggestions and projections, and ultimately is demanding that the PSC dismantle a legislatively-mandated system-wide solution outside of the legislative process. Granting this hearing request, or holding a hearing and granting the relief sought, would be a blatant violation of checks and balances critical to a democratic society and an abuse of agency discretion.

I. Introduction

The PEAK Coalition's mission is to end the long-standing burden of peaker power plants on environmental justice communities by replacing them with clean alternatives, including but not limited to renewable energy, energy storage, and demand management solutions. Guided by community-defined priorities, our campaign takes a comprehensive approach to developing and

[1] Case 15-E-0302, Petition for a Hearing to Temporarily Suspend or Modify the Renewable Energy Program Pursuant to Public Service Law § 66-p(4) (filed Jan. 6, 2026) ("Petition").

advancing solutions by organizing environmental justice communities and providing policy, legal, and technical analysis. Since our Coalition formed in 2019, we have published many reports on ratepayer protection, community needs, technical feasibility, and legal requirements for transitioning peaker power plants with battery storage and renewable energy in New York City and State.

The Coalition for Safe and Reliable Energy ("Petitioner")—solely representing business interests—has requested a hearing to permanently suspend or modify the Renewable Energy Program pursuant to PSL § 66-p(4), alleging that the program and its associated CLCPA targets "*might* negatively impact electric reliability"[2] (emphasis added) and may subsequently impede the Commission's duty of ensuring safe and adequate electric service. This request must be denied.

As a threshold matter, the Commission does not have the authority to grant the type of relief Petitioner seeks here, warranting automatic dismissal of the petition. Petitioner fundamentally misstates PSL § 66-p(4), claiming that, pursuant to this provision, "the Commission has the authority, and the responsibility, to suspend or modify the targets to achieve its 'paramount objective of ensuring reliable and affordable electric service and protection of ratepayers."[3] However, although Petitioner has framed its petition as a request for a hearing pursuant to PSL § 66-p(4), the petition seeks a much broader, unauthorized relief—permanently suspending or modifying the CLCPA's statutory requirements underpinning the Renewable Energy Program. The Commission has no authority to grant such relief. PSL § 66-p(4) does not empower the Commission to completely override the Legislature's climate policy choices, nor does it license unraveling the CLCPA under the guise of implementation oversight. Therefore, the petition should be dismissed on the fundamental basis that it seeks relief not available under PSL § 66-p(4).

Petitioner's request for a hearing must additionally be rejected because it cannot meet the established threshold requiring more than speculative harm or evidence. Here, Petitioner offers only vague speculation and overly biased projections that are framed to conveniently serve its fossil fuel agenda without regard for the public interest. More than mere speculation must be needed, especially where such a hearing could lead to the removal of critical protections for New Yorkers. PSL § 66-p(4) cannot be interpreted as allowing the Commission to permanently suspend or rewrite the CLCPA's renewable energy targets based on speculated implementation challenges. Yet Petitioner offers only that. To support its overreach, Petitioner mischaracterizes delayed project development—driven by State inaction—as evidence of technical flaws in the Renewable Energy Program itself, relies on conveniently conservative projections to argue New York will not achieve the CLCPA's 2030 and 2040 targets, and exaggerates reliability risks associated with retiring fossil fuel generation. Petitioner then quite predictably proposes increased fossil fuel generation and maintaining the status quo as the solution to these projected issues while ignoring the well-documented reliability failures and cost burdens on ratepayers that would result from prolonging New York's reliance on fossil fuels. Based on only a speculative basis, no hearing should be held, but even if one were granted, the basis for this fossil fuel-centric proposal would not resolve the reliability concerns Petitioner purports and cannot justify dismantling the State's Renewable Energy Program.

The Commission should not reward Petitioner with a hearing when its petition is fundamentally self-serving. For decades, states, businesses, and industry alike have resisted the transition to clean, renewable energy to protect profits at the expense of disadvantaged communities,

[2] Petition, *supra* note 1, at 3.
[3] Petition at 23.

who have long paid the price with their health, wallets, and lives. So it is unsurprising that rather than advancing clean, commercially viable energy solutions to address reliability needs, Petitioner instead seeks to rewrite the CLCPA to advance fossil fuel infrastructure before the Commission based on nothing but purported reliability concerns. This is not what New Yorkers and our climate-stressed grid need, and we urge Commissioners to decline to waste the State's and the public's valuable time and energy here.

Petitioner's attempt to rewrite the CLCPA via a hearing should further be rejected for the public interest. Petitioner's thinly-veiled attempt to preserve the State's costly fossil fuel reliance is particularly destructive during this time when the federal administration is eradicating critical environmental protections, dismantling environmental justice initiatives, obstructing the deployment of renewables, and withdrawing from global climate agreements. At a time when federal policy is failing, the CLCPA remains as New York's last safeguard protecting our climate, public health, and environmental justice commitments. Petitioner now asks the Commission to relinquish these commitments based on nothing but speculation at the very moment New Yorkers, especially people in disadvantaged communities, need them most. There is simply no reason or justification[4] to further delay the CLCPA's implementation. Communities are watching to see if the Commission takes a stand to protect their health, their lives, and their futures.

II. The Commission Should Deny Petitioner's PSL § 66-p(4) Hearing Request on the Threshold Basis That It Relies on Mischaracterized CLCPA Implementation Assessments and Overly Constrained Projections to Speculate Future Harm

There is simply no basis for the PSC to entertain, let alone grant, a hearing on this issue. In creating the Renewable Energy Program through the CLCPA, the Legislature included PSL § 66-p(4) as a mechanism to address specific harms arising from the Renewable Energy Program's implementation. Under this provision, the Commission "may temporarily suspend or modify the obligations under the [the Renewable Energy Program]" only after conducting a hearing and finding that the program: (1) "impedes the provision of safe and adequate electric service;" (2) "is likely to impair existing obligations and agreements;" or (3) "that there is a significant increase in arrears or service disconnections that the commission determines is related to the program."[5]

However, we urge the Commission to reject the request for a hearing where the Petitioner cannot be said to have made the requisite minimal showing to warrant a hearing. Deciding whether to grant or deny a hearing request is generally a matter of the Commission's discretion, but that discretion is not unbounded. When hearing requests are based on "*speculative*" contentions, the Commission is well within its right to deny the request. *See Brandywine Nursing Home, Inc. v. State Dept. of Public Service*, 142 A.D.2d 804 (1988) (holding that the Commission's denial of a formal hearing request was not arbitrary because the Commission preliminarily determined that the petitioner's argument was speculative).

Here, the Commission is well within its right to exercise its discretion and deny Petitioner's hearing request. Petitioner's request for a hearing is only based on speculative, overly conservative projections about the State's ability to implement the CLCPA and inaccurate modeling of

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[4] Berman, Josh and Eric Walker. "We're the CLCPA Lawsuit Plaintiffs. Hochul Is Misrepresenting Our Case." Opinion section, *Times Union*. April 29, 2026.
https://www.timesunion.com/opinion/article/clcpa-lawsuit-plaintiffsthe -want-set-record-straight-22230635.php

[5] PSL § 66-p(4).

renewables' capabilities for addressing reliability. Petitioner's argument that "Suspension or modification of the Renewable Energy Program obligations may allow for the continued use of reliable, dispatchable generation necessary to ensure system reliability"[6] fails to explain why adding *more* renewable energy and battery storage conflicts with the existing dependency on dispatchable fossil-fuel power generation that hinges on importing out-of-State fuel sources to ensure reliability. This is precisely the type of speculation that cannot be said to meet a threshold showing to warrant a hearing; as such, the Commission should exercise its discretion to reject the petition outright. [7]

In the following sections, we detail the ways Petitioner's proffers are speculative, and submit that even if a hearing were granted, safely presuming Petitioner does nothing more than offer similar future, unrealized, and hypothetical harm, its request to suspend the Renewable Energy Program must similarly be denied.

A. Petitioner's "Evidence" Mischaracterizes CLCPA Implementation Assessments and Plans to Speculate Continued CLCPA Noncompliance

As its purported basis in seeking a hearing, Petitioner deliberately mischaracterizes the Biennial CES Order and the State Energy Plan's Pathway Analysis to manufacture doubt about the CLCPA's climate targets. These models assume that New York will continue deploying renewable resources at the same slow pace observed in recent years and exclude the structural policy shifts needed to accelerate clean energy buildout. By assuming continued slow procurement, project delays, and state inaction, these models treat today's obstacles as permanent rather than solvable implementation shortcomings. Therefore, the projections predict reliability shortfalls not because the CLCPA's targets are unrealistic, but because the models presuppose continued inaction—the status quo that Petitioner seeks to preserve.

Petitioner's argument is circular and speculative by design: they assume failure, then cite that assumed failure as justification to have a hearing in their attempt to ultimately weaken the law. The Biennial CES Order and the State Energy Plan's Pathway Analysis were not intended to provide a pretext for abandoning the CLCPA. Their purpose is to identify implementation gaps so that the State can design corrective policies to meet the law's climate goals. Petitioner ignores this purpose entirely, framing these compliance reporting and planning tools as justification for upending the law itself. Accepting this flawed logic would reward State inaction and set a dangerous precedent for allowing the State to engineer or bad actors to cite noncompliance, then claim that the predictable consequences of that delay are instead due to flaws in the law.

While implementation of the CLCPA is undeniably complex, the CLCPA's ambitious goals are not structurally at fault—implementation delays are due to state inaction amid temporary market pressures.[8] Forecasted difficulties in reaching the CLCPA's 2030 and 2040 targets should drive policy

[6] Petition at 22.

[7] PSL § 66-p(4)'s verb tenses and structure show that the Legislature intended the Commission's authority to be reactive to real conditions—not preemptive or anticipatory. The phrase "the program impedes" uses the present tense, meaning the impediment must already exist. The phrase "there is a significant increase in arrears or service disconnections" similarly requires an existing, demonstrable increase—not a forecasted or theoretical one. Even the clause "is likely to impair existing obligations and agreements" requires a finding supported by present facts showing a genuine likelihood—not speculative concerns.

[8] These analyses' identified temporary challenges include supply chains, tariffs, federal policy, and inflation. *See* New York State Energy Plan, Pathways Analysis, at 2; CES Biennial Order, at 8–14.

solutions, not justify delaying legally required targets even further.[9] The Legislature enacted the CLCPA precisely because incremental, voluntary measures are incapable of driving the scale of change necessary for New York's energy transition, especially given the immediate threats to public health in disadvantaged communities and the surging energy affordability crisis plaguing low- to moderate-income households across the State. Petitioner here essentially seeks to ask that the Commission disregard this legislative decision, and most importantly, the needs of disadvantaged and working-class communities, for the sake of continued fossil fuel reliance.

Petitioner's effort to weaken the CLCPA is especially reckless given the federal administration's retreat from climate and environmental justice commitments. As the federal administration dismantles foundational environmental protections and environmental justice initiatives, obstructs renewable energy development, and withdraws from global climate agreements, the CLCPA stands as a critical safeguard protecting New York's climate, public health, and environmental justice priorities. Allowing industry-led interests to undermine the CLCPA now, based on mere speculation of future harm, would abdicate the State's responsibility and ability to address these issues, leaving New Yorkers exposed to climate risk, pollution, and fossil fuel price volatility at the very moment state leadership is critical.

New York's inaction is especially clear when compared to the actual performance of other states. California and Texas—despite operating in vastly different state political and market conditions—have dramatically outpaced New York in deploying renewable energy and storage, strengthening their reliability margins, improving energy affordability, and delivering critical grid services. California has added over 15 GW of energy storage to its grid, and plans to add 8.6 GW more by 2027.[10] Because of this rapid deployment, California has not had to issue a Flex Alert, an emergency call to conserve power, since 2022, despite historic heat waves in recent years.[11] Texas has brought more than 12 GW of storage online, enhancing grid reliability by providing more frequency support than their fossil fuel counterparts, keeping energy generation reliable and stable.[12] Other states are noting these countless energy storage benefits and are setting lofty targets. For instance, in Illinois, a bill signed in January 2026 outlines a state procurement goal of 3 GW of energy storage by 2030, projecting a net customer savings of $12 billion dollars in 20 years.[13] Meanwhile, seven years after enacting the CLCPA, New York has only deployed 528.66 MW of storage, and despite developers proposing nearly 20 GW in energy storage capacity, NYISO has only cued up about 2 GW due to its sluggish proposal-to-development process.[14]

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[9] We reserve the right to submit further comments regarding this Petition for a hearing to the extent the CLCPA's mandates are adjusted due to ongoing budget negotiations driven by the Governor, which may have implications on this request.

[10] "Fact Sheet: Battery Energy Storage Systems (BESS)." The California Governor's Office of Business and Economic Development. Oct. 22, 2025. https://business.ca.gov/wp-content/uploads/Battery-Energy-Storage-Fact-Sheet-10.22.25-Draft.pdf.

[11] *Id*.

[12] Weaver, John Fitzgerald. "Batteries Are Stabilizing the Texas Power Grid." pv magazine. June 30, 2025. https://pv-magazine-usa.com/2025/06/20/batteries-are-stabilizing-the-texas-power-grid/

[13] Driscoll, William. "Illinois to Add 3GW of Batteries, Saving Consumers $12 billion Over 20 years." pv magazine. Nov. 5, 2025. https://pv-magazine-usa.com/2025/11/05/illinois-to-add-3-gw-of-batteries-saving-consumers-12-billion-over-20-years/

[14] "New York's Battery Buildout: What's Driving Development and Value." Modoenergy. https://modoenergy.com/research/en/new-york-battery-storage-buildout-nyiso-reform-and-market-outlook-2030 (last visited April 28, 2026).

Instead of slashing CLCPA targets, New York should enact policies and practices that accelerate renewable development and deployment. The State should remove hurdles that are slowing the pace of renewable energy deployment, such as reforming Value of Distributed Energy Resources market rules or strengthening coordinated grid planning processes to account for time-of-day benefits that renewable energy and battery storage bring to the grid. Policies and practices to shed, shimmy, shift, or shape demand must be in place, with the goal of long-term reduction of peak demand stressors on the energy grid. The State should also rein in massive new loads, such as energy-intensive data centers, by requiring them to supply their own renewable energy sources to avoid straining grid reliability and driving up costs for ratepayers. Supporting community-owned renewable energy projects as a way to build community awareness of energy infrastructure systems, increase local resiliency and reliability, and reduce reliance on unpredictable fossil fuel infrastructure are other critical policies the State should expand rather than suspend.

In sum, Petitioner's attempt to recast CLCPA implementation assessments as permission to hold a hearing on gutting the law would not only betray the CLCPA's core purpose—it would create a perverse precedent for allowing the State to evade statutory mandates simply by resisting compliance long enough. To accept this hearing request would further distort a narrow mechanism into a broad license to obstruct the State's renewable energy goals at the mere will of fossil fuel and related industries' interests. Therefore, the Petition should be dismissed entirely on the threshold basis that it is improperly based on speculations about the State's continued CLCPA noncompliance.

B. Petitioner Inaccurately Speculates Renewables Cannot Meet Reliability Needs Based on Overly Constrained Modeling That Underprojects Renewables' Capabilities

Petitioner's request for a hearing should further be denied where its evidence also systematically and conveniently understates the role clean resources will play in meeting New York's energy needs.[15] Renewable generation, energy storage, and flexible demand resources are crucial to building a reliable grid, yet the various analyses Petitioner relies on minimize their current capabilities and future potential. By excluding or underrepresenting commercially viable clean energy solutions, the models Petitioner relies on create a distorted picture of system reliability that cannot support Petitioner's request for a hearing, or even claims of harm.

Petitioner cites the State Energy Plan Pathway Analysis, which relies on overly conservative assumptions that artificially lower the reliability value of renewables and storage. The methodology assumes low capacity values for renewables, limits the contribution of battery storage, and entirely excludes long-duration energy storage as a commercially available and scalable resource to address reliability[16]—despite the fact that these resources are already being procured in other states like California and Massachusetts.[17] The modeling further underestimates the capacity contribution of pairing renewables with storage. This modeling, consequently, locks in today's slow deployment rates and obscures the reliability benefits of already commercially viable technologies.

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[15]Petitioner *relies* on the State Energy Plan Pathway Analysis, the Commission's Biennial CES Review Order, and NYISO's 2023-2042 System & Resource Outlook, 2025 Power Trends, and Short-Term Assessment of Reliability: 2025 Quarter 3.

[16] New York State Energy Plan, Pathway Analysis (July 2025), available at: https://energyplan.ny.gov/*Plans*/2025-Energy-Plan.

[17] Mullendore, Seth. "Long-Duration Energy Storage: What Is It, Why Do We Need It, and When Will It Get Here?" Clean Energy Group. *May* 5, 2025. [Long-Duration Energy Storage: What Is It, Why Do We Need It, and When Will It Get Here? - Clean Energy Group]

The cited modeling also inflates projected reliability gaps by treating electricity demand as rigid and inflexible. Both the State Energy Plan Pathways Analysis and the Biennial CES Review Order assume that demand response and load management resources will remain limited, despite widespread evidence that these resources are scalable and increasingly cost-effective. The modeling largely disregards the potential of managed electric vehicle charging, smart building controls, industrial load flexibility, and aggregations of behind-the-meter resources. By treating demand as rigid and inflexible, the analyses overstate future peak loads.

NYISO's modeling further reinforces these constraints by privileging fossil fuel generation and excluding clean energy reliability pathways. NYISO's 2023-2042 System & Resource Outlook treats gas plants as the benchmark for performance rather than considering alternative resource scenarios that address reliability through incorporating geographic diversity of renewables, expanded transmission, long-duration storage, and increased demand flexibility. Similarly, in its 2025 Power Trends and Short-Term Assessment of Reliability: 2025 Quarter 3, NYISO does not account for the reliability value of long-duration storage, pairing renewables with storage, and aggregating distributed resources. Although these models project large increases in demand, NYISO again treats it as largely inflexible, undervaluing the potential capacity of demand response, managed electric vehicle charging, and flexible industrial and data center loads to reduce peak demand and close reliability gaps. These assumptions create reliability shortfalls by design: if clean-energy buildout is constrained, demand is inflated, and flexibility is ignored, the modeling would inevitably show a need for continued fossil fuel generation.

Across every analysis Petitioner cites as evidence to request a hearing, the methodological flaws are the same: using conservative assumptions and excluding technological solutions to manufacture reliability concerns. These models do not demonstrate that the Renewable Energy Program impedes safe and adequate service. Instead, they underscore the need for accelerated State action, modernized procurement strategies, and expanded use of flexible resources—not statutory rollbacks. Petitioner's reliance on these flawed models, therefore, should not suffice to warrant a hearing, and even if there is a hearing, would fail to satisfy PSL § 66-p(4)'s standards and provide no basis for delaying or weakening the CLCPA.

III. Repowering Aging or Building New Fossil Fuel Infrastructure Will Not Solve Reliability Concerns

Petitioner deliberately attempts to blame the CLCPA for the predictable consequences of fossil fuel dependence—reliability issues, energy price volatility, and unaffordability. Petitioner fails to fault State inaction for the fact that deployment of renewables has not kept pace with gas plant retirements and instead blames the CLCPA for discouraging what they view as the solution to projected reliability issues: repowering aging gas plants and prolonging our reliance on fossil fuels. This framing exposes Petitioner's core aim—preserving fossil-fuel generation by delaying the State's clean energy transition. That strategy is both misguided and incompatible with New York's reliability needs.

Continued reliance on gas-fired generation is not a reliability solution; it is a proven reliability *risk*. Gas plants have a record of failing precisely when they are needed most.[18] During Winter Storm Elliot in 2022, more than 100,000 MW of fossil fuel generation across the affected

[18] Arbaje, Paul and Mark Specht, "Gas Malfunction: Calling into Question the Reliability of Gas Power Plants." Union of Concerned Scientists. Jan. 9, 2024. https://www.ucs.org/resources/gas-malfunction?

area of the country failed to start or were forced offline.[19] In New York, during the late June heat wave just last year, approximately 2,000 MW of fossil fuel generation was offline, forcing NYISO to issue an energy warning.[20] Gas peaker plants also lack the fast-acting, flexible grid services, such as rapid frequency response and ramping capacity, that are increasingly critical during extreme weather events intensified by climate change.[21] Petitioner's framing of gas generation as a dependable reliability backstop ignores gas infrastructure's performance record and wildly overstates its value.

Petitioner's call to double down on fossil fuel infrastructure also ignores ratepayer affordability. Renewable energy has been repeatedly proven to be cheaper than fossil fuel infrastructure in the long run. In 2024, 91% of new renewable energy projects were cheaper than their gas counterparts.[22] Ratepayers ultimately bear these costs as well as the costs of fossil fuel price volatility, fuel supply disruptions, and aging infrastructure. While the price of renewables and storage has steadily declined over the past decade, the cost of building new gas turbines has increased 66% in the last two years.[23] Petitioner's narrative only works by disregarding the financial instability fossil fuels impose on the system and the long-term price security benefits that renewable alternatives provide.

Moreover, repowering fossil fuel plants within the timeframe Petitioner implies is unrealistic. Petitioner fails to acknowledge logistical and supply chain constraints facing new or repowered gas infrastructure. Current bottlenecks in the new gas turbine supply chain mean that new turbines ordered today won't be delivered for at least five years,[24] well beyond the time horizon of the near-term reliability concerns Petitioner argues. Their proposal, therefore, fails on its own terms.

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[19] Wamsted, Dennis, "Fossil Fuels Fail Reliability Test." IEEFA. March 2023. https://ieefa.org/sites/default/files/2023-03/Fossil%20Fuels%20Fail%20%20Reliability%20Test_March%202023.pdf

[20] "June Heatwave Tests Electric Grid in New York." NYISO. July 28, 2025. https://www.nyiso.com/-/june-heatwave-tests-electric-grid-in-new-york

[21] Muthukrishnan, Arun, "The Physics of Reliability: Why Gas Peakers Alone Can't Save the Modern Grid." Utility Dive. March 3, 2026. https://www.utilitydive.com/news/the-physics-of-reliability-why-gas-peakers-alone-cant-save-the-modern-gri/811716/?

[22] "91% of New Renewable Projects Now Cheaper Than Fossil Fuel Alternatives," International Renewable Energy Agency. July 22, 2025. https://www.irena.org/News/pressreleases/2025/Jul/91-Percent-of-New-Renewable-Projects-Now-Cheaper-Than-Fossil-Fuels-Alternatives

[23] Saul, Josh. "Cost to Build Natural Gas-Fired Power Plant Surges 66%, BNEF says." Bloomberg. April 23, 2026. https://www.bloomberg.com/news/articles/2026-04-23/cost-to-build-natural-gas-fired-power-plant-surges-66-bnef-says

[24] Cohen, Jesse, Tyler Fitch, Laren Shwisberg. "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/

Petitioner's affordability arguments are similarly unsupported by fact or evidence.[25] Petitioner contends that no more than the Renewable Energy Program may cause a significant increase in arrears or service disconnections without citing to any evidence. As explained in Part I, speculation about potential future affordability impacts cannot justify the Commission's action under PSL § 66-p(4).[26]

In fact, credible, independent analyses show the Renewable Energy Program is a critical tool for improving affordability. A recent report by Synapse Energy Economics compares scenarios in which the State achieves its targets—20 GW of distributed solar energy and 3.7 GW of distributed storage by 2035—with a business-as-usual scenario that reaches only 12.9 GW of solar and 0.9 GW of distributed storage.[27] The study further found that reaching the state's goals will result in $1.023 billion of energy savings for all New Yorkers, avoid 59 billion cubic feet of natural gas by 2035, and generate emission reductions quantified at roughly $1 billion in that year alone.[28] Petitioner's unaffordability argument is simply a lie.

Ultimately, Petitioner's effort to paint fossil fuel infrastructure as a reliability solution is unsupported by evidence and contradicted by the realities of fossil fuel reliance. Aging fossil fuel generation routinely fails when the grid is stressed, cannot provide the grid services needed under intensifying climate conditions, does not represent a lower cost alternative to development of renewable generation and energy storage, and cannot be built or repowered within the timeframe relevant to the reliability concerns Petitioner identifies. Repowering fossil fuel generation would directly undermine New York's core climate and energy transition mandates under the CLCPA, while imposing higher costs on ratepayers. For these reasons, the Commission should reject Petitioner's attempt to recast the retirement of unreliable, expensive fossil fuel generation as a defect in the Renewable Energy Program that warrants revision of the CLCPA's mandates under PSL § 66-p(4).

IV. Conclusion

Petitioner's request for a hearing must be denied where it ultimately seeks to dismantle a core program in the CLCPA outside of the legislative process, by asking the Commission to exercise an authority beyond PSL § 66-p(4). The request is further based on hypothetical and self-serving arguments and as such should not warrant further attention from the Commission. The petition fails

[25] To the extent documents such as the recently circulated NYSERDA memorandum on a hypothetical cap and invest program is considered by the Commission at this time or in the future, it similarly must fail as a basis to hold a hearing or to be considered on the issue of affordability. The memorandum was suddenly released during Governor Hochul's undemocratic attempts to gut the CLCPA during closed-door budget negotiations, and mere weeks before the DEC's filing in a judicial appeal where it was cited. This is despite the memorandum's lack of citations, supporting data, or even basic explanations of the methodology underlying its absurd conclusion that energy costs would increase. The memorandum's purported household energy costs sharply depart from NYSERDA's own prior rulemaking analyses, from carbon prices currently in effect worldwide, and from numerous studies showing that comparable programs yield substantial net benefits—especially for low-income New Yorkers. *See* "Breaking Down NYSERDA's New CLCPA Cost Estimates: A Strawman and Scare Tactic." Earthjustice. 2026. https://drive.google.com/file/d/1LZSA7_SS7C_Lvnb37KP83UvWnFsM1xps/view. Such wildly unreliable and unsupported projections cannot be considered in good faith here, especially where the goal of Petitioners would drastically upend the law and have profound impacts on New Yorkers' lives and wallets.
[26] *See supra* Part II at 3–4.
[27] Sharaf, Selma, Pat Knight, Deniz Karabakal. "Sunlight and Storage Into Savings." Synapse Energy Economics. Jan. 2026. https://drive.google.com/file/d/1_7B7gHlzZ7QlEewtJ-X_QfRQtDyNvf-J/view.
[28] *Id.*

to offer any non-speculative or credible evidence that the Renewable Energy Program is causing present reliability or affordability harms, nor does it identify any statutory basis for the Commission to permanently weaken the CLCPA's mandates. Instead, it relies on constrained modeling, imperfect projections, and a misreading of PSL § 66-p(4) to argue for relief the Commission does not even have the authority to grant. The real challenges facing New York stem from administrative delays and policy design choices—not from the CLCPA itself—and rolling back the State's clean energy requirements would only entrench those problems, not solve them. The Commission should not waste its precious judicial resources any further on such a flimsy showing.

Even if a hearing were allowed, granting this Petition would prolong dependence on aging, unreliable, and costly fossil fuel infrastructure while undermining New York's mission to ensure an equitable energy transition. For communities that have long endured the highest pollution burdens and energy cost pressures, further delay is not an option. The path forward is not to weaken the CLCPA, but to accelerate the policies and administrative actions needed to fully implement it. For these reasons, the Commission should reject the request for a hearing and deny the Petition if a hearing is granted. We urge the Commission to remain steadfast in advancing a reliable, affordable, and equitable clean-energy future for all New Yorkers.

Respectfully submitted,

Daniel Chu
Senior Energy Planner
New York City Environmental Justice Alliance
462 36 Street, 3rd Floor
Brooklyn, New York 11232
Tel: (347) 701-4850
Email: daniel@nyc-eja.org

Michelle Fleurantin
Staff Attorney, Environmental Justice Program
New York Lawyers for the Public Interest
151 West 30th Street, 11th Floor
New York, NY 10001
Tel: (212) 336-9300
Email: mfleurantin@nylpi.org