

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on January 23, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 24-M-0586 - Proceeding on Motion of the Commission for the
Establishment of Extreme Heat Protections,
Practices and Procedures.

ORDER INSTITUTING PROCEEDING

(Issued and Effective January 23, 2025)

BY THE COMMISSION:

INTRODUCTION

The Commission commences this proceeding with the goal of requiring the State's largest investor-owned electric utilities, and water utilities,¹ to establish uniform standards and procedures related to extreme heat events, which are

¹ The largest investor-owned electric and water utilities means the following utilities: Central Hudson Gas & Electric Corporation (Central Hudson); Consolidated Edison Company of New York, Inc. (Con Edison); Liberty Utilities (New York Water) Corporation (Liberty Water); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); New York State Electric & Gas Corporation (NYSEG); Orange and Rockland Utilities, Inc. (Orange & Rockland); Rochester Gas and Electric Corporation (RG&E); and Veolia Water New York, Inc. (Veolia Water).

becoming more prevalent because of global climate change. The impact of extreme heat on New York residents, particularly the elderly, young, and vulnerable, is a major cause for concern.

Currently, electric and water utilities lack a uniform definition for extreme heat that can be used across New York State. Additionally, existing utility standards, practices, and procedures established in rate proceedings offer non-uniform consumer protections during extreme heat events. Uniform policies halting terminations of electric and water service during extreme heat events, in addition to other proactive measures limiting the impact of extreme heat and buttressing affordability, protect the public interest in averting heat-related illnesses and fatalities. Expanded offering of existing low-income customers' affordable payment options, discounts to encourage participation in energy efficiency programs that lower energy costs, and greater involvement in weatherization are all equally vital measures and programs for protecting customers during extreme heat events.

BACKGROUND

In her 2022 State of the State address, Governor Kathy Hochul directed the State's agencies to form a working group for the purpose of developing an extreme heat action plan to coordinate interagency investments and efforts to help mitigate community climate impacts and prioritize assistance to disadvantaged communities on the front lines of heat vulnerability.² In accordance with the Governor's directive, a group of over 20 New York state agencies, including the

² Governor Kathy Hochul's 2022 State of the State Address, (January 6, 2022), pp. 163-164, available at <https://www.governor.ny.gov/sites/default/files/2022-01/2022StateoftheStateBook.pdf>.

Department of Public Service (DPS), created the Extreme Heat Action Plan Working Group (EHAP Working Group). Following several collaborative meetings, the EHAP Working Group subsequently developed and submitted to the Governor an Interim Recommendation Report on May 2, 2022.³ The Interim Recommendation Report finds that that extreme heat does not affect all New Yorkers and communities with the same severity, and overall heat-related fatalities correlate with "poor housing conditions, poverty, impervious land cover, high land-surface temperatures, and lower access to air conditioning."⁴ As such, the Interim Recommendation Report notes the importance of equitable access to housing and affordable cooling for New Yorkers, given that climate change is causing warmer and more extreme weather in the State.⁵

The Interim Recommendation Report includes several short- and long-term recommendations to mitigate the impact of extreme weather on New York residents. In acknowledgement of the vital role electric and water utilities play in powering air conditioners and other life-saving equipment, aiding in the prevention of heat-related illnesses and deaths, and providing access to clean water to keep New Yorkers healthy, cool, and safe, and as relevant to this proceeding, the Interim Recommendation Report tasked DPS staff (Staff) to "develop

³ New York State Department of Environmental Conservation (DEC) and New York State Energy Research and Development Authority (NYSERDA), Interim Recommendations: Preparing for Extreme Heat (2022), available at https://extapps.dec.ny.gov/docs/administration_pdf/ehapinterimrecommendationsreport.pdf.

⁴ Id., p. 6.

⁵ Id., p. 5.

uniform utility hot weather provisions” regarding utility disconnections during heat events.⁶

In 2024, Governor Hochul, the New York State Department of Environmental Conservation (DEC), and the New York State Energy Research and Development Administration (NYSERDA) issued a report entitled, “Extreme Heat in New York State: Summary Impacts and Vulnerabilities Report” (Summary Report). The Summary Report, among other things, highlights the effects of extreme heat on public health, particularly in urban areas. The Summary Report states that “[a]cross all regions of the state, the number of days with a heat index (combined effects of temperature and humidity) greater than 85°F, 95°F, and the maximum heat index are all expected to increase significantly.”⁷ The Summary Report concludes that “[e]xtreme heat will increase the demand on water supply and infrastructure” and details the particularized need for increased water availability for purposes of drinking, recreation, and cooling during extreme heat events.⁸

The EHAP Working Group also prepared and published a report, entitled “Extreme Heat Action Plan: Adaptation Agenda for 2024-2030” (Action Plan) in June 2024.⁹ The Action Plan adopts a long-term roadmap for New York State government action to “equitably address extreme heat and its impacts, reduce

⁶ Id., p. 18.

⁷ New York State. 2024. *Extreme Heat in New York State. Summary of Impacts and Vulnerabilities.* <https://dec.ny.gov/environmental-protection/climate-change/effects-impacts/extreme-heat>, p. 11.

⁸ Id., p. 21.

⁹ New York State. 2024. *Extreme Heat Action Plan: Adaptation Agenda for 2024-2030.* <https://dec.ny.gov/environmental-protection/climate-change/effects-impacts/extreme-heat>.

vulnerability, and build community capacity.”¹⁰ The Action Plan prioritizes access to cooling based upon the finding that regions throughout the State that already experience extreme heat events will see increases in the “severity, frequency, and duration” of such events by 2050.¹¹ The Action Plan includes a list of 49 action items that associated New York State agencies are to undertake to address extreme heat. The Action Plan designated DPS as the lead agency to address two action items with respect to: (1) exploring the State’s long-term ability to mitigate energy cost burdens associated with cooling and electrification, and options for strengthening consumer protections during heat waves, and (2) supporting resilient built environments and developing resilient and equitable infrastructure.

DISCUSSION

The Commission is statutorily obligated to ensure that the State’s electric and water utilities provide safe and adequate service at just and reasonable rates.¹² The utilities’ obligation to provide safe and adequate service is most important during periods of extreme heat, when access to air conditioning and water are increasingly important. Extreme heat is a growing public health concern, resulting in higher human

¹⁰ Id., p. 10.

¹¹ New York State. 2024. *Extreme Heat Action Plan: Adaptation Agenda for 2024-2030*. <https://dec.ny.gov/environmental-protection/climate-change/effects-impacts/extreme-heat>, p. 16.

¹² See Public Service Law (PSL) §65(1) (requiring electric corporations to “furnish and provide such service, instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable”); PSL §89-b(1) (requiring water-works corporations to “furnish and provide such service, instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable”).

body temperatures, fainting, dizziness, confusion, nausea, and other impacts, including death,¹³ with greater negative impacts in “heat islands” and upon seniors, infants and children, and sufferers from chronic and severe medical conditions. In New York City alone, approximately 340 individuals die prematurely annually due to illnesses exacerbated by extreme heat.¹⁴ A majority of the aforementioned symptoms can be mitigated by moving to a cool place, increasing water intake, and taking cool baths.

Low-income utility customers and other customers whose income falls below the area median income (i.e., moderate-income customers) may experience a disproportionately high percentage of adverse effects from extreme heat-related events because of a lack of access to air conditioning in public housing, the inability to afford increased utility bills driven by air conditioning, other economic factors affecting a customer’s ability to remain current on utility bills, or the inability to afford bottled water during heat events if one’s water service has been terminated.

As noted previously, the EHAP Working Group highlighted the increased importance of reliable utility service at numerous points in the Interim Recommendation Report and Action Plan. The Commission adopts those findings here and agrees with the EHAP Working Group’s determination that more needs to be done to ensure safe and reliable utility service in the context of extreme heat events. Accordingly, the Commission commences this proceeding to examine existing procedures and

¹³ New York State Department of Health, Keep Your Cool During Summer Heat, available at <https://www.health.ny.gov/publications/1243/>.

¹⁴ New York City, 2024 NYC Heat-Related Mortality Report, available at <https://a816-dohbsp.nyc.gov/IndicatorPublic/data-features/heat-report/>.

standards implemented by the electric and water utilities identified in footnote 1, above, and to develop uniform extreme hot weather requirements to be implemented by these utilities. In so doing, the Commission agrees that in ultimately adopting new procedures and standards, we must consider the State's long-term ability to mitigate energy and water cost burdens associated with cooling, hydration, and electrification and other consumer protections related to the use of utility services during extreme heat events.

Electric Utilities

The Commission currently evaluates electric customer protections associated with periods of extreme heat in rate cases for individual utilities,¹⁵ a practice that arose concurrently with the Climate Leadership and Community Protection Act. Examining these periodic and utility-specific evaluations, it is clear that utilities have arrived at some common protections, while others differ. For example, the Commission established and approved through rate proceedings for each electric utility, the practice of halting terminations of electric service due to nonpayment in the context of extreme heat events. Most of the electric utilities with extreme heat protections rely on the National Weather Service for regional weather and heat index or temperature data. However, there are currently substantial differences among these protections likely driven by them being implemented in the context of joint proposals presented in individual rate cases. For instance, the relied-upon heat index or temperature threshold that triggers protections regarding terminations due to the non-payment of service during heat events differ widely by utility and climate regions of the State, which is highlighted in the attached

¹⁵ These electric utilities are: Central Hudson; Con Edison; National Grid; NYSEG; Orange & Rockland; and RG&E.

Appendix. Additionally, the duration of termination suspensions, also demonstrated in the Appendix, varies depending on the utility and ranges from only covering the day or days of the extreme heat event to up to three additional days following the event.

As discussed below, the electric utilities do not have uniform standards for applying heat index protections, nor for the duration of suspension periods during which an extreme heat event is in effect. For example, Central Hudson suspends terminations on days for which the National Weather Service forecasts temperatures of 93°F or higher, and on the preceding calendar day. Central Hudson also suspends terminations for any day where the National Weather Service heat index is forecasted to reach 93°F or higher.¹⁶ Con Edison's tariff language, identifies the heat index threshold temperature of 90°F and states that Con Edison will, on its disconnection notices, inform customers of its weather protections.¹⁷ By contrast, National Grid suspends terminations of electric service for non-payment in any specific region of its service territory if the National Weather Service declares a "heat advisory" when the heat index is forecasted at 95°F for two or more consecutive days or when the heat index is forecasted at 100°F or more for

¹⁶ Cases 20-E-0428 et al., Central Hudson - Electric and Gas Rates, Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plan (issued November 18, 2021), Attachment 1 (Joint Proposal), p. 63. The Commission continued these protections in the most recent rate order for Central Hudson. Cases 23-E-0418 et al., Central Hudson - Electric and Gas Rates, Order Establishing Rates for Electric and Gas Service (issued July 18, 2024), p. 93.

¹⁷ Con Edison Electric Tariff Schedule No. 10, Leaf 117.1 Revision 0 (effective August 1, 2023).

at least one day.¹⁸ NYSEG and RG&E suspend terminations of residential customers electric service for non-payment in a geographic region on days when the National Weather Service forecasts the temperature to be at or above 85°F.¹⁹ Orange & Rockland does not terminate customers' service for non-payment when a heat advisory is in place, typically issued by the National Weather Service when the heat index is forecasted at 95°F or more for two or more consecutive days, and/or when the heat index is forecasted at 100°F or more for at least one day.²⁰

Water Utilities

The White House released its 2024 report, Extreme Heat Call to Action, which encouraged participating states and various governmental organizations to provide support for "ensuring access to water during heat events ..."²¹ Whether in response to this report, or reflecting concerns about increasingly hotter summers, a number of states are prohibiting

¹⁸ Cases 20-E-0380 and 20-G-0381, Niagara Mohawk Power Corporation d/b/a National Grid - Electric and Gas Rates, Order Adopting Terms of Joint Proposal, Establishing Rate Plans and Reporting Requirements (issued January 20, 2022), pp. 41-42.

¹⁹ NYSEG Electric Tariff Schedule No. 119, Leaf 68 Revision 2 (effective November 1, 2023); RG&E Electric Tariff Schedule No. 19, Leaf 91 Revision 1 (effective November 1, 2023).

²⁰ Cases 21-E-0074 and 21-G-0075, Orange and Rockland Utilities, Inc. - Electric and Gas Rates, Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plans, with Additional Requirements (issued April 14, 2022), p. 121.

²¹ The White House: Extreme Heat Call to Action: A Partnership to Achieve a Heat-Resilient Nation (released September 12, 2024), pp. 3-4.

termination of water service during high heat events.²² At this point however, there are no extreme heat protections in place regarding service terminations for New York's major water utilities.

The Commission finds the lack of uniform and comprehensive protection problematic because water service is needed to keep New Yorkers cool and hydrated during extreme heat events, especially considering that "sweat production can lead to dehydration if the resultant body water deficits are not adequately replenished."²³ The Commission finds that consistent and uninterrupted water service is essential during extreme heat events to ensure New Yorkers, especially vulnerable populations, receive the necessary water to maintain homeostasis.

CONCLUSION

The Commission hereby institutes this proceeding to examine new requirements to be implemented by the State's electric and water utilities to address extreme heat events. The goals of this proceeding are to examine best utility practices regarding customer protections associated with extreme heat events, identify improvements that are warranted, and standardize customer protections across utilities to the extent practicable. Any new standards must take into consideration potential rate impacts so that affordability is not undermined, and rates remain just and reasonable.

²² See Title 54 Revised Code of Washington State §54.16.285; and Summer Shutoff Protections and Bill Support Fail to Adapt to a Warming World: July 2024, National Energy Assistance Directors Association, at <https://energyprograms.org/wp-content/uploads/2024/07/shutoffprotections.pdf>.

²³ The Lancet, Volume 398, Issue 10301, 698-708, *Hot Weather and Heat Extremes: Health Risks*, by Ebi Kristie L., *et al.*, p. 699.

Accordingly, we direct Staff to conduct an examination of the standards and procedures of each of the State's electric and major water utilities with respect to extreme heat events, identify best utility practices regarding the same, and develop recommendations for Commission consideration to improve and standardize to the extent practicable such policies and procedures. The Commission directs Staff to file a proposal on this subject for public comment within 90 days of the issuance of this Order. It is our expectation that this process will lead to the adoption of more consistent and uniform electric and water utility customer protections statewide during extreme heat events.

The Commission orders:

1. A proceeding is instituted to examine programs to address extreme heat weather protections and practices at the following electric and water utilities: Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Liberty Utilities (New York Water) Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; Orange and Rockland Utilities, Inc.; Rochester Gas and Electric Corporation; and Veolia Water New York, Inc.

2. Department of Public Service staff is directed to conduct an examination and to file a report with recommendations concerning uniform utility extreme heat protections and practices, as described in the body of this Order. Department of Public Service staff shall file the report with the Secretary to the Commission within 90 days of the issuance of this Order.

3. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for

the extension, and must be filed at least three days prior to the affected deadline.

4. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Appendix – Current Utility Extreme Heat Customer Protections

	Central Hudson	Con Edison	NMPC	NYSEG	RG&E	Orange & Rockland
Industry	Electric	Electric	Electric	Electric	Electric	Electric
Heat Index or Temperature (Fahrenheit)	93 degrees (heat index)	90 degrees (heat index)	95/100 degrees (heat index)	85 degrees (temperature)	85 degrees (temperature)	95 degrees (heat index)
Customer Type	Residential	Residential	Residential	Residential	Residential	Residential
Time Period of Shut Off	Day before and day of forecasted heat event	Day before, day of, and two calendar days after forecasted heat event	Day of forecasted heat event	Day of forecasted heat event	Day of forecasted heat event	Day of forecasted heat event
Time Period to Determine Pause in Service Terminations	N/A*	N/A*	95 degrees on two or more consecutive days or 100 degrees on one or more days	N/A*	N/A*	95 degrees on two or more consecutive days or 100 degrees on one or more days
Source Used	National Weather Service	National Weather Service	National Weather Service	National Weather Service	National Weather Service	N/A
Location	Service Territory	N/A	Regional	Regional	Regional	N/A
Other	N/A	N/A	"Heat Advisory"	N/A	N/A	"Heat Advisory"
Case Number	23-E-0418	22-E-0064	20-E-0380	22-E-0317	22-E-0319	21-E-0074

*Note: N/A is "not applicable," as it was not detailed within the joint proposal and/or rate order implementing the currently effective rate plan for the utility.