



April 28, 2026

VIA EMAIL

Secretary@dps.ny.gov

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

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3, Empire State Plaza
Albany, New York 12223-1350

Third Act - Upstate New York submits these comments in Docket No. 15-E-0302 to express our organization's positions and recommendations concerning the Commission's proposals under consideration in this proceeding, and to oppose the Coalition For Safe and Reliable Energy's Petition for Hearing to Temporarily Suspend or Modify the Renewable Energy Program pursuant to Public Service Law §66-p(4).

Third Act - Upstate New York is a grassroots membership organization representing older adults and allies across upstate New York who are committed to protecting public health, reducing greenhouse gas emissions, promoting energy affordability, and ensuring equitable access to clean energy.

Summary of Position

Third Act supports Commission action that advances the following objectives:

- Accelerates deployment of clean distributed energy resources (DERs), including community solar and energy storage.
- Protects low- and moderate-income (LMI) households from rate increases and ensures equitable access to program benefits.
- Promotes transparent, performance-based utility incentives that align utility financial interests with customer and climate outcomes.
- Preserves strong consumer protections and clear dispute-resolution pathways for customers participating in new DER programs and market structures.
- Ensures robust monitoring, reporting, and independent evaluation of pilot projects and program outcomes.

Comments and Recommendations

1. Prioritize Equity and Affordability

- Require concrete measures to prevent cost-shifting to LMI and fixed-income customers. Implement targeted subsidies, bill credits, or on-bill repayment mechanisms to make DERs accessible to renters and low-income homeowners.
 - Mandate outreach and enrollment assistance in underserved communities and require metrics to track equitable participation.
2. Strengthen Community Solar and Local Ownership
 - Support community solar models that maximize local ownership and community benefits. Encourage nonprofit and cooperative ownership structures and workforce development provisions prioritizing local hire and living wages.
 - Ensure compensation structures reflect the full value of distributed solar to the local distribution system while protecting consumers from shifting costs.
 3. Integrate Energy Storage and Resilience Values
 - Recognize and compensate storage for resilience and grid services, especially where storage can reduce outages for vulnerable populations and critical facilities (e.g., senior centers, health facilities).
 - Support pilots that demonstrate resilience benefits in rural and hard-to-serve upstate communities.
 4. Align Utility Incentives with Performance
 - Move away from capital-based incentives toward performance-based mechanisms tied to measurable reductions in greenhouse gas emissions, peak demand, and customer bills.
 - Institute clear, enforceable metrics and independent evaluation to ensure utilities deliver public-interest outcomes.
 5. Consumer Protections and Transparency
 - Require standardized customer disclosures, clear contract terms for third-party providers, and a robust process for handling complaints and fraud prevention.
 - Make program data publicly available in a timely, machine-readable format to allow independent analysis of impacts, participation, and costs.
 6. Evaluate Long-Term System Impacts
 - Require integrated distribution planning that explicitly considers DERs, load growth, and electrification trends in upstate New York.
 - Prioritize pilot designs that can scale and include transparent cost-benefit analysis, including non-energy benefits such as health, local jobs, and reduced emissions.

Reasons to Reject the Coalition For Safe and Reliable Energy Petition

Third Act — Upstate New York urges the Commission to deny the Coalition For Safe and Reliable Energy’s petition to suspend or modify the Renewable Energy Program for the following reasons:

1. Petition lacks substantial evidence of imminent harm or emergency
 - The petition fails to present credible, quantified evidence demonstrating immediate, widespread harm that would justify emergency suspension under PSL §66-p(4). Speculation and theoretical claims do not meet the high threshold for extraordinary relief.

2. Contradicts New York law and policy goals
 - Suspending or modifying the Renewable Energy Program would conflict with the Climate Leadership and Community Protection Act (CLCPA) and other statutory directives to accelerate renewable deployment, reduce greenhouse gas emissions, and expand clean energy access—objectives the Commission must implement.
3. Disproportionate harm to low-income and vulnerable communities
 - Suspension would stall programs that lower bills and expand access for LMI households and seniors. The petition does not assess equity impacts or propose measures to prevent harm to these communities.
4. Harms investment certainty and market stability
 - Emergency modifications would undermine developer and investor confidence, risk project cancellations and job losses, and increase long-term costs. The petition provides no credible analysis showing suspension would avoid greater economic harm.
5. Overstates reliability and cost concerns; technical solutions exist
 - Claims regarding grid reliability and cost impacts are unsubstantiated by rigorous independent analysis. Identified issues are better addressed through targeted technical solutions—grid upgrades, storage deployment, demand response, and improved integrated planning—rather than a programwide suspension.
6. Procedural and administrative deficiencies
 - The petition requests broad relief without a practicable implementation plan, timelines, or reversal metrics. Such sweeping emergency action would create regulatory confusion and impede ongoing program administration and consumer protections.
7. Reasonable alternatives available
 - Concerns can be addressed through targeted program adjustments, enhanced oversight and reporting, strengthened consumer protections, pilot evaluations, and stakeholder processes—preserving program continuity while resolving specific issues.

Requested relief regarding the petition

- Deny the Coalition’s petition for temporary suspension or modification in its entirety.
- If the Commission deems further review appropriate, open a limited, transparent stakeholder process addressing specific technical or consumer-protection concerns, while preserving existing LMI outreach, project approvals, and program operations during review.
- Require any future petitioner seeking emergency relief to submit independent, quantified evidence of imminent harm, an implementation plan, and an equity impact assessment before extraordinary measures are considered.

Requested Relief (General) Third Act respectfully requests that the Commission:

- Adopt the equity, consumer protection, and incentive-design principles outlined above.

- Require specific LMI access provisions and monitoring metrics in all DER programs under Docket No. 15-E-0302.
- Approve pilot projects only with mandatory independent evaluation and public reporting.
- Open a stakeholder process with strong representation from community-based organizations, low-income advocates, and upstate rural communities to refine implementation details.

Conclusion

For the foregoing reasons, Third Act - Upstate New York urges the Commission to continue advancing renewable and DER programs that are equitable, transparent, and performance-driven, and to reject the Coalition For Safe and Reliable Energy's petition to suspend or modify the Renewable Energy Program. We stand ready to participate in stakeholder processes to ensure outcomes are just, affordable, and climate-aligned for upstate communities.

Respectfully submitted,

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Third Act - Upstate New York