

**NEW YORK STATE
PUBLIC SERVICE COMMISSION**

Case Nos. 25-E-0375 and 25-G-0378

Proceedings on Motion of the
Commission as to the Rates, Charges,
Rules and Regulations of New York State
Electric & Gas Corporation for Electric &
Gas Service

**Rep. Josh Riley's
Motion to Compel
Responses to Requests for
Information about Billing
Errors**

At the same time that NYSEG is asking the PSC for permission to raise its rates by hundreds of millions of dollars, it also has been committing billing errors that are seriously impacting my constituents' ability to manage their household finances. *See infra* § I. That alone would be a problem. But NYSEG has made the situation worse by refusing to answer basic questions about these billing errors and their impact on ratepayers, *see infra* § II, all of which clearly is relevant to whether and to what extent NYSEG should be granted the rate hike it requests, *see infra* § III. I therefore respectfully request entry of an order compelling NYSEG to respond fully to my Information Requests on this issue. *See* Exh. A.

I.

NYSEG's recent customer service record is abysmal. DPS Staff has criticized NYSEG for its "consistent failures to meet [customer service] metrics over the last five and ten years, even though the metric targets have remained unchanged,"¹ and they have presented an analysis of annual audit reports which "demonstrates there are no other New York utilities, besides NYSEG and RG&E, which failed to meet the minimum targets for all of their [Customer Service Performance Incentive] metrics during calendar years 2020 through 2024."² Just last month,

¹ Dkt. 373, DPS Initial Post-Hrg. Br at 323.

² *Id.* at 322; *see also* Jennifer Lewke, *For the Third Year Running, RG&E and NYSEG Fall Short on Customer Satisfaction* (July 16, 2026).

the PSC penalized NYSEG \$13.3 million for NYSEG for customer service deficiencies from 2025.³

NYSEG's performance does not appear to be improving in 2026. On April 7, an investigative journalist published a story showing that RG&E had been issuing bills that contained inaccurate temperature data, and a subsequent story published on April 30 showed that NYSEG had been doing the same.⁴ According to press reporting, RG&E initially told the public that the errors would not impact customers' bills, and NYSEG appears not to have said one-way-or-the-other whether there would be bill impacts.⁵

As far as I can tell from a search of public records, NYSEG did not acknowledge those billing errors until *after* the press reported them, at which point NYSEG stated that "an issue was identified with weather-related data" at some unspecified point "earlier this year."⁶ After initially denying or refusing to state whether its errors would impact customers' bills, NYSEG admitted that the "incorrect temperature data affected certain billing calculations between February 19 and April 11, 2026," and that NYSEG was "applying one-time adjustments to affected accounts," resulting in some unspecified number of customers "see[ing] a credit" and others "see[ing] a charge."⁷

NYSEG stated that "bill changes can be inconvenient."⁸ But the public comments submitted in this rate case show that to be an egregious understatement.⁹ Many of my constituents are making incredibly difficult decisions each month as they

³ See DPS Press Release, *PSC Hits Five Utilities Five Utilities With \$50M In Penalties For Failing To Meet 2025 Customer Service Standards* (July 16, 2025).

⁴ Jennifer Lewke, *RG&E Displays Wrong Temperature Data On March Bills, Utility Promises Fix* (April 7, 2026); WGRZ Staff, *NYSEG Admits Error In Temperature Data On Customer Bills* (April 30, 2026).

⁵ See Jennifer Lewke, *Weather Normalization Adjustment On Your RG&E/NYSEG Bill* (June 16, 2026) (available on Facebook).

⁶ WGRZ Staff, *NYSEG Admits Error In Temperature Data On Customer Bills* (April 30, 2026).

⁷ *Id.*

⁸ *Id.*

⁹ See Dkt. 374, Riley Opposition to NYSEG's Proposed Rate Hike at § I.

try to balance their household budgets—whether to take extra shifts at work, cut back on groceries or medicine, fall behind on the utilities or the rent—and making already uncertain utility bills even more unpredictable can be a significant hardship, not a mere “inconvenience.”

II.

I submitted Information Requests in which I asked NYSEG to provide some basic information about these billing errors.¹⁰

For one thing, it is important (or at least relevant) to understand when and how NYSEG learned about its billing errors. NYSEG appears to have waited until *after* it received press inquiries to acknowledge these billing errors, which—by NYSEG’s own admission—had been taking place for at least two months at that point. Did NYSEG know about the errors prior to receiving press inquiries yet fail or refuse to disclose them? Or are NYSEG’s internal controls so inadequate that they did not even know about the errors until they were alerted by the press? Either scenario would raise concerns that need to be addressed in this rate case.

For another thing, NYSEG refuses to discuss the impact its billing errors have had on ratepayers. How many ratepayers were impacted? How many of those ratepayers will now see additional charges on their bills? What is the amount of those charges? And what gives NYSEG the right to put additional charges on customers’ bills to make up for NYSEG’s own mistakes? (Around here, when we make mistakes, we own up to them, not force affected parties to pay for them.)

III.

NYSEG flat out refused to answer any of the questions I asked about its billing errors, objecting on the basis that they are “not relevant” to this rate case.¹¹

¹⁰ The complete Information Request and NYSEG’s response are enclosed as Exhibit A. In addition, I attempted to obtain answers about NYSEG’s billing errors through correspondence from my office, but NYSEG refused to answer—or gave incomplete information in response to—those questions as well.

¹¹ See Exh. A.

NYSEG also refused to provide copies of its correspondence to regulators about all of this.¹² This motion followed.

A utility monopoly's customer service record, including the accuracy of its bills, is not only relevant, it is among the primary factors that regulators consider when deciding whether to approve a rate hike and whether a utility is complying with the PSC's orders setting rates.¹³ That is hardly surprising as the law prohibits NYSEG from putting "unjust or unreasonable charge[s]" on customers' bills.¹⁴ How are we to know if the erroneous charges NYSEG put on customers' bills are "just and reasonable" if NYSEG won't provide basic information about the scope and size of those errors, why those errors occurred, how NYSEG learned about them, and what NYSEG did about it?

NYSEG's refusal to discuss its recent billing errors is remarkable given that NYSEG has bragged to ratepayers that NYSEG "ensure[s] transparency and accountability to its customers by highlighting every part of a customer's bill."¹⁵ NYSEG has also put customer service and billing accuracy front-and-center in this rate case. NYSEG has argued for approval of investments to "improv[e] billing accuracy and enhanc[e] transparency,"¹⁶ and NYSEG has asked the PSC to

¹² See *id.*

¹³ See, e.g., Case No. 22-E-0317, Dkt. 155, Order Adopting Joint Proposal at Appx. P (Oct. 12, 2023) (describing customer service considerations from NYSEG's last rate case); Case No. 24-E-0461, Dkt. 93, Order Adopting Terms of a Joint Proposal and Establishing Electric and Gas Rates (for Central Hudson) at n.65 ("[T]he Joint Proposal contains several provisions to monitor the Company's customer service performance and continues the existing Customer Service Performance Indicators incentive mechanism, which establishes negative revenue adjustments that incentivize the Company to resolve customer complaints, including those related to billing issues."); Case No. 25-00241, Dkt. 264, Order Adopting Terms of a Joint Proposal and Establishing Electric & Gas Rates (for ConEdison) at 87-88 (outlining terms for delayed and estimated bills).

¹⁴ See NY Pub. Serv. Law § 65 ("Every unjust or unreasonable charge made or demanded for gas, electricity or any such service, or in connection therewith, or in excess of that allowed by law or by the order of the commission is prohibited."); see also Case No. 22-00743, Dkt. 1, Order to Show Cause (opening investigation into "system problems" that "led to apparent overcharges affecting over 8,000" utility customers).

¹⁵ See NYSEG Press Release, *Approximately 60% of Charges on Utility Customers' Bills are Outside the Company's Control: NYSEG Continues to Ensure Transparency and Accountability to its Customers by Highlighting Every Part of a Customer's Bill* (May 15, 2025).

¹⁶ Dkt. 370, NYSEG Post-Hrg. Br. at 547.

relax NYSEG's customer service metrics—a request to which DPS Staff not only objected but described as “alarming” precisely because of “customers’ billing concerns, such as estimated bills, budget billing, payment issues, complex billing issues, and billing delays.”¹⁷ Clearly, then, the accuracy of NYSEG's bill is a litigated (and certainly not an irrelevant) issue in this rate case.

I therefore respectfully request an order compelling NYSEG to answer my Information Requests, enclosed as Exhibit A, in their entirety.

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¹⁷ Dkt. 373, Staff Initial Post-Hearing Br. at 313; *see also id.* at 319 (“[W]e assert the Companies should be held accountable for their performance in the Rate Year, in recognition of the fact that the proposed two-year suspension of metric performance monitoring and CSPI incentives could allow the Companies’ customer service quality to decay without consequence.”); *id.* at 311 (describing NYSEG's “historically poor levels” of customer service).

EXHIBIT A

**New York State Electric & Gas Corporation
Rochester Gas and Electric Corporation**

**25-E-0375, 25-G-0378, 25-E-0379, 25-G-0380
Request for Information**

Requesting Party: Rep. Josh Riley

Request No.: NYRC-2061 (RJRiley-104-111)

Date of Request: July 17, 2026

Response Due Date: July 27, 2026

Date of Reply: July 27, 2026

Witness: Jeffrey Rosenbloom, Lindsey Overton

Panel: Policy Panel

Subject:

Question:

For each prepared response, please identify the name and title of the preparer. Please also note that, consistent with the requirements set forth in 16 NYCRR § 5.7, the discovery requests should be considered continuing in nature. Therefore, to the extent the responses provided change during the course of this proceeding, you are obligated to supplement previous discovery responses.

For the IRs below, **“the Temperature-Related Billing Error”** refers to the incorrect billing calculations described in the following statement issued by NYSEG in or about April 2026:

“Earlier this year, an issue was identified with weather-related data used in customer bills for a limited period. The issue occurred following a computer system upgrade. After further reviewing this matter, we determined that incorrect temperature data affected certain billing calculations between February 19 and April 11, 2026.

“We notified our regulator, corrected the underlying data, and are applying one-time adjustments to affected accounts so that bills accurately reflect the appropriate charges. Some customers may see a credit, while others may see a charge, depending on their usage during that timeframe.

“We recognize that bill changes can be inconvenient, and we are committed to working directly with any customer who has questions or needs assistance, including flexible payment options where appropriate.”

For the IRs below, **“the New Charges”** refers to the “one-time adjustments” that result in customers “see[ing] a charge” on their bills, as referenced in the statement quoted above.

**New York State Electric & Gas Corporation
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**25-E-0375, 25-G-0378, 25-E-0379, 25-G-0380
Request for Information**

- 104.** Does NYSEG consider the quality of its customer service to be an important factor for consideration in this Rate Case?
- 105.** Does NYSEG consider the accuracy of the bills it sends to customers an important component of customer service?
- 106.** When and how did NYSEG become aware of the Temperature-Related Billing Error?
 - a.** Was the Temperature-Related issue first brought to NYSEG's attention through public reporting.
 - b.** How many customer complaints has NYSEG received about the Temperature-Related Billing Error?
 - c.** How many customer complaints did NYSEG receive about the Temperature-Related Billing Error prior to April 30, 2026.
- 107.** Please produce all correspondence between NYSEG and its regulator about the Temperature-Related Billing Error.
- 108.** How many NYSEG customers were impacted by the Temperature-Related Billing Error?
 - a.** How many of those customers were overcharged because of the Temperature-Related Billing Error and what was the mean and median amount of the overcharge per bill and in the aggregate?
 - b.** How many of those customers were undercharged because of the Temperature-Related Billing Error and what was the mean and median amount of the undercharge per bill and in the aggregate?
- 109.** On what basis does NYSEG believe it is legal to assess the New Charges?
- 110.** Are the New Charges intended to compensate NYSEG for foregone revenue from the Temperature-Related Billing Error?

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- 111.** Given the extraordinary affordability concerns raised in this Rate Case– including the stories of Upstate New Yorkers who are struggling to balance their household budgets on a daily, weekly, or monthly basis– did NYSEG consider whether to waive the costs associated with the New Charges?
- a.** If not, why not?
 - b.** If so, why did NYSEG decide to apply the New Charges instead of waiving them?

Response:

NYSEG objects to all questions above on relevance grounds. Pursuant to 16 NYCRR Section 5.8, discovery requests should be tailored to the particular proceeding. The questions above seek information that is not relevant to, and outside the scope of these rate proceedings, and that cannot reasonably be expected to lead to the discovery of admissible evidence. NYSEG objects additionally to Question 109 as the question calls for a legal conclusion.