

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 19, 2026

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 20-G-0131 - Proceeding on Motion of the Commission in
Regard to Gas Planning Procedures.

ORDER ADOPTING A CUSTOMER BILL OF RIGHTS AND REPORTING
REQUIREMENTS, AND DIRECTING TARIFF AMENDMENTS

(Issued and Effective March 20, 2026)

BY THE COMMISSION:

INTRODUCTION

In the Order Adopting Moratorium Management Procedures,¹ the Public Service Commission (Commission) acknowledged that a moratorium on providing applicants or prospective customers with gas service should be a last step, not a first option. However, the Commission noted that some utilities had issued such moratoria in the last decade and, therefore, adopted procedures to protect customers, allow the utilities and their customers to plan effectively, and to enable the utilities and stakeholders to pursue options such as non-

¹ Case 20-G-0131, Order Adopting Moratorium Management Procedures (issued May 12, 2022) (Moratorium Management Order).

pipe alternatives (NPAs) to avoid potential moratoria. In the prior order, the Commission required the utilities to propose a standard Moratorium Customer Bill of Rights, update their tariffs to reflect the criteria they would use to assess the need for a future moratorium, and take other actions to ensure that they can implement the moratorium management procedures if necessary. The Commission does not observe any service areas at immediate risk for a new moratorium at this time but finds it appropriate to address the utilities filings and implement improvements to the moratorium management procedures to ensure clarity and improve opportunities for NPAs to enhance the utilities' planning going forward.

By this Order, the Commission builds upon the Moratorium Management Order and adopts a Customer Bill of Rights, data reporting requirements, and tariff revisions. The Moratorium Customer Bill of Rights will aid customers throughout the State in understanding their rights to natural gas service should a natural gas moratorium be imposed. The data we require utilities to submit regarding low- and moderate-income (LMI) customers and those located within disadvantaged communities who would be impacted by a moratorium will aid in ensuring that utilities sufficiently address a moratorium's impacts on these customers and not disproportionately impact them compared to other customers. Finally, the tariff revisions and enhanced reporting regarding moratorium need criteria will provide transparency regarding potentially constrained areas of the utilities' systems and enhance opportunities to pursue NPAs that could address the constraints without resorting to a moratorium.

BACKGROUND

In its Order instituting this proceeding, the Commission, among other matters, identified a need for gas

utilities, or Local Distribution Companies (LDCs), to establish clear criteria and updated procedures for managing moratoria placed on new gas service in instances of gas supply constraints.² In response to the Order Instituting Proceeding, a joint party of the LDCs (JLDCs)³ and Department of Public Service staff (Staff) each filed proposals outlining gas moratorium management procedures for the Commission to consider.⁴ By Order issued May 12, 2022, the Commission adopted moratorium management procedures reflecting the Staff Proposal, with modifications.⁵ The Moratorium Management Order also required the LDCs to file a proposed standard Moratorium Customer Bill of Rights and draft tariff amendments including moratorium need criteria. Further that order required the LDCs to report on LMI customers and those in disadvantaged communities if and when

² Case 20-G-0131, Order Instituting Proceeding (issued March 19, 2020). The LDCs to which the Order Instituting Proceeding and the Moratorium Management Order apply, and, thus, to which this Order applies, consist of: Consolidated Edison Company of New York, Inc. (Con Edison); The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY); KeySpan Gas East Corporation d/b/a National Grid (KEDLI); Orange and Rockland Utilities, Inc. (ORU); Central Hudson Gas & Electric Corporation (Central Hudson); Niagara Mohawk Power Corporation d/b/a National Grid (NMPC); New York State Electric & Gas Corporation (NYSEG); Rochester Gas and Electric Corporation (RG&E); National Fuel Gas Distribution Corporation (NFG); Liberty Utilities (St. Lawrence Gas) Corp. (Liberty SLG); and Corning Natural Gas Corporation (Corning).

³ The JLDCs consist of: Central Hudson; Con Edison; KEDNY; KEDLI; NMPC; NYSEG; RG&E; NFG; and ORU.

⁴ Case 20-G-0131, Modernized Gas Planning Process: Standards for Reliance on Peaking Services and Moratorium Management (filed July 17, 2020) (JLDC Proposal); Case 20-G-0131, Staff Moratorium Management Proposal (filed February 12, 2021) (Staff Proposal).

⁵ Case 20-G-0131, Order Adopting Moratorium Management Procedures (issued May 12, 2022) (Moratorium Management Order).

they file a notice of potential moratorium. Recognizing that the LDCs may not have the data desired for the required reporting, the Moratorium Management Order stated that the LDCs could identify barriers to such reporting and set out a process for considering the use of alternative data.

Moratorium Customer Bill of Rights

As part of the JLDC Proposal, the JLDCs proposed establishing a Moratorium Customer Bill of Rights and included some conceptual recommendations for such a document.⁶ In the Moratorium Management Order, the Commission directed the LDCs to jointly develop and file a draft standardized Moratorium Customer Bill of Rights for Commission consideration.⁷ The Commission required that the draft Moratorium Customer Bill of Rights include the recommendations provided in the JLDC Proposal and that it also include: additional requirements regarding provision of information to new applicants for gas service; a statement that no payment penalties would be applicable to applicants that cancel a service request due to a moratorium; a provision clarifying documents will be translated in accordance with the Home Energy Fair Practices Act, or HEFPA;⁸ and information regarding prospective customers' rights to file a complaints with the Commission. On June 27, 2022, Con Edison and O&R filed a draft Bill of Rights on behalf of all of the LDCs.⁹

⁶ JLDC Proposal, pp. 24-25.

⁷ Moratorium Management Order, p. 25.

⁸ HEFPA is contained in PSL Article 2 and the Commission has adopted implementing regulations regarding HEFPA, as set forth in 16 NYCRR Part 11.

⁹ Case 20-G-0131, Joint LDC Draft Moratorium Bill of Rights (filed June 27, 2022).

Impacts on LMI Customers / Disadvantaged Communities

The Moratorium Management Order required each LDC, when identifying a specific potential moratorium, to file information on low- and moderate-income (LMI) customers, as well as customers in disadvantaged communities,¹⁰ that could be affected. Specifically, the Moratorium Management Order required that LDCs filing a notice of a potential moratorium¹¹ include with that notice, at a minimum: (1) LMI customer and disadvantaged community customer population numbers; (2) low- and moderate-income customer and disadvantaged community customer gas usage; (3) a method for landlords, prospective owners, or prospective renters to determine gas availability at a premise prior to the execution of a rental agreement, lease, or purchase; and (4) the number of submitted applications, service requests, or work requests that have been approved, denied, or are pending within the past five years.¹² This reporting is intended to ensure impacts to these populations are not disproportionately burdensome and are appropriately addressed. The Moratorium Management Order recognized that collecting such information could pose challenges, and provided that, should any LDC be incapable of tracking the information applicable to LMI customers and customers located within

¹⁰ Disadvantaged Communities as defined by Environmental Conservation Law (ECL) §75-0101(5) are "communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households, as identified pursuant to" ECL §75-0111.

¹¹ An LDC is required to file a notice of potential moratorium with the Secretary to the Commission at least two years in advance of the potential implementation date of a moratorium. Moratorium Management Order, pp. 12, 33.

¹² Moratorium Management Order, pp. 27-28.

disadvantaged communities, then the LDC(s) would provide notice of any system constraints within 60 days of the Moratorium Management Order.¹³ The Moratorium Management Order provided that Staff would then schedule a meeting with the LDC(s) and interested stakeholders to discuss the nature of difficulties and how best to capture the data from the various LDCs' service territories. The Commission also directed affected LDCs to submit a report explaining any alternative information or means of gathering necessary information that they would pursue subsequent to these meetings.

On July 11, 2022, Con Edison submitted a letter to the Secretary to the Commission in this proceeding on behalf of the LDCs advising "that it will be challenging in some cases and impossible in others to provide some of the items listed above at this time."¹⁴ The letter advised that the LDCs do not keep an inventory or database of LMI customers and it would be difficult for the LDCs to provide information on customers residing in disadvantaged communities as the definition of disadvantaged community had not yet been finalized. The letter stated the gas usage of these customer populations may not be obtainable or conclusive, as the LDCs do not track service requests by income or disadvantaged community status for the same reason they do not keep an inventory or database, and it would be impossible to do so retroactively.

On September 14, 2022, Staff held a meeting with the LDCs and stakeholders to discuss these concerns and to reach a consensus on potentially acceptable solutions to the issues

¹³ Id., p. 28.

¹⁴ Case 20-G-0131, JLDC Letter Regarding Moratorium Notice (filed July 11, 2022).

raised in the July 11, 2022 letter.¹⁵ On October 14, 2022, NMPC filed a Report on Challenges Related to Reporting Data Related to Low- and Moderate-Income and Disadvantaged Communities (Moratorium Data Report) on behalf of the LDCs in this proceeding.¹⁶

In the Moratorium Data Report, the LDCs reiterated that they do not maintain an inventory or database of customers based on their qualification for LMI status, nor is there a universally accepted definition of LMI customers. The LDCs stated, however, that they are able to identify customers enrolled in Energy Assistance Programs (EAPs), which provide a monthly utility bill discount to qualifying customers.¹⁷ As such, the LDCs proposed to use EAP customer enrollment data for the purpose of meeting the reporting requirements regarding LMI customers directed in the Moratorium Management Order. The LDCs asserted this data would provide a reasonable proxy for LMI customers but recognized that this may not capture all LMI customers.

Regarding disadvantaged community customer population numbers, the LDCs reiterated the issues raised in the July 11, 2022 letter. The LDCs stated that they require a definition of

¹⁵ 20-G-0131, Notice of Meeting Regarding Moratorium Management and Disadvantaged Communities (issued September 2, 2022).

¹⁶ Case 20-G-0131, JLDC LMI and DAC Data Letter (filed October 14, 2022).

¹⁷ The LDCs stated that customers' eligibility for an LDC's EAP is based on customers' enrollment in or qualification for various social services programs (e.g., Home Energy Assistance Program (HEAP), Supplemental Nutrition Assistance Program, and Temporary Assistance), and enrollment in an EAP occurs either automatically, through coordination between social service agencies such as the New York State Department of Social Services and the Office of Temporary and Disability Assistance and the LDC, or through a customer's self-certification with the LDC. Moratorium Data Report, pp. 2-3.

disadvantaged communities to assess the feasibility of reporting on customers within them. If the definition of disadvantaged communities hinges on data points that are routinely captured by LDC billing systems (e.g., service class, zip code, EAP participation), the LDCs stated the provision of such data about these customers could be a relatively straightforward exercise. However, the LDCs contended that identifying customers located within disadvantaged communities by mapping customer accounts to building addresses, political boundaries, or other geolocal data could become a more difficult manual exercise. In addition, the LDCs noted that there are many communities with disparate income levels living in close proximity to, or even within, the same building and that many customers do not have their own gas bills, which could result in inaccurate or misleading data on any of these customer populations.

Given the uncertainty regarding the definition of a disadvantaged community at the time the LDCs filed the Moratorium Data Report, they proposed providing information related to customers in disadvantaged communities and those customers' natural gas consumption based on the definition in place when the LDCs prepare and report such information.

Moratorium Need Criteria

As discussed in the Moratorium Management Order, in response to the Staff Proposal, the LDCs provided descriptions of criteria for identifying vulnerable sections of their gas systems and portions of their services areas that are locally constrained.¹⁸ The Commission found these criteria to be reasonable, rational, significant, and directed their use in analysis to determine the need and extent of any proposed

¹⁸ Moratorium Management Order, p. 19.

moratorium. As such, the Commission directed the LDCs to file draft tariff leaves containing these criteria.¹⁹ On August 10, 2022, and August 11, 2022, the LDCs filed draft tariff leaves outlining these criteria.²⁰

NOTICES OF PROPOSED RULE MAKING AND COMMENTS

Pursuant to SAPA §202(1), a Notice of Proposed Rulemaking was published in the State Register regarding the JLDC's proposed Moratorium Customer Bill of Rights on August 17, 2022 [SAPA No. 20-G-0131SP3]. Additionally, the Secretary to the Commission issued a Notice Soliciting Comments on August 5, 2022, regarding the proposed Moratorium Customer Bill of Rights. The time for submission of comments pursuant to these notices expired on October 17, 2022. One comment, from Dutchess County, was received in response to these notices. Dutchess County requests clarification on components of the Customer Bill of Rights, including, but not limited to applicability to existing customers; the duration of a moratorium; communications to customers; and the applicability to types of customers. The Secretary issued a second Notice for Comment on the draft Bill of Rights on August 18, 2025, with comments requested by September 26, 2025. No additional comments were received related to the proposed Moratorium Customer Bill of Rights.

¹⁹ Moratorium Management Order, pp. 28-29.

²⁰ Case 20-G-0131, National Grid Moratorium Draft Tariff Leaves (filed August 10, 2022); Case 20-G-0131, CHG&E Gas Moratorium Letter and Leaf 18 Addition (filed August 10, 2022); Case 20-G-0131, NYSEG-RGE Moratorium Tariff CLEAN Attachment 2 (filed August 10, 2022); Case 20-G-0131, ORU Draft Moratorium Tariff Leaves - Red Line (filed August 10, 2022); Case 20-G-0131, CECONY Draft Moratorium Tariff Leaves Red Line (filed August 10, 2022); Case 20-G-0131, NFGDC Moratorium Draft Tariff Leaf (filed August 10, 2022); Case 20-G-0131, Draft LEAVES Corning Compliance (filed August 11, 2022).

Regarding the LDCs' proposed tariff amendments identifying moratorium need criteria, a Notice of Proposed Rulemaking was published in the State Register on November 2, 2022 [SAPA No. 20-G-0131SP13]. The time for submission of comments pursuant to this notice expired on January 3, 2023. One comment, from Bloom Energy Corporation (Bloom), was received on December 30, 2022, regarding the moratorium need criteria. Bloom comments that moratorium criteria should focus any moratorium on natural gas uses "based on whether or not there is a cleaner and presently feasible alternative to gas."

Regarding the LDCs' Moratorium Data Report, a Notice of Proposed Rulemaking was published in the State Register on November 30, 2022 [SAPA No. 20-G-0131SP14]. The time for submission of comments pursuant to this notice expired on January 30, 2023.

LEGAL AUTHORITY

The Public Service Law (PSL) contains several provisions related to the Commission's authority concerning supply constraint issues. PSL §65(1) requires that gas service provided to customers be safe and adequate at rates that are just and reasonable. PSL §66-a specifies that, if there is a shortage of gas in an area that makes a gas utility supplying said area to be unable to provide sufficient gas to meet the reasonable needs of its consumers and of applicants for new or additional gas service, the Commission can require said gas utility to cease providing new or incremental gas service to applicants. Further, PSL §66-a requires the Commission to give consideration first to existing domestic uses and uses it deems necessary to protect public health and safety and to avoid undue hardship in imposing such a requirement.

Assuming the existence of adequate supply, PSL §31(1) requires that utilities provide residential customers with service upon a proper application, while the Transportation Corporations Law §12 imposes a similar obligation on utilities for non-residential customers.²¹ Title 16 of the New York Codes, Rules, and Regulations (NYCRR) §§11.3 and 13.2 provide further detail applications for residential and nonresidential gas service, respectively. As relevant here, 16 NYCRR §11.3(a)(4) generally requires a utility to provide residential service within five business days of receiving an application for such service and 16 NYCRR §11.3(b) requires a utility that will not initiate residential service as requested to provide notice of the denial to the applicant within three business days of receipt of the application. Analogously, 16 NYCRR §13.2(a)(1) requires a utility to provide or deny nonresidential service to an applicant within 10 calendar days of receipt of a completed application.

DISCUSSION AND CONCLUSION

The Commission reasserts its continued position that the issuance of a moratorium on providing applicants with gas service should be a last step, not a first option. However, should a moratorium be required, the procedures surrounding a moratorium must be fair, equitable, and transparent for all stakeholders, customers, and applicants for service. Accordingly, the Commission adopts, with modifications, a Moratorium Customer Bill of Rights; customer population reporting requirements regarding customers and residents who have low- and moderate-incomes or are in disadvantaged communities whose access to gas service may be impacted by a

²¹ Transportation Corporations Law §12 also addresses the obligation to provide new service connections.

moratorium to ensure potential and existing customers are not disproportionately burdened by an LDC's moratorium; directs the LDCs to file tariff amendments specifying metrics used to determine the need to declare a moratorium; and directs the LDCs to provide additional information related to locations that might benefit from non-pipes alternatives in update filings to their respective long-term plans.

Moratorium Customer Bill of Rights

The Moratorium Management Order laid out requirements for a standard Moratorium Customer Bill of Rights to provide a clear statement of the rights and options afforded to customers and applicants for gas service impacted by a moratorium. The Order required the LDCs to jointly develop a standard Moratorium Customer Bill of Rights for use statewide and to include appropriate utility-specific content, such as contact information. Requiring the LDCs to use a standard document statewide ensures the consistent treatment of customers and applicants for service.

In developing this standard Moratorium Customer Bill of Rights, the Commission directed the LDCs to include the recommendations the JLDCs provided in their July 17, 2020 filing, along with the following information, at a minimum.²² First, the Bill of Rights shall state that, within five business days after an LDC receives a service application, it will provide the following to the applicant: (a) clear information on the moratorium and what that means for the applicant; (b) a timeline of when gas service will become available, if applicable; (c) information on alternative energy sources, such as heat pumps or electricity, and an offer to provide a referral

²² Moratorium Management Order, pp. 25-26.

to the New York State Energy Research and Development Authority (NYSERDA) for alternatives if requested by the applicant; and (d) the process(es) to be followed by the LDC if and when the moratorium is lifted, including if the applicant will have to re-apply for gas service.

Second, the Moratorium Customer Bill of Rights shall state that no payment penalties will be applicable if the applicant cancels a service request due to the moratorium. Third, the standard document shall include a provision explaining any written documents (e.g., applications, contracts, marketing materials, and the Bill of Rights itself) will be translated in accordance with HEFPA.²³ Fourth, the Bill of Rights shall inform prospective customers, applicants, and existing customers that they have the right to file a complaint regarding the LDC with the New York State Public Service Commission through the New York State Department of Public Service's Office of Consumer Services by calling 800-342-3377 or going to www.dps.ny.gov.

The Commission adopts the LDCs' proposed Moratorium Customer Bill of Rights with several modifications, as shown in Appendix A. These modifications include clarifications to customer communication preferences, the individual LDC's open application period, revisions addressing Dutchess County's comments,²⁴ and addition of a statement regarding the availability of the Bill of Rights on an LDC's website. We find the Customer Bill of Rights incorporates lessons learned and customer concerns from previous moratoria as identified in the

²³ Sixteen NYCRR §11(17)(b).

²⁴ We adopt a modification on the Customer Bill of Rights incorporating clarifications on the applicability of service to new and existing customers to address Dutchess County's comments.

Staff Proposal.²⁵ Therefore, should an LDC file a Notice of Potential Moratorium with the Secretary to the Commission, the LDC shall include with that filing a copy of the Moratorium Customer Bill of Rights, consistent with the standard language included in Appendix A to this Order, that the LDC will supply to existing customers and applicants.²⁶ Additionally, at the time an LDC files a Notice of Potential Moratorium, the LDC shall publish the information contained within the Moratorium Customer Bill of Rights on its website.

LMI Customers and Disadvantaged Communities Data Reporting

The Commission reiterates that, when considering the imposition of a moratorium, an LDC should weigh the impacts on LMI customers and customers residing in areas classified as disadvantaged communities. The provision of information regarding LMI and disadvantaged community customers who would be affected by such potential moratoria would aid in ensuring an LDC sufficiently addresses a potential moratorium's impacts on these customers and similarly located applicants who may desire gas service so that they are not disproportionately impacted compared to others. The Commission also recognizes the LDCs' concerns regarding both defining and obtaining sufficiently accurate data for these customer populations.

²⁵ Case 20-G-0131, Staff Proposal (filed February 12, 2021), pp. 1-6 and 11-13.

²⁶ The Moratorium Customer Bill of Rights language provided in Appendix A states that a gas customer who has had their gas service off for a period of up to 24 months has the right to restore natural gas service during a moratorium, provided they do not substantially increase demand from levels prior to halting service or change the service classification. In filing a Notice of Potential Moratorium, the LDC needs to provide the criteria the LDC will use to determine if such a customer has a "substantial increase in demand" within the context of the specific potential moratorium.

However, subsequent to the Moratorium Data report, on March 27, 2023, the Climate Justice Working Group finalized the criteria for identifying disadvantaged communities,²⁷ which the Climate Action Council then approved and adopted.²⁸ The Climate Justice Working Group used 45 indicators to develop the criteria identifying 35 percent of New York State as disadvantaged communities based on “environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change.”²⁹

As such, the Commission directs the LDCs to report on customer populations in the disadvantaged communities as adopted by the Climate Action Council within the LDCs’ respective service territories. For consistency and the most up-to-date information, the LDCs shall rely upon the interactive map of disadvantaged communities maintained by DEC.³⁰

Regarding the LDCs’ reporting on the LMI customer population, the Commission is concerned that relying on only EAP enrollment data, as the LDCs suggested, may significantly

²⁷ New York State Department of Environmental Conservation (DEC), *New York State Climate Justice Working Group Finalizes Disadvantaged Communities Criteria to Advance Climate Justice*, published March 27, 2023, available at: <https://content.govdelivery.com/accounts/NYSDEC/bulletins/35156d3> (accessed March 3, 2026).

²⁸ New York State, *Disadvantaged Communities Data*, available at: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/> (accessed March 3, 2026).

²⁹ DEC and NYSERDA, *New York State’s Disadvantaged Communities Criteria*, published September 2024, available at: https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/LMI-daccriteria-fs-1-v3_acc.pdf (accessed March 3, 2026).

³⁰ Available online at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria> (accessed March 3, 2026).

undercount the total LMI population in an LDC's service territory who may be impacted by a moratorium. Customers enrolled in a utility's EAP based on the utility's receipt of a HEAP grant or voluntary self-enrollment would not capture moderate-income customers. Therefore, the LDCs are to report this EAP information with the additional sources detailed below, to most accurately capture the number of LMI customers in an LDCs service territory and area of potential moratorium.

Since the LDCs filed the Moratorium Data Report, the Commission approved a two-year Enhanced EAP pilot program that the large investor-owned electric and gas utilities will administer.³¹ The Enhanced EAP pilot will provide a monthly bill discount to residential customers who do not qualify for EAP benefits, but fall below the State Median Income, or the Area Median Income for utilities located in certain areas. However, the Enhanced EAP program is only a two-year pilot, which could affect the availability of such customer data beyond two years.

The next most comprehensive source of readily available household income information would be through the U.S. Census Bureau. The U.S. Census Bureau maintains income data that can be stratified into the number of residents of a county, or municipality, by various strata of income levels, such as less than \$10,000 annually or \$10,000 to \$14,999 annually.³² It is important to note, any U.S. Census data provided by an LDC in moratorium-related reports will not be used to determine

³¹ Case 14-M-0565, Energy Affordability Policy Proceeding, Order Adopting Enhanced Energy Affordability Policy and Directing Utility Filings (issued July 17, 2025). Liberty SLG and Corning do not participate in the EEAP; thus they would not be able to report this data.

³² For example, the U.S. Census Bureau data for Albany County, New York, is available at [https://data.census.gov/table?t=Income+\(Households,+Families,+Individuals\)&g=040XX00US36\\$0500000&t_id=ACSST1Y2021.S1901](https://data.census.gov/table?t=Income+(Households,+Families,+Individuals)&g=040XX00US36$0500000&t_id=ACSST1Y2021.S1901) (accessed March 3, 2026).

customers' eligibility for various utility programs, such as the EAP or EEAP. Rather, the data shall be used as guidance, in the event of a moratorium.³³ Therefore, we direct the LDCs to utilize the U.S. Census Bureau data to obtain the approximate number of households, including existing customers and prospective applicants who meet the low- and moderate-income criteria, in the LDCs' various Census Tracts. This data will allow for improved transparency and more granular data on the potential number of low- and moderate-income customers, and prospective applicants, located within the LDCs' service territories who may be impacted by a potential moratorium.

In sum, the Commission directs the LDCs to report, in their Notice of Potential Moratorium, the data from their respective Energy Affordability Programs, Enhanced Energy Affordability Programs, and the U.S. Census Bureau data, including from the American Community Survey, to detail the approximate number of LMI customers in their service territories, the approximate number of LMI customers in a community affected by a potential moratorium, the approximate number of LMI households in a community affected by a potential moratorium. This reported low- and moderate-income customer data can be used to assess the impact potential moratorium could have on these customer populations in the future and provide guidance on how to ensure these groups are not disproportionately burdened in the event of a moratorium, or as such moratorium is lifted.

³³ The American Community Survey (ACS) provides detailed information regarding census participants' incomes, which shall be used by the LDCs when obtaining moderate income customer data, available at <https://www.census.gov/programs-surveys/acs.html> (accessed March 3, 2026).

Moratorium Need Criteria

As noted in the Moratorium Management Order and discussed above, the LDCs rely on certain system pressure metrics in conjunction with forecasts of customer load to assess their distribution systems' reliability, need for infrastructure support, and potential need for gas moratoria on new gas usage in existing service areas.³⁴ The Commission found these criteria to be appropriate for determining need and scope of gas moratoria and directed the LDCs to file draft tariff leaves incorporating the criteria.³⁵

However, the Commission recognizes that different segments of each LDC's distribution system operate at different pressures and there is no one standard pressure reading that indicates whether reliability is in jeopardy. Each gas utility must evaluate its specific system, and more granular areas within that system, to determine the pressure thresholds for these metrics that indicate an inability to add additional customer load. As such, while the draft tariff leaves filed by the LDCs could have included more specific information, the Moratorium Management Order also directed the LDCs to file the specific threshold values associated with service areas potentially subject to a moratorium two years ahead of the implementation of a moratorium.³⁶

While filings specific to individual moratoria are useful for enhancing transparency to potentially impacted customers and interested stakeholders, effective efforts to avoid potential moratoria through NPAs require earlier publication of these specific data points. This will allow

³⁴ Moratorium Management Order, p. 28.

³⁵ Moratorium Management Order, p. 29.

³⁶ Id.

communities and other stakeholders to engage with an LDC to develop and implement NPAs. It is not necessary, however, to include these complex, granular data points that are also based on evolving forecasts and infrastructure conditions in the LDCs' respective tariffs. Instead, as discussed in further detail below, the Commission finds it appropriate to require the LDCs to provide specific threshold values for these metrics and additional granular information in the annual long-term plan reports they file in the proceedings regarding their respective long-term plan.

1. Draft Tariff Leaves

As discussed above, the Commission directed the LDCs to file draft tariff leaves containing moratorium need criteria in this proceeding,³⁷ which the LDCs filed on August 10 and 11, 2022. The information in the LDCs' draft tariff leaves complies with the Moratorium Management Order's directives.³⁸ Therefore, the Commission hereby directs the LDCs to file tariff leaves consistent with those draft tariff leaves.

We note that these tariff amendments will not have any immediate impact on customers, as they merely list the criteria the LDCs will use to assess the reliability of their systems going forward. Further, there has been extensive public notice and opportunity to submit comments regarding the criteria, first in advance of the Moratorium Management Order and in advance of this Order. Accordingly, the Commission waives the requirements

³⁷ Moratorium Management Order, p. 29.

³⁸ The comments of Bloom are inapposite. The moratorium need criteria we discuss here concern when a portion of an LDC's system is constrained, which may necessitate a moratorium. In contrast, Bloom's comments concern which type of customer or applicant should be subject to a moratorium if one cannot be avoided.

of newspaper publication pursuant to PSL §66(12)(b) and Title 16 of the NYCRR §720-8.1, with respect to the tariff amendments directed in this Order.

2. Annual Long-Term Plan Filing

Pursuant to the Commission's Order Adopting Gas System Planning Process, the Commission requires the LDCs to file annual long-term plan reports.³⁹ The Moratorium Management Order also requires that LDCs issue requests for proposals for NPAs no more than 60 days after filing a notice of a potential moratorium as NPAs may be able to relieve or mitigate the potential moratorium.⁴⁰ Further, stakeholders in proceedings regarding individual LDCs' long-term plans have expressed a need for the LDCs to provide additional information that would enable stakeholders and communities to engage with the LDCs' to develop and implement NPAs that can effectively support gas system reliability and avoid potential moratoria before they become imminent. Finally, better coordination with stakeholders and interested entities to implement NPAs can potentially reduce greenhouse gas emissions in New York State, in furtherance of goals of the CLCPA. Therefore, requiring the LDCs to provide data showing where and when LDCs would require new infrastructure projects to maintain reliability across their systems, as well as the specific threshold values for the criteria that would indicate a need for a moratorium on new gas usage in specific areas of the LDCs' service territories, accomplishes multiple goals relating to gas system planning generally and managing gas moratoria specifically.

³⁹ Case 20-G-0131, Order Adopting Gas System Planning Process (issued May 12, 2022), p. 22.

⁴⁰ Moratorium Management Order, p. 12.

In considering requiring the LDCs to provide this additional information, we recall earlier actions the Commission has taken in the context of electric infrastructure. The Commission has required electric utilities to file Distributed System Implementation Plans (DSIPs) to inform the transition of the State's investor-owned electric utilities from a largely unidirectional electric system to a dynamic grid model with increasing reliance on distributed resources.⁴¹ The Guidance Order required the utilities to identify specific areas where they anticipate the need for infrastructure upgrades in their initial DSIPs, such that non-wires alternatives (NWA) could be considered and so that projects could potentially provide delivery infrastructure avoidance value or other reliability or operational benefits. While there are significant differences between the natural gas and electric systems, such as the projected increase of electric demand due to the electrification of heating applications and transportation, NPAs, like NWA, can take the place of traditional infrastructure solutions.

We direct each LDC to provide similarly valuable information regarding opportunities for NPAs in the annual reports on the long-term plans each LDC files in the proceeding specific to its respective long-term plan. The required information is set forth in Appendix B. It is largely drawn from the DSIP filings and includes details on the LDCs' advanced forecasting, system operations, clean heat integrations, energy efficiency integrations, and locating areas for implementing NPAs. This information shall be filed beginning with the annual

⁴¹ Case 14-M-0101, Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, Order Adopting Distributed System Implementation Plan Guidance (issued April 20, 2016) (Guidance Order) and Order Adopting Regulatory Policy Framework and Implementation Plan (issued February 26, 2015) (Track One Order).

reports in May 2027. Corning has been directed to file interim reports on a less frequent basis and shall include this information in each filing.⁴² The Commission is still considering the long-term plan of Liberty SLG,⁴³ and without prejudging that plan, we require Liberty SLG to include this information in all future interim reports on that plan. Regarding threshold values associated with the criteria for declaration of a moratorium, the Commission directs the LDCs to include currently applicable threshold values for assessment of a gas moratorium in each of the geographic zones or service area sections each LDC individually assesses. Staff will review the first round of these filings and will consult with the LDCs to identify clarifications and refinements for the LDCs to provide in subsequent years' filings.

The Commission orders:

1. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Corning Natural Gas Corporation; KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corp.; National Fuel Gas Distribution 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 The Brooklyn Union Gas Company d/b/a National Grid NY shall, when filing a Notice of Potential Moratorium with the Secretary to the Commission, include with that filing a copy of the Moratorium Customer Bill of Rights, consistent with the standard language included in Appendix A to this Order, that the

⁴² Case 24-G-0629, Corning - Long-Term Gas System Plan, Order Regarding Long-Term Natural Gas System Plan and Directing Further Actions (issued December 19, 2025), pp. 62-63.

⁴³ Case 24-G-0630, Liberty SLG - Long-Term Gas System Plan.

LDC will supply to existing customers and applicants. Additionally, at the time an LDC files a Notice of Potential Moratorium, the LDC shall publish the information contained within the Moratorium Customer Bill of Rights on its website.

2. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Corning Natural Gas Corporation; KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corp.; National Fuel Gas Distribution 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 The Brooklyn Union Gas Company d/b/a National Grid NY are directed to report the number of low- and moderate-income customers, as well as disadvantaged communities within their service territories, and the area subject to any moratorium in an LDC's Notice of Potential Moratorium, as discussed in the body of this Order.

3. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Corning Natural Gas Corporation; KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corp.; National Fuel Gas Distribution 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 The Brooklyn Union Gas Company d/b/a National Grid NY are directed to file, on not less than four days' notice, such tariff revisions consistent with the draft tariff leaves each submitted in this proceeding in August 2022, to become effective May 1, 2026.

4. The requirements of Public Service Law §66(12)(b) and Title 16 of the New York Codes, Rules and Regulations §720-8.1, as to newspaper publication with respect to the tariff

filings directed in Ordering Clause No. 3 are waived, as discussed in the body of this Order.

5. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Corning Natural Gas Corporation; KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corp.; National Fuel Gas Distribution 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 The Brooklyn Union Gas Company d/b/a National Grid NY shall include, in each of their annual updates required to be filed in their respective long-term plan proceedings, the information identified in the body and Appendix B to this Order, to provide specific threshold values for moratorium criteria and to identify opportunities for non-pipes alternatives beginning in May 2027.

6. 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.

7. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Standard Moratorium Customer Bill of Rights**New York State Customer Bill of Rights Upon Declaration of a
Natural Gas Service Moratorium by ['LDC']**

This New York State Customer Bill of Rights provides guidance to applicants/prospective customers and those who are interested in obtaining natural gas service, and existing customers of natural gas local distribution companies (LDCs) in New York on rights that apply in the event a moratorium on new service is declared. A moratorium is a temporary hold placed on elements of gas service due to supply or system limitations and may vary in duration based on impacted location and the nature of the constraint. As an existing customer or applicant for gas service in New York, you should be aware of the rights afforded to you by the New York State Public Service Commission and your LDC, ['LDC'], in the event of a moratorium.

Notifications and Communications in the Event of a Natural Gas Service Moratorium

1. You have the right to direct and concurrent notification by ['LDC'] which shall include, at a minimum, a message on your utility bill and a dedicated informational page on ['LDC']'s website. If you are enrolled in special service from ['LDC'], you have the right to receive this notification in the manner in which you receive other communications, including but not limited to braille, large print, text-to-speech, or other communication technologies as provided by from ['LDC']. In addition, ['LDC'] is required to notify your local and state elected officials via email of the moratorium declaration.
2. You have the right for all ['LDC'] communications to be translated into your language of choice in accordance with the Home Energy Fair Practices Act (HEFPA), including this Customer Bill of Rights.
3. As a prospective tenant, lessee, property purchaser, or property owner, you have the right to ascertain from ['LDC'] the volume of gas available for use at the premises prior to the execution of your rental agreement, lease, or purchase. ['LDC'] will provide you the means to obtain this information which may entail an application or email

request and a dedicated telephone number for you to call. You have the right to such information on a reasonable basis. The LDC must respond with the requested information within, not to exceed 21 calendar days from the date of your request. You The LDC shall provide the availability of this service along with any new service request. You have the right to be made aware of this service by ['LDC'].

4. Within five days of applying for a service that is impacted by the moratorium, you have the right for ['LDC'] to provide you with information on what the impacts of the a moratorium means for you, information on alternative energy options, timelines for lifting the moratorium (if they are known) and information on how to re-apply for gas service, if the moratorium is lifted and you still desire service, and a document and/or webpage containing Frequently Asked Questions regarding the moratorium.

Status and Treatment of Service Applications

5. You have the right to expect that all applications, service requests, or work requests that meet the terms established by ['LDC'] for such work and accepted by ['LDC'] within the 24 months prior to the declaration of the moratorium will be honored, provided that you as a customer can demonstrate sufficient progress towards milestones that were previously communicated by ['LDC']. You have the right for ['LDC'] to modify timelines for delays caused by circumstances outside the control of the applicant and ['LDC'] (e.g., street construction issues, force majeure) for your benefit.
6. You have the right to elect to cancel a gas service request during the period the moratorium is in effect with no penalties assessed.
7. You have the right to an "open" application period, as stated in the LDC's updated Public Communication Plan, of at least sixty (60) calendar days prior to the effective date of a moratorium to submit applications, service requests, and/or work requests for new service.
8. You have the right to maintain applications, service requests, and/or work requests that are submitted during the open application period in a manner consistent with other similarly situated customers outside the moratorium area. That is, if a work request in a non-moratorium area

is valid for six months and you are located within the moratorium area, you cannot be subjected to a shorter period of validity.

Restoration of Service, New Customers, and Modifications to Existing Service

9. If your gas service has been off for a period of up to 24 months due to renovation, vacancy, or repair, you have the right for your natural gas service restoration request to be honored, provided that you do not substantially increase demand from levels observed prior to halting service or change the service classification of the premise prior to such renovation, vacancy, or repair. If your service has been disconnected for a period greater than 24 months, your application for restoration of service will be considered a new service request and will be subject to restrictions that apply to the moratorium.
10. You have the right to be provided information when you open an account within the moratorium footprint about your obligations not to exceed the prior usage at the premise and any energy efficiency incentives that may be offered by ['LDC'] to reduce consumption of natural gas.
11. You have the right to reallocate gas between tenants or occupants provided that all other laws pertaining to the access to heat, hot water, and cooking are met. You must communicate redistribution of gas usage to the utility so that billing/rate classification may be modified, as necessary.
12. If your existing service line must be repaired or replaced, you may request a larger service line for future use at the discretion of ['LDC'] but must agree in writing not to add additional load during the period the moratorium is in effect and must communicate that agreement to any future owner, tenant, or lessee, who must also agree to the restriction until the moratorium is lifted.
13. If you desire service after the moratorium is declared and the open application period has ended, you have the right to indicate your interest in such service to ['LDC'] and your contact information must be retained by ['LDC'] for the duration of the moratorium. Note that upon indicating interest, you may be asked by ['LDC'] for the intended use

of the service (e.g., heating, commercial cooking) but may not be asked for information that would require you to retain an engineer, licensed plumber, or other service provider.

Continued Notification and Communication Throughout a Moratorium

14. As a customer, applicant, or person or entity who has expressed interest in service affected by a moratorium, ['LDC'] will provide you with information on other energy alternatives (even if ['LDC'] does not offer such energy alternatives in its franchise area) and at your request, ['LDC'] will provide a referral to the New York State Energy Research and Development Authority (NYSERDA) for energy alternatives.
15. As a customer, applicant, or person or entity who has expressed interest in service affected by a moratorium, you have the right to semi-annual updates via your preferred communication method to the moratorium status provided by ['LDC'] until the moratorium is lifted.
16. You will be provided with the right to access this New York State Customer Bill of Rights at the time a gas moratorium is declared via your preferred communication method. This Bill of Rights will also be available through ['LDC']'s website.

Complaint Filing

17. You have the right to file, at any time, a complaint regarding ['LDC'] with the New York State Public Service Commission through the New York State Department of Public Service's Office of Consumer Services by calling 800-342-3377 or going to www.dps.ny.gov.

INFORMATION REGARDING MORATORIUM NEED CRITERIA AND OPPORTUNITIES
FOR NON-PIPE ALTERNATIVES

Advanced Forecasting:

1. Update load and supply forecasts and make them available to stakeholders
2. Describe forecasts produced for third parties, including RNG and hydrogen project developers, and explain how those forecasts fulfill the identified stakeholder requirement for load and supply forecasts
3. Describe the forecasts for energy efficiency, demand response, and heating electrification
4. Identify and characterize the tools and methods the utility is using/will use to acquire and apply data from developers of RNG, hydrogen, and clean heat projects

System Operations:

1. Identify the existing level of system monitoring, including whether the utility monitors pressure remotely through supervisory control and data acquisition systems or checked on some specific time interval and how often hydraulic modeling of the entire system and affected segments are performed
2. Identify areas to be enhanced through additional monitoring
3. Describe the means and methods the utility uses for deploying additional monitoring
4. Identify the benefits to be obtained from deploying additional monitoring
5. Describe any recent technological advancements deployed, such as capturing emissions from routine operations

Clean Heat Integration:

1. Identify and characterize the existing and projected clean heat installation scenarios in the utility's service territory, including:
 - a. The type of location (single family residence, multifamily residence, commercial space, office space, school, hospital, etc.);
 - b. The type(s) of clean heat solutions installed at a typical location (air-source heat pump, ground-source heat pump, heat pump water heaters, etc.);
 - c. Utility Thermal Energy Network (UTEN) projects; and,

- d. Peak day natural gas load equivalent of a typical location's aggregated clean heating load.
2. Identify the types of customer and system data that are necessary for planning, implementing, and managing clean heating infrastructure and services and describe how the utility provides this data to interested third parties
3. Describe the utility's current efforts to plan, implement and manage clean heat-related projects, including UTENS. Information provided should include:
 - a. A detailed description of each project, existing and planned, with an explanation of how the project fits into the utility's long-term plan;
 - b. The project(s) schedule as filed and its current status;
 - c. Lessons learned to date and adjustments/opportunities identified; and,
 - d. Next steps with clear timelines and deliverables

Energy Efficiency Integration and Innovation:

1. The locations and amounts of current annual and peak load reductions attributable to energy efficiency and how the LDC determines these
2. Summary information on energy efficiency programs offered by the utility, with direction to annual filings for more detailed information on energy efficiency programs
3. Information on all demand response programs offered by the LDC, including rate designs such as seasonal rates or off-peak rates

Beneficial Locations for Non-Pipe Alternatives (NPAs):

1. Describe how developers and stakeholders can access information on beneficial locations for NPAs including energy efficiency and demand response measures
 - a. Filtering locations by the capability needed, required timing and amount, the type and value of desired benefits and the geographic area
2. Describe the means and methods for identifying and evaluating locations in the distribution system where:
 - a. an NPA comprising energy efficiency measures, demand response or other NPA could timely reduce, delay or eliminate the need for upgrading distribution infrastructure and/or materially benefit reliability, efficiency and/or operations; and/or

- b. one or more NPAs and/or energy efficiency measures including increased value-based customer incentive, including different rate designs such as seasonal or off-peak rates, could reduce, delay or eliminate the need for upgrading or adding contracts for upstream capacity, including peaking or delivered services.
3. Describe where and how developers and other stakeholders can access up-to-date information about current NPA project opportunities.
4. Describe how the utility considers all aspects of operational criteria and public policy goals when deciding what to procure as part of an NPA solution
5. Describe where, how and when the utility will provide developers and other stakeholders with a resource for accessing up-to-date information about all completed and in-progress NPA projects, including:
 - a. the location, type, size and timing of the system need addressed by the project;
 - b. the amount of traditional solution cost that was/will be avoided;
 - c. how the selected NPA solution enables the savings; and,
 - d. the structure and functional characteristics of the procurement transaction between the LDC and solution provider(s).
6. Provide a list of leak prone pipe segments scheduled for replacement in the next 18 months to 24 months including their length, pressure, composition, and municipality. NPA developers interested in that municipality should enter into a non-disclosure agreement with the LDC so that the exact location of any LPP segment is not divulged generally.

Similar to guidance for DSIPs, the utility should provide a web link to a publicly accessible version of its latest BCA Handbook. In addition, BCA calculations should be transparent and publicly available, including the individual cost and benefit input parameters defined in the BCA Framework Order.