3/19/2026 - NYS Public Service Commission -

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

2026 COMMISSION SESSION

DATE: **MARCH 19, 2026 at 10:30 a.m.**

LOCATION: **AGENCY 3 BUILDING, 19TH FLOOR**
EMPIRE STATE PLAZA
ALBANY, NEW YORK 122223

COMMISSIONERS:

RORY M. CHRISTIAN, Chair
COMMISSIONER JAMES S. ALESI
COMMISSIONER DAVID J. VALESKY
COMMISSIONER JOHN B. MAGGIORE
COMMISSIONER UCHENNA S. BRIGHT
COMMISSIONER DENISE M. SHEEHAN
COMMISSIONER RADINA R. VALOVA

Reported by Winston Idada

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(The hearing commenced at 10:30 a.m.)

CHAIR CHRISTIAN: Good morning. I call the session of the Public Service Commission to order.

Madam Secretary, are there any changes to the final agenda?

SECRETARY PHILLIPS: There are no changes to the final agenda.

CHAIR CHRISTIAN: Thank you very much. Before moving to the agenda, I'd like to conduct a roll call of commissioners. When I call your name, please confirm that you are present.

Commissioner James Alesi.

COMMISSIONER ALESI: Present.

CHAIR CHRISTIAN: Commissioner David Valesky.

COMMISSIONER VALESKY: Present.

CHAIR CHRISTIAN: Commissioner John Maggiore.

COMMISSIONER MAGGIORE: Present.

CHAIR CHRISTIAN: Commissioner Uchenna Bright.

COMMISSIONER BRIGHT: Present.

CHAIR CHRISTIAN: Commissioner Denise

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Sheehan.

COMMISSIONER SHEEHAN: Present.

CHAIR CHRISTIAN: Commissioner Radina Valova.

COMMISSIONER VALOVA: Present.

CHAIR CHRISTIAN: Thank you. Before we turn to the regular agenda, do any commissioners wish to recuse from voting on item 201?

Commissioner Alesi?

COMMISSIONER ALESI: I do not.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky?

COMMISSIONER VALESKY: No.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore?

COMMISSIONER MAGGIORE: No.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright?

COMMISSIONER BRIGHT: No.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: No.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova?

COMMISSIONER VALOVA: No.

CHAIR CHRISTIAN: Thank you. We'll now move to the first item on our regular agenda. Item 201, case 24-M-0586, related to extreme heat consumer protections. It will be presented today by Kayla Whitaker, Johanna Miller, Anna Senatore, and Ian Mauro, and Brandon Goodrich are available for questions.

Kayla, please begin.

MS. WHITAKER: Good morning, Chair and Commissioners. My name is Kayla Whitaker, and I am from the Office of Consumer Services. For the last six years, the Department's Office of Consumer Services Staff has worked with intervening parties and the major electric utilities being Central Hudson, Con Edison, National Grid, NYSEG, Orange & Rockland, and RG&E within rate case proceedings to enhance customer protections during extreme heat events.

Pursuant to the various rate orders, these Utilities do not terminate residential customers' electric service for the nonpayment of bills during extreme heat events. These protections safeguard vulnerable populations from adverse heat

related health impacts. However, the details of these protections varied across the major electric utilities. Prior to the order before you, there were also no standardized extreme heat practices for major water utilities.

In January of 2025, the Commission instituted this proceeding and directed Staff to investigate the existing protections among the electric utilities, determine how they vary and assess the adequacy of these protections in view of policy objectives, with the goal of standardizing them to ensure customers have sufficient protections that, to the extent possible, reflect best practices. DPS Staff conducted this review and developed the Staff report, which was published on May 20th of last year. The Staff report presented sixteen recommendations that would serve to address and standardize extreme heat practices, protections, and policies for the aforementioned major electric utilities and New York's largest water utilities, Liberty Water and Veolia Water.

Contemporaneously with the publication of the Staff report, the Secretary issued a notice seeking comments. We received comments from various

stakeholders, including the Public Utility Law Project, the City of New York, joint comments from several of the electric utilities, Niagara Mohawk Power Corporation d/b/a National Grid, Liberty Water, Columbia University, Waterfront Alliance, and WE ACT for Environmental Justice, Earthjustice, Natural Resources Defense Council, Local Nature Land and Waterfront Alliance, who jointly filed as the Intervenor commenters.

Additionally, the Electric Utilities submitted reply comments regarding PULP and the City of New York's recommendations. By incorporating the feedback received from commenters, Staff has improved upon the recommendations contained in the Staff report, and presents a draft order for the Commission's consideration that would adopt the following extreme heat customer protections and associated procedures.

First, the draft order would establish a threshold for an extreme heat event as a day for which the forecast or actual heat index temperature reaches or exceeds ninety degrees. On days forecast to, or that actually do meet or exceed that threshold, the Utilities would be precluded from

terminating electric or water service to residential customers and nonresidential customers who have residential end-users due to the nonpayment of bills. This protection would be in effect for any day that meets the threshold throughout the year, rather than solely during a specific calendar window.

The draft order also directs Staff and the Utilities to convene a technical conference to identify criteria and locations of heat islands within the Utilities' service territories. Utilities would be precluded from terminating service to customers within heat islands on days that are forecast to, or actually do meet or exceed the threshold for an extreme heat event and on the two days following a day that actually meets or exceeds that threshold. The draft order would require the Utilities to administer these protections using a regional approach, recognizing that weather conditions can vary across their service territories.

Further, the Utilities would be required to use the highest forecasted or actual heat index temperature from the available National Weather Service weather stations in the applicable region. To advance implementation of these protections and

ensure customers are aware of them the draft order requires the Utilities to enhance their outreach and education regarding extreme heat. Requires the Utilities to track relevant information regarding forecasts and actual heat index temperatures in their service territories, and directs the Utilities to implement tariff modifications to apply these protections.

The Commission also would adopt Staff's recommendation that any changes to the Utilities extreme heat policies, protections, and procedures going forward should be done and conducted within this proceeding and not within rate cases, so that the uniformity and standardization of extreme heat protections across Utilities is maintained. Staff believes the protections, policies, and procedures within this order will serve as a detailed starting point for applying extreme heat protections and safeguarding New York customers, and as such, recommends the Commission adopt the order in its entirety.

This order will establish uniform protections, policies, and procedures at the major electric and largest water utilities across New York

and preparation of summer 2026. The impact extreme heat has on New York residents, particularly the elderly, young, and vulnerable, continues to be a cause for concern, and the risks have only increased as global temperatures steadily rise year over year. The extreme heat customer protections and procedures Staff recommends in the draft order take into consideration the impact extreme heat has on vulnerable customers, customers living in heat islands, and New Yorkers in general.

While this strikes a balance with implementation costs and the Utilities need to mitigate arrearages and uncollectible that would otherwise be passed back to all ratepayers. We are available if you have any questions. Thank you.

CHAIR CHRISTIAN: Thank you, Kayla, for the presentation. Each year we're seeing longer periods of extreme heat, and what was once considered a seasonal anomaly is quickly becoming the new normal. And these are occurring not only more frequently, but with greater severity. And whenever we have periods of extreme heat, we know there are periods where the public's health and safety is at greater risk. So I appreciate the effort to create a

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consistent and uniform set of practices across all the regulated Utilities.

This is going to enhance protections for customers, as you described -- very important in this situation -- and also standardize processes throughout the state, which will make it a lot easier to manage this on an ongoing basis. So again, I commend your diligence in this matter. And I look forward to the continued engagement through the technical conferences that are going to be happening subsequent to this order. I approve this. Look forward to it. Thank you.

Commissioner Alesi.

COMMISSIONER ALESI: Thank you, Chairman. Very thorough and informative. I have no questions or comments. I'll be supportive of your efforts.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Thank you, Mr. Chair. Kayla, thank you and your entire team for the work that you've done over the past little over a year on this item. Thank you also for getting this to us in plenty of time before summer of 2026 is upon

us. And the only comment I would make, I do appreciate -- and you mentioned it in your presentation -- I think it is important that any future changes from any of the Utilities be considered and remain as part of this proceeding as opposed to individual rate cases. So I appreciate your attention to that particular matter. And I'll be supporting the item. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: Thank you for the presentation and the good work you did on this item. I will be in support. I'm struck by something you said in the presentation that has to do with why we're doing this now which is that our concerns over the risks associated with extreme heat only increase as global temperatures steadily rise over the years. Now, this is happening because of climate change. So I'm reminded why we've pursued the policies that have attempted to slow or ideally, reverse climate change, because the first cost of climate change is human life. So I'm supportive of this measure. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: Thank you, Kayla, for the great presentation. And I have no questions. I'd only say that it's great that the Utilities had voluntary programs prior to this. But just to echo the Chair that there's tremendous value in ensuring that we standardize these protections and create consistency for ratepayers during times when the absence of these vital energy and importantly, water services, could be devastating. So thank you, as the Chair said, for your diligence and hard work.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Thanks, Kayla, and the whole team. I really want to thank the Staff, all the parties that worked on this issue and who submitted thoughtful comments. I think it's obvious by the order that those comments definitely contributed to strengthening the order. One of the issues that was raised on the draft and through subsequent discussions was the issue around heat islands and how Utilities treat customers who live in heat islands. And I just was hoping you could just for those who are listening in who are interested in this issue, just elaborate a little bit on what the

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order requires with respect to heat islands going forward. So if you could just share a little bit on that.

MS. WHITAKER: So there will be at least one technical conference that will be held with Staff, the Utilities, and stakeholders, and we will be considering a variety of different criteria in order to determine possible heat islands. I know there are several sources such as the Environmental Protection Agency. The Department of Environmental Conservation has options for heat islands. But we will work through in order to establish what the criteria is in order to best safeguard those customers.

The protections that would be applicable to customers within heat islands is that the customers, if the temperature is reached on a day where it is ninety degrees or it exceeds ninety degrees, customers in those heat islands -- the terminations would be suspended for that day. And then the two days afterwards, because we have found that during analysis, heat takes time to dissipate. And especially if the temperature does rise, it will take several days for it to dissipate. So we want to

make sure that those customers are sufficiently safeguarded for as long as possible.

COMMISSIONER SHEEHAN: Great. Thanks, Kayla. I look forward to seeing what comes out of the technical conference in subsequent conversations. I am supporting this order because importantly, the order standardizes protections across Utilities to safeguard vulnerable populations from adverse heat related health impacts related to service shutoffs. I am pleased that the order also includes protections for customers of the largest water utilities that are regulated by this Commission.

I also fully support the outreach and education requirements of the order, and I also agree that any changes proposed to these protections in the future should happen in this proceeding, and not as part of rate cases to ensure continued standardization across the Utilities going forward. So with that, thank you very much, and I will be supporting.

CHAIR CHRISTIAN: Thank you.

And Commissioner Valova.

COMMISSIONER VALOVA: Thank you. I echo my colleagues' comments. Thank you to Staff for

your great work on the order, to all of the stakeholders who submitted comments. And I'm also very appreciative of the inclusion of the water utilities -- or our two largest water utilities and the robust stakeholder process to make sure that we develop criteria that will ensure that we're not missing folks who are especially vulnerable within heat islands. So I will be supporting. Thank you.

CHAIR CHRISTIAN: Thank you. And with that, I'll call for a vote. My vote is in favor of the recommendations contained in the draft order, as discussed today.

Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: I vote yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: Yes.

CHAIR CHRISTIAN: Thank you

Commissioner Bright.

COMMISSIONER BRIGHT: Yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Yes.

CHAIR CHRISTIAN: Thank you.

And Commissioner Valova.

COMMISSIONER VALOVA: Yes.

CHAIR CHRISTIAN: Thank you. The item is approved and recommendations adopted. Thank you, everyone. Thank you, Kayla and this team.

We'll now move on to the consent agenda. Do any Commissioners wish to comment on or recuse from voting on any items on today's consent agenda?

I'll begin with Commissioner Alesi.

COMMISSIONER ALESI: I do not.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: No Recusals. I do have a brief comment on item number 379, if I might just take take a moment. This is the Champlain Hudson Power Express item. In the draft order, we are considering whether to grant approval to transfer from the CHPE project to the New York Power Authority. The portion of the certificate that's applicable to the Astoria Rainey Cable, which is a

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three-and-a-half-mile-long segment entirely in the borough of Queens.

I just want to raise this and place some brief attention on this item, because this, in all likelihood, is the final time that the commission will be considering an order that has to do with this project, prior to the line actually being energized in a couple of months or so. So I just wanted to acknowledge the tremendous work first and foremost that has been made by so many here at the Department of Public Service over a significant period of time. We have considered many orders, this Commission, and the work that has been done by the Staff here is certainly significant on a project, a 339-mile, 1,200-megawatt transmission line, that may be the single most important thing that we are doing at this point in time as it relates to reliability.

I also want to acknowledge, as the construction portion of the project is nearly complete, certainly all of those men and women who participated in making this project a reality in the field. And to those homeowners, landowners, local governments, particularly along the terrestrial portion of this line. Thank you for your patience

and diligence while crews were doing their work. Again, this is incredibly important, and I certainly look forward to the day when the line is energized and will make a significant impact in regard to the reliability of the electric system here in the state. So I will certainly be supporting the item today. Thank you very much.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: I have no recusals and no "no" votes. I would like to comment on one item, which is item number 364, which relates to a petition to modify the Make-Ready Program. I have some trepidation about voting yes on this matter. I will vote yes, but I want to explain my trepidation. The reason I want to explain my vote is to send a signal about what I'm looking out for us not doing. Before I get to the heart of the matter, I'd like to note that this is a case where yes equals no, a yes vote denies the petition.

I considered voting no, in part because the Staff recommendation to deny the petition is largely based on the lack of data collected in support of the claims made by the petitioners.

However, rejection of the order is not approval of the petition. So why not just vote no? The reason in part, is that the order contains other provisions, which I believe are intended to work hand-in-glove with the process of Staff's developing a white paper to consider whether additional charges -- I'm sorry -- additional changes are needed to support the EV market.

So rather than blindly continue a program that we don't have data to evaluate, this order is part of an effort to assess what makes sense going forward, which I find persuasive. But I'm not interested in, and I'm not receiving this order to be, a shift in our priority in support of the EV market. Earlier today we took up an item, the extreme heat consumer protection item, that underscores the impact of climate change on human life. This morning's headlines remind us how our continued reliance on fossil fuels is at odds with the goal of energy affordability. I took a screenshot from four hours ago.

This was the headline of the New York Times website. "Oil Prices Soar Higher Amidst Attacks on Energy Facilities in the Gulf". And the

3/19/2026 - NYS Public Service Commission - subheadline is "Oil and Natural Gas Prices Climbed and European Gas Prices Surged as Tit for Tat Attacks on Energy Infrastructure in the Persian Gulf Highlight Fears that the War Would Set Off An Energy Crisis". The sooner we make the transition to EVs and more broadly renewable energy, the better in terms of health and extreme weather, but also ultimately affordability. So I will be vote voting yes on this and the entire consent agenda.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: No comments or recusals. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Thank you, Chair. I have two recusals. Item 262 and item 364. And then I just also want to thank Staff and all the parties. There's a lot here on the consent agenda. Obviously, that includes a lot of complex different matters. I just want to thank you all for your work on those items. And I will be supporting them because I do believe that they are consistent with our legal responsibilities under the Public Service

Law. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova.

COMMISSIONER VALOVA: No comments or recusals.

CHAIR CHRISTIAN: Thank you. Okay. With that, I'll do a call for a vote on the consent agenda. And my vote is in favor of the recommendations on the consent agenda.

Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: I vote yes on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Yes, on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: Yes, on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: Yes, on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: yes, on all items, with the exception of items 262 and 364 from which I'm recused.

CHAIR CHRISTIAN: Okay. So noted. Thank you.

And Commissioner Valova.

COMMISSIONER VALOVA: Yes, on all items.

CHAIR CHRISTIAN: Thank you. The items are approved and the recommendations are adopted. Thank you.

Madam Secretary, is there anything coming further before the Commission today?

SECRETARY PHILLIPS: There's nothing further today.

CHAIR CHRISTIAN: All right. Thank you very much. And with that, I adjourn. Thank you all.

(The hearing concluded at 11:04 a.m.)

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I, WINSTON IDADA, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 22, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 23rd day of March, 2026.

WINSTON IDADA, Reporter

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