

# **Analysis of Public Service Law Section 66-P(4) Acknowledgment in New York State DPS Matter Master Proceedings**

Based on a comprehensive review of New York State Department of Public Service (DPS) Matter Master proceedings and case filings, several documents do acknowledge and reference Public Service Law Section 66-P(4) regarding the Commission's authority to temporarily suspend or modify renewable energy program obligations under specific circumstances.

## **Direct Acknowledgment of PSL Section 66-P(4) in DPS Proceedings**

### **Clean Energy Standard Case (15-E-0302)**

The most significant acknowledgment of PSL Section 66-P(4) appears in Case 15-E-0302, the proceeding on the Clean Energy Standard <sup>[1]</sup>. In this case, the Commission explicitly recognized that "PSL §66-p(4) provides the Commission with authority to 'temporarily suspend or modify' the obligations created by the Program if, after conducting a hearing, it finds that the Program 'impedes the provision of safe and adequate electric service,' 'is likely to impair existing obligations and agreements,' and/or is related to 'a significant increase in arrears or service disconnections'" <sup>[1]</sup>.

### **Independent Power Producers Filing**

Independent Power Producers of New York, Inc. (IPPNY) filed comments in Case 15-E-0302 that directly reference PSL Section 66-P(4) <sup>[2]</sup>. Their filing states that "the CLCPA is also carefully bounded to ensure reliability and affordability, providing that 'the Commission may temporarily suspend or modify' the program if it finds 'that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant increase in arrears or service disconnections that the commission determines is related to the program'" <sup>[2]</sup>.

## **Public Comments and Stakeholder Acknowledgment**

### **Individual Stakeholder Comments**

Multiple public comments filed in DPS proceedings have acknowledged PSL Section 66-P(4) <sup>[3]</sup>. One commenter specifically stated: "Section 66-p (4) states: 'The commission may temporarily suspend or modify the obligations under such program provided that the commission, after conducting a hearing as provided in section twenty of this chapter, makes a finding that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant

increase in arrears or service disconnections that the commission determines is related to the program'" <sup>[3]</sup>.

## **Environmental Advocacy Comments**

A September 2024 filing by Darren Suarez directly quotes PSL Section 66-P(4), noting that "the law grants the Commission the power to temporarily suspend or modify the program, but only after a hearing and a specific finding" <sup>[4]</sup>. This filing acknowledges the statutory framework while expressing concerns about the State's ability to meet the legal standards for suspension <sup>[4]</sup>.

## **State Comptroller's Office Recognition**

The New York State Comptroller's Office has acknowledged PSL Section 66-P(4) in its audit reports of Climate Act implementation <sup>[5]</sup>. The Comptroller's report states: "According to the Climate Act, PSC may temporarily suspend or modify obligations after a hearing if it determines the implementation of the renewable energy program is impeding the provision of safe and reliable electric service, impairing existing obligations or agreements, or resulting in a significant increase in arrears or service disconnections" <sup>[5]</sup>.

## **Academic and Legal Analysis**

### **Policy Integration Analysis**

Academic and policy analysis documents filed in DPS proceedings have recognized the significance of PSL Section 66-P(4) as a safeguard mechanism <sup>[6]</sup>. These analyses acknowledge that while PSL Section 66-p charges the Commission with implementing renewable energy programs, "it does not alter the extent of the Commission's jurisdiction or authority to do so" and that the Commission should "carry out its responsibilities under PSL Section 66-p within the bounds of its jurisdictional constraints" <sup>[6]</sup>.

### **Stakeholder Process Documentation**

Environmental advocacy groups have noted that PSL Section 66-P(4) establishes "safety valve criteria" for renewable energy program implementation <sup>[7]</sup>. These comments emphasize that "it is incumbent upon the Commission to define 'safe and adequate electric service' and 'significant increase in arrears or service disconnections' before the LT Plan is implemented" <sup>[7]</sup>.

## **Regulatory Framework Context**

### **Commission Authority Recognition**

DPS staff documents and Commission orders acknowledge that PSL Section 66-P(4) provides necessary flexibility in renewable energy program implementation <sup>[8]</sup>. The Commission has recognized that this provision ensures renewable energy programs can be adjusted if they compromise electric system reliability or create significant customer impacts <sup>[8]</sup>.

## Procedural Requirements

Several filings acknowledge the specific procedural requirements of PSL Section 66-P(4), particularly the requirement for conducting a hearing "as provided in section twenty" before any suspension or modification can occur <sup>[1]</sup> <sup>[3]</sup>. This procedural safeguard ensures due process in any decision to suspend or modify renewable energy program obligations.

## Implementation Considerations

### Current Program Status

While multiple filings acknowledge PSL Section 66-P(4), none of the reviewed proceedings indicate that the Commission has invoked this authority to suspend or modify renewable energy program obligations <sup>[1]</sup> <sup>[5]</sup>. The acknowledgments appear primarily in the context of establishing the legal framework rather than implementing the suspension provisions.

### Future Planning Context

The acknowledgment of PSL Section 66-P(4) in various proceedings reflects stakeholder awareness that renewable energy program implementation must balance ambitious climate goals with electric system reliability and customer affordability <sup>[2]</sup> <sup>[7]</sup>. This statutory provision serves as an important backstop to ensure that renewable energy programs do not compromise essential electric service reliability.

## Conclusion

New York State Department of Public Service Matter Master proceedings contain multiple acknowledgments of Public Service Law Section 66-P(4), particularly in Clean Energy Standard proceedings (Case 15-E-0302), stakeholder comments, and regulatory analysis documents <sup>[1]</sup> <sup>[3]</sup> <sup>[2]</sup> <sup>[4]</sup>. These acknowledgments recognize the Commission's statutory authority to temporarily suspend or modify renewable energy program obligations under specific circumstances involving electric service reliability, existing obligations, or significant customer impacts. While extensively acknowledged in the legal and regulatory framework, the provision has not been invoked in practice, reflecting the current focus on renewable energy program expansion rather than suspension or modification <sup>[5]</sup> <sup>[7]</sup>.



1. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={EAAF1A1E-2A05-49A7-A4D1-C5755E5BE536}>
2. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={40BFC78D-0000-C134-BA0B-A85CF7FB6A7F}>
3. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={205D4496-0000-CD7E-A271-C2F1EBFD81CC}>
4. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={20FA2392-0000-CC15-901E-630AA5B9B4AF}>
5. <https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2024-22s4.pdf>

6. <https://policyintegrity.org/documents/F09DF892-0000-CE4F-ACD5-E3FCF99B210B.pdf>
7. <https://pragmaticenvironmentalistofnewyork.blog/2025/04/14/my-comments-on-the-new-york-affordability-standard/>
8. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={5F73F855-B506-41B3-AB05-3CF66F736497}>