

Affordability Recommendations in CLCPA-Related Filings on the DPS DMM System

Key takeaway: Since 2022, at least six concrete safeguards have been proposed in the NewYork Department of Public Service (DPS) record to keep the Climate Leadership & Community Protection Act (CLCPA) affordable for households and businesses. They call for (1) rigorous public cost reporting, (2) objective “safety-valve” triggers under Public Service Law §66-p(4), (3) systematic pursuit of alternative funding, (4) expansion of low-income bill-protection programs, (5) transparent data dashboards, and (6) stricter benefit-cost and rate-design standards.

1. Statutory Baseline and Commission Direction

The Commission’s May 12 2022 *Order on Implementation of the CLCPA* requires Staff to file an annual public item that “detail[s] ... the cost and benefits to ratepayers of CLCPA investments,” emphasizing the link between CLCPA spending and the duty to maintain *just and reasonable* rates^[1]. The July 20 2023 First Annual Informational Report pledged to make future cost tables “easier to access, review, compare, and analyze”^[2].

2. Explicit Affordability Recommendations Logged in DMM

Filing Party & Date	DMM Reference	Explicit Recommendation	Thematic Category
Multiple Intervenors coalition (55 large C&I customers), 10 Mar 2025	80838195 ^[3]	<ul style="list-style-type: none"> - Publish the overdue 2024 & subsequent Annual Informational Reports on time. - Add customer-class bill-impact tables and hold a yearly PSC agenda session devoted solely to CLCPA affordability. 	Cost-transparency & annual reporting
Roger Caiazza (Pragmatic Environmentalist of NY), 14 Apr 2025	D07D3596 ^[4]	<ul style="list-style-type: none"> - Define three affordability “triggers” (energy-burden $\geq 8.6\%$; arrears/disconnections $\uparrow 15\%$; CLCPA riders $\uparrow 10\%$ vs. 5-yr trend) that automatically invoke the §66-p(4) safety valve. - Launch a public dashboard that tracks those metrics quarterly. 	Safety-valve criteria; integrated oversight
AARP NY & Public Utility Law Project, 16 Apr 2024	5021E88E / cover 55 ^[5]	<ul style="list-style-type: none"> - Direct every IOU to file a public status report on all Infrastructure Law (IIJA) & Inflation Reduction Act (IRA) grant applications, awards or forfeitures, and how dollars will lower customer bills. 	Alternative funding / federal capture

Filing Party & Date	DMM Reference	Explicit Recommendation	Thematic Category
State Comptroller, Audit 2024-22-S4 (16 Jul 2024)	2024 audit ^[6]	- “Assess the extent ratepayers can reasonably assume responsibility,” “identify alternative funding sources,” and craft a back-up plan if affordability thresholds are exceeded.	Alternative funding; contingency planning
PSC Rate-Case Orders (e.g., Con Edison 22-E-0064/22-G-0065, Jul 2023)	Yates testimony 22-E-0317 et al. ^[7]	- Cap low-income energy burdens at 6%; require tiered bill-discount funding and a Customer Energy-Burden Analysis in future filings.	Low-income protections; BCA standards
Phase 2 Transmission Cost-Recovery Order, Jan 2025	20-E-0197 Order excerpt ^[8]	- Allocate CLCPA transmission costs on a statewide load-ratio basis to dilute local bill shocks and avoid overburdening any single service territory.	Equitable cost allocation
IPPNY comments on CES definitions, 21 Jan 2025	15-E-0302 filing ^[9]	- Invoke §66-p(4) as a <i>ratepayer safety valve</i> whenever CLCPA compliance would materially raise arrears or threaten service; establish a clear hearing schedule for suspensions.	Safety-valve criteria
DPS Staff First Informational Report, 20 Jul 2023	20E17489 ^[2]	- Commit to machine-readable cost tables and to exploring ways to make rate-impact data more accessible to the public.	Integrated oversight & data access

3. How the Recommendations Cluster

Safeguard Theme	Representative Filings	Essence of Recommendation
1. Cost-Transparency & Annual Reporting	MI letter ^[3] ; PSC order ^[1]	Timely, publicly searchable cost and bill-impact data every year.
2. Statutory Safety-Valve Criteria	Caiazza ^[4] ; IPPNY ^[9]	Objective affordability metrics that, if breached, pause or modify CLCPA mandates under PSL §66-p(4).
3. Alternative Funding & Federal Capture	PULP/AARP ^[5] ; Comptroller ^[6]	Aggressively secure IIJA/IRA dollars and craft backup funding plans to blunt bill impacts.
4. Low-Income & DAC Protections	Con Ed rate order / Yates ^[7] ; PSC order ^[1]	Preserve the 6% energy-burden target, expand the Energy Affordability Program, and track DAC cost/benefit shares.
5. Integrated Oversight & Data Access	Caiazza dashboard ^[4] ; PSC report ^[2]	Public dashboards and machine-readable tables for costs, arrears, energy burdens, and emissions.
6. BCA & Rate-Design Standards	Rate-case testimony ^[7] ; Phase 2 order ^[8]	Break out CLCPA vs. non-CLCPA drivers in revenue requirements; apply standardized benefit-cost tests before recovery.

4. Progress to Date

- The Commission has acted on Low-Income protections in recent rate cases (e.g., 6% energy-burden cap)^[7], but the second annual cost report required by the 2022 Implementation Order remains outstanding, echoing MI’s transparency complaint^[3].
- Staff have not yet proposed formal affordability triggers, leaving §66-p(4) effectively dormant despite multiple calls to operationalize it^{[4] [9]}.
- Utilities have begun reporting on federal grant pursuits, but no uniform template exists, and PULP/AARP’s statewide status-update request is still pending^[5].

5. Implications for Stakeholders

Implementing the six safeguard themes would embed affordability checks at every decision point—project approval, cost allocation, rate design, and ongoing monitoring—ensuring that CLCPA ambition does not eclipse the statutory duty to keep rates *just, reasonable, and affordable* for all New Yorkers.

✱

1. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={80838195-0000-C537-BCA7-55B8A7E6A333}>
2. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={20E17489-0000-C114-AD41-8089369DB6F3}>
3. <https://states.aarp.org/new-york/aarp-pulp-petition-public-service-commission-to-protect-1-million-new-yorkers-at-risk-for-utility-shutoffs>
4. <https://www.wgrz.com/article/money/nys-clean-energy-climate-act-plan/71-74ff241c-a491-4285-85e1-212619a3a71d>
5. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={5021E88E-0000-CB1B-AA0F-E789606368A2}>
6. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={5F73F855-B506-41B3-AB05-3CF66F736497}>
7. <https://www.nysenate.gov/legislation/bills/2025/S5251>
8. <https://www.nysenate.gov/sites/default/files/admin/structure/media/manage/filefile/a/2025-01/public-utility-law-project.pdf>
9. <https://www.cleaneogroup.org/wp-content/uploads/Response-Comments-to-IPPNY-Petition.pdf>