STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 14-M-0565 – Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers.

NEW YORK STATE UTILITIES' PETITION FOR AN EMERGENCY ORDER TO PAUSE CUSTOMER UNENROLLMENT IN UTILITY ENERGY AFFORDABILITY PROGRAMS

October 31, 2025

Introduction

The New York State Utilities (Utilities)[1] respectfully request that the New York State Public Service Commission take emergency action to temporarily pause unenrollment of residential customers in their respective Energy Affordability Programs (EAPs) due to the current federal government shutdown and ongoing uncertainty related to funding for certain benefit programs like the Home Energy Assistance Program (HEAP). In light of the Governor's state of emergency[2] to help close the gap in Supplemental Nutrition Assistance Program (SNAP) funds set to run out in November, there is an immediate need to provide further protections to residential customers. Specifically, the Utilities request the Commission authorize the Utilities to submit tariff revisions to be effective on not less than three days' notice, effective November 20, 2025, to allow customers enrolled in or recently removed from the EAP to remain in the program in emergency circumstances where there is a delay or termination of the distribution of EAP-qualifying program benefits to utilities or New York residents.

Background

The HEAP program is a vital lifeline for New Yorkers who experience difficulty paying their energy bills. In 2023, more than 1.4 million New York households received almost $440

---

[1] The Utilities are Central Hudson Gas & Electric Corporation ("Central Hudson"), Consolidated Edison Company of New York, Inc. ("Con Edison"), KeySpan Gas East Corporation d/b/a National Grid, The Brooklyn Union Gas Company d/b/a National Grid NY, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation ("NYSEG"), Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc. ("Orange and Rockland"), and Rochester Gas and Electric Corporation ("RG&E").

[2] https://www.governor.ny.gov/news/governor-hochul-declares-state-emergency-and-initiates-new-actions-response-trump.

million in HEAP benefits.[3] Seventy percent of households receiving HEAP include a child under age six, a person aged 60 or above, or an individual with a disability.[4]

On October 1, 2025, the United States Congress failed to pass a bill to fund the U.S. government, resulting in a government shutdown and subsequent uncertainty over the status of many federally funded programs, including HEAP. On October 23, 2025, the New York State Office of Temporary and Disability Assistance (OTDA), which administers HEAP in New York, notified utility partners that the program, originally scheduled to open on November 3, 2025, had been delayed until on or after November 17, 2025, citing delays in the approval and release of funding. Governor Hochul declared a state of emergency[5] on October 30, 2025, committing $65 million to fund emergency food assistance as a direct result of the shutdown and subsequent gap in SNAP funds set to run out in November. The Utilities are uncertain whether these benefit programs will be funded for the forthcoming heating season, and, if so, when. As a result, residential customers who rely on these programs to help pay for necessary expenses may not receive expected assistance until later this winter, if at all.

Delays in or potential elimination of HEAP funding will also impact residential customers enrolled in the Utilities' EAPs, which provide monthly discounts on enrolled customers' electricity and gas bills. Most residential customers in EAPs are automatically enrolled in the program after their heating utility receives a HEAP grant on the customer's behalf, which the utility credits to those customers' utility bills. Not all utility tariffs specify how long a customer will remain enrolled in the utility EAP following the utility's receipt of a HEAP

---

3 https://otda.ny.gov/resources/reports/NYS-Benefits-By-Numbers.pdf.

4 *Id.*

5 https://www.governor.ny.gov/news/governor-hochul-declares-state-emergency-and-initiates-new-actions-response-trump.

grant; but where the tariffs do specify a time period, they provide that those customers will remain enrolled in the utilities' EAPs as long as they received a HEAP grant within the preceding 12 months.[6] So in general, as long as customers receive a HEAP grant each year, they remain enrolled in their utilities' EAPs without interruption.

The current delay in HEAP funding and the ongoing government shutdown threaten customers' continued enrollment in the utility EAPs. If the Utilities do not timely receive HEAP benefits on behalf of these customers, then many of these customers will no longer be eligible for enrollment in the EAPs because the Utilities will not have received a HEAP benefit on their behalf in the preceding 12 months. Some of these customers may maintain their EAP enrollments by other means. For example, if a HEAP recipient is also enrolled in a qualifying government assistance program, then they may be enrolled in the EAP through a file match with a participating social services agency or by self-certifying to their enrollment in the qualifying government assistance program. But even then, customers' EAP benefits may temporarily lapse pending the completion of the next file match and filing and processing of their self-certifications. And customers who normally receive HEAP benefits, but do not participate in any other qualifying government assistance program, may lose their EAP benefits because they currently have no alternative means to re-enroll in the utility EAP. Moreover, an end to the ongoing government shutdown may not immediately rectify the situation because, while

---

6 *See* Central Hudson, PSC No. 15—Electricity, Leaf No. 163.4-163.5; Con Edison, PSC No. 10—Electricity, Leaf No. 255, PSC No. 9—Gas, Leaf No. 130; NYSEG, PSC No. 119—Electricity, Leaf No. 150.3, PSC No. 90—Gas, Leaf No. 105.5; Orange & Rockland, PSC No.3—Electricity, Leaf No. 106, PSC No. 4—Gas, Leaf Nos. 47-47.1; RG&E, PSC No. 19—Electricity, Leaf No. 86.24, PSC No. 16—Gas, Leaf No. 84.3. Note that the tariffs for all National Grid operating companies (Niagara Mohawk Power Corporation d/b/a National Grid, The Brooklyn Union Gas Company d/b/a National Grid NY, and KeySpan Gas East Corporation d/b/a National Grid) do not include enrollment/unenrollment time frames for their EAPs. All National Grid operating companies have a lookback period of 14 months. Similarly, National Fuel Gas does not include enrollment/unenrollment time frames for EAP. National Fuel has a lookback period of 15 months.

Congress has funded the HEAP program, the U.S. Department of Health and Human Services eliminated its HEAP team in spring 2025.[7]

To prevent customers from losing EAP eligibility in the absence of HEAP funding, the Utilities propose extending the period of EAP eligibility so they can continue providing monthly discounts on customer bills notwithstanding any delay in the distribution of HEAP benefits. The Utilities propose to effect this change by amending their utility tariffs and EAP documentation. The Utilities intend for these amendments to provide that customers who are currently enrolled in their EAPs (or were enrolled as of October 1, 2025, and were later unenrolled based on the expiration of their 12-month enrollment period) will maintain their enrollment in the EAPs.[8] Looking forward, these amendments will also seek to address future situations in which delays in the disbursement of HEAP benefits could impact EAP enrollment. By doing so, the Utilities will be able to continue providing EAP bill credits to New York State's most vulnerable utility customers.

Basis for Emergency Request

Pursuant to section 202(6) of the State Administrative Procedure Act (SAPA), the Utilities request that the Commission enter an order granting the relief requested on an expedited

---

7 https://www.cnn.com/2025/10/29/politics/safety-net-programs-at-risk-government-shutdown.

8 In addition to customers who may be unenrolled from utility EAPs because of the current delay in the distribution of HEAP benefits, these amendments will also benefit customers in Con Edison's service territory who were enrolled in its EAP by virtue of their participation in SNAP. Con Edison enrolls customers in its EAP based not only on HEAP grants but based on a file match of customers enrolled in qualifying public assistance programs with the New York City Human Resources Administration and the Westchester County Department of Social Services. As of October 1, 2025, customers' SNAP participation is no longer included in the file match. As a result, customers who are eligible for the EAP only because of their participation in SNAP have been or will be unenrolled from Con Edison's EAP. While those customers can maintain their EAP enrollment by self-certifying to their participation in SNAP, Con Edison expects that its amendments will temporarily extend these customers' enrollments in the EAP to afford them more time to self-certify. This relief, and maintaining these customers' EAP benefits, is particularly important now given the ongoing issues with SNAP funding and the impact of these delays on household budgets.

emergency basis. Under section 202(6), an agency may dispense with all or part of SAPA's usual notice and comment requirements if it finds that "the immediate adoption of a rule is necessary for the preservation of the public health, safety or general welfare."[9] Here, adoption of this rule is necessary to prevent customers in utility EAPs from losing their EAP benefits because they have not received a HEAP grant in the preceding 12 months, notwithstanding their continued eligibility for HEAP benefits.[10] As the Governor's state of emergency announcement stated, the government shutdown has had far-reaching impacts on vulnerable populations. Because of the current delay in HEAP funding, customers will be unenrolled from utility EAPs as soon as the beginning of November. The Utilities estimate that more than 97,000 customers will be automatically unenrolled from their EAPs through December alone if no HEAP funding is disbursed. Without Commission action, the delay in HEAP benefits and concurrent loss of EAP bill discounts will make utility services far more expensive for impacted customers during the coming winter heating season. The loss of EAP benefits by so many customers at the time when their need for heat is the greatest would undoubtedly undermine public health, safety, and general welfare, thus justifying emergency action by the Commission.

CONCLUSION

The Utilities respectfully request that the Commission authorize the Utilities to submit tariff amendments to allow customers in their EAPs as of October 1, 2025 to remain in the programs notwithstanding the current delay in the distribution of HEAP benefits, which will provide stability for vulnerable customers in this time of financial uncertainty.

---

[9] SAPA § 202(6)(a).

Respectfully submitted,

CENTRAL HUDSON GAS & ELECTRIC
CORPORATION

By: /s/ Marina W. Chu
Marina W. Chu
Regulatory Attorney –
Regulatory Affairs
Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601
Tel: (845) 452-2000
Email: mchu@cenhud.com

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC. and ORANGE AND
ROCKLAND UTILITIES, INC.

By: /s/ Felice Segura
Felice Segura
Staff Attorney
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003
Tel: (646) 531-2020
Email: seguras@coned.com

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION

By: /s/ Kenneth M. Gossel
Kenneth M. Gossel
Deputy General Counsel
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, NY 14221
Tel: (716) 857-7325
Email: gosselk@natfuel.com

NATIONAL GRID

By: /s/ Carolyn M. Rooney
Carolyn M. Rooney
Senior Counsel
National Grid

2 Hanson Place
Brooklyn, NY 11217
Tel: (516) 477-6042
Email: carolyn.rooney@nationalgrid.com

NEW YORK STATE ELECTRIC & GAS CORPORATION and ROCHESTER GAS AND ELECTRIC CORPORATION

By: /s/ Amy A. Davis
Amy A. Davis
Senior Regulatory Counsel
Tel: (585) 866-9675
Email: amy.davis@avangrid.com

October 31, 2025