

January 9, 2026

Doreen Harris, President and CEO
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203

RE: PULP Comments on the 2026 Draft RGGI Operating Plan Amendment

I. INTRODUCTION

The Public Utility Law Project of New York (“PULP”) hereby submits these limited comments in response to the New York State Energy Research and Development Authority’s (“NYSERDA” or “Authority”) request for input on the 2026 Draft Regional Greenhouse Gas Initiative (“RGGI”) Operating Plan Amendment (“Draft Plan”).

PULP is New York’s only independent nonprofit and public interest law-firm whose sole interest is to advocate for low-income utility consumers. PULP intervenes in all major utility rate cases before the Public Service Commission (“PSC” or “Commission”), as well as in “generic proceedings” that impact energy affordability for financially vulnerable households and disadvantaged communities (“DACs”). Our limited comments herein are focused specifically on two elements of the Draft Plan that have direct implications for residential utility customers and household energy burdens. PULP appreciates the opportunity to provide comments.

II. DISCUSSION

RGGI proceeds have historically supported programs that help reduce household energy costs and contribute to economy-wide greenhouse gas reductions. PULP acknowledges NYSERDA’s stated emphasis on affordability in the 2026 Draft Plan and applauds the proposed commitment to direct 62% of planned programmatic investments toward initiatives categorized under the “Affordability” theme.¹ This focus is especially important at a moment when New Yorkers face an unprecedented energy affordability crisis, as utility debt statewide nears all-time highs and as service disconnections remain a persistent threat,² particularly for low-income households and DACs.

A pillar of the Draft Plan’s affordability strategy is the proposal to allocate a portion (34%) of any RGGI auction proceeds exceeding projections toward ratepayer-funded programs, which

¹ *See*, New York’s RGGI Operating Plan Amendment for 2026, at 2. Available at: <https://www.nyserd.ny.gov/-/media/Project/Nyserda/Files/EE/RGGI/2026-Draft-Operating-Plan-Amendment.pdf>.

² *See*, Case 91-M-0744, which contains energy utility monthly collections reports (AKA “CARS” reports).

would prompt the Department of Public Service (“DPS”) and Long Island Power Authority (“LIPA”) to reduce ratepayer collections by a proportionate amount.³ PULP strongly supports this approach, as it appropriately recognizes the need to mitigate ratepayer impacts associated with the state’s climate policy implementation. In recent years, RGGI revenues have indeed exceeded initial projections, by approximately \$91.9 million in FY24-25⁴ and \$99.4 million in FY23-24⁵ respectively. While PULP recognizes that past performance does not ensure similar outcomes in the future, these recent experiences highlight the potential for such surpluses and underscores the value of this proposed mechanism.

However, PULP encourages NYSEERDA to provide greater clarity and transparency on how this mechanism would work in practice. At this juncture, it is unclear how resulting cost reductions would flow back to customers and whether these benefits would be equally distributed across service classes or targeted to residential customers. We acknowledge that 44% of the aggregate planned RGGI revenues will benefit DACs,⁶ which includes low-income households regardless of whether they reside in a DAC-designated census tract.⁷ Nonetheless, PULP believes the state can and must go further to ensure these vulnerable New Yorkers are not left behind or disproportionately burdened by the costs of the clean energy transition. For that reason, PULP urges NYSEERDA, along with DPS and LIPA, to direct any ratepayer cost reductions that result from excess auction proceeds directly to low-income households and DACs.

PULP believes this targeted relief will maximize bill reductions for the households that experience the highest energy burdens already. It would also be consistent with NYSEERDA’s existing approach to deliver meaningful, household-level relief through direct low-income programs. One such program is EmPower+, which provides income-eligible households with comprehensive home energy efficiency and electrification services at no cost. PULP has been a strong proponent of EmPower+ since its inception and recognizes it as one of the premier programs to both reduce energy consumption and energy burdens for low-income households statewide.

Accordingly, the Draft Plan’s proposal to increase EmPower+ funding by approximately \$240 million over the next three years⁸ is laudable. The proposed investment recognizes the scale of need among eligible households and is in alignment with the recently approved State Energy

³ *See*, 2026 Draft RGGI Operating Plan Amendment, at 7.

⁴ *Id.*, at Appendix 1.

⁵ *See*, Appendix 1, New York’s Regional Greenhouse Gas Initiative Operating Plan Amendment for 2025, adopted January 29, 2025.

⁶ *See*, 2026 Draft RGGI Operating Plan Amendment, at Appendix 2.

⁷ *See*, Disadvantaged Communities Criteria Fact Sheet. Available at: https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/LMI-daccriteria-fs-1-v3_acc.pdf

⁸ *See*, 2026 Draft RGGI Operating Plan Amendment, at Appendix 2.

Plan.⁹ It will also support the recent expansion of the program approved by the Public Service Commission, which now allows for the use of State Median Income or Area Median Income, whichever is higher, to determine eligibility.¹⁰ PULP maintains that as eligibility expands, is crucial that program funding grows with it to meet the increased demand without delays or service constraints for participating households.

III. CONCLUSION

PULP appreciates the opportunity to provide these limited comments on the 2026 Draft RGGI Operating Plan Amendment. We applaud NYSERDA for making energy affordability a cornerstone of this year's RGGI Operating Plan Amendment and urge them to consider the recommendations raised herein. Thank you.

Respectfully submitted,

/s

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⁹ *See*, 2025 State Energy Plan, Volume II, Chapter 8 Buildings, Sector 4.1. Available at: <https://energyplan.ny.gov/Plans/2025-Energy-Plan>.

¹⁰ *See*, Case 25-M-0249, Order authorizing low-to-moderate income energy efficiency and building electrification portfolio for 2026-2030, Issued and Effective: May 15, 2025, at 74.