

PETITION



To: Senate Desk for Operations
From: Senator O'Mara, Senator Mattera & Senator Walczyk
Date: March 2, 2026
Subject: Petition to Schedule a Public Hearing on Senate Bill No.8461A (O'Mara)

Pursuant to Subdivision (e) of Section 5 of Senate Rule VII, by a petition of one-third of the members assigned to a committee, a public hearing shall be scheduled on a specific bill within the jurisdiction of the committee, unless the majority of members of the committee reject such petition.

We are petitioning to schedule a public hearing on Senate Bill No. 8461-A sponsored by Senator O'Mara. This bill requires surplus funds held in the Clean Energy Fund or in Bill-As-You-Go funds collected by the investor-owned utilities pursuant to an order by the Public Service Commission (PSC) and not transferred to the New York State Energy Research and Development Authority (NYSERDA) to be credited to ratepayer utility bills

Skyrocketing utility costs are creating an affordability crisis for New Yorkers. The extreme cold snap will add significantly to the 36% increase in utility bills already experienced by ratepayers throughout the state. The immediacy of the energy affordability crisis in New York is underscored by the 1.3 million households that are unable to pay their utility bills. There is \$1.8 billion in outstanding payments due to the utilities. This amount increases the bills of other ratepayers who bear the socialized cost of this shortfall.

There is a short-term solution to provide real assistance to ratepayers through a utility bill credit which would be funded by off budget funds controlled by NYSERDA and the PSC. NYSERDA has unspent funds as reported in their fiscal year 2025 budget and financial plan of more than \$2 billion. NYSERDA has asserted that these funds are subject to expenditure restrictions and not available as surplus. No restriction should be a barrier to legislative action to redeploy such funds.

Attached please find letters exchanged between President Harris and Senator O'Mara presenting their respective positions on the issues. Senator O'Mara raises a new circumstance that President Harris did not address in her letter that is an investment summary as of March 31, 2025, by NYSERDA. This document lists \$1.8 billion in US Treasury Obligations and \$452 million in money market deposits. A public hearing would allow NYSERDA to address their viewpoint that such cash does not constitute unspent funds which could be redirected to ratepayer utility bill credits.

Senator O'Mara also cited an audit by Comptroller DiNapoli, which pointed out that NYSERDA was collecting more funds from ratepayers than it was spending. A hearing would give President

Harris the opportunity to address these issues directly and publicly. In addition, the hearing would provide a public forum for the Commissioner of the PSC to respond to a question asked at the Joint Budget hearing by Senator O'Mara concerning the amounts of monies currently held by the utilities in escrow while awaiting a requisition from NYSERDA. Assemblywoman Barrett, the chair of the Assembly Energy Committee, indicated in a February 20 letter to the Governor that \$770.6 million collected for the Clean Energy Fund was still on the utility balance sheets.

The Bill As You Go funding mechanism provides a continuing source of future funding which would replenish any funds that were used by the legislation to continue NYSERDA programs in the future.

A public hearing would enable the Senate Energy and Telecommunications Committee members to question the utilities as to their ability to implement a ratepayer credit program based on this legislation. The utilities would also be available to comment on the cost consequences of not dealing with the current affordability crisis with particular focus on the costs of socializing unpaid ratepayer debt

This hearing would engender great public interest as utility bills are increasing rapidly without any immediate relief options currently under consideration by the legislature to assist ratepayers. It also would allow the examination of any impacts on NYSERDA programs if the unspent funds were used for ratepayer relief. The question of whether the continuing funding from Bill As You Go charges would be able to fill any potential gaps in funding using future collections by the utilities could be addressed at the hearing.

This proposed hearing provides a unique opportunity to assess the availability of off budget funds collected from ratepayers as an immediate remedy in the form of ratepayer utility bill credits to effectively return to ratepayers' unspent monies which were collected from them.

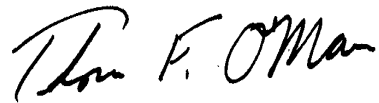
Under the Senate Rules, chairs are encouraged to hold public hearings on pending legislation of important public interest. Clearly the rising cost of utility bills is a matter of great public interest. The Senate majority and minority members recently both participated in press conferences focused on this issue. This bill would provide immediate relief.

A forum is not a viable option since there is no ability to require the attendance of NYSERDA, the PSC or investor-owned utilities which are critical to determining the viability of the funding for the ratepayer utility bill credit. Without the ability to question the appropriate state officials and the utilities, a forum would not be able to reach a conclusion as to the use of the off-budget funds. There is no other mechanism to obtain the information needed. This inadequacy was demonstrated at the Joint Budget Hearing where Senator O'Mara asked relevant questions, but the answers were not available to either President Harris or Chairman Christan. Unless there is a follow-up hearing to dig into these questions, they will remain unanswered. It is also true that a forum does not generate the public interest that a committee hearing engenders.

A hearing generates statewide interest, whereas a forum would only attract local attention. The public has access through the public television which carries Senate hearings but does not provide coverage of legislative forums.

This bill clearly merits an immediate hearing as contemplated by the Senate Rules as constituents are dealing with utility bills that have skyrocketed with no relief in sight. We would encourage our colleagues on the Energy and Telecommunications Committee to join in this petition.

Signed:



Senator Tom O'Mara
Member, Energy & Telecommunication Committee



Senator Mario Mattera
Rannker, Energy & Telecommunication Committee



Senator Mark Walczyk
Member, Energy & Telecommunication Committee