

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on August 25, 2004

COMMISSIONERS PRESENT:

William M. Flynn, Chairman  
Thomas J. Dunleavy  
Leonard A. Weiss  
Neal N. Galvin

CASE 03-E-0188 - Proceeding on Motion of the Commission  
Regarding a Retail Renewable Portfolio  
Standard.

ORDER ADOPTING AND APPROVING ISSUANCE OF  
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

(Issued and Effective August 26, 2004)

BY THE COMMISSION:

On February 19, 2003, the Commission instituted a proceeding to formulate a policy on a retail Renewable Portfolio Standard (RPS) in New York State and to establish implementation measures of the policy.

On March 18, 2003, the Commission considered an environmental assessment prepared by Staff pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and concluded that the adoption and implementation of an RPS policy may have a significant effect on the environment and that a Draft Generic Environmental Impact Statement (GEIS) would be prepared. The proposed Action involves changes in policy, practices, and economic arrangements affecting the choice and development of new sources of electric generation. The Commission determined that preparation of a broad-based GEIS would be more appropriate than a site-specific Environmental Impact Statement (EIS) because the proposed Action by itself

would not involve any activities that will cause a direct impact on the environment at any specific location. Instead, the proposed Action would likely create circumstances that subsequently induce activities that may adversely impact the environment.

Notice of the Commission's Declaration of Lead Agency Determination to prepare a GEIS was issued on March 18, 2003, and published in the New York State Environmental Notice Bulletin (ENB) on April 2, 2003. By Order issued April 8, 2004, the Commission determined that the Draft GEIS comported with the requirements of the SEQRA and accepted it as complete. A Notice of Completion of Draft Generic Environmental Impact Statement was published in the ENB on April 14, 2004 and comments were accepted until the close of business on May 14, 2004.

#### PUBLIC COMMENT

Comments were accepted in writing and by electronic mail. Several dozen comments were received from interested parties and other entities; also, an estimated 1,600 comments were received by e-mail, mostly in a standardized comment letter form. All of the substantive comments submitted have been summarized and addressed in the Final GEIS. Where appropriate, and as noted in the responses to the comments, revisions were made to the Draft GEIS.

#### DISCUSSION

The Final GEIS identifies and analytically addresses the environmental impacts related to the potential RPS policy and responds to all of the substantive comments provided on the Draft GEIS. Based on the comments submitted, the following substantive changes were made to the Draft GEIS:

1. The Final GEIS incorporates the result of the Recommended Decision's Cost Analysis (RD Cost

Analysis). This analysis refined the modeled baseline assumptions regarding the amount of energy currently retailed in New York and revises the RPS Prime Case originally evaluated in the Draft GEIS. The baseline was refined in response to comments received not only on the Draft GEIS but also in the collaborative process throughout the proceeding. Consequently, Sections 5.0, Alternative Actions Considered; Section 6.0, Environmental Impacts of Proposed Action; Section 10.0, Growth Inducing Aspects and Socio-Economic Impacts of the Proposed Action; and Section 11, Effects on Energy Consumption, were revised to reflect the addition and results of the RD Cost Analysis;

2. Changes were made to Section 2.0, Description of the Proposed Action, in which RPS eligibility requirements were more clearly defined, public need and benefits were elaborated upon, and additional programs and policies relating to the RPS policy were cited;
3. Revisions were made to Section 4.0, Environmental Setting of New York, to provide clarification and include updated information; and
4. Revisions were made to the discussion of renewable technologies in Section 6.2, and to the discussion of Environmental Justice in Section 7.2.

#### CONCLUSION

The Final GEIS is a complete and comprehensive assessment of the potentially significant adverse impacts, as well as the benefits, associated with the development and implementation of an RPS policy. It is in conformance with the requirements of SEQRA, and properly responds to all comments provided on the Draft GEIS. For these reasons, the Commission accepts it as the Final GEIS for the proposed action of adoption and implementation of an RPS policy.

The Commission orders:

1. The Final Generic Environmental Impact Statement attached to the original copy of this Order is declared complete and is accepted by the Commission as the Final Generic Environmental Impact Statement for the proposed Action of adoption and implementation of a Renewable Portfolio Standard policy.

2. Notice of the completion of the Final Generic Environmental Impact Statement shall be published in the Environmental Notice Bulletin in accordance with 6 NYCRR Part 617.

3. This proceeding is continued.

By the Commission,

(SIGNED)

JACLYN A. BRILLING  
Secretary