

Audrey Zibelman, Chair  
Hon. Kathleen Burgess, Secretary  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

April 27, 2016

Dear Chair Zibelman and Secretary Burgess:

On January 21, 2016, the Public Service Commission ordered the creation of a Clean Energy Advisory Council (CEAC) to address utility and NYSERDA energy efficiency programs as well as various aspects of the newly authorized Clean Energy Fund. We are writing this letter to express concerns over the CEAC process so far and to suggest ways to improve collaboration among a true diversity of knowledgeable stakeholders.

As you are aware the Energy Democracy Alliance – of which some of us are members – has pushed for transparency and participation, racial equity, and economic justice throughout the REV proceedings. From a first look at what has been publicized about the structure of the CEAC, it appears heavily weighted in favor of utilities and entities with resources who can pay staff to participate in the CEAC working groups and Steering Committee.

Community organizations, county/local government agencies, and community-based businesses offer a wealth of technical expertise and knowledge that is crucial to clean energy deployment. We find ourselves wondering how and whether these kinds of organizations, representatives, and businesses will be able to meaningfully participate.

The areas of focus for the CEAC, as outlined in two orders issued on January 21, are of importance to our organizations. Many of us are already involved in energy efficiency retrofit and weatherization programs and/or we work in communities in desperate need of these retrofits and weatherization. Many of us are also particularly interested in participating in the development of Clean Energy Fund programs, having contributed extensive comments on the Clean Energy Fund proposal authored by NYSERDA.

We approach this work from the perspective of organizations working on the ground to implement clean energy projects (retrofits/weatherization, solar, resiliency, distributed energy resources, microgrids, etc) in our communities. We are particularly focused on how these programs can reach and benefit low and moderate income people, people of color, small businesses, and other groups that face barriers.

For example, several of us are engaged in community solar campaigns and projects and have helped hundreds go solar on their rooftops. We have also seen first-hand the challenges and barriers that keep people from going solar. Many of us are now involved in helping to develop shared solar projects that will benefit our communities and are learning about the challenges that will need to be addressed by the CEAC.

Others of us have been for years involved in Green Jobs – Green New York and other energy efficiency and retrofit work. We, too, have insights to share about what is and isn't working about current programs and markets around this work.

Some of us work directly with our low-income members around utility shut-offs and consumer rights. Some of us are developing resiliency plans in our communities or working to rid our communities of toxins and pollution.

All of us are concerned over the initial rollout of the CEAC process. This is a process many of us are likely to want to participate in because it directly impacts our work, yet we lack enough information to determine whether it is the best use of our limited capacity.

On March 23, the CEAC held its initial meeting with only two days' notice. In that meeting the CEAC's process was outlined, initial deadlines were set, and questions were answered. With only two days' notice, many of us were unable to attend, and thus missing an important discussion about the CEAC's mission and direction.

No detailed information has been provided about how much of a time commitment will be required of participants, where working group meetings will be taking place or how often, or what participants can expect to achieve by participating in the process. It is still unclear what weight the CEAC will have on Commission decision-making or what authority the Council will have on in its own right. All of this information is necessary for us to be able to make informed decisions about participation.

We realize and understand that the CEAC process is still under development, and that Department of Public Service Staff is trying to leave many of these details to be determined by the working groups themselves. Yet, this vagueness in the process is an impediment to us as we try to determine our own abilities to participate.

It also leaves the working group processes vulnerable to power dynamics that could make participation difficult for under-resourced groups. Some of us have experienced these dynamics in previous collaborative processes run by the Department of Public Service, including the REV collaborative process in 2014 and the low-income collaborative in the Community Net Metering proceeding. Those with limited time and financial resources for travel are at a disadvantage when asked to contend in spaces with utility companies, third party companies with economic interest in the outcomes, and even well-staffed public interest organizations who focus on policy. Those with the most time, comfort with Public Service Commission process, and/or relationships with other stakeholders often end up dominating the outcomes.

Yet, lack of resources or connections necessary to participate in a time-consuming and complex collaborative process doesn't equate to lack of significant practical experience and insight that should inform decision-making on energy efficiency and renewable energy programs. We hope the Commission will want to make sure that we and other distributed energy practitioners and consumer representatives have the opportunity to participate in the CEAC on equal ground with utilities and other stakeholders.

Therefore, we suggest the following improvements to the CEAC process. Some of these recommendations were gleaned from the State and Local Energy Efficiency Action Network guide on Energy Efficiency Collaboratives.

<https://www4.eere.energy.gov/seeaction/system/files/documents/EECollaboratives-0925final.pdf>

Others are based on our own experiences as organizations that have attempted to participate in Public Service Commission cases and other agency stakeholder processes:

1. **Make the objectives of the CEAC and each of the working groups clear** *well* in advance of asking people to participate. This will give us the time and information needed to determine whether the CEAC is an appropriate for us and which working groups to join.
2. **Commit to a workload and meeting schedule for the working groups that is manageable for small nonprofits, locally-owned enterprises, and municipal/county staff.** Many of our organizations have limited staff time to dedicate to policy because our staff are working on organizing, program administration, public outreach and other activities. These same activities put our staff in touch with consumers and give us important insight into what does and does not work on the ground, but leave little time to share that knowledge in a process like the CEAC. We recommend that working groups' timelines and task list take this reality into account.
3. **Designate impartial, strong, and experienced facilitators** for the Steering Committee and all Working Groups. It is paramount that all participants are given an opportunity to provide their perspectives and influence the outcomes of the collaboration. This is difficult if facilitators are also stakeholder participants. As the guide referenced above states: "Experienced facilitator can ensure all attendees are given a chance to express their views from the most dominating voices to the less-experienced participants and help bring forth the likely diverse and strongly held positions. An ideal facilitator would have familiarity with the issues but be independent of any participating stakeholder group. There are good reasons, like expense, for a collaborative to eschew a dedicated facilitator, but participants should recognize the tradeoff of this approach."
4. **Provide resources such as reimbursement for travel costs and/or stipends for participation, particularly when needed to ensure representation of all sectors.** There is no better way to demonstrate the Commission's commitment to capturing the input of a diverse range of stakeholders in the CEAC process than to cover the costs of participation for groups that represent perspectives that would otherwise go unrepresented. We are disturbed that utilities will be able to recover their costs of advocating for their own interests in the CEAC through rates charged to consumers, while consumers may lack meaningful and robust representation in the CEAC. This can be remedied by ensuring that member-based organizations and municipal officials have funding to represent their ratepayer constituents.
5. **Define the power of the CEAC and its level of influence with the Commission.** It remains unclear what kind of power the CEAC will have in setting policy or influencing Commission decisions. This makes it difficult for groups with limited resources to decide whether or not to prioritize participation in the CEAC process. (Participation in the CEAC may come at the expense of participation in other proceedings or stakeholder processes, so groups have to weigh their decision carefully.) The role of the CEAC in the proceedings under consideration by the Commission should be clear and transparent so that groups can make an informed decision on this matter.

6. **Ensure a balance of stakeholders on the Steering Committee.** The Steering Committee, as presented in the documents associated with the initial meeting of the CEAC, will have approximately 16 or 17 members consisting of seven for-profit utility companies, two public utilities, two public agencies, and five other stakeholders. This gives utility companies a dominating presence on the Steering Committee, while other sectors (some of which will be at odds with each other) are not ensured even one seat on the Steering Committee. We are concerned about participating in a process that is so obviously stacked in favor of utility interests.

By establishing the CEAC, the Commission stated its intention for that body to grapple with multiple important issues related to New York's next generation of energy efficiency and clean energy programs. Throughout the REV process, the Commission has also increasingly recognized the importance of creating a "customer-centric" electricity system, as well as the need to pay particular attention to the cost burdens and barriers faced by low-income consumers.

We hope the CEAC will be an authentic space in which stakeholders representing consumer and community experience can participate on equal ground with business interests to design successful energy efficiency and clean energy programs that serve all New Yorkers. So far, we are not confident that such a space is being created. We therefore urge you to implement the above recommendations to improve the CEAC process.

Sincerely,

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