

August 31, 2020

Honorable Michelle Phillips, Secretary
State of New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

RE: Joint Comments Regarding Clean Energy Standard White Paper

Dear Secretary Phillips & Commissioner Rhodes:

The undersigned organizations submit these comments regarding the New York Department of Public Service June 18, 2020 White Paper on Clean Energy Standard Procurement (“White Paper”) to Implement New York’s Climate Leadership and Community Protection Act (“CLCPA”).

We are appreciative of Governor Cuomo’s leadership in the passage of the Climate Leadership and Community Protection Act, the Accelerated Renewable Energy and Economic Growth Act (“Accelerated Renewables Act”) and the implementation of the existing Clean Energy Standard. And we thank you for your swift work to ensure that the Clean Energy Standard is in alignment with the CLCPA’s aggressive goals to generate 70% of our electricity from renewable energy and 100% by 2040 is critical to ensuring we meet our broader economy-wide climate pollution targets.

While we support the aggressive timeline to ramp up utility-scale renewables and offshore wind there are several areas that must be addressed in order to maximize the benefits of the clean energy economy and ensure that those benefits are delivered in a manner consistent with the equity provisions in the CLCPA. We call on you to:

1) Maintain the Aggressive Ramp up of Offshore Wind and Other Utility-Scale Renewables

The clear timelines provided in the White Paper over the next seven years provides needed certainty to renewable energy developers. Coupled with the recent passage the Accelerated Renewables and Economic Growth Act (“Accelerated Renewables Act”), we can ensure that renewable energy projects are built in a reasonable time frame, maximize benefits to host communities, and protect fragile ecosystems.

2) Defer Inclusion of Canadian Hydropower in the Proposed Tier 4

Despite the passage of the Accelerated Renewables Act and the robust timeline to ramp up on utility-scale renewables, the White Paper presumes a shortfall of clean in-state generation through 2030 and proposes to flood the State with additional imports of Canadian hydropower through an additional resource tier—Tier 4. This short-sighted approach must be rejected. While we support Tier 4’s goal of increasing transmission that can ensure the delivery of clean energy to all parts of New York, the Commission must prioritize in-state resources and maximize

benefits to New York. As proposed, Tier 4 would directly compete with and cannibalize the market for in-state renewables, outsourcing the economic benefits of the clean energy economy.

The rush to procure Canadian hydropower in particular is concerning for multiple reasons. First, as DPS staff acknowledges, the environmental and climate impacts of increased imports of Canadian hydropower have not been analyzed.¹ And the White Paper's proposed climate safeguards for Canadian hydropower contain significant loopholes, including for expansions of existing hydro impoundments and development of new impoundments to address future increases in Québec's load. If the inclusion of Canadian hydropower in Tier 4 leads to new or expanded impoundments in Canada, the environmental benefits will be reversed.² Second, wiring in Canadian hydropower provides none of the job or supply chain benefits that in-state renewable generation would generate, and in the case of New York City's Local Law 97, removes incentives for the City's building owners to invest in job-creating energy efficiency retrofits to the most energy-consumptive buildings. The Commission must put the brakes on Canadian hydropower contracts until the environmental impacts are fully understood and a need for the power is adequately demonstrated.

3) The Clean Energy Standard Must Ensure Compliance with Environmental Justice Provisions of the Climate Leadership and Community Protection Act

The White Paper fails to provide a framework that ensures that the provisions of the CLCPA designed to protect disadvantaged communities are adequately implemented. The CLCPA provides that "disadvantaged communities shall receive no less than thirty-five percent of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments," with a target of forty percent.³ The CLCPA further provides that in considering and issuing all administrative approvals and decisions, agencies "shall not disproportionately burden disadvantaged communities" and "shall also prioritize reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities."⁴ These requirements provide long-overdue protections to communities that have borne an outsized share of the pollution burdens associated with New York's energy sector. It is imperative that the Commission effectuate these requirements as it finalizes the parameters around forthcoming clean energy investments.

4) Clean Energy Collections Must Not Be Siphoned to Pay for Nuclear Subsidies

DPS Staff's current proposal to repurpose renewable energy and energy efficiency funds to pay for Zero Emission Credits (ZECs) to subsidize the State's dirty and outdated nuclear fleet is unacceptable and sets a dangerous precedent. The stated rationale for supporting New York's nuclear fleet was to maintain "carbon-free" energy generators and create a "bridge" to renewable energy, but by using renewable energy and energy efficiency funds we are limiting our ability to

¹ Draft Supplemental Generic Environmental Impact Statement at 1-11.

² See, e.g., E.G. Hertwich, Addressing Biogenic Greenhouse Gas Emissions from Hydropower in LCA, *Environmental Science & Technology* 9604-11 (Aug. 2, 2013); L. Scherer & S. Phister, Hydropower's Biogenic Carbon Footprint, *PLOS One* (Sept. 14, 2016).

³ E.C.L. § 75-0117.

⁴ CLPA § 7(3).

further reduce climate pollution, create new clean energy jobs, and ultimately replace our outdated nuclear fleet.

Thank you for your consideration.

Respectfully submitted,

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