

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

NOTICE SEEKING ADDITIONAL COMMENTS

(Issued April 1, 2005)

On September 24, 2004, the Commission issued an Order Regarding Retail Renewable Standard (RPS) in this proceeding.¹ The Order, inter alia, established a surcharge to fund above-market costs of renewable resources under the RPS program to commence after October 1, 2005 (Order, p. 83). The Order also designated the New York State Energy Research and Development Authority (NYSERDA) as the administrator of the central procurement component of the RPS program and all associated funds. Id., p. 84. The Staff of the Department of Public Service was directed to recommend to the Commission an implementation plan consistent with the Order. Subsequently, on December 16, 2004 the Commission issued an order allowing NYSERDA to implement a one-time expedited procurement process in order to take advantage of financial incentives available to eligible renewable developers from a federal Production Tax Credit, which is set to expire at the end of 2005.² That procurement resulted in the awarding of seven contracts.

Thereafter, on March 30, 2005, the New York State Legislature passed a budget amendment (Senate 3669; Assembly 6843) that states:

¹ Case 03-E-0188, Order Regarding Retail Renewable Portfolio Standard, (issued September 24, 2004).

² Case 03-E-0188, Order Authorizing Fast Track Certification and Procurement, (issued December 16, 2004).

§2. Commencing with the 2006-2007 state fiscal year, and each fiscal year thereafter, the governor shall, in his or her executive budget, as submitted pursuant to article VII of the state constitution, provide appropriations for currently non-appropriated monies received by the New York state energy research and development authority, under the direct oversight of the department of public service, related to assessments, collected for the purpose of public policy energy programs." (Part I, p. 53, emphasis supplied.)

Interested parties are asked to comment on the potential impact of the proposed budget amendment language on the implementation and administration of the RPS program as set forth in the September 24 and the December 16, 2004 Orders. Comments should be submitted to Jaclyn A. Brillling, Secretary, New York State Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, on or before April 8, 2005 and to the active party list posted on the Commission's web site. Comments may be submitted electronically to secretary@dps.state.ny.us provided that the original and 15 copies of the comments are filed with the Secretary on or before April 11, 2005. Extensions will not be granted. Questions concerning this notice may be directed to Gary Davidson at (518) 474-2530.

(SIGNED)

JACLYN A. BRILLING
Secretary