



119 Washington Avenue, Suite 103  
Albany, NY 12210  
518.432.1405  
[info@aceny.org](mailto:info@aceny.org) | [www.aceny.org](http://www.aceny.org)

August 24, 2020

Honorable Michelle Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Three Empire State Plaza Albany, NY 12223

Sent Via Email

**RE: CASE 15-E-0302**

Dear Secretary Phillips:

On behalf of the Alliance for Clean Energy New York, please accept these comments in CASE 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*. These brief comments are in response to a petition filed by the New York State Energy Research and Development Authority (“NYSERDA”) on June 5, 2020, *Petition Regarding Clean Energy Standard Clean Energy Resources Development and Incentives Program*, (the “Petition”).

The Alliance for Clean Energy New York (“ACE NY”) appreciates New York State’s timely implementation of the various components of the recently enacted *Accelerated Renewable Energy Growth and Community Benefit Act*, including the establishment of a Clean Energy Resources Development and Incentives Program, also referred to as a “Build-Ready” program. As such, we support the Petition and efforts of NYSERDA to fund the Build Ready Program. Our comments herein focus on the design and implementation of this new program. Specifically, we suggest that the program be designed so as not to compete with private developers and that NYSERDA explore options for involving private developers earlier in the process.

ACE NY is a not-for-profit membership organization with a mission to promote the use of clean, renewable electricity technologies and energy efficiency in New York State, in order to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution. ACE NY members include numerous companies that currently, or will in the future, develop, own and operate major renewable energy facilities in New York communities.

**Design a Build Ready Program that creates new opportunities, not competition for sites.**

The member companies of ACE NY support a design of the NYSERDA Build-Ready Program that creates and facilitates new, additional opportunities for renewable energy development but does not cannibalize current opportunities or compete for projects that the private sector is already willing to invest in.

With that goal in mind, we strongly suggest that NYSERDA identify current gaps in renewable energy development by asking: *Where is the private sector not going to develop projects? What sizes, technologies, or configurations of projects is the private sector not attempting to develop? What complications are preventing developers from attempting to develop projects in locations or niches that would otherwise seem attractive?* We respectfully request that NYSERDA consider these questions when crafting its Build Ready Program, so that the program increases renewable energy development opportunities for the private sector rather than reduce those opportunities.

For example, based on a cursory review of those questions, we would consider the following types of projects to meet the criteria:

1. Projects on land owned by the State of New York;
2. Projects on current or past State Superfund sites, with major demolition requirements or substantial environmental remediation costs; or
3. High potential wind, solar, or battery storage projects in locations with serious transmission limits or complications.

We note that private developers are currently prospecting projects on landfills, on brownfields, and at previously used power plant sites, i.e. closed coal or gas plants. For this reason, we have not included these types of sites on this list.

**Design a Build-Ready Program that can involve a private developer as an early partner.**

Secondly, we suggest that a private sector partner should become involved in the project as early after site selection as possible so that the state can benefit from a developer's expertise in the project development process. Accordingly, rather than conducting an annual auction for properties, NYSERDA could pre-qualify developers interested in these types of properties in advance and offer properties through a bidding process on a more frequent basis, such as monthly or quarterly. This approach may allow NYSERDA to accelerate renewable energy or energy storage development. In addition, it begins to establish the critical relationship between community and developer earlier. Factors for pre-qualification should include past experience by a company in the

development, construction, and operation of projects of similar size and technology, as well as financial strength and resources dedicated to development of such sites within New York.

Once a property is auctioned to a developer, NYSERDA could coordinate the first meeting between the community and the developer to ensure that the transition is handled efficiently and smoothly. Further, we suggest that the PILOT or Community Benefit Agreements should perhaps be left to the community and developer to negotiate versus being negotiated in advance by NYSERDA, since the contractual arrangements will cover a long-duration and must meet all stakeholder needs.

Finally, NYSERDA should consider establishing a mechanism where a developer can bring forward a project that meets the definition of a “Build Ready” site and be eligible for consideration under the Build Ready Program design and its associated benefits. The criteria for this consideration should be established in advance so developers understand the threshold requirements. Criteria requirements could include:

- Total environmental remediation costs above X dollars
- Transmission Interconnection or System Upgrade Costs above X dollars
- Demolition Costs that exceed X dollars

This two-way approach may allow the maximum number of existing under-utilized properties to be considered and provide the most expedient approach to get them back into a productive use that generates tax and other benefits to the local community. At a time when COVID has decimated county, city, and town budgets, this approach may offer some valuable economic development alternatives.

In conclusion, ACE NY supports this Petition and the establishment of a Build Ready Program at NYSERDA in general. We would also welcome the opportunity to discuss specific design elements of the Program, and especially the specific suggestions included herein, with NYSERDA in the near future.

Respectfully Submitted,



Anne Reynolds, Executive Director  
Alliance for Clean Energy New York