

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on June 17, 2010

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman  
Patricia L. Acampora  
Maureen F. Harris  
Robert E. Curry, Jr.  
James L. Larocca

CASE 07-M-0548 - Proceeding on Motion of the Commission  
Regarding an Energy Efficiency Portfolio  
Standard.

ORDER MODIFYING STANDARDS RELATED TO  
COMPACT FLORESCENT LIGHT FIXTURES

(Issued and Effective June 23, 2010)

BY THE COMMISSION:

INTRODUCTION

In this order, the Commission modifies its July 27, 2009 Order<sup>1</sup> Approving Multifamily Energy Efficiency Programs which prohibited the use of compact florescent light (CFL) fixtures in multifamily energy efficiency programs. Upon reconsideration, the Commission authorizes all program administrators offering energy efficiency programs that include lighting measures to offer cost-effective light fixture replacements designed to accommodate both CFL and LED bulbs as part of their Energy Efficiency Portfolio Standard (EEPS) programs.

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<sup>1</sup> Case 07-M-0548, et al., Energy Efficiency Portfolio Standard, Order Approving Multifamily Energy Efficiency Programs with Modifications (issued July 27, 2009).

BACKGROUND AND SUMMARY

In the July 27, 2009 Order, the Commission prohibited the use of CFL fixtures in EEPS programs. At that time, the Commission reasoned that CFL lighting fixtures could become obsolete in the near future as more efficient light emitting diode (LED) applications become more widely available in the marketplace. The New York State Energy Research and Development Authority (NYSERDA) and Niagara Mohawk Power Corporation (Niagara Mohawk) both filed petitions requesting that the Commission reconsider the prohibition and allow the use of CFL fixtures in their EEPS programs. In the petitions, NYSERDA and Niagara Mohawk presented evidence about the current limitations of LED technology and the difficulty of installing cost-effective LEDs as a component of multifamily building programs. After considering the newly provided information, the Commission, in separate orders, authorized NYSERDA<sup>2</sup> and Niagara Mohawk<sup>3</sup> to include cost-effective light fixture replacements that are designed to accommodate both CFL and LED bulbs. In this order, the Commission extends the use of those replacement lighting fixtures to all other electric EEPS programs where applicable.

NOTICE OF PROPOSED RULE MAKING

A Notice of Proposed Rulemaking concerning modifications to previously-approved energy efficiency programs

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<sup>2</sup> Case 08-E-1132, NYSERDA - Energy Efficiency Portfolio Standard Programs, Order On Rehearing Denying in Part and Granting in Part Petition for Rehearing (issued December 23, 2009).

<sup>3</sup> Case 08-E-1133, Niagara Mohawk Power Corporation - Energy Efficiency Programs, Order On Rehearing Granting Petition For Rehearing (issued April 19, 2010).

to allow the inclusion of compact florescent light fixtures as an eligible measure in all appropriate Energy Efficiency Portfolio Standard (EEPS) programs was published in the State Register on March 24, 2010 (SAPA 07-M-0548SP19). Pursuant to SAPA, the minimum time period for the receipt of comments regarding that notice expired on May 10, 2010. The comments that were received are summarized below.

SUMMARY OF PUBLIC COMMENTS

New York State Electric and Gas Corporation and Rochester Gas and Electric Corporation (NYSEG/RG&E) filed comments supporting the inclusion of CFL fixtures as an eligible measure in all previously approved EEPS programs. The companies claim that the inclusion of CFL fixtures will help avoid potential lost electric energy savings opportunities in cases where LED lighting may not yet be practical. NYSEG/RG&E state that setting consistent standards with regard to the use of CFL fixtures will support overall energy saving goals and strengthen the effective implementation of programs. The NYSEG/RG&E Electric Residential/Non-Residential Multifamily Program, approved in the July 27, 2009 Order, is subject to the prohibition of CFL fixtures.

Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. (Con Edison/O&R) submitted comments in support of allowing program administrators to include the use of CFL fixtures in energy efficiency programs. Con Edison/O&R state that this measure is most appropriate to use as an in-unit and common area measure for multifamily buildings programs. The companies state that CFL fixtures can be used to replace the highest use light fixtures in dwelling units including those found in kitchens, hallways and bathrooms. In addition, Con Edison/O&R are exploring integrating CFL

fixtures into their Small Business and Commercial and Industrial programs. Con Edison/O&R state that they will work with Staff, or seek authorization from the Commission if necessary, for budget modifications should the inclusion of CFL fixtures impact approved budgets. Con Edison's Refrigerator Replacement Plus Program is subject to the CFL prohibition contained in the July 27, 2009 Order.

The Association of Energy Affordability (AEA) filed comments strongly supporting the inclusion of CFL fixtures in energy efficiency programs. AEA further states that for the same reasons the Commission approved the modifications to the NYSEDA and Niagara Mohawk programs, it should completely eliminate the CFL fixture prohibition, so that utilities and consumers across the state can take advantage of the cost-effective energy savings provided by CFL bulbs.

#### DISCUSSION

As part of their petitions NYSEDA and Niagara Mohawk presented research from the U.S. Department of Energy which found that there are still limitations on the use of LED lighting, and that product testing suggests that LEDs are not a viable option to replace CFL fixtures at this time. Moreover, LED fixtures remain cost prohibitive and are not readily available to retail customers and contractors. NYSEDA pointed out that there are pin-based lighting fixtures available in the market place that accommodate multiple types of energy efficient bulbs, eliminating the concern that CFL fixtures installed as a part of EEPs programs would become obsolete in the near future. When LED technology becomes more readily available, the installed CFL pin-based fixtures which also accommodate LED bulbs would remain a valuable tool by allowing customers to take

advantage of the newer energy efficiency technology by merely switching out the bulbs.

In addition, when appropriate, we have generally maintained a practice of designing EEPS energy efficiency programs to be consistent statewide to avoid customer and contractor confusion. We have already approved use of lighting fixtures that accommodate both CFL and LED bulbs for two program administrators in previous orders. Granting the remaining program administrators the same authority is fair and reasonable, and will provide consistency among all program administrators.

Therefore, we modify the July 27, 2009 Order to allow the incorporation of cost-effective light fixture replacements that are designed to accommodate both CFL and LED bulbs in all applicable energy efficiency programs.

#### SEQRA FINDINGS

Pursuant to our responsibilities under the State Environmental Quality Review Act (SEQRA), in conjunction with this order we find that programs modified here are within the overall action previously examined by us in Case 07-M-0548 and will not result in any different environmental impact than what was previously examined. In addition, the SEQRA findings of the June 23, 2008 Order in Case 07-M-0548 are incorporated herein by reference and we certify that: (1) the requirements of SEQRA, as implemented by 6 NYCRR part 617, have been met; and (2) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action being undertaken is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

CONCLUSION

For the reasons discussed above, the Commission modifies the July 27, 2009 Order to allow all EEPS program administrators to use cost-effective replacement lighting fixtures that accommodate both CFL and LED bulbs in all applicable electric EEPS programs.

The Commission orders:

1. All Energy Efficiency Portfolio Standard (EEPS) program administrators are authorized to administer their energy efficiency programs in the manner described herein.
2. Program administrators that elect to modify program offerings to include compact florescent light (CFL) fixtures that would accommodate light emitting diode (LED) bulbs, as described in this Order shall submit to the Secretary a revised implementation plan within 60 days of the issuance of this Order.
3. The Secretary, at her sole discretion, may extend the deadline set forth in this Order.
4. These proceedings are continued.

By the Commission,

JACLYN A. BRILLING  
Secretary