



Hon. Kathleen H. Burgess, Secretary  
New York State Public Service Commission  
Three Empire State Plaza Albany, New York 12223-1350

VIA ELECTRONIC SUBMISSION

Attn: Case No. 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.

Subject: Party Comments on New York State Department of Public Service, Petitions for Rehearing on Clean Energy Standard

The Low Impact Hydropower Institute (“LIHI”) respectfully submits the following comments as a response to petitions for rehearing and reconsideration of the Commission’s Order Adopting a Clean Energy Standard<sup>1</sup>. LIHI is a non-profit organization dedicated to encouraging and recognizing hydropower that is operated in a way that benefits the environment and riverine habitat in a meaningful and effective manner. LIHI evaluates hydropower facilities based on eight criteria that include flows, fish passage, shoreline management, water quality, recreational access and cultural and historic preservation. LIHI has certified hydropower facilities that are old, new<sup>2</sup>, large, small, and some with moderate storage ability. Using a broad base of environmentally oriented, scientifically based criteria ensures that facilities that operate in a way that fully considers and is sensitive to their unique riverine environment can be recognized as low-impact. Statutes in states such as Massachusetts, Pennsylvania and Delaware include existing hydropower in their RPS programs and also use the LIHI standard or criteria similar to LIHI’s to determine hydropower’s eligibility.

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<sup>1</sup> Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Order Adopting a Clean Energy Standard (Aug. 1, 2016).

<sup>2</sup> Only facilities that utilize dams or diversions built before 1998 are eligible for certification. “New” refers to new generation facilities built at dams or diversions meeting that eligibility criteria.

LIHI submitted reply comments on May 13, 2016 in response to the *Staff White Paper on Clean Energy Standard* and submitted comments on June 6, 2016 regarding the *Clean Energy Standard White Paper Cost Study*. In those comments, LIHI argued among other things that low-impact is not dependent upon size, that existing low-impact hydropower facilities' attributes and social benefits should be included in the CES, and that existing resources, including low-impact hydropower, should be included as part of a meaningful Tier 2. These resources also must be allowed to freely participate in voluntary and other state markets without the cloud of double-counting. Existing renewable generation, within limits, should be recognized for their renewable and social benefit attributes in a similar manner that nuclear power has been in the proposed ZEC program for its zero emission attribute. The State's approach of giving zero-emission, non-renewable generation special consideration while not recognizing a whole class of renewables is inconsistent with the goals of the CES. This approach will ultimately undermine the State's ability to reach its goal by incentivizing the export of existing renewable generation and attributes out of state, or by leading them to closure due to the overly restrictive criteria to qualify for Tier 2 as proposed.

Multiple parties have since submitted petitions for rehearing<sup>3</sup>. LIHI supports rehearing specifically in order to allow the Commission to create a more robust and thoughtful Tier 2 that includes existing low-impact hydropower and so that the Commission can overtly ensure that renewable facilities have the ability to be compensated fairly either within the NY CES or through other market channels by explicitly accounting only for renewable generation that is participating in the State's CES.

Respectfully submitted,



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<sup>3</sup> See “Brookfield Renewable’s Petition for Rehearing or in the Alternate, Limited Rehearing” (August 31, 2016); “Petition for Rehearing of RENEW Northeast, Inc.” (Aug 31, 2016); “Ampersand Hydro Petition for Rehearing” (August 31, 2016); ACENY’s “Petition for Rehearing of the Order of August 1, 2016, Adopting A Clean Energy Standard” (August 31, 2016); “Petition For Rehearing of Independent Power Producers of New York, Inc.” (August 31, 2016)