



Department of Public Service

Public Service Commission

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Jessica Azulay
Alliance for a Green Economy
2013 East Genesee Street
Syracuse, NY 13210

Dear Ms. Azulay:

Thank you for your correspondence to the Chair and Secretary of the Public Service Commission dated April 27, 2016 regarding the formation of the Clean Energy Advisory Council (CEAC). We appreciate your interest in the CEAC and the important topics that will be addressed through this convening. As this process moves forward with its formation and kickoff of the various Working Groups begins, we would like to take this opportunity to respond to the issues that you and your partners have raised.

As we understand from your letter, your primary concerns relate to the balance of stakeholder perspectives and influence within the CEAC, the participation of stakeholders within this process, and decision-making of the CEAC. We hope that our response will help bring clarity to this set of issues, and that we can continue a dialogue as the CEAC work progresses.

Regarding the balance and representation of stakeholder perspectives, we fully agree that active participation from a full range of stakeholders is critical for sufficiently investigating the various topic areas that have been identified and articulated in Working Group scopes. We also agree that including the perspectives of those that are directly working with and impacted by the CEAC's topic areas is essential for a meaningful process. We are pleased to know that a few of the groups that are signatories to the April 27th letter have expressed their interest and will be participating in some of the Working Groups. We look forward to their participation and in working with them to ensure that various stakeholder perspectives are adequately represented and heard. In addition, the *Clean Energy Advisory Council Working Group Roles and Guidelines* document includes the expectation that each Working Group will actively seek end-user customer involvement and opinions, as it develops its findings and recommendations, through the hosting of end-user roundtables or similar forums.

We are confident that the CEAC and Working Group structure will both represent and accommodate a variety of stakeholder viewpoints and expertise. The interest that we have received regarding Working Group participation along with the Steering Committee Designee assignments from each Working Group will satisfy the need for diverse participation at all levels of the CEAC. We also expect that individual Working Group members will be in regular consultation with their partners to

discuss and deliberate items being explored by each Working Group. In this regard, while Working Group meetings will not be publicly noticed, Working Group members may invite partners to observe the meetings. Finally, as the Working Groups begin their work, we are confident the process will be adequately flexible in the event that specific opinions or constituencies are underrepresented.

Several iterations of both the CEAC Charter and Working Group scopes have been provided and developed in concert with inviting stakeholders to express their interest in participating. It is important to recognize and appreciate the iterative nature of this process. In addition to satisfying the directive and expectations of the Commission, Working Groups will be empowered to investigate issues that they deem relevant to their particular charge.

With regard to stakeholder participation in the CEAC, we fully appreciate that the Department of Public Service (DPS) is asking a lot of stakeholders at this juncture of our Reforming the Energy Vision. Nonetheless, the CEAC and its Working Groups have the obligation and responsibility to investigate and deliver recommendations that directly address Commission directives, and to do so in a timeframe that comports with the Commission's expectations. As indicated in the *Guiding Principles and Clean Energy Advisory Council Protocols* of each workplan, Working Groups will be expected to deliver on Commission directives through establishing its own workplan and schedule and incorporating opportunities for non-member input and feedback. To help accommodate the demands and needs of Working Group participation, DPS and New York State Energy Research and Development Authority (NYSERDA) Staff are facilitating remote participation through the use of conference calls, WebEx, and other communication tools.

DPS and NYSERDA Staff along with Working Group Chairs and Steering Committee Designees will all play an important role in ensuring that workplans and workflow stay on track while ensuring that all perspectives are captured through discussions. It is therefore premature to conclude that the CEAC structure will not effectively provide a balanced opportunity for the incorporation of various perspectives and alternatively, demands third-party facilitation.

With respect to the decision-making authority of the CEAC, both the CEAC Charter and Working Group scopes outline decision-making parameters. We bring your attention to several of the provisions that describe the process towards decision-making.

From *Working Group Scopes, Guiding Principles and Clean Energy Advisory Council (CEAC) Protocols*:

“The Working Group shall consider Steering Committee comments and shall document whether it has incorporated or rejected each comment with associated rationale in a new section of the report or in an appendix to the report. The Working Group retains ownership of final work products and is under no obligation to revise its recommendations in response to Steering Committee feedback.”

From *Clean Energy Advisory Council Charter*:

“The Steering Committee shall define the scope of each Working Group, as well as work products and due dates. The Steering Committee shall consider, review and comment on Working Group progress. Prior to the transmittal of any report of a Working Group, the Steering Committee shall have the opportunity to review and provide comments on the contents of the report.”

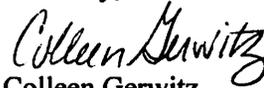
“Working Groups will submit their findings and recommendations to the Steering Committee by the assigned date, for review and comment. Upon review by the Steering Committee, DPS Staff

will file a Working Group's report, findings, and recommendations, together with the comments of the Steering Committee, with the Secretary in Matter 16-00561 for future consideration.”

Recognizing that the specific charge and deliverables of each Working Group varies, the specific deliberation process for the various Working Group reports, findings and recommendations will also vary. However, to be clear, we fully expect that Working Group products and reports will be either reviewed or deliberated upon by the Commission in some fashion.

We appreciate the time and effort you have taken to articulate your concerns, and look forward to your continued interest in the CEAC. We remain confident that as this process continues to evolve, additional clarity around workplans and workflow will help bring into focus CEAC topics and their timely consideration. We remain committed to ensuring that all stakeholder perspectives are represented and views heard, and look forward to continuing the dialogue with you to make certain this is the case.

Sincerely,



Colleen Gerwitz
Office of Markets & Innovation
Director of Program Management
& Planning

Cc: Irina Rodina, Acadia Center
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