July 22, 2016

SUPPLEMENTAL MULTI-PARTY COMMENTS OF THE COUNCIL ON INTELLIGENT ENERGY & CONSERVATION POLICY (CIECP); PROMOTING HEALTH AND SUSTAINABLE ENERGY (PHASE); MANHATTAN PROJECT FOR A NUCLEAR-FREE WORLD; AND THE INDIAN POINT SAFE ENERGY COALITION (IPSEC) ON PROPOSED NEW YORK PUBLIC SERVICE COMMISSION STAFF'S RESPONSIVE PROPOSAL FOR PRESERVING ZERO-EMISSIONS ATTRIBUTES

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

Hon. Kathleen H. Burgess Secretary, New York State Public Service Commission
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Dear Public Servants:

These Comments are proffered as an entreaty from a coalition of public policy, public health, civic and environmental groups.

Please Give Us Policy That Honestly Advances New York's Reforming Energy Vision

New York's Reforming the Energy Vision (REV) was promoted as a plan to make New York a leader in the transition to a clean energy economy – a change of course so exciting for our State and hopeful for our planet.

REV articulates a vision of groundbreaking regulatory reform:

"We are changing New York's energy policy to put customers first and make sure energy efficiency, increased use of renewable, and reliance on more resilient distributed energy resources like microgrids are at the core of our energy system."

REV promises a commitment to grow the clean energy economy:

"Our Clean Energy Fund will mobilize private capital, jumpstart innovation and eliminate market barriers to make clean energy affordable and scalable for all New Yorkers."

REV so rightly points to the need to promote investment in energy efficiency:

“New York State government is leading by example, actively investing in reducing its energy costs and saving taxpayers money through energy efficiency projects across public buildings and facilities. Local municipalities are also joining to demonstrate the benefits of clean energy.”

As citizens, we were proud of our State and truly inspired by the REV.

Please Do Not Allow The Financial Self-Interest of Certain Large Baseload Polluters To Utterly Undermine The Goals Of REV.

We are simply stunned by the degree to which recent proposals made by New York State Department of Public Service (DPS) and Public Service Commission (PSC) staff in this proceeding depart from the aspirations of the REV.

With respect to the July 8, 2016 so-called PSC Staff’s Responsive Proposal for Preserving Zero-Emissions Attributes, the word “depart” is grossly insufficient. This proposal is utterly antithetical to the goals set forth in the REV and inspires nothing but utter cynicism about this whole process.

Aside from distorting the energy market to massively subsidize nuclear power, the characterization of nuclear power as “clean” and “zero-emissions” is a deceptive contortion of language.[1]

Please Implement Policy That Promotes Ecosystem and Human Wellbeing.

We, as citizens, want our children to live in a world that is thriving, clean, safe, better.

That is not going to happen if we keep using dirty, dangerous, and extractive forms of energy. It is not going to happen in a world choked by pollution. It is not going to happen with thermoelectric plants – nuclear especially – heating and damaging our waterways. It is not going to happen with radiation, mercury and countless other toxins draining into our rivers, lakes, streams, and groundwater. It is not going to happen if resource depletion and climate change pull people into greater spirals of conflict. And it will not happen if entrenched industry interests are enabled to continually block technological initiatives and defeat entrepreneurial aspirations.

For decades, regulatory schemes have enabled nuclear power and fossil fuel interests to impose enormous costs upon site communities which have little to no recourse to self-protection. It is beyond cavil that Native American, African American, Hispanic and impoverished communities have born – and continue to bear – a disproportionate share of the pollutant burden. Nowhere is this more evident than in the Native American reservations despoiled by uranium mining. The impacts are heartbreaking.

[1] Whatever policy might end up being promulgated in furtherance of political expedience, the one thing that absolutely must not be done is for New York State to mischaracterize the science. Nuclear power is a highly-polluting form of power, producing prodigious amounts of long-lived radioactive waste, heat, and greenhouse gases throughout its entire full fuel cycle. The emissions, negative environmental effects, and potentially catastrophic risk are discussed in more detail in the April 22, 2016, May 2, 2016 CIECP-PHASE comments and the June 16, 2016 IPSEC comments filed in this proceeding (CASE 15-E-0302).

For these reasons – as well as those delineated by ourselves and other established environmental and public health groups in this proceeding – our groups strongly oppose the distribution by New York State of public money to prop up polluting uranium mining, milling, enrichment, generation and nuclear waste production.

The PSC, furthermore, purportedly advocates solutions protective of public health. Promotion of nuclear power is directly counter to this aim.

Rates of childhood cancers and neurodevelopmental disorders have been rising, as has incidence of autoimmune disease. Radiation is among the agents repeatedly linked to such disorders, as are the many other contaminants released by fracking. We can debate the fine points of which toxin does what and with what synergistic effects for the rest of the century. But in the meantime, our children are sick.

We are creating an ecosystem awash in toxins.

And we need to stop.

Radiation is a known carcinogen and a known neurotoxin. Uniquely among the poisonous stew we are spewing, radioactive isotopes emitted from every single stage of the nuclear power fuel cycle will remain lethal and dangerous for many centuries to come. Thus – even ignoring all the additional radiation exposures from accidents and leaks – the so-called "low-levels" of radiation will accumulate and long-lived isotopes will remain cycling in and out of biological organisms and the biosphere for tens of thousands of years.

How many generations of children do we want to put at risk?

Please Do Not Promulgate Nuclear Industry Ad and Front Group Talking Points. The Genuine Environmental Community Stands Together In Vigorous Protest Against the False Choice of Nuclear vs Fossil Fuels.

Transition to a clean energy future mandates a clear direct course change. The choice here is not between nuclear power and fossil fuels but between dirty energy and clean energy.

It is to be expected that individuals and groups paid by the nuclear industry or with a vested financial interest in the industry will issue statements and generate work product in support of nuclear power. Public officials, however, have a duty to consider and serve the broader public interest. In contrast to the industry-commissioned study conclusions asserted by two industry funded actors associated with the Brattle Group, voluminous literature demonstrates that nuclear power is extremely ill-suited to combating to climate change.[2] We draw your attention, in particular, to the risks to waterways and groundwater posed by nuclear power, which exploits more water than any other form of energy generation. A small sampling of the literature is offered in the accompanying Annotated Appendices.[3]

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[2] Nuclear, as a form of energy generation that cannot be safety switched on and off as needed is also extremely ill-suited to serve a distributed grid, which will require agile forms of energy generation.

[3] The Annotated Appendices are submitted herewith as a separate document due to their length.

Please Implement Policies That Will Spur New Job Growth And Ensure Prosperity For Future Generations

New York's consumers want freedom of choice. New York's citizens want a cleaner safer world, with freedom from worry about toxic contaminants, freedom of concern over industrial disasters, and fewer terrorist targets.

Operating nuclear power plants present an ever present risk. Perhaps, in the mid 20th century – when the risks were not well apprehended, the costs underestimated, and the options limited – gambling with nuclear made some sense. Today, with cleaner cheaper safer alternatives available, that gamble is senseless and reckless.

Economics alone mandate moving on. Nuclear power is a contracting industry which, even in New York has reduced its workforce in New York in recent years. Despite hundreds of billions of subsidies over half a century, nuclear is unable to compete in the marketplace.[4] The PSC Staff's Responsive Proposal would keep New York shacked – at astronomical expense – to aging industrial plants and an outmoded energy system.

This framework is a sad retreat from the exhilarating promise of the REV.

We urge the DPS and PSC to broaden the analysis, reflect on the values worthy of promotion, give due consideration to environmental justice, and look at global realities. Please review The World Nuclear Industry Status Report 2016, a recent important review of nuclear power researched and authored by experts in a diverse array of fields, including economics, energy policy, law, biology and physics.[5]

The world is changing. Renewables and efficiency technologies are just beginning to gain a foothold. Yet advances in renewables, distribution, management and modalities of use are occurring at a rapid pace. And, in contrast to the ever-rising costs of nuclear, renewable costs

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[4] This is why the industry is waging a vigorous battle against renewables, not fossil fuels. See, *e.g.*, Deyette, Jeff, ALEC's Annual Meeting to Feature More Attacks on Successful Clean Energy Policies, The Equation, Union of Concerned Scientists blog, Jul 21, 2015. http://blog.ucsusa.org/jeff-deyette/alecs-annual-meeting-to-feature-more-attacks-on-successful-clean-energy-policies-813. Lydersen, Kari, Why the nuclear industry targets renewable instead of gas, Midwestern Energy News, Feb 6, 2015. http://midwestenergynews.com/2015/02/06/why-the-nuclear-industry-targets-renewables-instead-of-gas/. Judson, Tim, Killing the Competition, Report of the Nuclear Information and Resource Service (NIRS), Sep 2014. http://www.nirs.org/neconomics/killingthecompetition914.pdf. Woody, Todd, Who Will Compete With Energy Companies in the Future? Apple, Comcast, and You: NRG Energy chief David Crane says the day is coming when you will be your own utility, Atlantic, Nov 4, 2013. http://www.theatlantic.com/technology/archive/2013/11/who-will-compete-with-energy-companies-in-the-future-apple-comcast-and-you/281109/. Daniels, Steve, Exelon's campaign against wind power tax credit risks hit to green image, Crain's, Sep 19, 2012. http://www.chicagobusiness.com/article/20120919/NEWS11/120919753/exelons-campaign-against-wind-power-tax-credit-risks-hit-to-green.

[5] Schneider M, Froggat A, Hazemann J, Fairlie I, Katsuta T, Maltini F, and Ramana MV, The World Nuclear Industry Status Report 2016, Jul 2016. http://www.worldnuclearreport.org/IMG/pdf/20160713MSC-WNISR2016V2-LR.pdf

have been steadily going down. Transformation will happen nationally and globally regardless of what the New York PSC does today.

So the real question is will New York leaders have the courage to lead?

Respectfully,

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On behalf of the Council on Intelligent Energy & Conservation Policy, Promoting Health and Sustainable Energy, Manhattan Project for a Nuclear-Free World, and the Indian Point Safe Energy Coalition