



**Public Service
Commission**

Public Service Commission

Audrey Zibelman

Chair

Patricia L. Acampora

Gregg C. Sayre

Diane X. Burman

Commissioners

Paul Agresta

General Counsel

Kathleen H. Burgess

Secretary

Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov

December 23, 2016

SENT VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1-A209
Washington, D.C. 20426

Re: Docket No. ER17-386-000 - New York Independent
System Operator, Inc.

Dear Secretary Bose:

For filing, please find the Motion and Answer of the New York State Public Service Commission and the New York State Energy Research and Development Authority in the above-entitled proceeding. The parties have also been provided a copy of this filing, as indicated in the attached Certificate of Service. Should you have any questions, please feel free to contact me at (518) 402-1537.

Very truly yours,

S. Jay Goodman

S. Jay Goodman

Assistant Counsel

Attachment

cc: Service List

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**New York Independent System) Docket No. ER17-386-000
Operator, Inc.)**

**MOTION FOR LEAVE TO ANSWER AND ANSWER
OF THE NEW YORK STATE PUBLIC SERVICE COMMISSION AND
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

INTRODUCTION AND EXECUTIVE SUMMARY

On December 9, 2016, several parties filed comments and protests addressing the proposed tariff amendments filed by the New York Independent System Operator, Inc. (NYISO) on November 18, 2016 (Tariff Filing), which would establish new Installed Capacity (ICAP) Demand Curves for Capability Year (CY) 2017/2018, and the methodology and inputs for CYs 2018/2019, 2019/2020, and 2020/2021. The New York State Public Service Commission (NYPSC) and New York State Energy Research and Development Authority (NYSERDA) (collectively, the State Entities) hereby seek leave to respond to the protests filed by Independent Power Producers of New York, Inc. (IPPNY), the NYISO's Market Monitoring Unit (MMU), and Consolidated Edison Company of New York, Inc. (Con Edison)/Orange and Rockland Utilities, Inc. (O&R) (collectively, Con Edison). These protests present certain arguments that should be rejected because they either distort the record by mischaracterizing

disputed issues, or present novel proposals that were not vetted during the stakeholder process and exceed the scope of issues that should be considered in this proceeding.¹

In sum, IPPNY mischaracterizes critical elements of the State's Clean Energy Standard (CES),² which the NYPSC adopted to limit greenhouse gas emissions.³ IPPNY erroneously claims that the CES is relevant to whether selective catalytic reduction (SCR) technology must be installed in peaking units. IPPNY also obfuscates the air permitting process in New York, including the role of the New York State Board on Electric Generation Siting and the Environment (Siting Board) and other matters relative to controlling nitrogen oxide (NO_x) emissions.

In addition, the MMU inappropriately proposes that the NYISO subdivide the Rest-of-State (ROS) region into two new

¹ The views expressed herein are not intended to represent those of any individual member of the NYPSC. Pursuant to Section 12 of the New York Public Service Law, the Chair of the NYPSC is authorized to direct this filing on behalf of the NYPSC. The State Entities' decision to not address comments other than those addressed herein does not necessarily represent agreement with those comments.

² Cases 15-E-0302, et al., Clean Energy Standard, Order Adopting a Clean Energy Standard (issued August 1, 2016) at 65 (CES Order).

³ Docket No. ER17-446-000, New York Independent System Operator, Inc., Limited Protest and Comments of Independent Power Producers of New York, Inc. (dated December 9, 2016) (IPPNY Protest). A Position Paper addressing air permitting requirements prepared by IPPNY's consultants is appended to the Limited Protest as Exhibit I.

capacity zones comprised of Zones A-E and Zone F.⁴ This proposal ignores the existing NYISO tariff provisions that include metrics that address the creation of new ICAP zones, and is beyond the scope of this proceeding. The MMU's suggestion is also premised on assumptions that do not comport with the Demand Curve reset (DCR) process.

Lastly, Con Edison improperly seeks to establish a dual fuel requirement for new generators in Zone J and the G-J Localities.⁵ To the extent Con Edison seeks to establish a dual fuel requirement for reliability purposes, imposing such a requirement would be improper as part of the ICAP Demand Curve reset process and without an opportunity for New York to address the issue in the first instance. Con Edison attempts an end-run around New York stakeholders, which recently declined to pursue

⁴ Docket No. ER17-446-000, New York Independent System Operator, Inc., Motion to Intervene and Comments of the Market Monitoring Unit on the New York ISO's ICAP Demand Curve Reset (dated December 9, 2016) (MMU Comments) at 6-7.

⁵ Docket No. ER17-446-000, New York Independent System Operator, Inc., Comments of Consolidated Edison Co. of New York, Inc. and Orange and Rockland Utilities, Inc. (dated December 9, 2016) (CE/OR Comments) at 6-7.

market rule changes that could result in such a dual fuel requirement.⁶

MOTION FOR LEAVE TO ANSWER

The State Entities request, pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 C.F.R. §385.212 and 385.213) that the Commission grant this Motion and include the information contained herein in the record because it will assist the Commission in its decision making by clarifying and correcting certain matters suggested by IPPNY, the MMU, and Con Edison. The Commission should also accept this Answer so the State Entities can respond to arguments advanced for the first time in pleadings responsive to the Tariff Filing. It would be unfair for the Commission to consider such arguments without providing interested parties with the ability to present opposing viewpoints. Although answers to answers are generally discouraged, the Commission has accepted answers for similar reasons to those provided here by the State Entities.⁷

⁶ 2017 Stakeholder Priority Scores, Budget and Priorities Working Group (dated July 27, 2016) at 2 (see column labeled "Fuel Assurance - Dual Fuel Requirements for Gas-Fired") (2017 Project Scores), available at http://www.nyiso.com/public/webdocs/markets_operations/committees/mc_bpwg/meeting_materials/2016-07-27/2017%20Stakeholder%20Priority%20Scores%20-%20BPWG%202016-07-27.pdf.

⁷ See, e.g., Entergy Louisiana, LLC, 156 FERC ¶61,146 (issued August 31, 2016) at P5, 15 (accepting an Answer to a Motion

ANSWER

I. THE COMMISSION SHOULD ACCORD MINIMAL WEIGHT TO IPPNY'S POLICY ARGUMENTS AND POSITION PAPER BECAUSE THEY MISCHARACTERIZE STATE ENERGY POLICY AND OBFUSCATE THE AIR PERMITTING PROCESS AND REQUIREMENTS

A. IPPNY MISCHARACTERIZES STATE ENERGY POLICY

IPPNY claims that it would be inconsistent with State policy for the Siting Board to issue a Certificate of Environmental Compatibility and Public Need (Certificate) authorizing the construction of a proxy peaking unit that does not include SCR technology.⁸ IPPNY specifically claims that such action would conflict with the CES, which IPPNY argues is intended to "reduce air emissions through the development and maintenance of renewable energy and nuclear facilities."⁹ According to IPPNY, the NYPSC's stewardship of this program

for Leave to Answer because it provides information that assisted the Commission in its decision-making process); see also Michigan Electric Transmission Company, 156 FERC ¶61,025 (issued July 8, 2016) at P6, 14; Midcontinent Independent System Operator, Inc., 155 FERC ¶61,130 (issued May 3, 2016) at P7, 25.

⁸ IPPNY Protest at 19. The Siting Board is comprised of the following individuals: the New York State Department of Public Service (DPS) Chair, who also serves as the NYPSC Chair; the Commissioner of the New York State Department of Environmental Conservation (NYSDEC); the Chair of NYSERDA; the Commissioner, President & CEO of New York State Empire Development; the Commissioner of the New York State Department of Health; and two ad hoc members of the public. The DPS/NYPSC Chair also serves as the Chair of the Siting Board.

⁹ Id. at 19.

demonstrates that “the NYPSC in its capacity on the Siting Board” would refuse to certify a unit without SCR.¹⁰

These arguments mischaracterize State energy policy. The NYPSC explained that the CES “begins with adoption of the State Energy Plan goal that 50% of New York’s electricity is to be generated by renewable sources by 2030, as part of a strategy to reduce statewide greenhouse gas emissions by 40% by 2030.”¹¹ Importantly, the CES only targets emissions that contribute to climate change; this category does not include NO_x. Emissions of NO_x are regulated by a sprawling complex of regulations promulgated under the federal Clean Air Act.¹² There is no federal regulatory scheme that similarly regulates greenhouse gas emissions. The CES is part of the State’s effort to address this regulatory gap. IPPNY thus inappropriately relates the CES to the choice of SCR in a proxy peaking unit by conflating “air emissions” with greenhouse gas emissions.

IPPNY also claims that a developer would assume the significant cost to install SCR based on a hypothetical risk

¹⁰ IPPNY Protest at 19.

¹¹ CES Order at 65. The CES effectuates policy goals specified in the State Energy Plan, which describes the State’s energy policies and priorities. (See The Energy to Lead: 2015 New York State Energy Plan at 111 (State Energy Plan), available at <https://energyplan.ny.gov/>).

¹² In New York, these laws and rules are administered by NYSDEC.

that a future regulatory change might require an SCR retrofit.¹³ If a new regulation is promulgated, it would establish an emissions standard without specifying how that standard must be satisfied. Multiple compliance options may be available to satisfy the new standard, and each compliance option would be evaluated in part on a comparison of its cost and incremental environmental benefits.¹⁴ It is incorrect to assume that a future regulatory change would require compliance via an SCR retrofit.

Finally, IPPNY and its consultants assert that the Siting Board may impose emissions standards stricter than those required by NYSDEC pursuant to its federally-delegated authority to implement the Clean Air Act in New York.¹⁵ Neither IPPNY nor its consultants, however, provide any legal authority for the proposition that the Siting Board has the jurisdictional authority to specify emissions standards stricter than those established by NYSDEC. IPPNY and its consultants ignore NYSDEC's statement that the Siting Board "has historically

¹³ IPPNY Comments at 21.

¹⁴ Docket No. ER17-446-000, New York Independent System Operator, Inc., Notice of Intervention and Protest of the New York State Public Service Commission and New York State Energy Research and Development Authority (dated December 9, 2016) (State Entities Protest) at Att. B. (NYSDEC Comments to the NYISO Board of Directors (dated October 12, 2016) at 3 (NYSDEC Comments)).

¹⁵ IPPNY Comments at 20-21, and Position Paper at 9.

relied upon [NYSDEC's] expertise in assessing environmental impacts and determining the appropriate air pollution control technology required under the" federal Clean Air Act.¹⁶ IPPNY and its consultants similarly ignore precedent demonstrating that the Siting Board would not engage in environmental reviews additive to those conducted by NYSDEC.¹⁷ The NYISO's recently-filed answer also makes erroneous claims that the Siting Board's precedent "may no longer be relevant" under the current statute, which it claims provides "new, independent authority ... to depart from the findings of the NYSDEC and potentially require

¹⁶ NYSDEC Comments at 2-3. See also Case 97-F-1563, Athens Generating Company, L.P., Opinion and Order Granting Certificate of Environmental Compatibility and Public Need (issued June 15, 2000) at 13 (finding that the Siting Board "must give deference to the findings and conclusions of the DEC Commissioner regarding environmental permitting, and our consideration of various environmental issues must assume that the proposed facility conforms to DEC's permits and minimizes adverse environmental impacts"; emphasis added). Notably, three of the five agencies represented on the Siting Board (e.g., DPS/NYPSC, NYSERDA, and NYSDEC) have explained in this proceeding that the Siting Board will defer to an air permit issued by NYSDEC as representing the emissions standards needed to minimize adverse environmental impacts to the maximum extent practicable.

¹⁷ State Entities Protest at 30-34; Case 99-F-1625, KeySpan Energy, Opinion and Order Granting Certificate of Environmental Compatibility and Public Need (issued September 7, 2001) at 21 (explaining that it is "practical" to forego additional air quality impact reviews "because it avoids altogether situations in which the Board might be called upon to impose conditions or restrictions that would conflict in any manner with those established by the DEC Commission (another state agency)").

more stringent emissions controls, if necessary.”¹⁸ Contrary to these claims, the provisions of the predecessor siting statute contained in “Article X” of the Public Service Law (PSL) included authority that is identical to the current PSL Article 10 statute relative to the issuance of NYSDEC permits.¹⁹ The Commission, therefore, should dismiss the foregoing arguments advanced by IPPNY and NYISO.

B. IPPNY’S POSITION PAPER LACKS PROBATIVE VALUE AS TO WHETHER SCR WILL BE NEEDED

IPPNY presents a Position Paper from consultants hired to argue that any peaking unit constructed in New York should include SCR, whether or not the regulations require such technology. Portions of the Position Paper address permitting requirements in downstate New York areas that are non-attainment areas for NO_x as a direct pollutant.²⁰ However, the sole disputed issue relative to SCR in this proceeding pertains to whether a unit in areas of upstate New York, which is an

¹⁸ Docket No. ER17-386-000, supra, Request for Leave to Answer and Answer of the New York Independent System Operator, Inc. (dated December 22, 2016) at 8-9.

¹⁹ Pursuant to the expired provisions of PSL §168 in Article X, “[t]he issuance of [federal Clean Air Act] permits ... shall not prevent the [Siting] board, if it be so disposed, from denying the application....” The current PSL §173 provisions in Article 10 merely restates this authority by providing that NYSDEC’s issuance of permits “shall in no way interfere with the required review by the board...or its authority to deny an application for certification”

²⁰ State Entities Protest at 24-27.

attainment area for NO_x, would require SCR. The Position Paper is therefore irrelevant to the extent that it focuses on downstate permitting requirements.²¹

IPPNY's consultants present a table of 17 generation facilities located in New York, New Jersey, and Connecticut, of which 16 include SCR.²² They claim that, because all but one of the selected generation facilities include SCR, the next peaking unit built in New York likely will require SCR.²³ This table, however, presents a skewed comparison that lacks any probative value for the disputed issue. In particular, six of the 17 indicated facilities are located outside of New York and, therefore, were not reviewed by NYSDEC or permitted under New York's emissions regulations. The emissions controls installed by these out-of-state facilities thus have no relevance to the permitting of a New York facility.

Furthermore, ten of the 17 facilities in IPPNY's table are located in Zones J (New York City) and K (Long Island). Because these Zones are non-attainment areas for NO_x as a direct

²¹ Position Paper Sections I.A and I.B also explain that New York is in statewide non-attainment for NO_x as an ozone precursor. The State Entities explained, however, that the proxy peaking unit in Zones C, F, and G (Dutchess) nevertheless may avoid strict permitting standards by avoiding designation as a "major source" of NO_x as an ozone precursor. (State Entities Protest at 26-27.)

²² Position Paper at 6-7.

²³ IPPNY Comments at 19-20, and Position Paper at 7-8.

pollutant, the NYISO's proposal to include SCR in these Zones is not in question. As a result, these facilities have no relevance to the controls that might be required in attainment areas (i.e., Zones C, F, and G (Dutchess)).

The one remaining facility IPPNY cites is located in Allegany County, New York. The Allegany facility utilized the LM6000 technology in combined cycle configuration, and it is not a peaking unit. This facility installed SCR to comply with the New Source Performance Standards (NSPS) NO_x emissions rate standard.²⁴ However, the NYISO has demonstrated that the F Frame technology recommended for each proxy peaking unit can satisfy the NSPS without SCR technology.²⁵ The Allegany facility, therefore, has no bearing on whether an F Frame unit can be built without SCR. Notably, electric generating facilities have been permitted and constructed in New York State without SCR to control NO_x emissions.²⁶

Finally, IPPNY's consultants explain that the air permitting process also requires compliance with the 1-hour NO₂

²⁴ Air Title V Facility Permit for Allegany Generating Station LLC, Permit ID 9-0258-00018/00023 at 2, available at http://www.dec.ny.gov/dardata/boss/afs/permits/902580001800023_r2.pdf.

²⁵ Tariff Filing at 10; State Entities Protest at 24.

²⁶ State Entities Protest at 16-17.

National Ambient Air Quality Standards (NAAQS)²⁷ through air dispersion modeling. The consultants claim that it can be difficult to model compliance without assuming the use of SCR.²⁸

NYSDEC requires air quality dispersion modeling to ensure that impacts from a facility will be in compliance with the 1-hour NO₂ NAAQS. This modeling is completed by the facility, following an approach and assumptions agreed upon by NYSDEC. In considering IPPNY's claims, it is important to recognize that the facility is provided some flexibility in the operating parameters which will then be assumed in the model to demonstrate compliance with this standard. These parameters may include, for instance, the exhaust stack height, location and configuration of the buildings on site, and the distance from the stack to the fenceline. In addition, modeling impacts of 1-hour NO₂ follows a tiered approach. Conservative assumptions are initially modeled, while certain refinements or modeling techniques may be allowed to demonstrate compliance with the standard. These refined approaches include model options which account for some conversion of total NO_x to NO₂ and incorporating varying measurements of background NO_x levels. In Zones C, F, and G (Dutchess), it is likely that a developer would adjust all

²⁷ Position Paper at 5.

²⁸ Id.

potential operating parameters allowed by NYSDEC to demonstrate compliance without necessitating the use of SCR technology.

In sum, the Position Paper presents no relevant or compelling information demonstrating that proxy peaking units located in Zones C, F, and G (Dutchess) will require SCR. Thus, the Position Paper should be accorded minimal weight.

II. THE COMMISSION SHOULD REJECT THE MMU'S REQUEST FOR A NEW CAPACITY ZONE BECAUSE THE REQUEST IS BASED ON ASSUMPTIONS REGARDING THEORETICAL MARKET OUTCOMES OVER THE LONG TERM

The MMU recommends that the Commission direct the NYISO to separate the ROS area into two distinct capacity zones comprised of Zones A-E and Zone F.²⁹ According to the MMU, electric transmission and gas pipeline constraints are likely to yield differences in the net cost of new entry for peaking units located in Zones C and F "over the long-term."³⁰ This difference, the MMU continues, will give rise to pricing inefficiencies in either Zone C if the Zone F proxy unit is used to set the New York Control Area (NYCA) Demand Curve, or in Zone F if the Zone C unit is used for this purpose. The MMU argues that this dynamic will lead to excessive development in Zones A-E over the long term, thereby leading to future deliverability

²⁹ MMU Comments at 6.

³⁰ Id. at 5-6.

constraints at the Central East interface and triggering existing Services Tariff rules for new capacity zones that would "partition Zone F from Zones A-E."³¹

The MMU's proposal should be rejected. Initially, the proposal to establish a new capacity zone in New York is outside the scope of issues in this proceeding, as defined by the ICAP Demand Curve parameters presented in the Tariff Filing. Further, the NYISO recently studied the issue and concluded that there is no need for a new capacity zone in New York.³² The rationale underlying the MMU's proposal is also based on a premise that fundamentally conflicts with the DCR process that is the focus of this proceeding.

The DCR process is an exercise to estimate the net costs and revenues of a peaking plant in each capacity region of the State over the four-year DCR horizon.³³ This process is not a long-term planning activity, nor should it theorize potential long-term market outcomes or devise solutions to them. Further, the Demand Curve reset is part of the capacity market, which in New York is a short-term (spot) market. The MMU proffers no reason why the DCR should ignore the Services Tariff-defined

³¹ MMU Comments at 6.

³² 2016 New Capacity Zone Report, NYISO (dated January 15, 2016) at 3.

³³ Market Administration and Services Tariff (Services Tariff) § 5.14.1.2.2.

process to engage in a hypothetical long-term planning exercise that would have dramatic market consequences in the short-term.

The MMU's proposal is based entirely on its anticipation of potential future market outcomes. The Commission explicitly has rejected such speculation as the basis for the Demand Curves, which are updated periodically, in part, to ensure that capacity prices set by the Demand Curves reflect market and regulatory changes that occur between DCRs.³⁴ Further, the MMU assumes that current market conditions inexorably will lead to a specific outcome over the long term. However, market conditions change over time. These changes should be reflected in efficient spot market prices and investors, in turn, are expected to respond to the resulting market price signals. It cannot be assumed, as the MMU does, that certain market conditions present today will necessarily lead to a specific outcome over the long term.

Finally, the market conditions of concern to the MMU are rooted in congestion on the gas and electric transmission systems. Congestion on the gas pipeline system will be reflected primarily in energy market prices, rather than

³⁴ Docket ER14-500-000, New York Independent System Operator, Inc., 146 FERC ¶61,043 (issued January 28, 2014) at ¶74 (2014 DCR Order) (stating that "[a] demand curve reset process take place every three years so that changed circumstances ... can be taken into account").

capacity market prices. It should not serve as the basis for a sweeping change to the capacity market. Differences in energy prices (congestion) between Zones C and F will encourage efficient investment in gas pipelines and electric transmission lines, which in turn will alleviate that congestion. This natural market dynamic should be expected to resolve the conditions that the MMU instead proposes to address by separating the ROS into two distinct capacity zones.

In sum, the MMU's proposal is outside the scope of issues in this proceeding and is premised on a long-term planning horizon that is inappropriate for the DCR. Accordingly, the Commission should deny the proposal.

III. THE COMMISSION SHOULD REJECT CON EDISON'S SUGGESTION TO IMPOSE A DUAL FUEL REQUIREMENT FOR NEW GAS-FIRED GENERATORS

Con Edison supports the NYISO's proposal to include dual fuel capability in the proxy peaking units located in the Zone J (New York City) and G-J Localities. Con Edison, however, argues that the proposal "is unjust and unreasonable because it would impose costs on customers without any guarantee that they will receive a benefit."³⁵ Generators, Con Edison explained, would receive an "unjustified windfall" from this proposal

³⁵ Con Edison Comments at 2. But see State Entities Protest at 6-16 (opposing dual fuel capability in Zones C, F, and G [Dutchess]).

unless it is paired with a mandatory, tariff-defined requirement that generators in these Localities have dual fuel capability.³⁶

The Commission should reject this proposal.

Initially, Con Edison's request, which seeks to establish a new standard for resource adequacy, is outside the scope of issues in this proceeding. This defect should compel the Commission to dismiss Con Edison's proposal without consideration, and to defer this issue to New York stakeholders, including the NYPSC and NYSERDA.

In fact, NYISO stakeholders recently considered whether the NYISO should examine in 2017 a dual fuel requirement for gas-fired generators. Out of 57 stakeholders, only one entity other than Con Edison supported this project³⁷ and, therefore, it was not included in the NYISO's 2017 budget.³⁸ Con Edison provides no basis to overturn the stakeholder consensus on this issue.

A dual fuel requirement is not needed and would create more problems than it would solve. Increasing reference prices

³⁶ Con Edison Comments at 2, 4.

³⁷ Stakeholder Priority Scores at 2 (see column labeled "Fuel Assurance - Dual Fuel Requirements for Gas-Fired").

³⁸ 2017 Project Prioritization & Budgeting Process, Budget and Priorities Working Group (dated August 31, 2016) at 8, available at http://www.nyiso.com/public/webdocs/markets_operations/committees/mc_bpwg/meeting_materials/2016-08-31/2017%20Project%20Prioritization%20Process.pdf.

in the G-J Locality to reflect the incremental cost of dual fuel capability would compensate existing gas-only generators for dual fuel capability that they do not have while imposing costs on gas-only units that have firm gas. If dual fuel capability is economic and profitable for developers, it would likely be included in a new facility. The State Entities demonstrated in their Protest, however, that dual fuel capability is not economic in Zone G (Dutchess).³⁹ The utility of dual fuel capability nevertheless may be determined on a case-by-case basis in the permitting process. This approach enables a site-specific determination of whether dual fuel capability is economically-justified or otherwise necessary to promote a specific market or policy outcome. The dual fuel requirement proposed by Con Edison would obliterate this individualized approach and could result in irrational outcomes. Accordingly, the State Entities respectfully urge the Commission to reject Con Edison's request to impose a dual fuel requirement.⁴⁰

³⁹ State Entities Protest at 9-14. The State Entities also demonstrated that the purported benefits of dual fuel capability are speculative and do not justify assuming the incremental investment.

⁴⁰ The State Entities note that dual fuel capability is a matter of resource adequacy which, pursuant to the Federal Power Act, falls under State planning authority and jurisdiction.

CONCLUSION

As discussed herein, the Commission should reject the arguments raised by IPPNY, the MMU, and Con Edison.

Respectfully submitted,

/s/ Paul Agresta

Paul Agresta
General Counsel
Public Service Commission
of the State of New York
3 Empire State Plaza

By: S. Jay Goodman
Assistant Counsel
3 Empire State Plaza
Albany, New York 12223-1350
Tel: (518) 402-1537
jay.goodman@dps.ny.gov

Dated: December 23, 2016
Albany, New York



Noah C. Shaw, Esq.
General Counsel
New York State Energy
Research and Development
Authority
17 Columbia Circle
Albany, NY 12203-6399
Tel: (518) 862-1090
noah.shaw@nyserda.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated: Albany, New York
December 23, 2016

S. Jay Goodman

S. Jay Goodman
Assistant Counsel
3 Empire State Plaza
Albany, NY 12223-1305
(518) 402-1537