

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Case 15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.**

**COMMENTS OF INDEPENDENT POWER PRODUCERS OF NEW YORK, INC. ON DPS STAFF'S PROPOSAL TO MODIFY HYDROELECTRIC REPOWERING CRITERIA**

Pursuant to the December 3, 2025, New York Register's notice requesting comments, Independent Power Producers of New York, Inc. ("IPPNY")<sup>1</sup> submits these comments on the Department of Public Service ("DPS") Staff's November 12, 2025, proposal ("proposal"), within this Case, to modify the repowering requirements applicable to hydroelectric facilities under the Clean Energy Standard.

The existing criteria requiring a 15% increase in production for hydroelectric repowering eligibility should be eliminated, consistent with the provision of the adopted New York State Energy Plan. The adopted Plan recommends the "removal of the 15% increase in generation for hydroelectric facilities requirement."<sup>2</sup> DPS Staff's proposal to require an increase in production of 3%, instead of 15%, was made on November 12, 2025, and the State Energy Plan was adopted on December 16, 2025. The finalized Plan does not include DPS Staff's proposal, and, as a result, it should not be adopted. The Energy Planning Law requires energy-related actions or decisions of a state agency, board, *commission*, or authority to be reasonably consistent with the Plan's forecasts, policies, objectives, and strategies.<sup>3</sup>

IPPNY's October 6, 2025, comments on the Draft State Energy Plan explained that: "Repowering could, and should, be a viable path through which hydro companies make significant re-investments in their facilities. Unfortunately, the full set of Tier 1 repowering eligibility criteria sets too high of a bar for most hydro to utilize. Qualifying for Tier 1 eligibility through repowering should require a financial commitment that results in the extended preservation of the life of the facility and its ongoing contribution to the State's renewable baseline; however, even though the financial commitment is significant, it rarely will result in an increase in production that approaches the 15% threshold, if ever. Hydro is a mature technology, and replacing critical components is done for useful life extension rather than efficiency gains. The 15% increase in output criterion is an unrealistic expectation of hydro repowering. Removing that 15% criterion for hydro, while preserving the useful life and net value criteria, could allow existing in-state capacity to meet the repowering eligibility criteria."

Additionally, requiring an increase in production of even 3% would have unintended consequences. Any increase in installed or hydraulic capacity at a hydroelectric facility is subject to the Federal Energy Regulatory Commission's ("FERC") approval under the Federal Power Act. Changes to installed capacity or hydraulic capacity require public notice for environmental review prior to FERC's approval. The review process reopens a hydroelectric facility's license to issues that extend

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<sup>1</sup> IPPNY's comments do not necessarily reflect the views of individual members of IPPNY.

<sup>2</sup> Page 70 of the 2025 New York State Energy Plan's Volume II | Our Energy Systems: Electricity as adopted by the New York State Energy Planning Board on December 16, 2025

<sup>3</sup> Paragraph (b) of § 6-104 of the Energy Law with emphasis added

well beyond power production, including operational constraints and environmental conditions. The outcome of these processes is uncertain and can result in net reductions in annual energy production, even where capacity remains unchanged.

Instead of requiring a 3% production increase, IPPNY supports DPS Staff's conclusion that: "given the technical limitations of hydroelectric facilities, increasing production to ... [15%] is infeasible."<sup>4</sup> IPPNY also agrees with DPS Staff's determination that: "the objective of repowering hydroelectric facilities should not be significant increases to electricity production, but rather focus on preserving the existing capacity and extending the useful life of hydroelectric facilities."<sup>5</sup> Accordingly, IPPNY urges the Commission to eliminate the requirement for increased production for the repowering of hydroelectric facilities.

Sincerely,

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Dated: January 29, 2026  
Albany, New York

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<sup>4</sup> Page 4 of Staff's proposal

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