

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on December 14, 2023

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
Diane X. Burman, concurring  
James S. Alesi  
John B. Howard  
David J. Valesky  
John B. Maggiore

CASE 18-E-0130 - In the Matter of Energy Storage Deployment  
Program.

ORDER ACCEPTING FINAL SUPPLEMENTAL  
GENERIC ENVIRONMENTAL IMPACT STATEMENT

(Issued and Effective December 14, 2023)

BY THE COMMISSION:

INTRODUCTION

On December 28, 2022, Department of Public Service staff and the New York State Energy Research and Development Authority (NYSERDA) filed "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage" (6 GW Roadmap) in this proceeding. The 6 GW Roadmap recommends the adoption of an increased statewide energy storage goal of 6 gigawatts (GW) and actions that the Public Service Commission (Commission) may take to encourage the installation of qualified energy storage systems. In compliance with the State Environmental Quality Review Act (SEQRA), on September 15, 2023, the Commission issued an order accepting a Draft Supplemental Generic Environmental Impact Statement (Draft SGEIS) addressing

the potential actions under the 6 GW Roadmap.<sup>1</sup> Following the issuance of the Draft SGEIS Order, public comments were received, and a Final Supplemental Generic Environmental Impact Statement (Draft SGEIS) was prepared to respond to those comments. By this Order, the Commission accepts the Final SGEIS as complete.

PUBLIC NOTICE

In accordance with the regulations implementing SEQRA (6 NYCRR §§617.9 and 617.12), a Notice of Completion of the Draft SGEIS was issued by the Secretary to the Commission and filed on the Commission's website on September 15, 2023, followed by publication in the Department of Environmental Conservation's Environmental Notice Bulletin on October 4, 2023. The time for submission of comments expired on October 27, 2023. Two parties provided comments on the Draft SGEIS.

LEGAL AUTHORITY

The Commission has broad jurisdiction, power, and duties over the "[m]anufacture, conveying, transportation, sale, or distribution of ... electricity ..."<sup>2</sup> Furthermore, PSL §5(2) instructs the Commission "[t]o encourage all persons and corporations subject to its jurisdiction to formulate and carry out long-range programs ... with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources." The Commission's supervision of electric corporations includes the responsibility

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<sup>1</sup> Case 18-E-0130, Order Accepting Draft Supplemental Generic Environmental Impact Statement as Complete (issued September 15, 2023) (Draft SGEIS Order).

<sup>2</sup> Public Service Law (PSL) §5.

to ensure that such corporations furnish and provide safe and adequate service, instrumentalities, and facilities at just and reasonable rates.<sup>3</sup> PSL §66 empowers the Commission to “[p]rescribe from time to time the efficiency of the electric supply system.” The Commission has further authority under PSL §66(5) to prescribe the “safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public” whenever the Commission determines that the utility’s existing equipment is “unsafe, inefficient or inadequate.” The Commission may exercise this broad authority to direct regulatory standards to execute the provisions contained in the PSL. Additionally, the Commission has the authority to direct the treatment of Distributed Energy Resources (DERs) by electric corporations.<sup>4</sup>

Pursuant to PSL §74, the Commission is required to establish, in consultation with NYSERDA, the New York Independent System Operator, Inc., and the Long Island Power Authority, a statewide energy storage goal for 2030, and a deployment policy to support that goal. The actions directed by this Order are within the Commission’s regulatory authority indicated above and advance the Commission’s statewide energy storage goal and deployment policy.

#### DISCUSSION AND CONCLUSION

In compliance with SEQRA, a Draft SGEIS was prepared analyzing the probable environmental impacts related to the potential actions under consideration in the 6 GW Roadmap and

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<sup>3</sup> PSL §65.

<sup>4</sup> PSL §§5(2), 66(1), 66(2), 66(3), 66-c, 66-j, and 74.

the means available to minimize any such impacts that are adverse. The Draft SGEIS considered the impacts of implementing the 6 GW Roadmap recommendations including potential fire hazards with lithium-ion batteries, land use, lifecycle emissions, and recycling or end-of-life disposal of spent batteries.

Two comments were received in response to the Draft SGEIS. The Clean Energy Industry was supportive of the Draft SGEIS but suggested the SGEIS consider public health and safety, mineral extraction, and waste management.<sup>5</sup> Form Energy also submitted a comment in support of the Draft SGEIS and suggested that the SGEIS consider alternatives to lithium-ion batteries.

Following the close of the comment period, a Final SGEIS was prepared, which responded to the aforementioned comments by expanding upon the considerations outlined therein and including additional information. As required by 6 NYCRR §§617.9(a)(6) and 617.12, the Final SGEIS will be published in the Environmental Notice Bulletin. After the public has had an opportunity to review the Final SGEIS, the Commission may issue a findings statement.

The Commission orders:

1. The Final Supplemental Generic Environmental Impact Statement prepared in connection with proposed actions by the Department of Public Service and New York State Energy Research and Development Authority Staff regarding New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage is accepted as complete.

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<sup>5</sup> The Clean Energy Industry consists of the New York Battery and Energy Storage Technology Consortium, the Alliance for Clean Energy New York, and the Solar Energy Industries Association.

2. A Notice of Completion of Final Supplemental Generic Environmental Impact Statement shall be issued and filed by the Secretary to the Commission in accordance with the requirements of the State Environmental Quality Review Act regulations at 6 NYCRR §617.12.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary