

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

**Proceeding on Motion of the Commission to
Implement a Large-Scale Renewable Program and a
Clean Energy Standard**

Case 15-E-0302

**In the Matter of New York Independent System
Operator, Inc. Proposed Public Policy Transmission
Needs for Consideration for 2022**

Case 22-E-0633

**COMMENTS
OF
MULTIPLE INTERVENORS**

Dated: October 31, 2025

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PRELIMINARY STATEMENT

Multiple Intervenors, an unincorporated association of approximately 55 large industrial, commercial, and institutional energy consumers with manufacturing and other facilities located throughout New York, hereby submits its Comments in response to the Notice Soliciting Comments (“Notice”) issued by the New York State Public Service Commission (“Commission”) on July 30, 2025, in Cases 15-E-0302 and 22-E-0633.¹ In the Notice, the Commission solicits comments from interested parties on the following three distinct topics: (1) the possibility of allowing utility ownership of new renewable generation facilities; (2) the planned, comprehensive review of renewable procurement solicitation practices; and (3) questions regarding future offshore wind (“OSW”) solicitations. (*See generally* Notice, Attachment.)² For the reasons set forth below, Multiple Intervenors urges the Commission to resolve the issues raised in the Notice in accordance with the positions espoused herein.³

Initially, Multiple Intervenors is not convinced that there is any need for potential modifications to decades-old policies prohibiting utilities from owning new generation facilities (renewable or otherwise) at customer expense. With respect to renewable procurement solicitation practices, Multiple Intervenors recommends, *inter alia*, the adoption of policies that place the interests of customers ahead of those of developers, and which focus on incentivizing

¹ Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, and Case 22-E-0633, *In the Matter of New York Independent System Operator, Inc. Proposed Public Policy Transmission Needs for Consideration for 2022*.

² In a Notice Extending Deadline, issued September 2, 2025, the deadline for filing comments in response to the Notice was extended until October 31, 2025.

³ This pleading reflects the views of Multiple Intervenors with respect to the matters addressed herein and does not necessarily reflect the views of each individual member.

the best – and most cost-effective – renewable projects instead of seeking to maximize the development of renewable generation facilities irrespective of the costs. Finally, future OSW solicitations should be tabled based on changes in federal policies impacting such projects. Therefore, the timing and the structure of future OSW solicitations should not be decided until the Commission first analyzes whether OSW projects can even be developed in the near-term and, if so, whether such projects, to the extent reliant on incentives/subsidies, would represent the best use of limited customer funds.

ARGUMENT

POINT I

THE COMMISSION SHOULD NOT MODIFY EXISTING POLICIES PROHIBITING UTILITY OWNERSHIP OF NEW GENERATION FACILITIES

In the Attachment to the Notice, the Commission poses a series of questions pertaining to utility ownership of renewable generation facilities. (Notice, Attachment at 1.) Initially, the wording of the specific questions posed inexplicably appear to assume that utilities will be authorized to own new renewable generation facilities, which puts the cart before the horse. Multiple Intervenors' position is that the State's electric utilities should not be permitted to own new generation facilities (renewable or otherwise) in New York. Modifying the Commission's decades-old policy prohibiting such ownership would be misguided and harm customers and the State's competitive electric markets.

Initially, the Commission should recognize that New York's electric utilities currently possess no particular or singular expertise in the development of renewable generation or the operation and the maintenance of such facilities. In contrast, there are numerous, well-

established companies that do possess such expertise, so there is nothing to be gained by reversing the divestiture policy and existing prohibition.

The Commission also should reexamine the facts and circumstances that lead to its decision to direct the State's electric utilities to divest their generation assets at a time when competition was embraced:

- For decades, utility development of generation facilities was marred by lengthy delays and large cost overruns (the risks of which, barring very rare findings of imprudence, were placed entirely on customers).⁴
- The operational availability of utility-owned generation, particularly nuclear facilities, was poor. Following Commission-directed divestiture of generation, and thanks in large part to the incentives provided by competitive markets, unit availability improved, often quite dramatically.⁵
- Shifting the development, ownership, operation, and maintenance of generation facilities to private developers was intended, in part, to protect customers from such risks. Authorizing utilities to own new renewable

⁴ See FTI Consulting, *Competitive Power Benefits for New Yorkers* (March 2025) at 11 (noting that: “Unlike monopoly utilities, competitive suppliers are incentivized to complete projects on time and at the lowest cost”).

⁵ See New York State Department of Public Service, *Staff Report on the State of Competitive Energy Markets: Progress to Date and Future Opportunities* (issued March 2, 2006) at 16 (finding that: “Locational Based Marginal Pricing (LBMP) and Unforced Capacity (UCAP)-based Installed Capacity pricing provide generators incentives to be available when the bulk power system most needs them. The availability of generators during the summer months increased to 90.3% of the time versus 86.5% prior to the NYISO’s operation. In addition, since the inception of the NYISO’s markets, the duration of nuclear unit maintenance outages has been greatly reduced, while their reliability has increased. The average capacity factor for nuclear units has increased from approximately 60 percent prior to 2000 to approximately 90 percent currently”).

generation facilities could shift some or all of those risks back to already-overburdened customers.

- The potential co-ownership of generation and transmission and distribution assets by utilities would unnecessarily raise a whole host of market power concerns that would need to be addressed (and, in some or many cases, may be incapable of being resolved satisfactorily).⁶

Thus, while Multiple Intervenors provides responses below to selected questions posed in the Notice regarding how utility ownership of renewable generation facilities theoretically could be implemented, Multiple Intervenors' position is that there is no demonstrable benefit, but are risks of significant harm, to customers if the Commission reverses its longstanding policy of prohibiting utility ownership of new generation facilities (renewable or otherwise).

- **What, if any, additional regulatory requirements would be needed to ensure effective and fair oversight of utility-owned generation, vertical market power concerns, and information asymmetry?**

To attempt to place utilities on comparable footing with non-utility developers, utility shareholders – not customers – would need to be financially responsible for any and all aspects of generation projects. Costs related to the development, construction, ownership,

⁶ See, e.g., Cases 94-E-0952, *et al.*, *In the Matter of Competitive Opportunities Regarding Electric Service*, Opinion No. 96-12, Opinion and Order Regarding Competitive Opportunities for Electric Service (issued May 20, 1996) at 64-65 (concluding that: “Critical to a movement toward a restructured industry is the need to avoid undue concentration of market power and particularly the use of monopoly power on the distribution side to unduly restrict choice on the generation side. Divestiture of generation and energy services is a clear way to allay concerns about vertical market power and avoid anti-competitive behavior ...”); see also Case 94-E-0952, *supra*, Opinion No. 94-27, Opinion and Order Regarding Proposed Principles to Guide the Transition to Competition (issued December 22, 1994) at 11 (finding that: “The current industry structure, in which most power plants are vertically integrated with natural monopoly transmission and distribution, is incompatible with effective wholesale or retail competition”).

operation and maintenance of such generation would need to be “off the books” and customers would bear no share of the costs (or revenues). Additionally, extensive information about the utilities’ transmission and distribution systems – and plans for same moving forward – would need to be shared with private developers to prevent asymmetrical information dissemination (*i.e.*, utility personnel working on generation projects possessing critical information that is not shared with private developers).

Absent the strict “siloining” of renewable generation investments by utilities, new and significant types of costs and risks would be shifted to customers, necessitating rigorous regulatory oversight of all aspects of utility ownership related to renewable generation (*e.g.*, project financing, project development, operation and maintenance costs and strategies, bidding strategies, prudence of business decisions, potential exercises of market power, the allocation and regulatory treatment of generation-related costs and revenues). All utility decisions, costs, and revenues related to generation ownership would need to be regulated actively by the Commission and Department of Public Service Staff (“Staff”) and addressed and evaluated as part of utility rate proceedings (and potentially other proceedings as well). The Commission also would need to establish policies and procedures for the expeditious and equitable resolution of market power concerns.

Frankly, to the extent the Commission continues to entertain the possibility of reversing its decades-old divestiture policies prohibiting utilities from owning new generation, the serious issues raised by the above question warrant a proceeding with an evidentiary record and should not be resolved based on a single set of written comments.

- **What does an ownership model look like if the clean energy project is owned by and located outside of the utility’s service territory?**

Initially, utilities should not be authorized to own new generation facilities. If, *arguendo*, the Commission decides otherwise, then utility shareholders – not customers – should be responsible for all associated costs. There are significant market power concerns associated with potential utility ownership of generation and, because certain concerns may be incapable of satisfactory resolution, it would be reasonable to limit such ownership – if permitted notwithstanding Multiple Intervenors’ opposition thereto – to regions outside of a utility’s service territory.

- **Would projects be selected through a request for proposal process or other competitive mechanism?**
 - **What is the proposed role of the Commission for oversight of this process?**
 - **Would projects be developed by the utilities or purchased through build transfer agreements or other mechanisms?**

It is difficult to answer the above questions without knowing what the Commission might be attempting to accomplish. The State, through the New York State Energy Research and Development Authority (“NYSERDA”), has been conducting competitive solicitations for renewable generation projects for years. While the existing process may be capable of being improved in numerous respects, Multiple Intervenors perceives no benefit to replacing the existing process with a structure dependent upon, or that even allows, utility ownership of new generation facilities.

A properly-conducted competitive process should result in the best, least-cost projects being developed. Potentially allowing utilities – if authorized to own new generation facilities – to bypass the competitive process, *inter alia*, would: (1) reduce the likelihood that the least-cost projects are being developed; and (2) bestow upon utilities an unwarranted but enormous and inequitable competitive advantage over private developers. The burden on the Commission to oversee a process under which utilities are permitted to invest in and operate new

generation facilities would be enormous. Moreover, as noted earlier, the Commission would have to be vigilant to address potential market power abuses by utilities. These undesirable outcomes can and should be avoided by maintaining the existing divestiture policy.

If, *arguendo*, utilities were permitted to own and operate generation facilities (notwithstanding Multiple Intervenors' opposition thereto), the Commission will need to determine whether such facilities could be developed by utilities or purchased solely through build transfer agreements or other mechanisms. If the risk of owning and operating generation facilities properly is placed on utilities desiring to do so, then Multiple Intervenors advocates no position on this issue. If, however, the financial risks and burdens of utility ownership of generation were to be placed on captive customers, then additional analyses and processes would be required to determine optimal – or even acceptable – mechanisms that could be employed. Under such circumstances, the use of open, transparent competitive processes would warrant strong consideration; as stated previously, New York utilities currently possess no expertise in developing and operating generation facilities and they should not be permitted to “learn on the job” at customer risk and expense.

- **How would the Renewable Energy Certificates (RECs) that utility owned projects generate be utilized?**
 - **Will the utility keep the RECs on behalf of their customers, sold to NYSERDA, sold to other entities such as large volume customers, or some sort of prescribed blend?**
 - **How will value of such RECs be determined?**

It is impossible to answer the above questions in isolation without knowing if, and under what mechanisms, utilities may be permitted to own new renewable generation facilities. Generally speaking, Renewable Energy Credits (“RECs”) should belong to entities responsible for funding the project in question. If, contrary to Multiple Intervenors' positions, utilities are authorized to own renewable generation facilities and recover the costs associated therewith from

captive customers, then all market revenues and RECs produced by such facilities should flow directly back to such customers in relation to how project costs are allocated. For instance, if a utility develops a renewable generation project at customer expense and the costs associated therewith are allocated on a 50% energy/50% demand basis, then the resulting revenues and RECs similarly should be allocated back to customers on a 50% energy/50% demand basis. The Commission also should explore requiring utilities to engage in voluntary REC sales, the proceeds of which would be utilized entirely for the benefit of customers in order to reduce project-related costs.

- **How would utility-owned projects be financed?**
 - **If ratepayer funded, how and at what point in the process? Are costs allocated to the utilities rate base, or statewide through the load-share ratio or similar mechanism?**
 - **If ratepayer funded, how would financial net benefits accrue to ratepayers/customers? Would they go to the customers of record at the time any benefits are realized via credit (or similar) or remitted to the State for overall clean energy compliance obligations?**

Initially, Multiple Intervenors disagrees with the premise of the above questions that customers should be responsible for funding utility-owned renewable generation. Forcing captive customers to fund utility-owned generation projects would mean turning the clock back three decades and ignoring the substantial problems that existed when utilities owned generation assets, as well as the substantial benefits that customers realize from competition in the generation sector. If utilities wish to own generation again and are authorized to do so, such projects should be funded by shareholders and preferably developed through a subsidiary.

At this point in time, the Commission has yet to analyze the purported benefits of utility generation ownership nor have those purported benefits been evaluated with and compared to the substantial customer harms that could result from reversing the longstanding divestiture policy. Such analyses should be conducted before utilities are authorized to own new

renewable generation projects. Given the existence of decades-old policies prohibiting utilities from owning generation – which were enacted following extensive proceedings examining issues pertaining to wholesale and retail competition in the electric industry – proponents of utility ownership should be forced to demonstrate substantial customer benefits before the Commission seriously considers modifying such policies.

Finally, if customers are forced to fund utility-owned renewable generation facilities, all revenues flowing therefrom should be returned to customers, as expeditiously as possible, with nothing “remitted to the State for overall clean energy compliance obligations.” As the recent Staff report on the costs of Climate Leadership and Community Protection Act (“CLCPA”) compliance highlights, utility customers already are funding and/or are committed to fund many billions of dollars in an effort to meet CLCPA mandates.⁷

- **Who bears the project development risk?**
 - **What, if any, impact to ratepayers will unsuccessful projects have? How can the utility minimize ratepayer exposure to project development risk?**

The best way to minimize customer exposure to project development risk is to maintain the *status quo*, pursuant to which developers appropriately bear such risk. There has been no justification proffered as to why this particular risk – which the Commission previously sought to impose on developers – should be placed back onto customers. This current allocation of risk is appropriate. A developer, *inter alia*, (i) chooses when and (ii) where to build a generation project, (iii) chooses the technologies and (iv) the equipment to be used, (v) selects the employees and/or contractors to use for the construction, (vi) is responsible for managing the

⁷ See Case 22-M-0149, *Proceeding on Motion of the Commission Assessing Implementation of and Compliance with the Requirements and Targets of the Climate Leadership and Community Protection Act*, New York State Department of Public Service Second CLCPA Informational Report on Overall Implementation of the Climate Leadership and Community Protection Act, With Corrections (dated September 23, 2025).

budget for the project and controlling costs, and (vii) ensuring that the project becomes operational on schedule. In other words, the developer is responsible for project development and, therefore, is the appropriate party to bear such risks. If utilities want to become renewable project developers, and are permitted to do so over Multiple Intervenors' opposition, then their shareholders (*i.e.*, investors) should bear project development risks, not captive customers who play no role in utility investment decisions.

With respect to unsuccessful projects, ensuring that utility shareholders – and not customers – are responsible for the financial success (or failure) of new renewable generation projects is the best way to reduce the risk of “unsuccessful projects.” After the State’s nuclear facilities were divested several decades ago, the availability of those facilities improved significantly compared to when under utility ownership. Competitive markets provided the new owners with strong (and effective) financial incentives to operate those units efficiently and improve their availability, which benefitted customers. In contrast, when utilities owned those facilities and were allowed to simply pass the costs on to customers, the facilities’ availability was poor. Allowing utilities to own renewable generation projects while shielding their investors from the risks associated therewith (and placing such risks on the backs of captive customers) is a far worse regulatory construct than what exists today and clearly would be much worse for already-overburdened customers.

- **Are there additional performance, measurement, and reporting requirements a utility-owned generation project should be subject to?**

The answer to this question depends on how the risks and the costs associated with potential utility ownership of new renewable generation facilities are allocated. If the risks and costs are imposed on utility shareholders – where they belong – then the only reporting requirements that would be necessary relate to guarding against inappropriate exercises of

market power. If, on the other hand, some or all of such risks and costs are imposed on customers, then the Commission would be required to actively regulate all aspects of utility ownership, operation, and maintenance of the facilities, and be able to evaluate all project development decisions, all categories of costs related to projects, all categories of revenues related to projects, all accounting entries associated with projects, the extent to which utility employees spent time on generation functions as opposed to transmission and distribution functions, as well as the need to implement and enforce new requirements intended to prevent inappropriate exercises of market power.

Basically, all generation-related costs will need to be tracked for evaluation as to their prudence and reasonableness, and such costs will need to be classified, functionalized, and allocated in cost-of-service studies. Additionally, the Commission will need to track all revenues related to utility-owned generation to ensure that if customers are funding such activities, the resulting revenues are being credited in full back to customers. Relatedly, generation-related revenues should be allocated to service classes and credited to individual customers in the same or as similar manner as possible to how generation-related costs are allocated to classes and recovered from individual customers. The Commission should recognize that potentially lifting the decades-old prohibition against utility ownership of generation and allowing utilities to recover generation-related costs from customers would add substantial regulatory responsibilities and burdens to itself and Staff.

- **Are there other considerations relevant to this inquiry?**

The focus of this inquiry initially should be on whether utilities should be permitted to own new renewable generation facilities. If, *arguendo*, the Commission elects to eliminate the existing prohibition against such ownership over the opposition of Multiple

Intervenors and other parties, then at least several different approaches for allowing utility ownership should be identified and analyzed, with projected impacts on customers quantified and considered, both in isolation and in the aggregate with existing and future financial obligations previously imposed on customers. Under no circumstances should the Commission attempt to implement such a fundamental change in policy based on a single set of written comments and in the absence of further proceedings.

POINT II

FEEDBACK ON TOPICS TO BE CONSIDERED AS PART OF COMPREHENSIVE REVIEW OF RENEWABLE SOLICITATION PRACTICES

In the Notice, the Commission solicits feedback on topics to be considered as part of an upcoming, comprehensive review of the State's renewable solicitation practices. (*See* Notice, Attachment at 2.) Unlike the other groups of issues addressed by the Notice (*i.e.*, the potential modification of existing prohibitions against utility ownership of new generation facilities [*see* Point I, *supra*] and questions regarding OSW solicitations [*see* Point III, *infra*]), the Commission does not pose specific questions to answer in the Notice but, rather, identifies topics for consideration. Multiple Intervenors hereby provides feedback on those topics.

1. Value Proposition for Customers

The review shall examine how the renewable procurement program could hedge electricity price volatility for customers and reduce overall costs. This shall include evaluation of contracting for energy and capacity in addition to the renewable attributes. Also, tied to value, the review shall examine how competitive forces can be harnessed to enable the most efficient investments.

The primary objective of the State's renewable solicitation practices should be to facilitate the development of an appropriate amount of renewable generation at the lowest cost to customers. It is beyond the scope of these Comments to determine the appropriate amount of

renewable generation that should be procured. In making that determination, however, both the pros of renewable generation (*e.g.*, emission-free energy, comparatively lower operating costs) should be balanced with the cons of renewable generation (*e.g.*, weather-dependent intermittency, comparatively higher development costs), as opposed to basing the solicitation process on arbitrary thresholds or targets. Indeed, the solicitation process should be flexible enough to be responsive to market trends (*i.e.*, procuring more renewable generation when costs are relatively low and procuring less or no renewable generation when costs are relatively high).

Multiple Intervenors has at least three overarching concerns regarding the use of renewable generation solicitations for electricity hedging purposes. First, while hedging may reduce volatility, there are (and can be) no guarantees that it will reduce costs or otherwise provide increased value to customers.

Second, many customers purchase electricity supplies from energy service companies (“ESCOs”) and, in essence, hedge their own electricity price volatility. Not only would such customers have no need for new electricity price hedging involving renewable generation facilities, the forced imposition of new hedges would undermine those customers’ existing hedging arrangements and strategies. Accordingly, any new hedging activities should be limited to utility commodity customers and, preferably, only to those utility customers that choose such hedging on their behalf.

Third, there should be no cross-subsidization (in either direction) between those customers potentially receiving new hedging services related to renewable generation and those customers that procure their electricity supplies from ESCOs and/or do not desire such hedging.

2. System Benefits

The review shall examine how renewable generation can be strategically deployed to provide meaningful benefits. This shall include how the procurement structure

can ensure projects are sited to optimize these system benefits, including in coordination with the build out of the transmission and distribution system.

Multiple Intervenors generally agrees that coordination between renewable generation development and the State's existing and planned transmission and distribution system makes sense and should be pursued. Currently, New York utility customers are being required to fund renewable generation development and the build-out of the State's transmission system, including costly transmission projects that are being undertaken to improve the deliverability of incentivized/subsidized renewable generation that was located far from load centers. When the costs of such incremental, renewables-specific transmission is accounted for, the costs of incentivizing/subsidizing renewable generation facilities are much higher than they appear when ignoring such incremental transmission costs.

3. Procurement Mechanism

The review shall examine the benefits of alternate procurement mechanisms other than the central procurement structure currently administered by NYSERDA. This shall include leveraging NYPA's authority under the Build Public Renewables Act and the consideration of utility-by-utility procurement obligations, including the recent directive to NYPA to evaluate procuring renewable energy to supply State agencies.

Multiple Intervenors agrees that the planned, comprehensive review of the State's renewable solicitation practices should consider alternatives to central procurement by NYSERDA. Importantly, however, such review should examine, in an unbiased manner, the pros and cons of the existing and potential alternative procurement structures without any predetermination of the outcome. Again, the focus should be on employing the structure likely to procure an appropriate amount of renewable generation at the least cost to customers.

4. Voluntary Market Participation

The review shall examine how the renewable procurement program can best promote the voluntary market in New York and mitigate exports of RECs to markets outside of New York. This shall include how to encourage and account for large loads

satisfying their renewable generation obligations through contracting and/or direct development.

In an order issued in 2004, the Commission stated that: “We believe an important objective of the [Renewable Portfolio Standard] program is to stimulate and complement voluntary/competitive renewable energy sales and purchases (or ‘green markets’) so that these competitive markets, not government mandates, sustain renewable activity after the RPS program ends.”⁸ Based on the passage of time alone, an evaluation of proposals to stimulate voluntary markets for renewable energy in the hopes that such markets can reduce the impacts of existing and future Commission-imposed mandates on customers is welcomed.

Currently, the State’s existing structure discourages large loads from engaging in self-funded renewable energy transactions. For instance, if a large non-residential customer invests in solar generation to serve all or a portion of an industrial facility, that customer receives no “credit” for such investment with respect to State mandates. The Commission should not expect customers to invest millions of dollars towards “satisfying their renewable generation obligations through contracting and/or direct development” if those customers then are going to be required to pay millions of dollars in increased costs towards satisfying obligations attributable to other customers.

5. Market Design Changes

The review shall include an evaluation of how existing wholesale capacity and energy market designs may need to be modified to better align with the existing or proposed energy procurement mechanisms.

⁸ Case 03-E-0188, *Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard*, Order Regarding Retail Renewable Portfolio Standard (issued September 24, 2004) at 4.

Multiple Intervenors has no objections to the Commission examining existing wholesale capacity and energy market designs, but notes that wholesale electricity markets are administered by the New York Independent System Operator, Inc. (“NYISO”) and regulated by the Federal Energy Regulatory Commission (“FERC”). Proposed wholesale market rule changes first would have to be presented to, and considered by, NYISO stakeholders as part of the NYISO’s shared governance process. There can be no assurances as to how long such process would take, whether stakeholders would approve a hypothetical set of proposed wholesale market design changes, and whether such changes also would be approved by FERC if advanced with or without stakeholder support. Thus, while potential wholesale market rule changes can and should be evaluated, the Commission also should consider whether and how existing or proposed renewable procurement mechanisms can better align with existing wholesale capacity and energy market designs.

POINT III

THE NOTICE’S QUESTIONS ON OSW SOLICITATIONS ARE MISPLACED BASED ON CURRENT CIRCUMSTANCES

In the Notice, the Commission poses a series of questions relating to OSW solicitations and potential changes that New York potentially implement with respect thereto. (Notice, Attachment at 3.) Those questions now appear misplaced following the implementation of federal policies hostile to OSW development. Indeed, in light of such policies, the Commission should shift its attention to: (1) ascertaining whether future OSW projects are feasible under existing policies; and (2) if so, whether such projects are likely to be economic and represent the best use of limited customer funds. Unless both of these inquiries are answered in the affirmative, it appears premature for the Commission to expend resources now on fine-

tuning OSW solicitation practices. Thus, while it is reasonable for the Commission to seek to improve how it conducts competitive solicitations for renewable energy projects, at this time it would be more productive to focus first on threshold matters, such as whether OSW solicitations even are feasible at this time, both legally and economically.

Multiple Intervenors hereby responds as follows to selected questions posed in the Notice:

- 1. Have any other jurisdictions implemented approaches to planning offshore wind infrastructure that would help to reduce project development risks, promote cost-effective solutions, and maximize reliability and affordability benefits to the State's ratepayers?**
- 2. What features of those approaches could be implemented in New York, and how would they be implemented?**
- 3. Are there other approaches that have not been tried elsewhere that have the potential to reduce costs and risks to ratepayers?**

Multiple Intervenors proffers no response to Question Nos. 1-3, other to note that: (1) it generally makes sense for New York to study "lessons learned" from other jurisdictions regarding the most cost-effective means to develop OSW; and (2) notwithstanding the foregoing, the potential applicability of any such lessons to New York need to be evaluated carefully in light of rising costs and changing federal policies that are no longer supportive of new OSW development.

- 4. What are the lessons learned through the most recent New York City Public Policy Transmission Planning Process that can be used to inform future planning work for offshore wind generation and transmission development?**

From Multiple Intervenors' perspective, there were two primary lessons learned regarding the Public Policy Transmission Planning Process focused on making OSW deliverable to New York City. First, from a procedural standpoint, the process worked well. Following the Commission's decision to identify and define a Public Policy Transmission Need ("PPTN"), the

NYISO commenced a competitive solicitation process for transmission solutions to satisfy that PPTN. The NYISO's process led to the advancement of 28 distinct transmission projects by four groups of developers, all of which satisfied the NYISO's viability and sufficiency criteria. This strong response to the NYISO's solicitation process should be construed favorably, reflecting both interest in and the potential benefits of competition in the transmission sector.⁹

The second lesson learned from the New York City PPTN relates to the sheer magnitude of the costs associated with OSW – an issue that warrants far greater regulatory attention moving forward. The preliminary independent capital cost estimates for the 28 projects proposed in response to the Commission's PPTN ranged from \$7.9 billion to \$23.9 billion, with a majority of those projects expected to cost in excess of \$15 billion. Those costs – which are separate and apart from the significant customer-funded incentives/subsidies associated with the OSW generation projects themselves – raise serious questions regarding the ability of customers to bear such costs (in addition to the myriad other financial obligations that have been imposed on customers in furtherance of the State's clean energy transition).

- 5. How best can the development of offshore wind generation be aligned with the development of the necessary transmission infrastructure?**
- 6. What measures can be taken to reduce the risk of generation development misaligning with the development of transmission infrastructure?**

For the reasons set forth, *supra*, these questions cannot be answered at this time.

In light of new federal policies that are not supportive of OSW, the Commission first should

⁹ The Commission's subsequent decision to terminate the PPTN, based on the federal government's halting of offshore wind leasing and permitting and related concerns about committing utility customers to fund transmission lines interconnecting OWS generation facilities that may never be developed, was well-reasoned and appropriate. See Case 22-E-0633, *In the Matter of New York Independent System Operator, Inc. Proposed Public Policy Transmission Needs for Consideration for 2022*, Order Withdrawing Public Policy Transmission Need (issued July 17, 2025) at 8-19.

examine whether OSW is technically feasible absent changes in federal policy and, even if it is, whether it also is economically feasible for New York to pursue OSW absent federal support.

CONCLUSION

For all the foregoing reasons, the Commission should adopt Multiple Intervenors' positions on the issues addressed herein.

Dated: October 31, 2025
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Respectfully submitted,

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