

**MINUTES OF THE  
NEW YORK STATE ENERGY PLANNING BOARD MEETING  
HELD ON APRIL 8, 2020**

Pursuant to notice dated March 2, 2020, the fourteenth meeting of the New York State Energy Planning Board (“Board”) was convened by webinar on April 8, 2020 at 1:00 p.m.<sup>1</sup> A copy of the meeting Notice is annexed as Exhibit A. The following Energy Planning Board Members or their designees were present:

- Alicia Barton, President and CEO of the New York State Energy Research and Development Authority and Chair of the Board
- John B. Rhodes, Chair of the NYS Public Service Commission
- Basil Seggos, Commissioner of the NYS Department of Environmental Conservation (Jared Snyder, Designee)
- Eric Gertler, Chairman and CEO of Empire State Development (Vincent Ravaschiere, Designee)
- Roberta Reardon, Commissioner of the NYS Department of Labor (Elizabeth Martin, Designee)
- Patrick Murphy, Commissioner of the NYS Division of Homeland Security and Emergency Services (Brian Wright, Designee)
- Dr. Howard Zucker, Commissioner of the NYS Department of Health (Elizabeth Lewis-Michl, Designee)
- Rossana Rosado, Secretary of State (Erin Hogan, Designee)
- Marie Therese Dominguez, Commissioner of the NYS Department of Transportation
- Richard A. Ball, Commissioner of the NYS Department of Agriculture & Markets
- Michael Cusick, Appointee of the Speaker of the Assembly (Sean Ewart, Designee)
- James Winebrake, Appointee of the Governor
- William Suggs, Appointee of the Temporary President of the Senate
- Richard J. Dewey, President and CEO of the New York Independent System Operator

**Introductory Remarks**

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<sup>1</sup> Due to the COVID19 pandemic and by virtue of and consistent with Executive Order No. 202.1 dated March 7, 2020, this meeting was held pursuant to changes to the New York State Open Meetings Law that permitted meetings to take place by conference call or similar service and suspended the requirement to conduct in-person access to meetings if the public had the ability to listen to such proceeding and that the meeting was recorded and later transcribed. This meeting met all of these EO 202.1 requirements.

Alicia Barton, President and CEO of the New York State Energy Research and Development Authority, and Chair of the Energy Planning Board welcomed everyone to the meeting of the New York State Energy Planning Board and after a Roll Call, the Secretary noted the presence of a quorum. After acknowledging the extraordinary circumstances and the State's continued efforts as a result of the COVID-19 outbreak, Chair Barton provided an overview of the items to be discussed pursuant to the Agenda, primarily the proposed Amendment to the *2015 State Energy Plan* and the public comments received.

Chair Barton welcomed new Energy Planning Board Member, William Suggs, appointee of the Temporary President of the Senate. In response, Mr. Suggs thanked the Energy Planning Board for the opportunity to join and stated that with his more than 30 years of energy and not-for-profit experience he is eager to contribute.

### **Consideration of Minutes of December 18, 2019 Meeting (Agenda Item No. 1)**

The first item on the Agenda was to advance the minutes from the Board meeting held on December 18, 2019. Hearing no changes or objections, upon motion duly made and seconded, the minutes were moved. Chair Barton stated that the minutes will be posted to the Energy Planning Board website.

### **Resolution Regarding an Amendment to the 2015 State Energy Plan (Agenda Item No. 2)**

Chair Barton began the presentation by reminding the Board as to the statutory requirements for amending the State Energy Plan, which is the discretion of the Board upon a finding that a material and substantial change in fact or circumstance has arisen since the adoption of the most recent State Energy Plan. She reviewed for the Board that, since the most recent adoption, Governor Cuomo signed into law the Climate Leadership and Community Protection Act ("Climate Act") that calls for clean energy goals that further advance those that appear in the current State Energy Plan. This prompted the State Energy Planning Board in December 2019 to issue a Draft Amendment for public comment, for the purpose to update the State Energy Plan to reflect these new goals and to address one issue to facilitate the transition of New York communities to the clean energy future.

Chair Barton presented the clean energy and greenhouse gas reduction goals of the current State Energy Plan as compared to those required by the Climate Act, expressing that the goals under the Act are economy-wide and among the most aggressive greenhouse gas reduction goals of any major economy. With regard to the Electric Generation Facility Cessation Mitigation Program

(“Mitigation Program”), Chair Barton explained that it was created to provide assistance to support local government entities impacted by reductions in the tax liability or tax loss owed by an electricity generating facility due to the retirement or closure of certain of those facilities. She stated that power plant host communities will need this support to become better prepared for the impact that the changing market conditions will likely have to the revenues upon which they rely. Under this Amendment, the New York State Public Service Commission will develop a process to consider a mechanism that would provide stable support for the Mitigation Program.

Chair Barton then introduced John Williams, Vice President of Policy and Regulatory Affairs, NYSERDA, to discuss the public comment and hearing process undertaken regarding the Draft Amendment. Mr. Williams reported that a *Notice for Public Comment* on the Draft Amendment was published in the *State Register* on January 8, 2020. Written comments were accepted through the State Energy Plan website through March 9, 2020, although the Energy Planning Board is entertaining comments that were received throughout the remainder of that week. Two public hearings were also held, notice of which was published in the *State Register* on January 29, 2020. The first public comment hearing was held on February 27, 2020 in Albany. The second public comment hearing was held on March 2, 2020 in New York City.

Mr. Williams reported that a total of 101 commenters provided 120 individual comments, noting that 17 comments were received on the proposed clean energy goals, with five expressing support and 12 expressing opposition, and that 74 comments were received on the Mitigation Fund, with 73 expressing support and one expressing opposition. An additional 29 comments also provided perspectives either indirectly or unrelated to the Draft Amendment. As an overall result of the public comments, one revision was incorporated into the Amendment to reflect the requirement of Section 7(3) of the Climate Act that requires that State agencies, in their decision-making activities, not disproportionately burden disadvantaged communities in considering and issuing permits, licenses, and other approvals, as well as to prioritize reductions of co-pollutants and greenhouse gases in these communities. Mr. Williams also stated that all of the comments received will be made available on the State Energy Plan website.

Before opening up the discussion to the full Board, Chair Barton thanked the members of the public who provided comments and stated that the addition of the language in the Amendment alongside the new clean energy goals, provides additional guidance to agencies when considering energy-related projects and policies and despite the receipt of comments opposing incorporation of the Climate Act clean energy goals, they are requirements under New York law and the Amendment

provides a reflection of this change in New York law since the approval of the 2015 State Energy Plan. Chair Barton also acknowledged additional comments that were received on valuable components of the State's energy policy will inform other key climate policy work in New York.

Mr. Rhodes added that he believes that the Climate Act and the Mitigation Program are necessary, prudent, and sensible and he supports the adoption of the Amendment to the State Energy Plan.

Hearing no further comments, Chair Barton then called for consideration of Resolution No. 10, to approve the Amendment to the *2015 State Energy Plan*. Whereafter, upon motion duly made and seconded, and by unanimous roll call vote, the Board approved the resolution and the Amendment was adopted.

Chair Barton stated that the approved Amendment and the public comments will be made available on the Energy Plan website at: [www.energyplan.ny.gov](http://www.energyplan.ny.gov).

#### **Other Business**

There being no other business, upon motion duly made and seconded, the meeting was adjourned.

*Valerie A. Milonovich*

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Valerie S. Milonovich, Secretary to the Board  
Senior Counsel, NYSERDA

**NEW YORK STATE ENERGY PLANNING BOARD**

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April 1, 2020

**NOTICE AND AGENDA**

TO THE MEMBERS OF THE NEW YORK STATE ENERGY PLANNING BOARD:

PLEASE TAKE NOTICE that a meeting of the New York State Energy Planning Board will be held on Wednesday, April 8, 2020, at 1:00 p.m. for the following purposes:

1. To consider and act upon the minutes from the December 18, 2019 meeting.
2. To consider and act upon a resolution to amend the 2015 State Energy Plan.
3. To transact such other business as may properly come before the Board.

In keeping with measures designed to limit the spread of COVID-19, the meeting will be conducted by teleconference and members of the public will be allowed to observe and listen to the meeting via webcast only. Members of the Board will participate in this meeting using the webinar information below:

**Event address for Board Members:** <https://nyserda-events.webex.com/nyserda-events/onstage/g.php>

**Duration:** 1 hour 30 minutes

**Event number:** 660 818 951

**Audio conference:** US TOLL  
+1-415-655-0001  
Access code: 660 818 951

A recording and transcript of the Board webinar will be posted to the State Energy Plan website within two business days of the meeting, or as soon as practicable.

Alicia Barton  
Chair