

NYS Energy Planning Board, April 8, 2020 – Webinar Recording Transcript

Alicia Barton: Okay. Good afternoon everyone. It's a couple minutes after one o'clock. And hello, my name is Alicia Barton. I'm President and CEO of the New York State Energy Research and Development Authority otherwise known as NYSERDA and Chair of the Energy Planning Board. Welcome and good afternoon again to the 14th meeting of the New York State Energy Planning Board. Of course, this is a very unusual format for our Board Meeting today which is occurring under the extraordinary circumstances the State's, New York State's response to the COVID 19 outbreak. I do want to thank our Board members as well as everyone else that's in attendance online today for joining us. I hope that you and your families are safe and well and in good health during this extremely challenging time for our State.

But we are also grateful for the opportunity to be able to convene in this format in order to continue doing our important work as State, as regards energy planning. I do want to just make one brief acknowledgement in relation to the COVID 19 crisis. Governor Cuomo is finishing up his daily press briefing and noted the State's ongoing extraordinary efforts to fight the virus. He also noted the heartbreaking and tragic loss of life that we've seen in New York already and has directed flags be flown at half mast in honor of everyone that has lost their life to this terrible virus. And unfortunately, he noted that we have already lost more than 6,000 New York lives. So with the Governor's leadership, and directive to acknowledge those lost in that way, and given we are an official public body convened under the laws of New York State, I also wanted to briefly acknowledge that loss as well, and again send best wishes for continued health and safety to everyone around the State and around the country. With that, we are going to proceed with today's 14th meeting of the New York State Energy Planning Board. We have many of the Board members in attendance and what I'd like to do is start by asking Valerie Milonovich, Secretary to the Board from our team at NYSERDA, to call the roll.

Valerie Milonovich: Thank you, Alicia. Hopefully you can hear me?

Alicia Barton: Yes, I can.

Valerie Milonovich: Excellent. Good afternoon everyone. Welcome. And when I state your name, please acknowledge your participation in today's New York State Energy Planning Board meeting. I apologize in advance for any mis-pronouncements and a reminder that you might need to remove yourself from mute. With that, I acknowledge the obvious participation of Alicia Barton.

Chair Rhodes? John Rhodes? I'll come back. In case he's on mute. I'll come back.

Elizabeth Lewis-Michl, on behalf of Commissioner Zucker?

Elizabeth Lewis-Michl: Did you hear me? I said yes, I'm here.

Valerie Milonovich: Oh, thank you. I did not hear you. Thank you. Jared Snyder on behalf of Commissioner Seggos? I see he has a mute, a symbol.

Jared Snyder: Yes, I am here.

Valerie Milonovich: Oh, great. Thanks Jared. Commissioner Dominguez? Commissioner Dominguez?

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John Williams: Valerie, I see Lynn Weiskopf for the Commissioner. Lynn, you're on mute. If you could just acknowledge you're on.

Lynn Weiskopf: Commissioner is on as well.

Valerie Milonovich: Excellent, thank you.

Commissioner Dominguez: Good morning.

Valerie Milonovich: Thank you. Erin Hogan, on behalf of Commissioner Rosado?

Erin Hogan: Present.

Valerie Milonovich: Brian Wright on behalf of Commissioner Murphy?

Brian Wright: Here.

Valerie Milonovich: Thank you. Commissioner Ball?

Commissioner Ball: I am here.

Valerie Milonovich: Thank you. Sean Ewart, on behalf of the Assemblyman Cusick?

Sean Ewart: Yes, present.

Valerie Milonovich: Thank you. Rich Dewey from the NYISO?

Rich Dewey: Good afternoon. I'm present.

Valerie Milonovich: Thank you. James Winebrake?

James Winebrake: Here.

Valerie Milonovich: William Suggs? Mr. Suggs was that you?

William Suggs: Yes.

Valerie Milonovich: Commissioner Gertler?

Vincent Ravaschiere: Yes.

Valerie Milonovich: Commission Reardon? Or Elizabeth Martin on behalf of Commissioner Reardon? [inaudible] I'm not sure if I, if I heard.

Elizabeth Martin: Yes, this is Elizabeth Martin.

Valerie Milonovich: Excellent, thank you. And circling back to Chair Rhodes. Chair Rhodes? Okay, we'll check back on his attendance. But given that Madam chair, I note the presence of a quorum for today's New York State Energy Planning Board meeting.

Alicia Barton: Thank you. And thanks everyone. The members of the Board and the designees for, once again, for joining us today and thank you for everybody's cooperation with the webinar format. I know that the logistics can be a bit tricky on muting and unmuting and we do occasionally get feedback if two people are un-muted at the same time which can be challenging. So I'm going to ask once again, if everybody who's not speaking, could please try to ensure that your phone is on mute to minimize any background noise that we, that we may hear. I did also want to acknowledge the presence of a new member of the State Energy Planning Board who did identify as being present. William Suggs, welcome to the New York State Energy Planning Board. And Mr. Suggs, would you like to take a moment to introduce yourself to the members of the Planning Board and the members of the public today?

Williams Suggs: Thank you, Madam Chair. Good afternoon everyone. Thank you for having me and providing me an opportunity to join this Board. And based upon my experience from the energy sector for over 32 years and also from a nonprofit side of the business with energy professionals, I hope that I can somehow bring something to the table to support our efforts. Thank you.

Alicia Barton: Thank you so much again for joining us. And we're delighted to have you joining the Energy Planning Board in time for our work today to take up the proposed amendment to the State Energy Plan. So I'm going to start with some ongoing notes and housekeeping. Notice of the meeting was provided to the public and the press on April 1st 2020. As with all Planning Board meetings and with today's webinar, and while today's webinar is available to the public, we're not taking questions or comments from the members, from members of the public excuse me, during our session. Members of the Board certainly may participate in the conversation. The webinar is being live streamed, and also a recording of the webinar as well as the written transcript of the meeting will be uploaded onto the Energy Planning Board website within the next few days, as soon as we are able to. And so, next slide, we'll move to the agenda.

Thank you. And I'm sorry, one other housekeeping item before I kick us into to the full agenda. Are there any members of the Energy Planning Board who did not have the opportunity to identify themselves yet, who have joined us on the phone? Okay. Alright then.

First we'll review the minutes from the Board's last meeting. Then I will briefly remind us of the context and the language of the draft amendment that the Board approved for public comment at our December 2019 meeting, our last meeting. We will then hear from John Williams, NYSERDA's Vice President for Policy and Regulatory Affairs, on the public comment process and the feedback received and we will then discuss and vote on a resolution to adopt the amendment. And finally, we'll consider any other business of the Planning Board. Next slide please.

So our first item to advance is, and if you go to the prior slide, please. Our first item to advance is the minutes from the Board meeting held on December 18th, 2019. A copy of the draft minutes was provided to the members of the Board in advance of the meeting. I'd like to seek approval of these minutes. So for those of you who participated in the December 2019 meeting, do you have any corrections or statements regarding the minutes? And I'll pause here for any comments from the members. Okay. Hearing none then with your approval, we will post the minutes to the website to

maintain a full record of the proceedings. Do I have a motion to approve the minutes from the December 18th, 2019 Board meeting?

James Winebrake: So moved.

Alicia Barton: And apologies could when you make a motion or a second, could you also identify yourselves for purposes of the minutes?

James Winebrake: James Winebrake.

Alicia Barton: Thank you. Do I have a second?

Jared Synder: Jared Snyder, Jared Snyder, seconds.

Alicia Barton: Thank you, Jared. All in favor. If you can unmute briefly to say aye.

Various: Aye, Aye, Aye, Aye, Aye, Aye

Alicia Barton: Thank you. Any opposed? Thank you. The minutes of the meeting will be posted on the website, hearing no votes in opposition. So with that we will continue to the next slide please.

So as a brief reminder, I want to provide the context and background for the public on our amendment process. And note that, you know, amending the State Energy Plan is by initiative of the Board upon a finding that “a material and substantial change in fact or circumstance since the most recent plan was adopted” has occurred. Action upon that amendment can only occur after receipt and consideration of public comments on that amendment is completed.

Importantly, last year, Governor Cuomo signed into law the Climate Leadership and Community Protection Act. Central to this Act are a number of clean energy goals further advancing the goals that the prior Energy Plan previously had set out and it is these new statutory requirements that have resulted in a change of circumstance warranting this amendment to the Energy Plan. The draft amendment issued by the Planning Board in December is intended to update the clean energy goals of the existing State Energy Plan and reflect the new goals established by the Climate Leadership and Community Protection Act as well as address issues facing host communities of power plants as New York transitions to a clean energy future.

Next slide please. Pardon me. Next slide please. Thank you.

Noting the slide that's being presented around clean energy and greenhouse gas reduction goals. We presented this slide that at the December meeting of the State Energy Planning Board as well, which shows the goals of the State Energy Plan alongside the new requirements of the Climate Leadership and Community Protection Act. Our 40 by 30 and 80 by 50 emissions reduction goals, excuse me, 85 by 50 emission reduction goals, are amongst the most aggressive greenhouse gas reduction goals of any major economy, as are many of the goals in the Climate Act, which includes 70% renewable energy by 2030 and 100% clean electricity by 2040. To achieve these goals, the State will build nine thousand megawatts of offshore wind by 2035, 6,000 megawatts of distributed solar by 2025, 3000 megawatts of energy storage by 2030.

And in addition, the State will realize 185 trillion British thermal units of onsite energy savings by 2025. And no less, and the laws provide that no less than 35% of the benefits from clean energy investments will go to disadvantaged communities. The Climate Leadership and Community Protection Act has certainly advanced the goals from the prior State Energy Plan, as you can see by comparison, and pushes New York forward towards ultimately realizing again some of the most ambitious efforts around the country and indeed the world to fight climate change. Next slide please.

In addition to the clean energy goals, the amendment recognizes the need to support our communities that will see significant changes in their local economies and the transition to clean energy. The Electric Generation Facility Cessation Mitigation Program, for short, the “Mitigation Program”, was created in 2015 to provide assistance to local government entities impacted by revenue losses due to the retirement or closure of electricity generating facilities. The need for the support is due to changing market conditions for power plants as well as other state policies that are creating a healthier and cleaner electric generation sector.

This amendment proposes for the Public Service Commission to develop a process to consider a mechanism that would provide stable support to the State's Electric Generation Facility Cessation Mitigation Program. These are the issues that we have proposed for amendment and I will now ask John Williams to explain the public comment process that was engaged and provide a summary of the comments received for the Board's information. Next slide please. And John Williams, are you there?

John Williams: I'm here. Alicia, thanks, and can you hear me?

Alicia Barton: Yes, thank you.

John Williams: Okay, thanks. And if we could go to the next slide please. So our public comment process began with the publication of a notice for public comment on the draft amendment. That notice was published in the State Register on January 8th of 2020.

What that did, at that publication date, then we were, we noted we would accept written comments on the draft amendment through March 9th. Comments were submitted to the State Energy Plan website. I will just note for the Board that there was a small number of comments that were received after that deadline, but we have incorporated all of those comments in the total comments that we took consideration of through this process.

In addition to the written comment process, we also held two public hearings on the draft amendment. The first public hearing was held in Albany on February 27 and the second public hearing was in New York City on March 2nd. We could go to the next slide please.

So in looking at the comments, we received a total of 120 comments. They were submitted by 101 different commenters. All of these comments will also be made available on the Energy Plan website after this meeting. Seventeen of those comments were received were on the proposed clean energy goals, five expressing support for that, 12 expressing opposition to those clean energy goals. I will just note for the Board that really the goals that have been proposed in this draft amendment are reflective of the goals as they were established in the Climate Act, so there's no change from what is currently statutory law in New York State. Those are the goals that have been advanced through the draft amendment.

On the mitigation fund, there were some significantly more comments. Seventy-three comments were received expressing support for the mitigation fund proposal. Only one in opposition.

I will note that there were an additional 29 comments that were received that were not really on point to the perspectives either directly or indirectly related to the draft amendment. These covered a number of individualized issues and they will be noted for the comment but did not appear to require change as we have seen in the proposal. Next slide please.

So one thing that we have recommended, however, due to those public comments, is one change to the text of the proposed amendment. As you would note that a significant number did not require a change of the amendment, but this one we are putting in front of the Board for consideration. The proposed amendment includes a reference to the Climate Act. It will sit alongside a reference that was existing in the proposed amendment to Section 7(2) of that Climate Act, which requires State agencies to consider the impact of greenhouse gas emissions in their permitting and licensing activities.

The recommended language would be for inclusion to a reference to Section 7(3) of the Climate Act, which requires that State agencies 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 those communities.

So what this provision was intended to do was direct for energy outcomes, for outcomes of our energy decision-making, emphasizing the nature that as we are making clean energy decisions in sync with the Climate Act, we're also recommending that those considerations account for the outcomes sought in Section 7(3) of the amendment. So as we're thinking about greenhouse gases generally, we also need to think about proposed impacts to disadvantaged communities in those possible energy decisions as they, as they come forward. So that would be the one recommended change coming through the public comment process. Everything else, I think, we see as permitting for the advancement of the proposed amendment as it was initially approved by the Board in December.

And so with that, I will hand it back to Alicia.

Alicia Barton: Thank you, John. And before I move to the discussion, I did want to ask again if there are any members of the State Energy Planning Board who were not able to acknowledge their presence earlier. Chair Rhodes, are you able to acknowledge your presence?

John Rhodes: I am on, can you hear me?

Alicia Barton: I can hear you now. Thank you, John.

John Rhodes: Okay. I've been listening the whole time [inaudible]. Thank you very much.

Alicia Barton: That's excellent. Thank you, John. Okay. So, can we go to the next slide please?

I wanted to start by thanking the individuals and organizations who provided their comments, the comments that John Williams just summarized. We definitely appreciate all of the thoughts and opinions and considerations expressed regarding the draft amendment and it certainly benefits the process to have a robust public input and informs the decision making of the Planning Board itself.

Before opening it up to discussion by the Board members to consider the draft amendment, I'll just make a couple of comments.

First, just to state affirmatively, I support the addition of the language referencing Section 7(3) of the Climate Leadership and Community Protection Act that John Williams just described on the previous slide. The equity considerations that are contained within that section are really an integral piece of the achievement of a clean energy economy in New York, and the reference in this Energy Plan I think helps provide important additional guidance to agencies and is certainly synchronized with the intended outcomes of the Climate Leadership and Community Protection Act when considering energy related policies and projects. So that is, I believe, an appropriate amendment to make to the Draft plan amendment that was provided. This provision also sits in parallel with the incorporation of the Climate Leadership and Community Protection Act, Section 7(2) already contained in the amendment, which provides similar guidance to agencies with respect to the greenhouse gas emissions impacts of their decision making. Given the direct consequence to energy decision making with respect to the clean energy goals, again, I think that gives reason for us and for my support and recommendation of the inclusion of the reference.

Second, I want to also acknowledge other comments that were received, which are very valuable components of our energy and policy. For example, we received thoughts that discuss the value of renewable hydrogen as a future energy resource as well as the need for equitable workforce opportunities. The need for advanced energy technologies and the need to ensure new career opportunities for New Yorkers are centrally important aspects of our energy policy, from my standpoint. While they're not the subject of this amendment, I'd like to assure those commenters that those issues will have a forum and be given due consideration by the State for further discussion. For example, in the State's Climate Action Council, whether through the advisory panels and working groups to that body or in the course of developing the scoping plan. One example I'm very familiar with is the equitable creation of quality jobs, which will be addressed through the work of the Just Transition Working Group, which I co-chair alongside our Labor Commissioner, Roberta Reardon. So I'd like to note that these valuable comments will help to inform other key work in New York as we advance our climate policy, and therefore, again, continue to thank the individuals and organizations who took the time and effort to comment and inform this process.

Next slide, please. Oh, sorry. My apologies. Can you go back to the prior slide?

So, with that, I'll pause here, and this will commence the discussion of the Planning Board ahead of consideration of the motion. So, I'll open the Board, the floor to members of the State Energy Planning Board for any questions or comments. In order to facilitate that, I'd just ask, we'll try to go one at a time. And I'll open it up for the first comment and then I'll pause between commenters to allow the Board to provide any questions or comments. Are there any comments or questions from members of the Energy Planning Board?

John Rhodes: This is John Rhodes.

Alicia Barton: Yes. John. Yes. Thank you.

John Rhodes: I will just, I have no questions. I understand these thoroughly and I think both of the incorporation of the CLCPA ambitions and the cessation funding for affected sites is necessary and prudent sensible and I'm going to support these when it comes time to vote.

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Alicia Barton: Thank you for those comments, Chair Rhodes. Are there other comments or questions? I'll pause just for an additional perhaps, you know, 30 seconds in case there are any additional questions or comments before I ask for a motion on the amendment. With that, I will ask if anyone would make a motion on the resolution in front of the Planning Board today.

James Winebrake: This is Jamie Winebrake. So moved.

Alicia Barton: Thank you, Jamie. Do I have a second?

Jared Snyder: This is Jared Snyder. I second the motion.

Alicia Barton: Thank you, Jared. In order to vote on the resolution, I'd like to ask the Secretary to the Board, Val Milonovich, to just do the roll call so that we have a clear record for voting. Val, can you ask for the votes?

Valerie Milonovich: My pleasure. Energy Planning Board Chair Barton. How do you vote?

Alicia Barton: I should have said all in favor, say aye. So, I say aye.

Valerie Milonovich: Okay. Chair Rhodes?

John Rhodes: Aye.

Valerie Milonovich: Elizabeth Lewis-Michl?

Elizabeth Lewis-Michl: Aye

Valerie Milonovich: Jared Snyder?

Jared Snyder: Aye

Valerie Milonovich: Commissioner Dominguez?

Commissioner Dominguez: Aye

Valerie Milonovich: Erin Hogan?

Erin Hogan: Aye

Valerie Milonovich: Brian Wright?

Brian Wright: Aye

Valerie Milonovich: Thank you. Commissioner Ball?

Commissioner Ball: Aye

Valerie Milonovich: Sean Ewart?

Sean Ewart: Aye

Valerie Milonovich: Richard Dewey?

Richard Dewey: Aye

Valerie Milonovich: Jamie Winebrake?

James Winebrake: Aye

Valerie Milonovich: William Suggs?

William Suggs: Aye

Valerie Milonovich: Commissioner Gertler? Commissioner Gertler?

Valerie Milonovich: How about Commissioner Reardon?

Elizabeth Martin: This is Elizabeth Martin. Aye.

Valerie Milonovich: Elizabeth Martin. Okay, thank you.

I'm going to call again for a Commissioner Gertler if he's on or his designee, Vincent Ravaschiere?

Alicia Barton: Okay. Well perhaps we don't have Commissioner Gertler and so the notes can reflect that, but having called the rest of the roll, and hearing all in favor and none opposed, then we will consider the resolution adopted, the resolution has passed and thank you all again for your participation.

If we can go to the last slide, the last agenda item is, is really any other business, so I will open the line to any of the Planning Board members who would like to raise any other business for the State Energy Planning Board. If you can go to the next slide please.

Alright. Hearing, no other business, I will note for the record that our next steps will be to put the new language, the language of the new amendment on the energy plan website after this meeting. In a few days, we'll also post the recording of this meeting along with a written transcript to the Energy Plan website.

If there are no other questions, I will simply offer again, my gratitude for everyone's participation today. My appreciation for everyone's support of these important matters to advance our work in advancing on climate change, clean energy, and transitioning our energy system for the State of New York, and I will ask for a motion to adjourn.

James Winebrake: Jamie Winebrake, so moved.

Alicia Barton: Second?

John Rhodes: John Rhodes, seconds.

Alicia Barton: Thank you. All in favor, if I can hear some ayes.

Various: Aye, aye, aye.

Alicia Barton: Thank you. And I'll ask for any opposed?

Thanks again for everyone's coordination and flexibility with the virtual format due to the circumstances. I thank you all for your time today, and again, wish each of you and your family and loved ones and all New Yorkers continued a good health and safety. Thank you very much.

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We are adjourned.

Unidentified: Thank you, Alicia.

Alicia Barton: Thank you.