

*NEW YORK STATE ENERGY PLANNING BOARD
PUBLIC HEARING*

*PROCEEDINGS
March 2, 2020*



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 3 NEW YORK STATE ENERGY PLANNING BOARD
 4 PUBLIC HEARING
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 6
 7 31 Chambers Street
 8 New York, New York
 9 March 2, 2020
 10 3:02 p.m.
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 12 B E F O R E:
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 14 ALICIA BARTON, President and CEO of NYSERDA
 15 Chair, New York State Energy Planning Board
 16 JOHN RHODES, Chair, Public Service Commission
 17 CEO, Department of Public Service
 18 TONI FREEMAN GREENE, Court Reporter
 19
 20
 21
 22 ELLEN GRAUER COURT REPORTING CO., LLC
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 REF: 300702

1 PROCEEDINGS
 2 MS. BARTON: As the Chair of the State
 3 Energy Planning Board, I hereby call the
 4 meeting to order.
 5 So, good afternoon, everyone. My name
 6 is Alicia Barton, I'm President and CEO of
 7 the New York State Energy Research and
 8 Development Authority, or NYSERDA, and here
 9 today as Chair of the New York State Energy
 10 Planning Board.
 11 I'm joined by Public Service
 12 Commission Chair, John Rhodes, who is also a
 13 member of the State Energy Planning Board.
 14 While we don't have all of our
 15 Planning Board members here today, all of
 16 our members are invested in the process.
 17 And we are hosted here today by the
 18 Building Energy Exchange, which we very much
 19 appreciate, and of course, as their guests,
 20 I ask that all participants in today's
 21 meeting respect the rules of our host here.
 22 This is a hearing to accept public
 23 comments on the Draft Amendment to the 2015
 24 State Energy Plan.
 25 The Draft Amendment was noticed in the

1 ----- I N D E X -----
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 3 BOB WYMAN 6
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 2 State Register on January 8, 2020 and the
 3 Notice of Hearing was published on
 4 January 29, 2020.
 5 The purpose of the Planning Board's
 6 consideration of amending the Energy Plan
 7 rests with the landmark development and
 8 enactment of the Climate Leadership and
 9 Community Protection Act signed into law by
 10 Governor Cuomo this past summer.
 11 New York's Climate Act is amongst the
 12 most ambitious climate policies enacted by
 13 any major economy, requiring no less than
 14 85 percent reduction in economy-wide
 15 greenhouse gas emissions by 2050.
 16 The (inaudible) amends New York's
 17 Clean Energy and Climate Leadership.
 18 And central to the Climate Act are a
 19 number of clean energy goals further
 20 advancing the goals that the Energy Plan
 21 previously set out and will set in motion
 22 significant changes to New York's Electric
 23 Generation (inaudible), amongst under
 24 things.
 25 The Amendment under consideration was

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2 adopted synchronized with the new clean
3 energy goals established by the Climate Act
4 and ensure they are integrated into the
5 existing Energy Plan.
6 The Amendment under consideration
7 would also adopt direction from the Public
8 Service Commission to consider a mechanism
9 that would establish a stable source of
10 funding for the Electric Generation Facility
11 Cessation Mitigation Program, which is
12 designed to assist communities that are
13 hosting conventional power plans in their
14 transition to clean energy.
15 All comments provided here today will
16 be considered by the Energy Planning Board
17 as it evaluates whether to adopt the Draft
18 Amendment. Written comments are being
19 accepted through March 8th.
20 Additional details can be found on the
21 Energy Plan website, which is
22 energyplan.ny.gov.
23 So, for today's hearing we will begin
24 by calling the names or name of those
25 individuals who have indicated they want to

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2 speak when signing in.
3 So, when your name is called, please
4 come to the microphone in the center to
5 provide your statement on the record.
6 A court reporter is here today to
7 provide a transcript of everything that is
8 said and it's important that the speaker
9 speak clearly so that the reporter can hear
10 clearly.
11 So, with that, I am going to open it
12 to comments. And thus far we only have one
13 individual who has requested to speak, so
14 I'll call that individual up.
15 Bob Wyman, please provide your
16 comments.
17 MR. WYMAN: Hello. My name is
18 Bob Wyman, I'm a resident here in New York
19 City in the Upper West Side. I'm an
20 advocate for beneficial electrification and
21 also am now a candidate for Congress in the
22 10th Congressional District.
23 I'd like to start off by saying thank
24 you to NYSERDA and to the Public Service
25 Commission for the great work you guys do

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2 and have been doing in the past, getting us
3 to where we are.
4 I think our State really does -- has
5 taken a leadership position on a lot of the
6 issues that are the subject of the Energy
7 Plan, as well as the associated plans, such
8 as the Energy Efficiency Plan for the PSC
9 and the various activities to reduce
10 emissions.
11 I think it's great to see that the
12 CLCPA requirements are essentially being
13 copied into the Energy Plan as they are by
14 these amendments, and also it is good that
15 we, you know, are beginning to work on the
16 question of addressing the impacts of
17 cessation of some of the kinds of electrical
18 generation that we use today.
19 But, I'm a bit concerned that I think,
20 while you guys have done a lot, I think you
21 could have done, frankly, a lot more.
22 Particularly of concern, for instance,
23 the Electrical Generation Cessation Plan
24 that you have there, frankly it addresses a
25 third-level problem. And there are much

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2 larger problems we have in this State.
3 I think NYSERDA and others have made
4 it very clear to us that now that, for
5 instance, the coal plants have been shut
6 down, electrical generation contributes on
7 the order of 15 percent or less of our
8 greenhouse gas emissions in the State these
9 days.
10 Transportation and heating alone, each
11 of them produce at least twice as much
12 greenhouse gas emissions as electricity.
13 So, the question I would have is, why
14 in these updates, which are themselves good,
15 why has so much priority been give to,
16 essentially, a third-level problem?
17 The key problems we have in this State
18 are figuring out detailed plans for how we
19 will address the impacts of significant
20 reductions of fossil fuel usage in
21 transportation sectors and in our housing
22 sectors.
23 We know particularly -- for instance,
24 in the heating sector, we know that there
25 will be tremendous impacts on the industry

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2 going forward.
3 If you just look here in New York
4 City, if we assume that New York City is
5 going to be -- it hits -- recently hit its
6 goal of an 80 percent reduction from 2005
7 emissions levels by 2050.
8 And then we look at the New York City
9 greenhouse gas inventory. We discover that
10 the natural gas being burned just in
11 buildings, not for electrical production but
12 just in buildings, today produces about
13 150 percent of the total budget for all
14 emissions from all sectors in New York City
15 in 2050.
16 So, we know that we're going to have
17 to reduce, by some significance, the amount
18 of natural gas consumption, even just in
19 this one city.
20 We also know that there are going to
21 be tremendous impacts from doing that,
22 particularly in the realm of (inaudible).
23 Right now ConEd, who has a plan to be
24 installing about a billion dollars of
25 capital, new capital equipment for their gas

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2 sector every year for the next three years,
3 with no indication that that will be reduced
4 in the future.
5 Plans to depreciate those assets are
6 at a recovered cost for rate payers for the
7 next 85 years for gas maintenance and the
8 next 65 years for gas services.
9 But, the CLCPA says that essentially
10 we are going to be dramatically reducing our
11 consumption of natural gas between now and
12 2050, which is only 30 years from now.
13 We need a plan to address the question
14 of who is going to be paying for today's
15 assets, which will become not used and
16 useful, so much of them after 2050, who will
17 be paying for those assets through the year
18 2110 or so on some of them, long after our
19 accomplishment of the goals of the CLCPA,
20 the State Energy Plan, et cetera, have been
21 achieved.
22 We don't currently have a plan for
23 doing that and we desperately need one.
24 If we're to have a cessation plan, it
25 really should be a cessation plan that

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2 addresses issues like that, issues that are
3 dramatically greater, both in terms of
4 emissions and also in terms of financial
5 impact, than whatever issues that we have in
6 Electrical Generation.
7 Similar discussions can be held
8 concerning transportation.
9 I'd also like to point out that I
10 think one of the things that's very
11 important for us, in our plan, to do is to
12 begin addressing conflicts which are in our
13 law now which prevent us from moving
14 forward.
15 We have a plan that says we want to
16 increase energy efficiency, another plan to
17 say we want to reduce carbon emissions.
18 But, are you aware that under state
19 law today, in a law that was first written
20 in 1859 but is still valid today, gas
21 utilities are required to provide free
22 hookups and required to provide service to
23 anybody who wants it for the purpose of
24 lighting their buildings?
25 Not for heating or cooking or doing

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2 something else, but if they want pretty
3 ornamental gas lights outside their house,
4 Transportation Corporations Law, Section 12,
5 requires the utilities to provide them
6 service and to provide the first
7 100 foot of that service for free.
8 We have another -- and this, of
9 course, makes it very difficult for us, when
10 we try and work with gas utilities, to
11 reduce the amount of gas they sell, because
12 they come back and say, "We're required by
13 law to provide this service."
14 We have a similar problem even in
15 heating.
16 We have, in Public Service Law
17 Section 30, we have a statement that it is
18 the policy of New York State that it's in
19 the public interest to provide gas service
20 to everyone in the City, every residential
21 customer in the State. That's in the law.
22 So, when you go and you try to argue
23 for, let's reduce the amount of gas that's
24 being used in order so that we can meet the
25 requirements of the CLCPA, the response is,

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 2 "The law said it is in the public interest
 3 and requires us to do so."
 4 Section 31 of the Public Service Law
 5 says that for non-lighting purposes -- a
 6 little bit less controversial -- heating and
 7 cooking and such, once again, there is an
 8 obligation to serve. The utilities must
 9 provide service as long as the PSC hasn't
 10 declared that it would be (inaudible).
 11 And they must provide the first
 12 100 feet of that service for free for anyone
 13 who wants it.
 14 The Public Service Commission, in its
 15 regulations, Section 203, went beyond the
 16 law and said that, for residential customers
 17 who want heating service, that they can have
 18 200 feet of free pipe; 100 feet of main plus
 19 100 feet of service line.
 20 I can go on for a long time, but I
 21 only have a few minutes here.
 22 So, I can go on for a long time
 23 pointing out the various things in our law
 24 today that essentially conflict with the
 25 goals of the CLCPA and with the goals of the

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 2 Energy Plan in the State.
 3 My hope is that what we'll be able to
 4 do is be able to address these issues in a
 5 rational process.
 6 And for instance, we need to figure
 7 out, how do we do a process of managed
 8 decapitalization among the -- of the gas
 9 assets and then hopefully some sort of a
 10 recapitalization, preferably as -- for
 11 New York City, preferably around (inaudible)
 12 and heating systems, so that we can keep
 13 those businesses going?
 14 I know I've probably taken more than
 15 my time. Sorry if I've held anyone else up.
 16 But, you know, I think, you know, it's
 17 great progress we're making. I want to
 18 repeat that I think New York State is a
 19 leader in this space.
 20 It's fun, by the way, to see
 21 California copying us. The PUC in
 22 California recently did on some things.
 23 And I'd like to, you know, once again,
 24 thank NYSERDA and the Public Service
 25 Commission.

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 2 But, I think we do need to get our
 3 priorities straight here. Electricity is
 4 not the number one problem in this State.
 5 If anything, our goal should be to
 6 dramatically increase our consumption of
 7 electricity to beneficial electrification
 8 programs, electric vehicles, heat pumps,
 9 induction cooking, et cetera.
 10 And while we're in the process of
 11 figuring out how to go through a managed
 12 process of decapitalization of gas assets
 13 and how we figure out how to rationally
 14 convert our existing internal combustion
 15 engine and diesel transportation to
 16 electricity, that will probably mean we have
 17 to double the amount of the capacity that we
 18 need to deliver by 2050 and certainly
 19 increase the amount of electrical
 20 production.
 21 But, as it stands today, you know, we
 22 could even get dramatic reductions in
 23 emissions if we -- if we were able to adopt
 24 beneficial electrification in transportation
 25 (inaudible), even while leaving our electric

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 2 system emissions at the same level they are
 3 today. Obviously that's not ideal, but it
 4 would be good to give us some dramatic
 5 improvement.
 6 So, let's please focus more on
 7 transportation and heating in the future.
 8 Thank you very much for the good work you've
 9 been doing.
 10 MS. BARTON: Thank you for your
 11 comments.
 12 Is there anyone else who would like to
 13 provide comments at this time?
 14 Recognizing that it is early in the
 15 time allotted for the hearing, we'll maybe
 16 take a brief break to see if other speakers
 17 do show up at a time to present public
 18 statements.
 19 So, thank you again for your comments
 20 and we'll take a brief break while we await
 21 any other public commenters. Thank you.
 22 MR. RHODES: Thank you.
 23 (Recess taken.)
 24 MS. BARTON: So, good afternoon again.
 25 And we'll reconvene to hear additional

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2 public statements or at least one additional
3 public statement. And I'll begin by calling
4 individual names.

5 And just a reminder for those of you
6 that arrived recently, please come up to the
7 microphone to present your comments and
8 identify yourself for the record.

9 There's a court reporter who will be
10 recording and transcribing everything that's
11 said today, so please speak clearly so that
12 she can understand you.

13 And this is a public statement
14 hearing. The Planning Board will not be
15 answering questions, but may ask clarifying
16 questions of presenters.

17 And with that, I'm pleased to welcome
18 the next person who has requested to speak,
19 Isuru Sen from Radiant Value. And I hope I
20 pronounced your name correctly; if not, you
21 can correct us as part of your comments.

22 MR. SEN: Thank you. Yeah, you did
23 get the name right, Isuru Sen. I'm with
24 Radiant Value Management, we are an
25 (inaudible) investment firm.

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2 Most of my work has been on global
3 energy systems, not specifically to
4 New York, but I have started being more and
5 more interested in studying what's happening
6 in the New York State area.

7 And this is a question, maybe not
8 necessarily for you, but for us as a whole
9 in the New York area.

10 Obviously the rules of New York City
11 are nation leading and it's an honor to be
12 working towards that to our capacities.

13 This is a realization, possibly a late
14 realization on my part, that 80 percent of
15 our Downstate electricity comes from
16 Indian Point power plant, and that is
17 getting shut down for this year and next
18 year.

19 And my understanding of all of that,
20 it would be -- the difference would be made
21 up with clean renewable electricity, but at
22 least for the first part that's getting shut
23 down next month, 100 percent being replaced
24 by methane gas electricity.

25 So, I guess this is an open question

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2 to us as a society: How do we participate
3 in this process, how do we prevent such a
4 thing from happening, what are the ways that
5 we can influence the decisionmakers to
6 prevent such things from happening?

7 That's basically -- I don't have the
8 answers to all this, but I would like to
9 know. Thank you.

10 MS. BARTON: Thank you, Mr. Sen, for
11 your comments. And they'll be included in
12 what is presented to the Energy Planning
13 Board.

14 MR. RHODES: Can I just ask for the
15 record, do we have your email?

16 THE WITNESS: I gave it.

17 MR. RHODES: Thank you.

18 MS. BARTON: Thank you for making the
19 time to attend and provide your comments.

20 We will, once again, take a brief
21 recess while we await any other members of
22 the public who wish to attend and present.
23 Thank you.

24 (Recess taken.)

25 MS. BARTON: Good afternoon again,

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2 everyone, and thank you for your
3 participation in today's hearing.

4 We have not received interest from any
5 other speakers in presenting comments today,
6 either as notified in advance or in person
7 here today.

8 We've had two commenters and held the
9 hearing open for roughly an hour and ten
10 minutes.

11 So, seeing no other further interest
12 in presenting, we will plan to adjourn the
13 public statement hearing, however noting
14 that we will accept written comments until
15 next week on Monday, March 9th, and that
16 written comments are equally acceptable for
17 participation in this process as oral
18 comments are.

19 So, with that and on behalf of the
20 State Energy Planning Board, I want to thank
21 everyone for being with us today.

22 And again, if you have any written
23 comments to submit in addition to oral
24 comments, please feel free to do so at
25 energyplan.ny.gov.

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2 All right. With that we will adjourn
3 the hearing. Thank you very much.
4 (Time noted: 4:08 p.m.)
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1 C E R T I F I C A T E
2
3 STATE OF NEW YORK)
4 : s s
5 COUNTY OF NEW YORK)
6
7 I, TONI FREEMAN GREENE, a Notary
8 Public within and for the State of New York, do
9 hereby certify that the within is a true and
10 accurate transcript of the proceedings taken on
11 March 2, 2020.
12 I further certify that I am not
13 related to any of the parties to this action by
14 blood or marriage and that I am in no way
15 interested in the outcome of this matter.
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 11th day of March, 2020.
18
19
20
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22
23
24 _____
25 TONI FREEMAN GREENE

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