

September 18, 2009

The Honorable David A. Paterson  
Governor, State of New York  
The Capitol  
Albany, NY 12224

**RE: Draft 2009 New York State Energy Plan**

Dear Governor:

I am writing on behalf of the New York Building Congress and our Energy Committee to offer comments on the State of New York's draft 2009 Energy Plan ("the Plan"). We appreciate your leadership on this important issue.

New York State's energy consumers pay among the highest rates in the nation for power. If New York City and State are to reasonably accommodate new economic growth and moderate the high cost of living to maintain its workforce, we must have sufficient power for the increased levels of employment and population forecast for the City over the next twenty years.

In this context, we strongly disagree with the State's opposition to the license renewals of Indian Point Units 2 and 3, whose license terms expire in 2013 and 2015, respectively. Indeed, the significant supply provided by Indian Point must be maintained alongside facilitating the creation of new generation and distribution infrastructure over the next ten years. The draft Plan itself recognizes the substantial costs associated with closing Indian Point as it contemplates the State's growing demand for power. Consequently, we respectfully request that the Final State Energy Plan not specifically name Indian Point, but note that the issue is under review and consideration in a separate forum.

With regard to addressing future demand, the Building Congress urges enactment of a one-stop power plant siting law that results in the timely construction of new, environmentally superior power plants. We support the Plan's vision for a siting law that provides greater market certainty and bolsters the State's grid, and we will work with the Governor and the Legislature in the coming year to make sure that a new plant siting law is enacted.

The energy-efficiency measures proposed in the Plan can also help mitigate overall demand, and will be necessary to help meet the immediate capacity requirements. As such, the NYBC supports the Energy Plan's recommendations to improve energy efficiency programs, increase the efficiency of the state's electric system and implement alternate financing programs to fund energy efficiency retrofits.

The NYBC was also pleased to see the Plan's recognition of New York's transportation infrastructure needs. Nowhere is transportation infrastructure more critical than in New

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York City. Consequently, the Building Congress supports the Energy Plan's recommendations calling on the State to advocate for more federal funding for public transportation in the reauthorization of the federal surface transportation bill.

In conclusion, while there are positions set forth in the Draft Energy Plan that the Building Congress does not support, in particular concerning the future of Indian Point, we believe that it is important to finalize the Plan with some amendments. Moreover, given the variety of forward-looking proposals it contains, encouraging efficiency, innovation and investment, we would urge that the final Plan be actively consulted as we implement the State's energy policy.

Thank you for the opportunity to comment on the State's 2009 Draft Energy Plan. We look forward to continuing to work together to plan and implement policies that will ensure a strong economy and continued investment in New York's energy infrastructure.

Sincerely,

Richard T. Anderson  
President