

STATE OF NEW YORK

COUNTY OF BROOME

NYSERDA Draft 2009 State Energy Plan

Public Hearing
Binghamton, NY

Proceedings held on Tuesday, the 25th day of
August, 2009, commencing at 10:11 a.m.

BEFORE: Ruth I. Lynch
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PANEL MEMBERS: THOMAS CONGDON
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JARED SNYDER
ROBERT CALLENDER

1 MR. CONGDON: Good morning, everyone.
2 My name is Tom Congdon. I am the Chair
3 of the New York State Energy Planning Board.
4 I'd like to welcome you all to the fourth
5 public statement hearing on the Draft State
6 Energy Plan. I'd like to thank our hosts at
7 the beautiful Forum Theatre, and I'd like to
8 thank the other members of our planning board
9 who are here with me today.

10 To our left, Bob Callender from the New
11 York State Energy Research Development
12 Authority; Peter Iwanowicz, Assistant Secretary
13 for the Environment in Governor Paterson's
14 office; Judy Lee, from the Public Service
15 Commission; and Jared Snyder, from the
16 Department of Environmental Conservation.

17 But most important I'd like to thank
18 all of you. We're here to listen to you.

19 For the past year and a half, the
20 planning board has worked with the staffs of
21 ten agencies and public authorities to develop
22 the State Energy Plan. The planning process
23 commenced in April 2008, when Governor
24 Paterson issued Executive Order Number 2 which
25 created the planning board and charged us with

1 developing the plan.

2 On August 10th the planning board
3 released the Draft State Energy Plan on its
4 website, www.nysenergyplan.com, and we
5 commenced a 60-day written comment period and
6 this public hearing phase of developing the
7 final plan.

8 Written comments are due on
9 October 19th, and we will release the final
10 plan by the end of the year.

11 The plan's objectives are to ensure our
12 energy systems are reliable over the ten-year
13 planning horizon; to reduce greenhouse gas
14 emissions; to stabilize energy costs and
15 improve economic competitiveness in the state;
16 to reduce the public health and environmental
17 risks associated with our energy systems; and
18 improve the state's energy security.

19 The plan modeled and considered various
20 approaches to achieving these objectives, and
21 we arrived at a number of strategies that are
22 summarized in -- in the draft plan.

23 First and foremost the plan identified
24 energy efficiency as a priority resource to
25 meeting our multiple objectives.

1 The plan also seeks to develop in-state
2 energy resources, largely renewable resources
3 but also in-state natural gas resources, in an
4 environmentally responsible manner.

5 The plan identifies opportunities to
6 capitalize on our existing academic and
7 research strengths and to facilitate
8 connections between academia and industry to
9 speed up the rate of innovation in energy
10 technologies.

11 There's tremendous economic
12 opportunities associated with these types of
13 partnerships, and the plan identifies a number
14 of strategies to encourage them.

15 The plan also projects infrastructure
16 needs both to support the clean energy
17 technologies to meet our goals but also to
18 ensure reliability.

19 Lastly, the plan recognizes that none
20 of this can be fully achieved without working
21 with all levels of government and with
22 communities to achieve the goals.

23 This public hearing is a testament to
24 the desire to work with and learn from the
25 community that is affected by energy decisions

1 and by energy policies. This is one of nine
2 public hearing sessions we are holding around
3 the state to hear your comments. A full
4 hearing schedule is available on our website.

5 My job today is to gather information
6 for the planning board to consider. And again,
7 we are very appreciative of your attendance.

8 The process is simple. Those who want
9 to comment at this hearing have been asked to
10 sign in upon arrival. Your name will be called
11 one at a time to speak. Please come to the
12 microphone directly in front of me when your
13 name is called.

14 The court reporter is here to prepare a
15 verbatim transcript, and it is very important
16 that there will only be one speaker at a time
17 so the reporter can hear clearly. Speakers
18 should address their comments in the direction
19 of the microphone, and please make an effort to
20 speak clearly and slowly.

21 It's also important that those in the
22 audience be courteous to the speaker so his or
23 her comments can be transcribed accurately.

24 All speakers are asked to focus on
25 issues that pertain to the draft plan. Your

1 comments should be as succinct as possible so
2 we can hear from as many of you as possible.
3 We've set a five-minute time frame for each
4 public statement. And we do have someone
5 keeping time, and she'll give you a gentle
6 reminder if you're bumping up against the five
7 minutes.

8 Formal presentations aren't allowed.
9 Those who want to comment but do not
10 want to do so publicly or do not get a chance
11 to do so today can also submit written comments
12 via our energy plan website. Again that's
13 www.nysenergyplan.com. All public comments,
14 whether stated at a hearing like this one or
15 sent in to the website in written form, will be
16 reported to the Energy Planning Board for its
17 consideration. And they all count equally,
18 regardless of how they were received.

19 Before we get started, does anyone have
20 any questions about the process?

21 Okay. Our first speaker, then, is
22 Lawrence Brinker from Unshackle Upstate.

23 MR. BRINKER: Good morning. Thank you
24 for this opportunity to speak with you this
25 morning.

1 I have just two points that I'd like to
2 emphasize to the group. One is Unshackle
3 Upstate is highly supportive of the development
4 of the Marcellus shale. It is an economic
5 development opportunity for the Southern Tier
6 of New York that simply cannot be passed by.
7 And we urge the DEC to issue its generic
8 environmental impact statement as soon as
9 possible. These continuous delays impact
10 whether or not businesses, drillers, for
11 example, will even seek to drill in New York
12 and puts us at a huge competitive disadvantage.

13 We make no -- no comment about what
14 that report should contain and what the
15 drilling permits are going to require. That's
16 really up to the experts. But we are concerned
17 about the loss of this economic opportunity.
18 And we are also concerned about all the jobs
19 that will be lost if there is no development of
20 the Marcellus shale due to delay of the
21 issuance or onerous drilling permit
22 requirements.

23 The second issue for Unshackle Upstate
24 is the active legislation, tax increment
25 financing. We have been supportive of the

1 Stachowsky-Schimminger bill. We have pushed for
2 a long time to expand the TIF law in New York,
3 similarly as has been done in other states
4 successfully, to help us, particularly in
5 upstate, develop financing that's no cost to
6 the state to develop blighted areas. We have
7 many in Upstate New York in all the
8 municipalities throughout upstate, and
9 expeditious passage of this bill or similar
10 legislation that would make TIF financing
11 available would really help us compete,
12 number 1, with other states. And, number 2, it
13 is time to look at those no cost initiatives,
14 which TIF financing is because it's paid
15 through the incremental growth and property
16 taxes from the development of a blighted area.
17 It's time to put that into this year's budget.
18 And we hope you will consider an executive
19 action that puts the TIF legislation in the
20 2010-2011 budget.

21 Thank you very much.

22 MR. CONGDON: Thank you very much.

23 Our next speaker is John Smigelski from
24 Earthkind Energy.

25 MR. SMIGELSKI: I'm pleased to have the

1 opportunity to comment on the Draft Energy
2 Plan. Having the opportunity means that the
3 governor has the vision to revise the state --
4 revive the State Energy Planning Board and
5 provide the necessary resources to focus on
6 this critical issue, as evidenced by this panel
7 that's here. For this the government should be
8 applauded.

9 I think the draft plan is an excellent
10 start in the process. I wish to focus on two
11 areas I think there could be some additional
12 improvements.

13 The first area that there needs to be
14 more focus on is the rural parts of the state.
15 Half the non-transportation energy use in the
16 state is for heat and hot water. And the most
17 economic fuel to use is natural gas.
18 Unfortunately, rural areas seldom have the
19 opportunity to use natural gas. They must rely
20 on electric, fuel oil, propane for this basic
21 need. The result is that our farms and many of
22 the economic disadvantaged areas of the state
23 must utilize the highest price fuels.

24 Over 700,000 households rely on
25 imported fuel subject to wild price

1 fluctuations over the last years or so. These
2 people should have access to the lowest price
3 energy, yet are required to use the highest
4 priced fuel. Further inhibiting economic
5 growth in these areas of the state and pressing
6 our farm industry.

7 The energy plan should focus on
8 reducing energy costs for this often overlooked
9 area of the state.

10 The second area I'd like to focus on
11 can be related to the first. While the state
12 has developed -- started to develop a solar
13 industry, it is focused primary on PV, with
14 some emphasis on solar thermal. It really
15 doesn't strongly address the 50 percent of
16 energy used for heat and hot water.

17 Solar thermal technology has been used
18 worldwide to cut in half the energy use of heat
19 and hot water. European communities like such
20 as Germany, which has a poorer solar resource
21 compared to New York State, has effectively
22 used this technology not only to reduce energy
23 costs and consumption but to create industry.
24 And this means jobs; 20,000 jobs.

25 The energy plan needs a more detailed

1 long-term vision to make New York the leading
2 market for solar energy in the northeast,
3 saving energy, creating jobs.

4 There are several steps that can be
5 taken that will result in significant benefits
6 to the state. First, for example, the solar
7 thermal needs to be included in the RPS. There
8 needs to be a cooperative industry government
9 campaign to raise public awareness, similar to
10 the campaigns that transformed many of the
11 European markets.

12 Second, institute a New York State
13 government solar energy purchasing program to
14 provide simple mechanisms for New York State
15 government agencies, authority, municipalities
16 to purchase PV and solar thermal products. The
17 government needs to lead by example.

18 Second is -- the third is to provide
19 programs that enable fuel and propane users to
20 rely on thermal technologies. This can take
21 many forms.

22 Another is to create jobs by fund --
23 quickly by funding incentives to small and
24 medium solar sized systems. Reducing energy
25 costs, helping businesses to succeed and grow.

1 Thank you again for this opportunity to
2 express the importance of rural focus on the
3 plan and promoting more extensive use of
4 renewable energy such as solar thermal which
5 will promote job growth in the state while
6 reducing our dependence on foreign oil and
7 reducing energy costs in rural areas.

8 Thank you.

9 MR. CONGDON: Thank you very much.

10 For those of you who are bringing in
11 statements to read in the record, if you
12 wouldn't mind leaving a copy of that written
13 statement with our court reporter, it would
14 assist her in making sure that she's
15 transcribing everything accurately. Thank you.

16 Our next speaker is Cecile Lawrence
17 from Tioga Peace and Justice.

18 MS. LAWRENCE: Good morning, my name is
19 Cecile Lawrence.

20 MR. CONGDON: Sorry.

21 MS. LAWRENCE: And I'm a member of
22 Tioga Peace and Justice. And thank you very
23 much for this opportunity to speak to you
24 today.

25 My main concern is health; the health

1 of the residents of New York State, the health
2 of the rivers, the health of the forests, the
3 health of the farms, and the health of the
4 animals in New York State. And that is why I
5 am very concerned to see focus in this draft
6 energy report on natural gas drilling.

7 I do realize the need for energy,
8 especially the local produced energy in New
9 York State. I appreciate that I get my source
10 of heat from natural gas. But I would prefer
11 not to be getting my source of heat from
12 natural gas, and many of us in Upstate New
13 York, as we know, we experience the winters
14 here, and I have lived in Buffalo, so I know
15 what it can be like. But I don't have a
16 choice. I -- financially I don't have a choice
17 right now whether to use natural gas or not. I
18 would like to see more of a focus on giving
19 incentives for developing non-fossil fuel
20 sources of energy as rapidly as possible.

21 I have a problem with natural gas being
22 seen as a transition fuel. This is what I have
23 heard and have read. I am extremely concerned
24 about the divisions that appear to be occurring
25 right now between people who are for gas

1 drilling and people who have questions and
2 concerns. I myself am just in the process of
3 asking questions about the noise from the
4 trucks, the noise from the drilling, which
5 apparently can be either like a hair dryer held
6 close to your hair or even the sound of an
7 airplane underground when the hydrofracking is
8 occurring.

9 I am deaf in one ear. I have
10 hypersensitivity in the other ear. I would not
11 want to be anywhere near any of this. I cannot
12 afford to leave the area when the drilling is
13 occurring.

14 I'm also concerned about the diesel
15 fuel, the -- the pollution from the increased
16 amount of trucks that will be here, because
17 there is good research that indicates increased
18 rates of asthma amongst children in an
19 atmosphere where diesel trucks and diesel buses
20 are running.

21 I'm also of course very concerned about
22 the fluids in the hydrofracking. And I have
23 heard and been informed of accidents that have
24 occurred, or maybe not careful monitoring that
25 has occurred, have occurred, in Wyoming and

1 Colorado and Texas and in Pennsylvania. This
2 is a new system that's being tried. While
3 hydrofracking is not new, it is new to New York
4 State. We have had drilling that's vertical
5 before. And for the DEC to say that there have
6 been no histories of accidents is really
7 disingenuous because the DEC has not been
8 keeping complete 100 percent track of what's
9 been happening with drilling in New York State.

10 I would like to see also in the draft
11 plan an increase, somehow to get the money,
12 maybe from taxing the drilling companies, which
13 I know some people object to, an increase in
14 the staffing of DEC. DEC is woefully
15 understaffed. And we're going to be needing
16 lots of monitors; people monitoring wells,
17 people monitoring the -- the sites, people
18 monitoring the air, monitoring the water,
19 monitoring the soil, to make sure that human
20 error is limited as much as possible, because
21 we are dealing with human beings here.

22 And I want to end with expressing my
23 concern about executive order 25, which if I
24 understand correctly the governor intends that
25 all current rules and regulations be reviewed.

1 I am concerned that this might be apparently
2 under pressure from businesses and corporations
3 who do not want as much review.

4 New York State apparently has a
5 reputation for being highly regulated, and I
6 think that is all to the good because our
7 health is nonnegotiable. Therefore, I would
8 hope that in the process of carrying out
9 Executive Order 25 that rules and regulations
10 that currently protect the life and well-being
11 of the soil, the air, the residents of New York
12 State is not put at risk because of a need for
13 speed. We need to slow down to make sure that
14 things are done correctly and that there is
15 proper monitoring because we're dealing with
16 human beings, and human beings make mistakes.

17 And corporations, as much as I --
18 regardless of my opinion for or against
19 corporations, there are some corporations,
20 enough of them in this area, IBM is one, Ozalid
21 is another one, and the list goes on, that have
22 left behind illness and death. And I would not
23 want to see this happen when and if
24 hydrofracking in the Marcellus and other shales
25 starts in New York State.

1 Thank you.

2 MR. CONGDON: Thank you, Cecile.

3 Our next speaker is Heidi Gogins from
4 Farm Catskills.

5 MS. GOGINS: Good morning. My name is
6 Heidi Gogins. I own a farm in Delaware County.
7 I don't represent any organization. I have
8 about 75 chickens and some other animals. I'm
9 here just as a citizen because I'm concerned
10 also about health.

11 Miss Lawrence pretty much made my
12 speech so I can make this very short.

13 I think that I'm -- I'm concerned about
14 the gas drilling because I think this is a
15 question of short-term gains and economic gains
16 versus people's health. And I don't think that
17 the risks are going to be apparent for quite a
18 while. And I would hate to see the State rush
19 into something that really cannot be undone.
20 We can live without the gas. We cannot live
21 without water. No people can live without
22 water. Animals can't live without water,
23 there's no agriculture without water.

24 Agriculture is big business in New York
25 State. And it may not be as big money,

1 certainly not now, any farmer knows that, it's
2 no money right now. But if you give up your
3 land for this kind of thing, you can't get it
4 back. There is no going back. It's not the
5 kind of thing that can be undone.

6 So I just urge you to please protect
7 people's health. That's what you guys are
8 elected for is to work for us. And I think
9 it's very important to know that.

10 And that's all I wanted to say. Thank
11 you.

12 MR. CONGDON: Thank you very much.

13 Our next speaker is David Boyle from
14 Cayuga-Onondaga BOCES.

15 MR. BOYLE: Good morning. I'm
16 particularly happy to offer some comments
17 concerning our relationship with NYSERDA by way
18 of a brief case study. Since both our
19 organizations are dedicated to the concepts of
20 efficiency and effectiveness.

21 MR. CONGDON: Sir, could you speak into
22 the microphone?

23 Thank you.

24 MR. BOYLE: Sorry.

25 BOCES serves a population of about

1 14,000 students. We offer 45 specific
2 services. Examples include vocational
3 education, various automotive mechanics, and
4 computer graphics; staff development for
5 teachers, contract negotiations, access to the
6 Internet, and cooperative purchasing.

7 We also run a shared business office
8 that processes payroll and accounts payable.

9 I would like to provide some comments
10 to support my observations.

11 I've been the assistant superintendent
12 of this BOCES for over 22 years and also worked
13 in several other school districts. I was also
14 fortunate to receive my doctorate in education
15 from the University of Buffalo. I have a great
16 experience in working with different sorts of
17 organizations. But in September of 2008 we
18 began occupancy of a new \$42 million complex to
19 replace the very first BOCES built in the
20 state. The old center had outlived its useful
21 life, it was extremely costly to maintain and
22 did a poor job of supporting our educational
23 programs.

24 The new complex is an educational
25 marvel with cutting edge technology, and we

1 believe it will be the first BOCES facility to
2 achieve a green building rating by the United
3 States Green Building Council. In fact, we
4 expect that we will receive a gold rating.

5 Our building actually is 44 percent
6 more efficient than if we had built it to
7 standard construction code. Our heat and air
8 conditioning is powered by a geothermal well
9 system. This minimizes our reliance on fossil
10 fuels. Our lighting system uses natural light
11 supplemented by high efficiency electronics.
12 We conserve more energy by using low flow
13 toilets and fixtures. There are many other
14 examples, but the fact is they were implemented
15 largely through BOCES' relationship with
16 NYSERDA.

17 Early in the process our architect and
18 I made contact with NYSERDA for educational
19 materials to guide us. NYSERDA quickly
20 responded and assigned one of its private
21 contractors to help us. The fellow assigned
22 was named Jeremiah Schmidt. He was extremely
23 helpful, as were his coworkers, Todd Mayer and
24 Tammy Schickler. Through NYSERDA's
25 sponsorship, those individuals were able to

1 guide BOCES in obtaining grant approval that
2 included several co-sponsored feasibility
3 studies and rebates on qualifying construction
4 costs. The total amount earned was just under
5 \$400,000. These funds were used for the
6 educational side of the building project,
7 principally to fund equipment to students.

8 In the course of construction, NYSERDA
9 stood by our side to guide our efforts and to
10 suggest options for fine-tuning. I am in debt
11 to many of the NYSERDA employees for the
12 quality of effort they gave our project. Craig
13 Kneeland specifically made an enormous
14 development of time and expertise to us.

15 Our project has generated tremendous
16 local and statewide interest. To the extent
17 that we have succeeded, NYSERDA has been a
18 valuable and willing partner.

19 I want to conclude my own case study by
20 three thoughts. Firstly, NYSERDA does not
21 needlessly push energy projects. I recently
22 contacted them about the possibilities for wind
23 and solar generation. Due to the energy
24 efficiency of the new campus, NYSERDA was
25 quickly able to advise BOCES that the pay-back

1 period would be exceptionally long. So
2 taxpayers' money was not spent on a needless
3 study.

4 Secondly, all the individuals I have
5 met at NYSERDA were exceptional professionals.

6 And finally, the Cayuga-Onondaga BOCES
7 holds NYSERDA in the highest regard. Members
8 of this commission have BOCES' standing offer
9 to visit our fantastic facility and personally
10 verify the praise that NYSERDA receives from
11 our BOCES.

12 Thanks for listening to my comments,
13 and I hope that NYSERDA is permitted to
14 continue its service to the community.

15 MR. CONGDON: Thank you.

16 Our next speaker is Caroline Martin
17 from Catskill Citizens for Safe Energy.

18 MS. MARTIN: Hi, I'm Caroline Martin.

19 Because your draft didn't come out till
20 August 10th, I haven't actually had enough time
21 to read it. I've just requested a hard copy,
22 which apparently will be sent to me, so I'll
23 probably have to put something in writing.

24 The plan has a ten-year planning
25 horizon. Environmental effects from things

1 like gas drilling will extend well beyond ten
2 years. While one of the five policy objectives
3 listed on the first page is reduce health and
4 environmental risks associated with the
5 production and use of energy across all
6 sectors, the potential health and environmental
7 risks associated with gas drilling in the
8 Marcellus shale are not adequately addressed in
9 the energy plan. Apparently there is 17 people
10 at DEC who will be enforcing whatever rules you
11 come up with for gas drilling, and there's a
12 real question if that's enough people.

13 In the section on natural gas, the plan
14 lists potential economic, positive economic
15 impacts, and does mention some potentially
16 negative impacts. But in my opinion the
17 negative impacts are not stressed enough.

18 It should be pointed out that if
19 properly measured the negative impacts may in
20 fact outweigh the positive impacts. Of course
21 they are very difficult and may be impossible
22 to actually estimate positive impacts.

23 The two recommendations in the section
24 on natural gas are, quote, support private
25 interests and investment in drilling in the

1 Marcellus natural gas reserves and natural gas
2 pipeline expansions to improve supply and
3 deliverability of natural gas to market in New
4 York in an environmentally acceptable manner;
5 and, quote, study the potential of new private
6 investment and extraction of natural gas in the
7 Marcellus shale on state-owned lands would not
8 be inconsistent with public trust or part-time
9 doctrines. In addition to development on
10 private land.

11 No mention is made in these
12 recommendations of reducing health and
13 environmental risks. To me that indicates that
14 properly studying potential environmental
15 effects and negative environmental impacts is
16 not one of the recommendations. These
17 recommendations come across as drill, baby,
18 drill without regards to any negative impacts.

19 Thank you.

20 MR. CONGDON: Thank you very much.

21 Our next speaker is Gay Canough from
22 ETM Solar Works.

23 MS. CANOUGH: Good morning. I am Gay
24 Canough from ETM Solar Works, and I want to
25 remind you that there's enough solar energy

1 falling on New York State to power -- in one
2 day to power the state for a whole year. In
3 spite of the fact that we live in Binghamton.

4 We actually have a lot more sun in New
5 York than they do in Germany. Germany gets the
6 amount of sun that Juneau, Alaska, gets, and
7 yet Germany has about 6,000 megawatts installed
8 solar capacity, while the entire United States
9 has around 200. New York is about 20. So we
10 have a big resource here that we can use.

11 In fact, if you covered about one-third
12 of the existing buildings and parking lots with
13 solar cells, you could actually power the whole
14 State of New York.

15 Now I want to, I want to give my
16 enthusiastic approval for the energy plan's
17 rundown on energy efficiency. That is the best
18 bang for the buck, one of the most important
19 things, and I think the plan has done a great
20 job at talking about that and giving
21 recommendations. The goals are excellent.

22 One of the things mentioned in the plan
23 was about the cost of renewable energy and
24 about the cost of solar energy. And I want to
25 remind you that any kind of power generation is

1 much less expensive when done on a large scale.
2 So all the comments you hear about solar are
3 basically speaking to an industry that is
4 really small, that has done solar on a really
5 small scale. We haven't done it on a big scale
6 yet, and so this comparison about expense just
7 doesn't wash. A 10 kilowatt system, 10
8 kilowatt power plant of any stripe is going to
9 be a lot more expensive than a 300 megawatt
10 power plant. And most fossil fuel fire power
11 plants are in that 300, 800 megawatt range,
12 whereas the biggest solar power plant in New
13 York I think is still in the 1 megawatt range,
14 all right. So -- so we can't really do that
15 cost comparison yet. We need to do solar a lot
16 bigger to lower the cost.

17 That in turn implies, you know, the
18 question how do we grow the industry. The plan
19 does have some very nice things in it already
20 to start growing the industry. One of the
21 things mentioned in there was the fixing of the
22 net metering bill for commercial systems.
23 Which we really need to do.

24 I want to give you some -- a couple
25 more specifics. We need to create a long-term

1 plan that provides clear incentives for the
2 deployment of up to 2,000 megawatts of
3 photovoltaics, solar, solar electric systems,
4 by 2017. The current incentive structure for
5 deploying

6 PV does not provide the industry and the
7 investment community with the assurance it
8 needs to adequately capitalize the market.

9 Funding for customer-cited solar in the
10 state's RPS is not allocated with long term,
11 the long-term approach. New York needs to
12 enact policies that will provide clear
13 long-term solar incentives which reduce over
14 time as the PV installations reach economies of
15 scale. And -- and economies of scale, I mean
16 we are getting there fairly quickly now. So a
17 ten-year timeline is perfectly reasonable to
18 have an incentive structure that kind of ramps
19 down until we're at grid parity where solar
20 electricity is just as cheap as any other kind.

21 The income tax revenue alone as far as
22 job creation goes is estimated to be around a
23 hundred million to a hundred fifty million
24 dollars. So, you know, that can offset some of
25 the invested cost.

1 As far as the cost of the ratepayers
2 go, there is a very good -- there's some
3 studies out there already showing that the
4 benefits can easily outweigh the cost, when it
5 comes to solar electricity, especially
6 downstate where we have a large
7 air-conditioning load that is readily served by
8 solar electricity. And the rates are
9 relatively high down there, and the peak rates,
10 when there's more needs than we have
11 electricity, are even bigger. So -- so that's
12 number 1.

13 Number 2 is to recognize that solar
14 thermal technologies have great potential to
15 help New York reach its renewable energy
16 production climate goals. So John Smigelski
17 mentioned the solar thermal. There is a lot to
18 be done. We have done virtually nothing with
19 solar thermal in New York. We need to have
20 some mechanisms to incentivize that.

21 And then I wrote several other things
22 which I will leave with the reporter here. But
23 I want to mention one thing that really, really
24 wasn't talked about much in the plan. And
25 that's the incentive structures. Renewable

1 energy credits was mentioned. I want you to
2 consider a fixed solar power premium per
3 kilowatt hour incentive instead of fluctuating
4 RECs or discounts and rebates.

5 A solar power premium allows for system
6 financing, which is essential for systems of
7 all sizes. And that -- that really needs to be
8 a fixed premium. New Jersey had a fluctuating
9 renewable energy credit, and it has been really
10 kind of messy, you know, they've had lots of
11 trouble with that.

12 The New York Solar Energy Industries
13 Association actually has a plan for this type
14 of incentive. It would greatly reduce
15 paperwork, a current barrier for the
16 discount/rebate type of incentive systems.

17 Although any given system owner would
18 have a fixed premium for a fixed number of
19 years, each year the premium amount would be
20 less for new system owners and would ramp down
21 to zero over ten years. This mirrors the cost
22 reduction of solar and does not saddle the
23 ratepayers with any open-ended costs. Best
24 all, it would allow for rapid growth of the
25 solar industry and growth of green jobs in New

1 York. It's a proven mechanism already
2 demonstrated in other countries and other
3 states.

4 So these are some of the specifics that
5 we should include in the plan.

6 Preliminary studies have shown that the
7 deployment of solar energy can save the
8 ratepayers more money than it costs to
9 incentivize their deployment, and those savings
10 accumulate to large sums over time because
11 solar energy systems will keep producing for
12 decades and require no fuel.

13 There's also a big opportunity to take
14 a leadership position and use the largest
15 renewable resource around, solar energy, to
16 create and -- to create many fundamentally
17 local jobs. Thank you.

18 MR. CONGDON: Thank you very much.

19 Our next speaker is Sarah Eckel
20 from Citizens Campaign for the Environment.

21 MS. ECKEL: Hi. Thank you for the
22 opportunity to comment today.

23 I'm Sarah Eckel, I'm with the Citizens
24 Campaign for the Environment, the program
25 coordinator out of our Central New York office.

1 CC represents 80,000 members in New York power
2 communities and advocates solutions that
3 protect public health in our natural
4 environment. CC works actively at local,
5 state, and federal level to advance sound
6 energy policies that protect our environment.
7 And create green jobs and local opportunities.

8 Thank you for providing the public with
9 the opportunity, I'm going to. Thanks. For
10 providing the public the opportunity to give
11 feedback on New York State's Energy Plan.

12 One of the biggest things that's been
13 repeatedly said today is that we really are
14 pleased with the focus on efficiency in the New
15 York State draft plan. The cheapest kilowatt
16 is the kilowatt we never use, so working to
17 make our homes and businesses more energy
18 efficient is obviously the most sustainable way
19 to address our energy needs.

20 And while energy efficiency is
21 critical, we do want to see an increased focus
22 on renewable energy as opposed to dirty fossil
23 fuels and expense of nuclear power. CC
24 supports the governor's 45 by 15 plan which
25 requires 45 percent of New York's energy mix to

1 be obtained from renewable energy and energy
2 efficiency by the year 2015, which is obviously
3 supported in your plan.

4 A couple key concerns that we have,
5 primarily as been mentioned today, we are
6 concerned about drilling in Marcellus shale.
7 We want to make sure that any energy that we
8 use is subjected to rigorous environmental
9 review. And we don't want to see New York's
10 precious water resources jeopardized due to
11 drilling.

12 And secondly, no new nuclear power
13 plant has been built in New York State in
14 decades, and it's not a question of why. It's
15 expensive, there's a legacy of waste, and for
16 example, right now in western New York, west
17 valley is figuring out how to clean up a legacy
18 of toxic contamination. And the proposed plan
19 is to clean up just a fraction of that and
20 leave the rest of it for 30 years.

21 We don't want to see any other
22 communities left with legacy of waste and
23 contamination.

24 We will be submitting comprehensive and
25 substantive comments on the energy draft plan.

1 I know that we've been at several other
2 hearings so I wanted to keep it short today.

3 Thank you.

4 MR. CONGDON: Thank you very much.

5 Our next speaker is James Funai. I
6 apologize if I'm getting the name wrong.

7 MR. FUNAI: Oh, that's all right,
8 everybody butchers it. It's Funai.

9 MR. CONGDON: Funai. James Funai from
10 Broome County Community College.

11 MR. FUNAI: Broome Community College.

12 Sorry about that.

13 Just real quick, I just want to let you
14 review what Broome Community College and the
15 other community colleges in the state are doing
16 to meet some of the energy conscious energy
17 usage issues. I'm sorry, I'm stepping away.

18 One of the things that we've done over
19 the past few years is to increase the training
20 that we've done for the building analyst and
21 globe shell specialist, that sort of thing.
22 Broome Community College and the other training
23 affiliates, which are many, many throughout the
24 United States, I'm sorry, throughout New York
25 State, we are in partnership with BPI, Building

1 Performance Institutes; CSC, Conservative
2 Conservation Group, and NYSERDA. We offer
3 currently training as a building analyst and
4 globe shell specialist, heating and cooling,
5 and also PV, photovoltaics.

6 Over the past year, from January of
7 this year to August, the current time, our
8 training has doubled from last year. Because
9 of companies recognizing the need for trained
10 professionals to go in and do an audit, if you
11 will, on particularly individual homes. What
12 we do, our whole concept, the very first thing
13 you learn in these classes is similar to a
14 doctor. Do no harm to the building or the
15 individual or the occupants of that house.

16 As we go through there we learn to use
17 a variety of equipment from the energy
18 snippers, carbon monoxide, blower doors, that
19 sort of thing, to do an audit on the house, to
20 check for proper air sealing, proper
21 insulation, proper use of, you know, say
22 outdated windows, outdated or inefficient
23 furnaces, hot water tanks, refrigerators,
24 stoves, dryers, washers. Anything that uses
25 energy.

1 I mean if you have a furnace that's 40
2 years old, it's probably only about 80 percent
3 efficient, where the newer ones now can be
4 anywhere from 85 to 95 percent efficient,
5 depending on what you want to do. The -- the
6 building analysts are all trained to recognize
7 these things and to make recommendations to the
8 individual homeowner.

9 As I said, over the -- over the course
10 of this current year we've doubled our
11 training, and the companies are no -- noticing
12 and are utilizing this more and more.

13 The other training affiliates are way
14 out through the state, I mean there's many
15 within New York City proper, you know,
16 literally all over the Bronx, Hudson Valley.
17 And as I said, some of the BOCES programs. But
18 these programs are also being recognized
19 throughout the United States, as can be seen by
20 what's going on on the west coast, California
21 in particular.

22 And it's been mentioned several
23 times about the usages of a lot of these things
24 in Europe. We're trying to make that more
25 efficient so people can see what they need to

1 do to increase the energy efficiencies of their
2 own individual homes, to reduce their energy
3 costs.

4 Broome -- was it Tioga Opportunities
5 just recently became an accredited company.
6 And their primary mission is for weatherization
7 of low income families. And literally BCC
8 stands by a lot of these things, and we also
9 recognize what's necessary, and we're hoping to
10 establish a two-year accredited program in
11 energy sciences.

12 What we'd also like to do eventually
13 too is have a kids program to train, or, not
14 train, really, but just make the children and
15 young teens aware of the energy uses, energy
16 efficiencies, what needs to be done for
17 recycling, that sort of thing. Better utilize
18 natural gasses, fuel oils, PV, that sort of
19 thing.

20 Thank you.

21 MR. CONGDON: Thank you very much.

22 Our next speaker is Ed Arzoulan from
23 Bates Troy Inc.

24 MR. ARZOULAN: Good morning. Thank you
25 for giving me the opportunity to comment.

1 My name is Ed Arzoulan, I'm here with
2 Bates Troy. We provide health care linen
3 services to hospitals and other institutions
4 within a 90-mile radius of Binghamton. We
5 employ about a hundred people here locally.

6 We'd like to comment on the economic
7 competitiveness within the state and the
8 importance of NYSERDA and its programs in
9 assisting with that.

10 Bates Troy was fortunate enough to
11 benefit from three NYSERDA programs recently.
12 We were given a grant to install more efficient
13 washing machines and, well, complete laundry
14 systems in our -- in our plant. We just
15 finished one year of monitoring and analysis of
16 those -- of that equipment, and among some of
17 the results we're able to show were savings of
18 approximately \$300,000. This includes about
19 11,000 decatherms of gas that were saved, 21
20 million gallons of water, and 30,000 kilowatts
21 of electricity.

22 The NYSERDA grant was vital to us in
23 being able to install this equipment.

24 We also benefited from the Energy Smart
25 loan fund to assist us with our financing.

1 Again this was very important for us to be able
2 to install this equipment and also expand our
3 plant by -- with a \$4 million expansion of
4 about 14,000 square feet.

5 We also benefited from the Energy Smart
6 commercial lighting program, and we have shown
7 14 percent savings in one year. In the
8 efficiency of our electricity.

9 So we feel that -- we hope that NYSERDA
10 will be able to continue with these programs
11 and continue to offer more of them to industry
12 in New York State. Not only did we benefit
13 from this, this grant, but we purchased our
14 laundry equipment from GA Braun in Syracuse.
15 And this was the first of its kind built in New
16 York State. The research was done in our
17 facility. And our clients who are primarily in
18 New York State benefit from the savings and the
19 efficiency of this equipment.

20 That's about all I have to say this
21 morning. Our president, Brian Krosan, is here,
22 and he was scheduled to speak but I think I've
23 spoken for him.

24 MR. CONGDON: Okay, terrific. Thank
25 you very much.

1 Our next speaker is Kevin Lilly.

2 MR. LILLY: Thank you. I am the
3 appliance general manager for Olum's, here in
4 Binghamton and in Syracuse, New York.

5 Olum's has partnered with NYSERDA and
6 Energy Star for over 15 years now. In a recent
7 report and survey that we conducted, 88 percent
8 of consumers cared about energy efficient
9 appliances. Selling Energy Star qualified
10 products not only gives you outstanding value
11 but most importantly will positively impact our
12 communities and the environment in which we
13 live in. This Energy Star initiative is not a
14 side component of Olum's corporate strategy;
15 rather, it is a major platform with our
16 promotional strategy and assists us in
17 distinguishing ourselves from the rest of the
18 retailers in our marketplace.

19 Recently we have run promotions such as
20 go green, get green. We gave cash back on
21 Energy Star products along with -- along with
22 energy saving light bulbs and seedling trees.

23 Another promotion was be green, shop
24 green. This is the theme at our 2009 Southern
25 Tier Home Builders and Remodelers Associates

1 Home Show here in Binghamton. Our design and
2 informational impact gave us a second place
3 finish among -- among hundreds of vendors.

4 Currently now you can find Energy Star
5 products on clothes washers, refrigerators,
6 dishwashers, room air conditioners,
7 dehumidifiers, and now the HD TVs.

8 At Olum's we provide our customers with
9 the incentives to purchase Energy Star
10 qualified appliances. We proudly state in all
11 our advertisements when the product is Energy
12 Star qualified. NYSERDA has made this possible
13 with dollars for Olum's to continue to educate
14 the advantages of these products. And we hope
15 that they will support this in the future.

16 Thank you.

17 MR. CONGDON: Thank you very much.
18 It's terrific to hear the real world examples
19 of our energy efficiency policies. Thank you.

20 Our next speaker is Amelia LoDulce from
21 the City of Binghamton.

22 MS. LODULCE: Thank you, and you got my
23 name right. It's very uncommon.

24 I am the senior development planner for
25 the City of Binghamton, and I'm here today to

1 provide some comments on behalf of Mayor Matt
2 Ryan.

3 First I'd like to say that I was
4 just -- I was extremely impressed by the
5 comprehensive nature of the report. I'm very
6 pleased to see the emphasis on energy
7 efficiency and conservation and also reducing
8 our greenhouse gas emissions.

9 First, I'd like to say that we are very
10 pleased that you've recognized the importance
11 of allowing new innovative programs that will
12 advance the state schools for energy
13 efficiencies, programs that will be based
14 locally, for example the Binghamton Energy
15 Efficiency Program, which we did receive
16 legislation to enable us to create that
17 program, which was fantastic.

18 We would also hope that the State will
19 continue to work on enacting the green homes,
20 green New York program, which will expand
21 opportunities for green jobs across the state.
22 And enable homeowners to reduce their en --
23 their energy costs.

24 Second, we are very happy to see that
25 this -- this report emphasizes the importance

1 of land use planning in reducing energy
2 consumption. As stated in the report, land use
3 planning does impact the amount of miles that
4 people travel in vehicles, and vehicle miles
5 traveled result in huge amounts of greenhouse
6 gas emissions.

7 The city has itself been looking for
8 ways to perhaps overhaul our land use code so
9 that we can reduce the amount of VMTs that
10 folks travel on average to concentrate
11 development. One of the unfortunate things is
12 there's not a lot of grant opportunities out
13 there for us to do the studies necessary. And
14 we hope that New York State will consider
15 making grants available for municipalities to
16 undertake initiatives to reduce EMT, to promote
17 smart growth, and form base coat.

18 In addition to funding opportunities,
19 New York State could very much help local
20 municipalities to incorporate smart growth
21 principles into their planning by taking
22 leadership on this issue through education
23 across the state by promoting regional
24 cooperation.

25 Within the city we only have so much

1 land, and we're surrounded by a number of
2 municipalities that are very different in
3 nature and more suburban or rural. And we're
4 seeing a lot more development happening around
5 the edges of our community, but we don't have
6 the ability to determine how that development
7 happens. That development impacts our
8 downtowns, it impacts our rivers, which impact
9 our land through floods, which increases as
10 more development paves over more land, creates
11 more impervious surfaces.

12 So we could really use the help from
13 the State to promote the concepts of smart
14 growth. Regionally and communities that
15 haven't really thought of themselves as urban
16 areas needing these kinds of new principles to
17 guide their land use planning.

18 Finally, I was asked to -- to make a
19 comment on Marcellus shale. Even though in the
20 city we don't expect drilling pads to be put in
21 place right in the city, we certainly hope that
22 if the drilling does happen in Marcellus shale
23 it gets done in a safe and regulated way and
24 that the DEC is adequately staffed to ensure
25 that regulations are upheld.

1 And we hope that in addition that
2 taxpayers are -- and homeowners, landowners are
3 properly protected so that if there are issues
4 of contamination that they're not the ones left
5 cleaning up the mess. And footing the bill.
6 If this is -- if the drilling is going to
7 happen, we need to have safety measures in
8 place to assure that the costs of drilling are
9 covered by the drilling profits and not passed
10 on to taxpayers.

11 And -- and we also hope that the gas
12 drilling doesn't derail us from creating --
13 from promoting a clean energy economy and
14 promoting renewables.

15 And thank you for your time.

16 MR. CONGDON: Thank you very much.
17 Thank you to the City of Binghamton for being a
18 leader in energy efficiency. We look forward
19 to working with you on your new financing
20 program.

21 We're going to take a ten-minute break.
22 We'll be back up here in ten minutes. We're
23 going to see if there are any others who have
24 signed up to speak. And if there aren't any,
25 we may convene after the break. Or, I'm sorry,

1 we may conclude after the break. Thank you.

2 (Recess taken)

3 MR. CONGDON: We are gonna reconvene.

4 I apologize for the longer than
5 ten-minute break, but it was worth the wait,
6 'cause we did get another speaker to sign up.

7 Is Rosemary Aures available?

8 Rosemary?

9 MS. AURES: Good morning. Thank you
10 for two things. Thank you for waiting for me,
11 for one speaker. And two, thank you for
12 pronouncing my name correctly. Nobody ever
13 gets it right. So thank you.

14 I'm not representing any government,
15 I'm not representing any organization or group.
16 I'm just me. And my credentials are that I'm a
17 citizen of Binghamton, New York. I've lived in
18 various places, been around the world
19 traveling. I started off my career, I was a
20 service coal miner and blaster in the state of
21 Kentucky. I was an agency person for the DEC
22 conservation districts in Pennsylvania. And
23 now I am the environmental analyst for a local
24 firm working with transportation, airports, and
25 highways. So I have a little bit of experience

1 with environmental affairs.

2 I would like to thank you for as a
3 panel and as a State of New York for planning
4 for energy in the future. It's been a very sad
5 state of planning in the past. I have seen
6 mountains removed from the state of Kentucky, I
7 helped remove some of them. I have seen farms,
8 pristine farms, pollute the daylights out of
9 rivers in the state of Pennsylvania. And then
10 I've seen all sorts of things going crazy in
11 New York. And except for planning, this is
12 what happens.

13 So my comment is not any trick or
14 pleading for money or anything but to highly
15 encourage you to plan; plan in detail, plan
16 with intent, and plan with the future in mind.
17 Especially in the State of New York we have a
18 dissected community as a state. We have
19 downstate metro area and the upstate rural
20 area. I would hate to see that huge sucking
21 sound that you hear come out of Albany and hit
22 the metro area of New York continue in the
23 energy policy. It doesn't have to be that way.

24 I work a lot with the Catskill water
25 reservoirs and see a lot of our good, pristine

1 water going to New York and drip through
2 faucets and wasted through the system because
3 it's not used wisely. It's wasted. It's --
4 it's free. And I would hate to see that with
5 our other energy resources.

6 We have gas resources, wind, solar up
7 here in upstate; we have other resources that
8 will be used for energy, and I would highly
9 encourage you to continue that planning process
10 with a great deal of wisdom. So that we do not
11 run out of our resources, so that we do not
12 enable the wasting of those resources. And so
13 that we have something to hand off to our
14 children, grandchildren, and
15 great-grandchildren.

16 So thank you very much for your time.
17 And thank you for your efforts.

18 MR. CONGDON: Thank you very much.

19 That is all the speakers who have
20 signed up to provide us with a statement today.
21 We are going to keep the public hearing open
22 for another half an hour. And after that half
23 an hour if no one else signs up to speak, we
24 will adjourn at that time. So we'll be around
25 to discuss with you the plan, if you'd like to

1 chat. And otherwise we'll be looking for
2 additional speakers, and we'll come back up
3 here in a half an hour and take those
4 additional speakers or adjourn.

5 Thank you.

6 (Recess was taken from 11:40 a.m. to
7 12:07 p.m.)

8 MR. CONGDON: Thank you all for staying
9 around. No additional speakers have signed up
10 so we're going to adjourn for the day. Our
11 next public hearing is September 9th in
12 Farmingdale, Long Island.

13 So thanks again for your participation.
14 And this concludes our hearing today. Thank
15 you.

16 AUDIENCE VOICE: Thank you.

17 (Proceedings were adjourned at
18 12:08 p.m.)

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C E R T I F I C A T E

IN THE MATTER OF: NYSERDA Public Hearing
 Binghamton, NY

ON: Tuesday, August 25, 2009

BEFORE: RUTH I. LYNCH
 Registered Professional Reporter
 Registered Merit Reporter

 This is to certify that the foregoing is a true
and correct transcript, to the best of my ability, of
the stenographic minutes of the proceedings held in
the above-mentioned matter, on the above-mentioned
date, and of the whole thereof.

EMPIRE COURT REPORTERS

By _____
Ruth I. Lynch
Registered Professional Reporter
Registered Merit Reporter

