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DRAFT 2009 NYS ENERGY PLAN
PUBLIC HEARING

Date: September 10, 2009
Time: 3:00 p.m.
Location: Gold Room
Student Center, 6th Floor
Campus Road & East 27th Street
Brooklyn, New York
Before: Thomas Congdon, Chair
NYS Energy Planning Board
Frank Murray, President and CEO
New York State Energy Research and
Development Corporation
Garry Brown, Chairman of the NYS Public
Service Commission
Lisa Garcia, NYS Department
of Environmental Conservation

1 MR. CONGDON: My name is Tom Congdon, and I
2 am the Chair of the NYS Energy Planning Board and I'm
3 also the Deputy Secretary for Energy in Governor
4 Paterson's Office.

5 I would like to welcome you all to the sixth
6 public hearing on the draft State Energy Plan. And I
7 would like to thank our hosts here at Brooklyn College,
8 and I would also like to thank the other members of the
9 planning board who are here with me today.

10 On my left is Garry Brown, who is the
11 Chairman of the Public Service Commission; on my right
12 is Frank Murray, who is the President and CEO of the New
13 York State Energy Research and Development Authority.
14 We should be joined soon by Lisa Garcia, who is designee
15 for the Commissioner of the Department of Environmental
16 Conservation.

17 I would like to thank all of you for coming
18 today because it is, after all, you who we are here to
19 listen to and to hear your thoughts on the draft State
20 Energy Plan.

21 For the past year and a half, the planning
22 board has worked with staffs of 10 agencies and public
23 authorities to develop the draft plan.

24 The planning process commenced in April of

1 2008 when Governor Paterson issued Executive Order
2 Number 2, which created this Planning Board and charged
3 us with developing the plan.

4 On August 10th, the planning board released
5 the draft State Energy Plan on its website,
6 www.nysenergyplan.com. That commenced a 60 day written
7 comment period and this public hearing process.

8 We intend to receive written comments
9 through October 19th and we will develop a final plan by
10 the end of the year.

11 The Plan's objectives are to, one, ensure
12 our energy systems are reliable for a 10-year planning
13 horizon.

14 Two, to reduce greenhouse gas emissions.

15 Three, to stabilize energy costs and improve
16 economic competitiveness in New York.

17 Four, reduce public health and environmental
18 risks associated with energy systems.

19 And five, to improve the state's energy
20 security systems.

21 The plan modeled and considered various
22 approaches to achieving these objectives and we have
23 arrived at a number of strategies.

24 First and foremost, the plan identified

1 energy efficiency as a priority resource to meeting our
2 multiple objectives.

3 Second, the plan seeks to develop in-state
4 energy resources, largely renewable resources, and also
5 in-state natural gas resources.

6 Third, the plan projects infrastructure
7 needs both to support our clean energy goals, and also,
8 to ensure reliability.

9 Fourth, the plan identifies opportunities to
10 capitalize on existing academic and research strengths
11 in the state and to facilitate connections between
12 academia and industry to seek innovation in energy
13 technologies.

14 The plan also identifies needs for clean
15 energy workforce training and economic development
16 strategies to help the state thrive in a carbon
17 constrained economy.

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

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

1 This is one of nine public hearings sessions
2 we are holding around the state to hear your comments
3 and a full hearing schedule is available on the website.
4 Again, that's www.nysenergyplan.com.

5 So, my job today is to gather information
6 for the planning board to consider as we develop the
7 final plan. Again, we are very appreciative of your
8 attendance today.

9 The process for the public hearing is as
10 follows: Those who want to comment have been asked to
11 sign in upon your arrival today. Your name will be
12 called one at a time to speak. So, please do come to
13 the podium right here in front of us when your name is
14 called.

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

22 All speakers are asked to focus on issues
23 that pertain to the draft plan. Your comments should be
24 as succinct as possible so that we can hear from as many

1 people as possible in the time we have.

2 We have set a five-minute time limit for
3 that purpose. My colleague, Sarah Osgood, who is sitting
4 near the podium has a timer and she'll give you a gentle
5 reminder if you run into that five minute limit.

6 If you have more to say and would like to
7 come up for a second five minutes we can accommodate
8 you, but please do keep your initial comments to five
9 minutes so that everyone has a chance to speak.

10 We are not accepting formal presentations.
11 It's just a public statement hearing read into the
12 record here at the podium. Those who want to comment
13 but do not want to speak publicly, or do not get a
14 chance to do so, can submit written comments via the
15 State Energy Plan website. If you decide to submit
16 written comments, please do so as soon as possible so
17 they can be carefully considered.

18 All public comments, whether stated at a
19 hearing like this or sent to the website through the
20 written comment process, will be reported to the Energy
21 Planning Board for its consideration. They all count
22 equally regardless of how they were received.

23 So, with that, does anyone have any
24 questions about the process before we get started?

1 If you have a written statement that you are
2 reading from, please do give a copy to our court
3 reporter and she can use that to transcribe your
4 comments and make sure she's done so accurately.

5 Okay? With that, our first speaker today is
6 Dennis Ippolito from Insulators Local 12. Thank you.

7 MR. IPPOLITO: Good afternoon. My name is
8 Dennis Ippolito, and I have been an insulator since 1970
9 and proud to be the business manager of the Heat and
10 Frost Insulators Local 12 located in New York City and
11 Long Island. I appreciate the opportunity to speak to
12 the panel today.

13 In reviewing the proposed energy plan we are
14 struck by the Governor's commitment to energy
15 conservation and energy efficiency, even making this
16 goal the top priority of his proposal plan.

17 As mechanical insulators, our skilled
18 tradespeople are at the very forefront of the green
19 revolution, making our new buildings LEED certified,
20 while saving money and lowering energy cost for business
21 throughout New York City and Long Island and the state,
22 for that matter.

23 Additionally, we are also pleased at the
24 proposed plan's commitment to training, to grow a new

1 generation of green jobs, insulators. At local 12, we
2 heartily endorse these efforts. As mechanical
3 insulators, we take heart in the fact that our work is
4 designed to save you money and the environment, and we
5 are grateful for the support of leaders, such as
6 President Obama and Governor Paterson, both of whom
7 recognize that making our buildings more energy
8 efficient will reduce energy consumption, put real
9 dollars back in the hands of consumers, and grow a new
10 generation of skilled tradesmen and women.

11 The majority of the plan itself also speaks
12 to the many needs our state currently faces. While
13 mechanical insulation and conservation are important, we
14 also need more supply. That means more transmission,
15 new power plants and a law to make this all happen.
16 Under this plan, I am comfortable that this will take
17 place.

18 I would also mention that while Indian Point
19 is not part of Local 12's jurisdiction, the direct
20 geographic region, we support our union brothers and
21 sisters who work at this facility and are also committed
22 to keeping the plant up and running.

23 While Matty, my partner, who will speak
24 later, is the Westchester resident of Local 12, and I

1 will defer to him any additional comment, our local
2 supports the continued operation of this facility and
3 believe that the financial plan should reflect this
4 fact.

5 One more thing. Mechanical insulation and
6 building buildings is often ignored, and we got to bring
7 it to the forefront. Even though it's a small part of
8 building a building, it's a very important part. And if
9 we are dedicated to saving the environment and saving
10 energy costs, and even having healthy buildings,
11 mechanical insulation should be paid attention to and
12 it's not. It's a lot better today than it was five
13 years ago, but it's still not at the grade that it
14 should be.

15 I just want to thank you for your time and
16 appreciate it. Thank you very much.

17 MR. CONGDON: Thank you very much.

18 Our next speaker is Dan Merz from Williams.

19 MR. MERZ: Thank you for the opportunity to
20 speak at this public hearing today. My name is Dan Merz
21 and I am the Manager of State Government Affairs for
22 Williams. On behalf of Williams, I congratulate the
23 State Energy Planning Board on its issuance of this
24 draft State Energy Plan.

1 The draft plan represents a tremendous
2 effort by the board and its staff and the broadly
3 inclusive approach that was employed has incorporated
4 input from hundreds of stakeholders. Again, Williams
5 offers its congratulations to the board for producing
6 this excellent roadmap for New York's energy future.

7 Williams is an integrated natural gas
8 company that produces, gathers, processes and transports
9 clean burning natural gas to heat homes and power
10 electric generation and businesses across the country.

11 Williams operates three natural gas
12 pipelines which transport 12 percent of the nation's
13 natural gas. The largest of these three pipelines is
14 the Transco pipeline, a 10,500 mile pipeline system
15 which extends from South Texas to New York City. The
16 Transco pipeline transports natural gas, primarily
17 produced in the Gulf Coast region of Texas and
18 Louisiana, to markets throughout the eastern seaboard.

19 The Transco pipeline has reliably served the
20 New York City market since its original construction in
21 1951, one year before I was born. Today it transports
22 more than half of the gas used by New York City through
23 two major local distribution companies, National Grid
24 and Con Ed.

1 Transco supports the New York State Energy
2 Planning Board objectives in the current draft of the
3 2009 State Energy Plan. Natural gas currently plays a
4 key role in meeting the state's energy requirements and
5 looking to the future it can contribute significantly
6 toward achieving the state's energy objectives.

7 Increased natural gas usage to serve the
8 state's energy requirements will help make the New York
9 energy system cleaner, greener and more reliable.
10 Importantly, natural gas will allow the state to reduce
11 its dependence on oil and other fuels, such as coal.

12 The 2009 State Energy Plan recognizes that
13 there are additional steps that should be taken to
14 deliver natural gas more effectively to New York State,
15 especially the downstate region. Downstate natural gas
16 pipeline capacity needs to be expanded to facilitate the
17 growing demand for natural gas.

18 As the plan notes, the demand for natural
19 gas will continue to rise in New York State over the
20 next ten years in both the residential and commercial
21 sectors by as much as 1.25 percent annually. Demand
22 growth is expected to be even greater in the downstate
23 area, and additional pipeline capacity is necessary in
24 constrained areas, such as Brooklyn and Manhattan.

1 The Transco pipeline system was configured
2 to serve the downstate region and has more connections
3 into the New York City area than any other pipeline
4 serving the area.

5 As a result of its existing facilities in
6 the region, and its record of reliable service, Transco
7 is well positioned to meet both the region's growing
8 natural gas needs and the state's clean energy
9 objectives, while doing so with the least possible
10 physical footprint and resultant environmental impact.

11 In fact, Transco recently announced plans to
12 build a new pipeline laterally to serve National Grid on
13 the Rockaway peninsula, adding significant capacity and
14 flexibility to meet natural gas demand growth in
15 National Grid's service territory.

16 Natural gas is the cleanest burning fossil
17 fuel, emitting about 28 percent less carbon dioxide than
18 oil, and 43 percent less than coal. And natural gas
19 supplies in the United States are abundant.

20 As such, increased usage of natural gas in
21 New York can serve to quickly reduce greenhouse gas
22 emissions and cut the state's carbon footprint in a
23 significant way.

24 Furthermore, natural gas can be produced,

1 transported and utilized efficiently, allowing this
2 already clean burning fuel to help meet New York's
3 energy needs, positively impacting both the environment
4 and the economy.

5 Natural gas is also the perfect complement
6 to increased use of renewable resources, such as wind
7 and solar power, providing a clean, reliable
8 supplemental supply when these resources are not
9 available.

10 Aside from its clear environmental advantage
11 through reducing greenhouse gas emissions, and the cost
12 savings from the efficiencies associated with natural
13 gas, increased natural gas use will decrease our
14 dependence on foreign oil.

15 The natural gas that Transco pipeline
16 transfers is primarily from abundant, reliable domestic
17 sources which not only lessens our dependence on foreign
18 oil but also helps create jobs here in the United
19 States.

20 Again, Transco thanks the New York State
21 Energy Planning Board for understanding that natural gas
22 is an essential part of the state's future energy plan.
23 We believe it is, quite simply, the quickest, most
24 effective way to reduce both carbon emissions and our

1 dependence on foreign oil.

2 Again, Transco would like to thank Secretary
3 Congdon, Chairman Brown, Mr. Murray, and Ms. Garcia for
4 the opportunity to present these comments.

5 Thank you.

6 MR. CONGDON: Thank you very much.

7 Next speaker is Bob Roberge from Teamsters
8 456.

9 MR. ROBERGE: Good afternoon, everyone. I
10 am a Teamster member for the last 40 years. I am
11 presently the secretary/treasurer of Local 456.

12 The draft New York State Energy Plan
13 recently released establishes several goals and
14 objectives that are critical to addressing the region's
15 high energy cost, continuing reliance on imported fuels,
16 aging energy infrastructures and climate change. And of
17 particular importance to the Teamsters: The creation of
18 new jobs.

19 Unfortunately, as the panel has heard
20 previously from my fellow brothers and sisters in labor,
21 the plan the board has developed has a clear flaw that
22 undercuts the entire plan. As you are aware, the plan
23 calls for the closure of Indian Point Energy Center, one
24 of the region's largest sources of energy.

1 The power produced by this facility is
2 clean, free of greenhouse gases and air pollutants.
3 These emissions are directly linked to global warming
4 and severe health conditions, such as asthma, heart
5 attacks and lung cancer, respectively.

6 Outside of Hawaii, New York has the highest
7 electricity prices in the nation. It is a safe
8 assumption that New York City and the surrounding
9 counties would have the highest electricity prices in
10 the nation if this facility were closed.

11 Research has shown residents would pay an
12 additional \$1,500 more per year, and small businesses an
13 additional \$10,000 per year if the Indian Point Energy
14 Center were shutting. Recognizing the current state of
15 our economy, this is the last policy the state should be
16 considering.

17 The Teamsters, as well as the labor
18 community, understands that the plan calls for dramatic
19 and unprecedented energy efficiency savings combined
20 with the construction of natural gas plants to replace
21 the power generated by this facility. While the
22 Teamsters fully support investing in energy efficiency,
23 the reductions outlined in this report have never been
24 realized.

1 Furthermore, permitting and constructing the
2 new power plant in a timely, cost effective manner to
3 replace Indian Point is wishful thinking at best,
4 particularly when Article X, the state's power plant
5 setting law, remains lapsed.

6 In short, New York City and the surrounding
7 region is not a laboratory and should not be treated as
8 such. 8 million people in New York City and millions
9 more in the surrounding counties depend on Indian Point
10 Center.

11 This is not an area to test unprecedented
12 theories. The Teamsters appreciate the time and
13 dedication the board has taken to produce this energy
14 plan. It is a plan that is of significant importance to
15 the state and region as the area continues to grow and
16 expand.

17 Therefore, we fully support your efforts and
18 hope you take our comments into consideration as you
19 develop the final plan. Thank you.

20 And with that, I would also like to let you
21 know: We have 120 union members that live in the area
22 that are the security guards at Indian Point, as we do
23 have construction workers also. And my residence is one
24 mile away from Indian Point and I feel very safe having

1 it there.

2 Thank you very much.

3 MR. CONGDON: Thank you very much.

4 Our next speaker is Matty Aracich from
5 Insulators Local 12.

6 MR. ARACICH: Good afternoon. My name is
7 Matty Aracich. I am proud to serve as a financial
8 secretary for the Heat and Frost Insulators Local in New
9 York City and appreciate the opportunity to address you
10 at this hearing today.

11 The Governor's draft 2009 New York State
12 Energy Plan contains positive initiatives that are good
13 for business and good for New Yorkers. I am
14 particularly pleased with the focus on efficiency and
15 conservation. This is a plus for all and one in which
16 all New Yorkers clearly benefit.

17 I would like to comment, too, on the
18 proposed plan that also supports a number of initiatives
19 that expand well beyond the need for better insulation.
20 We need a modernized grid. I can tell you for sure. I
21 worked in all the plants, you know, we need new
22 transmission lines.

23 We need new research and development, new
24 power plants. Some of the plants we worked in, I

1 remember just growing up coming through these plants. I
2 would be filthy. Things have changed. Economy has
3 changed. Environmental issues have changed. That's a
4 good thing.

5 I am confident that if this plan should be
6 implemented, we will see many of these goals become
7 reality, but despite all of the positive developments,
8 one important proposal has been made that I believe has
9 to be retracted. Like the gentleman said before, I
10 myself am a resident of Westchester County and I'm
11 particularly disappointed with the plan's support for
12 shutting down Indian Point.

13 Closing Indian Point could lead to more than
14 11,000 job losses, a total loss in a region exceeding
15 almost \$2 billion in cumulative lost wages. Staggering
16 numbers, especially in this economy.

17 And while safety remains a concern for all
18 New Yorkers, particularly Westchester residents, I could
19 tell you that that plant remains a virtual fortress. It
20 is subject to some of the most extensive monitoring this
21 side of Fort Knox. Security is immense. You can't
22 walk, talk or even look in that direction without being
23 questioned.

24 That's why I'm so pleased that the plant

1 actually recently passed its federal safety inspection
2 and why I continue to support the plant's continued
3 operations.

4 Additionally, the plant's closing could
5 raise utility costs by 150 percent. In this economy,
6 forcing utility rates to rise by that much would bring
7 about economic devastation to the entire downstate
8 region. Not just in Westchester, but in all the other
9 areas. Just like Long Island, working families and
10 small businesses alike.

11 Don't let the white collar and the tie fool
12 you. I am a blue collar person. I have seen it. I
13 used to live on Long Island for many years -- 12, 13
14 years. I have seen what happened with Shoreham. I have
15 seen that they are still paying for it now.

16 So, in conclusion, there is much in this
17 proposal that we can all salute. Many proposals that
18 will further the goals of conservation, efficiency and
19 sustainability for all New Yorkers. If the majority of
20 the plan is implemented, we will all be a better state.

21 However, I would ask you to reconsider your
22 opposition to Indian Point. It's a union facility, it's
23 a linchpin in our region's economy, and it keeps our
24 utility rates largely stable.

1 Thank you.

2 MR. CONGDON: Thank you.

3 Karin Ezbiansky Pavese from the New York
4 Academy of Sciences.

5 MS. PAVESE: Thank you for the opportunity
6 to participate in today's hearing. I want to begin by
7 applauding your effort and work on the New York State
8 Energy Plan. Establishing the critical buy-in across
9 the energy sector's stakeholders and aligning them
10 behind one comprehensive energy strategy for the state
11 is important and commendable.

12 I currently run the innovation and
13 sustainability programs at the New York Academy of
14 Sciences, an institution that has a long history of
15 providing a forum for discussion about the intersection
16 of environmental issues with science, technology,
17 business, and government.

18 Clearly, science and engineering are key to
19 meeting many of the environmental challenges that we
20 face today. However, the great science and technology
21 that is in such demand worldwide will not develop
22 spontaneously. It will only happen within an
23 innovation-friendly environment.

24 Therefore, in addition to a focus on science

1 and technology, fostering innovation should be given
2 equal priority. A framework that is often used to
3 describe innovation systems emphasizes the importance of
4 a diverse array of key inputs, such as human capital,
5 research and development funding, early stage, angel and
6 venture capital, as well as a strong industrial base,
7 all of which must be linked through robust
8 interdisciplinary and global collaborations.

9 Only by thinking globally and incorporating
10 these innovation concepts into the State's strategic
11 plan by building the State's efforts will yield maximum
12 technological and economic benefits that serve as a hub
13 for the global community.

14 On this topic, I was thrilled to see that
15 Chapter 5 read about Stimulating Innovation in the Clean
16 Energy Economy.

17 The state has many important energy assets
18 that encompass the innovation elements described above.

19 Just to name a few: NY-BEST consortium,
20 STEP, Cleantech Incubators, the Task Force on
21 Diversifying the New York State Economy through
22 Industry-Higher Education Partnership, The Smart Grid
23 Consortium.

24 I should also mention that NYSERDA and

1 NYSTAR, in many cases, are very responsible for
2 continuing to drive and implement many of these
3 initiatives.

4 And specifically, when we speak about the
5 topic of energy, NYSERDA is a true asset and hidden gem
6 in New York. The experienced staff and strategic
7 thinking is apparent and demonstrated by the creation of
8 many of their initiatives.

9 NYSERDA is and will continue to be a
10 keystone in building New York's leadership in energy.
11 We should continue to leverage both NYSERDA and NYSTAR's
12 work.

13 Clearly, New York has invested in key assets
14 in the energy sector and has gained much momentum. We
15 need to keep this momentum going now and take it to the
16 next step of capitalizing on many of these new
17 investments.

18 We need to be realistic when thinking about
19 science and technology investments. The investments are
20 long term and they may take longer than one election
21 cycle to yield dividends. New York is fortunate to have
22 an energy plan that establishes a longer term vision.
23 It's that kind of strategic planning that should
24 continue to guide the state's investments in its

1 innovation economy.

2 Specifically, we need to think about how to
3 leverage the federal dollars being invested in the five
4 DOE Frontier Research Centers, second in number only to
5 California, an accomplishment the state should be quite
6 proud of.

7 This money is focused on basic research and
8 not on transitioning that research to the marketplace.
9 I applaud NYSERDA and NYSTAR for recognizing this need
10 to think about how this research can be taken to the
11 market by matching funding directly for this through
12 economic development, but clearly this is not enough.

13 At the federal level, Energy Secretary
14 Steven Chu proposes energy innovation hubs to fund and
15 coordinate this interdisciplinary research and utilize
16 relevant experience in surrounding communities on these
17 targeted energy challenges. New York needs to be
18 thinking of similar models to leverage this work that's
19 going to be happening at these new energy research
20 centers.

21 The Academy recently completed a project
22 partnering with NYSERDA and NYSTAR. Based on the
23 background research, the interviews, and the feedback
24 from the workshop that was run, the need for the

1 availability of early stage capital and better
2 coordination of our assets was emphasized.

3 The state should consider creating a fund or
4 a program such as, for example, NIST's TIP program
5 Technology Innovation, to provide early stage funding
6 for companies to help them cross the Valleys and
7 Mountains of Death.

8 It also became evident through this work
9 that we must assemble an inventory of existing clean
10 tech assets in the State. New York-based businesses
11 must be able to identify helpful research being done
12 right next door, and also be able to find such things as
13 key local suppliers that will support their businesses.

14 Additionally, organizing this information
15 will certainly help to market the state and attract
16 businesses that would easily see all the support they
17 could tap if they relocated to New York.

18 But more than just taking the inventory, we
19 must connect these assets in a strategic way that will
20 foster regional economic strategy development, i.e.,
21 cluster development. We should think about this from
22 technology areas, as well as from the regional
23 perspectives, helping to drive multi-disciplinary
24 collaborations to form by virtue of their proximity.

1 So, to conclude, New York State has many
2 significant, already established sources of strength,
3 which must be further leveraged and connected. We have
4 top-tier universities, major corporate R&D facilities,
5 and a national lab, as well as numerous other renowned
6 institutions that, if leveraged strategically, could
7 propel New York to become even a further leader in clean
8 energy technology.

9 By surrounding these institutions with a
10 robust innovation system, we will move closer to
11 creating those solutions to our energy challenges,
12 improving our environment, and fostering economic
13 prosperity for New York State.

14 Thank you.

15 MR. CONGDON: Thank you very much.

16 Our next speaker is Donna DeCostanzo from
17 the NRDC.

18 MS. DECOSTANZO: Good afternoon. My name is
19 Donna DeCostanzo and I am a Senior Attorney at the
20 Natural Resources Defense Council.

21 The NRDC commends Governor Paterson for
22 issuing Executive Order Number 2, which established the
23 process for developing the 2009 State Energy Plan, as
24 well as for the Governor's recently announced 45 by '15

1 goal. And Executive Order 24, which established a goal
2 of reducing the statewide greenhouse gas emissions
3 80 percent by 2050.

4 The NRDC urges the Governor to take all the
5 necessary steps to ensure that these goals are achieved,
6 including the adoption of a final plan that includes a
7 blueprint for each of the recommendations with
8 associated specific implementation measures and a
9 timeframe for their achievement.

10 It is also critical that the plan include an
11 effective means by which to measure the state's progress
12 in implementing the plan, including annual reporting on
13 whether objectives have been met. Such information
14 should be available to the public via a centralized
15 website to provide full transparency and accountability.

16 In addition, in order to ensure that the
17 state's energy needs and goals are met in the long term,
18 and the state energy plans are developed most
19 effectively and implemented by successive
20 administrations, we believe that the state energy
21 planning process should, once again, be
22 institutionalized in law.

23 Similarly, it is critical that the state's
24 climate action plan includes specific concrete measures

1 for which the state's progress is easily tracked and
2 reported, and that the process, once developed, would
3 include frequent opportunities for meaningful
4 stakeholder engagement.

5 The NRDC appreciates the opportunity to
6 testify here today regarding the draft plan. We applaud
7 your effort and offer the following specific comments.
8 I will read some excerpts from my much longer written
9 comments just high lighting some of the main points.

10 With respect to energy efficiency, among
11 other things, we recommend that the state adopt a policy
12 of acquiring all cost efficient energy efficiency; that
13 it move expeditiously toward achieving the state's
14 energy efficiency portfolio standard and provide full
15 funding for EEPS; that it increase natural gas
16 efficiency and ensure full funding for efficiency
17 programs; that it establish a plan of action, including
18 a time table for repowering all older natural gas-fired
19 power plants; ensure that all New York utilities adopt
20 and implement revenue decoupling mechanisms as soon as
21 possible; establish an incentive and education program
22 to promote the adoption of energy efficiency leases to
23 help address the split incentive issue; implement the
24 building efficiency recommendations that were developed

1 by the Governor's renewable energy task force; increase
2 the deployment of clean CHP by establishing a goal to
3 install 2200 megawatts of clean CHP statewide by 2020;
4 and adopting other specific measures and promoting green
5 infrastructures statewide to reduce energy consumption.

6 With respect to renewable energy, we
7 recommend that the state set a long term goal of
8 achieving 2,000 megawatts of capacity of solar energy by
9 2020; that it allow distribution utilities to own and
10 operate a limited amount of clean DG resources to head
11 off essential transmission and distribution upgrades;
12 ensure continued, full funding, and agency permitting
13 coordination for the RPS program; enact legislation to
14 ensure commercial class customers can net meter on site
15 renewable energy systems sized to meet their annual
16 average energy use up to two megawatts; set the stage to
17 eventually shift RPS procurement responsibility to load
18 serving entities; and encourage investment in
19 transmission infrastructure that supports the use of
20 renewable energy.

21 With respect to the state's own operations,
22 we recommend that the state amend Executive Order 111 to
23 require that state government operations be carbon
24 neutral within ten years, and that it adopt a

1 transparent reporting process to help ensure agency
2 compliance with Executive Order 111.

3 With respect to natural gas production, we
4 recommend that the state emphasize energy efficiency in
5 lieu of supporting new natural gas production; that it
6 await the completion of the environmental review process
7 and promulgation of improved environmental standards for
8 natural gas production before advancing development of
9 the Marcellus shale or additional natural gas pipeline
10 expansions; and that it refrain from encouraging natural
11 gas production on state-owned lands.

12 With respect to Smart Grid and
13 transportation, we are encouraged the draft plan
14 includes a recommendation regarding this issue and
15 recommend that the state specifically adopt a package of
16 policies, including legislation modeled after
17 California's recently enacted SB 375, and a provision of
18 incentives for a project that would meet higher LEED-ND
19 requirements.

20 In addition, we recommend that New York more
21 aggressively pursue a regional agreement on the
22 implementation of low carbon fuel standards and
23 specifically that it adopt a set of defining principles
24 for LCFS and a timeline for finalizing an MOU regarding

1 implementation by December 31st of this year; ensure
2 that the full lifecycle emissions from all fuels are
3 included; and ensure that the LCFS includes a criterion
4 qualifying biofuels are sustainably harvested and that
5 preserves our region's ecological health and habitats.

6 And finally, with respect to financing, we
7 strongly support the state's recommendation to identify
8 and implement alternative financing programs to fund
9 energy efficiency projects.

10 And we include in our written comments very
11 specific steps that we recommend that the state take on
12 that issue.

13 Thank you.

14 MR. CONGDON: Thank you.

15 One point that I really appreciated you
16 making, the need to develop an implementation plan. Our
17 last chapter of the draft plan is kind of a placeholder
18 for just that.

19 We recognize that an energy plan that sits
20 on the shelf is not a good energy plan. We want it to
21 be an actionable plan and we are developing an
22 implementation schedule for the final.

23 Part of what is great about these public
24 hearings is we are hearing from the folks who are on the

1 ground implementing a lot of the energy policies of the
2 state, and we have a lot to learn from folks on the
3 ground, to put detail into some of our overarching
4 recommendations. And we intend to do so for the final
5 plan and have a very detailed implementation schedule
6 with milestones.

7 So, I thank you for that comment.

8 Next speaker is Ronald Spalter.

9 MR. SPALTER: Good afternoon. My name is
10 Ronald Spalter. I serve as Deputy Chief Operating
11 Officer of the City University of New York. I am joined
12 by my colleague, Tria Case, and we are accountable to
13 Chancellor Matthew Goldstein for carrying out his vision
14 for a Sustainable CUNY and a more sustainable New York.

15 I would like to begin my remarks by thanking
16 the board and staff for the many months of work drafting
17 this plan, and for giving the larger community an
18 opportunity to comment on its excellent work product.

19 It's altogether fitting that you convene
20 today's activities on the campus of Brooklyn College,
21 one of the crown jewels of the City University.
22 Regularly voted one of the most beautiful campuses in
23 New York City, Brooklyn College is an excellent example
24 of the contributions CUNY makes every day to our city,

1 state and the nation.

2 Brooklyn College is one of CUNY's 19
3 campuses, housing our 23 institutions. And its students
4 and faculty are stellar examples of our half million
5 member community who will contribute to enabling New
6 York to become a leader in the New York world of energy
7 creation, efficiency of use, battery storage and
8 distributed generation.

9 CUNY is committed to collaborating with
10 partners all around the state to overcome several of the
11 challenges identified in the plan. Our faculty and
12 staff are working with colleagues from Clarkson
13 University and Cornell University, among others, in the
14 Solar Energy Consortium, a statewide organization
15 committed to doubling the output and halving the cost of
16 solar technologies.

17 We have partnered with our local utility,
18 Consolidated Edison, and have received support from
19 National Grid to pilot the introduction of distributed
20 generation via solar and battery storage into New York
21 City's first Smart Grid in Long Island City, Queens.
22 And we are the lead agency in New York City's efforts to
23 become a true solar city in partnership with the United
24 States Department of Energy.

1 In this context, we invite you and your
2 audience to attend our third annual Solar Summit
3 scheduled for September 25th at John Jay College where
4 more than 300 leaders in the field of solar energy will
5 meet to continue to map out strategies that will lead to
6 reliable, renewable energy that can be distributed in an
7 urban environment and serve as a viable component of our
8 country's strategy to achieve energy independence.

9 Beyond solar, Chancellor Goldstein initiated
10 the CUNY Decade of Science, wherein we have committed
11 more than \$1 billion to enhance our capacity to engage
12 in basic and applied research, and have recruited some
13 of the nation's forecast scientists to serve as
14 catalysts for creation of the CUNY Energy Network, a
15 collaborative effort among scientists at our colleges
16 who will be harnessing their work in chemistry, physics,
17 photonics, nanotechnology science, engineering and other
18 disciplines to address issues related to creating new
19 materials to make energy production more efficient, new
20 vehicles to improve energy storage capabilities, and
21 innovative information systems tools that will enable
22 the deployment of not only smart grids but also of smart
23 buildings, which is a key issue in New York City.

24 Finally, as a university committed to the

1 economic development of our locale, we have committed
2 millions of dollars to the creation of facilities and
3 tools that will improve the odds for success for
4 emerging businesses, and through workforce development
5 vehicles to ensure that our workforce is sufficiently
6 trained to enable employers to establish successful
7 operations in our area.

8 CUNY's green energy training program
9 entitled GET@CUNY is among the nation's largest efforts
10 dedicated to enabling our talented workforce to retrain
11 and refocus their skills and careers around the often
12 elusive green jobs of the future. Programs to develop
13 competencies in areas such as installation of
14 photovoltaics, passive solar heating, building energy
15 management and energy auditing, are among just a few of
16 our offerings at more than a half dozen campuses
17 designed to meet the growing demands for these skills
18 and services.

19 In sum, CUNY stands ready to support the
20 work of our Governor, the work of this board, and any
21 other entity in New York State that is committed to
22 seeking solutions and opportunities to advance our
23 shared goals for a robust energy and economic future.

24 On behalf of the University I only want to

1 make a few brief points about the report. While the
2 report recognizes the issues relating to New York City's
3 status as both a non-attainment zone and a load pocket,
4 I do not believe it goes far enough in recognizing the
5 special needs of achieving energy effectiveness in
6 densely populated urban areas. Providing clean
7 renewable and reliable sources of distributed power
8 generation in that urban setting is vastly different
9 than solutions that have proven their merits in less
10 populated areas.

11 The panel should consider developing
12 particular strategies to confront the challenges of
13 incentivizing programs via the systems benefits charge,
14 the regional greenhouse gas initiative, and the
15 renewable portfolio standard, that focus on the issues
16 of a metropolis, such as New York City.

17 An urban initiative that would address
18 distributed generation and adoption of renewable
19 technologies that takes into consideration the special
20 conditions of a large city would find a most welcoming
21 audience.

22 For example, CUNY, in partnership with the
23 New York City DEC and others seeking support from the US
24 Department of Energy to develop and identify solar

1 empowerment zones, energy empowerment zones, where we
2 can analyze the needs of the communities and overlay
3 them with constraints on the grid.

4 A second area of focus should be seeking
5 additional creative ways to facilitate the transition of
6 technologies and scientific innovations from the
7 laboratory to the marketplace.

8 As you have so well reported, while New York
9 State ranks third overall in energy-related patents, it
10 lags far behind states in commercializing these ideas
11 within our borders, and thus missing a vital opportunity
12 to contribute to the redevelopment and renewal of our
13 state's economy.

14 In my written remarks, which I submitted to
15 you, CUNY has some ideas which I believe can help move
16 us forward in that direction. I thank the panel very
17 much for this opportunity to speak.

18 MR. CONGDON: Thank you very much.

19 The next speaker is Michael Carriere.

20 MR. CARRIERE: Good afternoon. My name is
21 Michael Carriere and I am a business representative of
22 District Council 9 Painters and Allied Trades. Thank
23 you for putting the effort and time needed for this very
24 important issue of Indian Point that we are facing here

1 today.

2 I come before you today to speak to you from
3 the desk of our business manager, Secretary/Treasurer
4 Mr. Joseph Ramaglia. The IUPAT and the District Council
5 9's mission is improving the working and living
6 standards of our union members and their families.

7 I stand here today representing 14,000
8 members strong in full support of renewing the operating
9 licenses of Indian Point nuclear power plant. Our
10 mission at District Council 9 is to make sure all our
11 members have good jobs, safe jobs, and most of all, go
12 home at the end of the workday to see their families.

13 We support these plans for several reasons.
14 The members of District Council 9, located at Indian
15 Point, have witnessed firsthand Entergy's dedication to
16 maintaining a safety conscience work environment and
17 listening and acting upon the concerns of their
18 employees.

19 Entergy has proven itself as a responsible
20 operator and evidenced by the site's outstanding
21 performance since the company purchased plants from
22 their previous owners.

23 Let me add that I do not take safety
24 assessment lightly. For over 100 years, District

1 Council 9's tradesmen have worked on most well known
2 landmark buildings in New York State and our country.
3 We make sure that our skills are constantly updated and
4 put education and training as a top priority to our
5 members and also our contractors.

6 Therefore, I come to you today and put
7 District Council 9's reputation at risk. If you do not
8 truly believe that Indian Point was a safe facility and
9 that Entergy was a committed owner and operator, given
10 the site's annual impact of their payroll alone, over
11 \$300 million, much of which helps pay salaries of hard
12 working union employees and contractors, the premature
13 closure of this site would cause heavy job losses,
14 create a ripple effect of personal bankruptcies,
15 premature mortgage foreclosures, and undue strain upon
16 the regional economy.

17 Third, on top of payroll losses and economic
18 benefits of the local jobs, you will additionally end up
19 absorbing over \$1 billion in electricity costs to
20 replace the 2 million megawatts of electricity that
21 Indian Point currently supplies to the surrounding area,
22 with thousands of hard working men and women across the
23 area being laid off, thousands more finding it difficult
24 to find jobs, and many businesses struggling to stay

1 afloat. Significantly higher electricity prices will be
2 just an incredible pressure to an already high volatile
3 situation, and surely push us past a recession but into
4 a full blown depression.

5 As you can see, many people represented here
6 today have gone to great lengths in order to produce a
7 safe, secure and vital source of energy for our state,
8 country and, most of all, our community at large. If
9 you shut down Indian Point you significantly add to the
10 already high number of job losses, waste billions of
11 dollars trying to replace the safe, reliable resource we
12 already have here in Westchester County and the lower
13 Hudson Valley, and tear down critical facilities that
14 thousands of engineers, construction workers, plant
15 workers, and craftsmen have spent thousands of hours
16 building and maintaining for the benefit of the public
17 at large.

18 For these reasons, many more too numerous to
19 mention here today, District Council 9 fully supports
20 keeping Indian Point open for another 20 years
21 beyond its current license.

22 Thank you for allowing me to speak. On
23 behalf of my business manager, we would like you to
24 seriously take this to task.

1 Thank you.

2 MR. CONGDON: Our next speaker is Chris Wade
3 from New York Surfrider.

4 MR. WADE: Good afternoon. That's right.
5 I'm Chris Wade, and I am Chair of the New York City
6 Chapter of the Surfrider Foundation. We are an
7 environmental group. Our mission is to protect the
8 world's oceans, beaches and waves for all people.

9 Surfrider nationally has over 55,000 members
10 and here in New York City I am here representing the
11 1,000 plus members of our chapter.

12 I would like to begin by thanking the panel,
13 particularly Mr. Congdon and the Energy Planning Board,
14 for holding this hearing. I think we all recognize that
15 we live in a world where the public is deeply interested
16 in energy and the affects of energy on our environment
17 and energy use.

18 Towards that end, I think it's wonderful
19 that we are having this dialogue here today, but I would
20 like to expand that dialogue and I would like to make
21 two requests in particular. The first is that a hearing
22 be held at a date and time that would be available for
23 the people in the public to attend. Most of the people
24 who are attending are attending as part of their work

1 functions and it's very difficult for citizens to
2 attend.

3 As we all know, people are deeply interested
4 in this project, particularly interested in energy
5 policy, and particularly the issue that I want to
6 address today: The state's consideration of liquid
7 natural gas port facilities.

8 So, I would like to see, and I know it's
9 late in the day, but another hearing that would be held
10 after working hours, 5:30 at the earliest. I realize
11 you have until the 17th of October to take written
12 comments. We will be submitting those. But I think
13 there are a number of people in my chapter that would
14 like the opportunity to make an official statement.

15 The other is -- and I spoke to Mr. Congdon
16 earlier -- I think the groups that are opposed to liquid
17 natural gas port facilities would like a real airing
18 with the Energy Planning Board. We would like a meeting
19 specifically to address our concerns about LNG.

20 And we don't want that to be simply us
21 telling you how we feel. We would like a better
22 understanding from the state, and particularly from
23 Governor Paterson, about why this is being included.

24 I mean, in particular, what we would say is

1 that Governor Paterson I think did the right thing and
2 said no to Broadwater. We want to know why now that
3 answer is changed on the south shore of Long Island.

4 I will be just a little bit more specific.
5 As I said, we are going to address written comments, but
6 I would like to remind the panel the reasons we are so
7 adequately opposed to liquified natural gas.

8 First, it's bad energy policy. Plain and
9 simple, it's foreign energy. Everybody in America
10 understands that's poor energy policy, so there's no
11 reason to import liquified natural gas. Just to make it
12 absolutely clear: Liquified natural gas always means
13 foreign natural gas. Domestic natural gas isn't
14 liquified. So, that's what we ought to be pursuing and
15 developing.

16 The next point, I think, is your plan has
17 laudable goals for the next ten years in reducing our
18 carbon footprint here in New York, yet liquified natural
19 gas is going in the opposite direction. It's a
20 regressive fuel.

21 Liquified natural gas, because of the way
22 it's produced, cannot be considered an abridged fuel.
23 It's not nearly as clean as the renewables we really
24 ought to be pursuing and, moreover, it's -- liquified

1 natural gas is even dirtier than domestic natural gas.
2 In fact, its carbon footprint is roughly equivalent to
3 coal. The public understands that's the option we
4 should be pursuing, so that's why we're so concerned the
5 state is still including liquified natural gas in its
6 planning.

7 Furthermore, in terms of downstate, in terms
8 of southern New York, we don't see the current proposals
9 as doing anything to really increase the overall supply
10 of fuel available, the overall supply of gas available
11 to New York residents, especially downstate. It's
12 simply going to displace existing domestic natural gas.

13 Given the constrictions on the pipeline,
14 which are already operating at capacity, the proposals
15 that we are looking at aren't going to do anything to
16 increase natural gas that's available here for New
17 Yorkers. They are simply going to displace cleaner
18 domestic natural gas. That makes no sense to us.

19 Finally, and I think the most important
20 thing -- Mr. Congdon knows because he himself is a
21 surfer -- is the constituency I represent is deeply
22 concerned with our oceans and the health of our oceans
23 and the water quality here in New York.

24 I would say that it goes well beyond our

1 organization. New Yorkers have done a great deal in
2 terms of remediation, better legislation and enforcement
3 to improve water quality off the south shore of Long
4 Island. This can have nothing but a deleterious effect
5 on water quality. The proposals being suggested for
6 liquified natural gas, indeed, any proposal for
7 liquified natural gas, is going to have a really
8 injurious effect on water quality.

9 So, finally, the last thing I would sort of
10 sum up and say is we do need to consider this dialogue
11 and continue it. The problem for the public is they
12 don't know a great deal about this plan, but as soon as
13 people do hear about this plan, they are against it.

14 Indeed, as New York State Assemblywoman
15 Audrey Pheffer has gone on record and said numerous
16 times: The plans being proposed for liquified natural
17 gas have no public good.

18 That's the dialogue we need to have. We
19 need to understand why the state thinks that this is in
20 our interest when every time we research and look at
21 this the public feels this is not in our interest.

22 Thank you.

23 MR. CONGDON: Thank you.

24 Just a note on your recommendation that we

1 have hearings outside of business hours, we agreed with
2 that and that's why this hearing was scheduled late in
3 the day, and this will go well into 7:00 this evening.
4 Last night's hearing in Farmingdale went to 8:00 p.m.

5 We have another hearing scheduled in Utica
6 on a Saturday. So, we are sensitive to the needs of
7 regular working people, as opposed to the paid
8 organizations that come to testify at these types of
9 hearings. So, we appreciate that.

10 We are doing nine public hearings around the
11 state. Executive Order required six. So, we really did
12 make an effort to have as many hearings as we could. As
13 you pointed out, the written comments are open to be
14 submitted through October 19th, actually, and so we
15 appreciate the concern. We tried to address that with
16 the schedule.

17 The next speaker, also from Surfrider
18 Foundation, Stephan Zellinger.

19 MR. ZELLINGER: Good afternoon. Thanks for
20 this opportunity to speak.

21 I also am addressing basically pages 61 and
22 84 which refer to liquified natural gas of the proposed
23 energy policy. US natural gas production is the second
24 largest in the world. According to US Department of

1 Energy, natural gas production in North America is
2 projected to gradually increase, and at current rates of
3 consumption the nation has at least 60 years of natural
4 gas supplies that are recoverable with current
5 technology without Marcellus shale.

6 US Energy Information Administration
7 projects that US demand for natural gas will grow at a
8 slower rate than production will. So, liquified natural
9 gas, of course, as Chris mentioned, is a foreign source
10 and subject to fluctuations and price due to global
11 demand and markets.

12 It's pretty unstable. It is often more
13 costly and definitely a less stable source than domestic
14 gas. It's not a good idea to transfer our dependence on
15 natural gas to foreign sources when we have more than
16 adequate supplies in the US.

17 The wording in the proposed New York State
18 energy policy opens the door for this transferral of
19 supply, and therefore dependence to foreign sources of
20 natural gas. It also refers to offshore LNG facilities,
21 which leads to several problems that need to be
22 considered, one of which is the Broadwater proposal that
23 was vetoed by Governor Paterson on the basis of there
24 being other sources of natural gas than LNG, and the

1 fact it would destroy a natural resource that is also a
2 commercial and recreational resource for New York and
3 Connecticut.

4 Now, the proposal that is currently on the
5 table is the Atlantic Sea Island Group's Atlantic
6 terminal, which would be placed 13 miles south of Long
7 Beach and Rockaway, New York on the Cholera Bank, a reef
8 that is a popular spot with commercial and sport fishing
9 because of the abundance of fish and sea life.

10 The site is chosen because of its relatively
11 shallow -- it's relatively shallow, so easier to build.
12 If built, it will destroy this resource and will create
13 a massive no boating zone, no fly zone, I would imagine,
14 and to say nothing of the ecological damage it would
15 cause.

16 There are years of heavy metals underneath
17 the sediments that are settled there. The water quality
18 has gotten better over the years because the sediment
19 has gone over the heavy metals that have been dumped
20 over the years. To build this would disturb that
21 settlement and release the heavy metals back into the
22 water, causing an ecological nightmare.

23 So, there is no good reason for liquified
24 natural gas importation in general other than the profit

1 for a group of investors. New York State citizens will
2 pay in lost resources and higher natural gas bills if
3 liquified natural gas becomes our source of natural gas.
4 As Chris mentioned, liquified natural gas is always from
5 a foreign source.

6 Thank you for your time and this
7 opportunity. I am Stephan Zellinger, as you mentioned,
8 Surfrider Foundation.

9 MR. CONGDON: Thank you.

10 Our next speaker is Marian Imperatore,
11 American Institute of Architects - New York Chapter.

12 MS. IMPERATORE: Good afternoon. My name is
13 Marian Imperatore and I am policy director for the New
14 York Chapter of the American Institute of Architects.
15 Thanks for the opportunity to testify today on behalf of
16 our 4600 architects and affiliate members on the New
17 York State Energy Plan.

18 We commend Governor Paterson and the State
19 Energy Planning Board and New York State Energy Research
20 & Development Authority for undertaking this ambitious
21 and comprehensive plan that, if adopted, will place New
22 York ahead of many states in the nation in formulating
23 innovative policies and strategies to provide clean and
24 efficient energy resources to its citizens.

1 As architects and stewards of the built
2 environment, AIA New York would like to offer an
3 important perspective at this juncture of finalizing the
4 Plan. Our primary concern is how to mitigate the
5 effects of buildings and land use patterns upon energy
6 consumption, and to that end, we have several
7 suggestions.

8 Architects can play key roles, both in
9 designing high performance green buildings and
10 infrastructure, as well as in educating the public about
11 energy conservation and new building materials and
12 technologies, all of which help advance these important
13 public policy goals.

14 First, we feel it is crucial that the State
15 Energy Plan both identify and underscore the negative
16 impact of buildings on our environment. According to
17 AIA National, the places where we live, work and play
18 represent the largest source of greenhouse gas emissions
19 in America, as well as around the world.

20 In the United States, architects are
21 confronting the fact that buildings account for almost
22 half of our nation's total annual production of
23 greenhouse gases. According to the US Department of
24 Energy, 38 percent of greenhouse gas emissions come from

1 the operations of buildings. And when you have
2 additional, such as construction, included buildings
3 account for as much as 50 percent of the state's carbon
4 footprint.

5 That's a greater percent than the impact
6 from cars and trucks, which produce about a third of all
7 emissions on our environment. Moreover, according to
8 the New York State Data Center, in 2008, construction,
9 real estate, rental and leasing accounted for more than
10 20 percent of all private industry activity for the
11 state's GDP.

12 So, targeting specific energy conservation
13 goals for these segments will have a huge impact on New
14 York State's economy and clean energy development
15 potential.

16 To address the facts that buildings are the
17 single biggest energy consumers, the AIA has committed
18 to a goal that all buildings be carbon neutral by the
19 year 2030. We urge the State Energy Planning Board,
20 where possible, they align the state energy plan's goals
21 for the built environment with that of the AIA standard
22 of carbon neutrality by 2030.

23 In particular, please consider that all
24 state buildings be mandated to achieve this goal to

1 serve as a catalyst to municipalities and communities
2 across the state. Many national organizations have
3 endorsed and encouraged states to adopt this goal,
4 including the US Conference of Mayors, the National
5 Association of Counties, and the National Governors
6 Association.

7 Second, the AIA New York suggests that the
8 energy plan identify mechanisms, both incentive and
9 regulatory, by which the state can encourage and compel
10 the real estate and construction industry to build more
11 energy efficiently.

12 We agree with the goal of the State Energy
13 Plan to update the state energy code, but would like to
14 suggest taking it a step further by adopting the New
15 International Green Construction Code, IGCC, for
16 commercial construction, new and existing, which the AIA
17 National is in the process of developing in partnership
18 with the International Code Council and ASTM
19 International.

20 The AIA has been successful in advocating
21 for several states neighboring New York, such as
22 Pennsylvania, along with countries such as Canada and
23 Sweden, to consider this model green code for early
24 adoption. It is anticipated that the IGCC will be

1 published and available for adoption by 2012, with the
2 draft available for interested states as early as the
3 spring of 2010. We give you the website for further
4 information.

5 Furthermore, in New York City, the city
6 council is currently considering an ambitious set of new
7 energy conservation legislation related to the greater,
8 greener buildings plan, which includes the new New York
9 energy code as well as requirements for energy audits
10 and bench marking.

11 This legislation would apply to existing
12 buildings and will have widespread impact since
13 85 percent of the building stock in New York City,
14 almost one million, are existing buildings.

15 Drawing upon these initiatives in its
16 largest city, the state should look for ways through the
17 State Energy Plan to expand upon these efforts. In
18 addition to regulatory measures, equally important for
19 the plan is to identify incentives, such as tax breaks
20 and expedited permitting, to encourage private sector
21 development to build as energy efficiently and greenly
22 as possible.

23 Beyond building codes, regulating individual
24 buildings is the importance of regulating our wasteful

1 land use patterns that contribute to excessive energy
2 use and increasing greenhouse gas emissions.

3 We commend the goals of the State Energy
4 Plan to encourage municipalities to incorporate energy
5 considerations into their plans.

6 And then I will go very quickly. But
7 instead of focusing on horizontal construction and
8 infrastructure, New York State needs to encourage more
9 vertical building, denser mixed use communities that are
10 around mass transit nodes. Where possible, the AIA New
11 York recommends that the State Energy Plan include
12 language to encourage the state to develop smart growth
13 communities that avoid sprawl, are transit oriented and
14 energy efficient.

15 Finally, I will be very brief. We
16 respectfully suggest that the AIA be included as a
17 resource organization for your energy plan. We are able
18 to provide leadership and expertise in many areas
19 pertinent to the plan's goals, including new building
20 materials, technology for high performance green
21 buildings which can also affect the state procurement
22 process, and many of the state sponsored construction
23 and infrastructure projects.

24 So, thank you for this opportunity to

1 testify. The remaining paragraphs I am going to let you
2 read.

3 MR. CONGDON: Thank you very much.

4 Our next speaker is Bob Seeger, Millwrights
5 Local 740.

6 MR. SEEGER: Good afternoon. My name is Bob
7 Seeger. I am the Business Manager of Local 740 based in
8 Woodhaven, Queens. I represent the men and women that
9 install, repair and dismantle the machinery in heavy
10 equipment in many of the industries found in the city
11 and also in the state, particularly in power plants.

12 Our members are highly trained, highly
13 skilled people who work within tolerances of 1,000th of
14 an inch. That's half the thickness of a human hair.

15 I would like to thank the Governor for
16 putting together such a comprehensive energy plan and
17 for having these meetings for people like me to weigh in
18 with their thoughts.

19 There is certainly much in the plan to like,
20 such as the development of wind energy, extracting
21 natural gas from the Marcellus shale formation,
22 supporting the reorganization of the power plant siting
23 statute, and several other things mentioned in the plan.

24 The plan is pretty solid and confirms New

1 York's reputation as a progressive entity; however, I do
2 have some concerns I would like to share with you.

3 The proposed plan does provide support for
4 nuclear power in general, and even supports the creation
5 of a new reactor in upstate New York. These are points
6 I would not argue with but rather congratulate you on.

7 However, the basis for which you ruled
8 against Indian Point is not based in science nor is it
9 based on reason, and that is truly unfortunate. The
10 proposal to close Indian Point is under the blanket of
11 safety and environmental concern; however, the Nuclear
12 Regulatory Commission in the past several weeks stated
13 that Indian Point passed its own rigorous safety test as
14 part of its licensing.

15 If Indian Point was truly an environmental
16 hazard, it would certainly come as a shock to the scores
17 of fishermen, outdoor enthusiasts, and recreationalists
18 who utilize the Hudson River near the facility on a
19 daily basis.

20 Someone who has spent significant period of
21 time working at the facility, I know these facts
22 firsthand. Indian Point is also a union workplace with
23 my union brothers and sisters involved in nearly every
24 aspect of maintaining the facility. During scheduled

1 outages, skilled union trade representatives, such as
2 the millwrights, are the ones called upon to modernize
3 the facility's infrastructure and keep the plant running
4 smoothly.

5 And finally, let's use some common sense.
6 Removing more than 2000 megawatts, a figure that can
7 make up nearly one tenth of our state's total power
8 supply, not having a clear plan for replacing this base
9 load power is a recipe for disaster. It will leave our
10 grid vulnerable and place all New Yorkers at risk for
11 another blackout. This is a prospect we cannot afford.

12 As you construct the final energy plan, I
13 urge you to consider these arguments for what is largely
14 a positive plan. As a region continuously growing and
15 demanding new power, we must do what is necessary to
16 address these issues. Safeguarding our current base
17 load portfolio, including Indian Point, is a critical
18 part of this effort.

19 I would like to thank you for the time.

20 MR. CONGDON: Thank you.

21 Our next speak is Craig Wilson from SHARE.

22 MR. WILSON: Good afternoon. Like Mr.
23 Congdon said, my name is Craig Wilson. I am from SHARE,
24 which stands for Safe Healthy Affordable and Reliable

1 Energy. I am the Executive Director of the
2 organization.

3 SHARE, many people haven't heard of, so just
4 so you all are familiar with our mission, the
5 organization is a non-profit. We are a coalition of
6 various organizations and we are committed to ensuring
7 the continued supply of reliable, clean and affordable
8 electricity.

9 For too long, New Yorkers have paid high
10 electricity prices that have placed an undue economic
11 burden on our families and businesses. Poor air quality
12 has lead to asthma rates, which place our most
13 vulnerable at risk.

14 In reviewing the plan, SHARE supports your
15 efforts fully. And personally I commend you for your
16 good work. I was a part of the team that helped produce
17 Mayor Bloomberg's PlaNYC, the energy chapter in
18 particular.

19 I know this much work doesn't come easily.
20 And in particular, your five strategies. However, as
21 you might be aware, we are opposed to the recommendation
22 of the closure of Indian Point.

23 Community residents, small businesses,
24 working men and women from communities across the region

1 are depending right now on the electricity produced at
2 that facility. Recognizing the turmoil within our
3 economy, now is not the time to mothball a source of
4 clean -- existing source of clean, safe and affordable
5 power to the region.

6 As much as 40 percent of our power used for
7 everything from our schools, hospitals and businesses
8 comes from the Indian Point Energy Center. If it were
9 to be closed, it is estimated that small businesses
10 would pay an additional \$10,000 per year, and individual
11 residents or each metered facility would pay an
12 additional \$1500 per year.

13 Our members are simply not able to pay these
14 kinds of additional fees. They are already struggling
15 and they really are struggling to go to the supermarket
16 and fill the prescription, trite as it might sound.

17 Beyond the financial benefits of the Indian
18 Point Energy Center, it also reduces greatly the amount
19 of pollution emitted into our air. Unlike all the power
20 plants within the region, Indian Point does not release
21 asthma causing pollutants or greenhouse gases into the
22 atmosphere.

23 This is of great benefit to our air quality,
24 as all of the counties within New York City and

1 surrounding New York City have failed the American Lung
2 Association's state of the air test, which is an annual
3 test that they do. And it largely follows EPA health
4 guidelines.

5 So, we are out of federal attainment for our
6 air quality and we also fail according to the American
7 Lung Association.

8 So, just to reiterate: SHARE fully supports
9 your efforts. The energy efficiency work is terrific.
10 Much of the other -- many of the other recommendations
11 are wonderful. We just firmly ask the board to
12 reconsider its position on closure of Indian Point.

13 Thank you very much.

14 MR. CONGDON: Thank you.

15 Our next speaker is John Signorelli.

16 MR. SIGNORELLI: Good afternoon. My name is
17 John Signorelli and thank you for the opportunity to
18 speak today. My address is primarily on the LNG plant
19 and offshore of south side of Queens, Brooklyn.

20 You will find over 20 e-mails since April on
21 different subjects under Maria and John Signorelli in US
22 Coast Guard docket number USCG 2007 28535 addressing the
23 LNG offshore subject. I request your staff to refer and
24 consider what is contained in those e-mails.

1 It's believed that the offshore LNG island
2 project does not address sufficiently or adequately a
3 number of the important items. Within the e-mails
4 mentioned several issues that were stated -- I will
5 summarize -- one, buoy stations in the area show maximum
6 wave heights have occurred greater than 22 feet. You
7 will note that the offshore island is mentioned many
8 times to be constructed 25 feet above calm sea level.

9 Two, Nothing submitted address the topic of
10 runoff, and overtopping and parameters, which
11 misrepresented wave height, wind speed, etc., in
12 relation to the island's design parameters. And no
13 discussion of salt water effects on the facility.

14 Three, deceptive consultant report on vessel
15 traffic, give a more precise reporting on the six New
16 York harbor routes on vessel traffic. For facility is
17 only stated 75 to 201 terminal offloadings per year.
18 Nowhere does it relate to traffic or vessels.

19 This equates to vessel traffic being 450 to
20 1,746 vessels per year. This alone represents greater
21 than 50 percent of all vessel traffic in New York
22 harbor. This number does not include traffic of US
23 Coast Guard vessels, service vessels, safety support
24 vessels, etc.

1 Precinct Community.

2 MR. RUSCILLO: I want to thank you for
3 letting me speak today. I am the President of the 100
4 Precinct Community Council. I'm also a member of the
5 Rockaway Park Homeowners and Residents Association. I
6 live in Rockaway Park.

7 I also -- I hope the Governor gets this
8 message -- I also oppose the LNG platform. I feel that
9 there's no need for that. We have enough natural gas.
10 And also we have over seven miles of beautiful beach and
11 we would like to keep it that way.

12 Also, I deal with a lot of quality of life
13 issues in my community and I get many e-mails -- you
14 know, small quality of life issues. And I'm hoping that
15 some day -- I really don't want this platform here, and
16 a lot of people in the community go along with me on
17 that.

18 That would be a very big quality of life
19 issue if something happened. So, I really hope you can
20 get the message out to Governor Paterson that we do not
21 want this platform, there's no need for the platform.

22 That's really about it. I just hope the
23 message gets out there.

24 MR. CONGDON: Thank you.

1 Next speaker is Mike O'Toole, Rockaway Park
2 Homeowners and Residents Association.

3 MR. O'TOOLE: Mike O'Toole, Rockaway Park
4 Homeowners Secretary. I represent the Executive Board
5 stating their position on LNG. Again, LNG is a big
6 issue for us.

7 I just want to touch base, I heard some
8 pretty good information from some of these other people,
9 union brothers and such.

10 Dan Merz, state government affairs for
11 Williams, this is about to supply natural gas or not,
12 natural gas supply in New York is abundant. We don't
13 need foreign gas. Transco pipeline uses domestic gas.
14 There's plenty of it right here.

15 Donna DeCostanzo from NRDC talked about the
16 full lifecycle of carbon footprints of fuel. LNG is
17 dirty, really dirty. The compression and regasification
18 process leaves a large carbon footprint. I'll leave it
19 at that.

20 Very quickly, somebody mentioned the water
21 quality. I was swimming the other day. I think you
22 said the water quality -- it's absolutely gorgeous. It
23 hasn't been as clean in my lifetime. To see it regress
24 and release all these heavy metals that were mentioned

1 by some of these surfriders, I would hate to see that
2 happen.

3 I have couple things here concerning the
4 LNG.

5 Number one, Admiral Eldridge, she's a former
6 commander at Coast Guard District 11 California State,
7 an attack on US shores was likely enough for us to put a
8 lot of planning into it. This is on LNG facilities.
9 There aren't enough ships and planes for us to set up a
10 picket line so we know what's coming. If we have a
11 vessel import with a problem it's too late already.
12 There are too many unknown variables and unanswered
13 questions. The public's concern is justified. That is
14 from, again, the Commander of the Coast Guard District
15 11.

16 The House of Representative hearings,
17 March 7th I believe it was in '08, Jim Wells of the GAO,
18 General Accounting Office, doubts the Coast Guard can
19 marshal the resources to meet its responsibility. 2004
20 in Algeria they had a boiler failure in their facility.
21 Left 28 dead, 56 injured.

22 I believe this was -- the next thing I
23 wanted to reference is Lieutenant Commander Cindy Hurst
24 of the United States Coast Guard, the Institute for the

1 Analysis of Load Security. States that with America's
2 growing appetite for natural gas, LNG could potentially
3 become one of Al Queda's targets.

4 Shipping lanes, if they are compromised by
5 any kind of casualty with one of the ships or facility
6 casualty, we could shut down New York harbor. It's over
7 for a long period of time, not just a little time.
8 That's going to wreck the economy.

9 I'm concerned about the crews on these
10 boats. Just look at those pirates that some of those
11 crew members are going to have. Guarantee you. I
12 worked in the maritime industry for the last 40 years
13 and I seen some of these guys. They are desperados and
14 dirt bags. Being rude, but that's the reality.

15 I'm concerned about the crews. I have the
16 incident. When 9/11 came you know what the first thing
17 the government did? They shut down the port of Boston
18 due to the facility that's located there. Why? Think
19 about it. It doesn't take a genius to figure out.

20 It's imprudent to believe that terrorists
21 are unwilling and incapable to attack such targets.
22 This is from Lieutenant Commander Cindy Harris again.
23 To attack such targets. It's equally imprudent to
24 assume these targets are impenetrable. Insiders will

1 always be inside.

2 An attack on LNG fits well with Al Queda
3 tactics. They are well know for maritime terrorism.
4 It's a core part of their historical strategy. Look at
5 the US Cole. There's indications that they planned to
6 attack LNG tankers already.

7 That's about it. The locals in the
8 community, other than the environmental concerns, are
9 very, very concerned about the safety and security.
10 There's no way they can protect it. It's impossible.

11 I had one of these knuckleheads from the
12 company tell me -- Mr. Milk, I believe, he's in charge
13 of security -- when I told him he was going to shut this
14 down to recreational boating and divers he assured me
15 that divers would be able to dive. This is from the guy
16 at Atlantic Sea Island Group. He's their security
17 expert.

18 Again, I just want to reiterate the Rockaway
19 Park Homeowners and Residents Association is adamantly
20 opposed to this on many levels. First and foremost,
21 safety and security. Second, environmental.

22 Anybody wants to look any of this up, look
23 at www.iags.org. A lot of information there. It's a
24 very, very ill thought out project.

1 Governor Paterson, open up your mind and
2 please reconsider the fact that this is not a viable
3 alternative. It's dirty, foreign natural gas.

4 Thank you.

5 MR. CONGDON: Thank you.

6 Our next speaker is John Caroselli from
7 National Grid.

8 MR. CAROSELLI: Good afternoon. My name is
9 John Caroselli from National Grid. Delighted to be here
10 this afternoon. Thank you for all the time you are
11 committing to these hearings.

12 Actually, I am from Brooklyn. I grew up a
13 few blocks from here. Work downtown. So, thank you for
14 coming to my neighborhood. It's especially meaningful.

15 National Grid congratulates the State Energy
16 Planning Board on the issuance of the draft State Energy
17 Plan. Draft plan represents a monumental effort by the
18 board and its staff, with input from hundreds of
19 stakeholders.

20 We appreciate the transparency and the
21 inclusiveness of the process. Thank you. The state
22 plan should provide an excellent roadmap of the state's
23 energy future, as well as a useful picture of where we
24 are today.

1 National Grid is very pleased to see the
2 draft plan surfaces a number of issues that will be
3 critical to New York's energy environment. We share the
4 Governor's vision for a robust and innovative, clean
5 energy economy that will stimulate investment, create
6 jobs, protect the public health and the environment, and
7 meet the energy needs of businesses and residents
8 reliably, safely and affordably over the next ten years.

9 National Grid supports the energy resource
10 priorities established in the draft plan, notably
11 increased energy efficiency, renewable energy, and a
12 pursuit of greenhouse gas reductions in the energy
13 portfolio.

14 Achieving the state's energy goals will
15 require leadership both from policymakers and from the
16 utilities that provide services to New York's customers.
17 In our case, we serve over 3 million customers in the
18 state and we think there are many elements of the plan
19 that will benefit those customers.

20 National Grid stands ready to take action to
21 help the state achieve its energy and environmental
22 goals.

23 Today, we wish to comment on three issues
24 that we think are critical to the successful

1 implementation of the state's energy and environmental
2 objectives.

3 First one is energy efficiency. Draft plan
4 identifies energy efficiency as the priority resource
5 for meeting its objectives and sets the 15 by '15 goal
6 for reducing electricity use to 15 percent below
7 forecast levels by 2015.

8 As you all know, energy efficiency is the
9 most effective way both to help customers manage their
10 costs, and to reduce their carbon footprint. It's a
11 win/win solution for customers and for the environment.

12 Achieving New York's ambitious energy
13 savings goals will require a partnership of policymakers
14 and regulators, the state's utilities, NYSERDA and
15 energy services companies.

16 What we think we need are three things.
17 First, all hands on deck -- NYSERDA, the utilities, and
18 energy service companies working together to reach this
19 target. We very much appreciate NYSERDA's leadership in
20 this area and look forward to continued partnership
21 there.

22 Secondly, streamlining the energy efficiency
23 program approval process so we could all bring energy
24 savings to our customers as quickly as possible. Our

1 customers are eager to take advantage of the programs we
2 are proposing. And we see it every day. Their demand
3 interest is quite high right now to achieve the 15 by
4 '15 goal.

5 Second area I would like to comment on is
6 clean energy. As the State Energy Plan recognizes,
7 renewable energy is another important priority for the
8 state.

9 National Grid fully supports the state's
10 efforts to promote renewable energy as another way to
11 improve New York's energy security and combat climate
12 change.

13 It will be important for our customers to
14 support energy efficiency and renewable energy in as
15 cost effective a manner as possible.

16 We think to do that, first of all, the
17 utility deployment of solar and other renewable energy
18 resources is one way of reducing the cost of these new
19 technologies for customers. That's an area we have a
20 great deal of experience in.

21 Secondly, investing in transmission to
22 deliver renewable energy from remote locations to
23 customer load centers will be critical for ensuring that
24 customers can take advantage of the benefits of New

1 York's renewable energy development.

2 Transmission is really the backbone that
3 moves clean, reliable energy from its point of
4 generation to the customer's door.

5 New York's State Energy Plan should give due
6 consideration to the issues of financing, permitting and
7 building transmission projects to deliver wind and other
8 remote clean energy to New York customers.

9 Investing in the Smart Grid is also key to
10 tapping the opportunities for clean energy in New York.

11 National Grid recently applied to the United
12 States Department of Energy for approximately 82,000
13 customers in the Syracuse and the Albany-Capital areas.
14 This program will enable us to help our customers manage
15 their energy costs, and learn how to integrate renewable
16 resources and electric vehicles into the energy grid of
17 the future.

18 We encourage the board to develop action
19 plans that will bring the benefits of new technology and
20 renewable energy to our customers in the most cost
21 efficient way.

22 As the plan notes, clean energy development
23 in New York presents an economic development opportunity
24 and the potential for new jobs, and National Grid stands

1 ready to work with the state and local communities to
2 make this a reality.

3 As you know, we are a member of New York
4 Smart Consortium and actually are implementing many of
5 these plans.

6 Third and final area I would like to talk
7 about is infrastructure investment.

8 As the draft plan recognizes, achieving New
9 York's energy and environmental goals will require
10 considerable investment in the state's energy
11 infrastructure.

12 National Grid stands ready and is eager to
13 make this investment in New York's energy future, but we
14 cannot do this without a supportive investment climate.

15 New York's policy and regulatory framework
16 must provide for timely recovery of costs and
17 industry-standard returns in order to attract the
18 investment needed to achieve the goals articulated in
19 the State Energy Plan.

20 In closing, thank you for your attention
21 today. Thank you for your work on the plan. National
22 Grid looks forward to working in partnership with the
23 board, the state, other utilities, stakeholders, and
24 importantly, our customers, to implement the Governor's

1 vision for New York's energy and environmental future.

2 Thanks for the opportunity.

3 MR. CONGDON: Thank you very much.

4 Our next speaker is Arnold Frogel from the
5 Sierra Club.

6 MR. FROGEL: Good afternoon. My name is
7 Arnold Frogel. I am with the New York City group of the
8 Sierra Club. And thank you, members of the board, for
9 allowing me to speak here.

10 I have to say one component of the state's
11 energy plan is natural gas, and a lot has been said
12 about that here. I am sure it's a major component. And
13 though not much has been said about it, I think I want
14 to talk about the issue of high volume horizontal
15 hydraulic fracturing, or fracking, for extracting the
16 gas from our Marcellus and Utica shale formations.

17 High volume refers to the massive quantities
18 of water that will be combined with about 275 different
19 chemicals, including at least 48 toxic ones, and sand,
20 to form the fracking fluid that will open up, and prop
21 open the fissures in the shale formation that will
22 release the sought after gas. They have been using this
23 technique in Pennsylvania in that state's portion of the
24 Marcellus formation.

1 With the encouragement of the Acting
2 Secretary of their Department of Environmental
3 Protection, John Hanger, initially he said, "We
4 recognize that there are incredible opportunities for
5 the commonwealth in the Marcellus shale, but realizing
6 those gains cannot come at the expense of our natural
7 resources".

8 I think he was referring to their pure water
9 resources, and to the agriculturally productive soil as
10 natural resources.

11 In May of 2008, in Lycoming County,
12 Pennsylvania, the Range Resources, oil drilling company,
13 and Chief Oil and Gas Company, illegally diverted tens
14 of thousands of gallons of water a day from rural
15 streams to large scale drilling operations. This is
16 according to the Pennsylvania DEP.

17 At another time, Susan Obleski, of the
18 Susquehanna River Basin Commission, was prompted to
19 mention, "The drilling operations drawing on headwaters
20 in the upper tributaries of the Susquehanna River will
21 suck those tributaries dry".

22 In the community of Susquehanna,
23 Pennsylvania, a Cabot Oil company site drilled -- they
24 used on their site 800 gallons of diesel fuel leaked

1 from a storage tank, threatening a nearby stream.
2 Later, as these adverse reports began to come out, and
3 also those of what happened in Dimock, Pennsylvania and
4 Hickory, Pennsylvania, about spills and explosions and
5 water well pollution, Secretary Hanger had to back pedal
6 and revise his message.

7 And in an interview with Reuters he said,
8 "You can't do large amount of drilling and have zero
9 impact. There's going to be a lot of good that comes
10 from drilling in Pennsylvania, but there are also going
11 to be some problems". And he went on, "we run a certain
12 amount of risk because of the benefits."

13 And I question whether those benefits really
14 justify that kind of risk because, after all, you lose a
15 water source, you lose a water source that's for -- it's
16 developed over millenniums in the past and should last
17 for millenniums into the future. And there is the cost
18 of -- the replacement cost of it is infinite.

19 In the same interview, Mr. Hanger
20 acknowledged that some of the chemicals could be
21 dangerous to human health. He said that risk has to be
22 weighed against the benefits that will come from the
23 exploitation of what he called the enormous gas reserves
24 contained in the Marcellus Shale.

1 One wonders about that short term benefit.
2 I mean if it's short term, what you get from the
3 Marcellus Shale, relatively speaking, and how it
4 compares with the millenniums of loss of that natural
5 resource, potable water supply.

6 I see a similar scenario beginning here in
7 New York State, and we should really learn from what
8 happens -- what's going on in Pennsylvania.

9 Since May of last year, our DEC presented to
10 our legislature a slide show with a summary from the
11 Interstate Oil and Gas Compact Commission that read in
12 part, "In all oil and gas states surveyed there was not
13 one instance of drinking water contamination in over one
14 million fractiles."

15 This was originally part of a summary
16 statement for a study carried out by the US EPA, which
17 actually contradicted the facts that were in the body of
18 that report. And that was according to a whistle blower
19 who had participated in the study.

20 And the summary statement is actually
21 reminiscent of George Orwell's novel, "1984", and it's
22 now been used by both the Pennsylvania DEP officials and
23 those of our own Department of Environmental
24 Conservation, to inspire, again, a suspension of

1 disbelief by the rest of us in their effort to serve the
2 ambitions of the gas drilling industry, and apparently
3 to serve the politically expedient fiscal needs of the
4 Paterson administration.

5 Industry representatives have said that
6 methane contamination incidents are statistically
7 insignificant, since well drilling and construction
8 technology keeps gas and drilling fluids safely trapped
9 in layers of steel and concrete.

10 But then they go on to say that even if some
11 escapes, thousands of feet of rock make it almost
12 impossible for it to migrate into drinking water
13 aquifers.

14 That statement was belied by a scientific
15 study in Colorado, where methane was found in dozens of
16 water wells, all underlain by the same rock layer, at a
17 depth of one and a half miles underground where
18 hydrofracking was going on.

19 By the way, in Colorado, there have been
20 over a thousand court suits, litigation, against state,
21 county and municipalities concerning water contaminant
22 -- water supply contamination.

23 MR. CONGDON: Excuse me, sir. We have
24 exceeded the five-minute time limit. If you would like

1 to wrap up, or you can read the rest of your statement
2 after we get through the rest of the speakers.

3 MR. FROGEL: I would just like to conclude
4 here. We will wrap up with this.

5 The first responsibility of government is
6 the protection of its citizens, and that means the
7 protection of the many against the few that would prey
8 upon them.

9 And that's what's happening when we allow
10 these companies to come into our state and pollute our
11 essential natural resource, water, which is needed by
12 the millions of New Yorkers.

13 Thank you.

14 MR. CONGDON: Thank you. Appreciate it.

15 We are just going to take a five-minute
16 break and we will be back up here in five.

17 Thank you.

18 (Recess taken.)

19 MR. CONGDON: Next speaker is Victor
20 Simansky.

21 MR. SIMANSKY: Good afternoon, everyone, or
22 almost say starting to get into the good evening. I
23 just want to thank you for letting me speak. I'm going
24 to be fairly brief. I just wanted to hit a few basic

1 topics.

2 What's my agenda? I think everyone here has
3 an agenda. They're affiliated with something. I am
4 not. I'm really, I mean, I have a reason why I came,
5 but I am a New Yorker.

6 And let's see. I got three properties.
7 It's funny because they affect everything we've been
8 talking about since I've been here. Orange County, New
9 York, Tuxedo Park, 10, 15 miles from Indian Point.

10 New York City, Hell's Kitchen, 43rd Street.
11 And also Rockaway Beach, of course. That's why I am
12 here, actually. I live in the Rockaway Beach section,
13 and basically I am concerned about the LNG and what's
14 going on here.

15 I want to say one thing first. I noticed
16 that the Surfrider, Mr. Chris Wade, mentioned the
17 sensitivity to the time. And honestly, I don't know, I
18 work really hard and anyone who I work with, we have to
19 work until 6:00 to 7:00 at night.

20 And there's no way -- I had to take that 5
21 train here and it took me 50 minutes plus a five-minute
22 walk. And you had to sit there for the last stop. That
23 was another ten minutes. I guess I was coming close to
24 the end of the school and they have some trains going

1 back.

2 So, anyway, I think it would really be
3 appreciated if meetings could be later so that you could
4 get, really, a fairer form of the public and not as much
5 -- obviously people who are involved with the business
6 side of it, really pro for whatever their need is.

7 So, I want to talk about LNG. I'm going to
8 basically hit a couple brief points. The first thing I
9 want to talk about was, really, what I see is the
10 environment. There's two things. Environment and pro
11 business. I am pro business and I'm pro environment. I
12 think it's really important in our future to go green.
13 I work for Newscorp. We are a full carbon neutral
14 company.

15 On the environmental side, two things I want
16 to point out that I see as a critical issue. One is the
17 depth of this. This is 70 feet. It's going to have to
18 be poured to build this island. If you pour an island
19 70 feet thick, the issues of sand formation. Sand just
20 drifts. It naturally moves. The concern is if you
21 create an island, you are going to -- wherever sand goes
22 it comes from somewhere else.

23 I can -- it's my gut feeling, I haven't had
24 time to do the research yet, but my gut is that sand is

1 going to come from the shorelines, and it's going to
2 basically require the Army Corps of Engineers to have
3 the taxpayers spend money, have to get more sand dredged
4 back up on to our shores and won't use our shoreline.

5 So, I see economic costs there. And I also
6 see there's economic costs that it's ironical in
7 Rockaway that we have environmental -- I live in the
8 city and I live in Rockaway primarily, and that it's
9 ironical for energy -- I have a 2006 Subaru Tribeca and
10 I got, I don't know, 5-, 6000 miles. Any normal
11 American has 15,000 miles on their car.

12 And we talk about saving energy. Well, you
13 could take a subway to Rockaway, that's what's so
14 amazing about Rockaway, it is the least amount of energy
15 to get transportation. We should look at that as a
16 model location, just like Long Beach, which has the
17 LIRR, which is accessible for the hub for all of Long
18 Island, as an opportunity to build these locations. And
19 there's so much more economic opportunity there and
20 everyone just doesn't see that because no one goes to
21 Rockaway. It's a poor neighborhood.

22 I tell you, I live right next to the
23 projects, you know? But I went there because I just saw
24 a value in the area. It's dynamite. It might be

1 dangerous but you get used to it. You know, people --
2 you look like a kid.

3 Anyway, so, that's my story on environment.
4 I was in Dubai about a year and a half ago. They had
5 the Palm Jumeirah, that was a project done by Nahkeel,
6 company Nahkeel, one of the larger development
7 companies, and they built the Palm Jumeirah, the Palm
8 Islands. You probably heard about that somewhere.

9 But, anyway, I have one thing that I'll
10 share that I saw recently. There are some environmental
11 impacts with sand shift. This is the best documentation
12 I could bring to the meeting.

13 But if you do something with sand that's not
14 natural, things are going to happen and more concerned
15 is I surf and I was out two weeks ago in those 15-foot
16 waves. 15 feet. When you have a sand bar farm you are
17 going to have 15-, 20-foot waves, and that's at least
18 once or twice a year. And then we have the big storms
19 in October typically.

20 So, I feel just from what could happen it
21 could be really dangerous to our environment and not a
22 positive thing. That ends my environment side.

23 Energy, I just want to point out some recent
24 articles from today's information. You can just go into

1 the Wall Street Journal. I will just mention our gas
2 prices are now right at an all time low. I heard
3 traders are stockpiling caverns underground natural gas
4 because it's so cheap right now.

5 I feel that LNG, obviously, oil companies
6 are coming up to the plate and other energy companies
7 because they see the need for our energy requirements in
8 the future. I think adding another energy type of
9 source is bad for us in the sense that there's social
10 economic cost to the other countries because to do the
11 refining of something like that, a liquid natural gas,
12 is a dirty refinery system.

13 I'm just concerned about that because I
14 think that in the long run we will find out worse issues
15 and they will come back to haunt us and then we'll have
16 an idle spot out there that has to be dismantled, which
17 you can't dismantle a 70-foot deep island.

18 Thank you for your time and hand it to the
19 next person.

20 MR. CONGDON: Thank you very much.

21 I think I should just make one clarifying
22 point about the draft plan, and that is that it doesn't
23 support any one particular project. All LNG proposals
24 or power plant proposals or others have to go through a

1 siting process.

2 New proposals have to go through siting
3 processes, and there are also opportunities for public
4 participation in those processes. And I am sure most of
5 you will be participating in those, but we do appreciate
6 the comments on specific projects.

7 The next speaker is John Sicilicani, NY
8 Solar Energy Industry Association.

9 MR. SICILICANI: Very happy to be here. My
10 name is John Sicilicani. I am Executive Director of the
11 New York Solar Energy Industry Association. We
12 represent over 200 small to medium to larger size
13 companies doing business here in New York State in the
14 solar industry, comprised of contractors, designers,
15 architects, builders, all kinds of folks.

16 We are a growing organization, and we have
17 members from all the way out in Eastern Long Island to
18 Buffalo. So, hopefully, you have seen some of our other
19 members at hearings around the state.

20 MR. CONGDON: We sure have.

21 MR. SICILICANI: There were a few there
22 yesterday.

23 I just want to congratulate all of you for
24 all your hard work in putting this draft energy plan

1 together. I know it's been a very daunting task for
2 everybody involved. We really congratulate all of your
3 hard effort in getting it out there and getting it done
4 and offering the public an opportunity to comment.

5 NYSEIA, however, does advocate a more
6 detailed and long term vision to make New York the
7 leading market for solar energy in the northeast. Right
8 now that state happens to be New Jersey. I think New
9 York has a very unique opportunity to leapfrog them, not
10 because it's competition, but because we are New
11 Yorkers.

12 Over the next 10 years, solar electric and
13 solar thermal technologies have the potential to create
14 tens of thousands of jobs, provide over 4,000 megawatts
15 of electric and thermal equivalent capacity.

16 NYSEIA advocates the following fundamental
17 efforts be included in the New York State Energy Plan.
18 We really need a long term plan that provides clear
19 incentives for the deployment of 2000 megawatts of
20 photovoltaics by 2017. The current incentive structure,
21 while it has over the past five years created a very
22 talented and somewhat growing industry, the framework of
23 the incentive structure needs to be changed to have a
24 longer term investment and more of a vision involved.

1 technologies in the next round of the RPS, and we want
2 to build upon our success of having the largest solar
3 air heating system in North America, Fort Drum. We
4 would like to see a similar commitment like that of
5 California to installing over 200,000 solar hot water
6 systems in a multi-million dollar ten-year program.

7 And we would like to emulate some of the
8 European Union solar success when it comes to solar
9 thermal technology. For example, Germany right now has
10 a \$2 billion solar thermal market, installing 150,000
11 systems a year and employing 220,000 employees.

12 Just as a point of reference, Germany is
13 about the size of New York State, with less of a solar
14 resource. So we can easily do it here just as they do
15 in Germany.

16 Some of our other ideas. Institute a New
17 York State Government Solar Energy Purchasing Program to
18 provide simple mechanisms for New York State government
19 agencies, authorities and municipalities to purchase PV
20 and solar thermal products. Government needs to lead by
21 example, which will both reduce costs, inspire
22 additional consumer confidence in the technologies.

23 Recognizing the unique value of PV and solar
24 thermal systems deployed in different areas and

1 different applications, solar displaces the most
2 expensive power and utility load pockets where the grid
3 particularly is stressed and peak demand coincides with
4 solar production.

5 Solar thermal also provides the same peak
6 load reduction and can reduce electricity demand for the
7 900,000 New York State residents who use electricity to
8 heat their hot water.

9 I will just finish up quickly here. We
10 would love to see the recognition that smaller to medium
11 sized systems installed have in quickly creating jobs.
12 Project time lines are much smaller. It's much easier
13 to get them done. These are the jobs we really need to
14 work on. The small to medium size system market, we
15 believe, would really be able to jump start that.

16 And finally, we would love to see, as most
17 of you know, we talked about this a lot, a change in the
18 commercial net metering law. The legislation passed
19 last year was imperfect.

20 The energy plan recognizes the deficiency in
21 New York's current net metering statute and its failure
22 to adequately serve the commercial market for PV. New
23 York needs to renew the current capacity limit of
24 commercial PV systems that is based on a customer's peak

1 demand and instead limit system size to a customer's
2 annual electricity consumption.

3 Finally, we intend as an organization to
4 provide lengthy comments on the whole plan next month,
5 so, look forward to that.

6 Thank you.

7 MR. CONGDON: John Malizia, Fisherman's
8 Conservation Association, New York Sportfishing
9 Federation.

10 Welcome.

11 MR. MALIZIA: John Malizia, Vice President
12 of Fisherman's Conservation Association and Director of
13 New York Sportfishing Federation. These groups
14 represent many recreational fishermen from Montauk to
15 Staten Island.

16 First of all, we are against LNG because of
17 the facts that the other people brought about, but also
18 these areas we can't fish. Their island is 116 acres
19 underneath the ocean, plus a 500-meter exclusion zone.
20 Any of the LNG proposals, these proposals are on major
21 spawning or fishing grounds, which we are definitely
22 against, so we are against LNG in the ocean.

23 As far as the other renewable energy
24 projects or proposals, specifically the wind turbines

1 that are proposed off of Rockaway from Con Edison and
2 LIPA, we are in favor of the turbines if we are allowed
3 to fish the turbines.

4 Right now, the Coast Guard is not actually
5 sure what their proposal would be, whether fishermen can
6 be able to fish it or not. In Massachusetts, they are
7 trying to state that you can't fish around the wind
8 turbines off of Cape Cod.

9 So, the proposal from Con Ed and LIPA is
10 20 square miles right off the Rockaways, which is
11 predominantly great fishing areas, especially in the
12 fall.

13 Other renewable energy projects, such as the
14 current turbines in the East River and the Hudson River
15 -- excuse me -- East River and Hell's Gate, they are
16 very successful right now. They are going to be
17 predominantly I guess exploded.

18 The fishermen should be involved in any of
19 the processes that involve the waterways, fishing zones,
20 as well as the surf riders, as the swimmers. The
21 recreational fishermen right now are inundated with
22 regulations on the fishery, so, reducing the spawning
23 spots or habitat drastically impacts our recreation and
24 our right to fish.

1 Basically, I give the board the option to
2 contact us, to be involved as a user group, or as a
3 stakeholder to the ocean, to be involved. We want to be
4 involved and we offer our help.

5 Thank you very much.

6 MR. CONGDON: Thank you very much.

7 Our next speaker is Peter Stubbin.

8 MR. STUBBIN: Good afternoon, early good
9 evening. Thank you for your patience this afternoon,
10 hearing all the speakers. From what I understand you
11 have been traveling throughout the state, so this isn't
12 new to you.

13 I am sure I stand with a majority of
14 speakers that have applauded the Governor and that have
15 applauded your board and that in general have applauded
16 the energy plan. The 45 by '15 makes a lot of sense for
17 New York State.

18 My name is Peter Stubbin. I'm from 118th
19 Street in the Rockaways. Guess what? This LNG offshore
20 island terminal meets none of the recommendations of
21 your plan. It is in almost complete contradiction to
22 everything that you stand for. Not only is it in
23 complete contradiction to everything that you stated in
24 your energy plan, this plan was flatly rejected by

1 Governor Paterson, your boss, last year.

2 Now, I don't mean in the Rockaways. I mean
3 in Long Island Sound. He flatly rejected an LNG
4 terminal off the shore of New York State, Long Island
5 Sound. He rejected it for environmental reasons and for
6 trade reasons and for security reasons.

7 Why on earth would this plan include some
8 sort of an island terminal off the coast of Rockaway and
9 New Jersey -- off the coast of New York and New Jersey
10 -- to accommodate Arabian and Russian gas in a nation
11 that is creeping towards more energy independence?

12 This plan makes no sense at all. Now, I
13 understand it's not part of -- it's a project that needs
14 -- as Tom recommended and I'm delighted to hear there is
15 a surfer among the energy board. The siting of this
16 offshore terminal is something that is different and
17 will go on for a long time, but the concept makes no
18 sense at all.

19 How does it fit into a 45 by '15 when it
20 decreases the use of safe, reliable and abundant US gas
21 for gas from the caucuses and from the Arabian
22 peninsula? Is that gas from safe, reliable sources?

23 Abundant, definitely. Iran, Libya, Algeria,
24 the caucus region of Russia. Certainly, abundant.

1 Safe? Reliable? For New York? Makes no sense. It's
2 idiotic. It completely contravenes any sort of concept
3 of energy independence.

4 Number two, and if I may, this is an
5 experiment, this offshore island. There are offshore
6 platforms in the gulf off New Orleans that are standing
7 abandoned right now because of the nature of the gas
8 industry. We're in a tremendous gas bubble because we
9 have abundant safe and reliable natural gas in the US
10 and Canada.

11 Williams Corporation transports their gas
12 all over America and do a tremendous job of it, but all
13 other terminals are platforms.

14 This island terminal that is being suggested
15 is an island built from the sea bed up. This is an
16 experiment. This has not been done before. Not only is
17 it environmentally hazardous, as fishermen mentioned and
18 other speakers, but who knows?

19 It's an experiment. And the project is to
20 be built in one of the most active shipping lanes in
21 America, the shipping lane into New York City's hub.

22 As a reasonable person, I trade commodities
23 for a living, I'm also a member of the Rockaway
24 Homeowners and Residents Association. We heard other

1 speakers from them as well. I try and look at the
2 markets as rationally as I can. I try to look at this
3 project as rationally as I could. It just doesn't make
4 any sense.

5 So, I hope you take this back to the
6 Governor and I hope you will take my thoughts and the
7 thoughts of many others that this makes -- this
8 particular LNG offshore terminal off the coast of
9 Rockaway and New Jersey, please, drop it.

10 And we would be delighted to have a siting
11 discussion on the coast of the Rockaways, the Reese
12 Park, which is a national park on the Rockaway
13 peninsula. The bath house was just restored by the
14 National Park Service. It would be a tremendous
15 location to hold a meeting for us, for the Governor, and
16 if you would like to go on the circuit again, hear from
17 a lot of people from the Rockaways on Saturday or in the
18 evening.

19 Thank you very much.

20 MR. CONGDON: Thank you.

21 MR. BROWN: Tom, I just wanted to make a
22 remark on what you said, so everybody understands.

23 When we undertook a natural gas assessment,
24 which is one of the sections, it was meant to be an

1 outlook of, okay, what are our gas supplies, what's
2 going to be our usage in the future, and what proposals
3 are out there to address these.

4 It was in no way meant to be judgmental
5 about any of these proposals. It was simply a listing
6 of the things that were out there. And to deny a
7 proposal I think would have been turning a blind eye to
8 something that's out there.

9 There is a whole -- getting to Tom's point
10 -- a whole complete and separate process. The energy
11 plan is not designed to endorse specific projects of the
12 like. That's another process. It's certainly not
13 designed to do the environmental assessment of those
14 projects.

15 So, I just think it's an important
16 distinction so you understand that the energy plan is
17 going to look at whatever anybody proposes. No matter
18 what one may think of it, if it's out there and it's a
19 proposal, we mentioned it in the plan because it's a
20 reality as a proposal. And there is a separate and
21 complete discussion opportunity to discuss any
22 individual project along the way.

23 So, we have certainly heard the public on
24 this one.

1 MR. CONGDON: Sheila Somashekhar,
2 Sustainable South Bronx.

3 MS. SOMASHEKHAR: I'm Sheila Somashekhar
4 from Sustainable South Bronx.

5 We would like to thank the Governor's
6 office, NYSERDA, and the Department of Environmental
7 Conservation for their continued outreach regarding the
8 public hearings and comment period for the draft State
9 Energy Plan.

10 Firstly, Sustainable South Bronx commends
11 the State DEC and the Governor for recognizing the
12 importance of statewide energy planning, and we applaud
13 the obvious effort that went into compiling the current
14 draft document. Moving forward, we ask that the process
15 be codified and we strongly encourage the Governor to
16 sign the state energy planning bill.

17 Secondly, we request early and substantive
18 involvement of NGO and community-based organizations in
19 future statewide energy planning.

20 Recognizing the potential benefits of
21 statewide energy efficiency plan, which gives meaningful
22 consideration to environmental justice communities,
23 Sustainable South Bronx, Nos Quedamos and UPROSE joined
24 the energy efficiency portfolio standard proceedings in

1 August 2008.

2 We have maintained an active role in the
3 demand response initiative since joining. Our
4 involvement in EEPS is a priority to which we have
5 committed significant time and resources.

6 We continue to feel that electricity
7 reliability is an issue of equity; all communities
8 benefit from access to electrical reliability, but not
9 all communities share the same environmental burden of
10 electrical generation; namely, the localized adverse
11 health impacts of particulate matter and ozone emissions
12 from peak generation units.

13 Specifically, it is environmental justice
14 communities, like Sunset Park and the South Bronx, that
15 face these negative and unfairly distributed
16 consequences.

17 However fruitful our EEPS efforts have been,
18 participating in the demand response initiative was just
19 one small piece of statewide energy planning. In the
20 future, Sustainable South Bronx views early and
21 substantive involvement in the state energy planning
22 process as an opportunity for a holistic approach.

23 As for the current draft, we ask that the
24 plan identify actionable and implementable goals with a

1 set of metrics all relevant agencies could apply to
2 ensure that progress is being made toward these goals.
3 We did address this point a little earlier and we look
4 forward to seeing the implementation plans.

5 As firm believers in the catastrophic
6 climate impacts of allowing energy production and
7 consumption to continue with "business as usual", we
8 greatly appreciate the plan's emphasis on climate change
9 planning and greenhouse gas reduction.

10 Above all, we advocate for curtailment of
11 energy use and the coordination of statewide energy
12 efficiency programs over the investment in natural gas
13 drilling or new conventional generation infrastructure.

14 The Governor's Office and the Department of
15 Environmental Conservation have a responsibility to
16 protect the public health of all New York State
17 residents, and therefore must not allow hydraulic
18 fracturing in the Marcellus Shale. It is a flagrant
19 disrespect of our natural resources to grant oil and gas
20 companies exemption from the Clean Water Act, the
21 Environmental Response Compensation and Liability Act,
22 the Resource Conservation and Recovery Act, and the Safe
23 Drinking Water Act.

24 The lack of transparency and oversight

1 regarding the contents of fracking fluid is not only a
2 threat to adequate drill site clean up and worker
3 safety, but also a hindrance to understanding the
4 impacts on our natural aquifers and the drinking water
5 that millions of New York City residents rely on.

6 In conclusion, perhaps most importantly, we
7 see a need for statewide standards for Measurement and
8 Verification of all energy efficiency programs in
9 effect. Without a coordinated effort which has the buy
10 in of major utilities and the NYISO, we cannot ensure
11 that all energy efficiency savings are documented and
12 applied toward our energy use projections.

13 We thank you for your time and for the
14 opportunity to publicly present our comments regarding
15 the draft State Energy Plan.

16 MR. CONGDON: Thank you very much.

17 Joe Hartigan.

18 MR. HARTIGAN: My name is Joe Hartigan. I'm
19 also a Rockaway resident and retired New York City
20 firefighter lieutenant.

21 This LNG, I'll touch on it, it's impossible
22 to protect the public. It's a tremendous terrorist
23 target. There's two major airports that fly over there.
24 Newer planes hold 600 people that fly directly over

1 that, impossible to protect.

2 I don't want to reiterate what everybody
3 else said about the Surfrider. That is almost
4 impossible to protect the island. Any ship could turn,
5 go right up the harbor, open up the gates, and we could
6 have a major incident.

7 That's about all I have to say.

8 MR. CONGDON: Thank you very much.

9 John Weber, Surfrider Foundation.

10 MR. WEBER: John Weber. I am from New
11 Jersey and it seems like there's just millions of New
12 Yorkers down at the Jersey shore. So, here I am to talk
13 to you here.

14 New Jersey is a lot like New York in terms
15 of our energy mix. We get a lot of our electric from
16 Midwestern coal fired power plants, there's a good deal
17 of nuclear, and like downstate and Long Island, they are
18 very densely populated.

19 I'm here to remind everybody or tell
20 everybody that a couple years ago New Jersey went
21 through this exact same process. We came up with a New
22 Jersey Energy Master Plan, as we called it. It was very
23 much the same, a lot of good stuff in there.

24 Energy efficiency, good deal of

1 conservation, strong emphasis on renewable. I think our
2 numbers were 30 percent reduction by 2020 and then the
3 same as you, 80 by 2050. So, it's the same. That's the
4 good stuff. Everybody likes that.

5 But also, like New York's plan, New Jersey's
6 does not close the door to liquid natural gas, and that
7 is why I'm here. I understand your comments before.
8 People keep bringing up the island. It's just because
9 that is the one that has the application that's already
10 in.

11 I understand this plan doesn't endorse any
12 of the proposals, but what's absent from this plan is
13 the Broadwater plan because, conveniently, the New York
14 Governor already did shut the door on that. This is
15 what's inconsistent. It's inconsistent with the rest of
16 the plan and greenhouse gas reduction goals in the plan.

17 It's also not consistent with also having
18 offshore LNG. If they build it, they're going to have
19 to feed it. If they feed it, then we're not reaching
20 those greenhouse emission goals or the reduction.

21 Just two days ago I attended a panel called
22 the New Jersey Energy Future Panel. They invited all
23 three candidates for Governor -- the independent
24 candidate showed up himself, the other two sent

1 surrogates. Two of them are against. The independent
2 candidate, he's actually a former EPA region 2
3 administrator. His name is Chris Daggett. He's against
4 it.

5 The other candidate, he's from the Drill
6 Baby Drill party. While he doesn't officially come out
7 against it, his surrogate said, I am pretty sure that
8 he's against it.

9 The other candidate, who is our current
10 Governor, and authored this draft Energy Master Plan
11 that we have now in New Jersey, he's the one, again,
12 that made LNG part of New Jersey's Energy Master Plan.
13 He's losing. He's losing in the polls, and there's a
14 good chance he's going to lose this race.

15 I understand this document, and I understand
16 that this hearing is about policy, not about politics,
17 but there is a political reality at work here and
18 everybody needs to remember that.

19 Our Governor is paying the price. He has
20 not been a friend to the environment. Sierra Club
21 endorsed the independent candidate. This stands on LNG
22 and all a part of it.

23 One other thing. Couple weekends ago I went
24 to a museum in New Jersey, New Jersey maritime museum,

1 or something like that, a lot of shipwrecks, but there
2 was a picture of this one big giant thing and I said,
3 what's that? That was the Texas tower. Where was that?
4 They built that somewhere -- without getting into
5 latitude and longitude -- somewhere between Sandy Hook
6 and Coney Island they built this Texas tower thing. I
7 don't know what it was for, why they did it, but long
8 story short: It sank to the bottom of the ocean.

9 I understand this is different technology
10 with the island, it's a different technology with the
11 floating platform for LNG, or a different technology for
12 an underground turret that comes out of the ocean, but
13 what's insane is that people keep thinking they can
14 build things in the middle of the ocean that will
15 withstand mother nature and mother nature keeps proving
16 them wrong.

17 So, offshore LNG is an accident waiting to
18 happen, and I would urge New York State to reassess that
19 as part of their energy plan. The rest of it is a
20 pretty good plan. You can meet those goals if you stay
21 away from that LNG stuff.

22 Thanks very much.

23 MR. CONGDON: Thank you very much.

24 Annie Wilson from the Sierra Club.

1 MS. WILSON: Good afternoon. I am Annie
2 Wilson with the Atlantic Chapter of the Sierra Club. I
3 am the Energy Committee Chair. And I'm here to let you
4 know that we will be submitting written comment by the
5 deadline of October 19th.

6 And thank you.

7 MR. CONGDON: Thank you.

8 Our next speaker is David Byer from Clean
9 Ocean Action.

10 MR. BYER: My name is David Byer. I'm water
11 policy attorney for Clean Ocean Action, a coalition of
12 125 organizations in New York and New Jersey. I
13 testified yesterday and I promised to try to avoid doing
14 it today, but I heard some things that I thought were
15 good, and I wanted to just address -- I think John hit
16 on them somewhat -- about the fact that the plan is not
17 endorsing any specific project. A lot of people were
18 talking about the island.

19 We are a coalition of over 70 organizations
20 now in New York and New Jersey that oppose all LNG in
21 this region. We talk about the island often because
22 it's the closest to this region and it's the furthest
23 along in the application process now.

24 But a lot of what we heard is issues against

1 LNG as a fuel source. Of course, there is LNG in the
2 sense of the Pickens Plant or trucks and peak shaving
3 facilities, but when we're talking about LNG we're
4 referring to these importation facilities.

5 So, on that note, there is the two other
6 facilities that are noted in the natural gas -- Blue
7 Ocean by Exxon and Liquid Natural Gas by Excalibur
8 Energy. They are closer to the New Jersey coast and the
9 natural gas assessment it says Safe Harbor New York and
10 the other two say New Jersey. It does note, though,
11 correctly, that these will supply the New York market,
12 and I think that's an important point.

13 And I think the plan -- I think what we are
14 asking for -- and I can't speak for everyone -- when we
15 are saying no LNG, even if it's a plant that's closer to
16 New Jersey we want New York State to step up and make
17 sure -- because even if it's the Liberty project that's
18 going to be built closer to New Jersey, the pipeline
19 into Linden, New Jersey because that's a hub for
20 pipelines, that supplying natural gas to New York that's
21 foreign natural gas, It's dirtier natural gas, can be in
22 the long run more expensive natural gas, we believe.

23 So, this is an energy policy issue for New
24 York even if it's off New Jersey. So, we feel New York

1 needs to step up, get involved. And it did note that we
2 need to be working with other states in the region so
3 that we are on an energy policy and it did list natural
4 gas. LNG is one of the things that needs to work with
5 other states. And I think you need to work with other
6 states, including New Jersey, to convince Governor
7 Corzine otherwise to not support LNG.

8 And I would just note that, unlike
9 Broadwater, the three facilities that we are now talking
10 about are under federal water so it's under the
11 Deepwater Ports Act. Under that act, the Governor
12 actually has a straight up or down veto power. It's not
13 as difficult, ironically, as it is in state waters, the
14 process where you have to deny a permit.

15 So, Governor Paterson can say an outright
16 no. Governor Crist has done it. Governor
17 Schwarzenegger has done it. These products just fold
18 and they're gone.

19 There is a chance that when these
20 applications for the other two go forward they will be
21 listed as adjacent coastal stations for New Jersey, but
22 New York can request adjacent coastal state status. New
23 Jersey did that, under Governor Corzine, with the island
24 when this issue was new to him. Unfortunately, he's

1 turned bad on this issue, but he requested involvement
2 in that process which gives the state the right to
3 hearings and veto power.

4 We think when those applications go forward,
5 if New York is not listed as an adjacent coastal state,
6 which it should be under the two provisions that allow
7 for it automatically in the Deepwater Ports Act, there
8 is a third provision that gives the Governor 15 days to
9 request such status.

10 We ask that Governor Paterson act quickly
11 and request that status, if he's not automatically given
12 it, or whatever Governor is in office when these
13 applications move forward, because this is a huge issue,
14 it's an energy issue in New York.

15 If we start letting foreign natural gas come
16 into New York through New Jersey, you have no control.
17 You can't say, no, please, Transco. They are going to
18 take what they are going to get. They are in the
19 business. They have to accept certain types of natural
20 gas.

21 If New York becomes dependent -- when LNG
22 facilities were built in Massachusetts in the '70s, one
23 was built in the '70s, all of New England now is 20 to
24 40 percent relying on foreign natural gas and the

1 country as a whole is only relying on 3 percent LNG.

2 So, that's the one case where it actually
3 worked. Most of these other projects are failures and
4 destroyed the environment for nothing. But, if for some
5 reason this project works, New York is going to be
6 hooked on foreign natural gas. Over two-thirds of
7 foreign natural gas comes from Russia and the Middleast.

8 It's not only an energy issue, it's a
9 geopolitics issue. And Exxon, for example, has
10 solicited the Russian controlled largest oil company in
11 the world to supply natural gas through the New Jersey
12 project, which will then come to the New York market.

13 So, New York will go from being energy
14 independent for natural gas to being hooked on Russian
15 natural gas being drilled in the Barren Sea. And it's
16 going to have a larger CO2 footprint.

17 So, all we can say, oh, look, our natural
18 gas power plants will be emitting less CO2 emissions.
19 That's dishonest because you are emitting a lot of CO2
20 emissions throughout the whole supply chain.

21 So, there's a lot of reasons we are opposed
22 to foreign LNG. We ask as a policy statement the plan
23 come out against all LNG and let's just stop it, no
24 matter where it is.

1 Thank you very much.

2 MR. CONGDON: Is anyone here whose name I
3 didn't call who wishes to make a statement?

4 I think what we will do is take a break to
5 see if anyone else shows up to provide a statement, and
6 return phone calls.

7 We will reconvene shortly and either take
8 additional statements or conclude the public hearing.
9 So, thank you.

10 (Recess taken.)

11 MR. CONGDON: Thank you all for sticking
12 around. There is one more statement to be read for the
13 record.

14 MS. ROURKE: I am here on behalf of the
15 Pratt Center for Community Development. This is
16 testimony submitted by Adam Friedman, the Executive
17 Director. My name is Alexis Rourke.

18 Pratt Center for Community Development
19 applauds the Governor and the New York State Energy
20 Research and Development Authority for leadership in
21 reducing New York's energy use and carbon emissions;
22 arguably the most urgent issue of our time.

23 NYSERDA's energy plan is a great road map.
24 The plan points out that we have to marshal all of our

1 resources if we're going to meet the 15 by '15 goal for
2 electric demand reduction. So, we need to do even more
3 if we're going to meet the new 45 by '15 goal and the
4 latest 80 by '50 goal, reducing greenhouse gases by
5 80 percent by 2050.

6 Green Jobs/Green Homes. Pratt Center
7 supports Green Jobs/Green Homes legislation being
8 considered by the New York State Senate today because it
9 addresses the most significant barrier to increasing the
10 scale of home retrofits, the deterrent of up-front
11 capital costs.

12 Only with that problem solved will New York
13 State be capable of retrofitting at a scale commensurate
14 with the goals set by the Governor and responsive to the
15 urgency and scale of the environmental crisis in front
16 of us.

17 The legislation uses on-bill financing as
18 the mechanism to offer homeowners the option of
19 retrofitting their homes now and paying back the costs
20 later through energy savings in their utility bill.

21 This is the only viable strategy currently
22 being considered that will address the need to retrofit
23 the state's housing stock estimated to cost \$40 billion.
24 The legislation also meets the opportunity at hand to

1 provide quality jobs for this growing industry.

2 The Public Service Commission has already
3 done most of the work needed to understand how on-bill
4 financing should work. In order to accomplish our
5 goals, New York State must now direct the PSC to approve
6 and require on-bill financing tariffs immediately.

7 The second of the three issues: Increased
8 regional planning and input. While NYSERDA is a
9 statewide agency with statewide goals, building types,
10 contracting industry, demographics, and even weather
11 vary considerably by region.

12 New York City, representing one half of the
13 state's buildings and population, requires particular
14 attention. NYSERDA's programs, marketing, training and
15 workforce development should be tailored to account for
16 the particularities of our region.

17 Each program should be planned and
18 implemented with input from local representatives so
19 that it may be tailored to the building type and
20 industry practices of the region. Increased
21 responsiveness to local concerns would go a long way to
22 increasing uptake of the program and meeting statewide
23 goals.

24 Along these lines, Pratt appreciates the

1 opportunity to support NYSERDA through our Energy Smart
2 Communities Contract. We credit NYSERDA with a recent
3 expansion of this program and look forward to working
4 together to further developing this community outreach
5 approach.

6 Third of the three issues for NYSERDA's
7 consideration is continuity of programming. NYSERDA's
8 Multifamily Performance Program has been one of the most
9 successful and popular programs in our region. It has a
10 long list of local businesses which signed up to be
11 partners and organized their energy efficiency work
12 around this impressive program.

13 In addition, building owners come to count
14 on the program and invested time and money in preparing
15 to enroll. The PSC's recent decision to dramatically
16 rearrange the multi-family efficiency program has set
17 back those efforts by a number of years, leaving
18 thousands of units stranded in the pipeline, while
19 decreasing the perception that NYSERDA is an agency that
20 can be trusted to be there.

21 In order to come anywhere close to meeting
22 efficiency goals, we need a rational market where all
23 stakeholders can count on science-based retrofits and
24 consistent programming.

1 New York State is extremely fortunate to
2 have a public authority dedicated to reducing energy use
3 throughout the state, and we look forward to continuing
4 to work with and support NYSERDA to realize these
5 ambitious state goals.

6 Thank you.

7 MR. CONGDON: Thank you very much.

8 That concludes today's public hearing.
9 Thank you for sticking around and thank you for your
10 statements and participation today.

11 (Public Statement Hearing concluded.)

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