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NEW YORK STATE ENERGY RESEARCH & DEVELOPMENT AUTHORITY

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Public Hearing on the Draft Energy Plan 2014

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DATE: February 25, 2014

TIME: 10:18 a.m. - 12:55 p.m.

LOCATION: SUNY Buffalo  
Center for Tomorrow  
North Campus  
Flint & Service Center Roads  
Buffalo, New York

HELD BEFORE:

- John Rhodes, President of NYSERDA
- James Bays, First Deputy Commissioner of New York State  
Agriculture & Markets
- Jared Snyder, Assistant Commissioner of New York State  
Department of Environmental Conservation
- James Winebrake, Public Member appointed by  
Governor Cuomo

REPORTED BY: Jeanne O'Connell, RPR (518) 271-7904

1                   CHAIRMAN RHODES: Good morning and welcome.  
2 My name is John Rhodes, and I am President and CEO of  
3 the New York State Energy Research & Development  
4 Authority and here today as chair of the State Energy  
5 Planning Board.

6                   I would like to introduce to you the other  
7 representatives of the planning board joining me today;  
8 Jim Bays, First Deputy Commissioner of the Department of  
9 Agriculture and Markets; and James Winebrake, professor  
10 and dean, College of Liberal Arts - Rochester Institute  
11 of Technology. He's the public member appointed to the  
12 board by the governor.

13                  A couple of ground rules before we get  
14 started. And we have just been joined by Jared Snyder,  
15 the Assistant Commissioner - Department of Environmental  
16 Conservation.

17                  So, before we get started, the ground rules,  
18 we are guests today of the University of Buffalo so we  
19 are going to abide by their rules. The only rule I am  
20 aware of, and I think we are okay, is no posters on  
21 poles or steps.

22                  The exits are in the back and off to the  
23 side. The restrooms are around there. And if we can

1 all mute or turn down our cellphones, that would help  
2 the process very much.

3 This is a hearing to accept public comments  
4 on the 2014 Draft State Energy Plan that was approved by  
5 the State Energy Planning Board on January 7, 2014, and  
6 made available on the energy plan website,  
7 energyplan.ny.gov.

8 The plan was issued in accordance with  
9 Article 6 of the Energy Law. Public notice of the  
10 issuance of the plan and notice of this public hearing  
11 was published in the State Register on January 29th.

12 The Draft State Energy Plan is a result of  
13 serious, thoughtful work and envisions an energy system  
14 that is clean, flexible, affordable, resilient and  
15 reliable.

16 Initiatives to achieve that vision  
17 focus on five areas: Improving energy affordability;  
18 unleashing the power of private sector financing;  
19 providing a more resilient and flexible power grid;  
20 giving customers more control over their energy use;  
21 aligning energy innovation with market demand.

22 Accordingly, the plan outlines long  
23 term policy goals that reflect those intentions, near

1 term action items, and meaningful metrics.

2           The draft plan consists of two volumes. The  
3 first volume provides 15 key initiatives to advance the  
4 state's energy future. The second volume addresses  
5 energy uses, its sources and impacts, and provides  
6 detailed background that was used to develop the  
7 overarching vision and initiatives in the first volume.

8           This is one of six public hearing sessions  
9 that were planned to receive public comments. The  
10 remaining sessions are scheduled for Syracuse and for  
11 Long Island.

12           Written comments on the draft plan will also  
13 be accepted through April 30, and information on  
14 submitting those written comments can be found on the  
15 energy plan website.

16           If you decide to submit written comments,  
17 please do so as soon as possible so that they can be  
18 considered as carefully as possible.

19           All public comments, whether oral or written,  
20 will be considered by the Energy Planning Board as it  
21 works toward issuance of the final energy plan. All  
22 comments count equally regardless of how they were  
23 received.

1           Planning board is targeting issuance of the  
2 final plan in the spring of 2014.

3           The process today is simple. Those who want  
4 to comment at this hearing have been asked to sign in  
5 upon arrival. Your name will be called one at a time to  
6 speak. When your name is called -- and I apologize now  
7 if I happen to mispronounce your name -- please come to  
8 the podium to provide your statement.

9           The court reporter is here to provide a  
10 transcript to the planning board of everything that is  
11 said today. It is very important that there only be one  
12 speaker at a time so that the reporter can hear clearly.  
13 Speakers should address their comments in the direction  
14 of the microphone, and please make an effort to speak  
15 clearly and slowly.

16           It is also very important that those in  
17 attendance be courteous to the speaker so that his or  
18 her comments can be transcribed accurately by the  
19 reporter. If you provide a statement and have a written  
20 version with you, it would be helpful if you could  
21 provide that to us either today or following the hearing  
22 so that we can provide those to the court reporter to  
23 assist in providing the transcript.

1 All speakers are asked to focus their  
2 comments on issues that pertain to the Draft Energy  
3 Plan. Your comments should be as succinct as possible  
4 so that we can hear from as many of you as possible. We  
5 have set a five minute deadline for that purpose, but of  
6 course, after everyone who wishes to speak has had a  
7 chance to address the board, repeat speakers may be  
8 afforded another five minutes should the hearing time  
9 permit.

10 Formal presentations, such as Power Point,  
11 are not being allowed today. Again, our goal is to hear  
12 from as many of you as possible.

13 As this is a statement hearing, the planning  
14 board is not entertaining questions. This is an  
15 opportunity for us to receive feedback on the draft  
16 plan.

17 Those who wish to comment, but do not wish to  
18 speak publicly, or don't get a chance to do so, again,  
19 could submit written comments via our website. Again,  
20 that is [energyplan.ny.gov](http://energyplan.ny.gov).

21 With that, I want to thank you again for  
22 coming today. If there are any questions about the  
23 process, we can take those at this time.

1 (There was no response.)

2 Seeing none, I will call the first speaker  
3 and I will also make a practice of calling the following  
4 speaker, the person who is on deck.

5 So, first up is Lynda Schneekloth, followed  
6 by James Hufnagle.

7 MS. SCHNEEKLOTH: Good morning and thank you,  
8 board members, for coming. We really appreciate your  
9 time. We know this is a big job that you have taken on.

10 My name is Lynda Schneekloth, and I am the  
11 chair of the Sierra Club Niagara group that has more  
12 than 2000 members in western New York. Our goal is to  
13 promote renewable energy in western New York -- wind,  
14 solar, water and geothermal -- so that our children and  
15 their children have a future.

16 This position means that we must eliminate  
17 all fossil fuels and nuclear energy production; and it  
18 means that we replace our electricity, heating and  
19 transportation energy needs with renewables.

20 We thank Governor Cuomo for the release of  
21 the third New York Energy Plan and the work that it  
22 represents. There are some things to really applaud.  
23 For example, it's very heartening to see a discussion

1 about environmental justice and public health concerns;  
2 the requirement to grow a clean energy economy through  
3 both public and private investment; and actually  
4 upgrading and perhaps transforming our energy  
5 transmission system.

6           These are all very, very important things.  
7 However, there are some gaps in this report and  
8 assumptions made that we, in the Sierra Club, want to  
9 challenge.

10           First, climate destabilization. The report  
11 lists five major values or goals in the executive  
12 summary and climate change is not one of them.  
13 Affordability, financing, resilience and market are  
14 important, but to what end?

15           Without serious address to climate change  
16 through the elimination of greenhouse gases achieved  
17 through energy efficiency and renewable resources, we  
18 endanger our children and, indeed, the earth itself.

19           Second, it is obvious throughout the plan  
20 that methane and fracked gas are considered as clean  
21 fuel, as is evidenced by the support for gas  
22 infrastructure expansion, LNG for vehicles, and the  
23 absence of methane as one of the measures of greenhouse



1 gases for today's RPS targets.

2 Methane is not a clean fuel. It is a fossil  
3 fuel that is 70 percent more potent than carbon in the  
4 first 20 years. And these 20 years are the most  
5 important time for us in terms of directing climate  
6 change.

7 Third, the voluntary RPS is not working. The  
8 state is currently operating under a goal of 30 percent  
9 reduction by 2015, and we are far from reaching that  
10 goal, in spite of the fact that we started with 19  
11 percent from hydro. Unless we mandate enforceable  
12 interim targets, we are unlikely to reach our 2050 goal.

13 An energy plan should include conservation/  
14 mitigation and adaptation strategies and it should use  
15 best practices. Some of them, which are already  
16 implemented in the state, but two of the most effective  
17 policies across the globe are not implemented.

18 The mandated renewable energy portfolio  
19 standards, that has been very, very successful in other  
20 states. And the feed-in tariff currently in Long  
21 Island. This is a market based strategy for renewable  
22 development through purchase power agreements on a long  
23 term basis.

1           This has been working throughout the world  
2 and in Ontario right above us. Why can't we have one in  
3 New York?

4           An energy plan should also recognize that the  
5 transformation to renewables will create hardships in  
6 some communities, and develop a just transition policy  
7 for impacted workers and communities.

8           And last, an energy plan must acknowledge the  
9 idea of climate justice. That's not just affordability  
10 for the current generation, although that's important,  
11 but it needs to acknowledge that climate justice is our  
12 responsibility.

13           If this generation -- and that includes all  
14 of us in this room right now -- if we do not take action  
15 to reduce greenhouse gases immediately, we will be the  
16 ones who deny life and liberty to our children and their  
17 children.

18           We expect more from Governor Cuomo, the State  
19 of New York, and, frankly, from ourselves.

20           Thank you very much.

21           CHAIRMAN RHODES: After James Hufnagle we  
22 have Martin Gugino.

23           MR. HUFNAGLE: Good morning. Thank you for

1 this opportunity to address you. Three years ago I  
2 wrote a series of newspaper columns in the Niagara Falls  
3 Reporter exposing Governor Cuomo's plan for shipping  
4 fracked water to Niagara Falls for treatment at the  
5 Niagara Falls water treatment plant and discharge into  
6 the Niagara River. Exposing these plans and alerting  
7 the public to the governor's plans to do this.

8           There is actually an update that I would like  
9 to put on public record regarding this. That is that,  
10 as I wrote at the time, Executive Director Paul Groff of  
11 the Niagara Falls Water Board was summoned to Albany  
12 twice. Twice is what we were aware of at the time, but  
13 subsequently a source of the water board told me that  
14 actually Mr. Groff was practically commuting to Albany.  
15 He made many, many trips at the behest of the Cuomo  
16 administration to further explore and lay the groundwork  
17 and plans to treat this water in the Niagara Falls  
18 facility.

19           What that tells me is that I think a lot of  
20 people are under the impression that Governor Cuomo is  
21 really kind of conflicted on this issue, kind of he  
22 hears about the health issues, he knows about the really  
23 dangerous practice of fracking, on one hand.

1                   On the other hand, he wants jobs, but it's  
2 actually not like that at all. Governor Cuomo wants to  
3 frack upstate New York so badly he can taste it. That  
4 is his attitude towards upstate. He really wants this  
5 fracking to go through to further his ambitions for the  
6 White House.

7                   And therefore, we need to, over and over and  
8 over again, tell the governor we don't want fracking in  
9 upstate New York. It's a dangerous practice.

10                   It injects millions of gallons of water under  
11 the earth and regurgitates that upwards, stirring  
12 radiation, 750 chemicals, 30 of which are toxinogenics,  
13 and that water has to be disposed of. What are they  
14 doing? They are injecting it miles under the earth,  
15 places like Ohio and Texas, causing earthquakes.

16                   And there is no possible way to get rid of  
17 this water effectively without endangering the public  
18 health. And the governor needs to understand that. We  
19 don't want fracking here in upstate New York.

20                   Why did he set aside the New York City  
21 watershed to be exempt from fracking and open us up and  
22 exposed to that? So, it's on hold right now, but we  
23 know that the industry has tons of money. They are

1 spending tons of money.

2           Every time you turn on the TV there is  
3 propaganda from the industry, every five minutes  
4 commercial. And also we know that money buys influence  
5 in Albany. We know Governor Cuomo has taken huge  
6 campaign contributions from the industry.

7           So, Governor Cuomo, you need to ban fracking.  
8 You need to tell the people that you are banning  
9 fracking, and not delay and obfuscate and throw  
10 smokescreens around the issue. We need a definitive  
11 statement by the governor to ban fracking in upstate New  
12 York.

13           CHAIRMAN RHODES: Martin Gugino, followed by  
14 Robert Ciesielski.

15           MR. GUGINO: Thank you very much. I wanted  
16 to speak mostly about fracking, but then I saw a note it  
17 was going to be about two documents, so I did start to  
18 look at them online last night. I'm glad to have a hard  
19 copy available so I have some comments about it.

20           I have a few comments, just on say the first  
21 20 pages of this. Most of this is really just kind of  
22 heavy talk, which is okay, but there are two substantive  
23 things I want to mention.

1           It says here imagine your home appliances  
2 monitoring energy prices that should be in sleep mode  
3 during peak hours to save you money. So, this is all  
4 about addressing the issue of peak load and helping the  
5 transmission even out the peaks.

6           But the thing that's essential for that is  
7 that there be a tariff that people can sign up for to  
8 get time of day pricing. There has to be a tariff. And  
9 there has to be time of day meters. That's all you  
10 need. You don't have to have smart mix masters. People  
11 themselves can schedule those.

12           So, I don't know why we have to imagine this,  
13 why this isn't already in place. That's one.

14           And then it talks about momentary blackouts  
15 have significant impacts with all the electronic  
16 equipment. The idea is not to make the grid up 100  
17 percent of the time, 24 hours 365. It's you've got a  
18 laptop and the laptop switches to the battery to allow  
19 your equipment to maybe have a power source. So you can  
20 still get -- a person can put up with a two second  
21 outage or a three second outage, which happens all the  
22 time. It clicks off and back on.

23           The idea really is to expand that from the

1 two seconds, where you can be off the grid for two  
2 seconds, to two minutes or two hours. Wouldn't that be  
3 great? It's not that you have to make the grid up all  
4 the time. It's to make the homes or the people be able  
5 to continue on even if you are intermittently off,  
6 because eventually you want to have storage in the home,  
7 again, to help this issue of peak load.

8 So those are the two comments in the first 20  
9 pages or so. So, it's about both related to time of day  
10 pricing and peak load management.

11 But then I am glad that you want to have  
12 feedback on these things, but I think the people in the  
13 audience also would like to have some recognition in  
14 these documents that you have heard what we are saying.

15 I don't see anything here about the gloom and  
16 doom and the worry on so many people's part that their  
17 children will not have a decent world to live in.  
18 There's no mention. It's all vibrant private sector  
19 dynamic, affordable, clean energy, acknowledging the  
20 obstacles outlining the new strategies adapted to future  
21 insights, progress and many facets.

22 Extreme weather and cyber attacks in the  
23 draft plan to empower customers, enable the private

1 sector to provide the services and energy options, the  
2 customer value. Nothing at all about the CO2, global  
3 warming, end of the world. Some recognition that we are  
4 facing a real serious problem.

5           So, now, I want to say a few words about  
6 fracking, just because the things you hear people say  
7 just to me indicate they don't -- haven't been paying  
8 attention.

9           I am sure -- I don't come to really give you  
10 any new information, because I am sure you have probably  
11 more than I have, but just things that when you hear --  
12 when I hear -- they just sound nuts. You saw Tom Ridge  
13 on the Colbert Report saying a lot of things. Things he  
14 said. The procedure is safe. They have been doing it  
15 for 50 years. Come on. We haven't been doing this for  
16 50 years to this extent with wells all over. Not to  
17 this volume, not this way.

18           Chemicals are safe. The whole idea of this  
19 being safe, you have got to qualify that. Certainly,  
20 gas and oil are not safe or clean. They are potentially  
21 dangerous. You have refinery fires and explosions and  
22 pollution in the Valdez.

23           So, what they must mean is we are coming into



1 a community that's safe and clean and we are going to  
2 put in a closed system and do certain things and get  
3 things, but when they come out, they come out only in  
4 certain places and we will handle them in a safe way.

5 Energy independence, no. Energy independence  
6 from foreign oil, not gas. A step towards independence  
7 is nuts. Thanks so much.

8 CHAIRMAN RHODES: Thank you very much for  
9 your comment.

10 Robert Ciesielski, followed by James Miller.

11 MR. CIESIELSKI: Good morning. Thanks for  
12 coming to Buffalo. I am Bob Ciesielski from the New  
13 York State Atlantic Chapter and currently serve as chair  
14 of the chapter's energy committee.

15 The chapter sees continued investment in  
16 fossil fuels as incompatible with achieving New York's  
17 climate change goals. We see climate change caused in  
18 large measure by the use of fossil fuels a catastrophe  
19 for New York and the earth.

20 This week's USA Today just reported that even  
21 as the US has had a bitterly cold January, the last  
22 month was actually the fourth warmest the world has  
23 experienced since 1880.

1           The Sierra Club sees the rapid development of  
2 renewable energy, coupled with intensive efforts to  
3 further energy efficiency and conservation, as a means  
4 of extricating ourselves from a climate change disaster,  
5 or at least mitigating the consequences.

6           Concerning fossil fuels, the energy plan must  
7 recommend enforceable interim steps and targets that  
8 will meet the state's goal of reducing all greenhouse  
9 gas emissions by 80 percent by 2050.

10           The plan at times discusses reduction of only  
11 carbon dioxide, especially the discussion of interim  
12 targets, but it is essential to include all greenhouse  
13 gases, especially gases like methane releases, in your  
14 mandates.

15           Methane gas, released by high volume  
16 hydrofracking, is at least 72 times more potent a  
17 greenhouse gas than carbon dioxide in the first 20 years  
18 of its release into the atmosphere.

19           Leakage of methane gas of more than two  
20 percent makes it more of a dangerous greenhouse gas than  
21 CO2. Studies by NOAH of methane leakage from high  
22 volume horizontal drilling for gas in western United  
23 States shows an annual leakage of between 2.3 percent

1 and 17 percent from drilling, flaring, along the  
2 pipelines, compressor stations and in storage  
3 facilities.

4 A recent study in Science Magazine finds that  
5 the Environmental Protection Agency has actually widely  
6 underestimated the release of methane from fracking. To  
7 define methane as "clean energy" is erroneous.

8 The energy plan should define clean energy as  
9 that obtained from new renewable energy sources, such as  
10 wind, solar and water. The state should suspend its  
11 support for investment in a gas energy infrastructure in  
12 order to protect us from climate change and protect our  
13 families from fracking.

14 The potential for renewable energy in New  
15 York State is enormous. We already have the technical  
16 ability to create jobs and renewable energy,  
17 installation and manufacturing. The proposed solar  
18 facilities at Riverbend in Buffalo, announced by  
19 Governor Cuomo just several months ago, gives a glimpse  
20 of the potential for job growth and investments in New  
21 York.

22 If you are looking to ensure a safe,  
23 affordable, reliable source of energy, as mentioned in

1 the plan for our state citizens, look to the study by  
2 PJM, the independent systems operator of the electro  
3 system for 13 states, including parts of Pennsylvania,  
4 Ohio, New Jersey.

5 Last November, PJM found that if 30 percent  
6 of its energy production was supplied by the wind power,  
7 that its annual production costs for energy would be  
8 reduced by \$9 billion, and that its wholesale cost of  
9 electricity to consumers would be reduced by \$21  
10 million, carbon emissions would be reduced by 29  
11 percent, and there would be no reliability problems in  
12 supply.

13 We would make the following recommendations,  
14 among others. The energy plan should call for immediate  
15 commitment to double New York's land based wind power  
16 capacity and invest in offshore wind off of Long Island  
17 this year.

18 Extend the renewable portfolio standard in  
19 New York to 50 percent of our state's electric from  
20 renewable energy sources by the year 2025. Mandate by  
21 administrative or executive action purchase of renewable  
22 energy by private utilities instead of the current  
23 reliance on the strong encouragement to do so.

1 California's mandate to its three large  
2 utility companies to purchase 33 percent of their power  
3 from renewable sources by 2020 is working.

4 The feed-in tariff for renewable energy  
5 sources should also be adopted. A successful trial  
6 program exists on Long Island. Long term 20 year  
7 contracts between energy producers and utilities provide  
8 the financial stability to encourage the construction of  
9 renewable energy facilities and permit private investors  
10 to fund renewables.

11 Contract rates are based upon the costs of  
12 constructing the energy production unit, together with a  
13 fair five to 10 percent profit. In some instances,  
14 contract rates are set by bidding process.

15 The feed-in tariff has been used worldwide to  
16 adequately develop energy manufacturing, investments and  
17 jobs.

18 Thank you very much.

19 CHAIRMAN RHODES: James Miller, followed by  
20 Pamela Hughes.

21 MR. MILLER: My name is James Samuel Miller.  
22 I am just -- I don't represent any group. I am speaking  
23 as a retired 80 year old electrical engineer. Got a

1 wonderful master's degree in electrical engineering from  
2 NYU Brooklyn Poly. Been around the state ever since.  
3 It's a great state.

4 Thank the governor and the organizations  
5 involved here for providing the feedback on this draft  
6 plan. I did submit it in writing, so it's on the  
7 record. I would just like to read it.

8 These comments are directed to the present  
9 draft plan as a whole and not to any one part, because  
10 the draft plan as written should be set aside because it  
11 is not a plan. It's a very valuable 400 page document,  
12 lots of information in it. It's good for reference, but  
13 it doesn't set forth a step by step plan.

14 Volume one concentrates on working towards  
15 using cleaner energy and reducing the use of fossil fuel  
16 based sources, which is good. Volume two defines  
17 present problems in detail, but no solutions.

18 As stated in volume one, and I quote "Draft  
19 2014 New York State Energy Plan sets forth a vision for  
20 New York's energy future that connects a vibrant private  
21 sector market and communicates with communities and  
22 individual customers to create a dynamic affordable  
23 clean energy economy".

1           Words sound good, but there's no plan to get  
2 there. It continues to define correctly what the goal  
3 should be -- "renewable power sources, hydro, solar,  
4 wind and other carbon free solutions" -- but there's no  
5 plan to achieve that goal.

6           Specifics. Volume one lists two commendable  
7 targets to reduce carbon emissions. 50 percent  
8 reduction by 2030, just 16 years away, and by 80 percent  
9 by 2050, but no step by step plan to get there.

10           The initiatives all beat around the bush and  
11 they sound good, but they are misdirected. For example,  
12 initiative six wants to modernize the gas delivery  
13 systems instead of phasing out this carbon based fuel.

14           Initiative nine wants to expand access to  
15 carbon based natural gas and reduce leakage, instead of  
16 moving towards solar thermal and geothermal for home and  
17 business based heating needs.

18           We should be putting a heavy tax on natural  
19 gas, propane and oil use for heating, in order to  
20 discourage the growth there, and offering huge financial  
21 incentives for use of renewable energy methods to heat  
22 our buildings.

23           Initiative 12I talks about improving

1 intercity passenger rail service, which is good, but  
2 nothing about commuter rail systems to reduce passenger  
3 automobile commuting traffic emissions.

4           And many parts of volume one stress energy  
5 efficiency, which is also good, but not one word about  
6 energy conservation.

7           Buried at the end of volume two, chapter  
8 four, is talk about "stimulating growth of the clean  
9 energy economy", but it misses the big opportunity for  
10 producing jobs in clean energy manufacturing sectors of  
11 wind and solar.

12           Specifically in western New York, empty  
13 factories that could re-employ many jobless  
14 manufacturing workers who are presently on welfare. Why  
15 not initiate a Manhattan style project to design and  
16 manufacture wind turbine towers and blades right here,  
17 not just for use here in western, New York, in New York  
18 State, but to sell and ship all over eastern US.

19           In Schenectady, a factory is already  
20 manufacturing wind turbine electro generators, but the  
21 towers and blades are only manufactured out of state and  
22 trucked here.

23           There is no mention of the FIT financing plan



1 that spurred the growth and installation of  
2 photovoltaics on Long Island. We need that kind of  
3 financial incentive for the rest of New York. Politics  
4 and diverse electric providers are blocking that effort.

5           These are examples of some of the specific  
6 things that are needed to develop an actual plan in  
7 moving ahead with the timeline for each part of the  
8 plan. Put together a limited team of experts from  
9 industry, business and government, say about 15 persons  
10 total, to write a real 2014 plan for our state, focused  
11 on ending reliance on fossil fuels and stressing  
12 renewable energy sources, and give them a one month  
13 deadline to complete the plan.

14           And last but not least, the plan ought to  
15 stay away from the false promises of those promoting  
16 hydrofracking technology to produce more natural gas in  
17 our state. It's a concept by nuclear power. Cheap  
18 upfront, but an economic and environmental nightmare in  
19 the long run.

20           Thank you.

21           CHAIRMAN RHODES: Pamela Hughes, followed by  
22 Patricia Ceravole.

23           MS. HUGHES: Hello. My name is Pamela

1 Hughes. Thank you for having this commentary. I am  
2 speaking as a resident of New York State, although I am  
3 a member of the Sierra Club as well and I share their  
4 concerns.

5 I am also speaking because climate change is  
6 not a debatable issue on whether global warming exists.  
7 Climate change is a fact, and we are speeding toward an  
8 unknown future to be sure.

9 The State of New York Energy Plan should be a  
10 guide to making energy decisions into the future with  
11 visionary perspectives. We look to Governor Cuomo to be  
12 a climate leader, but he has missed the mark on this new  
13 energy plan that does not even include climate  
14 disruption as part of the impetus for a flexible,  
15 affordable, clean energy system.

16 This state's energy systems rely upon dirty  
17 fossil fuels, like coal, oil and increasingly gas and  
18 nuclear power plants.

19 In addition, specifically in initiative  
20 eight, which addresses infrastructure, the provision for  
21 natural gas is cited as one priority. This provision,  
22 in particular, assumes that natural gas may be the wave  
23 of the future in energy resources in New York State, and

1 if monies are invested in the infrastructure, we can  
2 certainly assume that lifting the moratorium on fracking  
3 in New York State will follow, despite evidence across  
4 the country of countless numbers of spills, explosions  
5 and water contamination.

6 If statewide investments are geared toward  
7 the fossil fuel industry, then Governor Cuomo has missed  
8 the greatest opportunity to make the energy plan a  
9 roadmap for a cleaner, safer energy future.

10 This has to change, and change very quickly,  
11 if we are to slow down the impact of climate  
12 disruptions. The people of New York State deserve a  
13 stronger plan to drive investment into renewables like  
14 wind, solar, water and geothermal. Upgrading these now  
15 will reduce our climate risk, clean up the air, and  
16 lower energy costs for families and businesses.

17 The energy plan should be based on facts and  
18 good science, beginning with a good inventory of current  
19 greenhouse emissions. Here are some suggestions for  
20 strengthening the energy plan.

21 Number one, initiate plans to retire the  
22 unhealthy and uneconomical fossil fuel and nuclear  
23 plants, move away from further investments in gas

1 infrastructure, and protect our families from fracking.  
2 Eliminate incentives and subsidies for gas, oil and  
3 nuclear.

4           Number two, develop plans for a just  
5 transition for workers and communities that will be  
6 impacted by the closure of fossil fuels and nuclear  
7 plants.

8           Number three, put in place effective  
9 renewable policies and incentives that have a long  
10 enough duration, maybe 10 to 15 years, to ensure market  
11 stability, policies like mandated RPS and the feed-in  
12 tariff. There is no bridge fuel needed as renewables  
13 are doable right now.

14           The governor's own NYSEDA has presented  
15 convincing arguments in their renewable energy study.  
16 Where did this information go?

17           Number four, mandate enforceable interim  
18 targets to get on track to meet the state's goal of  
19 reducing greenhouse emissions 80 percent by 2050.

20           An energy plan for New York State should  
21 begin with the acknowledgment of where we are now, both  
22 in terms of GHG emissions and the rapidity of climate  
23 instability across the globe, including New York State.

1           Now is the time to act aggressively to  
2 protect our state, and indeed the earth, from the  
3 increasingly hostile climate changes in progress.

4           New York State has a critical role to play,  
5 and Governor Cuomo, you are the man in charge of the  
6 most crucial moment in the history of humankind. We  
7 wish you courage to take the right action on behalf of  
8 the citizens now and in the future.

9           CHAIRMAN RHODES: Patricia Ceravole, followed  
10 by Barbara Frackiewicz.

11           MS. CERAVOLE: Good morning. My name is  
12 Patricia Ceravole. I am a project coordinator for the  
13 New York Public Interest Research Group here in Buffalo.  
14 Thank you for the opportunity to testify on the 2014  
15 Draft State Energy Plan.

16           NYPIRG is the state's largest non-profit  
17 student directed consumer and environmental advocacy  
18 organization. NYPIRG representatives are speaking on  
19 different topics at each of the scheduled hearings on  
20 the Draft State Energy Plan and will submit formal  
21 written comments at another date.

22           I will focus my comments today on the issue  
23 of clean energy and energy efficiency in the Draft State

1 Energy Plan. The plan provides a framework for  
2 measuring New York's progress toward a clean and  
3 affordable energy system. The plan includes four key  
4 metrics -- improved energy affordability, a cleaner  
5 environment, robust economic activity, and increased  
6 system efficiency.

7 In order for the plan to achieve these four  
8 goals, significant increases in renewable production and  
9 aggressive improvements in energy efficiency must be  
10 cornerstones of the plan. However, the plan fails to  
11 establish the concrete clean energy and efficiency goals  
12 needed to meet the major metrics of the plan.

13 The plan must maximize renewable energy and  
14 energy efficiency, and drop support for massive natural  
15 gas expansion to meet New York's energy needs.

16 With respect to clean energy, the plan talks  
17 about coordinating renewable energy policies to  
18 strategically harness the many resources that the state  
19 can provide, and commit to creating a portfolio of  
20 renewable energy programs, the state's commitment  
21 through 2025, but it never actually sets any firm  
22 targets for clean energy production.

23 In fact, the plan forecasts virtually no

1 growth in renewable energy use between 2020 and 2030.  
2 This is unacceptable and incongruent with the goals of  
3 the plan.

4           Clearly, more can and must be done in this  
5 plan to encourage growth of renewables and cement the  
6 place of renewable energy as a cornerstone of New York's  
7 clean energy future.

8           The plan must make a larger commitment to  
9 renewables to meet its core metric of creating robust  
10 economic activity. Every dollar invested in renewable  
11 energy production produces three times as many jobs as  
12 investing that dollar into fossil fuel production.  
13 Making a strong commitment to renewables is making a  
14 strong commitment to our economy.

15           One key issue the plan fails to address is  
16 the fact that New York is already failing to meet its  
17 current commitment through the renewable portfolio  
18 standard to meet at least 30 percent of its energy needs  
19 through renewable sources by 2015.

20           This plan must be revised to include specific  
21 steps to get New York back on track to meet 30 by 15  
22 renewable energy goals set forth by the RPS.

23           The final plan should also set a new 10 year

1 target for renewable energy of meeting 50 percent of the  
2 state's electricity demand with renewable energy by  
3 2025.

4           New York is moving forward with significant  
5 build out of solar energy production through the New  
6 York Sun program, but another major area where New York  
7 must improve to get back on track with renewable energy  
8 goals is to set a strong commitment to wind energy. New  
9 York currently lags far behind states like Iowa, North  
10 Dakota, and Texas in wind energy production.

11           The energy plan should include a commitment  
12 to double New York's land based wind capacity and  
13 investing in offshore wind this year.

14           The final plan should also clearly define  
15 clean energy and renewable energy. Burning wood is not  
16 clean renewable energy.

17           The plan routinely discusses biomass electric  
18 generation alongside of clean renewable sources of  
19 energy, like wind and solar. Burning wood and trash  
20 creates emissions that compromise public health and  
21 contribute to climate change. This plan must clearly  
22 define clean energy and renewable energy to exclude  
23 dirty polluting sources, such as biomass and natural



1 gas.

2           In order to save consumers money, meet our  
3 greenhouse gas reduction goals, spur robust economic  
4 activity, and improve system efficiencies, this plan  
5 must set clear aggressive benchmarks for energy  
6 efficiency.

7           Sadly, New York is already failing to meet  
8 its existing energy efficiency goals set forth in the  
9 energy efficiency portfolio standard of 15 percent  
10 reduction in energy demand by 2015. The final plan  
11 should address how the state will get back on track to  
12 meet this 15 by 15 energy efficiency goal set forth by  
13 the EEPS.

14           In addition, the final plan should set a new  
15 10 year target for energy efficiency based on historical  
16 performance and the various analyses. A goal of meeting  
17 roughly 20 percent of forecasted demand in 2025 through  
18 energy efficiency should be included in the final plan.

19           The plan mentions having conducted the draft  
20 energy efficiency and renewable resource potential in a  
21 New York study, the results of which were supposedly in  
22 the Draft State Energy Plan. Unfortunately, the public  
23 has not seen the potential study, nor has it seen the

1 greenhouse gas emissions inventory also referred to in  
2 the plan.

3           Without access to these studies, the public  
4 has no way to assess the relevant assertions and  
5 conclusions included in the Draft State Energy Plan.  
6 NYSERDA should release the potential study, along with  
7 the greenhouse gas emissions inventory, for public  
8 review as part of the public comment period.

9           This plan spends a great deal of time talking  
10 about the value of clean renewable energy, and the  
11 importance of efficiency, but fails to set clear goals,  
12 benchmarks and concrete plans that are needed to get us  
13 to the real clean energy future.

14           The plan also was released without public  
15 access to critical studies necessary to assess the plan.  
16 Unfortunately, the energy forecast provided in the plan  
17 shows us that it is business as usual plan.

18           This plan must be strengthened to provide a  
19 clear roadmap for moving New York toward a clean,  
20 efficient energy future.

21           Thank you for the opportunity to testify.

22           CHAIRMAN RHODES: Thank you.

23           Barbara Frackiewicz, followed by Frank Gage.

1 MS. FRACKIEWITZ: Hi. My name is Barbara  
2 Frackiewicz. I am speaking as a concerned citizen.

3 Alarming news, or it should be alarming news.  
4 Air pollution emissions are measured in the tons. I am  
5 going to repeat that. Air pollution emissions are  
6 measured in the tons.

7 A question: How many children, adults will  
8 get asthma and cancer from breathing polluted air from  
9 fossil fuel emissions? Many other questions could  
10 follow, but I'll just keep going here.

11 Alarming news, it should be alarming news.  
12 Today across the country water is being contaminated by  
13 the process of hydraulic fracturing. Surface water,  
14 groundwater, and aquifers are being contaminated by tons  
15 -- I will repeat that word -- tons of chemicals, and  
16 also with radioactivity from hydrofracking.

17 And the question is: Is there any technology  
18 that can clean this contaminated water? I will repeat  
19 the question. Is there any technology that can clean  
20 this contaminated water? Does anyone have a guess? I'm  
21 going to repeat it a third time. Is there any  
22 technology that can clean this contaminated water?

23 I am angry. We are angry. The earth is

1 angry.

2 CHAIRMAN RHODES: Frank Gage, followed by  
3 Rita Yelda.

4 MR. GAGE: My name is Frank Gage. I am with  
5 Western New York Drilling Defense and the Western New  
6 York Peace Center. I am not going to talk about the New  
7 York State Energy Plan today. I'm going to talk about  
8 the people who are supposed to implement rules once the  
9 energy is in place.

10 First I'm going to share a story with you.  
11 It's a true story. Takes me back to Vietnam. I was  
12 assigned to a lieutenant on my third day and whose name  
13 was Lieutenant Fiff and I was going to be his radioman.

14 I met him at it was in a Jeep. There was  
15 three of us, a lieutenant, the sergeant and myself. I  
16 was going down the road. He turned around and explained  
17 what my duties would be while I was working for him.  
18 And when he got all done, he looked me in the eye and  
19 shook my hand. He says, Frank, I will never ask you to  
20 do anything I wouldn't do myself.

21 So, as his radioman in that capacity I  
22 belonged to an eight man team, a command team, at a  
23 company level. And the company commander's attitude was

1 just totally arrogance. He would walk into a hooch to  
2 set up a command center and he would tell people what  
3 part of the hooch they could go into.

4 He told them whether they could eat or finish  
5 their meal. So we do whatever we wanted to do within  
6 reason.

7 I really want to talk about is the mentality  
8 and the arrogance of the gas company. And the gas  
9 industry has the same mentality and arrogance as the  
10 military does. They take over somebody's land, they  
11 take and destroy whatever they want, and they process,  
12 contaminate the land, the crops, the animals, the air  
13 and the water.

14 Even though the contamination may not be  
15 intentional, the destruction of the farmland, the forest  
16 areas certainly is. And the real problem with the gas  
17 industry is they never admit their wrongdoing.

18 So, a little while later we set up a base  
19 camp in an area called Tan Tru, small village about a  
20 mile or so away from the river, and probably about 50  
21 people there. And we moved them all out, even including  
22 their little fish pond, which is probably about the size  
23 of that back panel. There wasn't much, but it was

1 theirs.

2 The bulldozers came in. The trucks came in  
3 and just moved everything on the side. This is exactly  
4 the mentality the gas company has.

5 So, and one last thing I want to tell you: I  
6 want you to remember what my lieutenant said to me, he  
7 would never ask me to do anything that he wouldn't do  
8 himself.

9 Well, Rex Tillerson, the Exxon CEO, the  
10 world's biggest fracker, he would frack your backyard,  
11 he would frack my backyard, frack next to your  
12 children's school, he'll destroy your water well,  
13 destroy your aquifer. Your barn animals will die. You  
14 will get sick. You might even get cancer.

15 But don't worry about Rex, old Rex will take  
16 care of himself. He joined a lawsuit recently to stop a  
17 fracking company, a gas company, from fracking on his  
18 land. And the reason was the -- is it a 160 foot water  
19 tower? And the property value. He stopped it from  
20 going down.

21 So, this is the kind of mentality that they  
22 have. They will walk all over you and they don't care.  
23 They really don't care.

1                   So, thank you.

2                   CHAIRMAN RHODES: Rita Yelda, followed by  
3                   Cornelia Kelley.

4                   MS. YELDA: Thank you so much. My name is  
5                   Rita Yelda. I'm here representing a few organizations  
6                   today -- Western New York Drilling Defense, Food and  
7                   Water Watch, as well as the New Yorkers Against Fracking  
8                   Coalition -- but I'm also a concerned Buffalo resident.

9                   Despite bold words about clean energy and  
10                  efficiency, the New York State Energy Plan lacks  
11                  specific commitments necessary to lead New York to a  
12                  sustainable future, and instead shows further investment  
13                  in fossil fuels in our state.

14                  Worse still, its forecasts and policies in  
15                  the plan actually promote the widespread expansion of  
16                  natural gas produced from fracking and fails to set  
17                  meaningful targets for the reduction of climate changing  
18                  greenhouse gas emissions.

19                  The plan describes natural gas as a clean  
20                  energy source. It is not. Fracking, the primary method  
21                  of gas extraction today, poisons land, air and water,  
22                  makes people sick, and contributes to climate change.

23                  Because much of the draft plan is ambiguously

1 written in support of "clean energy", many of its  
2 initiatives and programs could actually be directed  
3 toward expanding the use of fracked gas and its  
4 infrastructure, and three initiatives in the plan  
5 explicitly promote the acceleration and expansion of  
6 natural gas, including oil to gas conversion and  
7 infrastructure for gas transmission and distribution.

8           The document forecasts that natural gas  
9 produced in New York will triple by 2030 with the  
10 lifting of the state's current moratorium on high volume  
11 horizontal fracking, seemingly predicting fracking in  
12 New York.

13           But economic impacts of relying on fossil  
14 fuels are largely ignored. Even if fracking is never  
15 permitted in New York, the consequence of using more  
16 fracked gas will mean greater exposure of people, both  
17 in New York and elsewhere, to polluted air and water,  
18 fracking waste on roads and in landfills, higher levels  
19 of radon gas, and the industrialization of our rural  
20 areas.

21           The proposed energy plan fails to  
22 comprehensively address the many issues relating to  
23 emissions, safety and environmental degradation in the



1 infrastructure, plans to process, store and distribute  
2 liquified natural gas and petroleum gas, fueling  
3 stations, compressor stations and pipelines.

4           The energy plan calls for emission reductions  
5 of 80 percent by 2050, and 50 percent by 2030. The 2030  
6 goal only applies to carbon dioxide, whereas, the 2050  
7 goal properly applies to all greenhouse gas emissions.

8           It's imperative that New York State  
9 immediately target all greenhouse gases, particularly  
10 given that some, like methane, are especially potent in  
11 the atmosphere in the short term.

12           Meeting the United States Energy Plan's goals  
13 very clearly requires not fracking in New York. We will  
14 hold Governor Cuomo and this energy board responsible to  
15 meeting the kind of goals that this plan sets forth,  
16 which compel no fracking and move aggressive investment  
17 in renewable energy. That's the path to a brighter,  
18 healthier future for all New Yorkers.

19           We call for more aggressive renewable energy  
20 investments and infrastructure for setting emission  
21 reduction goals for all greenhouse gases by 2030. We  
22 want greater details as to exactly how the state will  
23 meet the goals that are in the energy plan as well, as

1 the current draft is far too vague on the specifics.

2 The plan should also call for greater  
3 increases in renewable energy which would make the  
4 relatively ambitious goals more achievable and would  
5 create many more jobs.

6 Further, the energy plan should halt  
7 investment in new natural gas expansion and  
8 infrastructure, and instead, New York should become a  
9 natural leader by transitioning swiftly and boldly to  
10 renewable energy.

11 Thank you.

12 CHAIRMAN RHODES: Cornelia Kelley, followed  
13 by Diana Strablow.

14 MS. KELLEY: Good morning. Thank you for  
15 giving me the opportunity to speak today. I am a member  
16 of Mothers Out Front, an organization dedicated to  
17 mobilizing mothers around the issue of climate change,  
18 so today's children will inherit a livable planet.

19 I am here today on behalf of my two  
20 daughters, Jessie, age 8, and Martha, age 6. I'm also  
21 here on behalf of all children alive today and being  
22 born tomorrow. I fear for their future because that  
23 future now is deeply uncertain.

1           The climate data are crystal clear and stark.  
2 Humans burning fossil fuels is causing our planet's  
3 climate to change in a dangerous and unpredictable way,  
4 in a way that threatens the future of my children, of  
5 our children.

6           We must begin swiftly transitioning away from  
7 all fossil fuels immediately. This includes natural  
8 gas, a greenhouse gas more potent than carbon dioxide.  
9 Why invest our resources in more fossil fuel  
10 infrastructure?

11           New York State must commit to investing our  
12 resources only in a way that ensures today's children  
13 inherit a livable planet. This is why the New York  
14 State proposed energy plan is deeply flawed.

15           The plan describes natural gas as a clean  
16 energy source. It is not. Fracking, the primary method  
17 of gas extraction today, poisons land, air and water,  
18 makes people sick, and contributes to climate change.

19           Because much of the draft plan is ambiguously  
20 written in support of clean energy, many of its  
21 initiatives and programs, including the governor's much  
22 acclaimed green bank, could actually be directed towards  
23 banning the use of fracked gas and its infrastructure.

1           In addition, initiatives number six, number  
2 eight and number nine in the plan explicitly promote the  
3 acceleration and expansion of natural gas, including oil  
4 to gas conversions and infrastructure for gas  
5 transmission and distribution.

6           A few weeks ago I was having a conversation  
7 about mandated global climate change with my eight year  
8 old daughter, Jessie, and what was happening to our  
9 world's planetary climate system because of humans  
10 burning fossil fuel.

11           After explaining as best I could, Jessie  
12 looked at me and said, you know, mom, you are really  
13 lucky to have lived 30 years without climate change. My  
14 eight year old daughter understands the impact that  
15 climate change has for her future.

16           It's up to me and everyone making decisions  
17 that impact her future to fight for an energy plan that  
18 commits to swift transition away from all fossil fuels.

19           We have the tools and the resources to do  
20 this. What we need is our political leaders to make the  
21 right energy choices.

22           Thank you.

23           CHAIRMAN RHODES: Diana Strablow, followed by

1 David Bradley.

2 MS. STRABLOW: My name is Diana Strablow.  
3 Thank you for being here today to hear us. And I am  
4 here as a citizen of New York State, of this country, of  
5 this planet, and also as a member of the Sierra Club.

6 I joined the Sierra Club's energy committee  
7 about a year ago to try to work to promote alternative  
8 energy. I did that because about seven years ago I  
9 personally awakened to the fact of climate change.

10 It started out with concern, and then as I  
11 did more and more reading over those seven years, and  
12 watching clips of scientists and films of scientists, I  
13 have watched the scientists move from concern to alarm.

14 And my own emotions have also moved from  
15 concern to alarm as we have watched -- in those seven  
16 years I have seen compressed what scientists thought  
17 might happen in 30 years, 50 years, maybe a hundred  
18 years, it's now happening. It's happening now. And  
19 this plan does not address that issue.

20 Our window of time is rapidly closing. Two  
21 or three years ago I started reading that scientists  
22 were saying we have a window of 10 years to do something  
23 about climate change. Beyond that, we may have no hope

1 of doing anything. That was two or three years ago.

2 The time is now, and we need to move to a  
3 complete renewable energy future. The ability is there.  
4 New York State can lead the way.

5 According to the Intergovernmental Panel on  
6 Climate Change, methane is up to 86 times more potent as  
7 a greenhouse gas than CO2. If we are serious about  
8 attacking climate change, we need to not build the  
9 infrastructure for natural gas in the state. We need to  
10 be moving entirely to renewable energy.

11 Iowa has, in merely six years, moved from six  
12 percent wind energy to in 2012 they are producing 24.7  
13 percent of their energy from wind. Why can't New York  
14 State do this?

15 We need wind. We need solar energy. We need  
16 geothermal energy. We do not need natural gas.

17 Thank you.

18 CHAIRMAN RHODES: David Bradley, followed by  
19 Heather Connor.

20 MR. BRADLEY: My name is David Bradley, I'm a  
21 member of the Buffalo Wind Action Group.

22 Imbedded in the energy plan is the illusion  
23 that financial, ecological and climate fraud that are

1 methane and fracking are sensible. And in reality,  
2 fracking for methane is like going after the dregs of a  
3 once plentiful North American BC methane reserves. It's  
4 like an alcoholic dumpster diving for that mostly empty  
5 booze bottle to get that one last fix.

6 We in New York should have a better vision  
7 for our energy future than that. And so, this bland and  
8 mostly useless New York Energy Plan needs to be recycled  
9 ASAP. If implemented, we face the same prospects as  
10 that ethenol addict going after their last swigs of  
11 their affliction.

12 We could easily power up New York's  
13 electricity system with all renewables within a decade  
14 of affordable prices. After all, we start off at 20  
15 percent renewables mostly via Great Lakes electricity.

16 The vast majority of the remaining 80 percent  
17 could easily be supplied by mostly onshore wind turbine  
18 coupled with pumped hydro storage within New York, plus  
19 some grid connections to Quebec and the Canadian  
20 Maritimes.

21 Some of our wind energy could be provided by  
22 offshore wind turbines, mostly at the southern  
23 coastline, and although these will always be more

1 expensive than onshore wind, sometimes location matters.

2 We could provide most of the heat and cooling  
3 we need via mostly ground sourced heat pumps, or GSHP,  
4 and biomass based central district heating.

5 The oil industry will be more of a difficult  
6 problem. Some electricity, more mass transit, and a lot  
7 more biomass to liquid fuels will be needed. Those  
8 biomass fuels would be made possible as oil prices  
9 continue on average to double every five years, which  
10 they have since 1998 as a result of peak world oil  
11 exports that happened in 2006. And after all, things  
12 grow prolifically in New York.

13 Renewable electrical energy is the central  
14 feature of price predictability. We know what the price  
15 of wind based electricity will be for the next 25 years  
16 based on the cost to buy and install these systems and  
17 the associated price of money used to finance these  
18 systems.

19 We have absolutely no way of knowing what the  
20 price of oil and methane will be five, 10 or 20 years  
21 from now except for the general descriptor of more.  
22 Enforcing this fossil fuel continual pricing system on  
23 to renewables actually makes renewables more expensive



1 than otherwise would be, as it increases the financial  
2 risks and the costs that go with the loans and  
3 investment money.

4           However, if we do not change the way we price  
5 electricity, very little of this renewable energy  
6 development will take place. Instead, we will suffer  
7 the fate of most addicts, in our case methane and crude  
8 oil, as we continue a downward spiral until the pushers  
9 who supply our fossil fuel sources no longer assume our  
10 credit has any value.

11           We cannot have a viable and renewable  
12 electricity system if we continue to sell the product  
13 that can't make a profit, that's for the private  
14 industry option, or break even for public ownership. It  
15 is sheer idiocy to base the price of renewable  
16 electricity not on the cost to make this electricity,  
17 but instead on the price of coal and natural gas, with  
18 the difference perhaps supplied by taxpayers by tax  
19 appointed based subsidies or sales taxes.

20           If New York were actually serious about  
21 renewable energy, they would end the NYISO casino  
22 pricing system for renewable electricity, but leave that  
23 for the pollution sourced based electricity of natural

1 gas, coal and nukes.

2           This will rapidly remove the profitability  
3 from pollution sourced electricity, and without the  
4 profitability for pollution sourced electricity, such  
5 operations will shut down, and that would be a good  
6 thing.

7           The reasonable profit rate for renewables  
8 that a sensible pricing system would require may chase  
9 away a lot of investable monies, as present owners of  
10 this money are generally not interested in reasonable  
11 rates of return

12           However, other options are possible for the  
13 people of New York State, and private industry, private  
14 capital, can participate or go elsewhere. When it finds  
15 nowhere else to go it will come back, and then we just  
16 have to ask it what rate we want to have it buy.

17           All we need is basically a sane pricing  
18 system for electricity in New York State and sensible  
19 procurement policies for NYPA and LIPA. To focus  
20 attention on the technology capable of delivering  
21 electricity to New York at its lowest cost, which is low  
22 wind speed turbines on tall towers, can be done at some  
23 very low percentage of benefits of this approach.

1           It takes close to \$200,000 somewhere, and the  
2 trick would be to get them for New Yorkers. The wind  
3 turbine pumped hydro approach will require about 120  
4 billion in investment, and would be repeated over to 20  
5 to 40 years. And the use of ground sourced heat pumps  
6 would require another hundred billion.

7           What private industry and what group of  
8 businesses wouldn't like a crack at a \$200, \$250 billion  
9 market? That's actually where the jobs are. By using  
10 long term low interest loans and capital, it's  
11 affordable.

12           But if we insist on the casino style NYISO  
13 spot market, location based, marginal system we will get  
14 none of that. Nobody will invest in renewables if you  
15 don't know what the price of your product is going to be  
16 two years or five years or 30 years ahead.

17           It just doesn't make sense, and instead you  
18 end up having to have loan shark type loans in order to  
19 deal with the uncertainty that's present from unknown  
20 and unknowable future electricity prices.

21           So, to conclude, if we don't get rid of this  
22 pricing system for renewables, we won't have any  
23 renewables, and as a result, more and more New Yorkers

1 will face the non-viable future where jobs associated  
2 with making renewable energy systems go to our neighbors  
3 in Quebec and Ontario, who actually have sane energy  
4 pricing systems.

5           And we also need to have a respect for  
6 manufacturing as a wealth creator, and not just a host  
7 for paracytic financiers who want to extract as much  
8 money as possible.

9           Thank you very much.

10           CHAIRMAN RHODES: Heather Connor.

11           MS. CONNOR: Thanks for being here. And we  
12 can do this. We are here to help you. I am a concerned  
13 citizen about climate crises, and particularly about  
14 production of -- large production of natural gas in New  
15 York State and hydrofracking.

16           But this past week I have been thinking a lot  
17 about what it would really look like and feel like to  
18 live in a fossil fuel free world. And I think that  
19 that's the kind of vision that we have to think fast  
20 about.

21           And I heard this analogy recently. 160 years  
22 ago in the United States very few people could envision  
23 a world with an economy not fueled by slavery, and 10,

1 13 years later, after much sacrifice, we really changed  
2 a lot.

3           And I think that's really an important  
4 analogy, because right now we are approaching a big  
5 crisis and we need to deal with that in less than 10  
6 years.

7           So, I think I appreciate a lot of the  
8 incentives for going to renewables that the New York  
9 State new energy plan has touched on, but the reliance  
10 on natural gas as a bridge fuel is not a sustainable  
11 thing. And it's not -- I don't think that's going to  
12 work. And I really feel that we can do a lot more more  
13 quickly without that.

14           And I also want to just leave you with one  
15 thing. At the last DEC hearing about hydrofracking in  
16 New York State, I wanted to read what our New York State  
17 Constitution says about protecting the environment. I  
18 didn't get a chance to do that. I'm going to do that  
19 now, because it's the closest we come to seeing the  
20 environment has the same rights as we do.

21           And I see the emancipation of our environment  
22 as a very important thing. Until we do that, we are  
23 going to be in trouble.

1           This is Article VIII. I'm going to start  
2 with .5 of Article VIII, the capacity of the  
3 environment. And it is the intent of the legislature  
4 that the government of the state take immediate steps to  
5 identify any critical thresholds for the health and  
6 safety of the people of the state, and take all  
7 coordinated actions necessary to prevent such thresholds  
8 from being reached.

9           It is the intent -- and now it goes to part  
10 8. It is the intent of the legislature that all  
11 agencies conduct their affairs with the awareness that  
12 they are stewards of the air, water, land and living  
13 resources, and that they have an obligation to protect  
14 the environment for the use and enjoyment for this and  
15 all future generations.

16           Part 9. It is the intent of the legislature  
17 that all agencies which regulate activities of  
18 individuals, corporations and public agencies, which are  
19 found to affect the quality of the environment, shall  
20 regulate such activities so that due consideration is  
21 given to preventing environmental damage.

22           So, we are all in the right direction, but we  
23 really need to speed up the process. That's my main

1 point is that we cannot use fossil fuels as a bridge.

2 Thank you.

3 CHAIRMAN RHODES: Thank you very much.

4 Charlie Bowman, followed by Bill Novak.

5 MR. BOWMAN: Thank you for holding this  
6 hearing. My name is Charlie Bowman. I am chair of the  
7 Renewable Energy Task Force of the Western New York  
8 Peace Center. Western New York Peace Center has 400  
9 members in western New York and it's a 47 year old  
10 organization.

11 And to underscore my organizational skills, I  
12 left my notes at home, so I'm going to be speaking from  
13 memory.

14 I draw your attention to this piece of paper,  
15 New York Independent System Operator load capacity data  
16 for the last six or seven years. We can calculate how  
17 much clean energy we have been doing in New York State,  
18 and it's been frozen.

19 If you look at the bottom of the paper, the  
20 percent of total generation has been frozen at roughly  
21 20 percent -- 20, 21, 23 percent. The highest was 24  
22 percent, and it fluctuates. And the last two years for  
23 2013 -- which really means 2012 for the NYISO report, as

1 you well know -- actually went down.

2 Our clean energy production as a percent of  
3 total generation went down by one percent. Our fossil  
4 fuels went up, mostly by natural gas. And we really  
5 don't know how much natural gas we burn in New York  
6 State. It could be off by a huge factor. And we have  
7 to get NYISO to report exactly how much natural gas we  
8 are burning in New York State.

9 It's a huge number, as you can see, in terms  
10 of gigawatt hour reduction. It could be 8,500 gigawatts  
11 of power equivalent or 63,000, and I would encourage you  
12 to call NYISO tomorrow morning when you get back to  
13 Albany, and say, what the hell is going on with natural  
14 gas?

15 Coal, thank you for burning 4,000 gigawatts  
16 hours less coal. I congratulate you for doing that.  
17 And nuclear energy. We produced less electricity for  
18 nuclear energy than any time in the last seven years.

19 We need targets for the New York State Energy  
20 Plan. The New York State Energy Plan is a New York  
21 State methane plan. There's no numbers in the plan.  
22 It's all pablum. It's eye candy. And we need targets.

23 And I draw your attention to Mark Jacobson's



1 paper, who I gave you a copy of that, and that's the  
2 plan for in 17 years we can produce all our electrical  
3 energy from renewable sources.

4                   And we need to be building wind, the  
5 equivalent of 1100 megawatts of wind power every year.  
6 We only have 1600 or so megawatts right now producing a  
7 wonderful three terawatts of power annually.

8                   I mean we need to be doing that every year,  
9 around 1100. To get to the solar photovoltaic target,  
10 we need to be building around 2000 megawatts of PV every  
11 year.

12                   We need to be doing that now, because in 17  
13 years the Arctic sea ice will disappear for 365 days.  
14 Then what the hell happens to our ocean currents? What  
15 happens to Europe? What happens to Long Island? The  
16 important things in the world.

17                   So, we don't know where our food growing  
18 areas in the world will be in 20, 22 years. That's  
19 within everybody's lifetime here. So, we have to stop  
20 this nonsense of not making any targets in any plans  
21 that we are making.

22                   We need specific targets. We need how many  
23 megawatts every year to be built. We need money being

1 thrown at that. NYPA has \$3 billion in the bank sitting  
2 there, and they could generate a little bit more power  
3 out of Niagara Falls, and fund just transition.

4 We fuel our local tax bases with fossil fuel  
5 burning, and we have to support that tax base as we  
6 transition into renewables. And Niagara Falls -- I will  
7 be submitting a written thing to underscore all the  
8 stuff I am saying. Niagara Falls really is a beautiful  
9 source to fund just transition, and to support our  
10 teachers and our people thrown out of work for  
11 retraining or retirement, as the case may be.

12 So, let's get our butts going on renewable  
13 energy now.

14 CHAIRMAN RHODES: Bill Nowak, followed by  
15 Dave Hollen.

16 MR. NOWAK: Thanks so much for taking the  
17 time to be here today out of your schedules. I know  
18 it's a sacrifice.

19 I agree with Mr. Miller's early assessment  
20 that there's a lot of good information in here and in  
21 the written comments. I'm going to talk more about  
22 that, but I do not think that there's a plan that's  
23 going to get us to 80 percent reduction by the year

1 2050. I just don't see that here.

2 I wanted to give you seven what I think are  
3 bold moves that if they were in this plan they would  
4 help us get there. At this point I don't think this is  
5 an ambitious plan as outlined.

6 The first one is commit to banning fracking  
7 in New York State. New York has been a leader in  
8 holding off fracking. I think it should be clear to  
9 you, from what you have heard this morning and probably  
10 all across the state, that it's at best a really  
11 controversial way to go forward, and at worst it could  
12 be a disaster. Let's pull the trigger. Let's ban  
13 fracking.

14 The second point is to make an RPS that  
15 actually requires utilities to produce so much of their  
16 electricity renewably. It's done in 10 states across  
17 the country. In New York State's latest report on the  
18 RPS we are only at 46 percent of our goal. We are kind  
19 of faltering at that level after seven or 10 years of a  
20 10 year program. We are failing with our RPS. We could  
21 have success if you put it on the utilities and made it  
22 mandatory.

23 The third piece is the feed-in tariff.

1 There's one section in the report that talks about a  
2 project that created 300 jobs, and that's great. We  
3 should focus on those things. But to get real, in  
4 Ontario, in June of 2013, running from 2009 to 2013, the  
5 Ontario government says that they have created 31,000  
6 jobs with their feed-in tariff.

7 We have not in New York State looked at the  
8 energy transition as a way to make our economy hum, as a  
9 way to redo our manufacturing base. It could be that.  
10 Ontario is doing it. We should look at that.

11 Number four, commit to doubling onshore wind  
12 by 2018, and start offshore wind in New York State.  
13 Solar is very good, but wind is where the intense  
14 generation happens, where the real gains that we have  
15 made in the RPS have been in the area of wind. It's a  
16 much more effective technology at this point. We need  
17 all the technologies we can get, but wind is our best  
18 source. Please go after that.

19 Number five, set a just transition policy.  
20 We saw down in Dunkirk a disastrous situation. New York  
21 State is going to have to be closing coal plants. It's  
22 going to have to be transitioning communities. There  
23 are ways to use requests for proposals that specifically

1 require workers from plants to be hired in generating  
2 new energy sources, and then also providing the tax base  
3 maybe on a receding basis so that communities aren't  
4 left with jobs blackmail when a coal plant closes.

5           Number six, look at what Denmark has done.  
6 In 2013, they banned the use of fossil fuels in new  
7 building construction. This is a radical move, but it's  
8 something that is possible. If we are looking to phase  
9 out natural gas use, it's something we can do. I'm  
10 going to talk a little bit more about geothermal energy,  
11 and I think that's the way to go for buildings.

12           Number seven, take a much closer look at  
13 creating wealth in our communities. There is a lot of  
14 talk about private investment. Don't be shy about  
15 public investment. It would be great to have a publicly  
16 funded wind project in Lake Erie that was providing us  
17 with low cost energy at the lowest possible cost.

18           There are also programs, such as community  
19 solar, net metering, remote net metering, expanding that  
20 in New York State. And PACE funding, property assessed  
21 clean energy is something we are going to be looking at  
22 here in Erie County, and it really should spread across  
23 the state. That's a way of keeping wealth in our

1 communities and not sending it back out of New York  
2 State.

3 I wanted to focus really quickly on two  
4 things that are foolish in this plan. One is to talk  
5 about electric bills as being a main goal, reducing  
6 electric goals. We use energy for transportation, for  
7 heating and for electric uses in our homes. In the  
8 future, all three of those, as I see it, are going to be  
9 done with electricity. We can't reduce just electric  
10 bills. We need to look at energy bills as a whole.

11 The second piece is the focus on natural gas.  
12 We have to get off natural gas with this plan. In terms  
13 of geothermal, 46 percent of the sun's energy is  
14 adsorbed by the earth. It is possible to use that to  
15 heat our homes in the winter and to cool our homes in  
16 the summer. It can be a heat source in the winter and a  
17 heat sink in the summer.

18 A lot of what the plan looks at is peak  
19 energy use and the negative impact that it is on our  
20 electric utilities. Geothermal can really go a long way  
21 toward helping to bridge that gap, because it increases  
22 electricity use in the winter and it cuts electricity  
23 use for heating and cooling because it is so efficient.

1           There are about seven million building units  
2 in New York State. About five percent of them need to  
3 be replaced each year. As we start transitioning to  
4 geothermal, we can get to zero net energy in our  
5 building in 20 years.

6           Thank you.

7           CHAIRMAN RHODES: Thank you very much.

8           Dave Hollen, followed by Susan Hughes-Smith.

9           MR. HOLLEN: Good morning. My name is Dave  
10 Hollen. I am a resident of Amherst and a member of  
11 AARP, who I'm representing today. I would like to thank  
12 you for the opportunity to speak with you.

13           AARP has over 2.6 million members here in New  
14 York State. Our membership starts at age 50, and we  
15 have a considerable number who live on fixed incomes,  
16 mostly on social security.

17           However, access to affordable electric and  
18 gas services are important to all of our members who pay  
19 skyrocketing utility bills every month. As you know, we  
20 here in New York State pay some of the highest utility  
21 rates in the country.

22           This past April, AARP surveyed New York State  
23 residents and found that about three quarters of the

1 people polled were concerned about the rising cost of  
2 their utility bills. As such, AARP is pleased to see  
3 that the energy affordability is discussed on page 56 of  
4 the New York State Energy Plan.

5           One of the stated goals of the report is,  
6 "Keep New York residential customer electric bills as a  
7 percentage of household income at or below the national  
8 average". However, this national average percentage of  
9 household median income is not defined. It is unclear  
10 whether this is a meaningful measure of affordability.  
11 Further, a concurrent goal is to reduce this percentage  
12 for low income households. Again, vague.

13           AARP believes that these goals should be more  
14 well defined and a baseline set for which to work. The  
15 ability of New York families to pay their utility bills  
16 is crucial. Clear objectives must be established to  
17 move New York State forward as a state where people can  
18 live and age with independence and dignity.

19           There is another issue directly impacting  
20 consumer rates and affordability that the New York State  
21 Energy Plan does not address, which is the lack of  
22 independent utility advocacy for residential customers.  
23 New York State has no independent consumer voice sitting



1 at the table when energy policy is being developed.  
2 More than 40 states and the District of Columbia have  
3 independent state offices whose mission is to advocate  
4 on behalf of residential utility service consumers.

5           These offices typically appear as parties in  
6 state and federal regulatory commission proceedings and  
7 in judicial review proceedings concerning rates and  
8 conditions of public service utilities. They typically  
9 have independent authority to commence proceedings and  
10 to take legal positions that are different from those of  
11 utilities and their regulators, and to seek judicial  
12 review of state and federal regulatory agency decisions.

13           New York State's support for utility consumer  
14 advocacy has dwindled to the point that New York  
15 consumers, who pay some of the highest utility rates in  
16 the country, lack full and independent representation in  
17 major matters affecting the reliability and  
18 affordability of essential utility services.

19           New York's support for this function also  
20 lags in comparison with other states' allocations of  
21 resources for utility consumer.

22           In addition, AARP's review of the annual  
23 report of New York's investor-owned utilities show that

1 utility companies recover the approximate \$10 million  
2 they spend per year to support their rate increase and  
3 other regulatory requests by passing along the expense  
4 to the ratepayers.

5 This totals about 43 million that the  
6 utilities have sent to their customers from 2009 to  
7 2012. Essentially, residential ratepayers like me are  
8 paying to propose, and everyone in this room, and then  
9 defend, increases in their own rates.

10 In contrast, we have little to no  
11 representation at the PSC during rate proceedings, even  
12 though we are paying the legal bills of the party that  
13 was trying to raise our rates.

14 Governor Cuomo's own Moreland Act Commission  
15 rightly noted that an uneven playing field exists here  
16 in New York when it comes to consumer representation.

17 AARP believes Robert Abrams, co-chairman of  
18 the Moreland Act Commission, and former Attorney General  
19 in New York, summed it correctly when he stated, "The  
20 implementation of the Commission's recommendations will  
21 create the opportunity for a stronger safety net for New  
22 Yorkers in the event of future storms, provide for more  
23 consumer protection for utility customers who

1 historically have been disadvantaged by a lack of a  
2 level playing field, and will bring to justice those who  
3 transgressed by violating New York's ethics laws".

4 Thank you very much.

5 CHAIRMAN RHODES: Thank you.

6 Susan Hughes-Smith, followed by Kate  
7 Fittipaldi.

8 MS. HUGHES-SMITH: Thank you for being here.  
9 I came today really to speak on behalf of my five  
10 children and many friends.

11 There was a time when powerful voices said it  
12 was impossible to end slavery, when reasonable voices  
13 claimed the economy could not manage without this source  
14 of cheap energy. Courageous men and women stood up to  
15 oppose that view, these abolitionists knew such a system  
16 was immoral.

17 Today, there are powerful forces that say it  
18 is impossible to end the use of fossil fuels, and  
19 reasonable voices claim the economy cannot manage  
20 without this source of cheap energy. But courageous men  
21 and women are standing up to oppose that view, because  
22 this system is also immoral.

23 A continued dependency on fossil fuels hurts

1 people today. According to the National Academy of  
2 Science, every year 53,000 Americans die prematurely,  
3 hundreds of thousands are made ill, and the nation  
4 spends \$120 billion on the associated healthcare costs  
5 of air pollution.

6 A continued dependency on fossil fuels will  
7 hurt people tomorrow. It is creating multiple  
8 simultaneous ecologic catastrophes that will threaten  
9 life as we know it.

10 The ocean is acidifying, the phytoplankton  
11 that supply half the world's oxygen has declined by 40  
12 percent, the sub-sea methane trap is beginning to leak  
13 through its icy cap, threatening to accelerate the  
14 atmospheric warming. Climate chaos is upon us.

15 As Elizabeth Kolbert so eloquently states in  
16 her book, "It may seem impossible to imagine that a  
17 technologically advanced society could choose, in  
18 essence, to destroy itself, but that is what we are in  
19 the process of doing".

20 Natural gas is not a bridge fuel; it is more  
21 of the same. A policy based on natural gas is a  
22 shortcut on the road to destruction. With natural gas  
23 prices forecast to rise 20 to 40 percent, and gasoline

1 prices to rise by 110 percent by 2030, it is also  
2 shortsighted economically.

3           However, it is possible to take a different  
4 path. It is possible to build a bridge to the future,  
5 and it is with an energy system built on renewable  
6 energy.

7           An independent study was conducted to  
8 determine the technical and economic feasibility of  
9 shifting New York State to an energy infrastructure  
10 relying on wind, water and solar for all of our energy  
11 needs.

12           Professor Jacobson from Stanford University  
13 has recently published his plan in the journal Energy  
14 Policy. Under his plan, New York State end use demand  
15 would decrease by 37 percent because of gains in  
16 production efficiency. Energy prices would stabilize as  
17 fuel costs would be zero.

18           Jobs would be created within our state, as  
19 all of our energy needs would be produced locally. Air  
20 pollution deaths would decline in our state by 4,000  
21 people per year, and the healthcare costs could decline  
22 by \$33 billion a year. That's three percent of our  
23 state's GDP that we are currently wasting.

1           The expense of this plan would be paid in  
2 savings within 17 years, and that is before you account  
3 for the sale of electricity.

4           Now is the time to act. Now is the time to  
5 change course. New Yorkers speak the truth, and the  
6 truth is we must abolish the use of fossil fuels. Any  
7 other choice is certainly immoral.

8           MS. FITTIPALDI: My name is Kate Fittipaldi.  
9 I'm from Pittsford, New York. And I am a concerned  
10 citizen.

11           I would just like to briefly comment on the  
12 plan's description of natural gas as a clean energy  
13 source. It's almost as if the plan is marketing natural  
14 gas as a clean energy source, but it is not.

15           I have been involved in the anti-fracking  
16 movement since my son was born six years ago, and to my  
17 horror, I have learned it has poisoned air, land and  
18 water. And it's directly opposing any progress you will  
19 make with targeted reducing of emissions.

20           This is a logical conclusion that I, as a  
21 music teacher and a mom can make, and I'm hoping you can  
22 make it, too.

23           Please abandon fracking in your energy plan

1 and support renewables. Thank you.

2 CHAIRMAN RHODES: Thank you very much.

3 Judy Fitzgerald, followed by Sharon Daly. We  
4 will take a break after Sharon Daly.

5 MS. FITZGERALD: Good morning, and thank you  
6 for being here.

7 New York State Energy Plan forecasts and  
8 promotes the widespread expansion of natural gas  
9 produced from fracking and doesn't even set real targets  
10 for the reduction of climate changing greenhouse gas  
11 emissions.

12 Meanwhile, power generation from wind and  
13 solar more than doubled in New York State between 1990  
14 and 2012, however, the documents forecast weak, anemic  
15 growth and renewable energy dropping to nothing by 2020.  
16 Why is it not aggressively supporting the clean energy  
17 sources of wind and solar?

18 The plan describes natural gas as a clean  
19 energy source. Fracking poisons land, air and water,  
20 causes illness, and contributes to climate change. It  
21 is a known fact that people in Pennsylvania and other  
22 states have become ill due to the water contamination  
23 from fracking.

1 Jim Morris, from the Center for Public  
2 Integrity, was interviewed on PBS News Hour last week  
3 and reported that there has been very little attention  
4 paid to contamination of the air from fracking.

5 They investigated 300 complaints of illness  
6 from people located near the fracking sites at Eagle  
7 Ford Shale in south Texas, where there are 8,000 wells  
8 in operation.

9 Their symptoms are consistent with those  
10 associated with exposure to poisonous chemicals such as  
11 benzene, which can cause cancer, sulfur dioxide,  
12 associated with lung problems, hydrogen sulfide, which  
13 can cause chronic illness or death in high  
14 concentrations. These chemicals are associated with  
15 fracking.

16 In a study presented at the annual meeting of  
17 the American Economic Association in Philadelphia,  
18 researchers from Columbia University, Princeton and MIT  
19 looked at Pennsylvania birth records from 2004 to 2011  
20 to assess the health of infants born within 2.5  
21 kilometer radius of natural gas fracking sites.

22 They found the proximity to fracking  
23 increased the likelihood of low birth weight by more



1 than half, from about 5.6 percent to more than 9  
2 percent.

3 My second point, the contribution that  
4 fracking makes to climate change. Executive Order  
5 number 24 by former Governor Paterson requires that by  
6 2050 New York State reduce total emissions 80 percent  
7 from 1990 levels.

8 While acknowledging this, the draft plan only  
9 commits to measuring the reduction of one greenhouse  
10 gas, carbon dioxide, before 2030, ignoring the  
11 significant impacts of methane, the primary component of  
12 fracked gas.

13 According to the Intergovernmental Panel on  
14 Climate Change, methane is 34 times more potent a  
15 greenhouse gas than carbon dioxide over 100 years, and  
16 86 more times over 20 years.

17 A 2011 published study by Cornell University  
18 calculates the climate impact of unconventional natural  
19 gas extraction. Though carbon dioxide is the best known  
20 of the greenhouse gases, methane gas can have an even  
21 more powerful effect.

22 The study's findings included: Between 3.6  
23 and 7.9 percent of the methane escapes into the

1 atmosphere during shale gas production due to venting  
2 and well leaks; this level is at least 30 percent higher  
3 than that released during conventional natural gas  
4 production.

5 On a 20-year horizon, the greenhouse gas  
6 footprint for shale gas is up to 43 percent more than  
7 conventional natural gas, 50 percent greater than oil,  
8 and 20 percent higher than coal for the same amount of  
9 energy produced by each of those sources.

10 The researchers conclude that the large  
11 greenhouse gas footprint of shale gas undercuts the  
12 logic of using it as a bridge fuel over coming decades,  
13 if the goal is to reduce global warming.

14 The plan contains no analysis to determine a  
15 mix of energy sources that will meet carbon reduction  
16 goals, and makes no commitment about what percentage of  
17 New York's energy will come from renewables.

18 In 2013, a team of scientists and economists  
19 issued a report analyzing how New York could switch  
20 entirely to renewables for power by 2030; however, the  
21 draft plan contains no mention of this.

22 The plan predicts major growth in natural  
23 gas. By using dubious forecasts to guide future policy,

1 the plan becomes little more than a self-fulfilling  
2 prophecy of failure.

3 Governor Cuomo's energy plan should chart a  
4 course for the future as necessary with aggressive  
5 targets for renewable energy that will free New York of  
6 its addiction to fossil fuels.

7 Thank you.

8 CHAIRMAN RHODES: Sharon Daly.

9 MS. DALY: This will be very short. I am  
10 Sharon Daly, a UB emeritus or alumna. Not alumna. I  
11 didn't go to school here. I actually went to school in  
12 Ohio, so I know something about what's happening in  
13 Ohio. So, again, I'm speaking against the natural gas  
14 parts of this plan.

15 I am hoping that you will consider adding to  
16 your revision of this plan, examining the feasibility of  
17 converting New York State's all purpose energy  
18 infrastructure to one using wind, water and sunlight.

19 Many authors. And I hear that you have been  
20 given a sample of this report. Mark Jacobson from  
21 Stanford is a civil and environmental engineer. And at  
22 the end of the long line of many people from New York  
23 State professors is Anthony Ingraffea from Cornell

1 University, who is also a civil engineer and  
2 environmental engineer.

3 I have heard him speak, but I don't see any  
4 reference to any of the things I have heard from Mark or  
5 from Dr. Ingraffea in your report.

6 And I would like to see the report separate  
7 out methane, and I would like to see the report going  
8 away from fossil fuels. I am encouraged by the report  
9 that you will read and add to your next revision by Mark  
10 Jacobson and Dr. Anthony Ingraffea, and I hope that you  
11 do call upon them.

12 And also, here at UB, I'm so glad that you  
13 are meeting here because just across the road is our  
14 solar stream. And this is a very windy campus. One of  
15 these days I expect that we are going to put up a  
16 turbine. Whoever here does do turbine duty, you should  
17 approach UB for that because we have got wind to spare.

18 We have turbines out in Lake Erie, and they  
19 have been increasing over the years and I want to see  
20 more. I want to see the offshore wind turbines in your  
21 report that you will read from Mark Jacobson for  
22 offshore wind turbines.

23 If you look at Maine, they have built

1 offshore turbines, wind turbines, 20 miles out, so that  
2 you can't see them from the shore. That solved all the  
3 problems with tourists.

4           And they are not tethered. They are like  
5 many of the ones in Denmark and in northern European  
6 countries that are put in the ocean or in bays. They  
7 are not tethered. So that when the wind comes, like  
8 Sandy, they will bend.

9           And it is an exciting possibility, and we  
10 have lots of manufacturing technology in the state. You  
11 can put people to work with this technology, but please  
12 get us off natural gas.

13           Thank you.

14           CHAIRMAN RHODES: Thank you.

15           We will take a 10 minute break, and when we  
16 return, Lucinda Haag and then Darren Cooper.

17           (Recess taken.)

18           CHAIRMAN RHODES: Thank you, everybody.

19           We will resume with Lucinda Haag and then  
20 Darren Cooper will be following that.

21           MS. HAAG: It's still good morning so I will  
22 say good morning and thank you for being here to hear  
23 our comments. I am Cindy Haag and I live in

1 Spencerport, near Rochester. I am also a breast cancer  
2 survivor. I hope and pray that that will be my only  
3 experience with cancer. This plan makes me wonder about  
4 my future.

5 I have a number of concerns about this energy  
6 document, including the reliance on fossil fuels, the  
7 dangers of methane and benzene, the lack of adequate  
8 support for green energy, and the resulting hastening of  
9 climate change.

10 In addition, residents living in areas  
11 affected by fracking, either directly or by proximity to  
12 facilities accepting fracking waste, experience a  
13 severely damaged environment.

14 At the heart of my concerns are the young  
15 adults my husband and I are proud to have raised. They  
16 are 22 and 24. We want New York State to be a safe  
17 place for them to live and raise children of their own.

18 They aren't statistics, charts or  
19 predictions. They are people. Just two people, two  
20 young people, but they are two of many, many whose  
21 future hangs in the balance.

22 I urge Governor Cuomo and all decision  
23 makers, please don't lose sight of the fact that these

1 decisions affect people's lives, and more importantly,  
2 their futures.

3           You have heard many examples of other states  
4 and countries that have made significant progress toward  
5 renewable green energy production. I'm sure you will  
6 hear more. There are studies published and plans  
7 suggested. The possibilities are real. The technology  
8 is there. Clean renewable energy is the only choice.

9           Thank you.

10           CHAIRMAN RHODES: Thank you very much.

11           Darren Cooper, to be followed by Robert  
12 Jones.

13           MR. COOPER: My name is He Who Thunders. I  
14 reside along the Allegheny River in the Cattaraugus  
15 territory, in the Allegheny territory, Cattaraugus  
16 County.

17           I am here to remind you people of our  
18 responsibility, our responsibility that we have to our  
19 mother, to our mother earth. That we are all brothers  
20 and sisters.

21           That we have come to this point in time where  
22 now it's becoming an issue where these natural resources  
23 are being taken for the profit and for the -- I am

1 sorry. I am having a difficult time with this because  
2 this is not only a personal issue but it's an issue that  
3 goes deeply within me.

4 It sickens me to know that you guys want to  
5 blatantly rape our mother, the one that has provided for  
6 us since the beginning of time. These natural resources  
7 are there for her existence, not for our profit or not  
8 for our personal gain, not for self preservation.

9 These things aren't intended to be sold or  
10 distributed in such a way. They are very detrimental  
11 for what you are trying to accomplish.

12 I see you gentlemen here all have cups of  
13 water in front of you. Do you appreciate water that you  
14 drink? Do you know that water sustains your life? You  
15 are also aware of the millions of gallons that are used  
16 to fracture the shale that is pumped into these  
17 environments, that you are gaining these chemicals that  
18 is put into this water to extract this gas from its  
19 location.

20 But you also need to be aware that this water  
21 sustains your life, that the water that is used to  
22 obtain this gas cannot be used again. It cannot be  
23 cleaned. There is no filter that has been made to clean



1 this water in any way.

2           And it's -- I apologize again. This is a  
3 very difficult issue for me. I am doing my best to  
4 maintain my composure and to maintain the inner feelings  
5 that I feel in regards to what's going on and what you  
6 guys are proposing.

7           You guys are flashing these papers around and  
8 try to persuade the communities, the people, the public  
9 at large, to believe that this approach -- what you are  
10 doing to our mother -- is a good thing. That you need  
11 to -- I am very sorry.

12           We were all given this responsibility since  
13 the beginning of time. May I remind you that you are  
14 also here, that you are all just guests here. That you  
15 all have come to our territory, and these lands that  
16 were taken from us, we also assume the responsibility  
17 for the perpetuating for the continuance of these lands  
18 which you are not abiding by.

19           You are looking for the quick fix. You are  
20 looking for the opportunity to provide for these people  
21 for profit for personal gain. That's the only reason  
22 why you are examining and looking to these different  
23 options of the harvest of any kind of natural resources

1 that are available.

2 In time, these are going to be expended.  
3 There is going to be nothing left for anybody to heat,  
4 to power their vehicles, with the electric, any and all  
5 of that.

6 I just feel so strongly that this is  
7 something that we should not be exploring. If anything,  
8 they should be doing for the maintenance of the self  
9 sustaining of these natural resources for future  
10 generations that have been born to this earth, because  
11 those are the ones that we need to look forward to and  
12 to ensure that they have a bright future ahead of them,  
13 too. Not to clean up the mess that we are presently  
14 trying to make at this current time.

15 I thank you for this time and this  
16 opportunity, and I wish I was more verse and had the  
17 opportunity to fully express of what I am feeling, but I  
18 am sure that it will be conveyed in what words that I  
19 did say.

20 Thank you.

21 CHAIRMAN RHODES: Thank you very much.

22 Robert Jones, followed by Chandler Cooper.

23 MR. JONES: Good morning. My name is Robert

1 Jones. I'm a member of the Seneca Nation of Indians.

2 I think, what I have, is something where we  
3 need to -- I mean everybody is talking about fracking in  
4 western New York. These are the territories, like my  
5 brother Darren said, these are Seneca territories. We  
6 have actual documentation to prove that these were our  
7 territories and as the US government personally  
8 established a signed treaty with our ancestors.

9 In fact, I would like to actually point out  
10 the fact that my seventh great grandfather was a guy by  
11 the name of Horatio Jones. I picked this up from the  
12 University of Buffalo not too long ago. It's a receipt  
13 for \$500 for the Phelps and Gorham purchase with Horatio  
14 signing, along with Corn Planter, Young King Black  
15 Snake, Colonel Pollard and others.

16 I take this stuff pretty serious. I think  
17 it's time for New York State to realize that it can't  
18 run roughshod over the rights and the responsibilities  
19 of the Iroquois and the Senecas.

20 I would like to read something to you which  
21 actually -- for the record, I would like to cite it.  
22 It's called Document and Official Reports Illustrating  
23 the Causes Which Lead to the Revolution and the

1 Government of the Seneca Indians in the Year 1848 and to  
2 the recognition of the representative republican  
3 constitution by the authorities of the United States and  
4 of the State of New York. Printed 1857. Filed in the  
5 Library of Congress.

6 In this report, they tried to tax our  
7 territories. A big to do happened, and what happened  
8 after that, they did an investigation. John Luke, the  
9 president of the Seneca Nation, writes a memorial letter  
10 to the State of New York and to the United States and  
11 asks, what's going on here? These lands our ours by  
12 treaty.

13 In the end, because it's only five minutes,  
14 three minutes, here's what I think is the most important  
15 paragraph in this document. It says, From a careful  
16 examination of the several treaties heretofore decided  
17 in the decisions of the highest courts of this state,  
18 and of the United States, with applicable references.

19 It says, your committee are clearly of the  
20 opinion that the Senecas do not hold a title to the  
21 Cattaraugus County Indian reservations under the State  
22 of New York, nor under the United States, but they are  
23 entitled to the same as original absolute exclusive, and

1 as the Senecas are now citizens of this state and have  
2 no representative in our legislature, we can claim no  
3 right to tax them.

4 I also, for the record, would like to read  
5 something -- an article I got while digging through the  
6 Buffalo public library, December 20, 1900, in Albany, it  
7 was a recommendation of Governor Roosevelt's Commission  
8 as to Indians of this state. It says, this commission,  
9 appointed by Governor Roosevelt to investigate the  
10 conditions of Indians in this state, and to make  
11 recommendations to remedy the condition of political  
12 status, reported in favor of their full admission to  
13 citizenship and an allotment of the lands constituting  
14 the state reservations among them.

15 Among other things, the commission says,  
16 "Regarding these Indians, from the point of view of  
17 their political status, the salient consideration is  
18 that they are living apart as separate nations on  
19 reservations which are, in fact, a foreign country  
20 within this state". And it goes on and on. I want to  
21 stop there.

22 When you travel into Canada, your phone  
23 starts to roam. Why? Because Canada, a foreign

1 country, owns the airways. You need to remember if you  
2 back up to the 1779 Big Tree treaty, where we gave up  
3 acres in western New York, what you are going to find is  
4 that -- you are going to find just that. There's a  
5 treaty involved, and it only refers to the land, the  
6 soil, this parcel, this tract of land. Nowhere in that  
7 document is any language saying that we gave up mineral  
8 rights to those lands.

9           You are going to see us in court. And I  
10 invite the gentleman from the Office of the Governor to  
11 take this message back to them, back to Andrew Cuomo.

12           This is a very serious issue. Do not run  
13 roughshod over the rights of your own citizens, not to  
14 mention those of the Seneca Nation.

15           This can be worked out. I think the Seneca  
16 Nation has a way to maybe collaborate with New York  
17 State when this stuff happens. Everybody I think in the  
18 room wants a watchdog. Who better to be a watchdog and  
19 a steward, and what the lady mentioned here earlier, is  
20 in your constitution you guys are to be stewards over  
21 the land to make sure that this can't be perpetuated,  
22 that the land doesn't go basically to hell.

23           So, please, five minutes certainly isn't

1 enough time, but I'm glad I got a chance to be here.  
2 Please take this message back to Governor Cuomo. The  
3 Senecas are not going to stand for this. We will see  
4 you in US District Court. We've got lawyers. We're  
5 ready to work with you, but take extra special care with  
6 mother. This is our mother. This is your mother. This  
7 is what sustains life.

8 Please, do not run roughshod over the rights  
9 and disregard the actual treaties. They are the supreme  
10 of the land. Governor Cuomo is duly bound and obligated  
11 to uphold the New York State constitution and the  
12 constitution of the United States.

13 Thank you.

14 CHAIRMAN RHODES: Just one point of  
15 clarification. James Winebrake is actually a public  
16 member from Rochester Institute of Technology. He was  
17 appointed by the governor. The rest of us actually work  
18 for the governor. Thank you.

19 Chandler Cooper, followed by Michael O'Brien.

20 MR. COOPER: You call me Chandler Cooper.  
21 That name is not important. Where I come from, it  
22 really isn't that important. What's going to make the  
23 difference and what is important is why I am here and

1 what I am doing here.

2           There's only -- in the five little minutes  
3 that conveniently was noosed around the words we are  
4 allowed to speak, I can only -- there's only so many  
5 ways that I can say the same thing that's being repeated  
6 to you gentlemen person after person after person after  
7 person.

8           Again, there is only so many words you can  
9 say, what's being said to you. You write everything  
10 down on your notes, and we all hope that you take these  
11 notes home with you, and everybody here leaves hoping  
12 what they said impacts these revisions or whatever  
13 happens to come next after this energy plan.

14           But I guess I am just here -- concerned  
15 citizen seems to be the good word. I hear that a lot.  
16 I like the way that sounds. I like the way it comes  
17 out.

18           I am concerned. I came to this meeting a  
19 little ignorant. I will admit I didn't really have all  
20 the information on what was going on, but I knew enough,  
21 enough to spark my interest to want to be here, and want  
22 to come. Enough to write my name on this paper without  
23 notes or without any premeditated notions. I'm up here.



1 I'm shaking in the knees. I'm going off the top. I  
2 just feel like it needs to be said.

3 Said over and over again, going to be said  
4 again and again when I sit down. There's just no  
5 fracking. There's no cut around it, you can't get to  
6 it, there's no really choice, beautiful words you can  
7 paint a picture around it, just everybody, the bottom  
8 line, we know what's wrong.

9 And I would hope that you gentlemen know  
10 what's wrong as well. I wouldn't understand how  
11 somebody gets in these positions without knowing right  
12 from wrong.

13 With all this information, evidence and  
14 knowledge thrown at you -- and you guys are smart  
15 people. You got to be smart. You know what this is  
16 doing. It doesn't make any sense up here. I don't know  
17 if maybe somebody else here makes a little more sense to  
18 them, but you know what's wrong.

19 You see it. I know you feel that it's wrong,  
20 but you continue to push natural gas and fracking. You  
21 just keep doing it. It doesn't make any sense. I don't  
22 get it. It doesn't compute. It seems so illogical and  
23 so very irrational.

1 I am kind of surprised the people who voted  
2 you into these positions with that kind of thought  
3 process that you guys are on. It doesn't make sense.  
4 It just doesn't make sense.

5 That's all I have to say. That's all I want  
6 to say.

7 CHAIRMAN RHODES: Thank you very much.  
8 Michael O'Brien, followed by Bill Wachob.

9 MR. O'BRIEN: My name is Michael O'Brien.  
10 This is Isaiah, my son. Thank you for allowing this  
11 opportunity. He's really tired, so I'll keep it short.

12 So, I am here as a private citizen, but in  
13 full disclosure I am on the board of directors of Clean  
14 Air Coalition of Western New York. I'm also a member of  
15 the organization UB Coalition for Leading Ethically in  
16 Academic Research, which helped to shut down the Shale  
17 Research Society Institute here at UB because of the  
18 fraudulent science they are producing.

19 And I want to speak on behalf of Isaiah here,  
20 and all the children in New York State, to say that if I  
21 was a teacher giving this report a grade I would give it  
22 a D minus.

23 And essentially, the report, I wouldn't

1 accept the D minus from my children and I won't accept  
2 it from my government. And the reason is is it doesn't  
3 give clear definition of what is clean energy. It's not  
4 even stated.

5 We need a hundred percent renewable energy.  
6 We need no reliance on natural gas. No fossil fuels at  
7 all.

8 If by the time this child is 40 years old  
9 he's going to have any bit of sustainable ecology, never  
10 mind a freaking economy, but an ecology, which is the  
11 basis for all economies, then we need to start now today  
12 to go to a hundred percent renewables.

13 That's solar, geothermal, wind. We don't  
14 need fracked natural gas. We don't need any of this  
15 stuff, and any more infrastructure for natural gas or  
16 any other fossil fuel is harming the future of our  
17 children.

18 This is not a clean energy plan, and you need  
19 to be clear about that, and we need to step up and in  
20 the name of our children move towards a hundred percent  
21 renewable energy alone.

22 Thank you.

23 CHAIRMAN RHODES: Bill Wachob, followed by

1 Charlie Tarr.

2 MR. WACHOB: Thank you for listening to us  
3 today. I want to put this in a global context. And I  
4 have given four different papers to the lady at the  
5 computer. I hope all of you will take and read and feed  
6 into the public record.

7 I am concerned about global warming -- global  
8 climate change, human cause, because I am concerned  
9 about it's leading to the end of life as we know it on  
10 earth.

11 When I read that and say that I either want  
12 to laugh or cry or just think how ironic that is, but  
13 for me this is the context of all of this. It goes  
14 back, I think my consciousness changed as a result of a  
15 distinguished lecture series lecture in 1991 by Carl  
16 Sagan of Cornell University.

17 That's one of the -- it was excerpted or  
18 summarized in an Interplanetary Lessons piece from a  
19 faculty of natural science and math newsletter. And  
20 basically what it says is that, what Carl Sagan said is  
21 that coal, oil, natural gas, all fossil fuels, cause a  
22 release -- well, he didn't say this -- of CO2 and/or  
23 methane into the atmosphere, contributing to global

1 warming.

2           What Sagan said is that the more CO2 -- and  
3 he didn't say methane but I think that's, what? 70  
4 times I think -- the warmer, the less CO2 the cooler.

5           This is not something invented by a  
6 scientist. This is not theory. This is reality. The  
7 rise in temperature may lead to two seemingly  
8 contradictory events -- this is incredible -- drought  
9 and floods.

10           Midwest America and the Ukraine, two  
11 important agricultural areas, may approach something  
12 like a scrub desert, while melting glacial ice will  
13 cause an increase in the sea level, and consequently  
14 could flood coastal cities.

15           Then he went on to say that unless we find  
16 the determination to pursue solar and other non-fossil  
17 fuel technology, we risk ending up lifeless like our  
18 heavenly siblings, Mars and Venus.

19           And in the course of the article that  
20 summarizes his talk, he says Mars used to have rivers  
21 but lost its ozone. He said, the US or the world was  
22 dealing with the CFCs that were causing the depreciation  
23 of ozone.

1           He said Venus has a surface temperature of  
2 900 degrees Farenheit, even though it's closer to the  
3 sun. It shouldn't have that, but it was through global  
4 warming mechanism that stopped the reflection of I think  
5 it was infrared or something heat back into the  
6 atmosphere and trapped it, that Venus was resulted with  
7 what it had.

8           So, that got my attention back in 1991, and  
9 it's conditioned kind of my view of things like jobs,  
10 and fossil fuel technology, and this sort of thing. I  
11 have always believed that my actions affect my life,  
12 those around me, and the world maybe in a very miniscule  
13 way.

14           But in a sense you all have the ability to  
15 convey information back that affects what New York does  
16 that's a much more significant impact on perhaps life on  
17 earth.

18           We're not talking about us. We live in a  
19 region very comfortably here that is not being  
20 noticeably affected by it. But think about our kids and  
21 our grandkids. And also, New York State really has the  
22 chance to become a leader in things by not going the  
23 route of more fossil fuel and by going other routes.

1           My last two homes -- I live in Buffalo now, I  
2 used to live in Eggertsville up until about two years  
3 ago -- I've had solar panels installed. This was  
4 subsidized by NYSERDA and also the federal and the state  
5 tax incentives, which I understand is decreasing.

6           But they put a limit of 110 percent  
7 generation ability that NYSERDA I think would subsidize.  
8 I'm not sure why. Can't we use even more energy by  
9 rooftop solar installation? It generated a hundred  
10 percent of my electrical needs. We had electric heating  
11 -- not electric heating, but electric stove and this  
12 sort of thing.

13           So, there are other things that can be done.  
14 Let me think. I am starting to wander here, but New  
15 York State could be going that route. That created  
16 jobs. It was done by local contractors, Renewable  
17 Rochester, and that sort of thing.

18           And also, more recently, and I have invested  
19 in this, but there is a development of a wind turbine --  
20 it's Keen Wind Turbines -- by an inventor in Buffalo  
21 that's orders of magnitude less expensive, smaller,  
22 generates orders of magnitude more efficient than the  
23 huge wind turbines.

1           So, there are technologies out there, mainly  
2 wind, solar and geothermal, that New York could be  
3 investing in that would perhaps lessen the likelihood or  
4 the possibility that we would destroy life on earth.

5           And if you look at it in that way, to me in  
6 my life, and my head, it puts a different perspective on  
7 all of this that we are talking about. There are  
8 alternatives to fossil fuel. I just hope that New York  
9 State and the United States will start to go that route  
10 and keep up with places like China and Denmark, that are  
11 developing these kind of technologies and the jobs that  
12 go with them and the cleaner environment.

13           Thanks again for listening.

14           CHAIRMAN RHODES: Thank you very much.

15           Charlie Tarr, followed by Don Duggan-Haas.

16           MR. TARR: Good afternoon. My name is  
17 Charlie Tarr. I have resided in Buffalo for nearly 20  
18 years.

19           I would like to thank the governor today for  
20 the bright renewable moments of his leadership. Thanks  
21 also to my colleagues who have focused on the  
22 catastrophic perils of hydrofracturing and climate  
23 destabilization. It's also wonderful to see that the



1 Jacobson Stanford plan has been tabled today.

2           Yesterday, I was honored to travel to the 4th  
3 Department of the State Appellate Court in Rochester.  
4 Among the daily proceedings was a water withdrawal case  
5 presented by Attorney Richard Lippes, and my dear  
6 friend, Attorney Rachel Treichler.

7           It was poor joy to witness the enthusiasm of  
8 the justices for the career and wisdom resplendent of  
9 Mr. Lippes as he delivered his oral argument. I  
10 realized in that moment the most important comments  
11 delivered to you today would comprise a demand the State  
12 Environmental Quality Review Act be upheld and applied  
13 for every measure of its original and intended purity.

14           This dedication must arrive from the office  
15 of Governor Cuomo downward, through Commissioner  
16 Martens, settling deep and thoroughly within every town  
17 council and municipal planning board.

18           When we fail to apply SEQOR consistently and  
19 correctly, we fail to honor the wisdom and precious  
20 lessons of the men and women who have suffered before  
21 us.

22           Our doors throughout the state are then wide  
23 open for the deceit, the greed and the destruction of

1 complacency and ignorance. Our record in this moment is  
2 extremely poor.

3 In realtime, a legal injunction has been  
4 filed at Ravenswood to demand the DEC enforce our new  
5 water withdrawal regulations among the state's largest  
6 present consumers of water.

7 In realtime, a biomass energy company with  
8 billions of dollars in corporate backing is professing  
9 the safe distribution of toxic metals, VOCs, and complex  
10 chemical contamination moved from our wastewater streams  
11 on to our farmland.

12 Unfortunately, the abyss between mesothermic  
13 and heliothermic digestion is neither reaching our  
14 farmers, nor our consumers, for clear understanding and  
15 appropriate debate.

16 The last decade, without waste and  
17 constraints, standing environmental cases, and our court  
18 system is awash in Article 78 proceedings.

19 In my hand is the \$7,000 the proceeding  
20 required after the Buffalo planning board disregarded a  
21 direct advisement of both an assemblyman and the state  
22 senate environmental chair, compelling the engagement of  
23 the Department of State to guide their decision process.

1           This filing failed at the trial level and the  
2 people are exhausted financially. It failed in the live  
3 presence of the corporate petitioner's wealth. They  
4 will now have a new discount gasoline station 100 feet  
5 adjacent to Scajaquada Creek, thus, a quarter mile from  
6 the Niagara River.

7           In realtime, our inadequate review and our  
8 inadequate decision making process finds hydrogen  
9 sulfide and unprecedented levels of volatile organic  
10 compounds in the rail and pipeline transport of bakken  
11 crude oil, claiming more than 50 lives, endangering  
12 children, and daily imperiling tens of thousands of  
13 lives throughout our state.

14           In realtime, the refreshing and abundant  
15 references to environmental justice communities in your  
16 plan appear egregiously hypocritical, as our governor  
17 intercedes on segmented efforts to expand international  
18 diesel engine traffic at the peril of children and  
19 minorities throughout the west side of Buffalo.

20           I pray that you will heed the warning that  
21 any energy plan requires vigorous public disclosure.  
22 And I pray that you will seek to uphold and enforce  
23 further public debate.

1 Thank you.

2 CHAIRMAN RHODES: Thank you very much.

3 Don Duggan-Haag, followed by Clarke Gocker.

4 MR. DUGGAN-HAAG: I am Don Duggan-Haag from  
5 the Paleontological Research Institution. It's a museum  
6 of the earth and a human nature center which is over in  
7 Ithaca, but I telecommute from here in Amherst.

8 I did prepare some remarks, but having  
9 listened to those who came before me I am going to go  
10 off script and hope it's not a horrible thing. I'm  
11 going to start off with a little audience participation.

12 The five largest sources of electric  
13 generation for both -- for New York State, and I think  
14 for the US at large -- I am not sure about one of them  
15 -- are coal -- in alphabetical order -- are coal,  
16 hydroelectric, natural gas, non-hydro renewables, and  
17 nuclear power.

18 I am going to ask you to raise your hands  
19 twice for the two that you think are the biggest in New  
20 York State, and I'll note that for most of the last 25  
21 years they have been roughly tied. For most of the last  
22 15 years they have been roughly tied. That's changed in  
23 the last couple of years.

1           In 2009, the two largest sources each  
2 produced about 31 percent of the electricity of New York  
3 State. So, let me just rattle through it one more time  
4 before I ask you to raise your hands, and now I'm going  
5 to ask you to raise your hands twice, once for each of  
6 the two largest sources. They are: Coal, hydro,  
7 natural gas, non-hydro renewables, and nuclear.

8           So, raise your hand if you think coal is one  
9 of the two largest sources for electricity in New York  
10 State.

11           (Hands raised.)

12           Okay, hydro.

13           (Hands raised.)

14           Natural gas.

15           (Hands raised.)

16           Non-hydro renewables.

17           (Hands raised.)

18           You are right.

19           Nuclear.

20           (Hands raised.)

21           So, three people with hands up for nuclear,  
22 is that right? Did any of you also have your hands up  
23 for natural gas, any of you three? No.

1           No one in this room got the question correct.  
2   The two largest sources of electric generation in New  
3   York State are natural gas and nuclear power. Natural  
4   gas in 2012 produced 44 percent of the electricity used  
5   in New York State. Nuclear power produced about 30  
6   percent. Hydro was number three at about 22 percent.  
7   Coal was number four at three percent in 2012, dropping  
8   precipitously in the last few years.

9           Non-hydro renewables was also roughly around  
10   three or four percent. Wind is now producing two  
11   percentish, and then there's other sources that go into  
12   that basket as well.

13           I ask that question for a couple of reasons.  
14   One is that it's fun to ask a question that a lot of  
15   people get wrong, but we try and do that nicely.

16           The second reason is that most people simply  
17   don't know where we get our energy from now. And if we  
18   consider that most homes in New York State are also  
19   heated by natural gas, natural gas is the lion's share,  
20   by far the largest source of energy production in New  
21   York State. Almost twice as much as the second largest  
22   piece, which is gasoline.

23           If you put all petroleum together, natural

1 gas and petroleum are roughly equal. So, heating oil  
2 and other distillate fuel oil and stuff like that.

3 I raise this question because part of what  
4 the plan should do is educate the public about where  
5 energy comes from now. It's very, very important, I  
6 think, if you're going to make informed decisions about  
7 where your energy comes from in the future, you need to  
8 know where it comes from now.

9 Most of us don't. I didn't before I started  
10 working on some National Science Foundation funded  
11 programming for Marcellus shale education.

12 I am not here to say that hydrofracking is  
13 good or bad. We actually promised the National Science  
14 Foundation that we would not advocate for or against  
15 hydraulic fracturing, but more to educate the public  
16 about hydraulic fracturing and the larger energy system

17 I also feel like, as I was sitting here  
18 today, I read a different document than many of the  
19 other people who spoke before me. I did not see  
20 anywhere in what I have read -- I have not read the  
21 entire volume two. I have not read much of volume two,  
22 honestly.

23 I've read all of volume one. I do not see

1 anywhere where it said that natural gas is a clean  
2 energy source. I did see implications that it was  
3 cleaner than other energy sources.

4 I think the panel for doing this largely  
5 thankless work. The plan strikes me as not so bad. It  
6 is not a pro-fracking document, as I read it. It does  
7 predict what might happen if fracking does or does not  
8 occur, but it does both, and I think that's the  
9 reasonable and responsible thing to do.

10 And my time is up. I could say a lot more.  
11 I will give a copy of our book to the panel. And I  
12 prepared comments, but I am going to junk them and send  
13 something else.

14 CHAIRMAN RHODES: Clarke Gocker, followed by  
15 Brian Smith.

16 MR. GOCKER: Good afternoon. My name is  
17 Clarke Gocker. I'm here representing People United for  
18 Sustainable Housing or PUSH Buffalo. We are a grass  
19 roots non-profit in the City of Buffalo. We work in the  
20 low income neighborhoods on the west side of the city.

21 And in full disclosure, we are a contractor  
22 in a NYSERDA energy efficiency program at this time.

23 I just want to focus my comments on one of



1 the focus areas in the plan, and that's improving energy  
2 affordability. PUSH Buffalo believes that improving  
3 energy affordability extends to increasing access to and  
4 equity in the delivery of energy efficiency and clean  
5 energy programs, especially for economically  
6 marginalized communities, communities with high energy  
7 burdens, and environmental justice communities.

8 NYSERDA's existing Green Jobs Green New York  
9 energy efficiency retrofit program represents, in my  
10 mind, a really successful model for deploying energy  
11 efficiency and clean energy in underserved communities  
12 across the state.

13 And I would agree with a lot of the  
14 sentiments here that what we are looking at I think is  
15 more a vision document than a plan. I think when we see  
16 an actionable operational plan come across the wire,  
17 look at Green Jobs Green New York as being a model that  
18 could be plugged in to additional programs in the state.

19 Green Jobs Green New York has created an  
20 institutionalized role for community based  
21 organizations, or as they are called in the program  
22 CBOs, in NYSERDA's market transformation efforts.

23 CBOs across the state are outreaching to low

1 to moderate income constituents to increase access to  
2 energy audits and financing, and subsidies for retrofit  
3 improvements.

4 CBOs are advocating for consumers and  
5 ratepayers as they engage local markets to procure the  
6 services offered by contractors.

7 And CBOs are leveraging their ability to  
8 drive customer demand to secure affirmative commitments  
9 from contractors to hire from disadvantaged local  
10 communities and to pay their workers sustaining wages.

11 I don't read much of that in the energy plan,  
12 but, again, I think we have precedent for the Green Jobs  
13 Green New York. And what I do read is a plan that I  
14 think seeks to advance a market based approach to clean  
15 energy deployment.

16 And absent, I think, watchdogs or third party  
17 groups, intermediaries, at the community level or  
18 consumer advocate groups, I think what we will be doing  
19 is a disservice to consumers, ratepayers, community  
20 members across the state, if this plan moves forward  
21 without, again, an institutionalized role for the  
22 intermediary groups.

23 Thank you.

1                   CHAIRMAN RHODES: Thank you very much.  
2                   Brian Smith, to be followed by Gloria Foster.

3                   MR. SMITH: Thanks for the opportunity to  
4 comment today and for extending the public comment  
5 period. We appreciate that.

6                   My name is Brian Smith, and I am a program  
7 and communications director for Citizens Campaign for  
8 the Environment, or CCE, and we will be submitting more  
9 extensive written comments, but I will touch on some  
10 priority issues today.

11                   We could certainly give credit to the draft  
12 plan that it does allude to investing in energy  
13 efficiency renewables and combatting climate change, all  
14 of which are essential for a sustainable energy policy  
15 in New York State. However, it lacks a blueprint with  
16 aggressive, yet achievable, goals.

17                   Setting interim targets and long term goals  
18 are critical to maximizing New York's efficiency and  
19 renewable energy potential, while demonstrating to the  
20 clean energy industry that New York State is open for  
21 business.

22                   The cheapest and cleanest and the safest  
23 energy is the energy that we do not use, making energy

1 conservation and efficiency a top priority.

2           The draft plan's reference to a state  
3 commitment by 2020 is in CCE's opinion not enough. We  
4 need a much stronger target with dollar budgets to  
5 capture all cost effective energy efficiency across all  
6 sectors.

7           The final plan should, at a minimum, set a  
8 goal of achieving 20 percent of forecasted demand with  
9 energy efficiency by the year 2025.

10           In reference to renewables, we have vast  
11 renewable energy potential, particularly with wind and  
12 solar, which will only be realized with stronger  
13 targets.

14           The draft makes reference to the state's  
15 commitment to renewable energy to the year 2025 must be  
16 strengthened quickly by committing to a goal of  
17 generating 50 percent of the state's electricity from  
18 renewable energy by the year 2025. We believe this is  
19 both achievable and affordable

20           Of course, merely setting a goal does not  
21 guarantee the goal will be met. It is no secret that  
22 New York State is lagging far behind meeting its  
23 renewable energy goal of 30 percent by the year 2015.

1           Problems with the state's RPS program are  
2 prohibiting the state from meeting our renewable energy  
3 goals. I will touch on a few of those.

4           NYSERDA, you guys know being limited to  
5 offering only 10 year renewable energy credits or REC  
6 only contracts, which fails to incentivize meaningful  
7 participation in NYSERDA's main tier solicitations. We  
8 need long term certainty for the industry.

9           The lack of regulatory regularly scheduled  
10 and known RPS competitive solicitations has served as a  
11 barrier for wind developers to be able to adequately  
12 plan for potential wind projects in New York State.

13           And also, we are not even getting all the  
14 limited resources that we have out the door. NYSERDA  
15 has \$20.3 million unencumbered funds from the customer  
16 sited tier of the RPS in 2013.

17           We can either repeat the mistakes of the past  
18 or we can learn from them. We believe these issues must  
19 be addressed in the short term, of course, to meet a  
20 2015 target, but also New York must incorporate policy  
21 solutions, which we will go into more detail in our  
22 written comments, to address these problems in the final  
23 energy plan.

1           Additionally, the state will fail to meet  
2 long term renewable energy goals if there is not a  
3 stronger commitment to wind power particularly. We have  
4 great wind power, particularly upstate New York, both  
5 land based and offshore.

6           According to the National Renewable Energy  
7 Laboratory, New York has enough wind energy potential to  
8 supply 50 percent of the state's energy generation and  
9 the electricity needs, but currently only provides about  
10 two percent.

11           Land based projects are not moving forward in  
12 upstate New York as they once were, and time after time  
13 potential offshore projects, such as NYPA's Great Lakes  
14 offshore wind initiative, and Joint Long Island-New York  
15 City offshore collaborative, with Con Ed, NYPA and LIPA,  
16 have shown great promise, but have failed to  
17 materialize. We can no longer repeat this again and  
18 again like a broken record.

19           The final plan must make a firm commitment to  
20 maximizing land based wind and implementing offshore  
21 projects in the Great Lakes and in the Atlantic in order  
22 to meet our renewable energy goals.

23           Moving toward a clean renewable energy future

1 is really the only responsible path that New York State  
2 can take. We strongly believe that fracked gas is not  
3 clean energy, and it's not a bridge fuel. It is merely  
4 a bridge to a warming planet.

5           And we want to say that fracking will cause  
6 irreparable harm wherever it occurs, whether it's New  
7 York or elsewhere.

8           The draft plan has unfortunately proposed to  
9 replace dirty polluting fuels like nukes and coal with  
10 another one, which is gas, the stopgap measure which  
11 does not prepare us for a brighter future.

12           Nowhere is the problem with fracked gas more  
13 apparent than here in western New York, where the state  
14 is planning to repower the Dunkirk coal plant with gas.  
15 This despite the fact that transmission upgrades would  
16 meet energy demand, and thus lower costs to ratepayers,  
17 and also pave the way for increased renewable energy.

18           Yet the state is pushing repowering at the  
19 ratepayers' expense, which will shackle the region to  
20 higher costs and pollution for decades to come.

21           We are really urging the energy board to  
22 reject this type of shortsighted energy policy in the  
23 final energy plan, and think more long term.

1           The final plan should explicitly prioritize  
2 efficiency renewables over fossil fuels like fracked  
3 gas, and recognize that gas is not clean or sustainable.

4           Thank you very much.

5           CHAIRMAN RHODES: Gloria Foster, to be  
6 followed by Steven Foster.

7           MS. FOSTER: My name is Gloria Foster. I'm  
8 from Canandaigua, New York right now. We came to New  
9 York after living in Wisconsin for 33 years. And I have  
10 to say I thought, oh, a Democratic governor. I tell  
11 you: That has been one horrible joke. And I hope that  
12 you can tell him that.

13           I am going to submit -- one of the things  
14 that I am submitting is a letter that I wrote to  
15 Governor Cuomo in 2011. This is about hydrofracking.  
16 Everyone here has been saying exactly what I feel and  
17 what I think. This also says this is from 2011.

18           The only thing that is different, and no one  
19 has brought this up as far as I know, is the new plan by  
20 our DEC -- that should be ashamed of themselves. I am  
21 talking as a mother and a grandmother, and one that is  
22 deeply connected with mother earth, having had cancer,  
23 just like she has.



1           The one thing that is different is the  
2     liquified natural gas ploy to try to bring all this  
3     dirty fracked gas through New York State to develop it,  
4     transport it, and then, oh, for the oil and gas company,  
5     they ship it off from a port off of Long Island. We  
6     went to that hearing as well.

7           And I have to say -- I can say thank you for  
8     being here. On the other hand, you guys are here to be  
9     representing us. You are here to be listening to us.  
10    You are being paid to be here. So, I appreciate you  
11    being here, and I hope to God that you will bring back  
12    the force of the feeling that we have.

13           So, this is one thing that I am giving.  
14    Also, after having been at that hearing about LNG, that  
15    you propose this thing that you are calling a plan, you  
16    should all be ashamed. You should all be horribly  
17    ashamed. Do you not have children? Do you have  
18    grandchildren? Do you care about this earth?

19           Anyway, I underlined the things here. And  
20    people have all spoken about it already anyway. So,  
21    there is another paper, all the myths about LNG, and how  
22    very dirty it is, too. This is about greed. Greed, and  
23    not being accountable for the high place that you have

1     been given to represent us.

2                     You probably already have this. It's easily  
3 gotten off the computer. It's also very hard to get up  
4 here and talk to you, but at any rate, this is something  
5 that was easy enough. It took a minute to get it off of  
6 the Internet. And this is an energy policy by Mark  
7 Jacobson, Robert Howarth, a lot of people. Also Dr.  
8 Ingraffea.

9                     We recently attended a talk that he gave at  
10 the college near us. And do you realize that he put up  
11 charts that showed our economy, and the way we have been  
12 fuddling around, led by you guys, to not do anything  
13 substantial.

14                    And he put up a chart. I mean these are  
15 scientific. I mean, have you been following what  
16 scientists have been saying? Then he put up a chart  
17 about what's happening to our earth. Do you realize  
18 that in 20 years it's all over with? 20 years. You put  
19 those two charts together and it's over.

20                    That's all I have to say. And I thank you.

21                    CHAIRMAN RHODES: Steven Foster, followed by  
22 Charley Olena.

23                    MR. FOSTER: I'm the husband of that force of

1 nature.

2           And I have been coming to these hearings for  
3 five years since we have come to New York State. I am  
4 amazed. You people can just keep hearing all this stuff  
5 from all these wonderful environmentalists. It's a very  
6 potent force in New York State and I'm proud to be part  
7 of a movement.

8           I see you sitting there five years in a row  
9 now not doing anything. You call combatting climate  
10 change by accelerating hydrofracking in the state, and  
11 bringing gas from all over the country into New York  
12 State so we can get liquified? That stuff is so  
13 polluting. It's just going to drive the environment  
14 crazy.

15           The earth is angry. I am angry. We are  
16 here, it's our sacred duty -- I really believe this --  
17 to take care of the earth, to protect the environment,  
18 to care for each other. I don't see New York politics  
19 doing that whatsoever.

20           I feel like a victim of something that's  
21 potentially horrible in this state if you don't take a  
22 good listen to what we have been saying here today and  
23 probably at all the other hearings.

1           I don't know what it's going to take to get  
2 you to change where you sit, but where you sit could be  
3 in hell if you let the state get fracked, if you let the  
4 state become a center in the northeast for liquified  
5 natural gas.

6           It's insanity. It's a mistake. I care for  
7 my children and my grandchildren about what you do  
8 because their futures are very dim the way things are  
9 looking right now.

10           Cuomo is talking about creating a university  
11 to deal with terrorism and disaster, and he wants to  
12 frack New York State and bring liquified natural gas in  
13 the state. It's a conflict of interest, if you excuse  
14 the expression. It's not funny, this is very serious.  
15 It's a matter of life and death.

16           Take this message to your heart: We've got  
17 to protect the environment. We've got to protect the  
18 planet. Got to care for ourselves through caring for  
19 the earth.

20           Hydrofracking, liquified natural gas, is not  
21 going to do anything but hurt us. We've got to go to  
22 sustainable energy systems to protect not just us in the  
23 state, but the whole planet.

1 Thank you.

2 CHAIRMAN RHODES: Thank you very much.

3 Charley Olena, followed by Diane Evans.

4 MS. EVANS: I will say that Charley had to  
5 leave.

6 My name is Diane Evans, and I have lived in  
7 New York all my life. I represent Sierra Club, but I  
8 also am a former teacher and I had a lot of influence  
9 over a lot of children. And we can't let our children  
10 down.

11 Children believe in a clean earth. They want  
12 to do everything possible they can to keep it that way.  
13 We can't let them down by not addressing issues now that  
14 happen to be true.

15 I did read through the report. I support  
16 several things. I support the initiative to upgrade the  
17 transmission lines, increasing capacity.

18 Initiative number three, to create and  
19 implement new building codes and standards that improve  
20 energy efficiency, as well as energy conservation.

21 Initiative five I certainly support, but I do  
22 strongly recommend, as a few others have today, that the  
23 governor mandate NYPA to establish a feed-in tariff to

1 address this issue and to incentivize more renewable  
2 energy production.

3           The feed-in tariff has worked successfully in  
4 Ontario, Vermont, Germany, all kind of places around the  
5 world. It's something that could really help boost  
6 renewable energy production here, as well as  
7 manufacturing.

8           Initiative nine does say that let's reduce  
9 our reliance on petroleum, but we can't do it by -- this  
10 is a quote -- "expanding access to natural gas in the  
11 near term".

12           I agree with a lot of people who have spoken  
13 today that that's a huge mistake. It will affect the  
14 health and welfare of all of us who live here.

15           I do support I think it was number 15,  
16 fostering a clean energy workforce, retraining some of  
17 our workers who have worked in the coal and natural gas  
18 industry.

19           On page 56 it says directly, let's reduce the  
20 environmental impacts associated with our energy system  
21 by decreasing greenhouse gas emissions, reducing carbon  
22 intensity, reduce reliance on petroleum -- these are all  
23 in the report -- reduce the health and economic impacts

1 associated with air pollution from fossil fuels, but to  
2 do that we need more in the plan that specifies how we  
3 are going to do that.

4 I have been very impressed with the speakers  
5 today, the knowledge, the statistics. I'm impressed  
6 that you worked so long on this plan, but I do feel that  
7 it needs some definite revisions.

8 Let's do it not just for ourselves but for  
9 our future. Thank you.

10 CHAIRMAN RHODES: Thank you very much.

11 Don Wells, to be followed by Cassie Wilson.

12 MR. WELLS: Don Wells. I am here as a  
13 citizen of the state.

14 I have one question, because I have only read  
15 through volume one, I have not seen the other volumes.  
16 Is the word "education" mentioned anywhere other than  
17 State Education Department? Has anybody read the word  
18 "education"? Not prominent.

19 We are talking beliefs, behaviors, education.  
20 I would encourage that this be looked at as part of the  
21 state plan because, starting right in the home with  
22 children, right through high school, right through  
23 college.

1           The whole concept of getting away from a  
2 privileged society that just want things. I will tell  
3 you a little story. Last night I came home from work.  
4 My granddaughter came to visit us, and she had a new  
5 car, just going on 17.

6           And the first three letters of the license  
7 plates were GMY. Immediately it hit my mind, gimme. We  
8 are part of a gimme generation. It's been going on for  
9 years. I might say gimme says just let me take it.

10           What we need to do is turn around and say,  
11 may I take it? And I will be responsible for its use.  
12 And know that it's more than turning a switch and  
13 putting in a light bulb. It goes all back to the  
14 generation plant. Prior to that it goes back to where  
15 the fuel source is.

16           We must properly address this. We have no  
17 need for fracking, less generation, and be able to have  
18 renewables in a better place.

19           Just that type of commonsense approach --  
20 education, changing behaviors, changing beliefs -- and  
21 what we are as part of this country.

22           Thank you.

23           CHAIRMAN RHODES: Thank you very much.



1           Cassie Wilson, and that's the last request  
2 for speaking that we have. Is Cassie Wilson still here?

3           (There was no response.)

4           Seeing no further speakers, I want to first  
5 of all thank -- from all of us, I want to thank the  
6 University of Buffalo for allowing us to have this  
7 meeting in their place.

8           On behalf of the State Energy Planning Board,  
9 I want to thank all of the commenters. You have made  
10 excellent points. You have given us a great deal to  
11 think about.

12           We have undertaken the development of the  
13 plan in its draft form with great seriousness, and it's  
14 extremely important as we push towards finalization that  
15 we hear comments and questions like yours.

16           Please do remember that written comments can  
17 be submitted on our website, [energyplan.ny.gov](http://energyplan.ny.gov), up until  
18 April 30. I encourage you and everybody else to do so.

19           Thank you again.

20           (Public hearing concluded at 12:55 p.m.)

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C E R T I F I C A T I O N

I, Jeanne O'Connell, Registered Professional Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing to be a true and accurate transcription of the stenographic notes as taken by me of the aforesaid proceedings.

3/4/14  
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