

**MINUTES OF THE  
NEW YORK STATE ENERGY PLANNING BOARD MEETING  
HELD ON NOVEMBER 23, 2010**

Pursuant to notice dated November 12, 2010, the first meeting of the newly-constituted New York State Energy Planning Board (“Board”) was convened on November 23, 2010 at the Albany office of the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York, on Tuesday November 23, 2010, at 3:00 p.m., and was webcast.

The following Energy Planning Board Members (or designees) were present:

- Francis J. Murray, Jr., President and CEO of the New York State Energy Research and Development Authority and chair of the Board.
- Garry Brown, Chairman of the New York State Public Service Commission
- Dan Shapiro, designee of Ruth Colon, Acting Secretary of State
- Stanley Gee, Acting Commissioner of the New York State Department of Transportation
- Jared Snyder, designee of Acting Commissioner Peter Iwanowicz of the New York State Department of Environmental Conservation
- Keith Corneau, designee of Dennis Mullen, Chairman and CEO of Empire State Development
- Greg Brunelle, designee of Andrew Feeney, Director of the NYS Division of Homeland Security and Emergency Services
- Colleen Gardner, Commissioner of the Department of Labor
- Mindy Bockstein, Chairperson of the Consumer Protection Board
- Stephen Whitely, president and CEO of the NYS Independent System Operator
- Assemblymember Kevin Cahill
- Khaled Yousef

Also present were Thomas Congdon, Deputy Secretary for Energy; Sarah Osgood, Assistant Secretary for Renewable Energy; John Williams, Director of NYSERDA's Energy Analysis program; Hal Brodie, NYSERDA General Counsel; and David Munro, NYSERDA Deputy Counsel. In addition, the meeting was attended by staff from various entities on the Board as well as members of the public.

### Background

Chairman Murray called the meeting to order and asked Board members (or their designees) to introduce themselves. Mr. Murray stated that this is an organizational meeting – an opportunity for Members to get together for the first time as a Board, adopt bylaws and commence the process that will eventually result in a new energy plan.

Mr. Murray provided some background, stating that the State Energy Planning law was enacted in September 2009. The legislation establishes an Energy Planning Board, requires the Board to adopt a State Energy Plan every four years, and outlines the conduct of the state energy planning proceedings. This is the first time that the Legislature has enacted an energy planning law that does not have an expiration date. The planning process created by the law is similar to the process that existed under the former Article 6 of the Energy Law, as well as the process followed under Governor Paterson's Executive Order, which resulted in issuance of a State Energy Plan in December 2009. Mr. Murray noted that many of the Members' agencies, and indeed several individuals in attendance at the meeting, participated in that process. Mr. Murray stated that he was pleased that Assemblymember Kevin Cahill and Khaled Yousef, named to the Board by the Temporary President of the NYS Senate, were both present, and Mr. Murray welcomed their input as the Board carries out its legislative mandate. Mr. Murray noted that the first draft of the new plan must be presented for public comment by September 1, 2012 and the final draft of such plan must be issued by March 15, 2013.

### Bylaws

Mr. Murray stated that the first order of business was to consider and adopt draft Bylaws. He outlined the key items:

- The first section lists the agencies and other entities making up the Board. In accordance with the legislation, some are voting members and some are not.
- The legislation allows agency heads and other Board members to designate an executive staff representative to participate on the Board on their behalf. The Bylaws state that such designations should be made to the Chair in writing.
- The Bylaws state that NYSERDA's General Counsel will serve as counsel to the Board, and that the Chair will designate a member of NYSERDA's staff as Secretary to the Board.
- Section 5 of the Bylaws addresses Board meetings. Meetings will be open to the public and subject to the Open Meetings Law. A majority of the board- 7 members- constitutes a quorum. The Secretary will prepare minutes and distribute them to Board members as well as post the minutes on the Planning Board website.
- The Bylaws may be amended at any time by the Board.

Mr. Murray advised that the draft Bylaws were sent to the Members on November 12, 2010. The Department of Public Service has suggested some additional language in section III, which deals with legal counsel to the Board. The original draft stated that NYSERDA's General Counsel shall serve as legal counsel to the Board; DPS's proposed addition, with which NYSERDA agrees, clarifies that the Board's counsel "shall represent the Board at the direction of the Chair."

Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the Members adopted the following resolution.

RESOLVED, that the State Energy Planning Board members approve adoption of the Bylaws as presented at the November 23, 2010 meeting of the Board.

#### Working Group

Mr. Murray stated that the next agenda item calls for the establishment of a Working Group. The Working Group will draft for the Board a scoping document that outlines the issues to be addressed in the State Energy Plan. That group will also commence the formal process for promulgating implementing regulations.

Mr. Murray stated that the legislation directs that staff services for the Board be performed by the following agencies- the Department of Public Service; the Department of Environmental Conservation; the Department of Transportation; the Empire State Development Corporation; the State Emergency Management Office; and NYSERDA. NYSERDA requests that each of these agencies designate an individual or individuals to serve on the Working Group. Mr. Murray proposed that the Board authorize staff from other state agencies that sit on the Board to participate in the Working Group if these agencies made such a request to the Chair (the agencies include the Department of Labor, the Department of Health, the Department of State and the Consumer Protection Board).

With the concurrence of the Board, (1) a Working Group was established and (2) John Williams, director of Energy Analysis at NYSERDA, will serve as Director of the Working Group.

#### Requirements of the Energy Law

Mr. Murray then asked John Williams to outline the energy planning process in a bit more detail, and discuss the tasks that the Working Group will perform over the next few months, including the development of a draft scope for the Plan.

Mr. Williams began by explaining that, in accordance with the enabling legislation, the Board will be guided by the following goals:

- Improving the reliability of the State's energy systems
- Insulating consumers from volatility in market prices
- Reducing the overall cost of energy in the State
- Minimizing public health and environmental impacts, in particular, environmental impacts related to climate change
- Maximizing cost-effective energy efficiency to meet projected demand growth.

Mr. Williams noted that these are very similar to the goals that guided the development of the State Energy Plan that was issued in December 2009.

Mr. Williams continued, explaining that pursuant to Energy Law section 6-104(2), the Plan must address the following:

- Energy demand and supply forecasts
- Infrastructure assessments
- System additions or alternatives needed to meet energy needs
- Alternative (emerging) technologies
- Emerging trends in supply, price, demand and review of current programs
- security issues ( a relatively new component of energy planning)
- Environmental Justice issues
- Urban planning alternatives to reduce energy/transportation demand (smart growth)
- An inventory of greenhouse gas emissions and strategies to reduce carbon emissions.

The Plan must also address the following:

- Economic development; Impacts of energy use on public health, safety, and welfare; environmental quality; energy costs for consumers, particularly low-income consumers;
- Recommendations for legislative and regulatory action needed for implementation of the Plan;
- Additional analyses as the Board deems appropriate.

Mr. Williams stated that the Board will benefit from additional resources, including strategic and capital plans developed by the New York Power Authority and the Long Island Power Authority , as well as comprehensive reliability plans issued by the NYISO.

#### Scoping Document

Mr. Williams stated that the purposes of the scoping document included the following:

- Identifying topics for analysis, development and discussion to fulfill the requirements of the enabling legislation
- Further defining and refining Issues
- Identifying possible existing resources

- Soliciting public input to ensure all areas of issue are developed in the Plan (Mr. Williams noted that in developing the scoping document for the 2009 Energy Plan, the working group met with more than 70 stakeholders in Albany, Buffalo, New York City, and Long Island over a 6 week period)
- Organizing the various technical assessments and issue briefs to better focus a discussion of required analyses

### Schedule

Mr. Williams outlined the schedule for development of the Plan:

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| • Convene Staff Working Group                             | December 2010      |
| • Prepare Working Draft Scope                             | January 2011       |
| • Stakeholder Outreach and Public Comment                 | January-March 2011 |
| • Present Scoping Document and Final Regulations to Board | Spring 2011        |
| • Issue Draft State Energy Plan & Draft Reliability Study | September 1, 2012  |
| • Public Comment Period & Public Hearings                 | Fall- Winter, 2012 |
| • Final State Energy Plan                                 | March 15, 2013     |
| • Biennial report (required by the statute)               | March 2015         |

Jared Snyder asked whether the Board would solicit input from stakeholders during the time period between finalization of the scoping document and issuance of a draft Plan. Mr. Williams suggested that the working group discuss this and make a recommendation to the Board.

### Regulations

Mr. Murray stated that the next agenda item was the matter of promulgating regulations. He stated that the energy planning legislation empowers the Board to adopt rules and regulations “as necessary and appropriate” to implement the legislation. The adoption of such implementing regulations was a common element of previous legislatively-mandated state energy planning programs. He stated that in July 2010, NYSERDA’s staff, led by Deputy Counsel Dave Munro, prepared draft regulations that outline the conduct of the state energy planning process and distributed them to legal counsel for each entity on the Board for review and comments. Generally, the draft regulations cover the requirements for submission of information by major energy suppliers to the planning board and the process for adopting the draft and final state energy plan.

Hal Brodie, Counsel to the Board, then outlined the rulemaking process. He stated that there has been a productive exchange of ideas among agency counsel with respect to the draft regulations. NYSERDA has begun discussions with the Governor’s Office of Regulatory Reform, and expects to informally share the draft regulations with GORR in the next few weeks. NYSERDA will distribute a draft of the regulations to all Board agency counsel for comment before commencing the formal rulemaking process. In the meantime, Board staff will prepare the formal rulemaking package- the Regulatory Impact Statement and other documents - and submit the package to GORR, early next year. NYSERDA will share draft rulemaking documents with any agency counsel that wants to assist in their preparation. Once GORR provides the green light, NYSERDA, on behalf of the Board, will file the draft regulatory package with the Secretary of State. The public will have 45 days to comment on the draft regulations. Counsel from the various agencies on the Board will review comments, and will then develop responses to the comments and final proposed regulations. Mr. Brodie concluded by stating that staff hope to present the final proposed regulations for Board approval next Spring.

Mr. Murray stated that the next Board meeting will likely be in the spring of 2011, at which time the Board would consider the final regulations and the draft scope of the next energy plan.

The meeting was adjourned at approximately 3:45 pm.

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David A. Munro, Secretary to the Board  
Deputy Counsel, NYSERDA