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April 11, 2005

Honorable Jaclyn A. Brilling  
Secretary  
New York Public Service Commission  
3 Empire State Plaza  
Albany, NY 12223-1350

Re: Case 05-M-0090 - In the Matter of the System Benefits Charge III  
Case 03-E-0188 - Proceeding on Motion of the Commission Regarding a Retail  
Renewable Portfolio Standard

Dear Secretary Brilling:

I am corresponding to comment for and on behalf of the State University of New York College of Environmental Science and Forestry (SUNY-ESF) and the SUNY Center for Sustainable and Renewable Energy (SUNY Center) on the Public Service Commission's April 1, 2005, Notice Seeking Additional Comments regarding the effect of the proposed budget amendment, S.3669/A.6843, Part I Section 2, ("Amendment") language on the continuation and scope of the Systems Benefit Charges ("SBC") Program and on the implementation and administration of the Renewable Portfolio Standard ("RPS") program.

The Amendment calls for "commencing with the 2006-2007 state fiscal year, and each fiscal year thereafter, the governor shall, in his or her executive budget... provide **appropriations** for currently non-appropriated monies received by the New York State energy research and development authority, under the direct oversight of the department of public service, related to assessments collected for the purpose of public policy energy programs." If such an amendment becomes law, the effective meaning and scope of this language shall have to be very carefully defined by regulation. Additionally, we suggest that, as written, the Amendment has potential constitutional and enforcement issues, which shall have to be resolved.

SUNY-ESF has been a leader in the commercial applications and uses of renewable resources since 1911. The College's national and international academic, scientific and engineering reputation for expertise in this area is consistently cited as the benchmark. Such expertise was recognized in March 2002 when Chancellor Robert L. King designated SUNY-ESF as the SUNY Center for Sustainable and Renewable Energy, the clearing-house for renewable energy issues and research for the entire 64-campus SUNY-system. In his 2004 State of the State speech, Governor Pataki recognized the leadership and expertise of SUNY-ESF and the SUNY Center when he named SUNY-ESF as a key partner with New York State Energy Research and Development Authority (NYSERDA) and Cornell University in the expanded renewable energy mission of the Syracuse Center of Excellence in Environmental Systems and Renewable Energy. Governor Pataki's confidence in SUNY-ESF and the SUNY Center was reiterated by in his 2005 State of the State speech.

Today, New York State is a national benchmark for sustainable and renewable energy research, development and commercialization efforts. NYSERDA's skillful management of New York State's energy programs is a key component of this success, which we at SUNY-ESF and the SUNY Center see as crucial to New York's future economic vitality. NYSERDA's fair and

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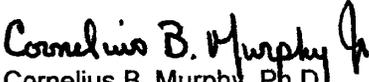
balanced approach to their SBC and RPS resource allocation duties and responsibilities is the key reason SUNY-ESF and the SUNY Center **thoughtfully** considers the budget amendment unwise and view the Amendment as a potential barrier to our future New York State and even national energy independence.

The Amendment, as constructed, hampers the **NYSERDA's** demonstrated excellent stewardship and implementation of the SBC program and the RPS. Today, under the present structure, neither program is "broken" nor in need of "**fixing**" and both the SBC and RPS programs function quite well. Relying on annual appropriations often beset with the vagaries of partisan politics or other obstacles to use of such designated revenue streams may hamper investment, planning and implementation for sustainable and renewable energy programs and damage the soundness of presently deployed programs.

Therefore, SUNY-ESF and the SUNY **Center** most strongly urges the New York State Senate and Assembly and the Public Service Commission to be fully committed to energy sustainable and renewable energy and to full and sound **SBC** and RPS implementation as presently established. Regardless, all necessary and appropriate actions must be advanced to ensure sustained investment in sustainable and renewable energy research, development and commercialization continues unabated in New York State.

SUNY-ESF and the SUNY Center applaud the Public Service Commission and NYSERDA for their longstanding strong leadership on sustainable and renewable energy issues and for their thoughtful and effective work creating New York's successful and **effective** SBC and RPS programs. We **look forward** to working together to ensure that sustainable and renewable energy programs in New York continue to benefit all.

Sincerely,

  
Cornelius B. Murphy, Ph.D.  
President

cc: Michael R. Brower, Director, Community and Government Relations, SUNY-ESF