

September 26, 2003

The Honorable Jaclyn Brillig
Acting Secretary
NYS Public Service Commission
Three Empire Plaza
Albany, New York 12223

Re: Initial Comments of New York Farm Bureau Regarding a Retail Portfolio
Standard for Electric Energy Retailed in New York State

Dear Acting Secretary Brillig:

Enclosed please find for filing an original and five copies of the Comments of the New York Farm Bureau in the above referenced proceeding. In addition, a copy of this filing has been served via electronic mail to Judge Stein and the active parties.

Respectfully submitted,

Jeff Williams
Associate Director of Public Policy
New York Farm Bureau

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 03-E-0188 – **Initial Comments of New York Farm Bureau
Regarding a Retail Portfolio Standard for Electric Energy Retailed in
New York State
September 26, 2003**

New York Farm Bureau presents these initial comments on the design of a renewable portfolio standard for New York. New York Farm Bureau is an agricultural advocacy organization with over 34,000 member families. Farming is one of New York State's largest industries with a wide variety of commodities produced. New York's farms are well-positioned as an industry to not only provide food for generations to come but also provide a renewable source of energy for users in New York State by utilizing farmland, currently 7.7 million acres, to benefit the environmental health of the residents of New York State.

New York Farm Bureau strongly believes that opportunities through the RPS to enhance the use of renewable energy in the state, including farm-based energy are greatly needed. Caution must be taken, however, to ensure that the RPS does not negatively impact the price of electricity in New York State. New York State's already high electricity rates must not be increased as a result of mandates and restrictive regulatory policy.

While New York Farm Bureau has interest in wind generation and biomass, our work with the RPS has primarily focused on discussions regarding methane digesters for use on livestock farms in New York State. New York Farm Bureau strongly supports the use of methane digesters, as part of a livestock operation, for inclusion in New York's renewable portfolio standard. With the advent of this new technology -- allowing manure produced on livestock farmers to generate methane to be used for electricity production -- farmers and environmentalists have sought to further develop and utilize this practice. Two years ago, New York State included manure processing and handling facilities as part of an on-farm commercial enterprise in the Agricultural Districts Law. This change in statute, along with the recent enactment of legislation allowing for net metering of on-farm electricity production, provides farms with the opportunity to produce and utilize a bountiful renewable source of energy.

Farm Bureau spent a considerable amount of time working with interested RPS parties on this issue this past spring and early summer and supports the agreed upon eligibility framework developed during these discussions. This framework includes acceptance of the regulatory programs already established by the New York State Department of Environmental Conservation governing livestock farms and manure production and use. New York Farm Bureau strongly believes that any attempts to modify the regulatory requirements set forth by the Department of Environmental Conservation for livestock operations, especially through the RPS, would be inconsistent with current New York State statutes and regulations, establish a dangerous precedent and be severely detrimental to the agricultural industry in the state. These attempts include requiring farms to submit an Agricultural Waste Management Plan to the Public Service Commission for eligibility in the RPS. These plans must be kept on the farm as they are constantly being referenced and modified to reflect the farm requirements pertaining to waste production, as they pertain to manure output and disposal. A plan filed with the Public Service Commission would not be current after only a few weeks or months and, as a result, would render the filing requirement meaningless.

Respectfully Submitted,

Jeff Williams
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