

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

**Case 03-E-0188 -- Proceeding on Motion of the Commission Regarding a Retail
Renewable Portfolio Standard**

**COMMENTS OF
THE COUNCIL
OF
THE CITY OF NEW YORK**

September 26, 2003

**Council Member Gifford Miller
Speaker of the Council**

**Council Member James F. Gennaro
Chair, Committee on Environmental Protection**

The New York City Council (“Council”) is submitting these comments in response to the New York State Public Service Commission’s (“PSC”) February 19, 2003 *Order Instituting Proceeding* and Administrative Law Judge Stein’s September 19, 2003 *Further Ruling Concerning Schedule and Procedure* in Case 03-E-0188.

The Council commends the PSC for undertaking the goal of developing and implementing a renewable portfolio standard (“RPS”) for electric energy retailed in New York State and it looks forward to working with the Commission and others on this task. A reliable, environmentally sound energy supply is of the utmost importance to the citizens of New York City (“City”) that the Council represents. Although fourteen threshold issues were identified by the PSC in its Order, the Council is addressing only the first and twelfth of those issues in the following comments. The Council, however,

reserves its right to expand or amend its comments during the proceeding, with respect to the issues contained herein and the remaining twelve threshold issues.

1. The types of resources that should be considered as “renewable” for the purposes of a renewable portfolio standard.

Determining what should be considered a “renewable” energy source is the most critical aspect of implementing a Renewable Portfolio Standard (“RPS”) for New York State. Since one of the primary goals of incorporating such a standard is the associated benefit to New York’s environment, only sources of energy that do not result in negative environmental impacts should be considered. Thus the term “renewable” should incorporate such “clean” means of energy generation as fuel cells and wind and solar power, but should not include such highly polluting technologies as municipal solid waste (MSW) incineration. Incineration generates harmful emissions such as mercury, dioxins and volatile organic compounds that may result in serious adverse health effects. If waste-to-energy technologies are developed that do not have polluting effects, perhaps MSW should be considered a renewable resource at that point. Such technologies should be implemented in conjunction with a strong solid waste policy and recycling program.

In addition, large-scale hydropower projects should not be considered “renewable” since such projects may disrupt river flow and have a detrimental effect on aquatic and other wildlife. Since large-scale hydropower projects already constitute a significant portion of the State’s energy production, excluding such generation from the RPS would help to encourage the development and more widespread distribution of new renewable technologies.

Utilizing such types of renewable energy generation as fuel cells and solar power also results in greater energy security. These forms of distributed generation allow electricity consumers to be less reliant upon the electric grid system and less dependent upon the cost and availability of finite resources, such as fossil fuels.

12. The practicality of installing new renewable facilities in the high load areas of the State. If the targeted renewables are built upstate, the impact, if any, such construction might have on the addition of new resources in the load centers where they are most needed, and the appropriate means to ensure that additional generation and transmission resources will be built where they are most needed.

It is essential that the renewable resources used to generate electricity are dispersed throughout the State and are installed within and made available to the high load areas, such as New York City. The environmental and cost benefits that are associated with the development of renewable energy should be enjoyed by all New Yorkers. Indeed, the offset of emissions resulting from the introduction of renewable resources will have the greatest impact in higher density areas. Although it is highly unlikely that wind power could be utilized in the City, photovoltaics and fuel cells are viable options. The PSC should consider extra incentives for renewable forms of energy that are located within load pockets, such as the City, so that such distributed forms of generation that are more suited to those areas will be developed.

New York City residents are particularly burdened by power plants, which emit significant amounts of pollution, including particulate matter and nitrogen oxides. Thus, replacing polluting power generators with clean, renewable energy is critical for New York City, which suffers from some of the highest asthma rates in the country. In fact,

700,000 adults and 300,000 children in New York City have been diagnosed with asthma at some point during their lives.¹

In addition, electricity generated from renewable forms of energy outside of the metropolitan area should be made available to New York City. In order for the City to avail itself of this energy, physical constraints need to be assessed. In light of the limited availability of transmission lines from upstate New York to New York City, the PSC should consider the feasibility of constructing new lines, the potential need for which also became particularly apparent during the August 14th blackout. Without such infrastructure investments, the City will not be able to fully benefit from the RPS.

Respectfully submitted,

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¹ New York City Department of Health and Mental Hygiene, "NYC Vital Signs", vol. 2, no. 4, April 2003, p. 1.