CASE 07-M-0548 - EPS PROCEEDING

COMMENTS ON CONSENSUS RECOMMENDATION

In the rule establishing the comment schedule, comments were requested on: 1) should the Consensus Recommendation be accepted at this time and 2) the merits of the recommendation it concerns.

EarthKind Energy respectfully provides these comments:

1) *Should the consensus Recommendation be accepted at this time*?

At the start of the proceeding, two contrasting structures were identified. While the Working Group considered other structures, the net result was to more fully define the two alternatives. Both structures have their advantages and disadvantages. EarthKind Energy believes that this is decision that needs to be made by the judges, that a sufficient record exists to do so, and that a decision can be made at this time.

2) The merits of the recommendation it concerns.

EarthKind Energy believes that the final structure proposed needs to be adjusted to make it applicable to all New Yorkers, and to consider environmental justice, especially as it pertains to rural low income New Yorkers.

Specifically, per the EPS order: *"An EPS should be designed ultimately to reduce customer bills, stimulate State economic development, and create jobs for New Yorkers."* and further, the proceeding is to:

"6. Develop energy efficiency programs to ensure all New Yorkers, especially those with low incomes, have the opportunity to benefit from lower bills resulting from lowered usage and consider environmental justice concerns in program design;"

While most consumers use electric and or natural gas, nearly 2 million households use other fuels (propane or fuel oil) for space heating and/or hot water. These households are generally in the rural areas of New York State where natural gas is not available. These areas are also some of the economically depressed areas of the state, yet these customers are using the most expensive fuels.

For these New Yorkers, heat and hot water consumes half of their energy use. The agricultural industry relies on these fuels as well.

To fulfill the objective of the EPS order, these New Yorkers need to benefit from the EPS program, and the structured proposed should include a focus on these customers. The structures proposed seem targeted on only customers utilizing natural gas and electricity, and ignore these rural customers. This appears contrary to the Commission order establishing this proceeding, and to the State's "15 x 15" goal.

RGGI funds will become available during the period covering the RPS. The EPS structure should include a focus that enables the promotion of energy efficiency to the rural households and the agricultural sectors that primarily rely on oil and propane.

Conclusion:

EarthKind Energy believes that a sufficient record exists for a decision on the structure, and that there are advantages in doing so as this time to move the process forward. The adopted structure should address the needs of all New Yorkers, and promote economic justice.

Thank you for the opportunity to participate in this historic proceeding!

Respectfully Yours,

Ron Kamen

Ron Kamen
Senior Vice-President