

STATE OF NEW YORK

# Public Service Commission

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10112/03-E-0188, 09-E-0843, 10-E-0195

## **PSC STRENGTHENS, EXPANDS RENEWABLE ENERGY PROGRAM** — Changes Bolster New and Existing Renewable Energy Projects in NYS —

Albany, NY—11/18/10—The New York State Public Service Commission (Commission) today took several actions to strengthen, expand and enhance its Renewable Portfolio Standard (RPS), the historic landmark initiative which encourages and supports the development of renewable energy projects in New York State.

“New York’s renewable energy rules should be designed in a way that promotes simplicity and stability since developers of renewable generation projects face a myriad of risks in bringing their projects to commercial operation,” said Commission Chairman Garry Brown. “Today’s action modifies the procurement process and eligibility requirements to reduce regulatory risk and complexity for developers. It will also enable more projects to participate in the program.”

The RPS program has been New York’s primary policy initiative to promote development of new renewable energy resources since it was established in 2004. In December, 2009, the Commission expanded the RPS goal to increase the proportion of renewable electricity used by New Yorkers from 25 percent to 30 percent by 2015. RPS is one of the cornerstones of New York’s objective of obtaining 45 percent of its electricity from clean energy sources by 2015.

The Commission today specifically authorized the New York State Energy Research and Development Authority (NYSERDA) to conduct future solicitations for RPS Main Tier resources once a year at a minimum, after consultation with and approval from staff of the Department of Public Service. Previously, a Commission order was required before NYSEDA could begin such a solicitation.

The Commission today also eliminated a provision from the solicitation process that had prevented NYSEDA from considering the economic development benefits of existing New

York-based renewable projects not already part of the RPS program that were put into service after January 1, 2003. Together, these actions enhance the ability of the solicitation process to respond in a timely manner to market opportunities and make it more likely that existing eligible renewable resources not already in the RPS program may be included in the future.

In addition, the Commission today decided to allow clean wood, separated from construction and demolition debris at approved material reclamation facilities, to be eligible for use as a “biomass” resource fuel in the RPS program. The Commission’s action is anticipated to increase production of renewable energy, reduce the need for fossil fuel and diminish the amount of clean wood sent to landfills.

Lastly, the Commission expanded its RPS rules regarding the eligibility of certain “behind-the-meter” energy transactions for RPS program incentives. A “behind-the-meter” transaction is one where the energy is supplied directly to the consumer and is consumed on the consumer’s premises without ever passing through a utility or a public authority transmission or distribution system.

Prior to today, “behind-the-meter” energy consumption did not qualify for Main Tier RPS program benefits primarily because of the lack of independent, verifiable or automated mechanism to measure the energy transaction. The Commission has expanded its RPS rules to include “behind-the-meter” transactions in RPS, so long as the measurement and verification of the in-state energy consumption is performed in a manner that satisfies NYSERDA’s reporting requirements.

The Commission’s decision concerning modifications to certain aspects of the Main Tier solicitation process (Case 03-E-0188), and expansion of the rules concerning resource eligibility (Cases 09-E-0843 and 10-E-0195) under the RPS program, when available, can be obtained by going to the Documents Section of the Commission’s [www.dps.state.ny.us](http://www.dps.state.ny.us) Web site and entering the appropriate case number(s) in the input box labeled “Search for Case/Matter Number.” Many libraries offer free Internet access. Commission documents may also be obtained from the Commission’s Files Office, 14<sup>th</sup> floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500).