



Accelerated Renewable Energy Growth and Community Benefit Act

Thursday, May 21

Executive Chamber Remarks

A Q&A function is available throughout the webinar in the chat box on the righthand of your screen. Please feel free to type questions at any point and we will answer during the Q&A period at the end of the webinar.

Agenda

- ✓ Background on Accelerated Renewable Energy Growth and Community Benefit Act
- ✓ Office of Renewable Energy Siting
- ✓ Build-Ready
- ✓ Power Grid Study & Investment Plan
- ✓ Q&A

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April 3, 2020 - As Part of the 2020-2021 Enacted State Budget, New York State Announced Passage of the:

Accelerated Renewable Energy Growth and Community Benefit Act



70%
**renewable
energy by**
2030

The act will:

- advance renewable energy, drive statewide economic growth, and create jobs
- streamline the process for environmentally responsible and cost-effective siting of large-scale renewable energy projects across the State
- establish tools for achieving the State mandate to obtain 70 percent of the State's electricity from renewable sources by 2030 and other nation-leading goals of the Climate Leadership and Community Protection Act

The Accelerated Renewable Energy Growth and Community Benefit Act, “the Act,” has three main pillars

Pillar	Summary	Agency lead(s)
Office of Renewable Energy Siting	<ul style="list-style-type: none"> Streamlined permitting process for eligible renewable energy projects Establish deadlines for key milestones, including deadline of one year to issue final permit Require community benefits 	DOS/ORES
Build-Ready	<ul style="list-style-type: none"> Focus on incentivizing the reuse of previously developed sites for renewable energy facilities NYSERDA will acquire interests in land, conduct review of siting feasibility, secure permits, and auction build-ready sites to developers, with possible REC contracts. 	NYSERDA
Power Grid Study & Investment Plan	<ul style="list-style-type: none"> Evaluate distribution and local and bulk transmission investments necessary to meet CLCPA requirements Establish investment plan for distribution and local transmission upgrades and refer to Order 1000 process upgrades identified on bulk transmission system For expedited transmission projects, NYPA will construct such projects through competitively solicited partnerships 	DPS/PSC; NYPA

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Office of Renewable Energy Siting Overview

- **Issues Siting Permit for renewable energy projects - include all necessary approvals from both a state and local law perspective**
 - Does not include any approvals necessary under federal law, including federally delegated permits.
- **ORES will be hosted by the Department of State and will be comprised of legal, environmental, and energy professionals.**
- **ORES will establish Uniform Standards and Conditions (USC) to limit the amount of site-specific conditions that require negotiation**
 - Drafting is underway in consultation with NYSERDA, DEC, DPS, Ag & Markets
 - USC must be established in one year and only after four public hearings are held on the draft USC prior to adoption
 - ORES must also adopt regulations for implementation within one year.

Overview of the proposed ORES application steps



Application Received

Completeness Determination

Within 60 days of submission

Draft permit issued

Within 60 days of completeness determination

Comment Period Ends

At a minimum of 60 days after draft permit published

Adjudicatory Process (if necessary)

Final permit decision issued

*Within one year of completeness determination**

**Within 6 months of completeness determination if proposed facility would be located on an existing or abandoned commercial use site, dormant electric generating sites or underutilized sites*

ORES Intervenor Funds

- An amount equal to \$1,000/MW of facility capacity must be paid into a local agency account hosted by NYSERDA.
- Intervenor funding will be made available to a host municipality, political subdivision, or local community members per regulations to be established by the Office.
- Funding can be used by eligible entities for participation in public comment period or adjudicatory hearing.

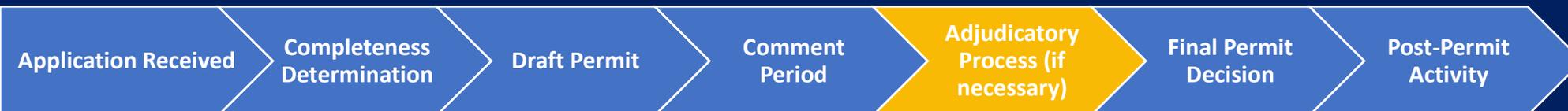
Draft permit subject to 60-day public comment period

- Notice must be given to municipality/political subdivision where facility is proposed – newspaper or electronic format & ORES's website.
- The municipality must submit a statement indicating whether the design of the proposed facility is compliant with applicable local law and regulation.
- If the municipality finds the facility does not comply with local law and regulations and no adjudicatory hearing is scheduled, ORES is required to hold a public statement hearing in the municipality/political subdivision.



Evidentiary/Adjudicatory Hearings

- When a “substantive and significant” issue is raised, an adjudicatory proceeding shall take place, including an evidentiary hearing.
 - *When issues of fact exist, an adjudicatory process may include hearings with submission of expert testimony, discovery, cross examination, and post-hearing briefs.*
 - *Parties will also be permitted to enter into settlement negotiations for purposes of resolving any “substantive and significant” issues.*
- For cases involving evidentiary hearing, a final hearing report will be issued.
- When no evidentiary hearing is required, a written summary and assessment of comments will be issued with the final permit as appropriate.



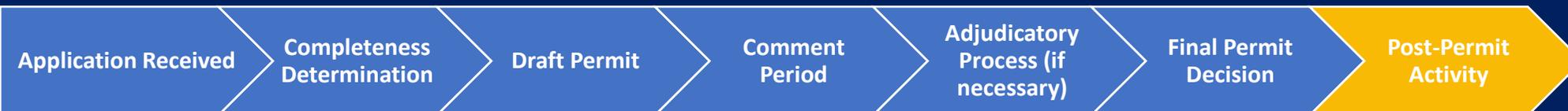
Final permit decisions must be made within 6-12 months of the completeness determination

- Final permit decision must be made within one year of the completeness determination
 - *Six months for “repurposed sites” an existing or abandoned commercial use site, including brownfields, landfills, dormant electric generating sites or underutilized sites*
 - *Deadline can be extended for 30 days upon agreement of applicant and ORES*
- If siting decision is not made within the required timeframe, the draft permit issued for comment will automatically be deemed the final permit.
- Final permit must include a provision requiring permittee to provide a host community benefit
 - *May be established by the PSC or upon agreement between the application and the host community, or otherwise determined by the Office*



A party aggrieved by the issuance or denial of a permit may seek judicial review within 90 days of the decision

- Judicial review will occur in an appellate court having jurisdiction over the county where the facility is proposed to be located.
- Only issues raised in the permit process will be considered.
- Scope of review will consider conformity with constitution, laws and regs of the state and US, be supported by substantial evidence question and judicial notice, or the permit decision was arbitrary and capricious or abuse of discretion.



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Clean Energy Resources Development and Incentives Program

Advances large-scale renewable energy projects by identifying sites that are consistent with the State's permitting standards and are made build-ready for private renewable energy developers

- NYSERDA will establish and execute a “Build-Ready” program to foster and encourage expedient siting and development of renewable energy facilities
 - focus on incentivizing the re-use of previously-developed sites
 - help protect the value of taxable land and leverages existing infrastructure
 - provide benefits for host communities and protect environmental justice areas
- NYSERDA will acquire interests in land, conduct review of siting feasibility, and apply to the Office of Renewable Siting for permits for major renewable energy facilities or to the applicable locality, under SEQRA, for authorization to construct a renewable energy facility
- NYSERDA will competitively auction the developed sites, bundled with contracts for renewable energy payments, to provide a fully de-risked package for private developers to construct and operate projects at these sites

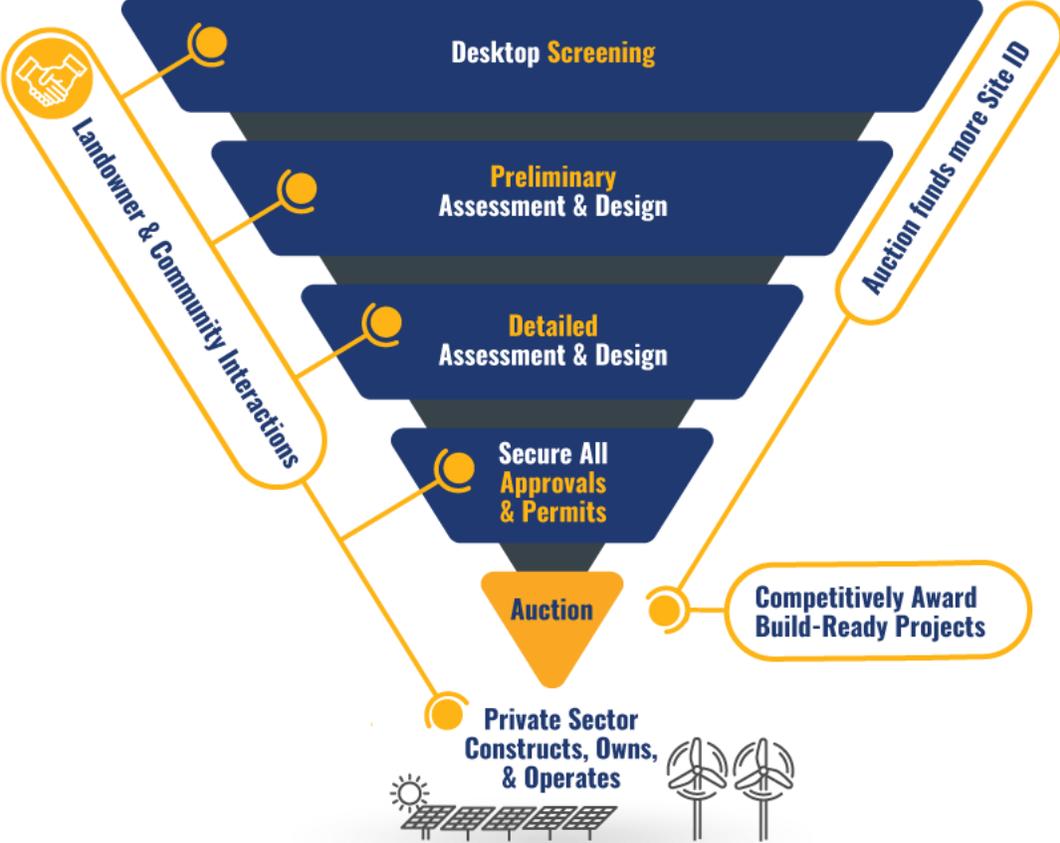


Clean Energy Resources Development and Incentives Program



Potential Project Site ID

- ▼ Communities
- ▼ Local elected officials
- ▼ State Agencies
- ▼ Brownfield/landfill redevelopment
- ▼ Alignment with statewide grid planning
- ▼ Co-use



Community Benefits



NYSERDA will:



- Ensure renewable energy projects deliver benefits to the local communities where they are built
- Pre-screen, with DEC, sites to determine whether an enviro justice community would be adversely affected
- Provide written notice at the earliest practicable time to a municipality where a Build-Ready site has been identified
- Establish a Host Community Benefit Program to offer property owners and communities tangible benefits and incentives for hosting renewable energy facilities
- Negotiate PILOT agreements with the host municipality
- Maintain a public record on the availability of these benefits and annually publish a report on the benefits provided

Workforce Development



NYSERDA will:



- Consult with the Department of Economic Development and the Department of Labor, and other State agencies, on the need for, and availability of, green job workforce training in the area of the Build-Ready sites, giving special attention to environmental justice sites

Next Steps



NYSERDA is required to petition the Commission for approval of the Build-Ready Program and any necessary funding authorization

- Funding will be requested for at least a five-year period, with a reinvestment approach also included
- PSC is required to act on the petition within four months of filing

NYSERDA is now advancing the program, approach, and team needed to advance this new and exciting program

- NYSERDA is developing a formal process to take in site suggestions
- NYSERDA will initiate a statewide assessment to reveal sites for consideration
- Community benefit templates and programs are under development
- Local meetings will be advanced as soon as possible

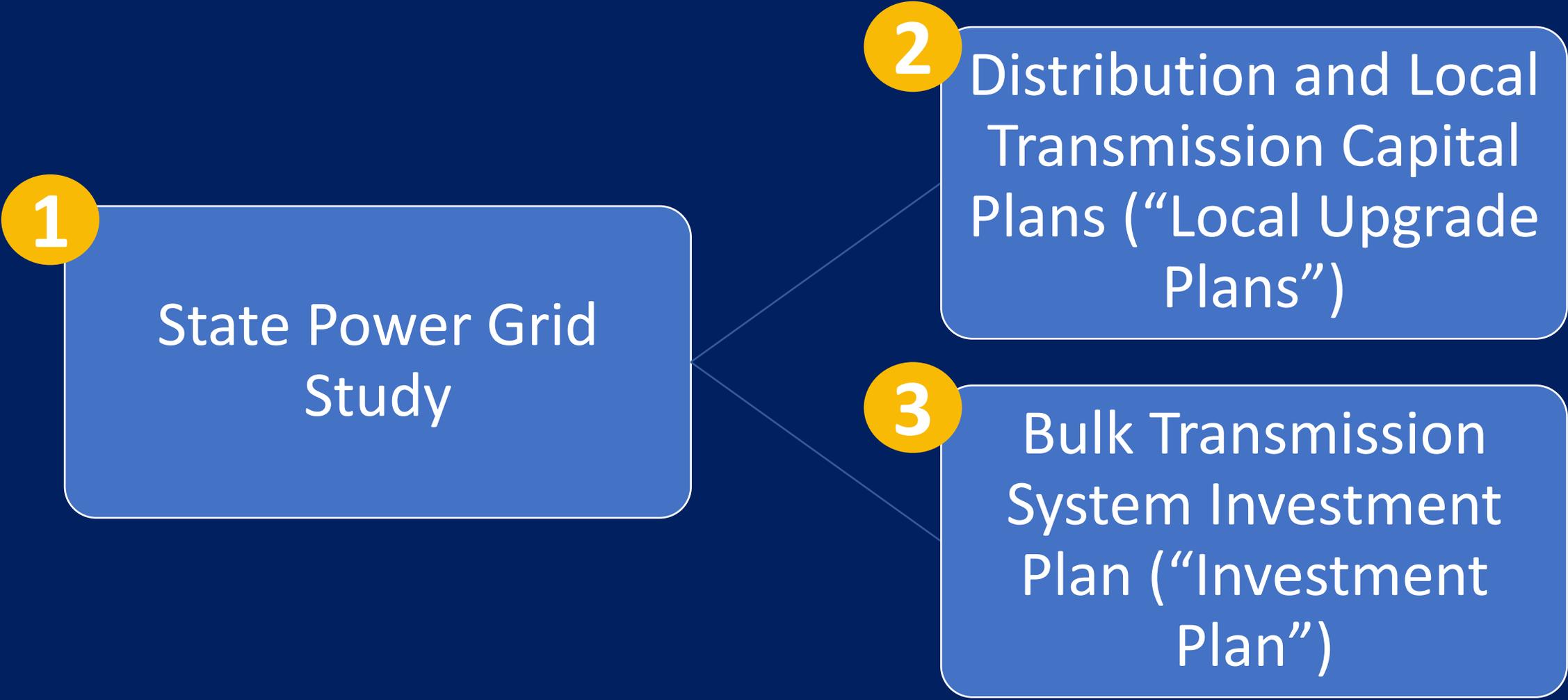
Starting April 1, 2021, NYSERDA will issue an annual report which includes

- Financial status
- Site identification status

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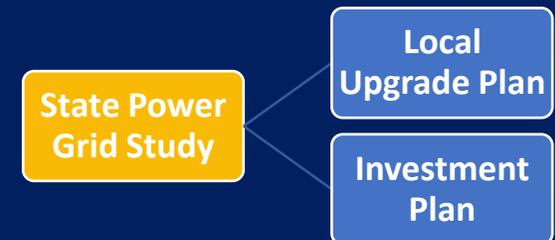
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Power Grid Study & Investment Plan has three components



State Power Grid Study Overview

- **Goal:** make the necessary transmission system investments to help the State meet CLCPA goals
- **The State Power Grid Study will:**
 - Study will provide input to the plans for distribution and local transmission upgrades
 - Identify bulk transmission projects that can be built through the NYISO Order 1000 process
 - Identify projects that must proceed on an expediated basis
- **DPS will make an initial report of the findings and recommendations of the report within 270 days**
 - May issue findings and recommendations at reasonable intervals before and after that date
- **PSC is required to issue, after notice and public comment, a comprehensive review of actions taken under Sec. 7 of the Act, including impacts on grid congestion and achievement of CLCPA targets, by Jan. 1, 2023 and every four years there after**
 - PSC can institute new proceedings to address any deficiencies



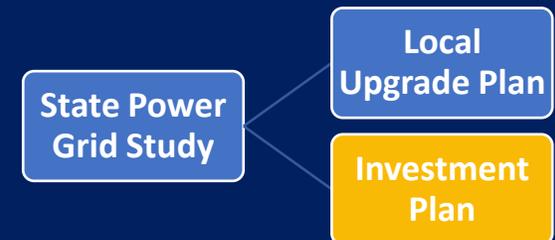
Distribution and Local Transmission Capital Plans (“Local Upgrade Plans”)

- **Within 60 days of receipt of the Study, the PSC must commence a proceeding to establish a distribution and local transmission capital plans for each utility that the Study identified for upgrades**
 - Each plan must include a prioritized schedule for identified distribution and local transmission upgrades for each utility
 - The PSC will address utility distribution and local transmission upgrade plans consistent with PSL, including utility rate cases
 - Concurrently, LIPA shall establish a capital program for its local transmission and distribution
- **The Public Service Commission initiated a proceeding (Case 20-E-0197) on May 14, 2020 to identify and prioritize local transmission and distribution investments**
 - Utilities are directed to file proposals to establish decisional criteria and cost recovery methods for investments by October 5; Study results are expected by November 1
 - Public comments will be sought on the grid study results and utility proposals



Bulk Transmission System Investment Plan (“Investment Plan”)

- **Within 60 days of receipt of the Study, the PSC is required to establish a Bulk Transmission System Investment Program, per the State’s siting authority over such assets**
 - PSC will seek comment on the proposed bulk transmission study
- **PSC will submit the Bulk Transmission System Investment Plan to the NYISO for use in their planning process**
 - Within 8 months of the NYISO’s commencement of the transmission planning (Order 1000 process)*, the PSC must identify projects or policy from the Investment Plan for inclusion in the Order 1000 process
- **PSC will also identify “priority projects” from the Investment Plan that will be built by NYPA rather than selected through NYISO’s Order 1000 competitive solicitation process**
- **NOTE:** Depending on size, projects may also need to go through an Article VII permitting process



Priority Transmission Projects – NYPA's role

- **The Legislature has determined a public policy would be served by authorizing NYPA alone or in collaboration with other entities to develop Priority Transmission Projects. The approach leverages NYPA's key strengths, including technical expertise, financial stability and access to capital**
- **The PSC will identify Priority Transmission Projects**
- **NYPA will determine whether to undertake Priority Transmission Projects.**
- **It is anticipated that NYPA will solicit private sector interest for most Priority Transmission Projects development.**
- **For Projects not substantially within NYPA's right of ways, NYPA will conduct a competitive bidding process to seek potential partnerships with other entities**

Q&A

Please type any additional questions into the Q&A box on the righthand side of the screen. You can also reach out after the webinar using the contact information below.

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