

DATE: April 22, 2019

TO: New York State Department of Public Service Chair John B. Rhodes

Dear Chairman John B. Rhodes,

New York has nation-leading clean energy goals, including the Governor's recently announced goal of 100 percent transition to carbon neutral electricity by 2040. We applaud the state's bold action on climate change. Yet to ensure New York achieves these ambitious objectives, the state's Department of Public Service (DPS) must speed up the siting process for large-scale solar and wind projects and eliminate delays that such projects have faced to date, while at the same time ensuring that these projects are sited and constructed in a way to minimize their environmental impacts and that allow stakeholders to continue to effectively and meaningfully participate in the siting process.

The siting process, known as Article 10, sets forth a unified process for approving energy production facilities over 25 MW. But it has not worked well for renewable energy sources like solar and wind. Major delays within the Article 10 process have resulted in a bottleneck that jeopardizes over 8,000 GWh per year of land-based wind and solar projects currently pending before the State Siting Board. For example, although the time periods in Article 10 regulations indicate that the process should take approximately 24 months, most of the renewable projects currently pending before the Board have spent a far longer period of time in the Article 10 process and all are either still waiting for approval or have withdrawn their application.

The deleterious effects of these delays are compounded by the scheduled elimination of the Production Tax Credit (PTC) in 2019 and reduction of the Investment Tax Credit (ITC) beginning in 2020. Delays in permitting could mean that New Yorkers will have to pay more for renewable energy and could increase costs for some projects to a point that they are no longer economically viable, jeopardizing their financing. If these delays are not resolved, New York could be at risk of losing out on billions in economic development, thousands of new jobs, and greater environmental damage from climate change and air pollution.

We appreciate that the Governor has recognized the importance of improving the Article 10 process by adding additional DPS staff to help with delays. However, we believe that further steps can be taken. These include enforcing application deadlines, completing compliance reviews on a fixed timeline, and reducing reliance on paper by expanding the use of digital technologies. We also urge DPS to continue to prioritize community engagement and the ability of local stakeholders to take a proactive role in the Article 10 process.

The climate challenges we face demand immediate action. New York's clean energy goals are laudable, but if the regulatory process is too lengthy and arduous, it will be difficult if not impossible to meet them. Now is the time to take action to reform the Article 10

process so that we can carefully site these renewable facilities in a timely manner. We can't afford to wait.

Sincerely,

Audubon New York, Erin McGrath, Policy Manager

Catskill Mountainkeeper, Katherine Nadeau, Deputy Director

Citizens Campaign for the Environment, Adrienne Esposito, Executive Director

Clean Coalition, Kenneth Sahn White, Director, Policy & Economic Analysis

Environmental Advocates of New York, Conor Bambrick, Air and Energy Director

Natural Resources Defense Council, Cullen Howe, Senior Renewable Energy Advocate

New York League of Conservation Voters, Julie Tighe, Executive Director

NY-GEO, Bill Nowack, Executive Director

Pace Energy and Climate Center, Karl Rábago, Executive Director

Sierra Club, Lisa Dix, Senior New York Campaign Manager

The Nature Conservancy in New York, Jessica Ottney Mahar, Policy Director

CC: Governor Andrew M. Cuomo  
Senate Majority Leader Andrea Stewart-Cousins  
Assembly Speaker Carl Heastie  
Senator Kevin S. Parker  
Senator Todd Kaminsky  
Assembly Member Steve Englebright  
Assembly Member Michael Cusick  
Melissa DeRosa, Secretary to the Governor  
Dale Bryk, Deputy Secretary for Energy and the Environment  
Amanda Lefton, First Assistant Secretary for Energy and the Environment