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By electronic mail

Honorable Michelle L. Phillips Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223

RE: Case #20-M-0187 – Petition of Multiple Intervenors Seeking Immediate, Material Rate Relief for Electric and Gas Customers, including a Pause in Surcharges and Collections for Projects and Programs Delayed as a Result of the COVID-19 Pandemic

Dear Secretary Phillips:

Please accept this comment on behalf of the [redacted] undersigned organizations in opposition to the petition filed on April 10 by Multiple Intervenors, in which unnamed large power consumers shielded by an “unincorporated association” attempt to use the Covid-19 public health and economic disaster to pursue their long sought agenda to defund energy efficiency and renewable energy programs.

We oppose the petition for the following reasons:

1. It is not in the public interest to defund renewable energy and energy efficiency programs, which New York needs to accelerate in order to save lives and which more than 140,000 people depend on for work in this state. There are other methods to reduce customer bills which would better serve the public interest.¹

We support reasonable methods to reduce utility bills, and especially to provide bill relief for residential and commercial customers most negatively impacted by the Covid-19 crisis. Careful and comprehensive consideration must be given to long term and strategic impacts of all options considered. Multiple Intervenors points to the utility austerity proceeding undertaken during the last recession as precedent for Commission actions to reduce bills. But then Multiple Intervenors fails to offer any of the solutions pursued during that time. In 2009, the Commission ordered each utility “to closely examine its capital expenditures, operation and maintenance expenses and any other expense areas over which it has discretion² to identify costs that may be reduced without impairing the ability to provide safe and adequate service.” The Commission further ordered the utilities to “employ as many cost-cutting measures as possible” and

¹ We note that the Public Utility Law Project (PULP) has filed a more comprehensive and rational petition to avert unreasonable bill impacts and shut offs stemming from the Covid-19 Pandemic. Case #20-M-0198. April 21, 2020.

² We note that utilities do not have discretion over most of their energy efficiency and renewable energy collections as these are determined by the Commission in generic proceedings.

mentioned that “these measures could include, but are not limited to, limiting training of employees in only safety-related or legally-mandated areas, freezing managerial salaries, foregoing managerial bonuses, and limiting travel.” The Commission went on to stress that utilities would be expected to share the cost savings from these measures with customers.³

Instead of promoting these strategies, Multiple Intervenors proposes only to pause collections for energy efficiency and renewable energy funding and to raid the public funds held by the New York State Energy Research and Development Authority (NYSERDA) to return money to customers. These programs and the continued functioning of NYSERDA are vital to our long term survival on Planet Earth, contribute directly to life-saving indoor and outdoor air pollution reductions, and support approximately 141,230 private sector workers,⁴ hundreds of civil servants employed at NYSERDA, and program staff at non-profit program administrators and municipal agencies across the state. The impact of the Multiple Intervenors petition would be economically devastating for the renewable energy and efficiency sector, for the employees working at NYSERDA to address the climate crisis and support the clean energy sector through the pandemic, and for the publicly funded civil society and local government entities who work with NYSERDA to educate the public and advance the state’s legally mandated clean energy goals.

The pandemic has not changed our long-term climate trajectory, but it is delaying progress toward meeting our climate goals. The necessary social distancing policies have already imposed financial strain on clean energy businesses. The economic fallout from the pandemic will likely make the up-front costs associated with many clean energy solutions even further out of reach for more customers as financial hardship grows. The economic recovery and impending climate disaster will necessitate deeper investments in renewable energy and efficiency to overcome these barriers, achieve the equity mandates in New York’s climate law, and make up for lost time. Therefore, it is imperative that public funds set aside to support this clean energy transition remain available, and that they be used strategically today to support any short-term progress that is possible, to stabilize clean energy industries and programs, to support cost-saving efficiency and renewables investments for disadvantaged communities, and to begin investments in a green recovery.

New York State is required by law to meet certain renewable energy, energy efficiency, and greenhouse gas reduction targets by specific dates. If the proposal by Multiple Intervenors were accepted and NYSERDA’s budgets were either frozen at their current amount or reduced in order to return money to ratepayers, we will undermine our ability to meet the legally mandated targets. Further, if collections for legally mandated activities are reduced or eliminated now, collections in the future would need to be much higher in order to make up for lost revenues, creating more hardship down the road. Delaying climate action means that later

³ Public Service Commission Order. Case #09-M-0435. December 22, 2009

⁴ Energy Futures Initiative and the National Association of State Energy Officials. “US Energy + Employment Report 2020.”

<https://static1.squarespace.com/static/5a98cf80ec4eb7c5cd928c61/t/5e78158396c2552a3b8fe6d5/1584928132418/NewYork-2020.pdf>

action will be more expensive, and adaptation may not be possible to address the worst impacts.

It would be much more in the public interest for the Commission to seek ways to address the needs of those truly unable to pay their bills due to the pandemic, rather than approving strategies to defer costs that will compound in the future. Therefore, the Commission should reject this petition on the grounds that it is not consistent with the Climate Leadership and Community Protection Act and is not in the long-term public interest.

2. The Multiple Intervenors proposal is an opportunistic ploy by a special interest group.⁵ It is unfortunate that, at a time when the people of New York are suffering through a major upheaval, Multiple Intervenors would mount an assault on our public funding for renewable energy and energy efficiency. Multiple Intervenors has made no secret of its opposition to funding of clean energy programs in many years of filings in Public Service Commission proceedings. It is revealing that they so blatantly ignore all other possible strategies to reduce bills and are singularly focused on public clean energy programs. We hope the Commission will reject this petition on the grounds that it is too narrow to contribute to any meaningful public record related to how the Commission can address the Covid-19 Pandemic.
3. Finally, the “Multiple Intervenors” petition is untransparent and prevents meaningful public dialogue and accountability. By information and belief, there is no public list of the approximately 60 large industrial, commercial, and institutional energy consumers who the filing claims are members of Multiple Intervenors. Nor is there a public list of the board members or decision-makers of Multiple Intervenors. All filings by this group are simply signed by the association’s legal counsel.

The members of Multiple Intervenors have filed a petition attempting to reverse and upend years of Public Service Commission decisions and public planning. Yet, they remain nameless and faceless, and they have made no showing of how many of those businesses are impacted by the pandemic, the extent of their losses, or to what extent the elimination of the modest clean energy collections will help with their survival. They must not be shielded from public accountability. Before considering this petition, the Commission should require transparency so that the public and the Commission can reasonably evaluate their interests and engage in a transparent and good faith public process with them.

For all the reasons above, the undersigned organizations oppose the petition by Multiple Intervenors, and urge the Commission to reject it outright; if the petition is accepted for consideration, the Commission should require Multiple Intervenors to provide a list of members and decision-makers who are willing to stand behind their filing.

⁵ For more information, see *The Shock Doctrine* by Naomi Klein, in which she documents the strategy of taking advantage of crises to move forward a corporate agenda and eliminate public programs.

Sincerely,

[Signers]

To sign this comment, organizations should fill out the form here:

<http://www.allianceforagreenconomy.org/notomi>