

PROCEEDINGS

STATE ENERGY PLANNING BOARD
2009 STATE ENERGY PLAN - DRAFT
PUBLIC HEARING

Public hearing held at the State
University of New York at Buffalo, Center for
Tomorrow, Amherst, New York, on August 24, 2009,
commencing at 10:13 a.m., before THOMAS CONGDON,
Chair, State Energy Planning Board.

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1 STATE ENERGY PLANNING BOARD MEMBERS:

2 THOMAS CONGDON, Chair,
3 State Energy Planning Board;
4 Deputy Secretary for Energy,
5 Office of the Governor.

6 GARRY BROWN, Chair,
7 State Public Service Commission.

8 PETER IWANOWICZ,
9 Assistant Secretary for Environment,
10 Office of the Governor.

11 JARED SNYDER,
12 New York State Department of Environmental
13 Conservation.

14 ROBERT CALLENDER,
15 New York State Energy Research and
16 Development Authority.

17

18 PRESENT: SARAH OSGOOD, Executive Director,
19 State Energy Planning Board;
20 Assistant Secretary for Renewable Energy,
21 Office of the Governor.

22 SUZANNE M. BAKER, Outreach Coordinator,
23 State Energy Planning Board;
24 Executive Assistant, New York State
25 Energy Research and Development Authority.

LORI K. BECK, CSR, RDR, CRR,
Court Reporter.

18

19 MEMBERS OF THE PUBLIC

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1 MR. CONGDON: Good morning, everyone. My
2 name is Tom Congdon, and I am the Chair of the New
3 York State Energy Planning Board.

4 I'd like to welcome you to the third public
5 statement hearing on the draft State Energy Plan.

6 Like to thank our hosts at UB, and I'd like
7 to thank the other members of the Planning Board
8 who are here with me today:

9 From my far left, Bob Callender from the New
10 York State Energy Research and Development
11 Authority; Garry Brown, the Chairman of the Public
12 Service Commission.

13 To my right, Peter Iwanowicz, the Deputy
14 Secretary -- I'm sorry, the Assistant Secretary for
15 the Environment in Governor Paterson's office; and
16 Jared Snyder from the Department of Environmental
17 Conservation.

18 But most importantly, I'd like to thank all
19 of you. We are here to listen to you.

20 For the past year and a half, the Planning
21 Board has worked with the staffs of ten agencies
22 and authorities to develop the draft State Energy
23 Plan. The Planning process commenced in April of
24 2008 when Governor Paterson issued Executive Order
25 Number 2 creating the Planning Board and charging

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1 us with developing the Plan.

2 On August 10th, the Planning Board released
3 the draft State Energy Plan on its website,
4 nysenergyplan.com, and commenced a 60-day written
5 comment period and this public hearing phase of the
6 development of the final.

7 Written comments are due on October 19th,
8 and we will release the final Plan by the end of
9 the year.

10 The Plan's objectives are to, first, ensure
11 our energy systems are reliable over a ten-year
12 planning horizon; second, to reduce greenhouse gas
13 emissions; third, to stabilize energy costs and
14 improve economic competitive -- competitiveness in
15 the State; four, reduce public health and
16 environmental risks associated with energy systems;
17 and fifth, to improve the State's energy security.

18 The Plan modeled and considered various
19 approaches to achieving these objectives and
20 arrived at a number of strategies.

21 First and foremost, the Plan identified
22 energy efficiency as a priority resource to meeting
23 our multiple public policy objectives.

24 The Plan also seeks to develop in-State
25 energy resources, largely renewable resources, and

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1 also in-State natural gas resources in an
2 environmentally responsible manner.

3 The Plan also projects infrastructure needs
4 both to support the clean energy technologies of
5 the future and also to ensure reliability.

6 Fourth, the Plan identifies opportunities to
7 capitalize on existing academic and research
8 strengths in the State and to facilitate
9 connections between academia and industry to speed
10 up the rate of innovation in energy technologies.
11 We believe this will create jobs in the State, and
12 we also identify work force needs to transition to
13 this clean energy economy.

14 Lastly, the Plan recognizes that none of
15 this can be fully achieved without working with
16 other levels of government and with communities to
17 achieve our goals.

18 The public -- this public hearing is a
19 testament to the desire to work with and learn from
20 the community that is affected by energy decisions
21 and energy policies. This is one of nine public
22 hearing sessions we are holding around the State to
23 hear your comments, and a full hearing schedule is
24 available on our website.

25 The process today is simple. Those who want

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1 to comment at this hearing have been asked to sign
2 in upon arrival today, and I have that list with
3 me.

4 Your name will be called one at a time to
5 speak. Please come to the microphone here on my
6 right when your name is called.

7 A court reporter is here to prepare a
8 verbatim transcript. It is very important that
9 only one speaker come up at a time and speak at a
10 time so the reporter can hear clearly.

11 Speakers should address their comments in
12 the direction of the microphone and please make an
13 effort to speak clearly and slowly.

14 It is also very important that those in
15 attendance be courteous to the speaker so his or
16 her comments can be transcribed accurately.

17 All speakers are asked to focus on issues
18 that pertain to the draft Energy Plan. Your
19 comments should be as succinct as possible so we
20 can hear from as many people as possible in the
21 time we have.

22 We set a five-minute deadline for that
23 purpose, but, of course, after everyone has had a
24 chance to address the Board, repeat speakers may be
25 afforded another five minutes.

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1 One of my colleagues, Sarah Osgood, is
2 sitting next to the microphone with a timer, and
3 she will gently remind you if you're going over
4 your five minutes.

5 Formal presentations like PowerPoint are --
6 are not allowed. Those who want to comment but do
7 not want to speak publicly or do not get a chance
8 to do so can also submit written comments via the
9 State Energy Plan website, and again, that's
10 www.nysenergyplan.com.

11 If you decide to submit written comments,
12 please do so as soon as possible so that they can
13 be carefully considered.

14 All public comments, whether stated at a
15 hearing like this one or sent to the website, will
16 be reported to the Energy Planning Board for its
17 consideration. They all count equally, regardless
18 of how they were received.

19 Before we get started, does anyone have any
20 questions about the process?

21 Yes, sir?

22 DAVE BRADLEY: I also submitted comments
23 online where you can basically link to more
24 extensive things.

25 Are those going to be included?

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1 MR. CONGDON: Yes. If you've submitted
2 comments online, those are considered by the Board,
3 and they're also posted online for other
4 stakeholders to -- to review as well.

5 DAVE BRADLEY: Okay. Because this is a
6 very, very abbreviated format.

7 MR. CONGDON: Okay. Thank you.

8 Our first public statement is by Assemblyman
9 Sam Hoyt.

10 Thank you, Sam.

11

12 STATEMENT OF SAM HOYT, NEW YORK STATE ASSEMBLY,
13 144TH ASSEMBLY DISTRICT

14

15 ASSEMBLYMAN HOYT: Thank you. I want to
16 first thank the members of the committee for
17 allowing me to speak today.

18 I'm Assembly Member Sam Hoyt. I represent
19 the 144th Assembly District, which contains the
20 west side of Buffalo and the Town of Grand Island.

21 I come here today in a number of different
22 capacities: as the chair of the Assembly Local
23 Governments Committee, which has responsibility
24 over parkland alienation; as an environmentalist
25 who has made a commitment to our great State's open

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1 spaces and protected places; and as an Assemblyman
2 whose constituents are committed to preserving the
3 beauty and ecological integrity of our State parks.

4 The Energy Plan in many respects represents
5 a huge step forward for New York in preserving our
6 environment and accessing sources of renewable
7 energy. Unfortunately, even the very best of
8 documents can contain flaws, and I believe this
9 Plan does.

10 Without criticizing the good, I would like
11 to take a few minutes to draw our attention to one
12 such flaw in the hopes of convincing others to look
13 at alternative approaches and chart new directions
14 for meeting our State's energy needs.

15 First, let me commend the emphasis placed
16 throughout the Plan on energy efficiency. Reducing
17 use is, of course, an effective step that we can
18 and must take as a State to tackle climate change.
19 I, therefore, want to praise the thoughtful
20 discussion of this topic in the Plan.

21 I also think that the Plan's components
22 which deal with exploiting untapped renewable
23 energy sources is the kind of dynamic shift in
24 thinking that we need. I commend all of you and
25 Governor Paterson for that.

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1 Our economy is driven by the price of fuel
2 and fuel transportation, and the negative effects
3 of the situation have recently become all too
4 clear. Localized renewable generation, if coupled
5 with Smart Grid technology, can provide both better
6 energy supplies for surrounding communities and
7 more balanced cost with only negligible
8 environmental impact.

9 Where I do take issue with the report is in
10 its allowance for the process known as
11 hydrofracking in Marcellus shale.

12 This State may have vast, untapped reserves
13 of natural gas and other fuels trapped in that
14 formation, and there are some who see multiple
15 reasons for tapping into it.

16 One is that Marcellus presents an
17 opportunity for the State to make a profit.
18 Another revolves around regional energy
19 independence.

20 Let me address the regional energy
21 independence idea first.

22 It is false that tapping Marcellus means
23 energy independence for upstate. Just like any
24 other community, the market will drive where the
25 gas is sold, and no map-based border will prevent

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1 its going to the highest bidder, regardless of
2 location.

3 In what would be a sad corollary to the
4 Niagara Power Project, the region impacted by the
5 ills of the gas production might not ever realize
6 the benefits.

7 The ends of energy independence are not
8 realized, much less justified, by the means of
9 tapping Marcellus.

10 The other reason for drilling -- the
11 potential profit to New York -- must be balanced
12 against the high cost to the quality of our water,
13 air, and health. That cost stems from the process
14 known as hydrofracking.

15 A cursory description of it may sound
16 harmless: the use of water to create fissures in
17 the shale to tap the gas and the oil.

18 But the waste, the chemicals employed,
19 disposal methods, transportation requirements, and
20 lack of research in areas such as radioactivity all
21 point to a process that is poorly understood and
22 has the potential for grave environmental damage.

23 Current methods for disposing of the
24 wastewater are inadequate. Steps to prevent
25 leakage are not always employed, and toxins

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1 released from the 300-million-year-old shale are
2 unknown, all of which ensures that the public's
3 health and safety would be jeopardized for a
4 relatively small and unknown gain.

5 I encourage the Commission and the
6 Governor's office and all of you to think twice
7 before employing and allowing for the whole
8 hydrofracking technology and technique to be used
9 and included in the master Plan.

10 One final comment:

11 Many of you know that prior to me serving in
12 the State Assembly, my father was a State
13 Assemblyman as well.

14 He chaired the Energy Committee, and one of
15 his last acts as a legislator -- in fact, he passed
16 away while serving in the Assembly, literally on
17 the floor of the Assembly, while meeting with staff
18 on this topic -- was preventing the State of New
19 York from entering into a contract with the
20 Province of Quebec to buy large amounts of
21 hydropower from Hydro-Quebec.

22 It would have resulted in massive flooding
23 of thousands and thousands and thousands of native
24 lands in Canada. The Cree and other tribes were
25 strongly opposed to it.

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1 It's my understanding that we are
2 reconsidering such a proposal today.

3 The battle and the arguments made back when
4 my father served still apply today. We ought to
5 require and insist on by statute that a full
6 environmental impact statement be required even if
7 we're purchasing this power from another state or
8 another country.

9 And so as we go forward, I hope we keep that
10 in mind as well.

11 Thank you all very much.

12 MR. CONGDON: Thank you, Assemblyman.

13 Our next speaker is Douglas Champ.

14

15 STATEMENT OF DOUGLAS CHAMP

16

17 MR. CHAMP: First of all, I've been in the
18 energy business for over 30 years, and I'm a
19 retired utility manager, thermal energy systems.

20 AUDIENCE MEMBERS: Can't hear you. Can't
21 hear you.

22 Is the PA on? Doesn't sound like it's on.

23 MR. CHAMP: Can you hear me now?

24 AUDIENCE MEMBERS: No. No.

25 MR. CHAMP: How about this? Can you hear

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1 me? Okay?

2 AUDIENCE MEMBERS: Yes.

3 MR. CONGDON: Great.

4 MR. CHAMP: I'll repeat that again.

5 My name is Douglas Champ. I've been in the
6 energy business for well over 30 years. I'm a
7 retired utility manager, primarily thermal energy
8 systems.

9 And in your Plan I want to propose a concept
10 which our friends from NYSERDA are well aware of.
11 It's community energy systems, which integrate
12 thermal energy in a community using all types of
13 energy sources.

14 The prime example is the one I managed in
15 Jamestown, New York, which provides hot water
16 heating and, in fact, cooling to a whole variety of
17 buildings.

18 This concept is not new. It's been around
19 since -- Birdsill Holly actually initiated it in
20 Lockport, New York, in the 1800s, and we have
21 systems existing in New York like Con Edison and a
22 variety of other ones and other campuses and -- and
23 big industrial complexes.

24 But the importance of this system is that it
25 can integrate all types of energy sources. It

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1 creates efficiency. The tie-ins and renewables are
2 all in place. Everything can be done.

3 So in looking at how communities can be
4 heating and cooling, I think you ought to look at
5 community energy systems as a viable process that
6 will combine all of these sources in one location,
7 plus creating economic stabilization by building
8 this utility as a complement to other sources.

9 So my thought in this is that this could be
10 an accurate way for you to actually do all of these
11 things together in a viable way within our
12 communities.

13 Buffalo, New York, has a system. It hasn't
14 really grown very much since the time it was put
15 in. I think that can continue in other areas of
16 the State.

17 So my thought in this is really for you to
18 look at community energies and district systems as
19 being a viable way in the future to integrate
20 geothermal, biomass, wind power, solar power, and a
21 form of storage that can connect to these systems
22 and do everything that we feel are necessary to
23 move this State forward.

24 In addition to that, you're looking at
25 sequestration of CO₂, but I see no utilization of

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1 CO2 in terms of a viable byproduct which we are then
2 going to take and to bury it underground.

3 Now, in Canada, whole industries are
4 connected to CO2 generation in greenhouses.

5 A whole new industry could be part of this
6 process in New York State as part of the fuel
7 delivery system where you have CO2 as part of the
8 fossil fuel greenhouse gas allocation.

9 So I would look at you to take a look how CO2
10 could be utilized versus sequestering it.

11 That poses a lot of problems, and it poses a
12 lot of costs. I know that the amount of CO2 in the
13 generation process is extreme in some cases, but
14 nevertheless, it should be utilized in a more
15 effective way.

16 That will end my brief presentation, but I
17 look forward to this Plan being implemented. Many
18 times plans are not implemented. They are thought
19 about, they are looked at, but we never have the
20 end result, and everything goes down the scale.

21 So I appreciate your efforts in pulling this
22 together.

23 And one last word:

24 I'm also the chairman of Chautauqua County's
25 Energy Conference in the fall, the 23rd and 24th,

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1 with -- one of your Board members will be here,
2 Steve Hammond, giving a presentation.

3 I invite all of you, and I'm also going to
4 invite Mr. Tom Congdon to come and present that
5 Energy Plan, if he has the time.

6 MR. CONGDON: I think we have just one
7 follow-up.

8 MR. BROWN: Just one. Is this on? Hello.

9 You were -- on the community energy systems,
10 did you have any specific recommendations?

11 Are there barriers out there or lack of
12 incentives to make this happen?

13 MR. CHAMP: Yes, there have been in the
14 past. The startup application's difficult.

15 The feasibility studies are there. I know
16 NYSERDA and I have worked for many, many years at
17 trying to get and promote this.

18 I think the Jamestown system is a prototype.
19 It's known all over the world. I have been
20 involved with international conferences on that.
21 I've given speeches and talks all over the country
22 when I was -- when I actually ran the system.

23 And the barriers are typical barriers in
24 cities: cost, economics, the construction
25 application.

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1 But now is the time to reexamine this. Now
2 is the time to integrate community energy within a
3 viable way, because we have wind power over here,
4 we have solar power over there, we have a variety
5 of fractionations going on that aren't integrated
6 together.

7 And with storage now, you can do these
8 things in an effective way, and some of the
9 facilities in the State of New York actually could
10 be generators for the development of these
11 community energy systems.

12 So I think if we can finance a way for these
13 to be done along with partnerships, private and
14 public, I think you create a whole new opportunity
15 in the State of New York to create these systems on
16 site, whether they're in a community of a large
17 basis or they're larger complexes like industrial
18 parks or they're complexes like State University
19 systems.

20 They're doing it now, but they're doing it
21 internally, and I think you have a good opportunity
22 to promote this, and I'd be happy to help that
23 process.

24 MR. BROWN: Thank you.

25 MR. IWANOWICZ: The date, again, of your

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1 meeting?

2 You said the 23rd, 24th. September?

3 October?

4 MR. CHAMP: 23rd and 24th of October.

5 It's a very unique conference. Last year we
6 had about a thousand people. It's on all types of
7 topics, and I think this Board would be
8 appreciative of the effort that this county's
9 trying to make to follow your opportunities and
10 your Plan.

11 MR. CONGDON: Great. Thank you very much.

12 Our next speaker is Joe Brown from the
13 Boilermakers.

14

15 STATEMENT OF JOE BROWN, BOILERMAKERS LOCAL 7

16

17 MR. BROWN: Good morning. I don't know if --
18 good morning. I'm Joe Brown, Business Manager,
19 Boilermakers Local 7. We're the primary craft that
20 builds power plants throughout the State.

21 Thank you for holding your hearings at SUNY
22 Buffalo.

23 The preliminary Plan, even in draft
24 formation, is a welcome development. This is an
25 important step towards supporting the growth of

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1 communities such as Jamestown, Lackawanna, and
2 Wheatfield, as well as supporting a brighter future
3 for local labor, small business, and for all New
4 Yorkers.

5 First and foremost, I salute all of you for
6 making the Jamestown BPU carbon sequestration
7 project a priority under the proposed Plan. The
8 project will create 400 construction jobs over 36
9 months, nearly 1500 ancillary jobs, and, once
10 operational, about 30 permanent positions.

11 The facility would utilize resources such as
12 coal, petroleum coke, and wood coal for fuel while
13 capturing 95 percent of the carbon dioxide emitted
14 from production, a win for the environment.

15 This Plan will be able to file for financial
16 assistance through the federal stimulus money
17 available for energy infrastructure upgrades.

18 Secondly, I recognize the Plan for
19 supporting the reauthorization of the power plant
20 siting law. We now have the opportunity to address
21 both New York's energy shortfall and bring
22 much-needed jobs and economic development to
23 Western New York.

24 The time has come for our lawmakers to heed
25 your call and pass a new law that would expedite

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1 the siting process to build a new generation of
2 clean, efficient power plants. This will create
3 hundreds, if not thousands of well-paid union jobs
4 and will help fortify our State's aging energy
5 infrastructure.

6 Thirdly, I would offer my support for a
7 number of other initiatives that have been laid out
8 and are sprinkled throughout the draft Plan, such
9 as increased focus on conservation and efficiency,
10 renewable energy research and development,
11 utilizing right-of-way to grant new transmission
12 corridors for maintaining our base load of supplied
13 hydropower.

14 All of these proposals will not only fortify
15 our energy future as a region and a State but will
16 create new jobs and put our families back to work.

17 I commend the Board for supporting the
18 creation of the new reactor at Nine Mile Point in
19 Oswego and for keeping existing upstate nuclear
20 facilities such as our own Ginna station online and
21 active.

22 However, even though the facility's more
23 than 300 miles away, you're focusing -- excuse
24 me -- your focus on closing Indian Point will have
25 a negative effect on all New Yorkers, not just

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1 downstate.

2 Indian Point supplies nearly ten percent of
3 the State's power, nearly one in every ten homes
4 within New York State. It produces over 2,000
5 megawatts of clean, reliable, safe power and does
6 it without producing harmful greenhouse gasses.

7 The Nuclear Regulatory Commission just last
8 week attested to the facility's safety by publicly
9 acknowledging that the facility has met the
10 stringent safety requirements issued by the federal
11 government.

12 As a boilermaker who has worked at Indian
13 Point, I know the value of organized labor to the
14 facility, and I would ask why anyone would close a
15 plant that produces ten percent of the State's
16 power in a clean manner while employing thousands
17 of union workers.

18 In closing, I commend you for your hard
19 work, dedication, and focus on securing our future.
20 Our State will be a better place thanks to each of
21 you.

22 Thank you for your time.

23 MR. CONGDON: Thank you, Joe.

24 Our next speaker is Hadley Horrigan from the
25 Buffalo Niagara Partnership.

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1

2 STATEMENT OF HADLEY HORRIGAN, BUFFALO NIAGARA
3 PARTNERSHIP

4

5 MS. HORRIGAN: I'm Hadley Horrigan,
6 Vice-President of Public Affairs at the
7 Partnership, and I'm here today on behalf of about
8 2500 members who are regional employers of more
9 than 200,000 people.

10 Thank you for your thoughtful work on the
11 draft Energy Plan and for the opportunity to
12 provide comment today.

13 Let me begin by providing the context from
14 which the partnership's perspective comes.

15 About 40,000 local jobs currently depend on
16 the expansion and replacement power contracts that
17 NYPA has with companies in our region. Replacement
18 and expansion power is absolutely vital to the
19 economy of Buffalo-Niagara.

20 Our sister organization, the Buffalo Niagara
21 Enterprise, working in concert with local and State
22 economic development partners, has developed a
23 robust attraction effort that takes advantage of
24 the unique advantages we have in the form of
25 Niagara Power Project hydropower.

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1 In particular, and consistent with the goals
2 of the draft Energy Plan, the Buffalo Niagara
3 Enterprise has made great strides working with
4 solar panel and wind turbine manufacturers who have
5 expressed interest in our region because of our
6 proximity to both customers and supply chain in
7 addition to this hydropower.

8 Currently, the BNE has nine active projects.
9 These are good projects with real interest in our
10 region. They come from renewable energy
11 industries, other advanced manufacturing sectors,
12 and also include things like brownfield cleanup and
13 really strong private sector job investments.

14 Together these projects represent potential
15 private sector investments of up to \$4.7 billion
16 here and 5500 new jobs.

17 To land these projects, we as a region
18 currently have about 40 megawatts of replacement
19 and expansion power available, while these projects
20 would likely require allocations closer to about
21 200 megawatts.

22 So the bottom line is we really need more
23 low-cost power, and we stand ready to help the
24 State with its strategy to meet these energy needs.

25 And there's two specific proposals the

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1 partnership strongly endorses to get our region
2 closer to meeting these energy needs.

3 First, we believe hydropower currently
4 supplied for rural and domestic uses within the
5 franchise territories of three upstate utilities
6 should be redeployed for upstate-wide economic
7 development over a period of three years.

8 The residential savings I receive at my home
9 are about \$2 per bill, and it's a bit higher for
10 some of my co-workers who are in different
11 franchise territories, but I think, you know, I and
12 my co-workers would agree that a \$40,000-a-year job
13 for one of our neighbors would outweigh this
14 benefit, as well as the buying power that job
15 creates in the community.

16 So that said, we do believe a mechanism
17 should be established to assist non-corporate
18 farmers and those low-income households as defined
19 by HEAP that currently do benefit from the
20 hydropower.

21 Second, we worked closely with Assemblyman
22 Dennis Gabryszak and Senator Bill Stachowski this
23 year on bills they introduced that would allow our
24 region to get more out of our regional asset, that
25 is, replacement and expansion power, which I

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1 mentioned a moment ago.

2 When that power's not being utilized -- so
3 when a plant is not drawing on its full allocation,
4 or when a company has received a block of power but
5 is not yet up and running, or when power remains
6 unallocated -- the NYPA sells that power on the
7 open market and retains those proceeds.

8 And the Gabryszak and Stachowski bills would
9 instead create a Western New York economic
10 development fund that would keep those proceeds
11 derived from the regional hydropower assets within
12 30 miles of the Niagara Power Project, and that
13 local fund would be used for projects such as site
14 preparation and infrastructure improvements,
15 brownfield cleanups, adaptive reuse of existing
16 structures, and to entice private sector
17 investments in Buffalo-Niagara.

18 And now on to a couple specific points of
19 your Plan.

20 It's important that all State agencies that
21 have a hand in economic development uniformly
22 develop criteria that would provide carrots for
23 energy efficiency measures.

24 And moreover, your Plan's objectives need
25 some form of accountability, and so for targets

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1 such as energy efficiency, would you consider
2 meeting efficiency targets, renewable targets, and
3 other infrastructure-related objectives under a
4 regulated environment via the upstate utilities,
5 because this presents an opportunity for
6 appropriate and measurable incentives.

7 Manufacturing companies in the renewable
8 energy industry like to do business with -- in
9 states that are actively working to support
10 renewable energy generation, and so your Plan helps
11 us and other communities attract such companies to
12 our region.

13 But I also want to urge some caution, and
14 that is, that the State's employers need affordable
15 power, so we encourage a blended approach, so
16 renewing Article X, encouraging the construction of
17 new electric generating capacity, electric and
18 natural gas transmission and distribution
19 facilities, and with a focus on building generation
20 facilities where demand is greatest, particularly
21 Downstate New York.

22 While I'm on the topic of affordable power,
23 I have to note that the recent increase in 18A
24 assessments is a clear example of inappropriate
25 increases in regressive taxation that impacts the

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1 competitiveness of business.

2 Please take the message back to Albany that
3 the \$600 million burden on New Yorkers needs to be
4 rolled back immediately. Good energy policy should
5 rely on real costs to the degree possible, and
6 elimination of artificial price components must
7 begin as quickly as possible.

8 Was that the buzzer?

9 MR. CONGDON: That's okay. If you want to
10 wrap up.

11 MS. HERRIGAN: On the development of
12 Marcellus shale, it's a critical matter of
13 importance for Upstate New York, so I'll urge you
14 to expedite a rational DEC permit process for
15 hydrofracture drilling. Any overregulation would
16 only serve to hurt possible increases in domestic
17 supply, and I have to note that New York is already
18 at a competitive disadvantage with Pennsylvania.

19 I think reliability and your efforts to
20 promote effective infrastructure investments could
21 serve as a competitive advantage for New York
22 State.

23 And finally, your collaborative approach to
24 developing future energy policy is something we
25 certainly appreciate, and both the partnership and

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1 Unshackle Upstate would stand ready to support your
2 efforts.

3 MR. CONGDON: Great. Thank you.

4 Our next speaker is Stephen Lynch.

5 MR. LYNCH: I'm going to be providing
6 written comments.

7 MR. CONGDON: Okay. Okay. Thank you.
8 Written comments, please.

9 Our next speaker, then, is Dave Bradley from
10 Buffalo Wind Action Group.

11

12 STATEMENT OF DAVE BRADLEY, BUFFALO WIND ACTION
13 GROUP

14

15 MR. BRADLEY: Thank you very much for
16 allowing me to speak.

17 I'm glad to see that New York State is
18 actually trying to command for a better energy
19 future. It's a welcome change; however, we still
20 have a long way to go.

21 In particular, we have really blown it with
22 regards to peak oil, peak gas, and also with your
23 renewable energy plans.

24 You have nice plans for them, but you just
25 have no viable ways of achieving those goals, and

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1 we would really like to see viable ways to
2 achieving these goals.

3 Mostly that relates to the fact that
4 renewable energy has to be profitable to be able to
5 be developed. You have no mechanism in here for
6 making renewable energy profitable except by
7 further quotas, subsidies, and in a State that's
8 bleeding tax dollars because of peak oil induced
9 recessions, you're never going to get there,
10 because you don't have the money to do this.

11 So you need to change to a system that
12 doesn't require massive subsidies.

13 So anyway, peak oil. And there's basically,
14 you might say, two horses of the Apocalypse coming
15 your way. One of them is peak oil, peak gas, and
16 the other one is global warming.

17 Global warming is caused by CO2 pollution,
18 basically the burning of fossil fuels.

19 Peak oil and peak gas are basically a result
20 of huge increases in fossil fuel consumption and
21 production and the fact that we have a finite
22 supply of these things, and your treatment of that
23 basically is really inadequate, to say the least.

24 This affects future prices something fierce,
25 because as supply and demand become balanced, the

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1 price needed to basically crowd out future users
2 becomes astronomically increasing, and we saw just
3 a touch of that in 2007, 2008.

4 And anyway, that caused a huge recession,
5 slash, depression, which is a dreadful thing, but
6 that's what happens when you have oil price spikes.

7 That's going to happen again in around 2010
8 or 2011 as the current supply destruction caused by
9 oil depletion and the current supply destruction
10 caused by lack of investment when oil prices crash
11 coincides with increased demand or at least a
12 stable demand.

13 Anyway, it's very short-sighted. New York
14 has no coal, no oil, and really modest natural gas
15 aside from the Marcellus, which we'll get to in a
16 second, and basically, the only way around that is
17 to either get more efficient or substitute
18 renewable electricity.

19 We have very large, significant renewable
20 electricity supplies, but you have to realize the
21 amount of renewable electricity available is a
22 function of the price that you pay for that.

23 At the current collapsed electricity price
24 of two and a half cents a kilowatt hour, the only
25 renewable energy supplies you'd have are the

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1 existing hydropower plants.

2 If you go to 10 or 15 cents a kilowatt hour,
3 you'd have more than enough renewable
4 electricity -- largely from wind, also some tidal,
5 run or river, and biomass -- to supply all of New
6 York State and to replace all of our polluting
7 sources, which in that category are coal, oil,
8 natural gas, and nuclear sources.

9 But anyway, until you actually get around to
10 the price -- to the place where renewable energy
11 can be profitable, it's never going to happen.

12 And in 2009, for example, we have a certain
13 quota for renewable energy which is embodied in the
14 RPS. It's supposed to be 136 megawatts delivered.

15 It will never happen, because even with the
16 one-and-a-half-cent kilowatt hour bonus from the
17 RPS, it's never going to be enough to make up for
18 the low price and the collapse in the price of
19 electricity.

20 The collapse in the price of electricity is
21 kind of a function of the NYISO gambling system.
22 And I'll call it a gambling system. You never know
23 what your price of electricity is going to be with
24 NYISO with the locational-based marginal pricing.

25 And when the recession came about, it

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1 basically crashed demand by about five percent.
2 That caused electricity prices to drop anywhere
3 from 50 percent in Western New York to 70 percent
4 in the New York City area.

5 And that's because electricity is a
6 price-inelastic material. Slight increases or
7 changes in demand mean huge increases in price, and
8 what you need for renewable energy development is
9 stable prices so that with stable prices you can
10 have a stable cash flow. With a stable cash flow,
11 you can actually go get financing.

12 Right now the situation that we have in the
13 State is just ludicrous, because you're asking
14 people to go to bankers and borrow hundreds of
15 millions of dollars, and when you tell the bankers,
16 you know, what the cash flow is going to be, you
17 have no idea.

18 I mean, that's just ludicrous, especially in
19 a post, you know, collapsed -- credit-collapsed
20 world.

21 So New York has approximately \$130 billion
22 worth of investments needed to replace all of our
23 polluting electricity sources, and you'll never get
24 there unless you have reliable prices.

25 And a way to do that is how they did that in

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Brian Smith, Citizens Campaign for the Environ34nt

1 Ontario with a Green Energy Act or what they use in
2 Germany called the feed-in law tariff, and unless
3 you actually do that, all the renewable energy
4 plans are nice plans, but they're just driving
5 nowhere fast.

6 MR. CONGDON: Thank you.

7 AUDIENCE MEMBER: Marcellus shale.

8 MR. BRADLEY: What about it? It's
9 important. Too expensive.

10 MR. CONGDON: Our next speaker is Brian
11 Smith.

12

13 STATEMENT OF BRIAN SMITH, CITIZENS CAMPAIGN FOR THE
14 ENVIRONMENT

15

16 MR. SMITH: Good morning, and thank you for
17 the opportunity to provide comment today.

18 Again, my name is Brian Smith, and I'm the
19 Western New York program director for Citizens
20 Campaign for the Environment, or CCE. We're here
21 today on behalf of our 80,000 members.

22 We applaud the Energy Planning Board for
23 moving forward with this process, releasing the
24 draft report, and involving public comments and
25 feedback.

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1 We're going to provide some priority
2 principles today, but we'll be giving more
3 extensive written comments before the end of the
4 comment period.

5 CCE and our 80,000 members support an energy
6 plan that stabilizes energy costs, creates new
7 jobs, and increases our energy independence by
8 investing in energy efficiency and renewable
9 energy, not new coal or expensive nuclear energy.

10 Many thousands of citizens signed petitions,
11 more than 5,000 members of the public wrote
12 individual comments in support of these principles
13 during the comment period on the scope of the Plan.

14 We're very pleased that the draft Plan puts
15 such a strong emphasis on energy efficiency and
16 renewable energy development. The best kilowatt of
17 energy is a kilowatt of energy that we never use.

18 Energy efficiency and conservation are the
19 first and most important strategies to reducing
20 costs and saving ratepayers money, reducing
21 pollution, and benefitting the environment as well
22 as benefitting national security. We strongly
23 support the Governor's '15 by 15' plan and the many
24 recommendations in the draft Plan for efficiency
25 beyond 2015.

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1 While energy efficiency is critical,
2 increased renewable energy production is also
3 necessary to meeting demand. We support the
4 Governor's '45 by 15' goal -- and that's supported in
5 the Plan -- and many of the recommendations that
6 push renewable energy beyond the 2015 timeline.

7 New York State has great renewable energy
8 potential that must be realized to fight climate
9 change, increase energy independence, and benefit
10 local economies and create great jobs. The draft
11 Plan indicates that it is technically and
12 practically feasible to generate more than
13 75 percent of New York's electricity from hydro,
14 solar, wind, and biomass by the year 2018.

15 In particular, New York State is a wind-rich
16 state with tremendous potential to generate clean,
17 renewable wind energy. We support policies and
18 actions that will develop -- help wind reach its
19 potential, both on land and off shore in the ocean
20 and the Great Lakes.

21 And while all energy sources have an impact
22 on our environment, wind produces no harmful air or
23 water pollution, and potential adverse impacts
24 could be largely mitigated with careful planning.
25 We believe that all wind projects must stand up to

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1 rigorous environmental review prior to construction
2 and advocate for continued post-construction
3 studies to increase our understanding of the
4 impacts of wind development and how further to
5 mitigate these impacts in the future.

6 We do have some significant concerns with
7 some of the recommendations in the Plan as well.
8 First, the draft Plan does support drilling in the
9 Marcellus shale formation for natural gas.

10 Drilling in Marcellus shale will require a
11 process known as hydrofracturing, a process which
12 poses serious potential adverse impacts to ground
13 and surface waters and uses millions of gallons of
14 water per well.

15 Extracting natural gas and other natural
16 resources should be done very carefully as to not
17 adversely impact quality and quantity of drinking
18 water and surface water.

19 CCE supports rigorous environmental review,
20 public involvement, and full disclosure of the
21 risks to our environment and public health.

22 In addition, the State Energy Plan should
23 explicitly state that sensitive and unique areas
24 should not be drilled. In particular, the amazing
25 Allegany State Park sits atop the Marcellus shale

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1 formation and is currently threatened by proposals
2 to drill there.

3 Drilling in this sensitive ecosystem would
4 be devastating to the health of the ecosystem.
5 Trucks, spills, noise, road building, tree removal,
6 all these things associated with drilling would
7 adversely impact wildlife, water quality, public --
8 and public enjoyment of the park.

9 Allegany State Park and other natural
10 treasures in the State should not be exploited for
11 drilling.

12 The draft Plan supports new nukes in New
13 York State.

14 No nuclear power plant has been built and
15 become operational in our country in decades. It
16 is no wonder why, as high risk, high cost, and
17 legacy waste come along with nuclear energy
18 production.

19 The legacy of toxic waste that persists from
20 the use of nuclear energy threatens to contaminate
21 our drinking water and land for future generations.
22 Today, Western New York residents are struggling
23 for a full cleanup of West Valley, a nuclear
24 reprocessing site, contaminated a half century ago.
25 Radioactive waste from the site is migrating

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1 towards our precious Great Lakes.

2 In addition, waste does not make our nation
3 more energy independent as the vast amounts of --
4 the vast majority of uranium currently used for
5 nuclear energy is imported from other countries,
6 such as Russia.

7 Also want to mention very quickly that the
8 Plan supports an unnecessary coal plant. The
9 improvement of the technology of carbon capturing
10 and storage and the promise of this, which
11 ultimately may be beneficial down the road, should
12 not be used to justify an unnecessary coal plant in
13 Jamestown.

14 Lastly, CCE strongly urges the Board to
15 develop a strong plan for implementation in the
16 final report which is lacking in the draft report.
17 While a report with great information,
18 recommendations, and goals is important, without a
19 clear plan for implementation, it lacks
20 effectiveness.

21 Thank you very much.

22 MR. CONGDON: Just a word about the
23 implementation. A few other folks have commented
24 on the need for a good implementation plan.

25 We do not want this Energy Plan to just sit

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1 on a shelf, and it is our intention to have a
2 detailed implementation plan with milestones and --
3 and -- and accountability.

4 So we do want this to be an actionable Plan,
5 so I appreciate the comment.

6 The next speaker, David Flynn from Phillips
7 Lytle.

8

9 STATEMENT OF DAVID FLYNN, PHILLIPS LYTLE LLP

10

11 MR. FLYNN: Good morning. My name is David
12 Flynn, and I'm a partner at Phillips Lytle, a local
13 law firm, a regional law firm.

14 I've met several of you in different
15 capacities, and I applaud you for coming here this
16 morning to hear some comments from all of us.

17 One of the key cornerstones of the Plan, as
18 I read it, is efficiency, and I'm all for increased
19 efficiency.

20 But I'm very concerned that there may be an
21 undue reliance on efficiency going forward, and
22 that comes at great peril, I think, to our State.

23 I'm hopeful, as everyone, I believe, in this
24 room would be, that we can increase efficiency as
25 we go forward in terms of how we use energy --

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1 whether it be electricity or gas or any other form
2 of energy -- going forward, but we can't, I think,
3 bank on that at this point in time.

4 We are at a point where capacity is starting
5 to bump its head. We have an old, if not among the
6 oldest fleets of generating capacity in the United
7 States, and to sit back and hope and pray at the
8 end of the day that efficiency will make up for
9 significant gaps in the capacity of generation and
10 in replacing older, outdated, and highly polluting
11 generating capacity, again, I think, comes at great
12 risk.

13 I think we should have a meaningful
14 commitment, a very significant commitment to
15 efficiency, but we can't -- and we do at great
16 risk -- plan around efficiency and bank on
17 efficiency as meeting a key component of our energy
18 needs going forward.

19 Renewable energy. I am involved in a number
20 of renewable energy projects essentially across the
21 State, and I think renewable energy holds great
22 promise for our State.

23 I don't see it replacing significant base
24 load generating capacity in the State, but I do see
25 it filling a very important niche and need in our

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1 energy demand and requirements going forward.

2 I would encourage you to look closely at
3 closed-loop biomass. Biomass, as most are familiar
4 with, looks at various feed materials as fuels, and
5 the federal government and the DOE programs create
6 a special incentive for closed-loop biomass.

7 In New York we are blessed with space and
8 opportunity to encourage closed-loop biomass, and
9 we, in fact, in this State have generated a number
10 of genetically superior and modified willow species
11 and other types of material, plant material, which
12 can form, I think, a very important niche in our
13 energy supply infrastructure.

14 And if we can encourage financially the
15 development of closed-loop biomass in New York as
16 the federal government is doing, I think we can see
17 some great promise from that.

18 I note that the Plan looks and focuses
19 extensively on the use of natural gas going forward
20 to replace some of our older, more polluting base
21 load generating capacity. I applaud that.

22 I think what we need to do in addition to
23 some of the other opportunities that are being
24 explored for increasing domestic supply of natural
25 gas within the State is to focus on gasification

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1 within New York as a meaningful component of
2 natural gas supply.

3 I am working and others in this room have
4 been involved with some significant proposed
5 gasification facilities which would produce very
6 significant quantities of pipeline-quality natural
7 gas, which would strongly support repowering and
8 expansion of the use of natural gas as a fuel for
9 generating capacity.

10 What's holding that back right now is a
11 cogent plan on the part of the State to manage CO2.

12 Having looked at the Governor's proposed
13 legislation for CO2 and kind of earmarking the
14 Jamestown BPU project as a potential test may make
15 some sense, but I encourage everyone involved in
16 this process to come forward now with a meaningful
17 CO2 regulatory program that will essentially open
18 the gates for a number of very significant
19 programs.

20 The folks that I'm dealing with are not
21 against CO2 sequestration. They understand that
22 that's the way, at least in the near to mid-term,
23 to manage CO2, but our ability to move forward is
24 very limited because of the inability of the State
25 to come forward with a cogent plan.

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1 Another opportunity I see is in solar.
2 Unfortunately, Western New York has one blessing,
3 and that is a large number of landfills which have
4 been closed over the years. These strike me as
5 opportunities for innovative solar applications.

6 Of course, as you might expect, energy
7 developers and finance -- financial partners are
8 loath to get involved with landfills because of
9 potential liability concerns. If the State were to
10 take a position that a solar energy developer
11 involved in a landfill solar project had no
12 liability or no concern for historic environmental
13 contamination, I am confident that that would open
14 up a very significant opportunity for a number of
15 landfill applications.

16 Economic development. Economic development.
17 No one has spoken about this yet today, but I think
18 economic development that can flow from an emerging
19 green economy in this region is very substantial.

20 I was a participant at a BNE seminar, the
21 Buffalo Niagara Enterprise, which essentially
22 brought a number of manufacturers and service
23 providers together to see who could -- who could
24 fit into the wind energy industry as a component
25 manufacturer.

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1 We had close to 300 people attend that --
2 attend that presentation, all looking at
3 opportunities where they could morph into a green
4 economy, and I think we can see other opportunities
5 of that.

6 One suggestion I would make is effectively
7 using the State's brownfield program to encourage
8 renewable energy. I was involved with the Steel
9 Winds project in Lackawanna, and one of the key
10 components in making that project go was the fact
11 that it was a brownfield and that the State's
12 brownfield cleanup program came into play not just
13 from a liability limitation perspective but also
14 from a financial incentive perspective.

15 And if we take our brownfield program and
16 encourage within it the use of brownfield sites for
17 renewable energy, I think we will make a
18 significant inroad.

19 Thank you.

20 MR. CONGDON: Great. Thank you very much.

21 Oh, one follow-up.

22 MR. BROWN: Just one comment on your first
23 point on undue reliance on efficiency.

24 I think we very much agree that we can't
25 just kind of blindly hope that efficiency gets us

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1 where we want to go, and I think it's -- kind of an
2 underappreciated part of the Plan is the insistence
3 on proper evaluation, measurement, and verification
4 of efficiency programs so that there's as much
5 engineering involved in that as there is in the
6 power plant so that we really can rely on that in
7 the future.

8 So your points are well taken.

9 MR. FLYNN: I -- I appreciate that. I'm
10 just -- my concern is that the lead time for many
11 of these projects is in the five- to 10- to 15-year
12 horizon for new generation capacity, and by the
13 time we find out that efficiency may not be making
14 the inroads that we hope it will be making, I think
15 we may find ourselves in very much of a pinch.

16 Thank you.

17 MR. CONGDON: Okay. Thank you.

18 The Board is going to take a five-minute
19 break, and we will reconvene right in five minutes.

20 Thank you very much.

21 (A recess was then taken.)

22 MR. CONGDON: Our next speaker is James
23 Scerra.

24 And if any of you providing statements today
25 have a written copy of your statement, if you could

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1 provide it to our court reporter, that would assist
2 her in making sure that she transcribes your
3 comments accurately.

4 Thank you.

5

6 STATEMENT OF JAMES SCERRA, POWER FOR ECONOMIC
7 PROSPERITY GROUP

8

9 MR. SCERRA: Good morning --

10 MR. CONGDON: Good morning.

11 MR. SCERRA: -- and thank you for the
12 opportunity to address you today.

13 My name is James Scerra. I'm from FMC
14 Corporation here in Tonawanda, New York, and I'm
15 also the co-chairman of the Power for Economic
16 Prosperity or PEP Group.

17 PEP is a coalition of 19 manufacturing
18 companies that receive low-cost hydropower from the
19 Power Authority's Lewiston project.

20 I'm here today because this power is vitally
21 important to our business operations. It is fair
22 to say that many of the PEP member companies came
23 to this area because of hydropower and remain here
24 today because of hydropower.

25 PEP applauds the State Planning Board for

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1 making the retention of manufacturing in New York a
2 policy objective and recognizing the importance of
3 the New York Power Authority economic development
4 programs in achieving this objective.

5 The draft Plan provides that the State
6 remains focussed on maintaining and expanding its
7 industrial base, and it states that the
8 manufacturing base in the State is highly valued
9 for the manufacturers' level of investment in plant
10 and equipment, a supply of good-paying jobs, and
11 the ability to sell products in national and
12 international markets.

13 PEP urges the Planning Board to ensure that
14 the importance of retaining manufacturing is a
15 policy objective in the final Plan.

16 The final Plan also should recognize, as the
17 draft Plan does, the importance of the Power
18 Authority economic development programs to
19 manufacturers in this State. As the draft Plan
20 states, more than 75 percent of the NYPA program
21 participants are in the energy-intensive
22 manufacturing-based sector, and approximately
23 90 percent of the manufacturing companies
24 participating in NYPA programs are hydropower
25 customers.

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1 The draft Plan recommends that the State
2 continue to support the retention of New York's
3 commercial and industrial base through the use of
4 the State's low-cost power programs. PEP urges the
5 Planning Board to include this as a policy
6 objective in the final Plan.

7 With the global economic downturn and the
8 State's financial crisis, it is critically
9 important to the State and to the region that the
10 Western New York manufacturers that receive NYPA
11 hydropower stay in New York. They are the
12 industrial backbone of Western New York. As the
13 draft Plan recognizes, it is essential that the
14 State's energy policy encourage the retention of
15 the manufacturing base.

16 Thank you.

17 MR. CONGDON: Thank you very much.

18 Our next speaker is Darin Hughes.

19

20 STATEMENT OF DARIN HUGHES, HUGHESCO OF BUFFALO,
21 INC.

22

23 MR. HUGHES: How you all doing today? I'm
24 Darin Hughes from Hughesco, Incorporated.

25 We are a very green company. We work

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1 through NYSERDA's Home Performance with Energy Star
2 programs doing energy audits on homes. We've
3 performed over 12,000 educational processes to
4 teach people how to go super energy efficient and
5 green in their home, and we've renovated over 4,000
6 homes in the Western New York area to date.

7 We also have a green-friendly store where we
8 do appliances, lighting fixtures, all different
9 kinds of lighting, all kinds of gadgetry to go
10 super energy efficient along with solar --
11 solar kids' toys that teach kids how to plant and
12 go green by growing food again.

13 Back in World War II, people used to have
14 Victory Gardens. That would be a victory to me.
15 People would grow their own food, just eliminate
16 the shipping, shut them out to go green and reduce
17 their cost to live in a home.

18 Our experience has proven to us by using
19 energy efficient products as a comprehensive idea
20 of doing products as lighting, appliances, along
21 with, for instance, insulation is -- is looking at
22 a comprehensive package.

23 At an average cost of 8- to \$12,000 a home,
24 we can reduce our energy consumption in the average
25 home, depending on the size and the age of the

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1 home. For the average home, from 8- to \$12,000 you
2 could reduce the energy consumption by 50 percent.
3 That's proven through the Home Performance with
4 Energy Star program, my company, who was the
5 company going after everything all at one time.

6 Educating the customer, teaching them how to
7 live in their homes smarter, okay, can reduce the
8 cost. It's probably the most effective way to
9 reduce load in the peak load times and reduce load
10 that we can think of today. In our company, we
11 really try to educate the customer on shutting
12 their house down during the day to reduce peak load
13 time, because that's the best thing we can do.

14 I really believe this program's a huge
15 success for companies that really address it as a
16 belief overall, and I believe that there could be a
17 lot of other incentives with a lot of feedback from
18 a lot of customers.

19 People wonder why they can't get
20 incentivized for saving more energy just on the
21 educational portion. You know, why doesn't the
22 State incentivize us to use less power, in other
23 words, a reduction in cost beyond -- after doing
24 load reduction work?

25 So everybody understands this, that average

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1 cost per month in a \$30,000 mortgage would be \$40 a
2 month to reduce your cost by \$150 a month. So this
3 works for, you know, HUD and affordable housing.
4 This works for load reduction and utility -- just
5 waste. This works for comfort and health and
6 safety.

7 Health and safety is addressed very heavily
8 in this program. Just to do a product rebate
9 compared to doing a fully comprehensive energy
10 assessment with health and safety testing before
11 and after changing homes over completely, the whole
12 idea of really educating the customer and taking
13 everything into effect works very well as a whole.

14 What we're finding today is -- and this
15 should be a good education -- people don't buy,
16 though, for only the energy savings. More people
17 buy for comfort, because we're Americans. We're
18 looking out for ourselves.

19 But we find more people buying for comfort
20 and get things paid for, and it's very funny, but
21 it still accomplishes all of our goals, okay?

22 And so the message is -- is in education.
23 That's one thing we've done very heavily in Western
24 New York is we've educated the marketplace on how
25 to be super energy efficient and how to live

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1 smarter in the home.

2 NYSERDA's given us an award for our
3 educational style of -- of doing this Home
4 Performance idea, and it's all about education,
5 awareness.

6 People don't really know how to be green. I
7 was sitting here and I got an e-mail how to be
8 green for some green thing from a stereo company.

9 I mean, come on. It's -- everybody's
10 talking green. Al Gore robbed it a few years ago
11 and did a movie, and there's a lot of people in
12 this room that have been in the green for a long
13 time.

14 Anyway, it's overexploited. I think the
15 message needs more than the word "green" in it. It
16 needs an education, and I think that's where we've
17 failed miserably.

18 I also believe, when we talk about creating
19 more power -- I think we have plenty of power. I
20 think it's all in load reduction and transferring
21 our savings over while we're growing and we're
22 doing other things.

23 We need to make -- we need to stop making
24 more power. We need to reduce our consumption and
25 reduce peak load times. That's the answer.

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1 And then we replace old, unhealthy, or
2 unenvironmentally friendly powers with renewables.

3 Solar is taking off like crazy. Heard some
4 people talk about solar and wind, but you guys
5 incentivize -- New York State incentivize with the
6 federal government in solar at a huge level. I
7 mean, it's about a 20th of the cost overall for
8 residential or commercial to go solar, which is
9 huge.

10 The next thing to implement, which we hope
11 to see, is realtime metering so people can pay at
12 time of use for power. So homes shut down their
13 power during the day when it's most expensive, buy
14 back in the evening at night at the cost that it
15 should be.

16 I think this will incentivize electric cars
17 and everything else, which helps with the
18 environment and the cost to live, because we can
19 buy that power late at night for a fraction of the
20 cost that we buy it now on an average-use cost.

21 These are -- these are really simple ways I
22 see to really reduce loads, make things more
23 affordable for people, and to promote renewable
24 energies. Reduce the load in half first, and
25 then -- then we have renewable energies. Replace

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1 unhealthy products or unhealthy energies and then
2 move forward from there.

3 You know, I just believe it's a very simple
4 process. I think all's it needs is a good kick. I
5 think a lot of things are in place, and I think the
6 rest is all awareness.

7 So.

8 MR. CONGDON: Terrific. Thank you very
9 much.

10 MR. BROWN: Your excitement is an indigenous
11 energy resource in itself.

12 MR. CALLENDER: Thank you for being a Home
13 Performance participant.

14 MR. CONGDON: Thank you very much.

15 And as you're reading your statements and
16 you hear that little beep, that does mean five
17 minutes has gone past, and so if you could wrap up
18 when you hear that beep, we'd appreciate it.

19 The next speaker is Mike Parks from VP
20 Supply Corp.

21

22 STATEMENT OF MIKE PARKS, VP SUPPLY CORPORATION

23

24 MR. PARKS: My name's Mike Parks, VP Supply
25 Corporation. We are a wholesale company that is

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1 supplying contractors with training and supplies
2 for renewable energy.

3 I'm proud to be able to work in the State of
4 New York that offers such good rebates for the
5 State, and now that the federal's stepped up, it's
6 really boomed up a lot.

7 I do understand some of the concerns the
8 utility has with the net metering. They're saying,
9 you know, if you bought something on e-Bay and it
10 didn't fit, you sent it back, you still paid to
11 ship it, so they're out the shipping loss on the
12 net metering.

13 I think one of the ways that the utility
14 company could capitalize on that is come up with a
15 net metering loss tax. They could tax everybody on
16 what -- they know what their amount of power is
17 going to be produced by their net metering, what
18 they're going to lose by that, so you can take that
19 loss and turn it back into a tax.

20 I think NYSERDA ends up with what, \$194
21 million, and they only charge two one-hundredths of
22 a penny per kilowatt, so, I mean, it doesn't take a
23 big tax to cover that net metering loss.

24 And the same thing with people who are
25 concerned. They go, "Well, the utilities should

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1 have to pay for power."

2 I don't agree with that, right? You
3 shouldn't -- the utility company shouldn't be
4 responsible to provide something they didn't ask
5 for you to make.

6 So I'm more with the utility company. I
7 think they're headed in the right direction. I
8 just think there's some tweaking we can do.

9 NYSERDA does an excellent job with the
10 program. They are very understaffed. I think
11 increasing that system benefit charge so that they
12 could hire more people to help implement the
13 programs that they do have out there would be good.

14 I'm very against reducing the cost of
15 energy. If you give somebody free heat, you rent
16 an apartment, you go up there in the wintertime,
17 they'll be wearing shorts, the windows will be
18 open, and the heat will be cranked on.

19 Gas is \$5 a gallon, all of a sudden you
20 start seeing SUVs parked. People start thinking,
21 "Oh, yeah, maybe I will drive something a little
22 more economical."

23 So by lowering the cost of energy isn't
24 going to solve the problem. You need the cost of
25 energy high.

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1 What we should do is take the excess cost of
2 the energy and put it into a program back to people
3 that can't afford to do energy reduction and help
4 them get their homes sealed up, help reduce energy.

5 So instead of lowering the cost and making
6 it more affordable, we need to force people into
7 using less energy, taking the leftover funding and
8 putting it back into a program like NYSERDA to help
9 implement these programs for people that can't
10 afford it.

11 And that's all I'll take up of your time.

12 MR. CONGDON: Thank you very much.

13 Our next speaker is Craig Prince from Mason
14 Trenching Company.

15 Craig?

16

17 STATEMENT OF CRAIG PRINCE, MASON TRENCHING COMPANY

18

19 MR. PRINCE: I'm Craig Prince. I'm a
20 contractor in Upstate New York.

21 We installed our first wind turbine about 30
22 years ago. We've just gotten back into it again
23 now that New York State has really made a lot of
24 incentives and things have turned around a lot.

25 First off, I want to express my happiness

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1 with the State's Energy Plan. As far as
2 renewables, I think we're one of the leaders in the
3 country.

4 My interest is in renewable energy, such as
5 wind, solar, and small hydro.

6 I'd like to see the removal or at least
7 increasing the limits of net metering for both
8 residential and commercial projects. To limit
9 clean power that will be -- that will be produced,
10 no matter how small, seems counterproductive for
11 our overall goals, and I think that, you know,
12 they're only going -- the customer is only going to
13 be using so much power, and if he was to produce
14 twice that much power than he was going to produce
15 and getting it back to the utility is a benefit for
16 everybody.

17 Solar and PVs are also sales tax exempt.
18 I'd like to see water and wind also sales tax
19 exempt.

20 And finally, I'd like to see the SBS charge
21 slightly increased to help further fund NYSERDA and
22 incentives.

23 Thank you.

24 MR. CONGDON: Thank you very much.

25 Our next speaker is Art Klein.

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1 Art.

2

3 STATEMENT OF ART KLEIN, SIERRA CLUB - ADK

4

5 MR. KLEIN: Thank you. I appreciate the
6 State of New York undertaking this task here.

7 I've been involved with the public interest
8 review since 1973, and I'm fascinated with New York
9 State. I'm just hoping that this also doesn't
10 follow a lot of other plans in getting on the shelf
11 down in Albany there, and I'm sure you're aware of
12 that. I think you're obviously sensitive to it,
13 and I'm sure that this is going to bring some
14 implementation.

15 I'm a member of the Sierra Club and the
16 Adirondack Mountain Club conservation committees,
17 and we'll be submitting documentation relative to
18 this or -- I don't have written preparation today;
19 however, I've been working on a specter of what
20 happens with bad energy programs on West Valley
21 down below Springville there.

22 And we have millions of tons of
23 radioactive waste buried in the bank above the
24 creek down there, and it still is hovered under --
25 over our public interest in Western New York and

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1 threatens our waterway, Lake Erie, very seriously,
2 and we're very concerned about that.

3 The public hearing period is about to close
4 in September, and they're going to make a --
5 supposedly going to make a decision. However, for
6 30 years nobody's been able to make a decision on
7 this vast problem, and I hope we're going to.

8 And the second thing I want to emphasize
9 today is that all the water we have in the world is
10 the water we've always had, and we keep infecting
11 it with results of our industrial base with other
12 things, and now I'm very concerned.

13 I just saw a report the other day from
14 Pavilion, Wyoming, the State of Wyoming, whereby
15 the EPA has identified that hydrofracking is
16 affecting the groundwater and the surface water in
17 the State and affecting their agricultural
18 problems.

19 I -- now we have -- we're faced in New
20 York -- we have three draft plans going
21 simultaneously: an Energy Plan, Allegany State Park
22 draft plan, and the DEC Marcellus shale draft plan,
23 all three under way.

24 I hope we're going to keep our eye on the
25 ball on all three of these -- in all three of these

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1 draft plans and make sure there isn't some gaps in
2 understanding or gaps in grasping the extent of the
3 problem and making sure it's part of a plan. I
4 mean, with energy we have to have a plan.

5 And you're on your way to a very good Plan,
6 I think. I just hope that we have all the
7 elements -- we're sensitive to all the elements and
8 we have satisfactory implementation to solve the
9 problems.

10 Thank you.

11 MR. CONGDON: Thank you very much.

12 Ellen Gibson is our next speaker.

13

14 STATEMENT OF ELLEN GIBSON

15

16 MS. GIBSON: Thank you.

17 I am speaking as a citizen, but, like Art
18 and many others in this room, I'm a member of
19 numerous environmental organizations who are
20 extremely concerned about the fate of our beloved
21 Allegany State Park.

22 For those of you on the panel who are not
23 from around here, Allegany is sort of like our
24 Adirondacks. We recreate and our children recreate
25 in Allegany State Park because of its beauty, its

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1 forests, its clean water, its incredible
2 wildlife-viewing opportunities.

3 We also recreate in the Allegheny National
4 Forest just south of our border where,
5 unfortunately, we're beginning to witness
6 unbelievable destruction from this hydrofracking
7 process that many have already spoken about today.

8 The danger to the surface in terms of the
9 wildlife habitat from roading, from chemical
10 pollution and what have you is probably very small
11 compared to what's going on underground where
12 chemicals will be injected and enormous amounts of
13 water infected, you might say, with the chemicals
14 necessary to make hydrofracking work.

15 I urge the rep from DEC to not use any
16 old-fashioned, outdated, generic environmental
17 impact statements when it comes to looking at any
18 proposed applications for drilling in Allegany
19 State Park or any of our State lands.

20 New York has an enormous population, and at
21 this end of the State, there's not all that much
22 public land for us to use. Our State forests and
23 our parks -- Letchworth, Allegany -- are very
24 precious to us up here, and Allegany perhaps is a
25 very sad case, being located, apparently, on top of

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1 this Marcellus shale that everybody's after now.

2 So I urge the DEC to use the utmost of
3 strictness when it comes to EIS review of -- of any
4 proposed activities in Allegany State Park.

5 I am aware through my organizations that
6 there is great concern at the highest levels of
7 both the Office of Parks and DEC about this issue,
8 and I can only urge that this be continued and that
9 no undue influence from corporate interests could
10 possibly make any difference in this, that it is a
11 straightforward process with the public good and
12 the special value of our parks always held at the
13 highest regard.

14 So I wish you well with the Energy Plan.
15 I'm glad we're having one in New York, and I'm --
16 it's interesting that these three other -- or that
17 the two other plans are going forth at the same
18 time.

19 I -- I will keep my eye on Allegany, and
20 many others in this room and around Western New
21 York always have our eye on Allegany. It just
22 seems like it's a magnet for trouble, whether it's
23 logging and now this.

24 So good luck to you, and we'll be watching.

25 Thank you.

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1 MR. CONGDON: Thank you, Ellen.

2 MR. IWANOWICZ: Ellen, and others in the
3 room, I just have a quick comment to make about
4 outdated environmental impact statements regarding
5 Marcellus shale.

6 As many of you might know, the DEC is
7 undertaking the creation of a new draft
8 environmental impact statement for gas drilling in
9 New York. We expect that to be out in about a
10 month's time.

11 It will be out again for public comment, so
12 we hope that you'll take a look at that draft
13 generic environmental impact statement and make
14 your comments at that time about the analysis the
15 department is going through right now to put it out
16 there.

17 So, again, look for that draft generic
18 environmental impact statement in about a month.

19 MS. GIBSON: Thank you.

20 MR. CONGDON: Our next speaker is Jay
21 Wopperer.

22 Sorry if I mispronounced your name.

23 MR. WOPPERER: No, you did fine.

24 MR. CONGDON: Okay. Thanks.

25

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1 STATEMENT OF JAY WOPPERER, ADIRONDACK MOUNTAIN
2 CLUB, BUFFALO AUDUBON

3

4 MR. WOPPERER: When I was in the Army, it was
5 a lot worse.

6 Jay Wopperer of Clarence, New York. I'm
7 familiar with various environmental organizations
8 also, Adirondack Mountain Club, Buffalo Audubon.

9 Also a lot of my comments would be what
10 Ellen had said, and I won't repeat a lot of that,
11 because she just eloquently spoke on that.

12 But I can just go and say to you that
13 probably Allegany State Park is partly what my
14 character and what I am made of and a lot of us in
15 Western New York. It's very dear to us.

16 And this just kind of came about in a month
17 and a half. It's been stunning when you start
18 looking at this fracking process, and the
19 recommendations you make are going to be for the
20 future.

21 I heard this one gentleman, and he could be
22 correct about our competition, but does this mean
23 that -- if you go online and look at Bradford,
24 Pennsylvania, and the problems of their subsurface
25 water through the fracking process, if that's what

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1 we're looking for, I don't think people in New York
2 would support this kind of process of extraction.

3 The particular area that they're looking to
4 drill in, U.S. Energy Development Corporation, on
5 your three -- I think it's five exploratory
6 wells -- would be the Black Forest Trail, Quaker
7 Area, and the Science Lake area.

8 I've been blessed to know some of the
9 best -- best environmentalists that have taken us
10 probably 30 times on that trail, and you cannot
11 imagine the prolific area that this is.

12 This is an area they're talking about
13 drilling in: 20 different kinds of ferns,
14 amphibians that I never knew we had here --

15 AUDIENCE MEMBER: Can't hear you, Jay.

16 MR. WOPPERER: -- the many -- I'm sorry.

17 -- the many different amphibians and the
18 warblers that nest in this area here.

19 And actually, it's a very unique area,
20 because you can be on New York State like this and
21 hop over a rock which says New York and PA and
22 you're in PA.

23 And the sad thing is now you can look over
24 that rock and see a platform on the PA side that is
25 now there.

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1 We're talking two-acre plots, so I
2 understand, that you need to drill and that you
3 need to cut these trees down.

4 Some are old growth trees. You have a very
5 different, unique forest that you just do not see
6 in other places.

7 So I don't think any risk is worth it for
8 something to lose a jewel like this. It's the
9 people's park. It's your park. We'd love to show
10 it to you sometime.

11 And there's appropriate places maybe for
12 this energy policy that we -- that you are going to
13 have to make these recommendations on, but this is
14 one spot we should preserve for everybody's
15 children for future generations, and they won't
16 have to deal with that infrastructure that would
17 have to go in for taking either oil or gas out of
18 there.

19 Thank you.

20 MR. CONGDON: Thank you very much, Jay.

21 Our next speaker is Marcy Reed from National
22 Grid.

23

24 STATEMENT OF MARCY REED, NATIONAL GRID

25

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1 MS. REED: Good morning. I think I can still
2 say good morning.

3 I'm Marcy Reed. I'm the senior
4 Vice-President of Public Affairs for National Grid,
5 and I'm really happy to be here today representing
6 the 900 or so employees we've got in Western New
7 York, so thanks for letting us be here.

8 We are so pleased to see that the draft Plan
9 surfaces a number of issues that are important to
10 New York's energy and environmental future, and we
11 share the Governor's vision for a robust and
12 innovative clean energy economy that will help
13 stimulate investment, create jobs, protect public
14 health and the environment, and meet the energy
15 needs of businesses and residents that we serve
16 safely and reliably.

17 National Grid supports the energy resource
18 priorities established in the draft report, notably
19 increased energy efficiency, renewable energy, and
20 the pursuit of greenhouse gas reductions in the
21 energy portfolio.

22 Achieving the State's goals will require
23 leadership, however, from both policy makers and
24 utilities that provide energy to the New York
25 customers.

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1 And today we wish to comment on three items.
2 They are energy efficiency, clean energy, and
3 infrastructure investment.

4 Many people have spoken about energy
5 efficiency today, and as we all know, it is the
6 most cost-effective way to both help customers
7 manage their costs and reduce our carbon footprint.

8 It's a win-win solution for everyone
9 involved, and I'm actually quite pleased to see so
10 many people speaking about it today. It's a real
11 testament.

12 Achieving New York's ambitious energy
13 savings goal will require a partnership of policy
14 makers and regulators, the State's utilities, our
15 friends at NYSERDA, and the energy service
16 companies.

17 We need an "all hands on deck" approach
18 where NYSERDA, the utilities, and the energy
19 service companies work together to reach these
20 targets.

21 We need to streamline the energy efficiency
22 program approval process so that we can all bring
23 energy savings to our customers as quickly as
24 possible. Customers are quite eager to take
25 advantage of these programs.

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1 And we need flexibility in the
2 implementation of new energy efficiency programs so
3 that utilities and other providers can work
4 effectively with customers to achieve our '15 by 15'
5 goal.

6 Secondly, I wanted to talk about clean
7 energy. As the State Energy Plan recognizes,
8 renewable energy is another important priority for
9 New York.

10 National Grid fully supports the State's
11 efforts to promote renewable energy as another way
12 to improve New York's energy security and combat
13 climate change. It will be important for our
14 customers to support renewable energy in as
15 cost-effective a manner as possible.

16 Something to consider would be utility
17 deployment of solar and other renewable energy
18 resources as well as entrepreneurial and other
19 private sources.

20 Second, investing in transmission to deliver
21 these renewable energy sources from remote
22 locations to customer load centers is absolutely
23 critical for ensuring that customers can take
24 advantage of the benefit of New York's renewable
25 energy development.

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1 Transmission is, after all, the backbone
2 that moves this clean energy from one point to
3 another. New York's State Energy Plan should give
4 due consideration to the issues around financing,
5 permitting, and building transmission projects to
6 deliver wind, solar, and other -- other aspects of
7 renewable energy.

8 And investing in Smart Grid is also key to
9 tapping the opportunities for clean energy in New
10 York. You may know that recently we applied to the
11 United States DOE for funding for a New York Smart
12 program that will target approximately 82,000
13 customers in the State. It will help us enable our
14 customers to manage their energy costs better and
15 learn how to integrate renewable sources and
16 electric vehicles and the like into the energy
17 grid.

18 As the Plan notes, clean energy development
19 in New York presents an economic development
20 opportunity and the potential for new jobs, and
21 National Grid stands ready to work with the State
22 and local communities to help make this a reality.

23 And my third point is:

24 As the draft Plan recognizes, achieving New
25 York's energy and environmental goals will require

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1 considerable investment in the State's energy
2 infrastructure. A few folks have mentioned that
3 today as well.

4 New York's policy and regulatory framework
5 must provide for timely recovery of costs and
6 industry standard returns in order to attract the
7 investment needed to achieve the goals articulated
8 in the Energy Plan.

9 And before I close, I just thought I would
10 highlight a few of the local aspects of how some of
11 these issues come to light on a day-to-day basis.

12 Here in Western New York we are just days
13 away from the start of a more than \$30 million
14 project to upgrade and enhance one of our major
15 north-south transmission lines. This is one of
16 four or five major transmission projects in the
17 development stages in the region.

18 You may also be aware that NYPA is
19 undertaking a study of using winds on Lake Erie and
20 Lake Ontario, and we've committed to helping the
21 Authority with transmission.

22 We believe a comprehensive Energy Plan for
23 New York will create economic and job
24 opportunities. We need well-trained, highly
25 qualified engineers and scientists to help bring

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1 energy systems to the market.

2 To further that, we recently announced a
3 partnership with the University of Buffalo, where
4 we're standing today, to promote science and
5 engineering education to the City of Buffalo
6 schools.

7 And there's much more, and I thank you for
8 your time.

9 MR. CONGDON: Thank you, Marcy.

10 Robert Ciesielski, please, from the Sierra
11 Club.

12 Is Robert still here?

13 AUDIENCE MEMBER: No, he is not.

14 MR. CONGDON: Okay. Thank you.

15 Our next speaker, then, is Toby Beahan.

16

17 STATEMENT OF TOBY BEAHAN

18

19 MR. BEAHAN: Thank you for your time this
20 morning.

21 My name's Toby Beahan. I'm a concerned
22 citizen, and I'm here to speak for myself, my
23 family, and my friends, who value and love Allegany
24 State Park as well as our natural environment.

25 I'm here specifically to express my feelings

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1 on using public land, especially Allegany, for
2 drilling for natural gas.

3 In the Plan it suggests safe and responsible
4 drilling.

5 Let's not be naive. Any drilling that we
6 use is going to cause tremendous long-term damage
7 to our natural environment.

8 The energy crisis in the U.S. and in New
9 York is caused by our dependence and our addiction
10 on fossil fuels. By tapping into possible deposits
11 in Allegany and other public State -- public lands,
12 we're only feeding that addiction to -- to fossil
13 fuels.

14 Let's take the time now to refocus on
15 renewable energy and make a responsible plan for
16 the future that's going to protect our State lands,
17 our beautiful resources in Allegany, and not -- not
18 degrade that environment beyond what we'll be able
19 to use.

20 Just briefly, in closing, don't make an
21 irresponsible, short-term decision that will cause
22 long-term and irreversible consequences to a
23 beautiful natural treasure that we have in
24 Allegany.

25 MR. CONGDON: Thank you very much.

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1 Lawrence Beahan. Dr. Beahan? Thank you.

2

3 STATEMENT OF LAWRENCE BEAHAN, SIERRA CLUB

4

5 DR. BEAHAN: Thank you very much for
6 convening this session.

7 My name is Larry Beahan. I am the
8 conservation chair for the local Sierra Club, and
9 I'm the secretary of the local Adirondack Mountain
10 Club.

11 Both organizations appreciate the Governor
12 and your effort in developing a -- an Energy Plan,
13 a much needed Energy Plan, that will provide
14 renewable, clean energy and -- but unfortunately,
15 there are a couple of parts to the Plan that are of
16 concern to us.

17 The -- the exploitation of the Marcellus
18 shale all across this --

19 AUDIENCE MEMBERS: Can't hear you. Just
20 raise it up.

21 DR. BEAHAN: The exploitation of the
22 Marcellus shale across the State on State lands
23 is -- is a problem for us.

24 The lack of adequate protection for Allegany
25 State Park is -- is another extremely important

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1 problem for us.

2 The State forest, the reforestation areas
3 that you are considering using to tap the Marcellus
4 shale, these are virtual parks at this point.
5 They -- they're -- they're used for the Finger
6 Lakes Trail that crosses the State and -- which is
7 part of the North Country federal trail, and local
8 people who live near them use them for hunting,
9 fishing, snowmobiling, and it's an important
10 natural resource, and it would be a terrible shame
11 to destroy them by putting these huge wells down
12 into them.

13 We do appreciate the fact that the State's
14 duty to protect parks is recognized in -- in the
15 Plan; however, the protection offered to Allegany
16 State Park is far from adequate.

17 It's unfortunate that half of the mineral
18 rights to Allegany State Park are owned privately.
19 Allegany State Park is a -- a hundred-square-mile
20 park. It's a huge area, and it is the largest
21 State park outside of the Adirondacks. It's a
22 hilly, well-forested park. The trees there are
23 from a hundred to 350 years old.

24 Thank you very much, Jay.

25 And -- and it is an extremely important

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1 resource to organizations like ours that are
2 interested in preserving the environment and are
3 interested in preserving recreational resources.

4 It is a truly frightening thing to hear that
5 a corporation like U.S. Energy is claiming the
6 ownership of 3,000 acres of mineral rights in that
7 beautiful park. For -- for years we have argued
8 that the State should buy the mineral rights that
9 are not owned under the park. Half -- half of the
10 park, those mineral rights are in private hands.

11 I would leave you with, again, a strong
12 urging that the State acquire these rights; that
13 they -- there are funds available in the
14 Environmental Protection Fund.

15 The -- these rights have been on the list of
16 the DEC to acquire for open space for years. Let's
17 get a hold of them now before some other company
18 steps in and buys up the rest of them.

19 I -- I have in my hand here a list of 300
20 violations that the U.S. Energy Corporation
21 committed in Pennsylvania over the last two years
22 and for which they were forced to stop all
23 operations in Pennsylvania.

24 Unfortunately, they've -- they've arrived at
25 some sort of deal with Pennsylvania so that they're

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1 back in business, but this -- this corporation is
2 now threatening to come into Allegany State Park
3 and make the terrible beginning nest of industrial
4 roads and wells that they have made of Allegheny
5 National Forest.

6 So buy those rights for us. Thank you.

7 MR. CONGDON: Thank you very much.

8 The next speaker is James Hufnagel.

9

10 STATEMENT OF JAMES HUFNAGEL

11

12 MR. HUFNAGEL: Good morning, gentlemen. It's
13 an honor to address you this morning.

14 My name is James Hufnagel. I'm from Wilson,
15 New York, and I'm a frequent visitor to Allegany
16 State Park.

17 And I am going to have some specific
18 comments about oil and gas drilling in the State
19 park, but I'd like to first kind of put it in an
20 overview of Governor Paterson's public policy with
21 regards to Western New York.

22 For example, Governor Paterson vetoed a bill
23 to Sunset, the CWM plant up in Niagara County, thus
24 consigning thousands of tons of toxic waste to
25 Western New York for the next generation.

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1 Governor Paterson swept a half a billion
2 dollars out of NYPA, money that could have been
3 spent in this area for economic development, and he
4 basically moved that money out of NYPA.

5 We have the Robert Moses Parkway along the
6 Niagara Gorge, and this cuts off the City of
7 Niagara Falls from the Niagara Gorge, and Governor
8 Paterson has stonewalled the very first scoping
9 hearing that we've been asking for for ten years.

10 And originally, the State announced that the
11 first scoping hearing was being held in November of
12 last year, then it was moved to January, then it
13 was moved to midsummer.

14 And we have letters and documents stating
15 all three dates, and now September is next week.
16 We still haven't had a scoping hearing on the
17 Robert Moses Parkway.

18 How does Robert Moses Parkway relate to
19 energy?

20 Well, the Robert Moses Parkway goes straight
21 through the Niagara Power Project. That is a
22 terrorist risk to the Niagara Power Project. It
23 would be very easy for a terrorist to load a semi
24 truck with dynamite, drive it into the middle of
25 the Niagara Power Project, detonate it there, and

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1 destroy or severely disrupt this power facility.

2 We've notified numerous people in the
3 Paterson Administration about this vulnerability.
4 We have not gotten an answer on it.

5 Furthermore, Niagara Falls State Park.
6 Millions and millions of dollars are diverted from
7 Niagara Falls State Park and sent to Albany, and
8 the City of Niagara Falls has one of the highest
9 poverty indexes in New York State, higher poverty
10 index than New York City.

11 So now we get to the Allegany -- Allegany
12 State Park, and as previously stated, there's three
13 plans. There's a confluence of plans right now,
14 and it -- it seems like more than mere coincidence
15 that these plans all have kind of a -- the language
16 of these plans say that it's very feasible we could
17 be drilling in Allegany State Park.

18 The oil and gas that could be claimed from
19 Allegany State Park is a tiny, tiny fraction of our
20 energy needs. It's not worth it to ruin the State
21 park.

22 And we all know drilling means ruining,
23 because you have to build a road to each well. The
24 road has to be 30 feet wide. You have to clear
25 another 30 feet on either side of the oil access

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1 road to get to these wells.

2 The wells have spills. They've had numerous
3 oil spills in the national forest just over the
4 border.

5 This is not something we want to do. This
6 is not somewhere we want to go.

7 Outside a couple of hours ago now,
8 Mr. Congdon, I believe you were addressing the
9 crowd out there. I appreciate that. Thank you.

10 But a couple of comments you made about
11 disrupting pipelines or pipelines could be
12 disrupted, thus -- and since New York State's
13 dependent on other areas for our natural gas.

14 And it just kind of confused me. I didn't
15 know what you meant by that.

16 Like, if a pipeline is disrupted in the
17 Ukraine, is that going to affect us here in New
18 York State? Or a pipeline in Pennsylvania? Is
19 there an Al Qaeda threat to pipelines here in the
20 U.S. that we don't know about?

21 I don't understand why you were raising this
22 kind of -- you weren't very specific about it. You
23 just said pipelines could be disrupted.

24 What was that about?

25 MR. CONGDON: Let me just clarify.

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1 MR. HUFNAGEL: Please.

2 MR. CONGDON: Our -- our -- 95 percent of
3 our gas used in New York State is imported from as
4 far away as the Gulf of Mexico and Central Canada.

5 Following Hurricanes Katrina and Rita, those
6 supplies from the Gulf were disrupted, so there was
7 a temporary disruption of a -- of a
8 large percentage of our natural gas supply.

9 That's just as an example of one of the
10 vulnerabilities of being reliant on natural gas
11 sources that are from a long distance away.

12 So that -- that was the point.

13 MR. HUFNAGEL: What percentage of our natural
14 gas that we use here in New York could conceivably
15 come from Marcellus shale?

16 MR. CONGDON: I want to avoid a Q&A of the
17 Board, but I will just explain that in the Plan we
18 estimate that our current production of
19 five percent of -- of State needs could be doubled
20 to about ten percent over the ten-year planning
21 horizon.

22 MR. HUFNAGEL: Okay. Thank you.

23 I would urge you gentlemen to very closely
24 consider this letter that Dr. Beahan sent to
25 Mr. Grannis and Parks Commissioner Carol Ash with

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1 the three alternatives at the end, the eminent
2 domain option and the other two options.

3 And we need to protect this park from oil
4 and gas drilling. This is something that is really
5 just going to ruin this park.

6 I mean, I'm sure you're familiar with the
7 Allegheny National Forest. If you've ever been
8 through those areas and seen the devastation that's
9 been wrought in the national forest, and now we're
10 staring down the throat of having this happen to
11 Allegany State Park.

12 I mean, you know, it's an overused word, but
13 to my mind it's a no-brainer. I don't even know
14 why we're discussing this, quite frankly.

15 The State should act to protect this park,
16 and we will be making this a campaign issue in
17 2010.

18 Thank you for the opportunity to address
19 you.

20 MR. CONGDON: Thank you, sir.

21 Our next speaker is Russ Crispeil.

22

23 STATEMENT OF RUSS CRISPELL, UNIVERSITY AT BUFFALO

24

25 MR. CRISPEIL: Actually, the name is Russ

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1 Crispell. I'm the director of outdoor pursuits for
2 the University at Buffalo right here on this
3 campus, the North campus, and the city campus.

4 In addition to that, I'm also a licensed New
5 York State guide for the DEC, just so you have an
6 idea of who I am.

7 I teach backpacking, I teach canoeing, and I
8 teach a lot of other outdoor-pursuits activities,
9 and the reason why I'm standing up here today is I
10 really wanted to address this panel to sort of go
11 back to their childhood days of frolicking out in
12 the fields when they were young men.

13 Maybe some you have may have served in the
14 Boy Scouts. Some may have been participating in
15 other activities.

16 And I'm encouraging all of you -- not just
17 here on the panel but anyone in the audience --
18 that if you haven't had an opportunity to actually
19 take those walks out into the forested areas, take
20 a walk along the creeks, along Minister Creek up in
21 the Allegheny National Forest at Minister Creek,
22 and actually see what some of the history was left.

23 There's old pipelines that are still
24 exposed, numerous pipelines still exposed from
25 previous oil activity that was done 50, 60, 70

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1 years ago.

2 And it's pretty tragic. It almost looks
3 like an antique shop at some places there, and it's
4 an antique shop of what people don't want to --
5 they didn't want to clean up after their messes.

6 And I guess that's one of my major concerns
7 that I have with regards to the Allegany State
8 Park.

9 That is one of our venues that we do use, as
10 well as venues of the Adirondacks and other State
11 lands, and I guess what I'd like to encourage
12 anyone sitting on this panel, that if you -- you
13 know, Tom had stated that this isn't a time to do a
14 Q&A, which I basically wanted to ask whether
15 there's -- any of you sitting on this panel have
16 any actual personal experience in outdoor
17 recreation, whether you're hikers, canoeists,
18 kayakers.

19 And the reason why I say that is because
20 when you sit in a canoe and you paddle along a
21 stream and you see dead fish floating up from a
22 toxic spill that came from upstream, it's not a
23 pretty sight.

24 Or, at the same time, to be going down,
25 having taken a nice long hike, knowing that you

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1 have to fill up your water bottle with the
2 stream -- I mean, I don't know if any of you have
3 ever taken your -- you had a -- you have a -- I
4 don't know, is that a sea bottle or --

5 BOARD MEMBER: Refillable bottle.

6 MR. CRISPELL: -- or a refillable container.

7 If you've ever dipped down into a stream and
8 filled up that water to drink that water because
9 you're thirsty, at that -- at that moment is when
10 you realize the impact of decisions that are made
11 by people who are at this time wearing suits.

12 This is my uniform, and, you know, I'm proud
13 to say that, you know, you have to not just talk
14 the talk, but you have to walk the walk.

15 And I'm asking if any of you are not
16 backpackers or canoeists, I would be more than
17 willing to volunteer to take you anyplace you need
18 to go to make an informed decision.

19 Thank you.

20 MR. CONGDON: Thank you.

21 Our next speaker is Janet Kurasz.

22

23 STATEMENT OF JANET KURASZ

24

25 MS. KURASZ: Wow. Thank you.

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1 I don't know if I really even need the mic.

2 I was a cheerleader for four years.

3 I'd like to thank you guys and thank you for
4 spending time this afternoon.

5 I commend everybody that has spoken about
6 Allegany State Park, and that is why I am here.

7 I am going to give you some literature about
8 Allegany State Park, and I have more than ample
9 family history.

10 My great-uncle came from World War I and was
11 on the Army Corps of Engineers, I do believe, as
12 the story goes. He helped build some of the cabins
13 that I and my family had stayed in.

14 My other uncle that was a Marine, my
15 grandfather didn't know what to do with him. He
16 was just crazy and a bad kid.

17 He sent him to Allegany to also help build
18 the cabins.

19 My father has been taking me there, rest his
20 soul, since I was three years old. I'm 47.

21 I have now established taking my son
22 since -- I'm a single mom. I've been taking my son
23 there. He knows the Red House Area like the back
24 of his hand.

25 I am a hunter, New York State licensed and

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1 registered. I am a bow hunter, shotgun hunter.

2 I take my son there. I take him there with
3 the Wild Turkey Federation for Jake's Day.

4 If you guys aren't familiar with that, that
5 means that you can take your son or daughter of the
6 age -- I do believe it is 14 -- for the day prior
7 to turkey season opening and go and spend the
8 weekend.

9 You can go hunting on Saturday. Sunday
10 hunting is not allowed in the park.

11 And the one -- I think his name was Larry --
12 was saying about Science Lake. I have a picture
13 here of my son and a friend of him -- of his when
14 he was two years old next to a beaver tree, a tree
15 that was eaten from a beaver.

16 You guys come in and -- I know all about
17 destroying property and the whole bit. I live on a
18 National Grid road in Boston, New York. I grew up
19 in Buffalo, lived in Amherst for ten years, just
20 recently went through cancer, moved out to Boston
21 Hills, bought my own property.

22 I live on a nationally owned road by
23 National Grid. They're coming in to redo the power
24 towers. I am losing two 60-foot pine trees, 37
25 beech trees, a number of flowering plants,

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1 everything like that, because of widening the road.

2 That's just in my yard, okay?

3 The bears. We used to go to the dumps.

4 Pile in the station wagon back in the '60s and

5 '70s, pile in the station wagon singing country

6 songs, singing Boy Scout songs.

7 I'm a committee chair for the Boy Scout

8 troop. We go camping there. The bears were

9 nonexistent for 30 years. They're back.

10 This 4th of July I took my grown nephew and

11 his fiancée. We had bear that was five feet from

12 us. I told him, "Go away."

13 He thought the marshmallows were more

14 interesting. I respected that fact.

15 That's his living room. You don't go in

16 there and start destroying things and start making

17 demands on the animals.

18 I've seen a wolf there. Popular to the

19 naturalists that are in Allegany that tried to tell

20 me that I didn't see a wolf, I saw a wolf.

21 There's cougars. There's cougars in Boston,

22 New York, okay? There's bobcats.

23 All these animals are going to be displaced.

24 There was a black bear that was killed on

25 the 90 going in to Buffalo. Why was he there?

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1 Because everybody's building in Orchard Park,
2 Amherst, things like that.

3 There's bear killed out here in Amherst.
4 They travel 110 miles a day maximum to go find
5 forage and food.

6 Leave Allegany alone.

7 My dad and I were the -- we were the first
8 two people to ever swim in the Quaker Lake, okay?
9 I have a number amount of family history.

10 I really appreciate New York State trying to
11 implement the energy-efficient programs. Me as a
12 single mom, I'm disabled, I have taken advantage of
13 some of the power impact programs. I have gone
14 green in my house.

15 I'm now trying to -- I just met the guy from
16 Hughesco. I'm going to try to get my home so
17 energy efficient that I don't need to depend on any
18 other resource than God, sun, and wind, okay?
19 That's what I'm trying to do.

20 So instead of trying to -- like the last
21 gentleman said, that little amount of gas that you
22 could possibly get from that shale area, I -- I'm
23 not that well educated. I took horticulture.

24 Larry, I think his name was.

25 I patterned my life from living in Allegany.

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1 I wanted to become a New York State park ranger,
2 but when they told me I had to live up in a
3 400-foot tower in Washington for two weeks, I said
4 no.

5 So I took horticulture, got married, became
6 a seamstress, but still I volunteer in Allegany. I
7 just volunteered in Gowanda.

8 You guys have to understand. Get out of the
9 city. Go camping. I mean, it's phenomenal.

10 Now, there -- I know I'm over the time
11 limit, but Saturday, July 6th, fossil hunt, Site
12 19.

13 Old Quaker Shore Museum is open. Tour of
14 the bear caves. Edible wild plants. Tour of
15 Thunder Rocks.

16 Thunder Rocks. If you're not familiar with
17 Thunder Rocks, massive rocks the size of half this
18 room. Story goes the Native Americans used that as
19 a spiritual place where I think that they, like,
20 did their peyote, that kind of thing, and got in
21 tune with the environment.

22 All this is going to be lost.

23 I have met people from England, students
24 from -- foreign exchange students from China, from
25 Africa, and I help them develop and inquire about

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1 Allegany.

2 I took my first honeymoon to Allegany State
3 Park I love it so much.

4 So I just wanted to -- this is just kind of
5 what I put up, and I wanted to leave you with some
6 information.

7 And there is a very nice saying in here, and
8 I do believe Allegany State Park was started by a
9 New York State Senator here in New York,
10 Mr. France, which there is a brook call France
11 Brook, and that is all natural. Like I said, lot
12 of people hunt there.

13 And this man states: In fact, educational,
14 rightly considered, is recreation, and that man who
15 deserve this and makes his recreational education
16 has found a source of true happiness. To give to
17 more and more persons this source of happiness is a
18 far greater achievement than to give them
19 recreation alone.

20 Anybody can have a town park, but go to
21 Allegany. I taught my son how to look for fossils.
22 I looked for fossils. I looked at salamanders and
23 lizards there.

24 The study of nature and all its forms, for
25 which Allegany Park is well equipped, is one of the

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1 very best of such educational recreations.

2 Saunders, A.A., 1937.

3 That park today is still an impeccable --
4 the only thing that I have a problem with was them
5 putting in a bike path.

6 Now, I enjoy a bike path, but the bike path
7 is not 30 feet wide with 30 more feet losing, okay?

8 The parks -- the -- the lakes in the Red
9 House and the Quaker, in over a hundred years this
10 park has been there, there is not any motors that
11 are allowed in the lakes because of contamination.
12 Not at all.

13 So I'd like to leave some information with
14 you. You guys can see what kind of environmental
15 studies that have been done.

16 The -- some of the kids that are going for
17 their teaching degree, they go to Allegany, and
18 they provide this thing called the Raccoon Rangers.
19 You send your kids there, and you go do the edible
20 plants and you go look at bear prints and things
21 like that.

22 Go out. Go camping.

23 MR. CONGDON: Thank you.

24 MS. KURASZ: It's -- it's awesome.

25 MR. CONGDON: Thank you.

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1 MS. KURASZ: Here's some information about
2 the park.

3 Thank you so much.

4 MR. CONGDON: Thank you.

5 Christopher D. --

6 MR. JOYA: D. Joya.

7 MR. CONGDON: -- Joya.

8

9 STATEMENT OF CHRISTOPHER D. JOYA

10

11 MR. JOYA: My name's Christopher D. Joya,
12 J-O-Y-A. I'm a UB student here. I'm going into my
13 junior year, and I'm taking biology, focused on
14 ecology, minor in environmental studies, so you
15 know what I'm going to be doing in about 10, 15
16 years.

17 After listening to many of the comments, I'm
18 pretty sure that you're already beaten down about
19 Allegany. I'll just say just give up on Allegany.
20 Don't drill in there.

21 My father has taken me there so many times I
22 can't even count, and he's taken me to different
23 places in Allegany.

24 It's a beautiful place, and it's -- I can't
25 see it with oil wells or smog or anything. Hell, I

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1 saw my first shooting star there, and to see
2 another one there with the haze from the oil wells,
3 that's -- no, I don't want to see that.

4 Going off from that, instead of going into
5 natural gas, we're trying to go into a greener
6 future, more earth friendly, environmentally
7 friendly.

8 Try thinking about other solutions instead
9 of natural gas. Try maybe solar panels on top of
10 every roof building in the city.

11 There's probably thousands, hundreds of
12 thousands of square feet. If you put solar panels
13 on top of those, it pretty much runs the city by
14 itself.

15 For energy efficiency, instead of -- let's
16 say some of these buildings you can't put solar
17 panels on them. Paint the tops white. They
18 reflect the sunlight, produces heat, and reduces
19 the urban heat island effect.

20 And reroute the hydropower that's going from
21 Niagara Falls and going to other sources. Reroute
22 it back home. Bring it back to Buffalo. Bring it
23 back to Western New York, and you'll probably see a
24 lot more people happier about that.

25 That's -- really that's all I wanted to say,

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1 but, like, really look at other solutions. Rather
2 than going from fossil fuels through baby steps,
3 which we should probably do, try looking at other
4 ideas that are not that conventional.

5 Look at it -- look at it from a slightly
6 weirder way, and you'll probably find something
7 that works.

8 So that's just my suggestion.

9 MR. CONGDON: Thank you very much.

10 MR. JOYA: You're welcome.

11 MR. CONGDON: Our last speaker that we have
12 up here, Mark Casell.

13

14 STATEMENT OF MARK CASELL

15

16 MR. CASELL: Hi. Thank you for your time.

17 My name's Mark Casell, and I come here
18 representing -- just as a citizen of New York, but
19 I'd like to speak to the State's ability to
20 possibly change where that 450 megawatts that go
21 out to the -- that are distributed amongst the
22 utilities in New York from the hydropower plant.

23 The partnership talked about it earlier, and
24 I think there is a way that we can build on that
25 450 megawatts and at the same time promote

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1 conservation in the State.

2 Currently, the mechanisms for receiving the
3 cheap hydro for industries and commercial are based
4 on operational increases for employment and their
5 facility operations.

6 While working as a facility manager at a
7 local manufacturing facility, I led an initiative
8 to reduce energy, and our reward for conservation
9 was the forfeiture of a megawatt of that cheap
10 hydropower that we saved through innovative
11 efficiencies.

12 Another company that I'm familiar with
13 recently received more hydro allocation because of
14 their expansion, and so that they could use that
15 electric, they chose -- at very probably not the
16 most efficient means to boil hot water, they chose
17 an electric hot water boiler when there are many
18 other more efficient options available.

19 Neither of those indicate that the programs
20 currently in place really promote conservation.
21 Those are the expansion and replacement programs,
22 which I know the State doesn't have a lot of sway
23 in those federal programs, but one thing the State
24 does have authority over is the 450 megawatts that
25 go out to -- to the homeowners and small

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1 businesses.

2 And to reallocate that 450 megawatts,
3 there's an opportunity to double its economic
4 benefit and effectiveness.

5 First, use the stimulus money, the money
6 from the RGGI, Regional Greenhouse Gas Initiative,
7 and also continue to use the systems benefits
8 charts money to make available conservation
9 improvements to the area homes.

10 And as Mr. Hughes spoke to, increases in
11 insulation, weatherizing homes could save a lot of
12 money, a lot more than the possibly hundred dollars
13 that is seen saved from the hydro allocations that
14 they benefit from. They could get four or five or
15 more hundred dollars in reductions to their annual
16 heating and cooling bills.

17 This promotes ongoing conservation, creates
18 green-collar home improvement jobs, and reduces the
19 State's greenhouse gas emissions.

20 The most economic benefit, though, would be
21 to take the 450 megawatts and reward businesses
22 that conserve with increased savings through cheap
23 power.

24 If a company that has held on and weathered
25 the challenges of operating in Western New York

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1 make their operations more efficient, reward them
2 for their efforts by further reducing their
3 business costs.

4 This conservation-focused approach is
5 self-propagating and a win for all parties in the
6 area, especially the existing local small
7 businesses that provide the majority of regional
8 employment opportunities, and will be instrumental
9 in both the State's economic expansion and
10 achieving the goals of reduced energy use and
11 greenhouse gas emissions.

12 Thank you for your time.

13 MR. CONGDON: Thank you very much.

14 We're going to take another five-minute
15 break and see if any other folks have signed up to
16 speak.

17 And if there are none after that five-minute
18 break, we're going to conclude today's hearing.

19 Thank you very much.

20 (A recess was then taken.)

21 MR. CONGDON: Our first speaker is Bert
22 Spaeth from RS Energy.

23

24 STATEMENT OF BERT SPAETH, RS ENERGY SOLUTIONS

25

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1 MR. SPAETH: Thank you for giving me the
2 opportunity.

3 I didn't come prepared to do a presentation,
4 but after hearing some of the speakers earlier, I
5 thought of a couple of comments.

6 A couple weeks ago I just did a presentation
7 to the Northeast DGCHP, and it was on biomass,
8 renewable energy, and biogas projects.

9 I've also done some activities and work in
10 the Southwest -- in Texas, Arizona, New Mexico --
11 with some of these opportunities in solar.

12 And just a couple of quick thoughts.

13 And I know you folks have got a lot of
14 information to take back with you, but, you know,
15 hearing all the impassioned pleas about Allegany
16 State Park and everything, I mean, I've enjoyed
17 that. I've skied there, had outings, whatever, but
18 I think we're missing the point.

19 If we don't come up with some energy
20 sources, we can do a lot with energy conservation.

21 For years I worked for companies like
22 Siemens, and I've worked for utilities where we did
23 a lot of energy conservation, and that can handle a
24 lot of the problems, but it's not the sole
25 solution.

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1 The Marcellus gas, it's not only in Allegany
2 State Park. It's along the whole Southern Tier of
3 New York.

4 So I think if we just focus on one small
5 geographic area, we might be missing the boat. It
6 can bring a lot of extra revenue into the State
7 that we certainly need, and I have been told that
8 there's 17 years' worth of natural gas in the
9 Southern Tier, 17 years' worth to supply the entire
10 United States. That's how much gas is potentially
11 there.

12 So we're not focusing on a small Allegany
13 State Park. I mean, I would say leave that
14 pristine. Let's go to the private lands and -- and
15 develop it.

16 But more to the point, energy conservation
17 can do quite a bit, but we need to seriously take a
18 look at biomass.

19 New York State is 68 percent forest, and
20 then we have a lot of private lands. We have the
21 farms, and many of the farms are in financial
22 difficulties because of current milk prices and
23 everything. They could be producing a lot more
24 biomass.

25 One of the things that I talked about at

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1 this conference up in Albany two weeks ago was the
2 fact that we have all these dairy farms. We can
3 make methane from that.

4 We can also make methane from the landfills,
5 as somebody mentioned, and the potential there is
6 quite large.

7 We have a lot of food processors in this
8 State, and again, the food wastes can all be turned
9 to methane. I think that's one viable alternative
10 that we can use.

11 Solar and wind is wonderful. I live in
12 Wyoming County. I'm surrounded by windmills.

13 Everybody asks me, "Are they noisy?"

14 And I say, "No, I can't hear them."

15 But the problem with them is that they only
16 run about 30 percent of the time.

17 And everybody thinks that we're going to be
18 able to shut down all these coal plants because of
19 the windmills. Well, the reality of it is a coal
20 plant can't be shut down like this, and neither can
21 a nuclear plant, so what we have happen is that
22 alternatives like turbines and everything need to
23 be ramped up quickly when the wind dies down.

24 So the wind provides resources, provides
25 energy, but it's not the sole solution.

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1 So what we need to start developing and
2 thinking about is something like a biomass where
3 you know you're going to get a known quantity and
4 you can produce a certain amount of megawatts to
5 put on a grid day after day after day.

6 The sun, it can vary. Western New York,
7 we're on this end of the Great Lakes. We have a
8 lot of cloudy days. We don't have sun all the
9 time, and obviously, 20 -- you know, 12 hours a
10 day, if you average it, is the maximum you're going
11 to get.

12 The wind, like I said, the operational time,
13 I think, is probably more like 30 percent.

14 So the renewable, the biomass is something
15 that could be more sustainable. We need to develop
16 that.

17 And again, I don't think we should throw
18 the -- or close the door on the shale oil, because
19 it can provide a lot of resources.

20 And I hope those comments shed some light.

21 Again, my perspective, I'm a consultant, and
22 I've worked in the -- all aspects of the energy
23 field, and those are things that I think need to be
24 developed.

25 Thank you.

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1 MR. CONGDON: Thank you very much, Bert.

2 Our last speaker for today is Mayor Paul
3 Dyster from the City of Niagara Falls.

4 Thank you so much for coming down.

5

6 STATEMENT OF PAUL DYSTER, MAYOR, CITY OF NIAGARA
7 FALLS

8

9 MAYOR DYSTER: Thank you very much.

10 I'd like to start by commending not just
11 this group but by commending the Governor, the
12 administration, and, in particular, someone that
13 I've had an opportunity to work with here in
14 Western New York, Richard Kessel, New York Power
15 Authority, for taking on a very difficult set of
16 issues at what is a politically difficult time.

17 People might have expected, with the
18 difficult political circumstances in Albany in
19 recent months, that the State would be incapable of
20 undertaking major new policy initiatives.

21 But clearly, with regard to the question of
22 the State's energy policy, time is of the essence,
23 and again, I commend the administration's vision
24 and courage and being willing to move forward on
25 this very critical set of issues. I think that

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1 might end up being a very important and lasting
2 legacy of this particular period in the history of
3 New York State government.

4 And there is very much to be commended in
5 the -- the Plan upon which you've asked for
6 comments. I can already see that a lot of
7 grassroots sentiment that's been developed here in
8 the Western New York area -- in particular with
9 regard to issues such as energy conservation,
10 development of renewable energy, and so on -- has
11 found its way into the Plan already.

12 So it seems as though you've got your ear to
13 the ground. You're listening to what people at the
14 grassroots level have to say. There's very strong
15 grassroots support for a forward-looking energy
16 policy here in Western New York, and you folks seem
17 to have picked up on that, so I commend you on
18 that.

19 A few specific comments from the perspective
20 of the Mayor of the City of Niagara Falls.

21 I think it's very, very important that, as
22 we move forward with our energy policy, we have the
23 courage to maintain its strategic focus in terms of
24 the use of our resources, in particular the
25 renewable energy resources that we have available

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1 to us here in Western New York, hydropower from the
2 Niagara Power Project currently online.

3 Other potential sources of renewables are
4 coming online in the future. Some, as a result of
5 projects that are just being undertaken today,
6 represent an opportunity for us to achieve the
7 double leveraging or what in Europe they sometimes
8 call green-to-green, that is, using our renewable
9 power resources in order to advance the manufacture
10 of devices that are going to allow us to create
11 additional renewable power from other increasingly
12 diverse sources in the future.

13 One of the examples of double leveraging you
14 have in the report already. On Page 72 there's
15 discussion of a project we're very proud about in
16 Niagara Falls, the Globe Specialty Metals project
17 where we're reopening the old poly-silicon plant to
18 produce materials for the solar power industry.

19 We're doing so using an allotment of clean
20 NYPA hydropower. We're using a former industrial
21 site. We're reusing a lot of transportation and
22 other infrastructure that's already on the site.

23 We think that project is a model for how a
24 renewable energy industry could be developed here
25 in the State of New York and, in particular, in

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1 Western New York in the future.

2 I guess our message would be let's keep
3 doing things like that over and over again, because
4 each time that we do that, we achieve an
5 exponential increase, you know, since we're not
6 burning, you know, carbon resources from fossil
7 fuels to build solar panels, right?

8 So we get that much further ahead on some of
9 the goals we're all trying to achieve together.

10 In terms of strategic use of resources, it's
11 not just a very wise strategic use of NYPA
12 hydropower that's important. Empire State
13 Development's various economic incentives like
14 initiating the brownfield cleanup program and so on
15 all can be used to try to leverage those projects,
16 those sites that -- those initiatives that are most
17 important to the future.

18 This is not the time for division of
19 benefits by pork. We need to get on the point of
20 attack for the State as a whole in terms of
21 creation of a sustainable energy future.

22 Some of the areas that we need to
23 concentrate on -- the previous speaker made note of
24 the fact that some of our more sustainable types of
25 power for the future, like solar and wind, may be

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1 intermittent, and therefore, I would commend you on
2 the efforts already and would encourage additional
3 efforts for development of Smart Grid technology.

4 Also, we need a very strong investment in
5 research, development, and deployment of approved
6 energy storage, since that's critical.

7 The ability to store energy when energy is
8 being produced to use it when we need it and then
9 the ability to get it there with the lowest
10 possible loss of efficiency along the route is
11 going to be critical in the -- in the future.

12 In terms of strategic focus, I'd like to
13 echo what sentiment I think you've heard already.

14 I came into political life out of the
15 environmental movement. One of the reasons for
16 moving to renewable energy is to try to protect
17 places like the Allegheny Forest, and I believe
18 it's very compatible with the long-term goal of
19 environmental preservation to move forward in the
20 area of renewable energy.

21 I was a little disappointed not to see more
22 about alternative transportation in the Plan.
23 There's a certain brief mention of that, but I
24 think some further referencing of, for example, the
25 State's rail plan would be in order. More

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1 discussion about the future of light rail and of --
2 of public transportation generally, I think, would
3 be appropriate.

4 Here in Western New York you hear a lot of
5 complaints -- and within the existing energy
6 situation -- that we don't receive enough of the
7 benefits of the hydropower that we generate here in
8 Western New York, and oftentimes, this is advanced
9 as a sort of political justice argument.

10 I think that in the context of the Plan,
11 Western New York has a very strong and strictly
12 economic argument to advance, that this region of
13 the State can be a leader in the development of a
14 renewable energy industry for the State of New York
15 in the future.

16 The availability of clean, renewable
17 hydropower, but also things like trained work
18 force, brownfield sites available for
19 redevelopment, proximity to the Canadian border and
20 to Canadian markets for devices that might be
21 manufactured here, existing transportation and
22 other infrastructure and existing strategic
23 partners among industries that have already been
24 through this first generation of, you know, post
25 fossil fuel form of their manufacturing processes

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Paul Dyster, Mayor, City of Niagara Falls111

1 make this, I think, a good place for future
2 investment by the State.

3 And I think it would be not just a great
4 economic driver for Western New York but that
5 Western New York can help lead economic recovery
6 for the State of New York focusing on this
7 renewable energy area.

8 Finally, one last comment.

9 Again, I'm commending you for something that
10 the State has already undertaken. Very apropos,
11 perhaps, at the site where we're located, there is
12 some reference in the Plan for the need to create
13 and to sustain markets, and I'm very much in
14 agreement with that.

15 My previous background was as a professor of
16 international relations. I worked on national
17 security, and in case you haven't figured it out,
18 the people in the Middle East that sell us our oil
19 know that we're trying to do all these things to
20 make ourselves energy independent, and they
21 manipulate prices and markets in order to drive,
22 you know, the break-even point for capital costs,
23 you know, further and further into the future.

24 Every time we think we're ready to do
25 something, we develop the political will, they

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1 increase the flow of oil a little bit, drop the
2 price, and try to change the economics on our end.

3 Therefore, I think it is very wise and is a
4 policy that needs to be adopted in all various
5 areas relating to alternative energy that the State
6 has, for example, not looked principally at the
7 question of, you know, the -- you know, the
8 anticipated payback date for projects like the
9 solar energy project that's going to take place
10 right here outside Center for Tomorrow.

11 We're going to have to create markets for
12 alternative energy. We're going to have to be able
13 to sustain some sort of a price level if we want
14 these industries to develop.

15 We know it has to happen. It's an
16 investment that we have to make, and again, I would
17 commend the New York Power Authority for their
18 willingness to purchase a hundred megawatts of
19 solar energy into the grid. It's an example of
20 exactly the sort of thing that we need to be doing
21 over and over again.

22 So a lot of positive work, I think, being
23 done already by the State of New York, and I pledge
24 the support of the City of Niagara Falls in trying
25 to maintain the forward momentum of the progressive

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1 elements of this policy.

2 Again, I guess the key here is that we're
3 dealing with a situation where oil prices are lower
4 this summer than they were last summer, maybe more
5 people are filling up their gas tanks and coming to
6 Niagara Falls than were -- were last summer, but
7 the fact that there's been some moderation in oil
8 prices shouldn't deceive us as to the long-term
9 trend.

10 We're in an energy crisis, and we need to
11 behave as though we're in a crisis. We need to
12 focus -- there's still very considerable strategic
13 resources we have in the State of New York in order
14 to achieve the outcome that we want not just in our
15 lifetime but for our kids and grandkids.

16 And I think you've got a good start in the
17 Plan in that direction.

18 So thank you very much.

19 MR. CONGDON: Thank you, Mayor.

20 That concludes today's public hearing on the
21 draft State Energy Plan. Our next hearing is
22 tomorrow in Binghamton.

23 And I want to thank everyone for your
24 participation today and -- oh, I'm sorry, did you
25 want to have --

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1 MR. CHAMP: Am I allowed --

2 MR. CONGDON: Of course.

3 MR. CHAMP: -- follow-up, as long as I got
4 all these guys here?

5

6 STATEMENT OF DOUGLAS CHAMP

7

8 MR. CHAMP: My name is Doug Champ, again,
9 and just being here I just thought I'd bring up
10 some points that didn't really get addressed and
11 having to do with basically smart growth and
12 development within the State of New York and its
13 filtering down to our communities.

14 Most of what goes on in the communities now
15 has limited knowledge regarding how energy use and
16 development can be moved on to the smart growth
17 concept in terms of planning overall economic
18 development planning, where the investment
19 strategies are going to go for our cities and our
20 counties.

21 So that's something that should be looked at
22 and how you want to integrate that through the
23 State Department. It's important that these be
24 part of the overall Energy Planning process,
25 because growth rarely occurs, and sometimes it's

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1 too late to change things.

2 The other thing is uniform energy
3 conservation code standards. There's been no
4 mention about code standards in terms of what
5 energy is going to be done in new residential and
6 commercial construction. That needs to be
7 uniformly placed and approved and enforced within
8 our communities.

9 This is another topic that was -- system
10 benefit charges are not available to municipal
11 systems. They've geared up on this now, but there
12 ought to be some kind of parallel arrangement on
13 the State level for muni systems to take advantage
14 of some of the NYSERDA programs which they're not
15 eligible for.

16 And the last thing is passive heating and
17 cooling applications. This is a theme that's been
18 lost in construction, using natural construction
19 and physical construction to augment natural
20 passive cooling and heating.

21 The old engineering standards, the old
22 architectural standards have been lost. It's
23 there. It can be used, and it has low-cost,
24 no-cost applications sometimes.

25 Thank you.

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1 MR. CONGDON: Thank you very much.

2 And that concludes our public hearing on the
3 draft State Energy Plan. I want to thank everyone
4 for your attendance today and participation.

5 And again, if you have further comments
6 you'd like to make, you can -- you can submit
7 written comments through October 19th on our
8 website, www.nysenergyplan.com.

9 Thank you all.

10 (Proceedings concluded at 1:04 p.m.)

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