

NEW YORK STATE ENERGY PLANNING BOARD

**Framework for Implementing the Work of the
NYS Energy Planning Board**

**A Working Paper for
The New York State
Energy Planning Board**

May 30, 2008

1. Purpose

The purpose of this Working Paper is to create a framework to assist the State Energy Planning Board (the "Board") to complete its assigned task of creating an Energy Plan for the State of New York. This framework is guided by Executive Order No. 2, *Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan*, which is attached to this document as Appendix 1. The framework is intended to guide the agency participants in drafting and completing the plan, and to describe the process for stakeholders and the general public to participate in the development of the plan.

2. Roles and Responsibilities of the Board and the Energy Coordinating Working Group

A. The Energy Planning Board

Executive Order No. 2 established the New York State Energy Planning Board which was tasked with the creation of an Energy Plan. The members of the Board are the:

Chair of the Public Service Commission;
Commissioner of Environmental Conservation;
Commissioner of Transportation;
Commissioner of Health;
Commissioner of Economic Development;
President of the New York State Energy Research and Development Authority;
Director of the Budget;
President of the Urban Development Corporation;
Secretary of State;
Governor's Deputy Secretary for Environment;
Governor's Deputy Secretary for Energy, who is the Chair of the Board.

A quorum of the Board is achieved when six members are present. Action by the Board requires approval of a majority of the total members of the Board.

The Board is an advisory board, and therefore not bound by the Open Meetings Law. Nevertheless, it is the Board's intent to conduct meetings which are open to the public and available for website viewing. The Board will post advance notice of its meetings as soon as practicable, with a target notice period of five days prior to the announced meeting. Notices and agendas for meetings will be posted on the Energy Plan website. The Board will meet as frequently as it deems necessary prior to the release of the Draft Plan.

Pursuant to the Executive Order, the Board will hold six Public Hearings in the two-month time-frame between the issuance of the Draft Energy Plan and the Final Energy Plan.

B. Energy Coordinating Working Group

The work of the Board will be conducted primarily by the staff of its member agencies through the creation of an interagency Energy Coordinating Working Group (ECWG). The lead members of the ECWG are:

Thomas Congdon, Executive Director
Echo Cartwright, Deputy Director
Victoria Simon, New York Power Authority
Jeffrey Cohen, Department of Public Service
Keith Corneau, Empire State Development Corporation
Mike Deering, Long Island Power Authority
Donald Duvall, Division of Budget
Steve Hammond, Department of Environmental Conservation
Nancy Kim, Department of Health
Kristen Mucitelli-Heath, Upstate Empire State Development Corporation
George Stafford, Department of State
John Williams, New York State Energy Research and Development Authority
John Zamurs, Department of Transportation

The members and agencies of the ECWG are responsible for the work products that ultimately will result in the Energy Plan. These work products include, for example, a scoping document for the plan; assessments, forecasts, analyses, and issue papers to support, or for incorporation into, the Plan, and a draft and final Plan for Board consideration. The materials produced by the ECWG or its constituent agencies will be regarded as the "Working Papers" of the Energy Plan.

To coordinate and manage the efforts of the ECWG, the Board Chair has named an Executive Director of the ECWG. The Executive Director will serve as the liaison of the ECWG to the Board and, as such, will be responsible for bringing matters which require Board action to the Board. Through the members of the ECWG, the Executive Director will provide direction to the staff of the ECWG. The Executive Director will also be responsible for soliciting input from State agencies, departments, offices, divisions or public authorities as necessary. The Executive Director will also seek input from private entities in the development of the Energy Plan. The Chair of the Board has also named a Deputy Director who may assume the duties of the Executive Director upon direction of or in the absence of the Executive Director.

Upon completion of the Energy Plan, the Executive Director will provide the Board with a proposed process for the continued assessment and study of matters that may be identified by the Board as requiring ongoing analysis, as

well as a process to monitor the progress of policies and programs recommended in the Energy Plan.

3. Public Participation

To facilitate public participation in the energy planning process, a State Energy Plan website will be created and the ECWG will maintain a mailing list and email list serve.

Public participation will take three main forms. The first will be the solicitation of written comments from the public through the submission of "Solicited Public Comment" in response to specific questions posed, or issues raised, by the ECWG and through stakeholder presentations to the ECWG. The ECWG anticipates soliciting public comment periodically throughout the planning process, and the first such solicitation will be on the scope of the plan. Solicited Public Comments will be posted on the website. The second will be "General Comments" which the public is invited to submit throughout the planning process. These comments will be reviewed by the ECWG and, if deemed relevant to the planning process, will be posted on the website. The third opportunity will be the public hearings and written comments in response to the Draft Plan and will take place in April and May 2009. Additional discussion of the public participation process is found in a later section of this document.

4. Schedule for Planning Process

Event	Date
Energy Planning EO	April 9, 2008
Energy Planning Board meets; directs staff to prepare for the energy planning process	May 6, 2008
Draft Framework Working Paper to Board	May 19, 2008
ECWG solicits public comment on scope of Energy Plan via meetings and website comments.	May 30, 2008 through July 8, 2008
Planning Board Meeting	August 7, 2008
Planning Board Meeting	December 11, 2008
Planning Board Meeting	March 31, 2009
Draft Plan Released	March 31, 2009
Public Hearings on Draft Plan	April/May, 2009
Public Comments on Draft Plan Due	May 15, 2009
Final Energy Plan	June 30, 2009

The Executive Order establishes the dates for the release of the Draft and Final Energy Plans. Other dates will be established by the ECWG and may be changed if necessary. Changes and additions to the schedule will be posted on the Energy Plan website.

5. Development of the Scoping Document

Upon completion of the Framework document, the ECWG will begin the process of developing a scoping document, which will outline the issues for development in the Energy Plan.

It is anticipated that a draft scoping document will be initially created by the ECWG and will be made available for the Board to consider, for release to the public as the draft scope. The draft scope will be available for public comment, which may be submitted to the ECWG via written document, or via the Energy Plan website.

In addition, the ECWG will meet with selected industry, environmental, consumer and other interested stakeholder groups to receive specific input on the draft scope. A list of all such meetings will be posted on the Energy Plan website.

Upon collection of all comments, the ECWG will consider such comments in the preparation of a final scoping document. This final scoping document will be made available to the Board for review and consideration at the August 7, 2008 Board meeting.

6. Public Hearings Schedule

Once prepared, the Draft Energy Plan will be announced in the State Register and will be available to the public on the Energy Plan website. Executive Order No. 2 directs the Board to hold no fewer than six public hearings in appropriate regions of the State after the release of the Draft Plan. As noted above, such public hearings will be scheduled in April and May 2009, and the public hearings schedule will be made available on the Energy Plan website.

As stated in the Executive Order, comments received during the Public Hearing process shall be considered in the preparation of the Final Energy Plan.

7. Interaction with Existing Energy Initiatives and Planning Efforts

The ECWG will make every effort to tap a complete set of relevant resources of the State government to complete the Energy Plan, minimize duplicative efforts, and achieve consistency in the use of analytical data and tools. Existing federal and State energy forecasts or energy assessments will be

inventoried and assessed to determine if they can be used to meet the needs of the Executive Order.

The following State initiatives will be considered during the planning process:

- Governor Paterson's Renewable Energy Task Force
- Governor Paterson's Smart Growth Cabinet
- New York State Clean Energy Collaborative
- Proceedings of the Public Service Commission
- Regional Greenhouse Gas Initiative
- New York State Coastal Zone Management Program
- New York Ocean and Great Lakes Ecosystem Conservation Council
- State and National Heritage Areas
- New York State Open Space Conservation Plan
- New York State Comprehensive Outdoor Recreation Plan
- Strategies for a New Age: New York State's Transportation Master Plan for 2030
- Multimodal Transportation Program Submission 2009-2014
- Multimodal Investment Needs and Goals For the Future (20 year needs assessment)
- State Implementation Plans
- Economic Development Security Cabinet

A partial list of assessments and forecasts that will be reviewed for use in the planning process included the following:

- New York Independent System Operator Reliability Needs Assessment, Comprehensive Reliability Plan
- Existing NYSERDA assessments
- Federal Energy Information Administration forecasts
- General health assessments

Assessments of intrastate and interstate planning entities and neighboring power pools will also be considered, for example:

- Long Island Power Authority Energy Master Plan
- City of New York
- New England Power Pool
- PJM Interconnection
- Ontario Hydro
- Hydro Quebec

Assessments and forecasts that are under review by the ECWG will be posted on the Energy Plan website, and public comment on those assessments will be solicited. The final list of forecasts and assessments that will be considered in the planning process will also be posted on the website.

8. ECWG Process

The ECWG will meet as often as necessary to accomplish its tasks. The ECWG will, from time-to-time, solicit comments on specific questions and issues.

The ECWG may meet with a particular stakeholder or group of stakeholders to hear their views on a particular issue. Materials presented at stakeholder meetings and a list of all stakeholders who meet with the ECWG will be posted on the Energy Plan website.

9. Stakeholder Input

The ECWG views the solicitation, consideration and incorporation of stakeholder comments as a significant part of the planning effort. The ECWG understands that this process may evolve over the course of time required to produce a Final Plan and welcomes comments or suggestions related to the public participation and stakeholder input process at any time.



State of New York

Executive Chamber

No. 2

E X E C U T I V E O R D E R

ESTABLISHING A STATE ENERGY PLANNING BOARD AND AUTHORIZING THE CREATION AND IMPLEMENTATION OF A STATE ENERGY PLAN

WHEREAS, decisions about how to meet the State's future energy needs can have significant impacts on the environment, public health, public welfare, safety, mobility, quality and reliability of services, energy costs, and the ability to maintain and grow the State's economy; and

WHEREAS, the burning of fossil fuels is a major contributor to global climate change, which poses a serious threat to the environment and the public health in New York State and elsewhere; and

WHEREAS, issues such as energy diversity, dependence on imported energy and fuels, the burning of fossil fuels, global climate change, acid rain and other airborne pollutants, ground-level ozone buildup, increased development, increased transportation demand, and waste generation and disposal from energy production are significant issues affecting New York and should be addressed in a comprehensive State energy plan; and

WHEREAS, discrete State actions and decision-making regarding energy resources should be based on clearly identified policies and long-range energy planning objectives and strategies; and

WHEREAS, the efficiency and effectiveness of government decision-making can be enhanced by the use of objective analyses with respect to future energy needs, the identification of various options to meet those needs, and a consideration of the environmental, health and economic impacts of those options; and

WHEREAS, the development, implementation, and periodic review of a sensible comprehensive energy plan will enable the State to determine its future energy needs and facilitate a deliberate, efficient, and cost-effective means of meeting those needs;

NOW, THEREFORE, I, DAVID A. PATERSON, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. There is hereby created a State Energy Planning Board ("Board"). The Board shall consist of the Chair of the Public Service Commission, the Commissioner of Environmental Conservation, the Commissioner of Transportation, the Commissioner of Health, the Commissioner of Economic Development, the President of the New York State Energy Research and

Development Authority, the Director of the Budget, the President of the Urban Development Corporation, the Secretary of State, the Governor's Deputy Secretary for Environment, and the Governor's Deputy Secretary for Energy who shall serve as the Chair of the Board.

2. Members of the Board may designate an executive staff representative to participate on the Board on their behalf. A majority of the members of the Board shall constitute a quorum, and all actions and recommendations of the Board shall require approval of a majority of the total members of the Board.

3. The Board shall create a State Energy Plan ("Energy Plan"), which shall include the following:

(a) a statement of long-range energy policy objectives and strategies appropriate to increase energy supply and reduce energy demand, considering factors such as: (i) diversity of fuel supplies; (ii) protection of public health and safety; (iii) the needs of vulnerable communities; (iv) consumer cost impacts; (v) the relative economic competitiveness of the State; (vi) the State's natural resources, (vii) the reduction of greenhouse gases; (viii) energy conservation and efficiency; (ix) clean and renewable energy resources; (x) the maintenance of reliable electric and natural gas systems; and (xi) existing energy policies and objectives, including the Statewide Transportation Plan and State Implementation Plan;

(b) demand forecasts for periods up to 10 years for electricity, natural gas, coal, and petroleum products, which shall assess demand for the State, considering reasonably expected changes in demographic and economic activity, energy efficiency, and load management;

(c) supply requirements for the State (and any appropriate regions thereof) which are needed to satisfy forecasted demand for electricity, natural gas, coal, and petroleum products;

(d) assessments of existing electric generation, transmission and distribution systems, fuel transmission facilities, delivery and storage systems, and energy transport systems to meet the resource supply requirements for electricity, natural gas, coal, and petroleum products over the forecast periods;

(e) projections of energy prices over the forecast periods;

(f) assessments of the costs, benefits, uncertainties, market potential and opportunities for promoting sustainable alternatives to traditional energy resources, including clean and renewable energy resources for electric generation and other energy requirements, distributed generation technologies, cogeneration technologies, energy efficiencies, demand management, and biofuels which are reasonably available for satisfying energy supply requirements;

(g) assessments of the impacts associated with electricity production and energy use on public health and the environment, including on communities that are burdened disproportionately by health and environmental impacts;

(h) assessments of State environmental policies and programs which impact the State's development and implementation of energy policy and programs;

(i) an inventory of greenhouse gas emissions, and strategies for facilitating and accelerating the use of low carbon energy sources and/or carbon mitigation measures;

(j) assessments of the costs, benefits, and uncertainties of traditional and alternative transportation measures required to meet system demands over the forecast periods, including options, such as reduced vehicle miles traveled, to address the energy, environmental and health impacts of using traditional and alternative fuels;

(k) State energy policies and programs intended to support economic growth in the State, including those intended to develop a clean energy economy;

(l) comparison of energy prices for various customer classes provided by electric and natural gas utilities of the State with those in other states that compete with New York for business;

(m) the role of environmental justice considerations in energy-related decisions;

(n) recommendations for administrative and legislative actions to implement the policies, objectives, and strategies set forth in the Energy Plan; and

(o) recommendations for the study of additional issues and/or for further study of issues addressed in the Energy Plan.

4. The Board shall publish a draft Energy Plan on or before March 31, 2009. The Board shall solicit comments on the proposed Energy Plan from the public and other interested parties, including members of the State Legislature. The Board shall hold no fewer than six public meetings on the proposed Energy Plan in appropriate regions of the State, and have a process for the receipt of written comments during the comment period. The Board shall consider the comments received before issuing a final Energy Plan.

5. The Board shall publish the final Energy Plan on or before June 30, 2009, and shall provide copies of the final Energy Plan to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly.

6. The Board shall be authorized to issue a new Energy Plan at least every three years following the adoption of the most recent Energy Plan pursuant to the procedures established in this Order.

7. The Board shall consult with and seek to maximize input from State departments, agencies and public authorities, as well as private and public entities, including the New York Power Authority, the Long Island Power Authority, and the New York Independent System Operator, with respect to the development of the Energy Plan.

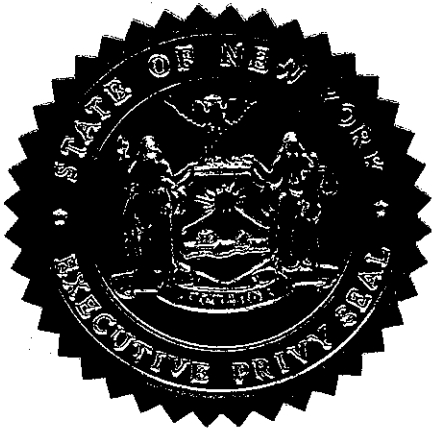
8. Upon issuance of the Energy Plan, every agency, department, office, division and public authority of this State shall, unless otherwise restricted by applicable law, give due consideration to and be guided by the Energy Plan in their decision-making.

9. Every agency, department, office, division or public authority of this State shall furnish such information and assistance as the Board determines is reasonably necessary to accomplish its purpose. In addition, the Board may call upon specific agencies and public authorities to monitor the progress of policies and programs recommended in the Energy Plan, and report to the Board as appropriate on implementation of the policies and programs, recommended adjustments to the policies and programs, and the time frames for achieving policy and program goals.

G I V E N under my hand and the Privy

Seal of the State in the City
of Albany this ninth day of
April in the year two thousand
eight.

David A. Paterson



BY THE GOVERNOR

[Signature]

Secretary to the Governor