



Tompkins County Council of Governments

Governor Daniel D. Tompkins Building
Ithaca, NY 14850

Meeting: 05/26/16 03:00 PM
Department: Tompkins County Council of Governments
Category: Environmental

ADOPTED

DOC ID: 6376

RESOLUTION NO. 002-2016

Resolution Urging the New York State Public Service Commission to Allow Customers to Retain Ownership of Renewable Energy Credits from NYSERDA Funded Projects

RESULT:	ADOPTED [9 TO 0]
MOVER:	Elizabeth Thomas, Co-Chair/Town of Ulysses
SECONDER:	Mark Witmer, Member - Town of Caroline
AYES:	Thomas, Conger, Goodman, Rider, Dietrich, Smith, Fleming, Witmer, Monaghan
ABSTAIN:	Jason Leifer

WHEREAS, the Tompkins County Council of Governments (TCCOG) represents the concerns and interests of the municipalities of Tompkins County, and

WHEREAS, Tompkins County, the City of Ithaca, and the Towns and Villages of Tompkins County take seriously their commitment to reduce greenhouse gas emissions and increase their use of renewable energy, and

WHEREAS, Tompkins County and several Tompkins County municipalities have taken advantage of NYSERDA (New York State Energy Research and Development Authority) funded incentives to develop renewable energy installations and other municipalities are contemplating doing so, and

WHEREAS, from a community leadership standpoint, an economic development standpoint, as well as to document progress toward meeting a municipality's stated renewable energy goals, it is important for a municipality to be able to declare that they are using a specific amount of renewable energy, and

WHEREAS, Federal and State rules have established the existence of Renewable Energy Certificates (RECs) to represent the environmental attribute, or "greenness" of energy produced from renewable resources, and

WHEREAS, technically it is only possible to declare an entity is using renewable energy if the entity owns the RECs associated with the energy generated by a renewable installation, and

WHEREAS, the NYSERDA contracts for the customer-sited tier projects are rebate incentives which do not involve the sale or transfer of a project's environmental attributes or RECs to the State, and

WHEREAS, although NYSERDA's past contracts have reserved the right to "claim" all electricity created through the Customer-Sited Tier Program as renewable energy consumed in New York State, nevertheless NYSERDA has not objected to any claim or representation by the customer as to its investment in the energy produced by the project, or to the environmental characteristics of that energy, as documented in the attached letter to the City of Ithaca (Feb. 27, 2015), and

WHEREAS,, these entities have made significant investment of taxpayer dollars based on the contractual obligations that the associated RECs would be assigned to said entities, and

WHEREAS, the Department of Public Service is currently conducting two proceedings, on the Clean Energy Standard (15-E-0302) and on the Value of Distributed Energy Resources (15-E-0751) in which they are contemplating treatment of RECs from customer-sited tier projects, and

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WHEREAS, NYSERDA has made statements that it would reverse policy, and claim ownership of all RECs from NYSERDA supported projects - including existing customer-sited tier projects - and would subsequently transfer the RECs to investor owned utilities - at no cost to the utilities - so that the utilities could claim progress on increasing their share of renewable generation, and

WHEREAS, this plan, if enacted, would mean that Tompkins County and its municipalities would not be able to claim that they are powered by renewable energy since they would not own the RECs, and municipalities would be financially impacted in that they have paid for the RECs in accordance with their energy procurement contracts, and

WHEREAS, this plan would similarly impact local businesses, schools, institutions, and residents that have existing NYSERDA supported renewable installations or are contemplating one, and

WHEREAS, the RECs represent value that has been purchased by the customer, and the proposed ownership claim by NYSERDA constitutes an abrogation of contracts and misappropriation of resources, now therefore, be it

RESOLVED, That the Tompkins County Council of Governments (TCCOG) asks the Department of Public Service and NYSERDA to allow municipalities, local businesses, schools, institutions, and residents to retain ownership of RECs they currently own or may own in the future from NYSERDA supported projects,

RESOLVED, further, That TCCOG cautions that municipalities and other entities that currently own the RECs from NYSERDA supported projects will need to be appropriately compensated if the State's plan proceeds as currently proposed,

RESOLVED, further, That TCCOG cautions that the plan for NYSERDA to own all RECs on NYSERDA supported projects will undermine motivation for municipalities and other entities to invest in renewable installations as they will lose their ability to claim leadership on renewable investments,

RESOLVED, further, That TCCOG asks the PSC and NYSERDA to work with municipalities and other impacted entities to develop a solution that will promote - rather than undermine - continued broad-based green investments, and allow a strong partnership among the State, municipalities, businesses and institutional leaders, together with investor-owned utilities, in meeting our respective renewable energy goals,

RESOLVED, further, That the Clerk will send a certified copy of this resolution to: Governor Andrew Cuomo, Public Service Commission Chairwoman Audrey Zibelman, Honorable Kathleen Burgess, Secretary to the Commission, to be filed as part of the public record for cases 15-E-0302 and 15-E-0751, Richard Kauffman, Chairman of Energy & Finance for New York State, John Rhodes, President and CEO at New York State Energy Research and Development Authority, Michael Stamm, Chair, Municipal Electric and Gas Alliance, and Steven Acquario, Executive Director, New York State Association of Counties.

STATE OF NEW YORK)
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Council of Governments on May 26, 2016.

Michelle Pottorff, Staff
Tompkins County Council of Governments