July XX, 2021

Hon. Michelle L. Phillips  
 Secretary to the Commission  
  
New York State Public Service Commission   
Three Empire State Plaza   
Albany, New York 12223-1350   
Via email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Re: Petition 19-E-0735 – Petition of New York State Energy Research and Development Authority Requesting Additional NY-Sun Program Funding and Extension of Program Through 2025.**

Dear Secretary Phillips,

I am writing to request that the Commission decline New York State Energy Research and Development Authority (NYSERDA) and National Grid’s Petition submitted on April 23, 2021. The petition asks that investor-owned utilities, such as National Grid, in tandem with NYSERDA, gain full control of the distribution of the benefits of community solar (CDG) sites for essentially all of the viable solar scheduled, for the purpose of dedicating these sites to low to moderate income (LMI) residents and providing a monthly $10 discount on their electricity bill.

Supporting municipal empowerment and ensuring low-income access to the benefits of our new economy are not in natural opposition—one feeds the other. While well intentioned, the NYSERDA proposal ignores the **substantial** number of municipally based initiatives already underway advancing the objectives of Governor Cuomo’s Climate Leadership and Community Protection Act (CLCPA). New York, generally, and NYSERDA specifically, have emphasized the role municipal and local leadership should play to provide community solar to low to moderate income residents. This goal has been accomplished through Community Choice Aggregation (CCA), and this is a moment to stay the path rather than to divert from it.

Unlike earlier regulation and the CLCPA, the proposal places municipal leaders in direct competition with utilities. It requires municipal leaders to apply for and justify to utilities their need to access community solar benefits for their own low-to-moderate income residents, even when projects are located on their municipal land. To provide residents with a monthly $10 discount, the proposal provides utilities access to additional sources of revenue, which come from a limited budget of appropriated money, currently allocated to other programs.

New York State has set ambitious goals to address climate change. The Clean Energy Standard requires 70% of electricity consumed in New York State to come from renewable energy by 2030, with 35% of the benefits of these investments directed towards low to medium income residents. Within this framework, Community Choice Aggregation has allowed municipal leaders to procure power on behalf of their residents and businesses from renewable sources getting New York closer to its state goals, enabled by the Public Service Commission.

In only five years, CCA enabling legislation has been adopted by 148 municipalities representing nearly 3.2 million residents. Since then, municipal leaders in 51 municipalities have contracted more than 3 million MWh of renewable energy supply, offsetting approximately 770,000 metric tons of carbon dioxide emissions. In addition to offsetting carbon dioxide, CCA has kept hydro plants in operation savings jobs and fueling local economies. All of this has been accomplished while strengthening consumer protections and providing over 117,000 hours of education to individuals, businesses, and organizations about renewable electricity supply, prices, and billing.

After the successful implementation of CCA, municipalities have been focused on serving low-to-moderate income customers through opt-out community solar, enabled by the Public Service Commission and Department of Public Service in 2018 and 2020, respectively.

Today, CCA municipalities hold **significant** and **immediate** potential for channeling solar credits to low to moderate income residents. There are over 1.2 million low-to-moderate income residents within the municipalities who have passed CCA enabling legislation*.* Since September 2020, when the Public Service Commission ruling to allow opt-out community solar, over 250 MW of solar energy is being contracted to service more than 50,000 homes. Indeed, National Grid is a partner in this effort, acting as the first utility to process opt-out solar credits.

Municipalities and Community Choice Aggregation programs are fully capable, prepared, and invested to support Governor Cuomo’s aggressive goal of allocating 40% renewable energy benefits to low-income residents, which is more than is required by legislation. Municipal leaders can demonstrate success immediately without further regulatory intervention. We would ask that this quantifiable progress, and the actions already underway by municipal leaders not be derailed or undermined by the NY state government, even unintentionally.

The Public Service Commission should decline the petition because the result will set NYSERDA and by extension the Governor’s office, in direct confrontation with municipal leaders and local community groups, ignore and damage local buy-in, participation, and wide community support for the Governor’s local and municipal climate agenda, and could eventually slow the construction of community solar, due to reduced community engagement and support. All while **despite contrary intent, it will delay** access to much needed solar credits for low to moderate income residents.

Sincerely,   
Municipal Leader