

# nyecc

NEW YORK ENERGY CONSUMERS COUNCIL

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## BOARD MEETING MINUTES

Wednesday, April 14<sup>th</sup>, 2021 – 8:30 AM  
VIDEO CONFERENCE CALL

**Attendees:** Andy Anderson, Daniel Avery, David F. Bomke, John Bowen, Michael Byrnes, George Diamantopoulos (*Counsel*), Matt Duthie, Daniel Egan, John Ferrante, Brian Flaherty, Jonathan Flaherty, Avi Itzikowitz, Jason McCalla, Adin Meir, Lauren Brust Moss, Daniel Palino, John Pierce, Phil Skalaski, Edward Strauss, Diana Sweeney, Sheila Sweeney, and Ben Wallack.

**Absent:** Henry Celestino, Dominick Chirico, Michael Forese, Luis Rios, Alec Saltikoff, John Soden, and Zach Steinberg.

**Guests:** David Ahrens, Gene Boniberger, Mat Chamish, H.G. Chissell, Phil Clark, Adam Courtney, Leo Cutone, Molly Dee, Tom Damsell, Jeffrey Gracer, Kevin Hamilton, Jennifer Kearney, Stephanie Margolis, John Mari, Robert Meier, Michael Prefi, Lou Schoen, Jeff Wall, and Brett Wu.

### CALL TO ORDER

Phil Skalaski / Daniel Egan

Daniel Egan called the April 2021 Board Video Conference Call Meeting to order at 8:33 AM.

### APPROVAL OF MINUTES

Phil Skalaski / Daniel Egan

Daniel Egan requested review of the March 2021 Board Meeting minutes. The minutes were moved for approval by David Bomke, seconded by Ed Strauss and unanimously approved.

### TREASURER REPORT

Ed Strauss

The Chase Checking Account balance is around \$200,000. The CIT Savings balance is around \$304,000.

### CO-PRESIDENT REPORT

Phil Skalaski / Dan Egan

- Member Check-In

Occupancy is the same as last month. Most landlords are not expecting an uptick in occupancy rates until after Labor Day, and even then, it will not be full five days a week. Many employees want more lenient work from home policies, while firms are encouraging them to come back to work. Some tenants who cannot get out of their lease are downsizing tenant spaces and reducing their liability by subleasing.

Phil Skalaski, Mike Byrnes, David Bomke and Daniel Egan discussed the Electric Long-Range Plan by Con Edison to bolster the grid through 2025. The Durst organization is looking to hire someone to tell them what's wrong. Jonathan Flaherty asked how demand was estimated for electrification and the treatment of individual networks. The report evaluated Con Edison's greater reliability needs, planned electrification and transmission upgrades. The report has not been updated to reflect goals contained in the CLCPA, although many changes have been made to forecasts and to local and Statewide systems. The NYISO continues to issue its annual Power Trends reporting with inadequate input from Con Edison and other City stakeholders. Concurrently, the steam plan has not been updated since 2013. Consumers need more visibility into Con Edison, the NYISO and how policy is passed. In the past, policy has been passed and then the utility has to figure out how to enact it and customers end up paying for it in a rate case. The process is widely agreed to be too reactive especially since the PSC and utility shareholders have effective control over Con Edison. BOMA, REBNY and the NYECC could make a collective ask for meaningful collaboration between Con Edison and the NYISO together through a process David Bomke described as community oversight. The NYECC may consider creating a scope of work and hiring a consultant to dig deeper and create both case studies and datasets to do a technical dive as to whether Con Edison can deliver. The use of possible consultants was discussed.

- Tier 2 RECS for LL97

Tier 2 RECS did not advance in the NYS Budget and will therefore not be an alternative mechanism for LL97 compliance. There will be a new Mayor and new City Council next year and therefore a new bill is expected.

- Invoice Approvals

Phil Skalaski requested review of the March NYECC invoices from EnergyWatch and 3 Point Energy. The invoices were moved for approval by David Bomke, seconded by Andy Anderson and unanimously approved.

#### **EXECUTIVE VICE-PRESIDENT REPORT**

Lauren Brust Moss

- Energy New York Awards 2021

The ENYA Awards planning is moving forward with many applications received for the ENYA and JEDI Awards. Members were asked to submit nominations by the end of the week. The Education Committee is focusing on panels and a keynote speaker as well as DEI subcommittee activities that may emerge as follow up to the event.

#### **EXECUTIVE DIRECTOR REPORT**

Diana Sweeney

- Con Edison Estimated Billing and Overbilling

Members have had many issues in the last year with Con Edison billing and estimated usages. The NYECC will gather case studies and bring them to the Con Edison liaison to discuss the problem. Many companies are seeing over and under billing, smart meters out of service and submeter issues. Jason McCalla noted that the missing data has affected the accuracy of LL84 filings. Members are asked to send specific stories with details. More than one NYECC Landlord received a credit for over \$1M from a corrected bill.

In response to a question from David Ahrens, George Diamantopoulos noted the National Grid rate case is into the second year of its rate case and has not settled. The process has been prolonged by the participation of individuals and environmentalists many of whom have entered the rate case late. Similar participation in the Con Edison rate cases next year is likely and will likely alter the previous Con Edison Rate Cases dynamic to accommodate this additional participation.

## **REGULATORY UPDATE**

George Diamantopoulos

### Energy News

3/11/21 – President Biden signed the \$1.9 Trillion American Rescue Plan Act. Energy and climate and other related items of interest include:

- \$30.5B to public transit agencies (\$60B over past year from Congress to keep agencies solvent),
- Eviction and foreclosure moratoriums ending on March 31, 2021 not extended, but financial assistance available for those behind on mortgages, rent and utilities,
- \$25B in pandemic assistance grants to restaurants and bars, up to \$10M per company, with a \$5M limit per physical location and used to cover payroll, rent, utilities and other expenses.

4/13/21 – Coalition of 310 businesses, investment funds and utilities issued a letter seeking for the Biden administration to set a target of 50% emission cuts by 2030 as compared to 2005 levels because the world is on course to exceed the Paris Climate Agreement warming targets. The UN says the world is on track for at least a warming of 3 degrees Celsius (5.4 Fahrenheit) by 2100 if countries stick to current Paris emissions targets.

4/22-23/21 – White House to hold a virtual climate summit to encourage other countries to make far-reaching emission reduction targets.

- Multitrillion-dollar infrastructure package with an ambitious climate policy goals as part of a jobs bill,
- Transforming country's energy mix through regulations and executive orders, e.g. this week's announcement to deploy 30 GW of offshore electricity generation by 2030,
- The State Department to announce the US's new emission targets under the Paris Agreement as its Nationally Determined Contribution, which signals to other countries how credible the US is about climate change.

### 15-E-0751 – (VDER Proceeding) DPS and NYSERDA Staff Whitepaper on Allocated Cost of Service Methods Used to Develop Standby and Buyback Service Rates

- 3/8/21 – NYECC filed Comments regarding the Allocated Cost of Service methodology in Staff's Whitepaper proposed for all utilities regarding Standby and Buyback Rates for among other things favoring utilization of the proposed ACOS Decision Tree and an exemption for a Buyback Service Contract Demand charge for stand-alone energy storage systems exporting electricity to the electric grid.
- Late Spring 2021 – Staff recommendation for PSC determination.
- Summer 2021 – Utilities updated ACOS studies.

- Fall/Winter 2021 – PSC approval/denial/modifications of utilities updated ACOS filings.

#### Con Edison and Con Edison Rate Cases

- 12/30/20 – 19-E-0065 - Con Edison files Petition for Approval to Recover Costs of Certain Transmission Reliability and Clean Energy Projects for an Order no later than 4/15/21 (to ensure projects are in service by their need dates) that:
  - Authorizes cost recovery for 3 transmission project (the Rainey to Corona Project, the Gowanus to Greenwood Project, and the Goethals to Fox Hills Project) and authorization of a surcharge mechanism for any project in service prior to 1/1/23;
  - The **\$860M cost of the 3 transmission projects** in the 11/18/20 filing in case number 20-E-0197 has been **reduced to \$780M** in the 12/30/20 filing in case number 19-E-0065.
  - Con Edison has provided discovery responses to DPA Staff.
- Late January/early February 2022 – the expected Con Edison filing for an increase in electric and gas rates, i.e., 11 months prior to the termination of the current electric and gas rate plan at the end of 2022.

#### **REPORTS FROM COMMITTEES**

- Education Committee – Lauren Brust Moss, Chair

The report was provided earlier in the meeting.

- Membership Committee – Mike Forese & Steve Mosto, Co-Chairs

Membership categories to be discussed in Board Member only meeting.

- Outreach Committee – H.G. Chissell, Chair

There was no update.

- Regulatory Committee – Daniel Avery, Chair

There was no update.

- Diversity, Equity and Inclusion Committee – H.G. Chissell, Lauren Brust Moss & Luis Rios, Co-Chairs

DEI to be discussed in Board Member only meeting.

#### **OTHER BUSINESS**

Daniel Egan adjourned the April full member meeting at 9:32 AM.

#### **SUBSEQUENT BOARD MEMBER ONLY MEETING**

- Vote Regarding Tenant Member Category

The NYECC Tenant Member minimum size will be 100,000 square feet, which can be at single or multiple locations. If the company is in the energy business, they will qualify as an Associate Member, and not as a Tenant Member. If one or more of a tenant's spaces is in a building owned by an NYECC Consumer of Energy Member, the building owner member(s) will need to approve the tenant's application in order to move forward in the membership process. Tenant Members would be included in the Consumer of Energy Members category and for the purpose of NYECC's voting ratio. Daniel Egan moved to

approve this Tenant Membership category, it was seconded by Mike Byrnes and unanimously approved.

- Vote for New Member

Trane US applied for NYECC Associate Membership previously. With a stable ratio of over 50% of members in the Consumers of Energy category, the NYECC can consider this application. Daniel Palino submitted a letter of recommendation. Trane US is in energy services but does not sell energy. The representative from the company will be Corey Letcher. Daniel Egan moved the application for approval, Phil Skalaski seconded and it was unanimously approved by the Board.

- Proposed Change to NYECC Bylaws

The NYECC has discussed changing the mission statement in order to clarify its purpose in a wholistic and inclusive way. Three changes were made, i.e. adding the word "executive," adding the words "environmentally responsible" and change member to the plural. The final version will be distributed. John Bowen motioned to approve the change, Daniel Avery seconded and it was unanimously approved.

- Proposed Emerging Professional Membership Category

NYECC membership can be expensive for small companies and has traditionally included established personnel. A new Emerging Professional honorary membership may be created for those with less than five years of experience in NYC real estate. It will not include voting rights, and new members would have to participate in NYECC committee work actively and otherwise be involved. The final discussion and vote will be in May.

- Board Seat Election Process

Historically, a NYECC Board of Directors seat belongs to the individual and not to the organization to whom the individual belongs. When a Board Member leaves their organization, the NYECC has previously allowed the member organization to fill the seat with another individual from its member organization. However, from now on, the NYECC will make the availability of any open Board seats known to all members and make any open Board seats subject to the competitive election process. There will be a Board Member application that will include information such as background, expertise, and other information about the individual and how they have previously contributed as a member. Applicant Board Member Applications will be provided to the Board in advance of any Board vote for any open Board seats. This topic will be further discussed during the May Board meeting.

### **ANTICIPATED ADJOURNMENT**

Daniel Egan adjourned the April Board Only Meeting at 10:15 AM.