

# nyecc

NEW YORK ENERGY CONSUMERS COUNCIL

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## EXECUTIVE DIRECTOR

Diana Sweeney

## BOARD MEETING MINUTES

Wednesday, March 10<sup>th</sup>, 2021 – 8:30 AM  
VIDEO CONFERENCE CALL

**Attendees:** Andy Anderson, Daniel Avery, David F. Bomke, John Bowen, Henry Celestino, George Diamantopoulos (*Counsel*), Matt Duthie, Daniel Egan, John Ferrante, Michael Forese, Lauren Brust Moss, Daniel Palino, John Pierce, Luis Rios, Phil Skalaski, Edward Strauss, Diana Sweeney, Sheila Sweeney, and Ben Wallack.

**Absent:** Michael Byrnes, Dominick Chirico, Jonathan Flaherty, Brian Flaherty, Avi Itzikowitz, Jason McCalla, Adin Meir, Alec Saltikoff, John Soden, and Zach Steinberg.

**Guests:** David Ahrens, Gene Boniberger, Sophie Cardona, Joe Cassissa, Mat Chamish, H.G. Chissell, Adam Courtney, Leo Cutone, Molly Dee, Jeff Gracer, Jennifer Kearney, Michael Keaveney, Stephanie Margolis, John Mari, Charlie Marino, Robert Meier, Sofia Melo, Steve Mosto, Michael Prefi, Lou Schoen, and Doug Staker.

### CALL TO ORDER

Phil Skalaski / Daniel Egan

Daniel Egan called the March 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 February 2020 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 balance is \$176,187. The CIT Savings balance is \$304,153.

### CO-PRESIDENT REPORT

Phil Skalaski / Dan Egan

- Member Check-In

The Durst Organization, Brookfield Properties and RXR Realty are seeing consistent occupancy rates at buildings, and are testing employees often. It is anticipated that in Q3 or Q4, there will be a stronger return to work as the benefits of the Covid Vaccine make an impact. Property and office staff have been coming to work consistently recently.

NORESCO and JB&B are seeing a consistent stream of consulting work, including Local Law 97 and 87 Compliance, Indoor Air Quality

and Ventilation, with a focus on existing clients but not as many new ones. Mosto Technology is seeing more steam projects in 2021 than 2020.

The DEI Committee will be presenting new ideas shortly. It is working on revising the NYECC mission statement to include social equity. Lauren Brust Moss is focusing on partnerships and what other organizations are doing in the equity arena within energy and facility management, utilities and energy affordability. NYECC Board Members are encouraged to bring guests, especially younger and diverse members of their organizations to meetings in order to create longevity and community.

Discussions will be held with potential new or former NYECC members such as The Port Authority of NY and NJ, The MTA and NYCHA, as the NYECC has expanded its focus and reach. Current members recommended focusing on high energy and collaborative projects around societal and environmental causes, small consumers, younger members, new technology and National Grid territory impact.

The ENYA 2021 will include a new JEDI award as well as the traditional ENYA award. All members are asked to think of nominees.

The revised NYECC mission or purpose statement will be sent for board approval in the future.

- New Member

The NYECC welcomes a new member, 375 Pearl Street Condo, represented by Michael Prefi.

- Invoice Approvals

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

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

Lauren Brust Moss

- Energy New York Awards 2021

The tentative date for the virtual ENYA is May 19<sup>th</sup>. There will be a panel discussion and presentation of nominees and awards led by keynote speakers. There will be an emerging professional ticket option and a JEDI award focusing on people in the community on diversity, equity and inclusion. The event will be professionally produced.

#### **EXECUTIVE DIRECTOR REPORT**

Diana Sweeney

- Letter of Support for Governor's Budget Proposal

The NYECC previously discussed the Governor's new budget proposal to allow owners to use Tier 2 RECS for LL97 compliance. NYSERDA has solicitations for Tier 2 RECS, which will be paid for by Load Serving Entities in NY. Total solicitations will be for \$200M over three years. Building owners would make purchases from the voluntary market. The concern is that Tier 2 RECs could continue to be sold out of state. From 2016-2019 RECs leaving the State doubled. The NYECC and BOMA have drafted a letter supporting the budget proposal in a non-political way, focusing on what Tier 2 RECS are and what they represent. The budget would allow owners time to plan energy efficiency work, collaborate

with tenants and bring down emissions to LL97 standards over time. REBNY’s comments will be in its filed testimony.

- Proposed Tenant Member Category

There is a new proposed Tenant NYECC Member category, with the criteria:

- Tenant can be large energy user
- Minimum 100,000 square feet of rental space. Should have in house energy manager.
- Direct Metered or Sub-Metered.
- If in energy business, would count as Associate Member.
- If tenant is located in a NYECC principal member building, principal member must approve the application.
- No letter of recommendation necessary.

Potential tenant members will be brought to the Membership Committee, then to a Board Meeting for discussion and vote. There may eventually also be a student membership or emerging professional membership.

**REGULATORY UPDATE**

George Diamantopoulos

**Energy News**

2/24/21 - NYSERDA is due to receive proposals in response to its first solicitation under Competitive Tier 2, a large-scale renewable energy procurement program. Proposals are sought from privately-owned hydropower and land-based wind generators that entered commercial operation prior to Jan. 1, 2015. The program ensures that certain existing baseline renewable resources are retained through three annual solicitations. NYSERDA will contract with awarded generators for the purchase of renewable energy certificates with awards expected Q2 of 2021.

3/9/21 -	US EIA - wind capacity	utility-scale solar	carbon emissions
2020	+17.5 GW	+11.1 GW	-11%
2021	+15.3 GW	+16.2 GW	+4%

3/8/21 - Elon Musk is entering the TX Power Market with a 100MW energy storage project with a proposed commercial operation date of June 1. The battery’s duration has not been disclosed yet.

**15-E-0751 - (VDER Proceeding)**

**DPS and NYSERDA Staff Whitepaper on Allocated Cost of Service Methods Used to Develop Standby and Buyback Service Rates**

- 2/23/21 - Second Technical Conference held with party presentations on alternatives to the Whitepaper, including from Con Edison.
- 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.

- Reply Comments on the Whitepaper are due 3/22/21.
- 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 some discovery responses to DPA Staff.
  - Environmental groups filed comments on 3/2/21 in support of the Petition to reduce reliance on fossil fuel peaking turbines and help transition to a cleaner, low carbon energy grid.
- 2/26/21 - Con Edison did not earn the JP incentive during the first year of its rate plan in 2020 because of the moratorium on terminations, it could not meet the reducing residential service terminations arrears target due to the economic effects of the pandemic.
- 3/1/21 No Shared Earnings in RY1
  - No shared earnings in RY1 Of the Electric Rate Case because Con Edison only earned 8.50% and did not exceed 9.3%.
  - No shared earnings in RY1 Of the Gas Rate Case because Con Edison only earned 8.40% and did not exceed 9.3%. Also, Con Edison is asking for PSC not to approve a negative revenue adjustment for its not meeting a gas safety performance target for replacement piping due to COVID-19.
- 3/3/21 – Con Edison meeting held as per JP regarding Seasonal Rate Study and NYPAClasses ECOS Study.
  - Cost-based and revenue-based differentials are from when Con Edison was vertically integrated and differ by SC. The revenue differential is higher than the cost differential the greatest in the SC9 TOD large, which means that summer rates are higher than they should be, and winter rates are lower than they should be. Con Edison does not plan on proposing anything to address this until the next rate case. Possible options to address this issue include a gradual change to pay more in winter and less in summer, or possibly to apply any rate increase only in winter months.

o OGS had asked for a breakout of the NYPA rate into sub-categories for fairness to NYPA customers in those sub-categories and it was included in the JP. The breakout has NYPA and NYC unhappy on the Con Edison example provided because it appears that the breakout into three sub-categories by Con Edison creating Rate I Non-demand, Rate I Demand and Rate II results in revenue deficiencies in 2 of the 3 sub-categories when there was no revenue deficiency to the NYPA SC as a whole.

### **REPORTS FROM COMMITTEES**

- Education Committee – Lauren Brust Moss, Chair

The next event will be the ENYA 2021. Update provided earlier in the meeting.

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

Update provided earlier in the meeting.

- Outreach Committee – H.G. Chissell, Chair

The Outreach Committee will have a film and production crew in NYC from April 13<sup>th</sup> to 16<sup>th</sup>. This may be useful for any members who have stories for addressing Covid successfully, recovering, or tenant and owner collaboration.

- Regulatory Committee – Daniel Avery, Chair

Update provided earlier in the meeting.

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

Update provided with Outreach Committee.

### **OTHER BUSINESS**

NYECC Directors and members have been attending Local Law 97 Working Groups including Education, Commercial Buildings, Carbon and Energy Grid. The groups are focused on items including retrofits, tenant and landlord issues, metrics and methodology for measuring performance and carbon accounting. Owners have a deadline of July, 2021 to submit documentation for an exemption and in the meanwhile should become aware of which buildings are going to be over the limits. It is not currently known how to apply for the exception because there is no process currently in place to do so yet.

### **ANTICIPATED ADJOURNMENT**

9:30 AM

Daniel Egan adjourned the March Board Meeting at 9:41 AM.