

# nyecc

NEW YORK ENERGY CONSUMERS COUNCIL

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## EXECUTIVE DIRECTOR

Diana Sweeney

## BOARD MEETING MINUTES

Wednesday, May 12<sup>th</sup>, 2021 – 8:30 AM  
VIDEO CONFERENCE CALL

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

**Absent:** John Bowen, Henry Celestino, Brian Flaherty, Jason McCalla, 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 May 2021 Board Video Conference Call Meeting to order at 8:31 AM.

### APPROVAL OF MINUTES

Phil Skalaski / Daniel Egan

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

### TREASURER REPORT

Ed Strauss

The Chase Checking Account balance is \$215,540. The CIT Savings balance is \$304,230. The NYECC has plenty of funds on hand, and will need funding available for the next rate case. All members are thanked for expediting membership payments and providing the NYECC the ability to continue its mission and work.

### CO-PRESIDENT REPORT

Phil Skalaski / Dan Egan

#### ▪ Member Check-In

The newest NYECC member, Corey Letcher, representing Trane US, was introduced and welcomed.

Owner members are still seeing 11-13% occupancy rates at their buildings. The DOB has recently given \$1,250 fines for Local Law energy grades not posted. It appears buildings with signage that was

not downloaded from the website received a penalty. Tenants have asked landlords what their future plans are for Covid safety measures such as signage, spacing in lobbies, fresh air, sanitizing and social distancing. Companies are preparing for as full as possible occupancy after Labor Day.

Companies and tenants are discussing if they can legally require vaccinations from employees and building staff, and what to do if vaccinated employees test positive. Jonathan Flaherty pointed out that all vaccinations are still experimental drugs and mandating experimental drugs is a shaky legal position.

- LL97 Adjustments and Filing Guide

The Local Law 84 submission deadline has been extended to June 1<sup>st</sup>.

Buildings that are expected to exceed the building emissions limit as prescribed by more than 40% over the 2024 Local Law 97 cap limit (see NYC Code 28-320.8) can apply for an adjustment and may have it granted subject to meeting three conditions in the Code., depending on age of building, type of tenants, envelope type and other unique circumstances. Applications must be submitted by July 1<sup>st</sup>.

- Empire Building Challenge Partners

NYSERDA has begun a program for decarbonizing large commercial buildings. Ten prominent real estate groups are participating in the \$50M Empire Building Challenge, including NYECC members such as Rudin Management, Silverstein Properties, The Durst Organization and Vornado Realty Trust. The first exploratory phase will include partners bringing in engineering firms to assess buildings and find ways to decarbonize over time. The second phase will be including incentives of up to \$5M in capital expenditures per partner to carry out programs and demonstrate impact. Participants commit to help advance meeting the target of net zero emissions by 2035.

Conversations are ongoing regarding how to decarbonize the steam system, which was not included in the CLCPA.

- Invoice Approvals

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

**EXECUTIVE VICE-PRESIDENT REPORT**

Lauren Brust Moss

- Energy New York Awards 2021

The ENYA event "save the date" will be distributed this week. The NYECC is hiring a consultant to help with videos and run the event. The ENYA educational discussion panel will be held just before or after the actual event.

- NYSERDA Webinar

NYSERDA is holding a webinar on RTEM, the Commercial Tenant Program, likely one week after the ENYA Awards.

**EXECUTIVE DIRECTOR REPORT**

Diana Sweeney

- DEI Board Training

The NYECC is looking into DEI training for the Board of Directors. Suggestions of qualified firms are welcomed.

- Con Edison Invoice Issues

NYECC members have experienced many invoice issues with Con Edison estimated bills. The list of problem stories has been sent to Con Edison, and there will be a meeting to discuss the problems.

- Steering Committee

In the past, Con Edison has been reactive to policy changes that are made and coordination with NYISO is not assured. The NYECC may hire a consultant to dig into issues and assist. A smaller group of members will follow up.

## **REGULATORY UPDATE**

George Diamantopoulos

### Energy News

4/22/21 - At the virtual global climate summit hosted by the U.S., President Biden:

- set a new (non-binding) target (a/k/a the nationally determined contribution to the Paris Climate Agreement) to cut economy-wide net greenhouse gas emissions by 50-52% in the U.S. by 2030 relative to 2005 levels;
  - no plan on how to attain the target yet, but attaining the target will require passage of the Administration's infrastructure legislation, yet to be passed;
  - energy experts believe this new target will require eliminating coal in producing electricity and replacing millions of gasoline-powered cars with electric vehicles;
  - Biden Administration is looking to cut solar and battery prices by half and the cost of hydrogen energy by 80%, which would reduce dependency on natural gas by the end of the decade;
  - The Transportation Dept. plans to propose new regulations in July to reinstate tough fuel economy standards on passenger vehicles, the largest source of greenhouse gas pollution in the U.S., and require auto makers to invest heavily in building and selling electric vehicles.

4/27/21 - According to the U.S. Energy Information Administration's latest short-term outlook, natural gas consumption is expected to decrease in 2021 and 2022, because of the economic slowdown due to COVID-19 and lower heating demand due to milder temperatures. Low natural gas prices in the last two years have made natural gas more competitive with coal for power generation, but with higher natural gas prices forecasted and more renewable energy expected online in 2021 and 2022, the agency expects more electricity generation from coal and renewables and less from natural gas.

4/28/21 -- Comments to the Bureau of Ocean Energy Management were due on issues and alternatives to be considered in its environmental review regarding the site characterization and assessment activities associated with issuing wind energy leases in the New York Bight area. The review will also consider project easements for each potential lease issued, and grants for subsea cable corridors in the New York Bight. In March, the BOEM identified a new priority Wind Energy Area of nearly 800,000 acres in the New York Bight, which is an area of shallow waters between Long Island and the New Jersey coast. The Biden administration has established a goal to deploy 30 gigawatts of offshore wind in the U.S. by 2030.

5/5/21 - A D.C. federal district court judge vacated the nationwide eviction moratorium

most recently set to expire on June 30 issued by the Center for Disease Control which previously has been extended multiple times. The judge decided that the Public Health Service Act does not grant the CDC legal authority to impose a nationwide eviction moratorium. The Justice Department plans to appeal and move for a stay of the decision in the interim. The ruling does not affect state or local eviction moratoriums.

5/7/21 – 15-E-0751, VDER Proceeding.

- On track to achieve 6 GW of distributed PV before 2025.
- No additional NYSERDA incentive funding is needed or requested.
- NY ranked first nationally in 2020 for community solar installations.
- However, NY will need far more distributed solar than 6 GW to reach the 100% zero emission electricity goal by 2040 and the 70% renewable energy goal by 2030.

5/11/21 – The NYISO is opposing a Complaint filed by Transmission Owners (“TOs”) at the FERC over the interpretation of a court case involving the Midcontinent ISO or MISO giving TOs more control over interconnection upgrades. It is unclear if the FERC decision in MISO is limited to MISO or has nationwide applicability. The NYISO’s approach since 2001 allocates to the developer of a facility the “but for” costs of upgrades necessary to interconnect, either paying utilities or building upgrades themselves, with TOs assuming ownership after interconnection. The NYS PSC opposes the TOs approach as anti-competitive because developers would be forced to accept financing from utilities instead of pursuing the most competitive and cost-effective terms possible. It is being argued that the stated TOs risks have nothing to do with upgrades and are of the type regularly recovered in state regulatory proceedings.

5/12-13/21 – 20-G-0131 - PSC will hold virtual public statement hearings on DPS Staff proposals to modernize the natural gas system planning process and moratorium management. One proposal requires the 11 utilities to file integrated resource plans on a three-year cycle to supplement their annual winter readiness reviews. The other proposal requires the utilities to try to offset gas demand through energy efficiency and demand response. In response to moratoriums by utilities claiming supply constraints, the PSC commenced this proceeding on gas planning because of utilities failure to keep up to date with recent developments and demands on energy systems. The PSC wants planning consistent with the 2019 Climate Leadership and Community Protection Act, which requires NYS achieving carbon-free power by 2040.

#### **Con Edison and Con Edison Rate Cases**

• 4/30/21 – 19-G-0066 - Con Edison files Petition to Excuse Negative Revenue Adjustment.

• 4/30/21 – Business Cost Optimization – Year end forecast for 2021 is approx. 54% of \$59.8m target in the Rate Plan.

• 5/28/21 – 19-E-0065 and 19-G-0066, Con Edison to hold its Second Energy Efficiency Stakeholder Forum as required under the terms of the recent rate cases Joint Proposal Offshore wind energy takes many years to receive permits and funding. The new federal government may ease the process.

- 5/20/21 – Joint Utility Webinar regarding the EV Make Ready Program

## **REPORTS FROM COMMITTEES**

- Education Committee – Lauren Brust Moss, Chair

There was no additional update.

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

The new Board Member application and Emerging Professional membership category will be discussed in the board 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

There was no additional update.

## **OTHER BUSINESS**

Daniel Egan adjourned the May full member meeting at 9:20 AM.

## **SUBSEQUENT BOARD MEMBER ONLY MEETING**

- Vote for Emerging Professional Membership Category

The NYECC desires to be more inclusive, including those with minimal experience in real estate. The new Emerging Professional membership category would not have a dues requirement, provide for a two-year term with a right of renewal option, allow for up to five members each year, and require the member to participate actively. This membership category will not affect the Consumers of Energy ratio. The membership may be reviewed and ended at any time. The NYECC's Bylaws will need to be updated to include the new membership category. The change was motioned by Jonathan Flaherty, seconded by Daniel Egan and unanimously approved.

- Board Seat Election Process

In the past when a Board Member has left their organization, the NYECC has offered to the company the option to nominate an interim Board Member. Moving forward the option will be made collectively to all NYECC members who are not currently represented on NYECC's Board of Directors. Then, there will be a vote by the Board to elect the interim Board Member. The new Board Member Application states that Board Members are expected to attend 75% of meetings, assist as subject matter experts and participate in committees. A letter of recommendation is requested under certain circumstances. Each year, each current or prospective Board Member is required to complete a Conflict-of-Interest form which will be required to be completed by each applicant for an interim Board seat as it is for all Board seats. Daniel Egan motioned to approve the Board Member Application with the changes discussed. It was seconded by David Bomke and unanimously approved.

The NYECC website will be revamped.

**ANTICIPATED ADJOURNMENT**

Daniel Egan adjourned the May Board Only Meeting at 9:45 AM.

DRAFT