

# nyecc

NEW YORK ENERGY CONSUMERS COUNCIL

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Diana Sweeney

## BOARD MEETING MINUTES

Wednesday, November 10<sup>th</sup>, 2021 – 8:30 AM  
IN PERSON & VIDEO CONFERENCE CALL

**Attendees:** Andy Anderson, Daniel Avery, David F. Bomke, John Bowen, Michael Byrnes, Henry Celestino, George Diamantopoulos (*Counsel*), Daniel Egan, John Ferrante, Michael Forese, Avi Itzikowitz, Jason McCalla, Adin Meir, Lauren Brust Moss, Steve Mosto, Daniel Palino, Luis Rios, Phil Skalaski, Edward Strauss, Diana Sweeney, Sheila Sweeney and Ben Wallack.

**Absent:** Dominick Chirico, Matt Duthie, Brian Flaherty, Jonathan Flaherty, John Pierce, Alec Saltikoff, John Soden and Zach Steinberg.

**Guests:** David Ahrens, Jonah Allaben, David Alonso, Joe Cassissa, Mat Chamish, H.G. Chissell, Jeannine Cooper, Alex Gulagaci, Derek James, Jennifer Kearney, Corey Letcher, John Mari, Charlie Marino, Jessica Prata, Michael Prefi, John Rice, Lou Schoen, Joe Szabo and Jeff Wall.

### CALL TO ORDER

Phil Skalaski / Daniel Egan

Dan Egan called the November 2021 Board Meeting to order at 8:33 AM. Some Members and Guests joined in person while others attended virtually via video conference call.

### APPROVAL OF MINUTES

Phil Skalaski / Daniel Egan

Dan Egan requested review of the October 2021 Board Meeting minutes. The minutes were moved for approval by Phil Skalaski, seconded by Andy Anderson unanimously approved.

### TREASURER REPORT

Ed Strauss

The Chase Checking Account balance is \$61,518. The CIT Savings balance is \$386,474.

### CO-PRESIDENT REPORT

Phil Skalaski / Dan Egan

- Member Check-In

NYECC Principal Members are seeing 35-40% occupancy in their buildings when tracking unique visitors per week. Most employees are in during the mid-week. There are notably more tourists and

foot traffic in midtown. Some tenants are asking for air quality control and sensors in their own spaces, but are not acting on the results. Some are using CO2 monitors which approximate contaminants in the air which can then help to indicate air quality and ventilation. Some Members therefore agreed that these monitors can point to likelihood of Covid in a space. Vornado Realty Trust has tenants asking for warrants and guarantees about air quality in contracts.

Many landlords are requiring masks in common areas but not at employee desks. Some landlords are requiring proof of vaccination for in person events and visitors to buildings. The NY Hero act is still in effect which has certain mask requirements and defers to the CDC guidelines.

- Durst and NYECC Study Update

The Durst Organization and NYECC project is moving forward with London Economics International "LEI" continuing to dig through PSC, Con Edison and other documentation. Con Edison thinks their distribution issues can be solved with more funds in the future, but the utility needs to identify Demand Response, Distributed Energy Resources and other dynamic solutions that are not just traditional pipes and wires. NYECC, LEI and Durst leadership will be meeting on November 19<sup>th</sup> to evaluate initial findings.

The NYECC is waiting to hear the climate change policies of likely incoming Mayor Eric Adams. The new City Council in 2022 may be more progressive.

- Steam Decarbonization

The NYECC will be responding to DPS with slides regarding steam decarbonization. On November 9<sup>th</sup>, Con Edison held a steam seminar where the long-range team discussed electricity. On November 18<sup>th</sup>, there will be a C&I program update for new incentives for when there is an electric reduction coinciding with steam reductions. The expectation is that if there are concurrent electric savings such as through heat recovery or VFDs, Con Edison will provide funds to pay for the project. Members should reach out to Steve Mosto for more information, as many different projects would qualify. Discussions are beginning for steam-only incentives within the 2022 announcements under the Steam Decarbonization plan. George Diamantopoulos noted Con Edison is preparing a new long-range plan for steam in early 2022 and has not yet mentioned when it will be filing for a steam rate case, but it will not be in 2022. The NYECC should discuss best practices such as incentives for fuel switching for cooling. There is a period where conversion to steam that reduces energy will satisfy 2030 requirements.

- 2022 Dues Invoices

NYECC 2022 Dues Invoices will be distributed to members around Thanksgiving.

- Invoice Approvals

Daniel Egan requested review of the October 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 DIRECTOR REPORT**

Diana Sweeney

- Gas Ban

There will be a City Council hearing on November 17<sup>th</sup> on the proposed Gas Ban legislation. The NYECC will have a few minutes for verbal testimony for each attendee and needs experts available to provide testimony.

- Con Edison Meeting

The NYECC held a meeting with Con Edison on November 8<sup>th</sup>. Highlights included:

- The NYECC requested the last 2 electrification studies.
  - System Forecasting: The flip from summer to winter electric peak is anticipated in early 2030s. Before then, the summer peak will increase, and Con Edison will be preparing for that increase.
  - The NYECC will have a follow up with the Government Affairs team at Con Edison. It would be helpful for Con Edison to be open about the challenges of meeting timelines of new proposed policies (including Intro 2317 – the Natural Gas Ban) and help to manage expectations of policy makers.
  - AMI meter installations are about 90% complete.
  - Additional meetings can be held with steam services to help design new incentives.
- NYECC Website

The NYECC website is being renovated. The contractor is updating the homepage and navigation to be modern and complete. Progress can be shared at the next meeting. Board Members are asked to share logos to be shared on the homepage. Owners should share total square footage.

## REGULATORY UPDATE

George Diamantopoulos

### Energy News

- 10/7/21 - The New York City Council passed Intro 455-A, a bill that mandates the use of electric zero-emission school buses by September 1, 2035 and will become law once signed by the Mayor or within 30 days of passage. The new law will shorten the time to convert all school buses from diesel to electric by five years (originally 2040) and requires the NYC Department of Education to meet key implementation benchmarks in 2023, 2028, and 2033.
- 10/15/21 – The White House laid out a “whole of government implementation strategy” for how it will protect the economy from climate risks in its “Roadmap to Build a Climate-Resilient Economy, characterizing climate-related risks into two categories: physical risks from extreme weather and what it called “transition risk” as the nation shifts away from a carbon-fueled economy.
- The report outlines a range of pending and future actions meant to shield both the broader financial system and American households from climate-related risks. The administration highlighted the housing market, insurance and retirement funds as areas where Americans could personally feel the costs of climate change.

- Federal financial regulators and internal budget offices to develop frameworks for assessing dangers posed by climate change and the societal response to it. Federal agencies will also be required to consider how climate change could impact their direct operations and the services they provide to Americans.
- Actions either already underway at federal agencies or previously announced, include the SEC's pending climate disclosure requirements and the Financial Stability Oversight Council's soon-to-be-released report on climate risks to the financial system.
- Departments of Housing and Urban Development, Agriculture and Veterans Affairs will review their home loan programs for climate-related dangers and vulnerabilities facing millions of Americans with federally backed mortgages.
- The plan also highlights a pending Labor Department rule clarifying that investment managers can consider environmental, social and governance issues on behalf of clients. The agency will also review climate risks facing the Thrift Savings Plan, which covers 6.5 million people and \$790B in assets (the largest defined-contribution plan in the world).
- Also mentioned is a previously announced step to update building codes related to the National Flood Insurance Program and another to give companies with low greenhouse gas emissions preference in federal procurement.
- 10/15/21 – The FERC is reviewing comments on changing the rules for planning, paying and connecting generators to transmission lines. Mr. Charlie Marino contributed background research to this section.
  - Parties supporting proactive planning to connect wind and solar farms to population centers include the DOE, state regulators, utilities and others.
  - FERC is considering requiring transmission providers to identify geographic zones with large amounts of renewable generation potential and plan transmission for those areas.
  - A Princeton University study indicates that high-voltage transmission capacity needs to grow by 60% by 2030 and triple by 2050 to connect solar and wind facilities to demand and to get to a carbon-free economy by 2050 at a cost of expansion of \$360B through 2030 and \$2.4T by 2050.
  - A large energy users representative called for developing a "roadmap" for a national holistic understanding of the grid to avoid inefficient and expensive transmission development.
  - Other comments included requiring RTO and non-RTO regions to prepare long term transmission plans based on customer identified needs and probabilistic analysis, requiring long term planning rather than making project by project transmission upgrades, enhancing interregional transmission planning.
  - The FERC may issue a final rule or rules in a year's time with several more years after that for the rules to be put in place and new processes to take effect.
- 10/20-21/21 - The U.S. Department of Energy meeting of the Electricity Advisory Committee provides advice on modernizing the nation's electricity delivery

infrastructure, implementing the Energy Policy Act of 2005, and executing the Energy Independence and Security Act of 2007. Ms. Jeannine Cooper contributed research on these subjects including details on new storage technologies.

- Topics of discussion include the agency's carbon-free future analysis, energy industrial base project, and Congressional supply chain reports on large power transformers and battery storage.
- Panel and discussion on the FERC's Order 2222 pertaining to the participation of distributed energy resource aggregators in regional wholesale electric markets.
- Updates from subcommittees on energy storage, smart grids, and grid resilience for national security.
- 10/27/21 – 21-00026 - The PSC will conduct a hearing regarding Heritage Wind LLC's proposal to construct a 184.8-megawatt wind project comprising up to 33 wind turbines in Orleans County. In March, the Office of Renewable Energy Siting ("ORES") issued a draft siting permit for public comment on the project. Issues examined relate to environmental impacts to wildlife including post-construction monitoring and adaptive management plans. ORES and Heritage Wind, a subsidiary of Apex Clean Energy Resources, have proposed a settlement to resolve or establish a framework addressing issues regarding impacts to grassland bird habitat and migration.
- 10/27/21 – The first large scale natural gas-fired power plant considered by NYS's Department of Environmental Conservation (DEC) since enactment of the CLCPA was denied an air permit for Danskammer Energy Center near the Town of Newburgh in Orange County because the project did not comply with the greenhouse gas limits in the CLCPA. Also denied was a permit for Astoria Gas Turbine Power, a wholly owned subsidiary of NRG Energy, for the same reason. Those denied permits have 30 days to request an administrative adjudicatory hearing on the denial of their applications. Mr. Marino contributed background information for this topic, including principles behind denials of natural gas as a prime mover for electric generation.
- 10/28/21 – Plug Power has announced it will break ground in early 2022 on a state-of-the-art and the largest hydrogen production plant on the west coast in Fresno County, which will produce 30 metric tons of green hydrogen daily when completed in early 2023 and powered by a 300 MW solar array creating only oxygen as an emission. Ms. Cooper contributed technical detail for this topic.
  - Not all hydrogen is the same from a sustainability standpoint. Currently, 99.6% of the hydrogen in the market is produced by fossil fuels creating brown hydrogen (from coal) and gray hydrogen (from gas).
  - Why green hydrogen?
    - Opportunity to lower carbon emissions from polluting sectors such as chemical, iron, steel and long-haul transportation.
    - Hydrogen is energy dense, space efficient and affords quick refueling unlike logistics associated with batteries.

- 10/31/21-11/12/21 – The 26<sup>th</sup> UN Climate change Conference of the Parties (COP26) held in Glasgow – Three top priorities:
  - Keep global temperature rise to no more than 1.5 degrees Celsius through emission cuts and net-zero commitments.
  - Increase international finance for adaptation to at least half the total spent on climate action.
  - Meet existing commitment to provide \$100B in international climate finance annually so developing countries can invest in green technologies and protect lives and livelihoods against worsening climate impacts.
  - The new and updated nationally determined contributions (NDCs) are insufficient to achieve the temperature goal of the Paris Agreement according to the latest Emissions Gap Report as of September 30, 2021.
- 11/2/21 - More than 100 countries have joined a U.S.- and EU-led effort to slash emissions of methane by 30 percent by 2030 from 2020 levels. Cutting emissions of methane, which is estimated to have accounted for 30 percent of global warming since pre-industrial times, is one of the most effective ways of slowing climate change.
- 11/6/21 – Congress passed the bipartisan Infrastructure Investment and Jobs Act. Contents include:
  - Reauthorize surface transportation programs for five years and invest \$110 billion in additional funding to repair our roads and bridges with a focus on climate change.
  - Reduce GHG emissions through investment of \$89.9 billion in guaranteed funding for public transit over the next five years — the largest Federal investment in public transit in history.
  - \$17 billion in port infrastructure and waterways and \$25 billion in airports to address repair and maintenance backlogs, reduce congestion and emissions near ports and airports, and drive electrification and other low-carbon technologies.
  - \$7.5 billion to build out a national network of EV chargers in the United States, a critical step in the President’s strategy to fight the climate crisis. This investment will support the President’s goal of building a nationwide network of 500,000 EV chargers to accelerate the adoption of EVs, reduce emissions, improve air quality, and create good-paying jobs across the country.
  - More than \$65 billion investment includes the largest investment in clean energy transmission and grid in American history. It will upgrade our power infrastructure, by building thousands of miles of new, resilient transmission lines to facilitate the expansion of renewables and clean energy, while lowering costs. And it will fund new programs to support the development, demonstration, and deployment of cutting-edge clean energy technologies to accelerate our transition to a zero-emission economy.

- Make infrastructure more resilient to the impacts of climate change and cyber-attacks, with an investment of over \$50 billion to protect against droughts, heat, floods and wildfires, in addition to a major investment in weatherization.
- \$21 billion to clean up Superfund and brownfield sites, reclaim abandoned mine land and cap orphaned oil and gas wells. These projects will remediate environmental harms, address the legacy pollution that harms the public health of communities, create good-paying union jobs, and advance long overdue environmental justice.
- 11/8/21 – NYECC’s Quarterly Meeting with Con Edison. Topics discussed included “Clean Heat,” System Readiness for Electrification, Demand Response, Electric Vehicles Make Ready, Non-Wire Services, Non-Pipe Alternatives, Energy Storage, Bulk Storage Procurement, AMI Implementation (additional funding will be requested in the rate case for CVO), Steam Fall Seminar Preview.
- 11/9/21 – Con Edison’s Steam Fall Seminar
- 11/9/21 – Webinar held by the Plumbing Foundation of NYC on
  - the role of hydrogen in meeting carbon emissions goals, and
  - systemic resiliency – why total electrification for heating and cooking is not viable or cost efficient in NYC.

#### Con Edison Rate Cases

- 10/15/21 – Con Edison’s Customer Service System Implementation Status Report
  - Project remains on schedule
  - The 2020 Rate Order caps capital expenditures for Con Edison’s portion at \$421M (O&R’s portion is \$34M).
  - For Rate Year 2 (2021) forecasted CSS expenditures are \$105.6M.
  - For Rate Year 2 forecasted O&M expenditures are \$3.7M.
- 11/1/21 – BCO year-end forecast for 2021 is approx. 54% of \$59.8M target.
- 11/18/21 – Con Edison Annual Stakeholder Innovation Hub Information Session, a Company initiative to identify and support new innovative approaches to help meet Company goals around safety, operational excellence, and customer experience.

The next Con Edison Electric and Gas Rate Case filing is expected from Con Edison in January or February. A Steam Rate Case could come in 2023. Con Edison needs to have a feasibility study on electrification and the differences between existing buildings and new buildings. City Council needs to link both aspects on costs, feasibility and electric demand. AKF Group is conducting a retrofit and resiliency study. Mr. Marino also contributed details to this section.

#### **REPORTS FROM COMMITTEES**

- Education Committee – Jennifer Kearney, Chair

Jennifer Kearney was featured as a speaker on a panel on the Future of Hydrogen. New technologies should be solutions toward decarbonization and resiliency. However, resiliency should not be sacrificed to accomplish GHG reductions. The NYECC promoted the webinar and there were over 100 participants.

The NYECC will hold an event on Tier 4 RECs with NYSERDA, Gene Martin and the Champlain Hudson Express team. The event will likely be hybrid format, hosted at Building Energy Exchange.

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

Membership applications will be discussed in the Board Member only portion of the meeting. NYU Langone may send in application shortly. ADAI has sent in an application. Lauren Brust Moss now leads business development and marketing at ADAI, which is a for profit subsidiary of Center for Active Design.

- Communications & Outreach Committee – Corey Letcher

There was no update.

- Regulatory Committee – Daniel Avery, Chair
  - The Commercial Buildings Working Group has been productively working on electrification and CoGeneration.
  - The Grid Working Group is focusing on documentation for the advisory board, mainly on DER.
  - The Healthcare Working Group is submitting recommendations to the advisory on DER, DR and renewables.
  - The Carbon Accounting Working Group is focusing on carbon coefficients in 2030 and which incentives should be in the market to drive companies' actions. The coefficient number will drive electrification, carbon offsets and RECs. If the number is lower, it will meet NYS goals. Environmental groups want it to be higher.
- Diversity, Equity and Inclusion Committee – H.G. Chissell, Lauren Brust Moss & Luis Rios, Co-Chairs

The Committee may bring in diversity training for the Board of Directors. Advanced Energy Group will also be holding a site visit for an EV charging parking garage with Con Edison.

**OTHER BUSINESS**

All

In lieu of paying LL97 penalties, there may be an opportunity to contribute to a new fund for affordable housing.

**BOARD MEMBER ONLY MEETING**

All

- Votes for Membership Applications

ADAI has submitted an Associate Member application. Lauren Brust Moss could return to the Board of Directors and Executive Vice-President role. Ideally, NORESCO will maintain NYECC membership. David Bomke motioned to approve ADAI as a member, Daniel Avery

seconded and it was unanimously approved. Daniel Egan motioned for Lauren Brust Moss to be interim EVP until the January Member meeting. Andy Anderson seconded the motion and it unanimously approved.

- Vote for Executive Vice-President

The new Emerging Professional Membership Application was shared with Directors. There are requirements, including that a sponsoring member has to nominate the Emerging Professional individual. Membership categories will be updated on the website. The application will be sent around for comments and voted on in December.

A new Affordable Housing Consumer Member category may be created. It will be based on units under management.

**ANTICIPATED ADJOURNMENT**

Daniel Egan adjourned the November Board Meeting at 9:54 AM.

DRAFT