

Memorandum in Strong Opposition to S.3855

January 18, 2008

S.3855 (Marcellino) - AN ACT to amend the environmental conservation law and the general municipal law, in relation to permitting the purchase of renewable energy sources in the awarding of public contracts

The Independent Power Producers of New York, Inc. (IPPNY) is a trade association representing companies involved in the development of electric generating facilities, the generation, sale, and marketing of electric power, and the development of natural gas facilities in the State of New York. IPPNY represents almost 75 percent of the electric generating capacity in New York.

IPPNY strongly opposes the passage of S.3855. In contravention of existing law, this bill would restrict unnecessarily the choices that local governments can make when purchasing renewable energy resources.

Under existing New York State Energy Law, renewable energy resources are defined as sources that are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion and include but are not limited to solar, wind, plant and forest products, wastes, tidal, hydro, geothermal, deuterium, and hydrogen. This bill would exclude hydro, all biomass including plant and forest products, wastes other than methane waste, deuterium, and hydrogen from a definition of renewable energy resources. Obviously, these excluded resources are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion.

Furthermore, New York State has awarded contracts under its Renewable Portfolio Standard (RPS) program to fund a broader group of renewable energy facilities. Ten hydro facilities and two biomass facilities are among the twenty-one projects that have been selected by the state to provide additional renewable energy. The other chosen projects are wind facilities. Clearly, New York has a more comprehensive renewable energy policy than envisioned by this bill, and that wider scope should be embraced by this bill in a manner consistent with current law.

For the reasons stated above, IPPNY opposes S.3855.