



166A 22nd Street  
Brooklyn, NY 11232 | NYC-EJA.org  
On the ground – and at the table.

December 4, 2014

Audrey Zibelman  
Chair  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

**Comments to the New York State Public Service Commission regarding the Con Edison Brooklyn - Queens Demand Management program.**

Dear Ms. Zibelman,

The NYC Environmental Justice Alliance (NYC-EJA) is a non-profit citywide network founded in 1991 linking grassroots organizations from low-income communities of color in their struggle for environmental justice. NYC-EJA coalesces its member organizations around common issues to advocate for improved environmental conditions and against inequitable burdens by coordinating campaigns designed to inform public policies. Clean energy, and a more equitable and resilient energy system is central to our agenda.

We commend the New York State Public Service Commission for laying the groundwork to build a cleaner and more efficient infrastructure through the New York State Reforming the Energy Vision (REV) proceeding. This discussion has opened the opportunity to reduce New York's reliance on larger polluting infrastructure that disproportionately burdens low-income neighborhoods and communities of color -- potentially promoting cleaner sources of energy, and building a more efficient and resilient energy infrastructure.

However, while REV discussions are still taking place, we are concerned that other energy initiatives, such as the Brooklyn-Queens Demand Management (BQDM) program, are happening in parallel while the new regulatory framework is undefined. While the BQDM has the potential to materialize the goals presented by the PSC through the REV proceeding, it can both potentially negatively impact environmental conditions by increasing the current pollution load, and miss the opportunity to create equity and build new opportunities for local economic development.

Existing conditions in the Brooklyn neighborhoods targeted by the BQDM program reflect a considerable number of people of color and low-income households that are particularly vulnerable to power outages:

- According to the 2010 census, there were over 751,300 residents living in census tracts within the targeted Brooklyn neighborhoods. Of that total, over 680,000 people were population of color, accounting for over 90% of the total targeted population.
- According to the 2011 American Community Survey, there are 571,700 residents or 76% of the population living in census tracts with a median household income below \$30,000.
- According to the New York City Housing Authority (NYCHA), there are almost 68,880 people living in 66 public housing developments -- 9 of which are home to senior residents.

NYC-EJA staff has held preliminary conversations with some community-based planners and organizers in the targeted communities in order to assess current understanding of the BQDM program. **Our conversations have led to the troubling conclusion that key stakeholders in impacted communities are not aware of the BQDM process, nor of its potential impacts.** Con Edison's Request for Information (RFI) has raised a series of questions about how the BQDM program can coordinate with and help accomplish the goals that are being established by REV. In particular, NYC-EJA is calling upon the PSC to address the following concerns:

**1. Lack of clarity about the regulatory role that the Public Service Commission will play in evaluating proposals that respond to the RFI, and its oversight of the implementation and management of the selected interventions.**

- There is no indication of the PSC's role vis-à-vis Con Edison's process of evaluating and selecting the RFI proposals -- specifically, on how to prioritize proposals that address the needs of vulnerable groups.
- There is also no indication of how the PSC will have a role in overseeing the implementation and management of these proposals.
- There is a need to clarify how the general framework (goals and objectives) established through REV will be used to evaluate and structure utility initiatives such as the BQDM program -- and the extent to which non-traditional customer and utility side solutions should replace the need for additional traditional energy infrastructure, not just deferring them.

**2. Transparent and inclusive planning process that guarantees that the communities directly affected can participate in the evaluation of the proposed BQDM program throughout the decision-making process.**

- The BQDM program has moved forward with a very aggressive timeline, but there is no clear indication about the opportunities for public comment, or when decisions will be made.
- All decision-making bodies and advisory groups should include environmental justice, social justice and labor representatives from the communities that will be hosting the proposed infrastructure and energy efficiency initiatives -- this applies both in the context of the BQDM program and REV.

- The information that has been made available to the general public explaining the scope and process of the RFI and the BQDM program is overly technical and difficult for the general public to access and understand. Con Edison and/or PSC must create robust community outreach strategies to explain the potential interventions and the potential implications to the residents and workers that will be directly impacted.
- The PSC should create additional opportunities for the host communities to review and comment on the evaluation of selected proposals responding to the RFI before they are approved, and throughout the implementation process.

**3. Lack of clear guidelines documenting the extent to which clean energy sources will be required, and whether Distributed Energy Resources (DERs) and/or microgrids could rely on fossil-fuel generation.**

- The RFI doesn't clarify the extent to which proposals will be required to incorporate DERs and/or microgrids, and whether they have to use clean energy sources or can incorporate other polluting sources (for example, peaker units that rely on diesel.)
- The evaluation criteria for BQDM must: a) prioritize proposals with limited negative health and environmental impacts on communities that have been disproportionately burdened by environmental inequities and b) require that proposals create opportunities to reduce the current pollution load.
- The evaluation process should consider the cumulative impacts on impacted communities, and require mechanisms to offset any increases to the current pollution load.

**4. Clear indication from Con Edison and the PSC of the type of short and long-term economic benefits that the proposals are expected to generate for the consumer.**

- There is a lack of information in the RFI regarding the economic benefits that proposals should be expected to generate, specifically for low and middle-income consumers.
- In addition, there is a need to clarify whether proposals are expected to address the needs of renters -- consumers that have limited capacity to control infrastructure improvements in their units.
- There is also a need for clarification on the type of incentives that proposals are expected to create in order to engage public housing residents. These residents are not direct utility customers and have distinct needs. There may also be the need for additional strategies for residents of other subsidized housing units.
- There is a lack of clarity on how the evaluation of proposals responding to the RFI will consider economic benefits to the impacted communities, prioritizing local employment opportunities associated with demand reduction and energy efficiency initiatives, or the construction, maintenance, and operation of the proposed infrastructure -- and whether the evaluation will favor proposals incorporating opportunities for local equity ownership of energy infrastructure, which can leverage local economic benefits for the communities that will host the new infrastructure.

Thank you very much for considering our comments on Con Edison's proposed Brooklyn-Queens Demand Management program. We look forward to discussing your thoughts on any opportunities to address these concerns.

Sincerely,



Eddie Bautista  
Executive Director  
New York City Environmental Justice Alliance

Cc: Eleanor Stein, PSC  
Patrick McHugh, Con Edison  
Colin Smart, Con Edison  
Mark Winston Griffith, Brooklyn Movement Center  
Rory Christian, EDF  
Jackson Morris, NRDC  
Raya Salter, NRDC  
Gil Quiniones, NYPA  
Shola Olatoye, NYCHA  
Nilda Mesa, Mayor's Office of Sustainability  
Hon. Nydia Velázquez  
Hon. Hakeem Jeffries  
Hon. Yvette Clarke  
Hon. Rhoda Jacobs  
Hon. Karim Camara  
Hon. Joseph Lentol  
Hon. Martin Malavé Dilan  
Hon. John Sampson  
Hon. Kevin Parker  
Hon. Velmanette Montgomery  
Hon. Daniel Squadron  
Hon. Inez Barron  
Hon. Stephen Levin  
Hon. Antonio Reynoso  
Hon. Laurie Cumbo  
Hon. Robert Cornegy  
Hon. Rafael Espinal  
Hon. Mathieu Eugene  
Hon. Darlene Mealy  
Hon. Jumaane Williams