

# Clean Energy Standard Annual Progress Report: 2019 Compliance Year



Final Report | January 2021

## **NYSERDA's Promise to New Yorkers:**

NYSERDA provides resources, expertise, and objective information so New Yorkers can make confident, informed energy decisions.

### **Mission Statement:**

Advance innovative energy solutions in ways that improve New York's economy and environment.

### **Vision Statement:**

Serve as a catalyst – advancing energy innovation, technology, and investment; transforming New York's economy; and empowering people to choose clean and efficient energy as part of their everyday lives.

# **Clean Energy Standard Annual Progress Report: 2019 Compliance Year**

*Final Report*

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Albany, NY

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# Abstract

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This Clean Energy Standard Progress Report is intended to summarize and analyze progress toward New York State’s Clean Energy Standard (CES) as of December 31, 2019. This report also includes a description of new initiatives launched in response to the Climate Leadership and Community Protection Act (Climate Act), which was signed into law by Governor Andrew M. Cuomo in July of 2019. The Climate Act requires electricity consumed in the State to come from 70% renewable resources by 2030 and to be zero emission by 2040 (2030 and 2040 targets). The Climate Act also sets procurement targets for various resource types and establishes an investment goal for programs that benefit disadvantaged communities. The Climate Act directed the New York Public Service Commission (PSC) to create a program for achieving the 2030 and 2040 targets.<sup>1</sup> In a recent order,<sup>2</sup> the PSC initiated that effort by expanding the Clean Energy Standard (CES). The CES Order makes clear the profound change necessary to reach the State’s generation mix target for 2030.

This report includes reporting on procurement results, aggregate Load Serving Entity (LSE) compliance obligations over the compliance period and discusses the results of other means to achieve the expanded CES mandate, including accounting for baseline renewable and voluntary market activity.

This report provides policymakers and interested stakeholders information, along with other supporting facts, to make informed decisions on the program and the policy’s status and effectiveness as well as to inform any necessary programmatic adjustments.

## Keywords

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Renewable electricity, clean energy, large-scale renewables, energy programs

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# Background

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On August 1, 2016, the New York Public Service Commission (PSC) issued its Order Adopting a Clean Energy Standard (2016 CES Order).<sup>3</sup> The CES was designed to fight climate change, reduce air pollution, and ensure a diverse and reliable low-carbon energy supply by implementing the 2015 State Energy Plan goal—50% of the State’s electricity must come from renewable energy sources by 2030—as part of a strategy to reduce statewide greenhouse gas emissions by 40% by 2030.<sup>4</sup>

Upon adoption, the CES included a Renewable Energy Standard (RES) and a Zero-Emissions Credit (ZEC) requirement. In July of 2018, the PSC established an Offshore Wind Standard to further contribute to the 50% renewable energy requirement.<sup>5</sup> All renewable energy consumed by end-use customers in New York State contributes to the CES, including generation supported by past, present, and future State renewable energy policies as well as voluntary renewable energy purchases.

In July of 2019, Governor Andrew M. Cuomo signed the Climate Leadership and Community Protection Act (Climate Act).<sup>6</sup> The Climate Act mandates that at least 70% of New York State's electricity come from renewable energy sources such as wind and solar by 2030, and the State's power system achieve zero emissions by 2040.

The NY-Sun initiative was created to expand solar photovoltaic (PV) capacity throughout New York State, utilizing public funds in a strategic manner to build a self-sustaining solar market. The initiative included an original goal of installing 3 gigawatts (GWdc) of PV capacity by 2023. Since the creation of NY-Sun, the State has made significant progress on its clean energy goals. Recognizing the success of the initiative, Governor Cuomo announced that distributed solar PV will continue to serve as a critical component for achieving the State’s ambitious clean energy agenda, which includes the updated and expanded 6 GWdc by 2025 target to help obtain 70% of the State’s electricity from renewable resources by 2030 and 100% from carbon-free resources by 2040. Following the passage of the Climate Act, NYSERDA filed a petition in September 2019 requesting an additional \$573 million to support the expanded 6 GWdc policy goal and the extension of NY-Sun through 2025. The PSC approved this petition by issuing the Order Extending and Expanding Distributed Solar Incentives on May 14, 2020,<sup>7</sup> authorizing an additional \$573 in funding for NY-Sun.

On April 2, 2020, Governor Cuomo signed into law the Accelerated Renewable Energy Growth and Community Benefit Act (Accelerated Renewables Act), which makes major changes in the forum and permitting process for large-scale renewable projects. Specifically, the bill established a new large-scale renewable siting process to be managed by a new office within the Department of State and created a Build Ready program through which underutilized sites would be developed as renewable generation projects for private market construction and operation.<sup>8</sup>

On June 18, 2020, to implement the Climate Act, the staff of the New York Department of Public Service (DPS) and NYSERDA jointly filed a White Paper on Clean Energy Standard Procurements to Implement New York’s Climate Leadership and Community Protection Act.<sup>9</sup> On October 15, 2020, the PSC issued its responsive Order Adopting Modifications to the Clean Energy Standard (2020 CES Order) in Case 15-E-0302.<sup>10</sup> In the 2020 CES Order, the PSC adopted several modifications to the CES to align it with the Climate Act mandates. The 2020 CES Order also adopted a competitive procurement program under Tier 2 of the CES to secure the continued availability of existing renewable resources and authorized a new Tier 4 to support renewable energy projects that deliver energy to New York City.

On October 15, 2020, the PSC also issued its Order Approving the Build-Ready Program.<sup>11</sup> The Program allows NYSERDA to obtain underutilized properties and prepare them for the construction of renewable energy projects that will ultimately become available for competitive auction to private developers.



# Executive Summary

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This annual CES Progress Report summarizes compliance with the Renewable Energy Standard (RES) and Zero-Emissions Credit (ZEC) requirements for 2019 and reports on the cumulative clean energy activities in New York State that contribute to the CES mandate.<sup>12</sup>

The annual CES Progress Report is intended to inform the PSC, DPS, market participants, and other interested parties on the annual and cumulative progress toward New York State's clean energy goals. Policymakers and interested stakeholders can use this information, along with other supporting facts, to make informed decisions on the policy's status and effectiveness as well as to inform any necessary programmatic adjustments. Annual progress reporting also provides actionable information to market participants, reinforcing the development of a competitive renewable energy market.

Specifically, the purpose of the CES Progress Report is as follows:

- Report on progress toward New York State's CES mandate, as of December 31, 2019.
- Summarize aggregate Load Serving Entity (LSE) compliance with RES and ZEC obligations.
- Inform consumers, policymakers, and stakeholders regarding the characteristics of the State's electricity fuel mix.
- Describe outcomes of State programs, regulatory obligations, and voluntary market activity
- Describe support for Maintenance Tier 2 at-risk eligible facilities.
- Report on Build-Ready activity.
- Document trends in key measures of renewable energy market activity.

For the 2019 CES compliance year, the contribution from renewable energy resources to meet the State's electric load was 27%. This represents a 1.7% increase from the adjusted 2014 Renewable Energy Baseline.<sup>13</sup> It is anticipated the State will see significant contributions over the coming years as the result of several procurement programs, including annual solicitations for new land-based renewables, offshore wind, solar incentive programs, and other State procurements. As of January 2021, New York State has a contracted pipeline of large-scale renewable generation projects that are expected to deliver 34,000 gigawatt hours (GWh) annually, with additional contributions expected from distributed energy resources.

In 2019, NYSERDA and the New York State Department of Environmental Conservation published the New York State Greenhouse Gas Inventory, which provided a detailed account of anthropogenic greenhouse gas (GHG) emissions in the State from 1990–2016. During this period, emissions from electricity generated in-state dropped by 56%, acting as a major driver of New York State’s decreasing GHG emissions. This drop is due in part to the significant decrease in the burning of coal and petroleum products in the electricity generation sector and increasing generation from renewable energy sources.<sup>14</sup>

The Long Island Power Authority (LIPA) has continued its initiatives, with new clean energy programs in 2020, and expects the State’s first offshore wind project to be in service at the end of 2022. The New York Power Authority (NYPA) is also coordinating with NYSERDA to implement procurement programs for land-based renewable energy and to facilitate behind the meter customer-sited distributed energy resources. NYPA will continue to focus on expanding new transmission across the State to facilitate the delivery of renewable resource generation to consumers. NYPA also operates the two largest hydroelectric power projects, which provide a substantial portion of New York State’s clean energy supply.

Renewable voluntary activity also continues to expand. At present, there are 61 municipalities in the State that are receiving electricity supply through Community Choice Aggregation (CCA) programs, and 38 have chosen 100% renewable energy as their default product mix. As CCAs continue to grow, it is expected to become a significant source of voluntary renewable energy purchasing.

Much of the information in this report is obtained through the New York Generation Attribute Tracking System (NYGATS), which uses data provided by the New York Independent System Operator (NYISO) and other market participants to track the generation and distribution of renewable energy in the State, a function that supports the CES program and the voluntary renewable energy market. In addition, NYGATS supports the administration of the Environmental Disclosure Program (EDP),<sup>15</sup> which reports on the environmental characteristics of the electricity consumed.

Overall, LSEs met 86% of the 2019 RES obligation using a variety of methods, including purchases from NYSERDA, other renewable supply, and/or the provision of alternative compliance payments (ACP). The jurisdictional LSEs used a combination of current and banked vintage Tier 1 renewable energy credits (RECs) as well as ACPs to reach 98% compliance. Statewide, LSEs met 95% of the ZEC obligation, while LSEs under the jurisdiction of the PSC met 99% of their ZEC obligations.

# 1 New York State's Clean Energy Standard

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The CES requires that 70% of New York State's electricity come from renewable energy sources by 2030. All renewable energy consumed by end-use customers in the State contributes to the CES, including energy supported by past, present, and future State renewable energy policies such as the RES, RPS, NY-Sun, Clean Energy Fund (CEF), Value of Distributed Energy Resources (VDER), Offshore Wind, renewable energy procurements by LIPA and NYPA, and voluntary renewable energy purchases. Lowering overall demand through energy efficiency is also an important contributor in achieving the CES. The ZEC requirement ensures continued operation of certain existing at-risk upstate nuclear power plants, which produce emissions-free generation. Each component is described in detail in the following sections.

## 1.1 Renewable Generators

The Clean Energy Standard establishes several tiers of eligible renewable energy generators.

### 1.1.1 Tier 1—New Renewable Energy Resources

To comply with the Tier 1 obligation, each Load Serving Entity (LSE) must demonstrate the delivery of renewable energy from certified facilities in quantities sufficient to meet a PSC-specified percentage of its annual load served. LSEs include the investor-owned utilities, energy services companies (ESCO), jurisdictional municipal utilities, and direct customers of the NYISO.<sup>16</sup> NYPA and LIPA are voluntarily undertaking activities to meet RES goals proportional to their respective loads and will notify NYSERDA annually by sending a report on how they have contributed to the achievement of the Climate Act Targets in the prior year, along with a notice indicating the extent to which they intend to participate in NYSERDA's annual CES procurements and/or fund their pro rata share of attributes procured by NYSERDA in the coming year. Each LSE's Tier 1 obligation is a function of its actual load in the subject compliance year and the PSC-determined compliance obligation percentage for that same compliance year.<sup>17</sup>

An LSE may satisfy its RES Tier 1 obligation through the acquisition and retirement of Tier 1 RECs. Tier 1 RECs can be purchased from NYSERDA, a third-party supplier, or through self-supply. Tier 1 RECs are retired by transferring them into the Environmental Disclosure Program (EDP) subaccount associated with the obligated load in the LSE's NYGATS account. In addition, LSEs

may make alternative compliance payments (ACP) to NYSERDA or a combination of both ACPs and Tier 1 REC retirements to achieve compliance. LSEs with RES Tier 1 RECs in excess of the current year obligation may bank such excess compliance for use toward RES Tier 1 obligations in either of the following two years, subject to certain limitations.

RES Tier 1-eligible RECs<sup>18</sup> are those generated by renewable energy projects that qualify as eligible resources under appendix A of the CES Order, with a commercial operation date on or after January 1, 2015, that meet the eligibility guidelines described in the RES Tier 1 Certification Application Instructions and Eligibility Guidelines.<sup>19</sup> Only renewable energy projects certified by NYSERDA as Tier 1 eligible can be issued Tier 1 RECs in NYGATS. Tier 1 certified renewable energy projects are publicly reported in the Operational Eligibility<sup>20</sup> report in NYGATS.

The CES Order authorized NYSERDA, as central procurement administrator, to award long-term contracts to Tier 1-eligible generators through annual competitive solicitations for the purchase of Tier 1-eligible RECs, in the form of Tier 1 NYGATS certificates. These RECs are then sold to obligated LSEs for use toward their Tier 1 compliance obligations. Information regarding Tier 1 agreements is reported in Open NY.<sup>21</sup>

NYSERDA's first RES solicitation was issued in June of 2017; awards were announced in March 2018.<sup>22</sup> The first RES solicitation resulted in agreements with 26 facilities that, once operational, will generate more than 3.2 million megawatt-hours (MWh) of renewable electricity per year. The weighted average award price for the 2017 solicitation was \$21.71 per MWh of production over the 20-year term of the awarded contracts.

NYSERDA's second RES solicitation was issued in June 2018 with awards announced in January 2019.<sup>23</sup> The 2018 RES solicitation resulted in agreements with 20 facilities which, once operational, will generate more than 3.8 million MWh of renewable electricity per year. The weighted average award price for the 2018 solicitation was \$18.77 per MWh of production over the 20-year term of the awarded contracts.

The third RES solicitation was issued in April 2019 and resulted in agreements with 21 facilities, which are expected to contribute 2.6 million MWh of new renewable energy once operational. The weighted average price for these agreements was \$18.59 per MWh over the 20-year term.

The fourth RES solicitation, and the first to utilize the innovative Index REC structure, was issued in July of 2020 and resulted in 22 agreements expected to contribute 4.1 million MWh of new renewable energy once operational. The index structure resulted in highly competitive bids and have brought down expected REC costs to more than 40% lower than those projects awarded in 2019.

This is the first land-based renewable solicitation to utilize the Index REC, an innovative contract structure through which awarded contracts receive a floating payment for their renewable attributes that moves inversely to an index comprised of market energy and capacity prices. This payment method is supported by the project development and finance community and provides more revenue certainty for these projects while reducing total impacts to ratepayers.

### **1.1.2 Tier 2**

Tier 2 provides financial support to maintain the commercial operation of qualifying, renewable energy generation facilities that were operational prior to the Tier 1 eligibility date of January 1, 2015.

#### **Maintenance**

A March 2018 order<sup>24</sup> refined the Tier 2 eligibility rules for renewable resources to receive maintenance financial support over a standard contract term of three years through an order of the PSC, which requires NYSERDA to execute an agreement with the generating facility per the terms of the relevant order. To be eligible for maintenance Tier 2, the renewable energy facility must have delivered energy to New York State consumers in 2014 as part of the CES renewable energy baseline. Maintenance resources must otherwise meet the same eligibility and delivery requirements as Tier 1 resources, except for hydroelectric facilities, which are eligible only up to 10 megawatts (MW). Facilities eligible for maintenance support include all non-State owned, run-of-river hydroelectric equal to or less than 10 MW, and wind,<sup>25</sup> which are not currently under contract to sell the environmental attributes associated with the generated energy, provided the facility was in operation prior to January 1, 2015.

There is no LSE compliance obligation related to Maintenance Tier 2. In accordance with PSC orders, NYSERDA has funded these agreements through its previously collected but unspent funds.<sup>26</sup>

Information regarding Maintenance Tier 2 agreements is reported in Open NY.<sup>27</sup>

## **Competitive**

On January 27, 2020, NYSERDA submitted a petition (Tier 2 petition) for a Competitive Tier 2 program to provide support to certain existing baseline renewable resources that are selected as part of three annual solicitations, which was adopted by the PSC in the CES Order. Competitive Tier 2 eligibility is limited to non-state-owned run-of-river hydroelectric facilities and wind facilities that entered commercial operation prior to January 1, 2015. Facilities selected in the solicitation would receive a standard three-year Tier 2 REC contract from NYSERDA.

NYSERDA issued its first Competitive Tier 2 Request for Proposals<sup>28</sup> in January 2021.

There will be an LSE compliance obligation related to Competitive Tier 2 which will be an annually calculated per a MWh rate that is applied to each LSE's actual wholesale load.<sup>29</sup>

### **1.1.3 Tier 4**

The PSC's 2020 CES Order establishes a new Tier 4 within the CES. Tier 4 aims to increase the penetration of renewable energy in New York City and reduce reliance on fossil fuel generation.

Eligible Tier 4 resources include generators of electricity through the use of the following technologies: solar thermal, solar PV, on-land wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Non-hydroelectric resources must have entered commercial operation on or after October 15, 2020, and hydroelectric resources must be existing or already under construction as of October 15, 2020. All eligible resources must be either located in New York City, or their energy must be delivered through a new transmission interconnection to New York City.

NYSERDA issued its first Tier 4 Request for Proposals<sup>30</sup> on January 13, 2021. In future years, the CES Progress Report will include data regarding contributions from Tier 4 toward the achievement of the CES.

### **1.1.4 Offshore Wind Standard**

New York State is actively pursuing the development and procurement of offshore wind as an additional mechanism toward satisfaction of the CES. In 2017, Governor Cuomo announced a commitment to support the installation of up to 2,400 MW of offshore wind capacity by 2030, a goal that was expanded to 9,000 MW by 2035 through the Climate Act.

NYSERDA released the New York Offshore Wind Master Plan and Offshore Wind Policy Options Paper to provide a roadmap to fulfill Governor Cuomo's directive through cost-effective and responsible offshore wind development. In July 2018, the PSC issued an order<sup>31</sup> adopting the Offshore Wind Standard through which the statewide offshore wind capacity goal of 2,400 MW is to be achieved, authorizing NYSERDA to conduct a first phase of offshore wind solicitations to procure approximately 800 MW of offshore wind in 2018 and 2019. NYSERDA issued its first Offshore Wind Request for Proposals in November 2018.<sup>32</sup>

Offshore Wind Renewable Energy Certificates, or ORECs, represent the positive environmental attributes associated with one megawatt-hour (MWh) of electricity generated from offshore wind resources and consumed by retail customers in New York State. ORECs represent an important source of revenue to enable renewable energy development from offshore wind, recognizing that New York State's electricity markets do not directly value the environmental attributes associated clean electricity generation. As part of NYSERDA's contracts with offshore wind developers, NYSERDA will purchase ORECs from project developers as renewable energy is delivered to the State's electricity grid.

In October 2019, NYSERDA finalized contracts for its first two offshore wind projects, Empire Wind (816 MW, Equinor US Holdings, Inc.) and Sunrise Wind (880 MW Sunrise Wind LLC, a joint venture of Ørsted A/S and Eversource Energy) as the largest competitive procurement for offshore wind in the nation.<sup>33</sup>

In January 2020, NYSERDA submitted a petition with the PSC requesting authority to conduct a 2020 solicitation for at least 1,000 MW of ORECs), with flexibility to accept bids up to 2,500 MW. On April 23, 2020, the PSC issued an order approving NYSERDA's petition. In July 2021, NYSERDA issued the second solicitation<sup>34</sup> seeking to procure Offshore Wind Renewable Energy Certificates associated with 1,000 megawatts or more of offshore wind energy, coordinated with a potential \$400 million opportunity in public and private investments in port infrastructure.

In January 2021,<sup>35</sup> NYSERDA selected two offshore wind projects for contract negotiation under its second solicitation for offshore wind, Empire Wind 2 and Beacon Wind from Equinor Wind US LLC (Equinor). Combined, the projects total nearly 2,500 megawatts and leverage almost \$3 of private funding for every \$1 of public funding for a combined \$644 million in investments for resilient port facilities in the Capital Region and Brooklyn.

NYSERDA will purchase ORECs from awarded projects once they become operational and resell them to the LSEs for compliance with their OREC obligations. Each year, LSEs will be obligated to purchase the pro rata percentage of ORECs that represents the portion of the electric energy load served by the LSE in relation to the total electric energy load served by all LSEs.

Information regarding OREC agreements is reported in Open NY.<sup>36</sup> The contracts for Empire Wind and Sunrise Wind are appended, in full, to NYSERDA's comprehensive filing to the New York State Department of Public Service Launching New York's Offshore Wind Industry: Phase 1 Report.<sup>37</sup>

## **1.2 Renewable Portfolio Standard**

New York State, through regulations adopted by the PSC, first enacted its RPS in 2004 with the goal of increasing the amount of renewable electricity used by consumers to 25% by 2013. In January 2010, the PSC expanded the RPS target to 30% and extended the terminal year of the program to 2015. The PSC established two tiers of resource types under the RPS. The Main Tier consisted primarily of medium- to large-scale electric generation facilities that delivered their electrical output into the power market administered by the NYISO. The Customer-Sited Tier (CST) consisted of smaller, behind-the meter resources, such as photovoltaic systems, fuels cells, customer-sited wind facilities, anaerobic digester gas, and similar technologies that mostly produce electricity for use on site. The RPS also included a Maintenance Resource program, which was similar in nature to the current Tier 2 program, but with different eligibility criteria.

Under the Main Tier, NYSERDA also served the role of central procurement administrator, to award long-term contracts to eligible generators through periodic competitive solicitations for the purchase of the associated RECs. A portion of these projects are Tier 1 eligible; therefore, NYSERDA sells the associated RECs in a manner similar to those from other Tier 1 RES projects. Information regarding RPS agreements is reported in the annual New York State Clean Energy Standard and Renewable Portfolio Standard Solicitations for Long-Term Contracts report<sup>38</sup> as well as Open NY.<sup>39</sup>

NYSERDA's continued support for CST renewables is now housed within the CEF, which includes the NY-Sun initiatives for solar resources. Separate reporting<sup>40</sup> regarding the installed renewable energy generation capacity supported through the CEF can be found on NYSERDA's website. The annual NY-Sun Performance Report<sup>41</sup> contains a holistic representation of historic and ongoing support for distributed solar.



### **1.2.5 Baseline Generators**

A DPS white paper,<sup>42</sup> which preceded the CES Order, cited data from EDP regarding the amount of renewable energy consumed in the State in 2014 to establish a baseline amount of renewable generation serving the State's load to measure progress. NYGATS is now used to calculate the Statewide Fuel Mix for EDP, referred to as the New York System Mix.

The generation associated with renewable energy facilities that delivered energy to New York State consumers in 2014 is referred to as the CES Renewable Energy Baseline or baseline.<sup>43</sup> This baseline includes NYPA hydropower assets, Main Tier and CST facilities, RPS Maintenance Resources, imported renewable energy, voluntary renewable energy purchases, and other independently owned renewable energy generation resources. The renewable energy baseline in 2014 was calculated as 41,296 gigawatt hours (GWh) or 25.9% of the 2014 EDP Statewide Fuel Mix. The 2014 baseline has been adjusted to 40,296,056 GWh or 25.3% of the 2014 EDP Statewide Fuel Mix due to the removal of biomass and biogas resources no longer considered renewable per the Climate Act and CES Order.

Baseline facilities that generate RECs that are retired in the State are counted toward CES achievement. Due to the nature of energy market transactions across borders, the 2019 baseline renewable energy may include or exclude imported renewable generation that was part of the 2014 baseline calculation. Differences between years may also be attributable to the variations in climatic conditions each year as generation from renewable resources is weather-dependent.

Additionally, some baseline renewable resources have the opportunity to export energy and the associated attributes into adjacent markets. Policymakers will continue to monitor the amount of baseline resource exports. Accordingly, this report summarizes and tracks baseline generation by technology over the years of the CES, including the amount of baseline renewable energy exported.

## **1.3 Value of Distributed Energy Resources**

In 2017, the PSC established a mechanism to transition to a new way to compensate distributed energy resources (DER). This mechanism, called the Value of Distributed Energy Resources (VDER), established tariffs to replace the compensation mechanism of net energy metering (net metering or NEM). The transition is intended to encourage the location, design, and operation of DER in a manner that maximizes benefits to the customer, the electric system, and society while also ensuring the development of the clean generation needed to meet the necessary and aggressive goals embodied

in the CES. Under VDER, the compensation paid to eligible generation resources is based on a set of value elements referred to as the Value Stack. One component of the Value Stack is compensation for the environmental value of the generation. This value is based on the higher of the latest Tier 1 REC procurement price published by NYSERDA or the Social Cost of Carbon (SCC) as calculated by DPS.<sup>44</sup> Since the utility companies that must implement VDER tariffs are providing Environmental Value, the PSC ordered that the Tier 1 RECs created by DER would flow to the utility company and be eligible for use toward that utility's Tier 1 compliance obligations.<sup>45</sup>

In April 2019, the DPS released an updated Value Stack Order,<sup>46</sup> which allowed projects under 750 kW AC exclusively serving a host load to have a choice of Value Stack or Phase One Net Metering. Projects that previously opted into the Value Stack by default converted to Phase 1 NEM and are no longer Tier 1 eligible. On December 9, 2019, DPS issued a new whitepaper<sup>47</sup> describing potential successor tariffs for mass market projects, but no action was implemented, with DPS requesting an extension of Phase One NEM for new projects (both mass market and on site under 750 kW AC) until January 1, 2021. While many DER installations have been supported by the State through CST incentive programs or NY-Sun, NYSERDA makes no claim to the environmental attributes of that generation. Through PSC action in the VDER proceeding, NYSERDA relinquished all rights to any environmental claims or RECs for NY-Sun and RPS CST projects to which it may have made claims under previous policies.<sup>48</sup>

On November 25, 2019, NYSERDA filed a petition<sup>49</sup> requesting additional NY-Sun funding and an extension of the initiative through 2025. The petition sought to expand the program and build on its success to meet the target established under the Climate Act, to develop a total of 6 GW of distributed solar by 2025. In May 2020, the PSC issued an order<sup>50</sup> approving NYSERDA's petition to expand the program and to increase participation by and benefits to low-income individuals and disadvantaged communities.

## **1.4 Build-Ready**

On June 5, 2020, NYSERDA filed a petition to implement the Clean Energy Resources Development and Incentives Program (Build-Ready Program) to facilitate the development of renewable generation in New York State. The PSC approved the petition on October 15, 2020 providing authorization for the Build-Ready Program and associated funding.

The Build-Ready Program surveys the State for potentially suitable sites for renewable generation, acquires interests in real property for sites that appear promising, and then conducts site-by-site reviews of siting feasibility, including environmental review and interconnection options. The Build-Ready Program will seek the permits and other required agreement necessary for construction of a renewable energy facility and will then competitively offer these sites to private renewable energy developers, bundled with a long-term contract for RECs. NYSERDA issued its Build-Ready Site Prospecting RFP in August 2020.<sup>51</sup>

## **1.5 LIPA and NYPA**

LIPA and NYPA have committed to adopting renewable targets that will achieve the CES mandate and will notify NYSERDA annually by sending a report on how they have contributed to the achievement of the Climate Act targets in the prior year, along with a notice indicating the extent to which they intend to participate in NYSERDA's annual CES procurements and/or fund their pro rata share of attributes procured by NYSERDA in the coming year.

According to the 2019 Public Service Enterprise Group (PSEG) Long Island Utility Annual Update, the utility is positioned to comply with the State's targets through past and future investments in offshore wind, energy efficiency, and new renewable energy.<sup>52</sup>

Despite the challenges of 2020, LIPA continues to invest in a cleaner and more affordable energy future for customers on Long Island and in the Rockaways. LIPA has among the most aggressive energy efficiency programs in the State, having invested more than \$1.5 billion in energy efficiency and clean energy resources over the last 11 years, reducing Long Island's peak by more than 627 MW.

Among the clean energy investments made by LIPA are four of New York State's largest utility-scale solar projects and a vibrant solar market accounting for 40% of all distributed systems in the State with more than 55,000 residential and commercial customers, producing in excess of 700 MW. LIPA continues to procure storage development with utility scale storage of 80 MWh and approximately 13 MW of behind-the-meter storage. And, permitting proceeds for NYS's first offshore wind farm, the 130 MW South Fork Wind Farm, which once operational, will power 70,000 homes.

In 2020, LIPA introduced a new program to deliver affordable, solar energy to low- to moderate-income customers. The Long Island Solar Communities Program, a 25 MW shared-solar program, continues LIPA's longstanding support for a cleaner Long Island, while providing income-eligible households—a segment that historically has been underserved in the rooftop solar market—with access to affordable clean energy.

NYPA operates the largest hydroelectric power projects in New York State—the 2,441 MW Niagara Power Project in Lewiston and the 800 MW St. Lawrence-Franklin D. Roosevelt Power Project in Massena providing the reliable base of renewable generation. NYPA also owns and operates the Blenheim-Gilboa Pumped Storage Power Project and more than 1,400 circuit miles of transmission lines around the State supporting the integration and conveyance of renewable energy. In close coordination, NYSERDA is focused on implementing a variety of programs and initiatives to help realize the ambitious goals of the CES.

NYPA provides power to State and local governments with comprehensive energy portfolio options to meet individual customer needs while advancing the overall energy goals of the State. NYPA is collaborating closely with its customers to achieve the CES goals in ways that best meet their varying needs. As customer contracts are renewed, NYPA is including provisions to allow for recovery of costs associated with the CES and expects that the vast majority of customer contracts will include CES provisions by 2022.

As part of NYPA's VISION2030 strategy launched in December 2020, NYPA has committed to supply customers with 70% renewable energy by 2030. To achieve this goal, NYPA will continue to lead efforts to advance large-scale renewables including ensuring the preservation and enhancement of its hydro-electric resources and supporting the build-out of transmission to ensure the effective integration of renewables. In its 2020 Large-Scale Renewable solicitation, issued simultaneously with NYSERDA's latest procurement, NYPA contributed to the CES goals by contracting with two new large-scale solar projects totaling approximately 110 MW.

Beyond that, NYPA is actively advancing the contracting and construction of customer-sited distributed renewables with a robust pipeline of over 200 MW of solar and energy storage projects complementing its decades strong energy efficiency program and the construction of public electric vehicle charging

infrastructure via EVolveNY. Additionally, as part of its VISION2030, NYPA is also working to transition its fossil fuel power plants to cleaner energy technologies to achieve zero carbon emissions by 2035 for its natural gas fleet.

## **1.6 Voluntary Renewable Energy Activities**

Opportunities for consumers of all types to purchase renewable energy voluntarily emerged during the earliest days of electric industry restructuring in many states, including New York. During the years of the State's RPS program, there was a small but consistent contribution from voluntary market activities to its renewable energy goals. The 2016 CES Order contemplated voluntary contributions from renewable energy to continue to provide a portion of the renewable energy supply to meet the CES goals, above and beyond LSE compliance obligations under the RES. Voluntary purchases can be made by both large and small end users, and may derive from green tariffs offered by utilities, renewable energy products offered by competitive LSEs, Community Choice Aggregation (CCA), or customized solutions coordinated directly between large end users and renewable energy generators. Corporate interest in renewable energy purchases has increased in recent years on a global basis and it is expected that voluntary market activities in the State will increase throughout the course of the CES. Customers who choose to participate in behind-the-meter renewable generation projects are another example of a voluntary activity that increases the amount of renewable energy serving the State's electricity needs.

A CCA gives a municipality the ability to pool their electrical load in order to negotiate supply on behalf of residents, businesses, and municipal accounts. CCA also allows a municipality to design a program that reflects local preferences and needs, including a preference for cleaner power sources. At present, there are 61 municipalities in New York State that are receiving electricity supply from CCA and 38 have chosen 100% renewable energy as their default product mix. As CCA continues to grow, it is expected to become a significant source of voluntary renewable energy purchasing.

In 2019, CCAs procured and retired RECs to offset 763,251 MWh of electrical load served by CCAs. These RECs were primarily produced by New York State hydroelectric generators.

## **1.7 Zero Emissions Credit Requirement**

The CES also includes an ZEC requirement with a compliance year that occurs from April 1 through March 31 of each year. The associated LSE ZEC obligation ensures the continued operation of certain existing at-risk upstate nuclear power plants. While the ZEC obligation is part of the CES, the generation represented by ZECs, while carbon free, is not counted toward the renewable mandate.

ZEC obligations are satisfied exclusively through the purchase of ZECs from NYSERDA. The ZEC supply is largely fixed according to a maximum quantity included in the CES Order and the price at which NYSERDA purchases ZECs from the generators is administratively determined for each two-year tranche, by formula, as defined in appendix E of the PSC's August 1, 2016 CES Order. LSE ZEC obligations are determined by their load share of the total New York State load served by LSEs. The PSC approved the ZEC Implementation Plan<sup>53</sup> which modified how LSE payments to NYSERDA are determined. Since the number of ZECs are capped and LSEs are required to purchase ZECs from NYSERDA, there is no need for ongoing adjustments or flexibility mechanisms. As a result, there is no ACP option for fulfilling the ZEC obligation, and ZECs may not be banked or traded.

## **1.8 Energy Efficiency Targets**

Governor Cuomo underscored New York State's commitment to energy efficiency in his 2018 State of the State address, while recognizing much work remains to realize the full potential of energy efficiency for New Yorkers. Meeting the new energy efficiency target will deliver nearly one-third of the greenhouse gas emissions reductions needed to meet the State's climate goal of 40% reduction by 2030. The State's investor-owned utilities have been called on to achieve more in both scale and innovation through their energy efficiency activities.

On December 13, 2018, the PSC issued an Order Adopting Accelerated Energy Efficiency Targets.<sup>54</sup> The order adopts a goal of 31 trillion British thermal units (TBtu) of additional site energy reduction by the State's utilities above existing efficiency goals and toward the achievement of a 2025 target. The new energy efficiency target for investor-owned utilities will more than double utility energy efficiency progress by 2025, relative to maintaining their prior goals.

The historic Climate Act signed by Governor Cuomo in July 2019 requires the State to achieve a carbon-free electricity system by 2040 and to reduce greenhouse gas (GHG) emissions at least 85% below 1990 levels by 2050. Implementation of the Climate Act will target investments to benefit disadvantaged communities, create tens of thousands of new jobs, improve public health and quality of life, and provide all New Yorkers with more robust clean energy choices. Through the Climate Act,

the New Efficiency New York goal to achieve 185 TBtu of onsite energy savings by 2025, along with a doubling of the State's distributed solar goal to 6 GW by 2025 and the strengthened energy storage target of 3 GW by 2030, are now codified in law. These Climate Act goals reinforce the importance of the CEF as a foundation for statewide emission reductions progress.

While NYGATS contains data on total load and changes can be observed through annual reporting, these changes may not be related to energy efficiency activities alone. Reporting on progress toward the achievement of the energy efficiency goals will be provided by NYSERDA's CEF reports and through reporting by the utility companies.

## 2 System and Timeline

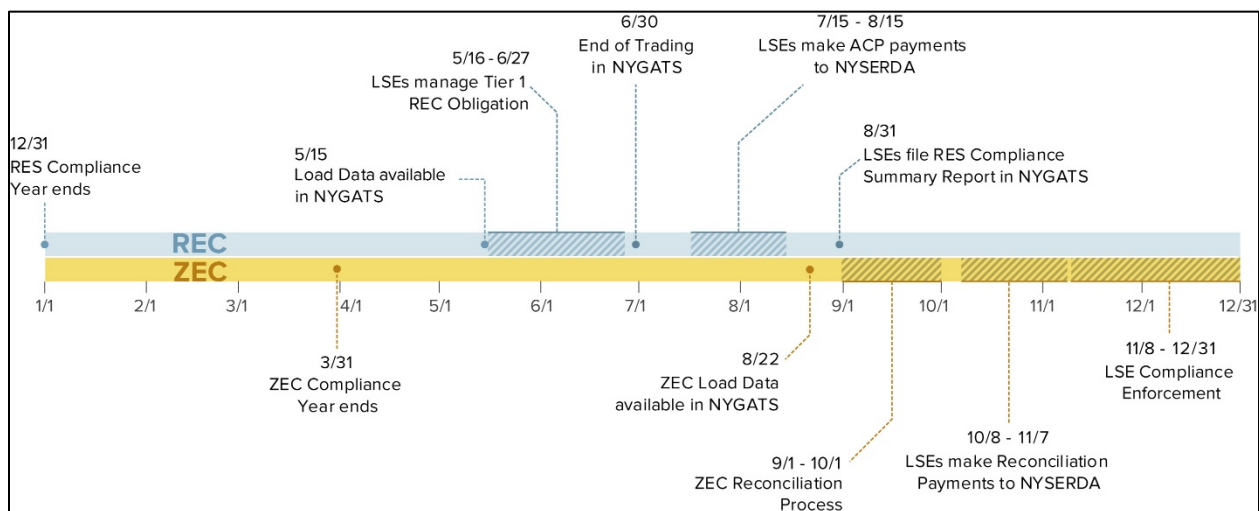
### 2.1 NYGATS

NYGATS, using data provided by the NYISO and other market participants, supports renewable energy initiatives, including the voluntary renewable energy market. It also supports reporting of the environmental characteristics of electricity consumed in the State through the EDP<sup>55</sup> and the CES.

NYGATS is an online certificate-tracking system that records information about electricity generated, imported, and consumed within the State. Using unique serial numbers, it issues, tracks, and manages energy attribute certificates and RECs. NYGATS raises market confidence by preventing double counting of RECs, provides public reports, and records a full audit trail of all transactions to support the integrity of the RECs issued and held in the system. Registered NYGATS users can trade, retire, or verify and substantiate ownership of RECs to support compliance or voluntary claims. Certificates can be bundled and traded with MWh of energy, but this is not a requirement in NYGATS.

All energy generated in, imported into, or exported out of the State is tracked and verified through NYGATS. NYGATS creates and tracks certificates for all generation, including the renewable energy production counted toward the achievement of the CES. NYGATS also contains data on the load served by State LSEs and is used as the basis for achieving and verifying LSE compliance with CES obligations. NYGATS is the primary data source for this report and much of the source data is publicly available on the NYGATS website.<sup>56</sup> Figure 1 provides key dates for both NYGATS timelines.

**Figure 1. CES and NYGATS Timeline**





### **3 Progress Toward New York’s Policy Goals: 2019**

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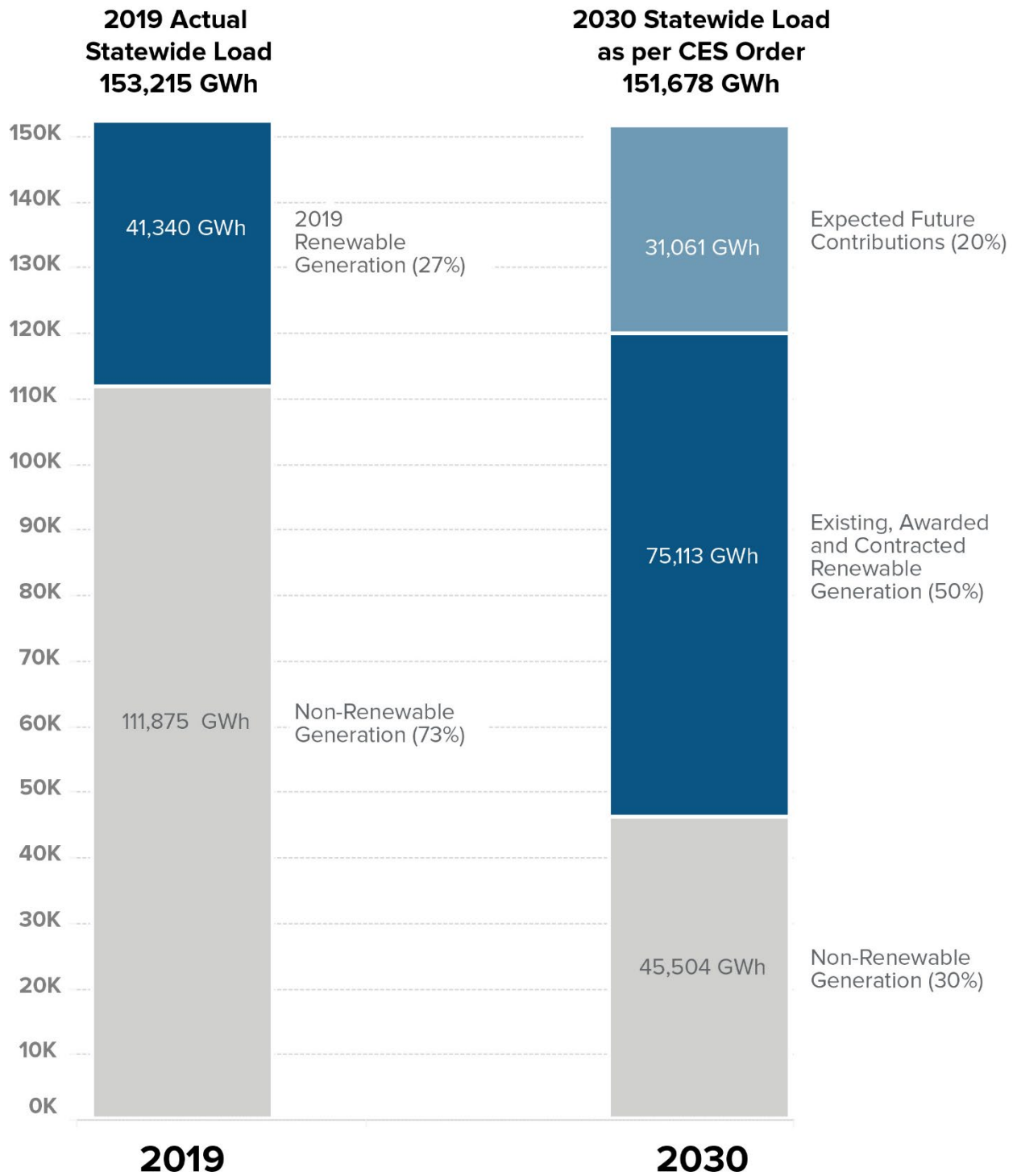
In 2019, the contribution from renewable energy resources to meet the State’s electric load rose from the adjusted 2014 baseline of 25.3% to 27.0%.

Since 2018, New York State awarded a total of approximately 10,213 MW of new large-scale renewable energy contracts. Collectively, once these projects are operational, they will provide enough renewable energy to power up to 2 million households, a globally significant advancement in renewable energy, and meet nearly 10% of the State’s electricity needs by 2025.

Figure 2 depicts the generation sources (including non-renewable and renewable) serving the State’s electric load in 2019, plus the expected progress toward the 2030 goal. Long-term progress includes more than 33,000 GWh of generation associated with the awarded and contracted renewable pipeline resulting from several procurement programs, including annual solicitations for new renewables, offshore wind, solar incentive programs, and other State procurements projects, with additional contributions expected from distributed energy resources. Once operational, these projects, coupled with the currently operating renewable generation, are expected to result in an overall 50% renewable generation mix. (Figure 2).

The remaining expected future contributions toward CES achievement will be met with renewable contributions from land-based, large-scale renewables, offshore wind, and distributed energy resources.

**Figure 2. Actual and Future Projections Toward CES Mandate**

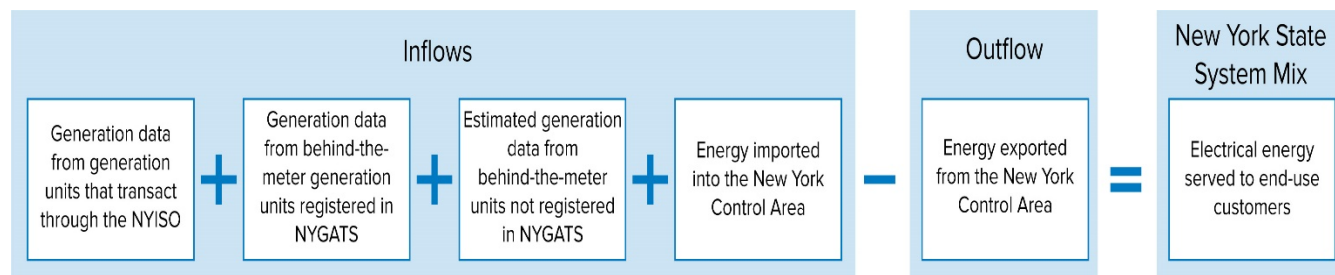


The following sections present more detailed information regarding the energy that served electricity consumers in 2019.

### 3.1 Statewide Fuel Mix for Electricity Generation

The New York System Mix represents the electric energy served to end-use customers and is based upon the inputs shown in Figure 3, which include both inflows and outflows of energy. Progress toward the CES mandate is measured by tracking the additional renewable energy contributing to the New York System Mix throughout the years of the CES.

**Figure 3. New York System Mix Calculation**

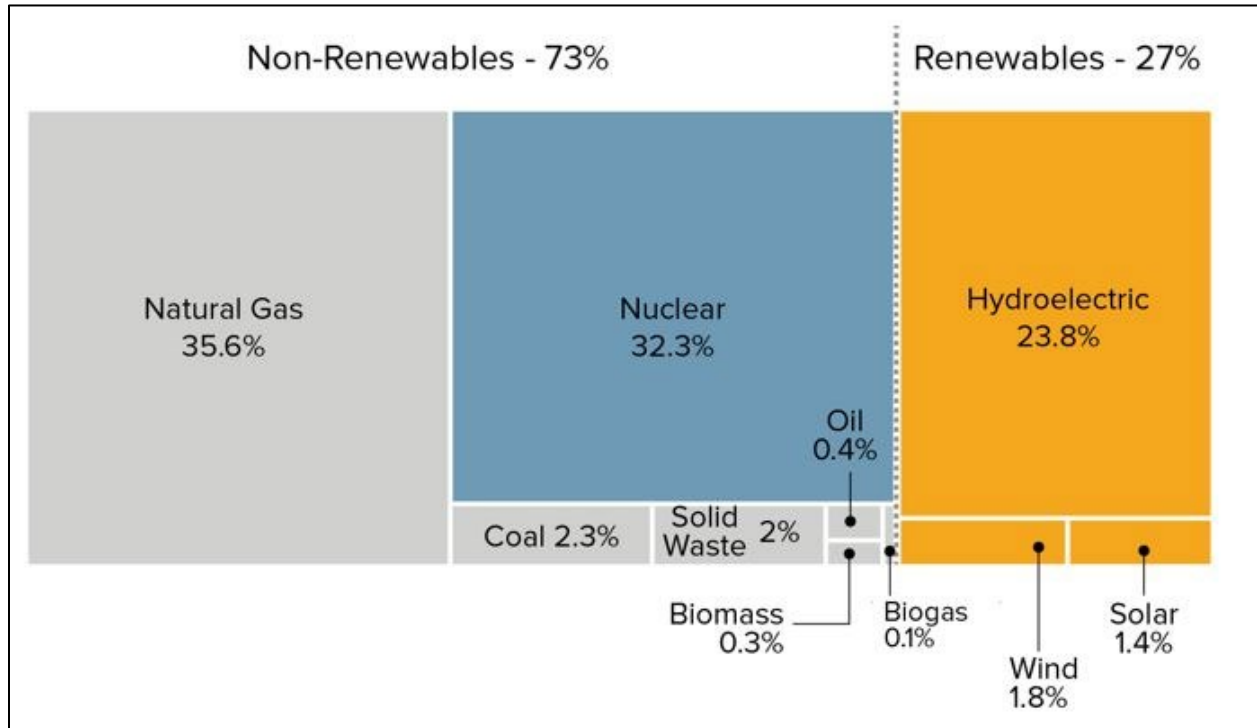


Using these inputs, NYGATS calculates the average amount of each fuel type used to generate electricity and the associated average emissions. Fuel type and emission information is then matched to the generation used by electricity customers. The output of the New York System Mix represents the average characteristics of the electricity consumed in the State each year. This is different from, but inclusive of, the unique mix that electricity providers deliver to their customers. The New York System Mix can be used to track progress toward State energy and emission goals, and assess the performance of electricity providers, generators, and policies.

Figure 4 summarizes the 2019 New York System Mix from NYGATS, displaying data on the types and quantities of fuels used to supply New York State’s electric load in 2019. The New York System Mix uses NYGATS certificate data for energy that served New York State’s load in 2019, including certificates that were retired for voluntary or compliance purposes or banked for future use. Renewable energy resources contributed 27.0% of the electrical energy consumed in 2019.

**Figure 4. New York System Mix, 2019**

Source: NYGATS



### 3.2 Progress toward CES Mandate

Progress toward the CES mandate is summarized in Table 1, including sources of renewable energy supply (by eligibility) and total electric load. The quantities represent all compliance year renewable energy supply settled in the State, through NYGATS, and considers all renewable energy imports and exports. The Climate Acts’s definition of “renewable energy systems” does not include biomass and biogas; therefore, 2014 has been adjusted to classify these fuel types as non-renewable.<sup>57</sup>

**Table 1. Summary of New York System Mix***Source: NYGATS*

	<b>2014</b>	<b>2019</b>
Generation from Baseline Renewable Energy (MWh)	40,292,056	40,675,208 <sup>c</sup>
Generation from Tier 1-Eligible Energy (MWh) <sup>a</sup>	N/A	682,059 <sup>d</sup>
Total Renewable Energy (MWh)	40,292,056	41,339,588
Total Load (MWh) <sup>b</sup>	159,146,663	153,215,427
% Renewable Energy serving Load (%)	25.3%	27.0%

<sup>a</sup> Tier 1 Energy includes generation from fuel cells that utilize natural gas as a fuel source as were previously eligible under Tier 1. Since these generation projects are fired with natural gas their MWhs are reported as natural gas in the New York System Mix, which is consistent with the fuel reporting in the 2014 Statewide Fuel Mix. Therefore, the Baseline Renewable Energy plus Tier 1-Eligible Energy will not equal the Total Renewable Energy.

<sup>b</sup> Includes LSEs, municipal utilities, and direct customers. Pursuant to the NYGATS Operating Rules, load is calculated by using NYISO version 2 settlement data and adding generation from load modifiers utilized by distribution utilities. The load modifier data adjusts the total load as well as the total load served by the LSE utilizing the load modifier(s). The adjusted total load served by each LSE is then divided by the adjusted total statewide load to determine the percentage of total load served by each LSE. The total quantity of renewable energy serving State load includes both baseline and Tier 1 energy supply.

<sup>c</sup> Excludes biogas and biomass and fuel cells.

<sup>d</sup> Includes fuel cell and biogas.

Figure 5 represents the total load compared to the percentage associated with renewable energy and the portion of the renewable generation from Tier 1 resources for 2014 and 2019.

**Figure 5. New York System Mix—Total Load and Renewable Energy**

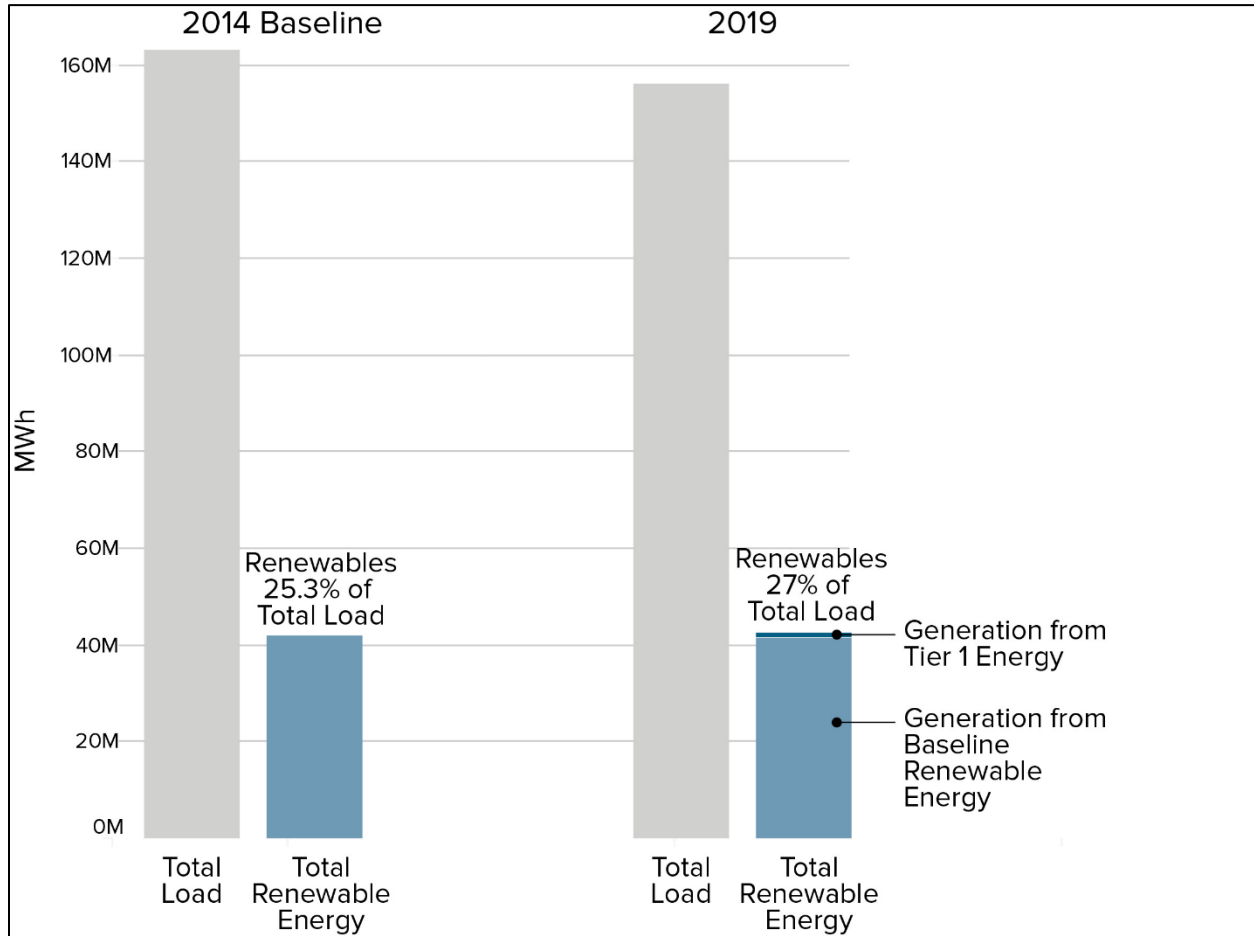


Figure 6 breaks down the renewable portion of the 2019 New York System Mix by type. This figure illustrates that baseline renewables, which include generation from NYPA hydroelectric<sup>58</sup> facilities, and imported renewables comprise the largest amount of renewable energy in the 2019 New York System Mix.

**Figure 6. Renewables in the 2019 New York System Mix**

Source: NYGATS

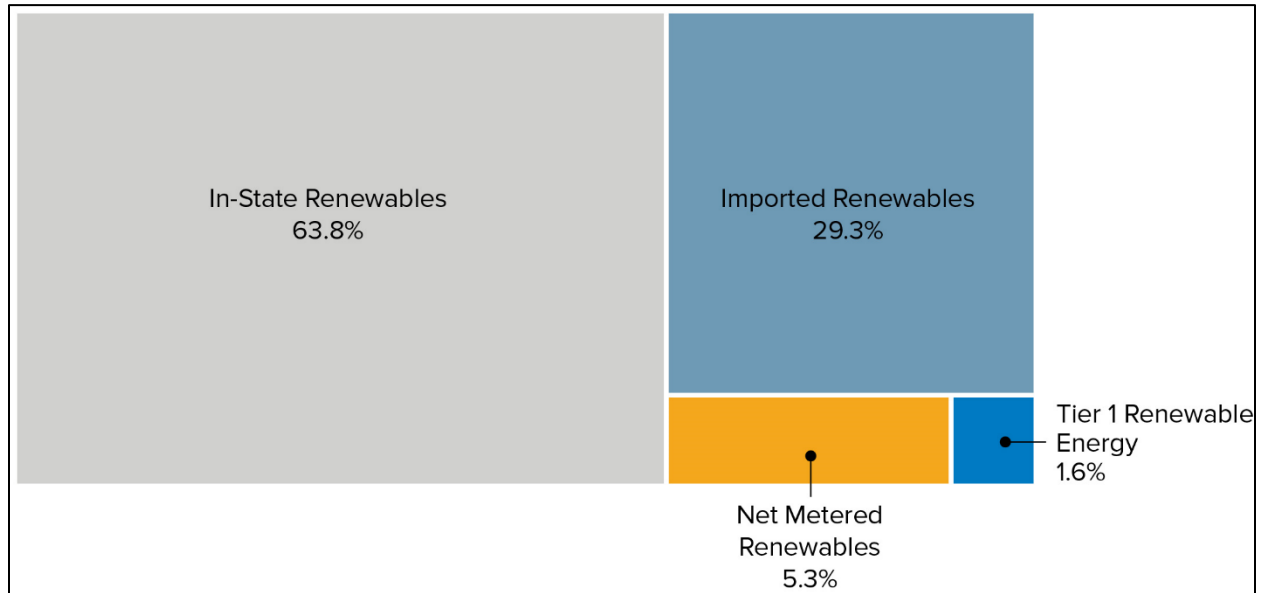


Table 2 shows renewable energy in the New York System Mix by technology as well as the differential contribution between 2014 and 2019. Contributions from hydroelectric and solar technologies increased while wind decreased.

**Table 2. New York System Mix Renewable Energy by Technology**

See endnotes section for more information.<sup>59</sup>

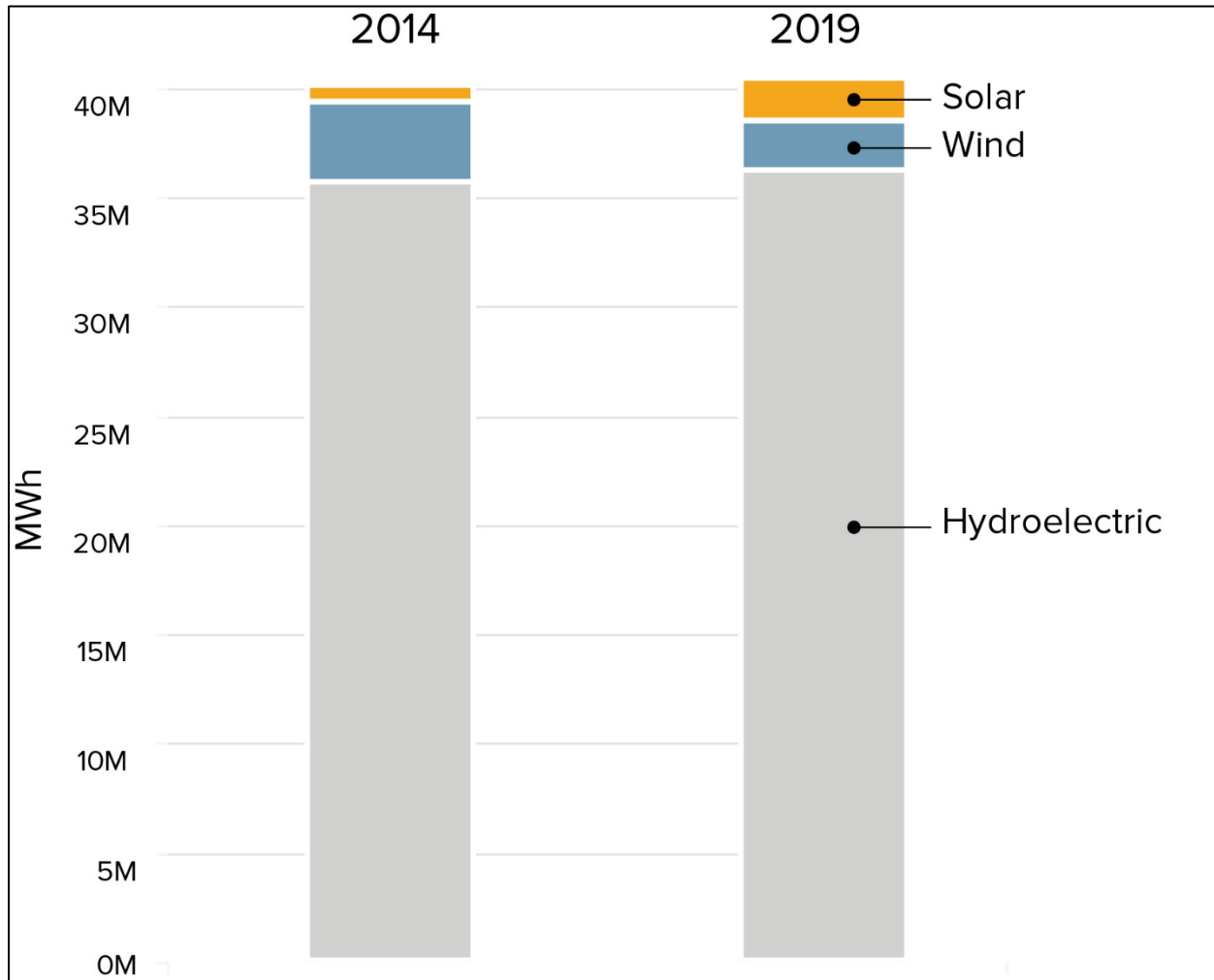
Source: NYGATS

Fuel Type <sup>a</sup>	2014 MWhs	2019 MWhs	MWh change
Hydroelectric	35,834,762	36,403,420	568,658
Solar	681,610	2,196,248	1,514,638
Wind	3,775,684	2,739,920	-1,035,764
<b>Total</b>	<b>40,292,056</b>	<b>41,339,588</b>	<b>1,047,532</b>

<sup>a</sup> Removed Biomass and Biogas for 2019.

Figure 7 depicts renewable energy by technology for the years 2014 and 2019.

**Figure 7. New York System Mix Renewable Energy Comparison**



### 3.3 Composition of Baseline Renewable Energy

Table 3 shows the contribution from baseline renewable energy generators by technology and the changes between 2014 and 2018. For 2019, the contribution from the baseline renewable energy generators includes all the non-Tier 1 certified energy in the New York System Mix and demonstrates that the overall contribution from baseline renewable energy resources increased from 2014 to 2019.<sup>60</sup>



**Table 3. Baseline Generation Contribution to New York System Mix**

(Excludes Tier 1 Renewable Energy).<sup>61</sup>

Source: NYGATS

	2014 <sup>a</sup>		2019 (New York System Mix)	
	CES Baseline MWhs	Percentage	Non-Tier 1 MWhs	Percentage
Biogas	394,314	0.2%	220,357	0.1%
Biomass	609,293	0.4%	416,810	0.3%
Coal	7,205,000	4.5%	3,585,640	2.4%
Natural Gas	58,454,000	36.7%	54,489,778	35.7%
Nuclear	49,409,000	31.0%	49,456,038	32.4%
Oil	708,000	0.4%	600,337	0.4%
Solid Waste	2,075,000	1.3%	3,091,656	2.0%
<b>Non-Renewable Energy<sup>b</sup></b>	<b>118,854,607</b>	<b>74.7%</b>	<b>111,860,617</b>	<b>73.3%</b>
Hydroelectric	35,834,762	22.5%	36,354,694	23.8%
Solar	681,610	0.4%	1,996,163	1.3%
Wind	3,775,684	2.4%	2,325,351	1.5%
<b>Renewable Energy</b>	<b>40,292,056</b>	<b>25.3%</b>	<b>40,675,208</b>	<b>26.7%</b>
<b>Total (Baseline)</b>	<b>159,146,663</b>	<b>100.0%<sup>c</sup></b>	<b>152,535,825</b>	<b>100%<sup>d</sup></b>

<sup>a</sup> The Climate Act’s definition of “renewable energy systems” does not include biomass and biogas; therefore, 2014 has been adjusted to classify these fuel types as non-renewable.

<sup>b</sup> Tier 1 Energy includes generation from Fuel Cells that are fired by Natural Gas as this technology is eligible under Tier 1. Since these generation projects are fired with Natural Gas their MWhs are reported as Natural Gas in the New York System Mix, which is consistent with the fuel reporting in the 2014 Statewide Fuel Mix. Therefore, the Baseline Renewable Energy plus Tier 1 Energy will not equal the Total Renewable Energy.

<sup>c, d</sup> Numbers may not add up to 100% due to rounding.

### 3.3.1 Baseline Renewable Energy Exports

Table 4 displays in aggregate the number of RECs exported from baseline renewable generation units located in the State during the compliance year. Since there was no tracking system in place at the time the CES baseline was calculated, a comparison cannot be made to the level of renewable energy exports that occurred in the CES baseline year of 2014; instead, a comparison to 2018 data is provided.

**Table 4. Renewable Energy Exports by Baseline New York Generators**

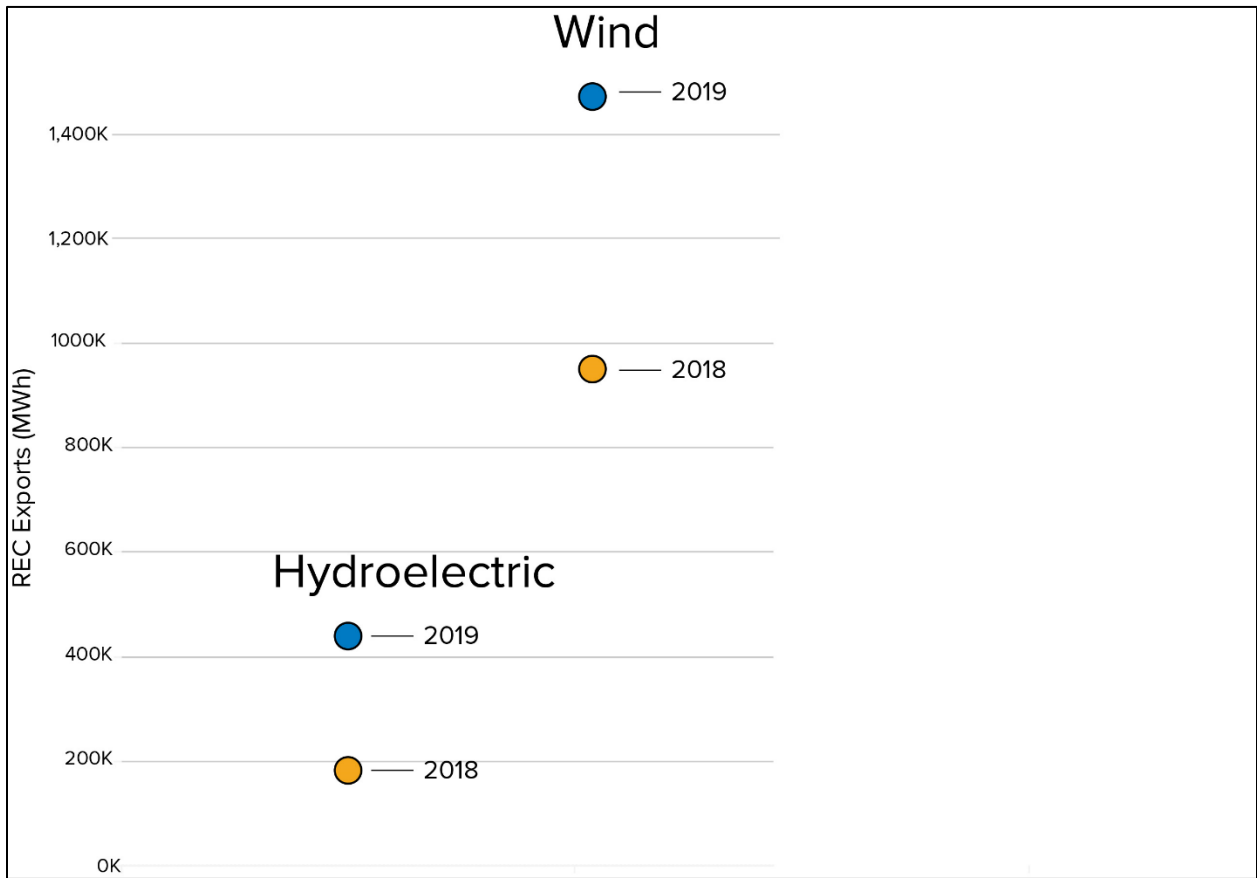
Installed Prior to January 1, 2015.<sup>62</sup>

Source: NYGATS

<b>Technology</b>	<b>2018 REC Exports</b>	<b>2019 REC Exports</b>	<b>MWh Change from 2018–2019</b>
Hydroelectric <sup>a</sup>	178,056	433,611	255,555
Wind	949,885	1,480,592	530,707
<b>Total Baseline Renewable Energy Exports</b>	<b>1,127,941</b>	<b>1,914,203</b>	<b>786,262</b>

<sup>a</sup> Number excludes exports from NYPA hydroelectric facilities

Figure 8. Baseline Generator Renewable Energy Exports by Technology and Year Comparison



## 4 Tier 1

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### 4.1 Tier 1 Annual Compliance Summary

Table 5 summarizes the results of the NYSERDA and DPS review of Tier 1 compliance for 2019. Tier 1 compliance mechanisms are summarized, in aggregate, for all jurisdictional LSEs as well as for LIPA and NYPA. A full list of LSEs active during the year can be obtained through NYGATS, via the EDP Label Reports.<sup>63</sup>

The data is inclusive of NYSERDA Tier 1 REC activities. In 2019, NYSERDA purchased 274,000 Tier 1 RECs through its long-term contracts. These 2019 Tier 1 RECs were offered for sale to jurisdictional LSEs toward their Tier 1 compliance; these LSEs have purchased 270,150 vintage 2019 Tier 1 RECs to date. The 2019 Tier 1 REC obligation percentage for all LSEs participating in the CES was 0.78%.

As of the date of this report's issuance, the jurisdictional LSEs used a combination of current and banked vintage Tier 1 RECs as well as ACPs to reach 98% compliance. A small number of LSEs did not meet their compliance obligations due to bankruptcy, ceasing operation during the compliance year, or no longer providing retail energy in New York State. LIPA used Tier 1 RECs to reach 100% RES Tier 1 compliance for 2019. While NYPA did not procure Tier 1 RECs in 2019, NYPA anticipates meeting its anticipated proportion of the RES goals in the coming years through different means as discussed in Section 1.6.

**Table 5. Summary of 2019 Tier 1 RES Compliance Status**

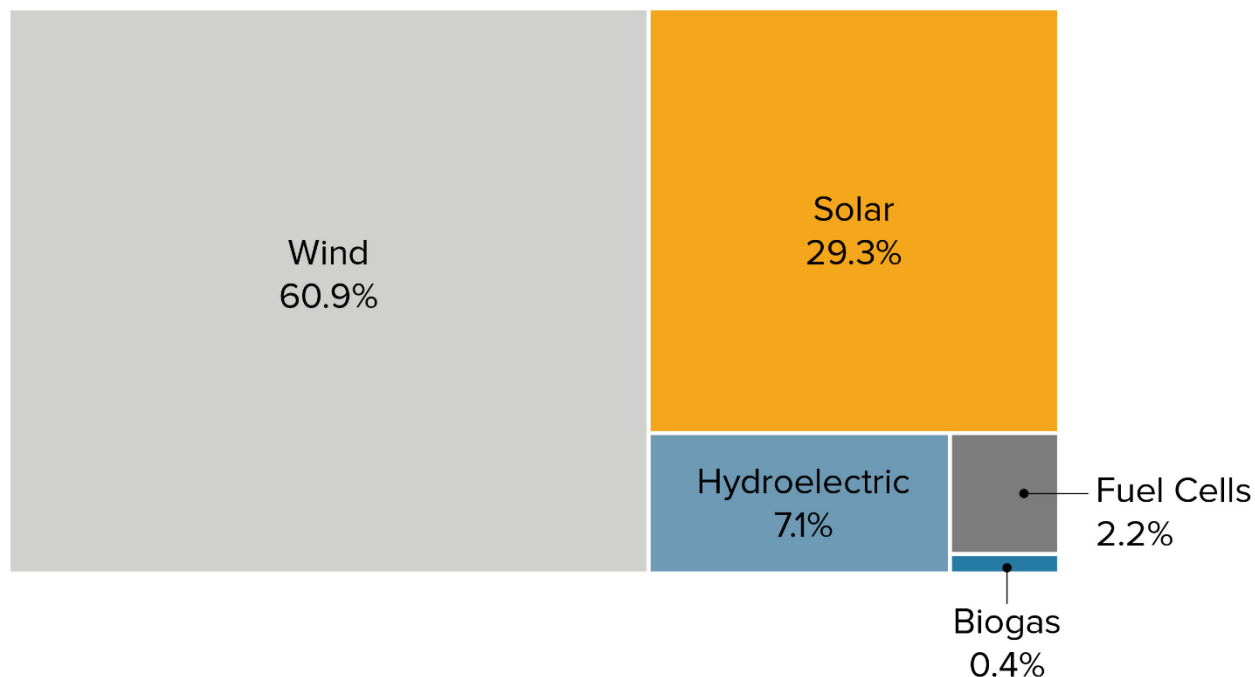
	<b>Jurisdictional</b>	<b>LIPA</b>	<b>NYPA<sup>b</sup></b>	<b>Total</b>
Tier 1 Obligated Load (MWh) <sup>a</sup>	115,554,830	18,643,389	18,999,198	153,197,417
Tier 1 Compliance Obligation (MWh) (0.78% of Obligated Load)	901,252	145,418	148,193	1,194,863
2019 Tier 1 RECs Used for Compliance	292,129	52,702	0	347,831
2019 VDER Tier 1 RECs Used for Compliance	46,744	0	0	46,744
Imported Tier 1 RECs Used for Compliance	143,262	0	0	143,262
Banked Tier 1 RECs Used for 2019 Compliance	21,400	92,716	0	114,116
Banked VDER Tier 1 RECs Used for 2019 Compliance	0	0	0	0
Total Tier 1 RECs for 2019 Compliance	506,535	145,418	0	651,953
Number of ACPs for 2019 Compliance	376,825	0	0	376,825
Total 2019 Compliance	883,360	145,418	0	1,028,778
<b>Total Compliance</b>	<b>98%</b>	<b>100%</b>	<b>0%</b>	<b>86%</b>

- a Tier 1 Obligated Load differs from Total Load (Table 1) due to approval of pending load modifying projects which were approved post RES reconciliation.
- b As articulated in Section 1.5, NYPA is fully committed to meet the goals and requirements of the PSC's Clean Energy Standard (CES) Order. Pursuant to the New York Public Authorities Law, the rates, services and practices relating to the generation and sale of power by NYPA is not subject to the provisions of the New York Public Service Law nor its regulations. NYPA continues to work closely with its customers to ensure that its power supply contracts are addressing the requirements of the CES Order with respect to the procurement of RECs and ZECs. NYPA is amending its power contracts for its customers in a manner that authorizes NYPA to purchase RECs and ZECs in proportions corresponding to the load served under these contracts and recover the costs of these purchases from customers through supplemental charges.

Figure 9 summarizes Tier 1 RECs created in 2019 by technology. This figure includes Tier 1 RECs that were minted in the State but exported. In 2019, 159,382 Tier 1 RECs were imported.

**Figure 9. Tier 1 RECs by Technology, 2019**

Source: NYGATS



## 4.2 Tier 1 REC Banking Activity

The PSC orders afford LSEs and NYSERDA the option to bank excess Tier 1 RECs from the current compliance year for use in two subsequent compliance years. Banking is a flexibility mechanism intended to increase market liquidity and reduce REC price volatility—by allowing renewable energy surpluses (if applicable) to be used for compliance in a future year. Banking is limited to Tier 1 RECs for compliance purposes, and only by NYSERDA or obligated LSEs who are compliant with the RES for all previous compliance periods. To be eligible for banking, excess NYGATS certificates must not have been previously used for compliance with the RES or transferred to other parties. The number of RECs an LSE may bank is capped at 60% of the current compliance year’s REC obligation. However, the PSC (in response to a Joint Utilities Petition) suspended the 60% banking cap for VDER resources through 2022.<sup>64</sup>

Table 6 summarizes Tier 1 RECs, which are banked by category, including LSE banked RECs, VDER Tier 1 banked RECs, and NYSERDA’s Tier 1 banked balance. Tier 1 RECs, which remain unsold from NYSERDA quarterly sales, are banked and then made available in subsequent NYSERDA sale events. LSEs with excess Tier 1 RECs must bank them prior to the end of certificate trading in NYGATS. For 2019 vintage RECs, trading closed on June 30, 2020.

**Table 6. Tier 1 REC Banking Summary***Source: NYGATS*

<b>2019</b>	
<b>LSE Tier 1 REC Banking (Non-VDER Tier 1 RECs)</b>	
Aggregate LSE Tier 1 Bank Balance, 6/30/2019	110,348
Aggregate LSE Bank Balance, 6/30/2020	<b>132,198</b>
2018 Tier 1 RECs	0
2019 Tier 1 RECs	132,198
<b>VDER Tier 1 REC Banking</b>	
Aggregate VDER Tier 1 Bank Balance, 6/30/2019	0
Aggregate VDER Tier 1 Bank Balance, 6/30/2020	<b>0</b>
<b>NYSERDA Tier 1 REC Banking</b>	
NYSERDA Bank Balance, 6/30/2019	2,382
NYSERDA Bank Balance, 6/30/2020	<b>3,847</b>
<b>Total Balance of Banked Tier 1 RECs</b>	<b>136,045</b>

## 5 Compliance with Zero-Emissions Credit Obligations

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At the time of this report's issuance, 99% of the ZECs have been purchased by LSEs from NYSERDA to meet their ZEC obligation. Table 7 summarizes the progress that has been made in meeting the obligations under the CES for the 2019 compliance year.<sup>65</sup>

**Table 7. Summary of 2019 ZEC Compliance**

<b>ZEC Compliance Year</b>	<b>Jurisdictional</b>	<b>LIPA</b>	<b>NYPA</b>	<b>Total</b>
Total Obligated Load (MWh) <sup>a</sup>	113,760,824	18,706,666	18,934,467	151,401,957
ZEC Obligation	20,553,178	3,379,734	3,420,891	27,353,803
Total ZECs Purchased for 2019 Compliance	20,351,504	3,379,734	3,038,540	26,097,058
<b>Compliance with ZEC Obligation</b>	<b>99.0%</b>	<b>100.0%</b>	<b>88.8%</b>	<b>95.4%<sup>b</sup></b>

<sup>a</sup> Note that the ZEC Compliance Year is from April 1 to March 31 so there may be a difference in the number of obligated LSEs and the obligated load when compared to RES Compliance Year reporting.

<sup>b</sup> Data as of 12/17/2020.



## 6 Contribution of Voluntary Renewable Energy Activities to CES Progress

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The CES Order recognized that many market actors are motivated to purchase renewable energy beyond what is required by regulatory compliance. Such voluntary market activity is encouraged and tracked and does not alter existing LSE obligations.

Table 8 provides information on 2019 RECs retired for voluntary purposes. These voluntary actions include, but are not limited to, Green Power Products sold by LSEs, Customer-sited DER Generation Retirements, and Corporate or Individual Retirements. NYGATS account holders may retire RECs without the associated energy for corporate or individual renewable energy claims. The reported Corporate and Individual Retirements only include RECs retired with the associated energy; REC-only retirements have been excluded as these do not contribute to CES progress, which is measured by energy consumed in the State.

The reported LSE voluntary activity reflects REC retirements by LSEs for EDP label purposes. The total does not include the retirement of RECs from NYPA hydroelectric facilities made by NYPA and municipal utilities that have long-term hydropower contracts with NYPA or Tier 1 RECs retired for compliance toward RES obligations. The resulting number represents RECs retired by LSEs for retail renewable energy products delivered to customers in 2019.

The customer sited DER retirements represents RECs from NEM projects that were retired in NYGATS. Generation from customer sited DER projects that are not registered in NYGATS is estimated annually using information from the New York State Standardized Interconnection Requirements (SIR) Inventory reporting.<sup>66</sup> NYSERDA enters this information into NYGATS and retires the resulting RECs on behalf of the project owner.

### Table 8. Voluntary Activity in NYGATS

Source: NYGATS; Data is not static. Table 8 reflects activity as of 12-17-2020. Refer to Public reports for current figures.

	<b>2019 RECs</b>
Total Voluntary Activity in LSE EDP Subaccounts	3,321,774
Corporate or Individual Retirements	369,089
Customer-sited DER Retirements	2,219,459
Non-Tier 1 RECs Banked	1,911,827

Note: See New York Generation Attribute Tracking System:  
[https://nygats.ny.gov/ng/Report/getdto\\_view\\_Report\\_PublicVoluntaryRetirements](https://nygats.ny.gov/ng/Report/getdto_view_Report_PublicVoluntaryRetirements)

## 7 Key References and Links

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The Clean Energy Standard Orders, reports, and filings can be found on NYSERDA's website:

- [nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings/Filings-Orders-and-Reports](https://nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings/Filings-Orders-and-Reports)

Information on NYSERDA-funded large-scale renewable projects can be found on the Open NY website:

- [data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYSERDA/dprp-55ye](https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYSERDA/dprp-55ye)

Information on the Renewable Portfolio Standard, the precursor to the CES and past Main Tier solicitations can be found on the following NYSERDA websites:

- [nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Portfolio-Standard/RPS-Documents](https://nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Portfolio-Standard/RPS-Documents)
- [nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Portfolio-Standard/Past-Main-Tier-Solicitations](https://nysERDA.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Portfolio-Standard/Past-Main-Tier-Solicitations)

# Endnotes

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- <sup>1</sup> PSL § 66-p(b)(2).
- <sup>2</sup> Case 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and Clean Energy Standard, Order Adopting Modifications to the Clean Energy Standard (“ CES Order”)(issued and effective Oct. 15, 2020).
- <sup>3</sup> Case 15-E-0302, Proceeding to Implement a Large-Scale Renewable Program and a Clean Energy Standard, Order Adopting a Clean Energy Standard (issued and effective August 1, 2016). (CES Order) See Appendix A for eligible technologies.
- <sup>4</sup> In Governor Cuomo’s 2019 State of the State, he proposed the Green New Deal, a nation-leading clean energy and jobs agenda that puts New York on a path to carbon neutrality through a globally unprecedented ramp-up of renewable energy including doubling the state’s distributed solar goal from 3,000 megawatts to 6,000 megawatts by 2025, obtaining 70% of its electricity from renewables by 2030, increasing New York’s offshore wind target to 9,000 megawatts by 2035, and achieving 100% of its electricity from clean sources by 2040. Each of these proposals will likely lead to implementation proceedings at the New York State Public Service Commission, which may amend the requirements currently stated in orders and described in this document.”
- <sup>5</sup> Case 18-E-0071, In the Matter of Offshore Wind Energy, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement (issued and effective July 12, 2018).
- <sup>6</sup> New York State Senate Open Legislation: <https://legislation.nysenate.gov/pdf/bills/2019/S6599>
- <sup>7</sup> NY-Sun Operating Plan 2020-2025: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B4C620E59-FE51-442C-BE5D-E1EFA73F565C%7D>
- <sup>8</sup> NYSERDA: <https://www.nyserda.ny.gov/About/Newsroom/2020-Announcements/2020-04-03-NEW-YORK-STATE-ANNOUNCES-PASSAGE-OF-ACCELERATED-RENEWABLE-ENERGY-GROWTH-AND-COMMUNITY-BENEFIT-ACT-AS-PART-OF-2020-2021-ENACTED-STATE-BUDGET>
- <sup>9</sup> White Paper on Clean Energy Standards Procurements to Implement New York’s Climate Leadership and Community Protections Act: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BE6A3B524-6617-4506-A076-62526F8EC4CB%7D>
- <sup>10</sup> State of New York Public Service Commission: Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and Clean Energy Standard: <https://www.nyserda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/2020/October-15-Order-Adopting-Modifications-to-the-Clean-Energy-Standard.pdf>
- <sup>11</sup> <https://www.nyserda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/2020/October-15-Order-Approving-Build-Ready-Program.pdf>
- <sup>12</sup> The requirement for this CES Progress Report was set forth in the CES Order; subsequent CES Implementation plans further defined the content and structure, along with reporting requirements. Case 15-E-0302, supra, Order Approving Phase 1 Implementation Plan (issued February 22, 2017), Order Approving Phase 2 Implementation Plan (issued November 17, 2017), Order Approving Phase 3 Implementation Plan (issued December 14, 2018).
- <sup>13</sup> The Climate Act’s definition of “renewable energy systems” does not include biomass and biogas, therefore 2014 has been adjusted to classify these fuel types as non-renewable.
- <sup>14</sup> New York State Greenhouse Gas Inventory: 1990-2016. Final Report, July 2019 <https://www.nyserda.ny.gov/-/media/Files/EDPPP/Energy-Prices/Energy-Statistics/greenhouse-gas-inventory.pdf>
- <sup>15</sup> NYSERDA. Environmental Disclosure (Label) Program:<http://www3.dps.ny.gov/W/PSCWeb.nsf/0/502EF210A0D15B2885257687006F39D8>
- <sup>16</sup> CES Order, p. 14
- <sup>17</sup> The CES Order set the LSE obligation to purchase Tier 1 RECs through 2021. These obligations were updated in the approved Phase 2 Implementation Plan. Case 15-E-0302, Proceeding to Implement a Large-Scale Renewable Program and a Clean Energy Standard, Order Approving Phase 2 Implementation Plan (issued November 17, 2017).
- <sup>18</sup> Renewable Energy Certificates include any and all reductions in harmful pollutants and emissions, such as carbon dioxide and oxides of sulfur and nitrogen to catalog and recognize environmental attributes of generation.

- 19 NYISERDA Clean Energy Standard. <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Eligibility>
- 20 New York Generation Attribute Tracking System.  
[https://nygats.ny.gov/ng/Report/getdto\\_view\\_Report\\_PublicOperationalEA](https://nygats.ny.gov/ng/Report/getdto_view_Report_PublicOperationalEA)
- 21 Large-scale Renewable Projects Reported by NYISERDA: Beginning 2004. <https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYISERDA/dprp-55ye>
- 22 NYISERDA 2018 Announcements. <https://www.nyserda.ny.gov/About/Newsroom/2018-Announcements/2018-03-09-Governor-Cuomo-Announces-Formal-Request-for-New-York-Exclusion-From-Offshore-Drilling>
- 23 NYISERDA 2019 Announcements. [nyserda.ny.gov/About/Newsroom/2019-Announcements/2019-01-18-NYISERDA-Announces-Details-for-20-Large-Scale-Renewable-Energy-Projects](https://www.nyserda.ny.gov/About/Newsroom/2019-Announcements/2019-01-18-NYISERDA-Announces-Details-for-20-Large-Scale-Renewable-Energy-Projects)
- 24 Case 15-E-0302, *supra*, Order Adopting Measures for the Retention of Existing Renewable Baseline Resources, (issued March 16, 2018).
- 25 The Climate Act, and in turn the PSC, revised the list of resources that qualify as renewable for purposes of the CES.
- 26 The PSC authorized the financial backstop to recover these costs from delivery customers. The most recent agreements have used uncommitted funds.
- 27 Data.NY.Gov. Large-scale Renewable Projects Reported by NYISERDA: Beginning 2004.  
<https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYISERDA/dprp-55ye>
- 28 NYISERDA Clean Energy Standard: Competitive Tier 2 Program. . <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Two-Competitive-Program>
- 29 Per the 2020 CES Order, the PSC does not require NYPA to support other existing baseline renewable resources under the Competitive Tier 2 Program in recognition of NYPA’s ownership of existing baseline renewable resources.
- 30 NYISERDA Clean Energy Standard: Tier 4-New York City Renewable Energy. <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Four>
- 31 Case 18-E-0071, In the Matter of Offshore Wind Energy, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement (issued and effective July 12, 2018).
- 32 NYISERDA: Funding Opportunity Detail. Offshore Wind (ORECRDP18-1).  
[https://portal.nyserda.ny.gov/CORE\\_Solicitation\\_Detail\\_Page?SolicitationId=a0rt000000UTbqSAAT](https://portal.nyserda.ny.gov/CORE_Solicitation_Detail_Page?SolicitationId=a0rt000000UTbqSAAT)
- 33 Offshore Wind Contracts and Phase One Report:[nyserda.ny.gov/-/media/Files/Programs/offshore-wind/osw-phase-1-fact-sheet.pdf](https://www.nyserda.ny.gov/-/media/Files/Programs/offshore-wind/osw-phase-1-fact-sheet.pdf)
- 34 Purchase of Offshore Wind Renewable Energy Certificates; Request for Proposals ORECRFP20-1.  
<https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pt000000OPfCVEA1>
- 35 NYISERDA 2021 Announcements. <https://www.nyserda.ny.gov/About/Newsroom/2021-Announcements/2021-01-13-Governor-Cuomo-Outlines-2021-Agenda-Reimagine-Rebuild-Renew>
- 36 Data.NY.Gov. Large-scale Renewable Projects Reported by NYISERDA: Beginning 2004.  
<https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYISERDA/dprp-55ye>
- 37 Launching New York’s Offshore Wind Industry: Phase 1 Report. Final Report. Report Number 19-41. October 2019 (Revised). <https://www.nyserda.ny.gov/-/media/Files/Programs/offshore-wind/osw-phase-1-procurement-report.pdf>
- 38 New York State Clean Energy Standard: Results of Renewable Energy Standard and Renewable Portfolio Standard Solicitations for Long-Term Contracts through December 31, 2018. Final Report. March 2019. [nyserda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/2019-CES-2018-annual-procurement.pdf](https://www.nyserda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/2019-CES-2018-annual-procurement.pdf)
- 39 Data.NY.Gov. Large-scale Renewable Projects Reported by NYISERDA: Beginning 2004.  
<https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYISERDA/dprp-55ye>
- 40 NYISERDA. Clean Energy Fund Reports. Clean Energy Fund Performance Reports.  
<https://www.nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/Clean-Energy-Fund-Reports>
- 41 NYISERDA. NY-Sun Performance Reports. <https://www.nyserda.ny.gov/About/Publications/Program-Planning-Status-and-Evaluation-Reports/NY-Sun-Performance-Reports>
- 42 New York State Department of Public Service. Staff White Paper on Clean Energy Standard: Case 15-E-0302. January 25, 2016. <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7b930CE8E2-F2D8-404C-9E36-71A72123A89D%7d>
- 43 Case 15-E-0302, Staff White Paper on Clean Energy Standard (filed January 25, 2016).

- 44 SCC is an estimate of the societal benefits of reducing greenhouse gas emissions. VDER uses the value published annually by the US EPA which represents, in dollars, of the long-term damage done by a ton of carbon dioxide emissions in a given year.
- 45 Case 15-E-0082, Policies, Requirements, and Conditions for Implementing a Community Net Metering Program (issued and effective March 9, 2017).
- 46 State of New York Public Service Commission. Case 15-E-0751: In the Matter of the Value of Distributed Energy Resources. Order Regarding Value Stack Compensation. Issued and Effective: April 18, 2019. [nyscrda.ny.gov/-/media/NYSun/files/Updated-Value-Stack-Order-2019-04-18.pdf](http://nyscrda.ny.gov/-/media/NYSun/files/Updated-Value-Stack-Order-2019-04-18.pdf)
- 47 New York State Department of Public Service. Letter to Honorable Michelle L. Phillips. Re: 15-E-0751-In the Matter of the Value of Distributed Energy Resources. 17-01277-In the Matter of the Value of Distributed Energy Resources Working Group Regarding Rate Design. Dated December 9, 2019. <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={1B26B55B-54F2-4D95-A7FE-6245EBD37338}>
- 48 Case 15-E-0751 and Case 15-E-0082; supra, Order on Net Energy Metering Transition, Phase One of Value of Distributed Energy Resources, and Related Matters, (issued and effective March 9, 2017).
- 49 11/25/19 Petition: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={5836DFE2-BB55-40D4-842E-6D46DCAE4EEF}>
- 50 5/14/20 Order: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={A67E946F-40B0-49C4-93CD-7BC454987CDF}>
- 51 NYSEDA. Large-scale Renewable Site Prospecting Services for NYSEDA’s Build-Ready Program. Request for Proposals (RFP) BRRFP20-1. <https://portal.nyscrda.ny.gov/servlet/servlet.FileDownload?file=00Pt000000OPPALEA5>
- 52 2019 Public Service Enterprise Group (PSEG) Long Island Utility Annual Update: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={FEFE1AFC-282C-4868-8E41-E3D9BF815316}>
- 53 Final ZEC Implementation Plan. <https://www.nyscrda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/2019/Case-15-E-0302-Final-ZEC-Implementation-Plan.pdf>
- 54 NYSEDA. Governor Cuomo Announces Dramatic Increase in Energy Efficiency and Energy Storage Targets to Combat Climate Change. December 13, 2018. <https://www.nyscrda.ny.gov/About/Newsroom/2018-Announcements/2018-12-13-Governor-Cuomo-Announces-Dramatic-Increase-in-Energy-Efficiency-and-Energy-Storage>
- 55 NYSEDA. Environmental Disclosure (Label) Program. <https://www3.dps.ny.gov/W/PSCWeb.nsf/0/502EF210A0D15B2885257687006F39D8>
- 56 New York Generation Attribute Tracking System. Active Projects. [https://nygats.ny.gov/ng/Report/getdto\\_view\\_Report\\_PublicProjectsAll](https://nygats.ny.gov/ng/Report/getdto_view_Report_PublicProjectsAll)
- 57 Case 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and Clean Energy Standard, Order Adopting Modifications to the Clean Energy Standard (“CES Order”)(issued and effective Oct. 15, 2020).
- 58 Hydroelectric generation facilities owned by NYPA including the Niagara and the Saint Lawrence Generating Stations
- 59 Due to the nature of energy market transactions across borders, the 2019 baseline renewable energy may include or exclude imported renewable generation that was part of the 2014 baseline calculation. Differences between years may also be attributable to the variations in climatic conditions in a given year as generation from renewable resources is weather-dependent. Biomass and Biogas removed for 2019.
- 60 Due to the nature of energy market transactions across borders, the 2019 baseline renewable energy may include or exclude imported renewable generation that was part of the 2014 baseline calculation. Differences between years may also be attributable to the variations in climatic conditions in a given year as generation from renewable resources is weather-dependent.
- 61 The Tier 1 contribution of 178,094 MWh does not change the overall renewable %. Tier 1 energy from Fuel Cells are included in Natural Gas.
- 62 The 2017 figure included unbundled exports.
- 63 New York Generation Attribute Tracking System. EDP Label. [https://nygats.ny.gov/ng/Report/getdto\\_view\\_Report\\_PublicEDPLabel](https://nygats.ny.gov/ng/Report/getdto_view_Report_PublicEDPLabel)

- <sup>64</sup> Case 15-E-0302, Proceeding on Motion of the PSC to Implement a Large-Scale Renewable Program and a Clean Energy Standard (issued and effective July 16, 2018).
- <sup>65</sup> NYSEDA completed the ZEC reconciliation process and issued statements to LSEs in October 2020 with payment due to NYSEDA by November 2020. LSEs whose load share ratio decreased from their historical amount received a refund from NYSEDA, those LSEs whose load share increased received an invoice to purchase the additional ZECs necessary to meet their obligation.
- <sup>66</sup> NYSEDA. SIR Inventory Information.  
<http://www3.dps.ny.gov/W/PSCWeb.nsf/All/286D2C179E9A5A8385257F03F1F7E?OpenDocument>





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