

Caiazza Personal Comment on the Scoping Plan Comment Process

Summary

The recently posted [Draft Scoping Plan Overview](#) (Overview) summarizes the next steps in the public comment process. However, there is no substance so it is not clear how the process will proceed. This comment describes my concerns and offer recommendations for the process.

The Overview notes that one of the next steps is “to identify areas where additional clarity is needed in the scoping plan”. I believe that s feasibility analysis accepted by all the organizations responsible for New York electric system reliability is the most important clarification item that needs to be addressed.

The Overview also notes that another next step is “to further understand relevant needs and priorities of members of the public and how they connect to existing (or additional) climate strategies”. I think that the Council should prepare overview presentations of various aspects of the strategies needed to meet the Climate Act. Until the public understands what is required, they cannot be expected to understand the relevant needs and priorities of the Scoping Plan.

I think that the comment process has to confront technical issues related to reliability, affordability and the Scoping Plan benefits. In particular, I have questions and I am sure other stakeholders have questions. The comment process has to respond to the questions raised in sufficient time that comments can be prepared based on the responses. There are a few technical issues that are so important that it would be appropriate to schedule workshops that can focus on them.

Next Steps

Slide 17 of the [Draft Scoping Plan Overview](#) (Overview) presentation is titled “Nest Steps” and states that the public comment period is open through end of April 2022. Three bullet points are included that describe what is expected for the comment period:

- To identify areas where additional clarity is needed in the scoping plan
- To further understand relevant needs and priorities of members of the public and how they connect to existing (or additional) climate strategies
- Highlight where New York residents and businesses can participate in achieving the State’s climate goals

Next Steps

Public comment period open through end of April 2022

- > To identify areas where additional **clarity** is needed in the scoping plan
- > To further understand **relevant needs and priorities** of members of the public and how they connect to existing (or additional) climate strategies
- > Highlight where New York **residents and businesses can participate** in achieving the State's climate goals

Public and stakeholder input will occur in parallel to complementary continued analysis, speaker series input, and CAC discussion

- > **Written comment (now through April 2022):** Written comments and questions to be shared by members of the public with the CAC via written format
- > **Public hearings (March/April 2022):** In-person and virtual hearings to take input directly from the public
- > **Stakeholder engagement (March 2022 +):** Targeted stakeholder engagement

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Unfortunately, this presentation and the Climate Action Council meetings are not clear on specifics. I don't understand how the public comment period is supposed to work and how comments will be handled. The submittal form notes that "Please consider that all comments or any additional documents submitted will be made public and posted to the New York State Climate Act website." As far as I can tell that capability is not available yet. More importantly, then what? In New York Department of Environmental Conservation regulatory proceedings, the comments are categorized and summarized. When the final rule is promulgated responses to the comments are published as part of the regulatory package of documentation. What will the Scoping Plan process do?

I have submitted five comments since the comment period opened. My first comment submitted as soon as the comment period opened was to ask for a longer time to comment. The next three comments pointed out logistical problems: the latest integration analysis spreadsheets were not available, it would be nice if the scoping plan chapters were available separately, and an error in the PM2.5 spreadsheet. The latest spreadsheets are now posted but there have been no changes to the materials available that address the other comments. Most recently, I submitted a more substantive comment that included questions and pointed out an error in the Integration Analysis methodology.

I believe my comments identified areas where more clarity is needed, but it is not clear how those issues will be resolved. I think the Draft Scoping Plan comments process has to be different than the regulatory process because there are missing pieces and parts in the evolving plan. The amount of material and complexity of the components is so large that the Overview states that outreach will include information sessions and a speaker series. It seems obvious that something needs to be included to address important questions during the comment period so that the public, stakeholders,

and Climate Action Council all have a complete understanding of issues related to the implementation plan.

As an example, consider the [comments](#) I submitted on February 1, 2022. My comments address two issues with the Draft Scoping Plan Social Cost of Carbon benefit calculations. In my first comment I noted that I cannot reproduce the values claimed for avoided societal costs from GHG emission reductions in the Scoping Plan. While the integration analysis spreadsheet documentation provides numerical backup for many of the graphics in the Draft Scoping Plan, similar documentation for numbers I consider critically important, such as anything related to costs and the societal benefits calculations, are not included. My comment specifically asked questions about the methodology and requested the backup numbers for the claim that these societal benefits were between \$235 and \$250 billion.

It seems obvious to me that an iterative process is necessary. I identified a data gap, the Council has to respond to the data gap in some way, and then I need time to develop a comment using the new information. In the DEC regulatory process there are no responses to comments during the comment period itself. If the Council follows that template, then it would prevent development of refined comments. That is unacceptable. Instead, it has to be an on-going iterative process.

Once comments have identified areas where more clarity is needed, the Council has to provide explanations to the public. The overview notes that “Public and stakeholder input will occur in parallel to complementary continued analysis, speaker series input, and CAC discussion”. I see a timing issue here. Unless there is a cutoff for issues raised where more clarity is needed, how does the “complementary continued analysis, speaker series input, and CAC discussion” respond to those issues in sufficient time for stakeholders to comment. The Council may respond with something but they may not respond such that further commentary is not required. I think this supports my belief that the comment period has to be extended.

Consider for example, the second point of my comments. All the presentations and documents claim that the “Cost of inaction exceeds the cost of action by more than \$90 billion”. The avoided economic impacts of damages caused by climate change provide the largest societal benefits for GHG emission reductions in the Scoping Plan. However, as I summarized in a [blog post](#), that claim relies on an incorrect interpretation of the calculation methodology for this benefit. In order to increase the societal benefits, the Scoping Plan artificially increases the social cost benefits by counting them multiple times. The correct way to calculate the benefit is to multiply some estimate of NY GHG emission reductions by the DEC value of carbon values. For example, if all NY GHG emissions were eliminated in 2021 the benefits range from \$46.7 and \$56.4 billion depending on the emissions total used (1990, maximum annual between 1990 and 2019, or the most recent). Using the flawed lifetime approach in the Scoping Plan is analogous to someone who lost 10 pounds five years ago, kept it off and now claims that they lost 50 pounds. When just this over-counting error is corrected, the total societal benefits are negative not positive. The details supporting my argument are in my comments and in a white paper, [Scoping Plan Costs and Benefits](#).

I think that the Council and the Draft Scoping Plan has to address this issue. Unless there is some kind of mechanism in the Scoping Plan comment process that mandates responses, then this result could be

buried and ignored. As it stands now it is not clear that this issue will be discussed much less addressed as part of the process.

Discussion

The Overview presentation requests comments that identify areas where additional clarity is needed in the Draft Scoping Plan. It is supposed to lay out a path to meet the aspirational targets of the Climate Act. The overarching clarification needed is a feasibility analysis that demonstrates current levels of reliability and affordability can be maintained.

The Overview presentation also notes that public and stakeholder input will occur in parallel to complementary continued analysis, speaker series input, and Council discussion. It isn't clear what that means. The public needs more information to provide meaningful comments. Speaker overview presentations should be designed to give them that information. Those presentations should specify the expected programs needed to meet the targets. For example, home heating electrification is a strategy that needs to be described along with the prescriptive measures necessary.

There also is a need to provide more detailed information for technical stakeholders. For example, last summer the New York State Energy Research and Development Authority (NYSERDA) held a Reliability Planning Speaker Session to describe New York's reliability issues to the advisory panels and Climate Action Council. There never was any follow up for the Scoping Plan authors to explain how they addressed the concerns raised at that meeting. While many of the graphics in the Draft Scoping Plan are supported by Integration Analysis spreadsheets that document the numbers, none of the cost numbers are similarly supported. My comment about the social cost of carbon calculation is a third example of detailed information that is not currently available. These issues and others are so important and so complicated that structured and focused workshops are appropriate to fully understand what is proposed for the Scoping Plan for them.

Clearly, an iterative process needs to be incorporated into the comment process. The opportunity to ask questions and get answers is a necessary prerequisite to develop meaningful comments. If the process does not develop a robust Scoping Plan the resulting Energy Plan may not get it right. In February 2021 Texas blackouts spread across almost the entire state, left an unprecedented 11 million Texans freezing in the dark for as long as three days, and resulted in as many as **seven hundred deaths**. If New York's unprecedented transition to a system that relies primarily on wind and solar resources gets its reliability planning wrong then the potential for a similar debacle is likely.

According to a [Gothamist summary](#) of the Climate Act: "Seggos, the DEC commissioner, said the draft plan is meant to generate a framework and solicit input on how the state can meet its climate goals, not provide a policy-by-policy cost estimate." With all due respect to the commissioner, I believe it is inappropriate to rely on a "framework" to claim that renewable energy resources can provide adequate and reliable electric service affordably. Furthermore, a critically important criterion for the public is cost and this response suggests that the Scoping Plan doesn't plan to provide ratepayer cost impacts.

Conclusion

The Overview lists some talking points to describe the Draft Scoping Plan comment process. However, there is no substance so it is not clear how the process will proceed. It has been a month since the start of the comment period and the only information provided is the Overview.

These comments provide some suggestions for the comment process. A feasibility analysis accepted by all the organizations responsible for New York electric system reliability is the most important clarification item that needs to be addressed. The Council should prepare overview presentations suitable for the general public of various aspects of the strategies needed to meet the Climate Act. The comment process also has to address technical issues related to reliability, affordability and benefits such that questions raised are answered in sufficient time that comments can be prepared based on the responses. Those technical issues are so important that it would be appropriate to schedule workshops that can focus on them.

I am submitting this comment on the Scoping Plan comment process because I have the background and experience to know that this law is ill-conceived and a danger to the health and welfare of the citizens of New York. I have [written extensively](#) on implementation of the Climate Act because I believe the ambitions for a zero-emissions economy outstrip available technology such that it will adversely affect [reliability](#) and [affordability, risk safety, affect lifestyles](#), will have [worse impacts on the environment](#) than the purported effects of climate change in New York, and [cannot measurably affect global warming](#) when implemented. The opinions expressed in this post do not reflect the position of any of my previous employers or any other company I have been associated with, these comments are mine alone.

Sincerely,

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