

New York State Posed to Lead Nation in Renewable Energy

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Ben Rand	Green energy is moving well beyond the novelty stage in New York State. It is poised to quickly become one of the state's most important industries with the potential to create tens of thousands of jobs and eliminate our reliance on fossil fuels entirely. As part of his fated state address, Governor Andrew Cuomo proposed an aggressive set of investments and initiatives that he believes will make New York the leader of the renewable energy industry in the United States. His plans call for new large scale renewable energy generation projects, along with substantial investments in transmission capabilities, renewable energy manufacturing and battery storage. You can read more about the Governor's proposals in our show notes. Today on the Harris Beach podcast we are joined by partner, Michelle Piasecki, Michelle and her colleagues on the Harris Beach energy industry team counsel public and private entities on all aspects of energy law and energy related project development. Michelle will tell us what she found most notable in the Governor's plans and explain what she's learned about how to be successful before the State's new Office of Renewable Energy citing which will play a central role in determining which new projects are built. Michelle, thanks for being with us, the Governor has laid out an ambitious agenda. Can you tell us from a developer's standpoint what aspects you found most significant?
Michelle Piasecki	Sure. First, I just want to say thanks for having me, always a pleasure to talk about energy and the energy initiative that New York has undertaken in the past few years. It's a very exciting time to be in the industry, I think both from a development side which are folks that we generally help go through the processes and also for those residents who are out there and are interested in insuring that the environment is around for themselves and future generations. With respect to the Governor's address today, obviously for me, the biggest aspects of his speech were about those renewable projects that you mentioned. There are, you know, 24 large scale renewable projects. We'll see whether the majority of them I anticipate will be solar but we'll see if there are some wind projects in there as well which are poised to just continue what has been going on in the last few years in terms of insuring that there is a number of generation projects that will be coming online to help the state reach it's ambitious clean energy goals. So, those projects and continuing to expand across the state with those efforts is very important. The other thing that dovetails very nicely with respect to the generation that we're adding to the state is the renewed focus on transmission. I think even before the state developed the clean energy standard and it's renewable goals, there was a need for upgrades to transmission across the state.

	You know there is a report that's put out by NYISO in terms of where transmission is at and whether or not it's critical in terms of upgrades or if it can wait for a few years before those lines needed to be upgraded and I think there has been a general decline over time obviously, and to some extent, that kind of aspect of the energy market has been ignored so it's nice to see that there is going to be a focus on insuring that there is enough updated transmission to insure that all of this great renewable energy that we're proposing to add to the space is going to have somewhere to go and not run into problems on that side because, you know, the aging infrastructure just isn't able to keep up.
Ben Rand	And that's important Michelle because you can make the energy in one place but you have to get it to the homes and the businesses that need it, right?
Michelle Piasecki	Right, absolutely. Doesn't really help if you're adding more ingredients to the mix if there is nowhere to bake them, right?
Ben Rand	Right.
Michelle Piasecki	So, adding more transmission, insuring that the existing transmission is capable of handling increased load are all very important aspects to insure that we're actually able to meet the goals and make sure that rather that the residences and businesses that are relying on this energy are able to insure that it's going to be there when they need it.
Ben Rand	You know there is one other aspect of the Governor's comments today that I wanted to ask you about because it sounded pretty significant to me and that was some commitments to develop manufacturing for things like wind towers and turbine manufacturing for development, all means of supporting renewable energy wind power. Has manufacturing, you know, availability and solar panels and other components, has that been a challenge for developers and do you think having more localized manufacturing will help move these projects along more quickly?
Michelle Piasecki	Yeah, absolutely an increased focus on insuring that there are manufacturing plants and processes in place to develop the components that are necessary for building these projects and not just building but, you know, at times there needs to be replacement of equipment and that type of thing. Having that readily available and close in force to where the projects are being located is extremely important for both wind and solar projects. There are only so many places currently in the entire world that develop these resources and a lot of times there are issues with lead time in securing enough equipment to be able to put a project online so a company that is looking to develop a very large offshore wind project or a large solar project may have to order equipment a year out, or if it's for some reason equipment breaks down, there is an issue where a project could have to go offline because the lead time to replace whatever that component is may take too long. So the fact that there is going to be some investment to ensuring that we have those manufacturing plants closer to home where a lot of these projects

	are being placed, is, I think, very significant in terms of getting these projects online in the first place but also ensuring that they continue to be able to operate efficiently. Without any sort of interruptions.
Ben Rand	Sure sounds like the way the process is set up it currently is a huge business challenge to get everything that you need to keep your projects up and keep them online so it will be interesting to see how this picks up. Next question Michelle, you know, you are involved in providing counsel to, you know, a lot of renewable energy products developers, both upstate and downstate. I was just kind of curious in terms of, you know, based on that involvement, what can you say about how these types of projects are being received, you know, many communities are seeing proposals these days. What do developers need to prepare for, what should they expect in terms of how their proposals will be received at the local level?
Michelle Piasecki	Sure. Here at Harris Beach, our team, our energy industry team, actually focuses on both small scale and large scale permitting so that large scale would be 25 megawatts and greater and small scale would generally be, you know, around 5 megawatts or so though they can go all the way up to 20 depending on, you know, what the developer wants and location and that type of thing. Depending on the size of the project that the response can be different so naturally with any sort of development, if you have larger development, you know, you can generate a greater response than if you're a smaller project. But for the most part what we see from residences and communities are just a lot of questions because the technology and the focus and support for renewable energy is relatively new in this state. So, you know, we have questions about what happens when the life of the project is over, how is the project going to be decommissioned, where is it going to be decommissioned and, you know, how are we protected from, you know, insuring that we're not paying for the cost of that. You know, what impact is it going to have, you know, on our energy base locally or across the state, you know, what are the benefit's for the project which there are numerous benefit's that developers like to focus on in terms of the money that's going to be brought into the locality, the jobs that are often going to be created and the community partnerships that are really developed. In addition, most of these projects are cited on local farms, farmland is seen as a generally beneficial land source so they support the continuation of the farming community who are in many cases part of a depressed community that are seeing issues with insuring that the farm continues to be economically viable for future generations so whether it's a solar project or a wind project, the payments that are made to the farms who are housing these projects on their property are generally enough to support continued operation of their farm or even in some cases an expansion of those operations down the line...
Ben Rand	Wow.

Michelle Piasecki	So it's helping to keep those communities that that source of food is protected. You know in addition to that we get questions a lot of times about viewpoints. Folks are worried about, you know, what they're going to see. So I think in terms of what developers can do to prepare is (1) insuring that they're out there in the community engaging with residents, seeing what questions that they have. A lot of them like I said are generally the same, there are things that we hear often, they're all usually dealt with throughout the siting process, whether it's at the local level or the state level. You know, most of the studies that have to be done to support an application going through a local permitting process or the state permitting process cover all the environmental aspects that might come up, you know, what the potential views are and how to minimize those. But, getting out there and hearing what residents are concerned about is a big aspect because a lot of times those concerns can be addressed upfront by the developer just simply providing more information on a relatively, like I said, new resource that just folks don't have a lot of experience or knowledge about. So that is one of the biggest things. And then just throughout trying to interact as much as possible with the community and the residents and really demonstrate that the developer is interested in putting the project in a certain location because that's where it is going to be most viable, you need access to the sun or wind, depending on which type of renewable energy is you need access to a transmission line, and you need willing land owners and partners who are prepared to put the project on their property but beyond that, most developers understand that they're going to be a member of the community as a local business for a very long time and they're interested in insuring that they have a good partnership with the community that they're in and the residents that are, you know, living around them.
Ben Rand	Sounds like a lot of issues to work through but there is also a lot of economic benefit's behind it as well so it's good to know that working upfront and keep maintaining those lines of communication is the right way to go. And then finally Michelle, given the Governor's ambitious agenda kind of the way that he laid it out today, what would you say are some of the key factors in addition to keeping those lines of communication open or what are some of the key factors for developers to be successful and working their way through both the regulatory process of siting and permitting would you say?
Michelle Piasecki	Sure, so the process of permitting a large scale project has somewhat transitioned. There used to be a law called Article 10 that projects had to go through and that many projects are still going through. There is a new siting process under section 94(c) of the executive law that is now housed in the Office of Renewable Energy Siting or ORES that is specifically looking at these large scale projects to attempt to streamline the process to some extent so that developers know upfront: here is all the information that you're going to need to provide in the application that will be reviewed and a decision will be made by this dedicated office whose only job is to look at these projects whereas before the Siting Board and largely the Department of Public Service were responsible for kind of, you know, transitioning these projects through the permitting process in making a decision but they have many other, you know, many other focuses that they were worried

	about in the energy space and the members of the Siting Board were from, you know, all different agencies with very different issues that they have to deal with independently too. So now the process will really be focused in one office whose, you know, sole goal is looking at these which should help insure that all of the projects are being reviewed and decided on a similar set of standards instead of, you know, constantly having to modify what the requirements may be as you go through the process and folks may learn new information. It really provides some certainty to developers upfront that, you know, absent some unique issues with the site of your project for instance, if there are specific environmental species that you need to be concerned about or if there are wetlands that you need to mitigate, you know, generally there is going to be a set of standards that are going to be applied and a decision will be made timely on your application rather than being, you know, strung out over a number of years as has often been the case under the Article 10 process. So, in order to be successful in that, you know, I think what's going to be important for developers and we've seen it born out on the Article 10 side, is really having good partnerships with folks who, you know, understand the process and can assist you through the permitting process and have relationships with the Office of Renewal Energy Siting as that office has pulled from some of the other agencies, like ETS and DEC to try and build up their office, it's going to be really important to work with those folks to get through the permitting process and to address any issues that may come up during the application review stage and, you know, on that front, relationship building and communication is something that Harris Beach has always advised our renewable clients to be focused on beginning out in the community and to be working with the state agencies. We feel like that has really led to successful efforts for those projects that we've been working on and even though the community has to some extent a lesser role in the new siting process, than the old Article 10 siting process, for those developers who are interested in obtaining a REC award from NYSERD or from NYFA, you know, community engagement is still going to be a touchstone of their review in whether or not to issue REC awards so that's not going away, that community partnership access. Because of this renewed focus that the siting office, the new siting office and the new siting process, have brought to the energy industry and all of the other items that were mentioned during the state of this State Address today in terms of transmission upgrades and offshore wind and manufacturing, you know, Harris Beach has really focused on broadening our energy industry team. We've recently added three new associates to assist in those efforts, you know, like I mentioned initially at the front of this, the energy space is constantly expanding, it's a very exciting industry to work in and so we're also trying to expand and develop our team to match our client's needs throughout the process. So I think we'll be working through that together.
Ben Rand	Excellent, yeah it sounds like, as you said at the beginning, it's kind of an exciting time and also important for the state as we rebuild the economy after the pandemic so Michelle, thanks very much for joining us. For more information

	about our energy industry team or to reach Michelle, please visit www.harrisbeach.com/energy .
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