Pragmatic Environmentalist of New York Summary Update June 30, 2025 – July 14, 2025

This is a summary update of posts at Pragmatic Environmentalist of New York over the last two weeks. I have been writing about the pragmatic balance of the risks and benefits of environmental initiatives in New York since 2017 with a recent emphasis on New York's Climate Leadership & Community Protection Act (Climate Act). This summary describes each of my recent posts. If you do not want to be on this mailing list, then let me know. A pdf copy of the following information and previous summaries are also available. The opinions expressed in these articles do not reflect the position of any of my previous employers or any other organization I have been associated with, these comments are mine alone.

More Reasons to Pause Climate Act Implementation

It will be clear after reading this summary that I am very frustrated that all the increasingly obvious problems with the Climate Act transition have not produced a pause to re-assess the transition. This post described several articles that provide more reasons that the implementation should be paused.

There has been some encouraging news of late. Tom Shepstone wrote an article about a letter from 18 New York Republican Senators calling on Governor Hochul to declare a State of Emergency and "halt Climate Act mandates." The letter includes some of the reasons I have been arguing but suggests a different legal mechanism than the one in subsequent article descriptions. They stated:

> We write today with a deep sense of urgency to respectfully urge you to issue a State Declaration of Disaster Emergency pursuant to Executive Law §28, in response to escalating reliability concerns surrounding our electric grid and the rapidly rising energy costs burdening New York ratepayers. In accordance with Executive Law §29-A, we further request the suspension of laws enacted under the Climate Leadership and Community Protection Act (CLCPA), Chapter 106 of the Laws of 2019.

Tom went on to note that "Kathy Hochul called it grandstanding, of course. What else is she going to do? Here's some of what her people had to say, which tells quite a different story:"

> Hochul did acknowledge last week that the economic environment has changed since the CLCPA was passed under former Gov. Andrew Cuomo.
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> "It all goes back a number of years and I've had to take a close look and realize that we cannot accomplish what those objectives were back before I became governor in a timeframe that's gonna not hurt rate payers. So we're slowing things down. I wanna make sure people know that," the governor said last Tuesday.

DPS Response to Safety Valve Recommendations

Clearly there are limits to how much New Yorkers can afford to spend on implementing the Climate Act. One of my major concerns is that the Hochul Administration has not established safety valve criteria for affordability, reliability, and environmental impacts. I am obsessed with the notion that Public Service Law (PSL) 66-p(4) has a safeguard mechanism that could at least define the affordability limit. In May I described my Personal Statement on Niagara Mohawk Rate Case Joint Proposal (JP) that recommended that the JP address this law. This article describes the response to that argument by the Department of Public Services (DPS).

DPS argued that they had to follow the law and that this issue was beyond the scope of the rate case. However, they ignore the inconvenient fact that PSL-66(p) is a law too. In my opinion, by not acknowledging that provision DPS fails their "broad mandate to ensure access to safe, reliable utility service at just and reasonable rates."

The DPS Staff response did not address conflicting obligations in the following. Both the DPS and the utility seeking rate increases have an obligation to provide safe, reliable utility service at just and reasonable rates. Apparently DPS staff are not willing to establish the criteria for what that means.

> First, the assertion that the Joint Proposal does not acknowledge PSL §66-p(4) is not a failing of the Joint Proposal. Neither the Joint Proposal nor the Signatory Parties have the power or authority to direct the Commission to conduct a hearing to consider a suspension of the CLCPA or CLCPA-related programs pursuant to PSL §66-p(4).
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> Second, there are numerous generic proceedings that were initiated or expanded to comply with the directive for the Commission to establish a renewable energy program.

My issue with this response is that rate case impacts are arguably the most direct impact of Climate Act policies on New Yorkers. If there is no standard for acceptable affordability here, then the obligation for just and reasonable rates is just a slogan.

Reality Bites Climate Act Affordability

This is an update to earlier posts about Climate Act Safety Valves and the DPS response to my safety valve recommendations. In the previously described article I included a quote that claimed there were "numerous generic proceedings" where the safety valve should be addressed. I researched other proceedings and this article documents the results.

The DPS Document and Matter Management (DMM) system is the online repository for all cases before the Public Service Commission. There are thousands of cases in the system and individual cases can have thousands of filings. I used Perplexity AI to generate summaries and references that are documented in a white paper. I entered the following prompts on [1 July 2025]:

- Find all explicit recommendations for affordability related to implementation of the Climate Leadership & Community Protection Act in the New York DPS DMM system.
- Find all explicit recommendations for reliability related to implementation of the Climate Leadership & Community Protection Act in the New York DPS DMM system

The article describes all the references. In my opinion, the research shows that the Public Service Commission and Department of Public Services have dropped the ball on Climate Act affordability. No one has ever argued that affordability should not be a consideration. The problem is that the Hochul Administration has not bothered to define what is acceptable. A Business Council of New York memo on Climate Act implementation made the point that the "CLCPA only requires the consideration of equitable impacts and cost minimization, in effect making affordability and cost-effectiveness of CLCPA implementation measures a consideration, not a requirement."

The PSC and DPS have not adequately addressed the necessity to consider the costs of the Climate Act on their "broad mandate to ensure access to safe, reliable utility service at just and reasonable rates." DPS has not even bothered to update its mandated report on Climate Act costs in over a year. No proceeding has directly addressed the need for safety valve boundaries on costs or reliability. In rate case proceedings DPS says this issue is addressed elsewhere, but my search shows it is mentioned elsewhere but not directly addressed.

Crack in the Climate Leadership & Community Protection Act Façade

It was inevitable that the impact of the Climate Act on energy affordability would become a political liability. On July 1, 2025 Governor Hochul suggested that a "slow down" on the Climate Act was needed. Buffalo TV Station WRGZ 2 On You Side posed questions to the governor that forced her to admit "At the end of her long response on utility rates and energy strategy, there was this summation from Hochul: "You're absolutely right. Utility costs are a huge burden for families, and I'll do whatever I can to alleviate that." I mentioned this report in the previous article and published this more complete description at Watts Up With That. If you have not seen the video I recommend it highly.

My description concluded by asking where does New York go from here? The Climate Act has always been about emotional arguments to cater to climate activist constituents and supporting crony capitalists feeding at the trough. I believe that the Hochul Administration could use the unacknowledged safety value provisions described above to argue that it is inappropriate to implement the Climate Act. The political approach could be to simply acknowledge that without Federal tax breaks and incentives that may all be gone with the recent passage of Trump's Big, Beautiful, Bill that the net-zero transition is impossible. She already threw previous Governor Cuomo under the bus when she suggested in the interview that "we cannot reach those objectives" that were put in place before she became governor. The strategy where a politician blames others for the failure of her own misguided initiatives seems most likely to me. It is encouraging that this was followed by the letter from the Senators to Hochul.

Energy Plan 25 June 2025 Meeting – Pathways Analysis Modeling Approach

This article and the following one are part of my continuing coverage of the New York State Energy Plan. I described the modeling approach used for the analysis here.

According to the New York State Energy Plan website (Accessed 3/16/25):

> The State Energy Plan is a comprehensive roadmap to build a clean, resilient, and affordable energy system for all New Yorkers. The Plan provides broad program and policy development direction to guide energy-related decision-making in the public and private sectors within New York State.

Doreen Harris, head honcho of the New York State Energy Research & Development Authority (NYSERDA) and co-chair of the Climate Action Council, introduced the Pathways Analysis discussion. This article described her remarks which are notable because there is a begrudging admission that the there are issues with Climate Act implementation.

I am not going to bore readers with the details of the modeling in this summary. The presentations to the Energy Planning Board hinted that there are issues. It is still necessary to read between the lines to understand the implications. In one of the biggest under-statements of this transition process Harris conceded that there are considerations that will "likely impact state progress on statutory emissions goals".

Relative to the previous articles I am particularly incensed by this statement by Harris: "Importantly, this analysis demonstrates that we can continue to make meaningful progress toward our energy goals while preserving reliability and affordability for our citizens." They have not defined affordability or what reliability risks are acceptable. Without those definitions this is just a slogan.

Energy Plan 25 June 2025 Meeting – Modeling Analysis Scenarios

This article went deep into the weeds of the modeling analyses. I take a deep dive into the specifics because of the ramifications to the end results. I wish I could say that NYSERDA is going to treat stakeholder involvement differently in the Energy Plan than they did in the Scoping Plan, but initial indications are not promising.

One of the significant failings of the Scoping Plan modeling is that NYSERDA did not show their work, especially the assumptions made. When there were enough details for explicit stakeholder comments showing issues, they were ignored. I fully expect that NYSERDA will continue that approach. If that happens then claims they have a "realistic yet ambitious approach" is no more than another slogan.

I recently was reassured by someone who knows what is going on that NYSERDA is not working in a vacuum this time. Knowledgeable experts from the electric industry are participating in the process. Nonetheless, I worry about the final product. NYSERDA did not acknowledge, much less respond, to any contrary stakeholder comments during the Scoping Plan process. When the Climate Action Council voted to approve the document there was no suggestion that there might even be unaddressed issues. I cannot imagine that the industry experts will agree on every aspect of the final NYSERDA product. If that happens, then they would submit comments documenting their concerns. NYSERDA should document the comments and explain how they resolved them. In my opinion they must similarly address all comments submitted for this to be a credible process.

The recent passage of the Big, Beautiful Bill Act will have massive implications for the Climate Act net-zero transition. The potential for existential changes to renewable energy development must now be considered. This is the perfect opportunity for politicians to stop a program that even they must realize is not working according to plan. I can only hope that this nightmare will end.

RGGI Third Program Review Delays Reckoning

The Regional Greenhouse Gas Initiative (RGGI) is a market-based program to reduce CO2 emissions from electric generating units. Dealing with the RGGI regulatory and political landscapes is challenging enough that affected entities seldom see value in speaking out about fundamental issues associated with the program. I have been involved in the RGGI program process since its inception and have no such restrictions when writing about the details of the RGGI program. This article described the

completion of the RGGI Third Program Review. Based on my analysis of the planned revisions, the RGGI States only delayed the inevitable reckoning of the futility of this program to achieve the goal of a "zero-emissions" electric system.

Cap-and-invest programs like RGGI are frequently touted as a program that will kill two birds with one stone: "It simultaneously puts a limit on the tons of pollution companies can emit — 'cap' — while making them pay for each ton, funding projects to help move the jurisdiction away from polluting energy sources — 'invest.'" That is the theory and RGGI is an on-going experiment.

Despite the claims about the success of RGGI, the reality is that the only thing it is good at is raising money. Suggestions that RGGI has been responsible for the observed reductions in CO2 emissions over the life of the program ignore the importance of fuel switching and the poor performance of RGGI auction proceed investments in reducing emissions.

There is no simple way to describe the changes to the RGGI rules included in the recently announced completion of the Third Program Review. The rule changes revolve around the need to reduce the cap allocations to be consistent with various RGGI State decarbonization goals. In my opinion, the political mandates for zero electric system emissions by 2040 are infeasible and this post explains why. The changes to RGGI modify the allowance allocation schedule but include a "cost containment reserve" that adds allowances at a higher cost. That simply punts the problem into the future and only delays the inevitable reckoning between political aspirations and reality. In less than ten years I expect that RGGI will need to be abandoned as a feasible emission reduction strategy.

Institute for Policy Integrity: Power Plant Pollution is Clearly Significant
This post was first published at Watts Up With That

The Institute for Policy Integrity at New York University School of Law recently published *The Scale of Significance: Power Plants: The U.S. Power Sector's Annual Climate Pollution Causes Thousands of Deaths and Massive Economic Damage".* It is typical of the superficial analyses that activists use to support the Climate Act. I checked several of their claims and found they amounted to nothing.

The report claims that the Trump Administration did a "skewed appraisal" when it claimed that US power plant emissions are not significant. The report concludes that "By any measure, emissions from major U.S. industries, like the electric power sector contribute significantly to climate damages." The measures described in the report are biased, based on selective choice of metrics, and ignore historical emissions improvements. That fits my definition of a skewed appraisal. In this analysis the pot is calling the kettle black.