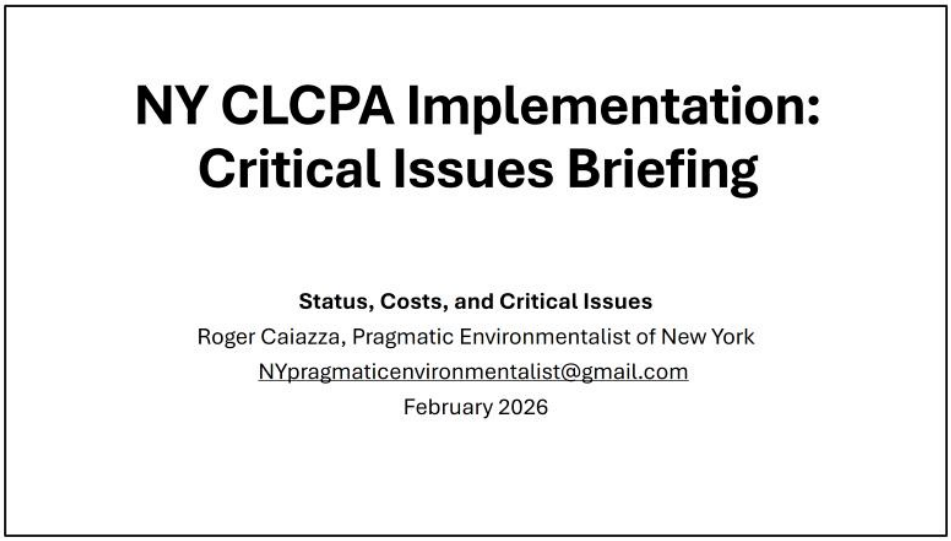
Documentation for Briefing



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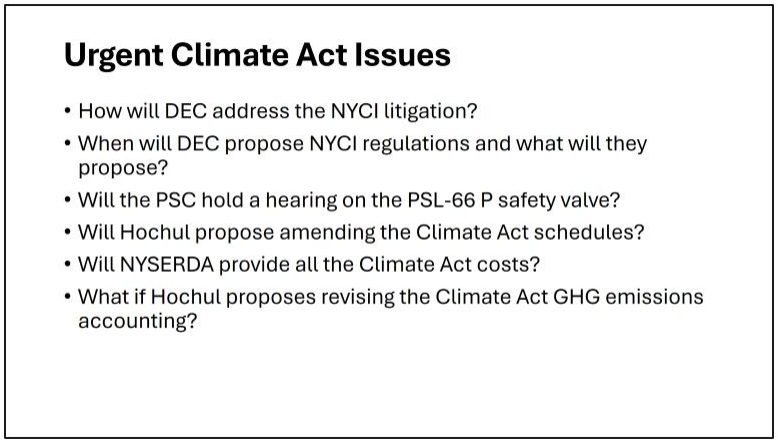


Goal of Presentation

- Purpose of briefing is to update you on the latest timely issues associated with the Climate Act
- DEC needs to respond to the New York Cap-and-Invest (NYCI) economy wide emission reduction initiative requirements
- PSC must address safety valve provisions
- The schedule and affordability impacts of the Climate Act can no longer be ignored
- Recent news stories suggest that Hochul may propose revising GHG accounting again

Target Trajectory vs. Reality

- 70% renewable electricity by 2030 goal - No appreciable change in the percentage of renewable electricity generation
- 40% GHG emission reduction by 2030 mandate - Economy-wide emissions reductions through 2023 are only 14% less than 1990

Table 1: NYISO Gold Book Annual Total and Renewable Summer Capability and Generation

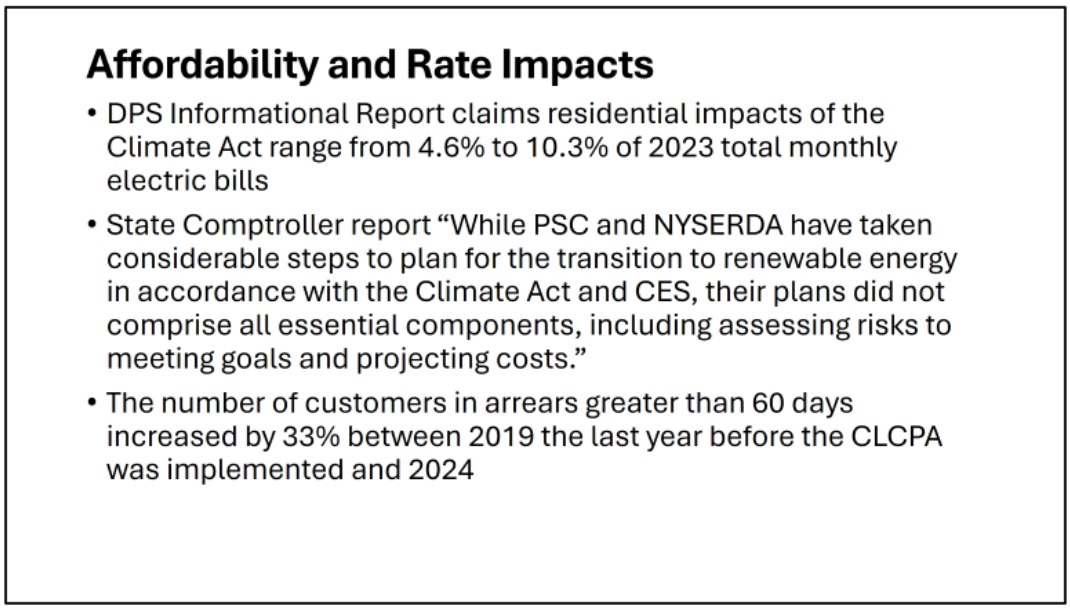
Gold Book	Summer Capability (MW)				Generation (GWh)		
Year	Renewable	Total	Percent	Other	Renewable	Total	Percent
2019	6,345	38,497	16.5%	327	37,294	134,536	27.7%
2020	6,428	37,789	17.0%	319	35,964	131,462	27.4%
2021	6,470	37,431	17.3%	326	35,321	126,766	27.9%
2022	6,800	36,894	18.4%	330	34,658	125,691	27.6%
2023	7,316	38,006	19.2%	334	35,770	124,153	28.8%
2024	7,757	37,654	20.6%	334	36,682	130,643	28.1%

- Status of the 70% renewable electricity by 2030 and zero-emission by 2040 mandates
  - There is no question that the 70% renewable electricity by 2030 target will not be met. The New York Independent System Operator (NYISO) annual load and capacity data report universally known as the "Gold Book" data over the last six years is shown in Table 1. Note that the renewable percentage shown in the table is an over estimate because the NYISO %references to renewable resources do not necessarily align with the New York State Clean Energy Standard definition. I believe that is because NYISO incorporates an "other renewables" category that includes methane and refuse fired generation.
- Economy-wide emissions reductions
  - I reviewed the 2025 NYS GHG Emission Inventory Report in my article Implications of New York State 2025 GHG Emissions Inventory. I found that GHG emissions through 2023 are 14% less than the 1990 baseline and emissions are basically unchanged since 2022. That makes meeting 2030 GHG emission reduction target of a 40% reduction impossible.
- Implications of observed trajectories and Climate Act requirements
  - If the goals are not met, I expect litigation for each one.

Statutory Compliance & Litigation Risk

- Missed statutory deadlines and court-ordered catch-up
  - Failure to promulgate core CLCPA regulations by the January 1, 2024 deadline
  - In response to a lawsuit , on Oct. 24, 2025, there was an Albany County New York Supreme Court decision ordering the Department of Environmental Conservation to issue final regulations establishing economy-wide greenhouse gas emission (GHG) limits on or before Feb. 6, 2026 or go to the Legislature and get the Climate Act 2030 GHG reduction mandate schedule changed. I published an article providing detailed information about the decision.
  - Status: A New York trial court denied the New York State Department of Environmental Conservation's (DEC's) motion requesting that the court extend the deadline the court had set for DEC to promulgate regulations that the Climate Leadership and Community Protection Action mandated be issued by January 1, 2024. The court in October 2025 ordered DEC to come into compliance by February 6, 2026. The court found that DEC's motion requesting the extension was moot because the court's order had been stayed by operation of law when DEC filed a notice of appeal. The court also found that DEC did not meet the legal threshold for a motion to renew or reargue. The court said it had declined to take on oversight of the regulatory process and had instead afforded DEC time to seek legislative changes to the deadline. The court found that the "essence" of DEC's argument in its motion to renew or reargue was "the very same" as its original argument—that it did not want "to be governed by a hard deadline." *Citizen Action of New York v. New York State Department of Environmental Conservation*, No. 903160-25 (N.Y. Sup. Ct. Jan. 8, 2026)

- This causes legal uncertainty for agencies and developers
  - Resources for the Future described how the absence (or late arrival) of binding limits and cap-and-invest rules affects PSC decisions, NYSERDA procurements, DEC permitting, and investor risk.
  - In my opinion this analysis is flawed because it assumes that cap-and-invest programs have been successful. New York results with the Regional Greenhouse Gas Initiative does not support that assumption.
- Repeal and rollback efforts
  - Current bill S8669 to repeal or significantly amend the CLCPA and replace it with a "common sense/affordability" framework
  - S8669 - Repeals the New York state climate leadership and community protection act and establishes the nineteen member common sense energy council which will prepare and approve recommendations for achieving affordable and attainable statewide greenhouse gas reductions; requires a statewide greenhouse gas emissions report by the department of environmental conservation; makes technical corrections thereto.



Affordability and Rate Impacts

- Affordability Crisis
  - As of December 2024, over 1.3 million households are behind on their energy bills by sixty-days-or-more, collectively owing more than $1.8 billion.
  - Recently I did a status summary of Climate Act Affordability
- Rate Cast Impacts
  - I published an analysis of observed rate impacts to date

- Kris Martin published a similar post that included a description of ratepayer impacts. Table 2 summarizes recent electric rate cases (Con Edison, National Grid, Central Hudson, O&R, NYSEG/RG&E)

	NYSEG	National Grid	Rochester Gas & Electric	Central Hudson	Orange & Rockland	Con Edison	Long Island Power Authority
Total bill	$168.35	$158.93	$152.16	$226.78	$211.45	$230.09	$192.92
Climate Act portion	$21.04	$20.03	$20.85	$20.86	$23.89	$21.63	$16.40
Percentage	12.5%	12.6%	13.7%	9.2%	11.3%	9.4%	8.5%

Forecasted residential 2029 monthly bills with Climate Act costs

  - Department of Public Service (DPS) staff provides estimates of the impact of the Climate Act on electric rates. The Second Informational Report "includes the estimated costs and outcomes from 2023 through 2029 to provide the most up to date information." According to the Summary of Ratepayer Impact for Electric Utilities table, residential impacts of the Climate Act range from 4.6% to 10.3% of 2023 total monthly electric bills. In my opinion, those estimates are conservative because there is immense pressure on agency staff to minimize the costs of the Climate Act. In addition, the costs necessary to implement the Climate Act were ramping up in 2023. I expect that these costs will continue to climb.

- Agency affordability findings and critiques
  - The July 2024 New York State Comptroller Status report "Climate Act Goals – Planning, Procurements, and Progress Tracking" audited PSC and NYSERDA efforts to achieve the Climate Act mandates. It found that "While PSC and NYSERDA have taken considerable steps to plan for the transition to renewable energy in accordance with the Climate Act and CES, their plans did not comprise all essential components, including assessing risks to meeting goals and projecting costs."
  - Richard Ellenbogen summarized this report. He concluded that the Comptroller Climate Act Goals – Planning, Procurements, and Progress Tracking document and the PSC Clean Energy Standard Biennial Review Report both acknowledge that Climate Act implementation is not going as planned
- Energy burden and arrears
  - Independent Intervenors submitted a filing to DMM Case 22-M-0149 that calculated customers in arrears. The annual average number of customers in arrears greater than 60 days was 1,040,664 in 2019 the last year before the CLCPA was

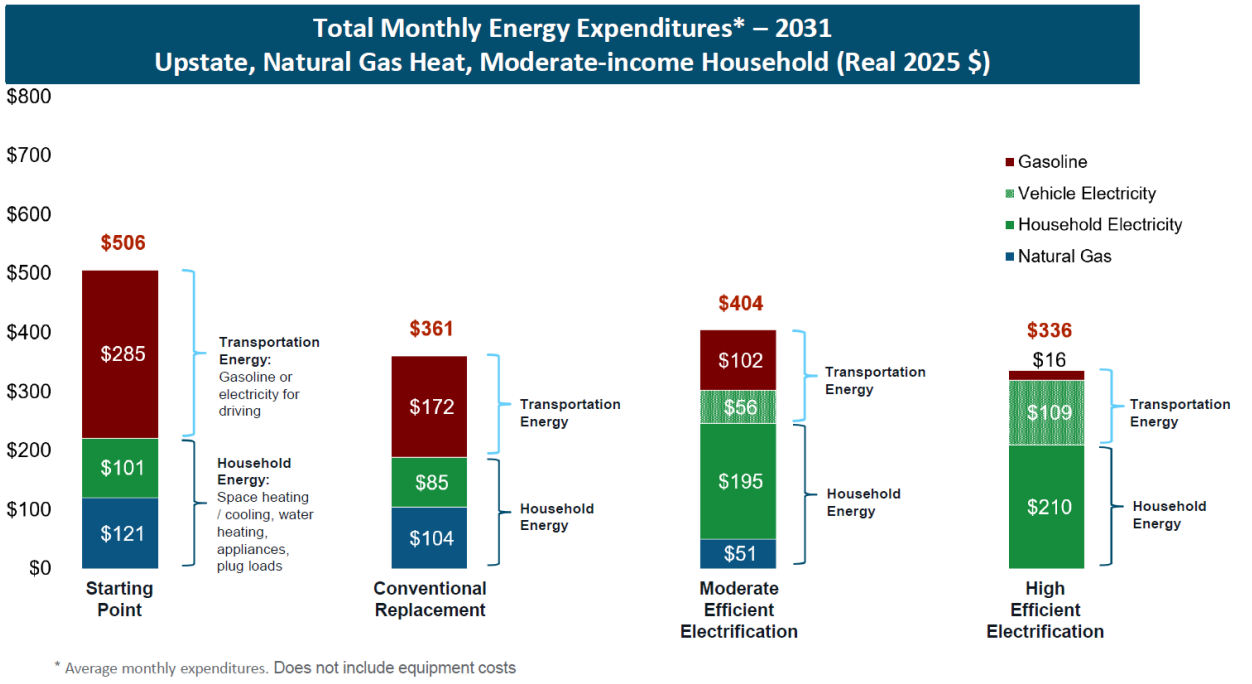
implemented and the average in 2024 was 1,385,119 customers in arrears which is an increase of 344,455 or a 33% increase.

- The New York Public Service Law § 66-p (4) criteria for consideration of suspension or modification is a "significant increase in arrears or service disconnections that the commission determines is related to the program". The standard deviation of the number of customers in arrears from 2010 to 2019 is 64,333. Because the observed difference, 344,455 is greater than two times the standard deviation the increase is statistically "significant".

- Assistant Attorney General Meredith G. Lee-Clark submitted correspondence related to the litigation associated with Climate Act implementation that addressed affordability. The State's submittal argued that it was inappropriate to implement regulations that would ensure compliance with the 2030 40% reduction in GHG emissions Climate Act mandate because meeting the target is "currently infeasible". The letter concluded that the Climate Act is unaffordable: "Petitioners have not shown a plausible scenario where the 2030 greenhouse gas reduction goal can be achieved without inflicting unanticipated and undue harm on New York consumers, and the concrete analysis in the 2025 Draft Energy Plan dispels any uncertainty on the topic: New Yorkers will face alarming financial consequences if speed is given preference over sustainability."

State Energy Plan Cost Estimate

Figure 11 from [Energy Affordability Impacts Analysis]



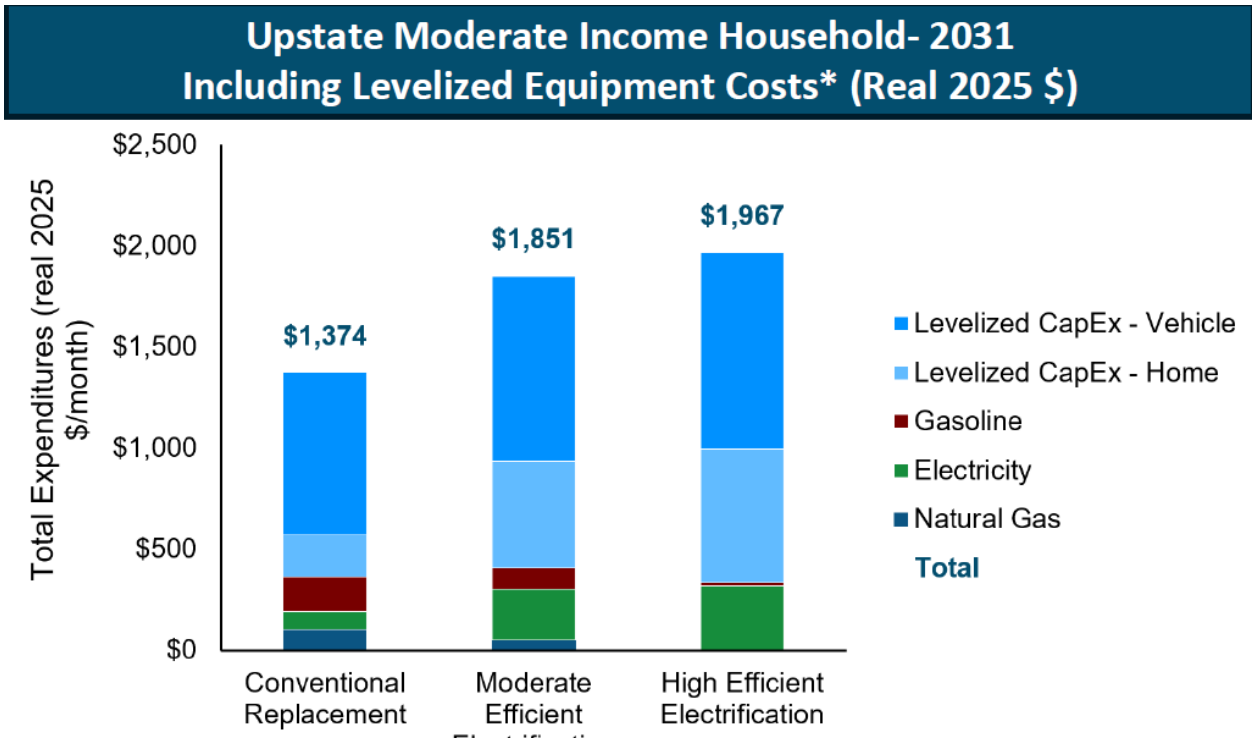
- NYSERDA affordability arguments are summarized in the Affordability Analysis Overview [Fact Sheet]
- [Pragmatic Environmentalist Review of the NYSERDA Fact Sheet]
- This figure compares 2031 expected monthly energy expenditures for three scenarios relative to the do nothing case. For an Upstate moderate-income household using natural gas
    - Monthly costs will be $506 if the household does not replace their cars, furnace and appliances
    - Monthly costs will be reduced to $361 if the existing equipment is upgraded with more efficient versions.
    - Monthly costs will be reduced to $404 with moderate efficient upgrades shown in the next slide.
    - Monthly costs will be reduced to $336 with high efficient upgrades shown in the next slide.
- NYERDA claimed that the use of “new, efficient equipment and electrification can cut energy spending by $100 to $300 every month for many New York households”
- However, these projections do not cover the costs of the equipment to make the reductions

Table A-6 SEP Impacts Assessment - from [Energy Affordability Impacts Analysis] Appendix
This is a description of the equipment needed to achieve monthly energy cost expenditure savings for the four scenarios.

Table A6. Equipment, vehicle, and building shell assumptions by household profile and journey

Household Profile	Starting Point	Conventional Replacement	Moderate Efficient Electrification	High Efficient Electrification
Upstate, Moderate Income	* Gas space heating with central AC * Gas water heating * Two fleet average gasoline vehicles * Gas clothes dryer and stove, incandescent/CFL/LED lighting	* Efficient gas space heating and central AC * Efficient gas water heating * Two new gasoline vehicles * Efficient gas clothes dryer and stove, LED lighting	* Basic shell + ducted ASHP, 20% fuel backup * Efficient gas water heating * One new gasoline vehicle, one PHEV * Efficient gas clothes dryer and stove, LED lighting	* Medium shell (moderate income), basic shell (average income) * Ducted ASHP * Heat pump water heating * One PHEV, one BEV * Efficient electric clothes dryer, induction stove, LED lighting
Upstate, Average Income				

State Energy Plan Costs Including Equipment Costs



- NYSERDA ran one sensitivity analysis that included the costs of the equipment needed to provide those energy savings
- This graph is the only documentation provided in Figure 11 from [Energy Affordability Impacts Analysis]
- Difficult to determine the reason for these costs from this graph

State Energy Plan Costs Including Equipment Costs

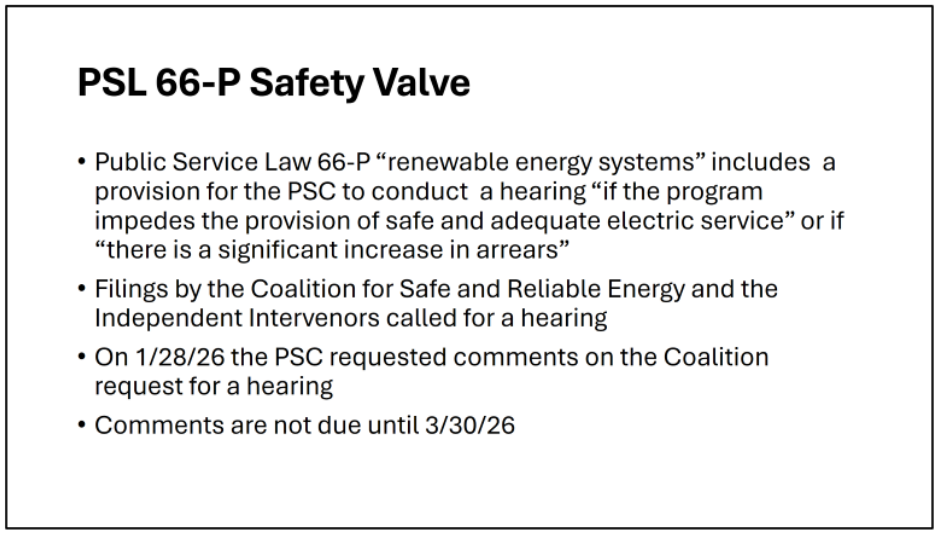
- Breakout details of monthly energy costs include levelized costs for equipment
- Upstate New York moderate income household that uses natural gas for heat projected monthly costs and hardware costs

		2031 Projection			
		Starting Point	Conventional	Moderate	High Efficient
Row		Base	Replacement	Electrification	Electrification
1	**Total Monthly Energy Costs**	$ 506	$ 361	$ 404	$ 336
2	**Natural Gas**	$ 121	$ 104	$ 51	$ -
3	**Household Electricity**	$ 101	$ 85	$ 195	$ 210
4	**Vehicle Electricity**	$ -	$ -	$ 56	$ 109
5	**Gasoline**	$ 285	$ 172	$ 102	$ 16
6	**Total Monthly Levelized Capital Costs**		$ 1,013	$ 1,446	$ 1,632
7	**Levelized CapEx - Home**		$ 211	$ 530	$ 660
8	**Levelized CapEx - Vehicle**		$ 802	$ 916	$ 972
9	**Total Including Levelized Equipment Costs**	$ 506	$ 1,374	$ 1,850	$ 1,968
10	**Added Cost for Climate Act Compliance**	*Difference between conventional and high efficient*			$ 594
11	**% Increase for Climate Act Compliance**				43%

- Row 1 lists monthly total energy expenditures. Rows 2-5 list the monthly energy expenditures by category. The increase in efficiency decreases monthly energy costs for all three journeys.
- When CapEx is considered that changes. CapEx estimates are in rows 6-8. Row 6 is the total and rows 7 and 8 the total monthly levelized capital costs for home and vehicle.
- Row 9 lists the sum of the total monthly energy costs. The cost of Climate Act compliance is the difference between replacement of conventional equipment and the highly efficient electrification equipment. Row 10 shows this difference. It lists the $594 increase in costs necessary for Climate Act compliance and row 11 lists the percentage increase as 43%.
- Shortcomings
    - The cost of Climate Act compliance is not complete in the high efficient electrification scenario because it assumes a plugin hybrid car and a battery electric car but the Climate Act mandates zero emissions which necessitates two battery electric cars.
    - It is impossible to categorize costs to achieve the Climate Act mandates in the Energy Plan not only because there is insufficient explanatory information but also because cost details are not provided to enable the public to determine the costs.
    - NYSERDA cost projections for the Climate Act do not provide estimates of the total costs to achieve the Climate Act mandates. NYSERDA only provides the cost of Climate Act mandated programs.

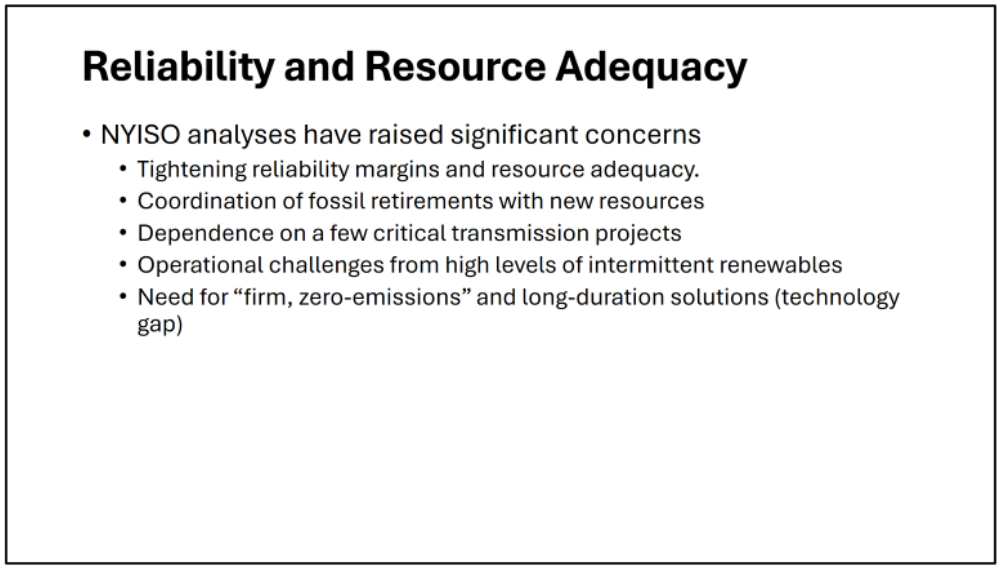
- According to a Perplexity AI evaluation the No Action scenario serves as the baseline for cost comparisons and represents approximately $120 billion in annual system-wide spending (in 2024 dollars) through 2040. The Energy Plan states that the baseline spending covers:
    - Maintaining and modernizing existing energy infrastructure
    - Replacing aging equipment at the end of its useful life
    - Purchasing fuels to meet energy needs
    - Supporting replacement natural gas generators
    - Continuing with end-use equipment replacement following normal cycles
- However, the "no action" scenario also includes spending for the following legacy programs that are not in the Climate Act
    - Growth in housing units, population, commercial square footage, and GDP
    - Federal appliance standards
    - Economic fuel switching
    - New York State bioheat mandate
    - Estimate of New Efficiency, New York Energy Efficiency achieved by funded programs: HCR+NYPA, DPS (IOUs), LIPA, NYSERDA CEF (assumes market transformation maintains level of efficiency and electrification post-2025)
    - Funded building electrification (4% HP stock share by 2030)
    - Corporate Average Fuel Economy (CAFE) standards
    - Zero-emission vehicle mandate (8% LDV ZEV stock share by 2030)
    - Clean Energy Standard (70x30), including technology carveouts: (6 GW of behind-the-meter solar by 2025, 3 GW of battery storage by 2030, 9 GW of offshore wind by 2035, 1.25 GW of Tier 4 renewables by 2030)
- Therefore, NYSERDA cost estimates for the Climate Act underestimate total costs because they do not include costs of programs implemented before the Climate Act was passed and includes Federal programs that reduced GHG emissions.

PSL 66-P Safety Valve



- New York Public Service Law § 66-p "renewable energy systems" mandates define which generating sources are "renewable". Section 66-p (4) "Establishment of a renewable energy program" states: "The commission may temporarily suspend or modify the obligations under such program provided that the commission, after conducting a hearing as provided in section twenty of this chapter, makes a finding that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant increase in arrears or service disconnections that the commission determines is related to the program".
- Two petitions have been filed calling for such a hearing.
  - Coalition for Safe and Reliable Energy filing on 1/6/26 made a persuasive argument that there are sufficient observed threats to reliability that a hearing is necessary to ensure safe and adequate service.
  - Independent Intervenors filing on 8/12/25 argued that there were affordability and reliability issues and that there was an explicit requirement for the hearing because the customers in arrears threshold has been exceeded
- On 1/28/26 the Public Service Commission issued a notice soliciting comments regarding the Coalition for Safe and Reliable Energy petition
  - Comments are due on 3/30/26
  - Schedule suggests that the timing will defer any decision until after the elections
  - Very important to

NYISO analyses have raised significant reliability and resource adequacy concerns.



This slide is based on a Perplexity AI response to the concerns of NYISO about Climate Act goals. In addition to the text response, I had Perplexity generate a spreadsheet table of specific issues that lists the Issue Area, NYISO Document, Specific NYISO Finding/Concern, CLCPA Statutory Provision, CAC Scoping Plan Assumption/Strategy, Gap/Disconnect, and Talking Point for identified problems.

1. Tightening reliability margins and resource adequacy

NYISO's long-term reliability and resource adequacy studies show that reserve margins are thinning as fossil units retire faster than new, firm replacement capacity and transmission arrive. They point to:

- A net loss of dispatchable capacity since the CLCPA was passed: several gigawatts of fossil capacity have retired while additions are largely intermittent renewables and limited-duration storage.
- Projections in their Comprehensive Reliability Plan (CRP) and Reliability Needs Assessments that show:
  - Declining reliability margins in New York City and downstate.
  - Potential statewide shortfalls later in the 2020s/early 2030s if retirements continue at the current pace and clean resources, storage, and transmission are delayed.
- Concern that the system is increasingly reliant on emergency procedures (demand response, voltage reductions, etc.) to meet resource adequacy criteria on peak days, which is not a sustainable operating strategy.

In short, CLCPA-driven retirements and environmental constraints (e.g., peaker rule) are moving faster than the build-out of firm, deliverable alternatives, tightening margins to what NYISO characterizes as "concerning" levels.

2. Coordination of fossil retirements with new entry

NYISO has repeatedly emphasized that fossil generator retirements must be carefully coordinated with the timing and performance of new resources:

- They support the CLCPA recommendation to "retire fossil resources gradually and safely," but warn that mandatory retirement schedules or environmental rules that force large blocks of capacity off the system by fixed dates, without assured replacement, can create reliability violations.
- In New York City in particular, they highlight that:
  - Peaker rule and other environmental closures remove capacity that is both local and fast-responding.
  - Replacement capacity must satisfy local transmission security and deliverability constraints, not just nameplate MW.
- NYISO worries that policy and permitting processes affecting existing plants are often decided without a concrete, tested replacement portfolio in place, leaving them to fill gaps reactively through backstop reliability arrangements.

Their concern is not simply "don't retire fossil," but "do not retire fossil faster than the system can absorb given actual, not theoretical, replacements."

3. Dependence on a few critical transmission projects

CLCPA strategies assume large amounts of new clean generation, including upstate renewables and Canadian hydro, will be deliverable to downstate load via specific major transmission projects. NYISO's reliability plans highlight:

- Heavy reliance on timely completion of projects like Champlain Hudson Power Express (CHPE) and other major bulk upgrades.
- Findings that, without these projects in service on schedule, New York City's reliability margins become extremely small or turn deficient for much of the 10-year planning horizon.
- Concern that delays or cancellations of such projects (or of offshore wind transmission solutions) leave the state with policy commitments that cannot be supported by the physical grid.

So one core concern is that the CLCPA architecture implicitly assumes a best-case transmission build-out path; NYISO's studies are essentially saying, "If those assumptions slip, reliability breaks."

4. Operational challenges from high levels of intermittent renewables

NYISO accepts that the CLCPA implies a massive increase in weather-dependent resources, but highlights that:

- High penetrations of wind and solar increase uncertainty in net load forecasts, requiring:
  - More operating reserves.

    - New reserve products (e.g., “uncertainty” or “dynamic” reserves) to cover forecast error and fast ramps.
- Studies of high-renewables scenarios show:
    - Substantial increases in required installed reserve margins to maintain the same loss-of-load expectation.
    - Need for significant quantities of flexible, fast-ramping resources, including storage and responsive demand, to manage multi-hour ramps and multi-day low-renewables events.
- The system will be more exposed to extreme weather—heat waves and cold snaps—at the same time that dispatchable fossil capacity is reduced, increasing the risk that the system crosses a “tipping point” where it cannot serve load during stress events.

In other words, the CLCPA’s heavy reliance on intermittent resources forces a fundamental redesign of operating reserve and capacity constructs; NYISO’s concern is that policy timelines assume this redesign and the necessary resources will be ready and deliverable in time.

5. Need for “firm, zero-emissions” and long-duration solutions (technology gap)

NYISO has started to stress that, to meet CLCPA’s 2040 zero-emissions grid requirement while staying reliable, New York will need:

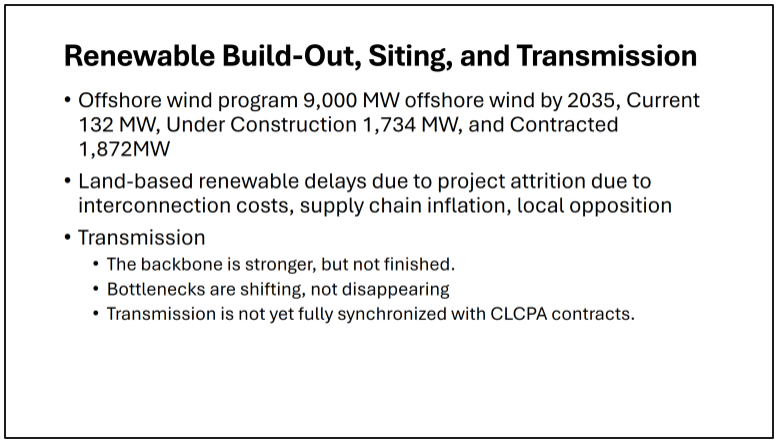
- Significant quantities of “firm, zero-emission” capacity (e.g., hydrogen-capable turbines, advanced nuclear, long-duration storage, carbon capture, or other technologies that can run through multi-day renewable droughts).
- Far more total installed capacity by 2040 than today—often characterized as roughly three times current capacity—once electrification (buildings, transport, industry) and higher reserve needs are included.

Their concern is that:

- The CLCPA and Scoping Plan implicitly assume large volumes of such technologies will be available, cost-effective, and sited in New York by 2040, but there is no clear, concrete procurement or market framework yet that ensures they appear.
- Current market designs and state programs are heavily tuned to 20-year REC-backed wind and solar, not to capital-intensive firm resources with different risk profiles.

So NYISO is effectively warning of a technology and market design gap between what CLCPA requires in the 2030s–2040s and what is actually under contract or in queues today.

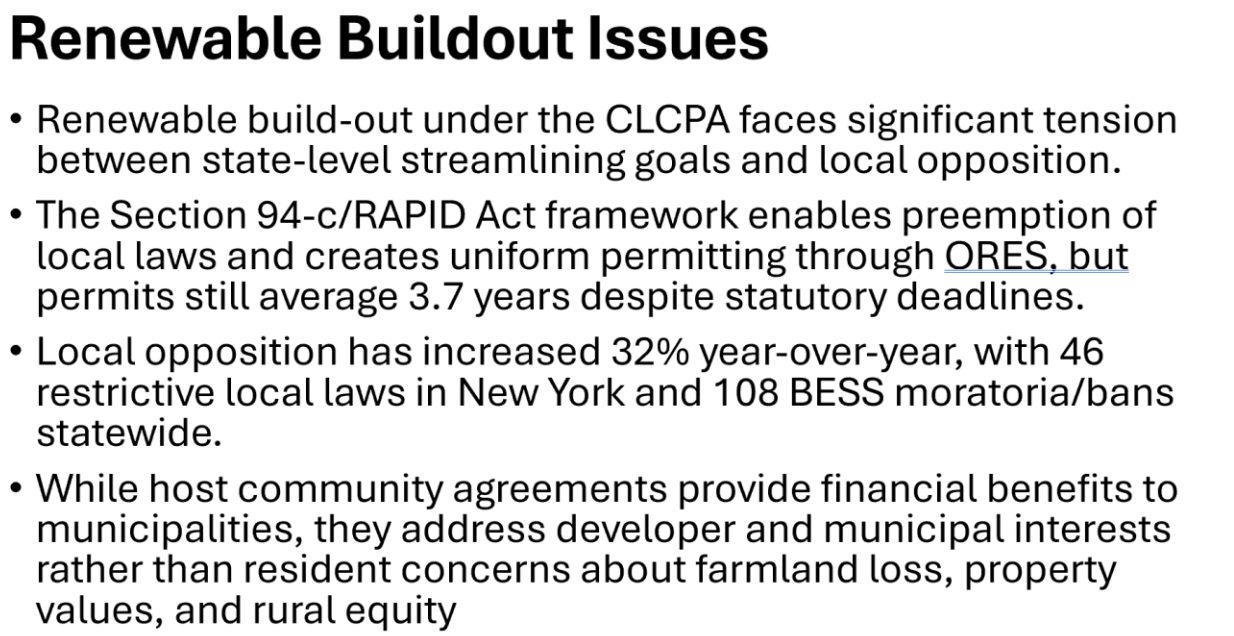
Renewable Build-Out, Siting, and Transmission



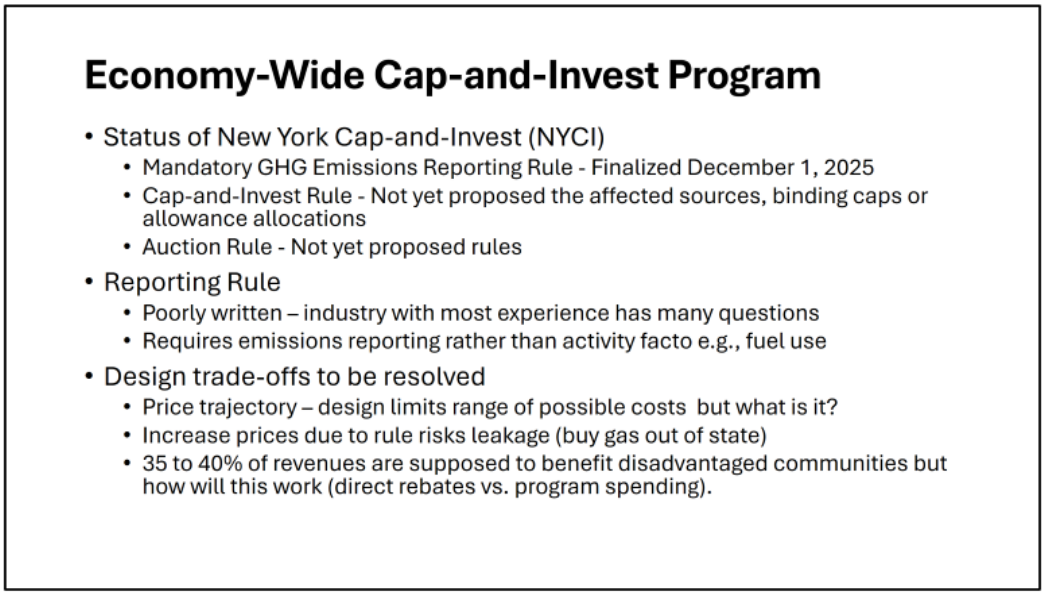
- Offshore wind program stress test
  - Cancellations, renegotiations, and legal/market challenges in offshore wind, contrasted with a few projects still moving forward; implications for meeting the 9 GW offshore wind target.
- **References:**
  - Trump Administration stop-work orders (Dec 22, 2025):Federal lease suspension affecting Empire Wind and Sunrise Wind
  - Federal court rulings (Jan-Feb 2026):Empire Wind (Jan 15) and Sunrise Wind (Feb 2)construction cleared to resume via preliminary injunctions
  - Sunrise Wind status (Feb 2026):45% complete, 924 MW capacity, $1.9B investment,4,290 jobs
  - Empire Wind status (Jan 2026):Construction of 810 MW resumed after court injunction
  - CLCPA target: 9,000 MW offshore wind by 2035, Current 132 MW, Under Construction 1,734 MW, and Contracted 1,872MW
  - NYISO Q4 STAR (Jan 2026):"Delayed completion of new offshore wind projects could exacerbate...reliability violations"
- Land-based renewables pipeline
  - New York's land-based renewables (onshore wind, utility-scale and distributed solar, small hydro, etc.) have grown, but they are materially behind the pace needed to deliver the CLCPA's 70 percent renewable electricity by 2030 and are now expected to reach that target several years late
- Transmission "critical path"
  - The backbone is stronger, but not finished. NYISO characterizes current transmission investment levels as "historic," and notes that the AC Public Policy projects (Segments A and B) have "significantly increased" the ability to move power from upstate to downstate and give customers access to renewables.

- Bottlenecks are shifting, not disappearing. NYISO's System & Resource Outlook flags new constraints on 230 kV paths (e.g., Dysinger East) and warns that additional upgrades and dynamic reactive power support are needed to avoid curtailing upstate renewables even on the upgraded system.
- Transmission is not yet fully synchronized with CLCPA contracts. Power Trends 2025 and independent summaries emphasize that while major lines are underway, growing congestion, interconnection delays, and downstate constraints mean transmission remains a "critical path" risk alongside generation siting and financing

Renewable Buildout Issues



- Climate Act renewable build-out, siting, and transmission pros and cons of local opposition to permitting
    - New York's renewable build-out under the CLCPA faces significant tension between state-level streamlining goals and local opposition. The Section 94-c/RAPID Act framework enables preemption of local laws and creates uniform permitting through ORES, but permits still average 3.7 years despite statutory deadlines. Local opposition has increased 32% year-over-year, with 46 restrictive local laws in New York and 108 BESS moratoria/bans statewide. While host community agreements provide financial benefits to municipalities, they address developer and municipal interests rather than resident concerns about farmland loss, property values, and rural equity—fueling the "toxified political middle" that threatens long-term support for climate goals.



Cap-and-Invest and GHG Regulatory Architecture

Pragmatic Environmentalist Articles on New York Cap-and-Invest (NYCI)

Perplexity AI description of status

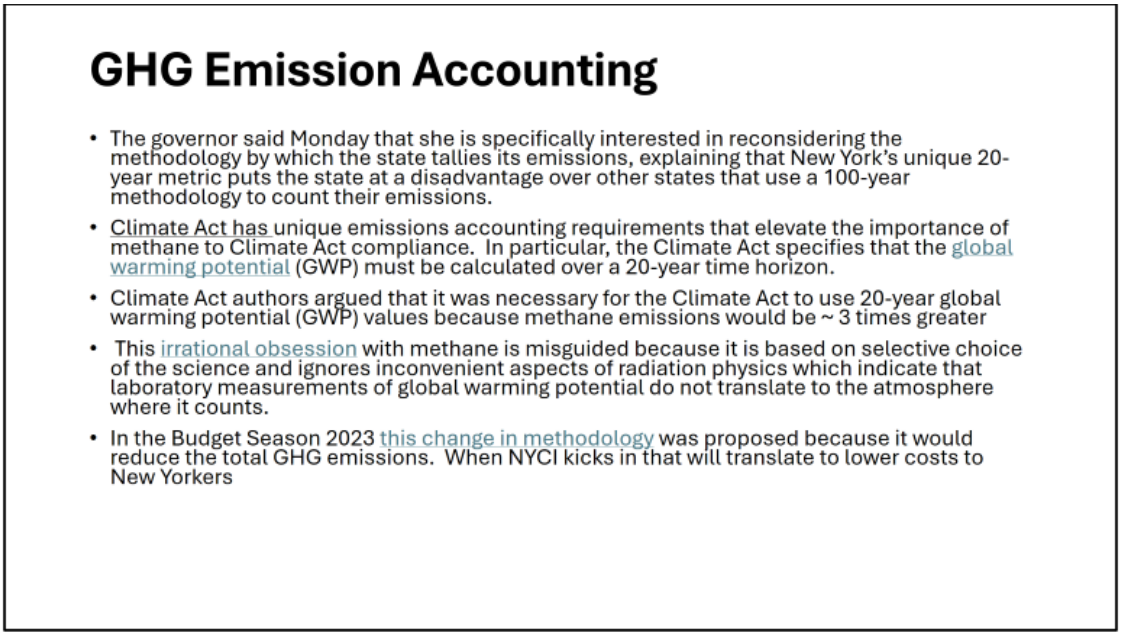
- Status of the cap-and-invest framework
  - Mandatory GHG Emissions Reporting Rule - Finalized December 1, 2025
  - Cap-and-Invest Rule - Not yet proposed the affected sources, binding caps or allowance allocations
  - Auction Rule - Not yet proposed rules
- Reporting Rule
  - Poorly written – industry with most experience has many questions
  - Retail fuel supplier are major sources includes small retailers
  - Requires emissions reporting rather than fuel
- Design trade-offs to be resolved – These are non-trivial problems with political consequences.
  - Price trajectory – design limits range of possible costs but what is it?
  - Increase prices due to rule risks leakage (buy gas out of state) and will have competitiveness impacts on industry
  - 35 to 40% of revenues are supposed to benefit disadvantaged communities but how will this work (direct rebates vs. program spending).

NYCI Litigation Timeline

- On 3/31/25 a group of environmental advocates filed a petition pursuant to CPLR Article 78 alleging that DEC had failed to comply with the timeframe for NYCI as described here.

- On 10/24/25 Supreme Court Judge Julian Schreibman's decision stated that by 2/6/26 shall "promulgate rules and regulations to ensure compliance with the statewide emissions reductions limits" set forth in the Climate Act as described here.
- On 11/24/25 DEC appealed the decision
- On 1/8/26 The court denied the appeal stating that the "essence" of DEC's argument in its motion to renew or reargue was "the very same" as its original argument—that it did not want "to be governed by a hard deadline." *Citizen Action of New York v. New York State Department of Environmental Conservation*, No. 903160-25 (N.Y. Sup. Ct. Jan. 8, 2026). This does not end the process. The State has appealed to the Appellate Division which means that the deadline of Feb 6 is suspended until the Appellate Division rules. Therefore, the State has no risk of being held in contempt and can safely ignore the deadline — which appears to be what is happening.

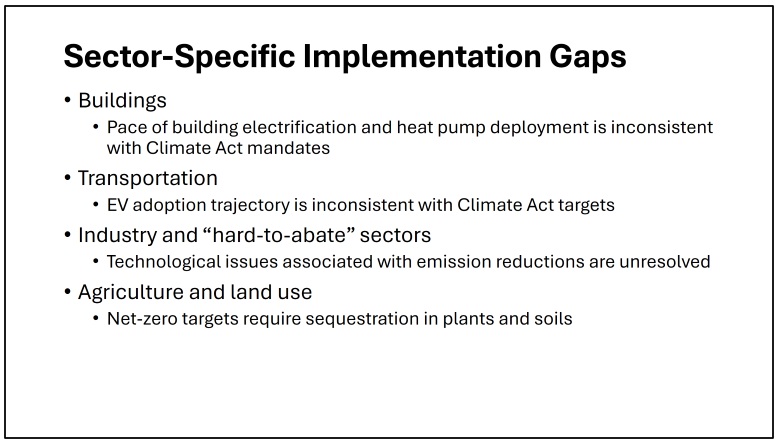
GHG Emission Accounting



- The governor said on 2/2/26 that she is specifically interested in reconsidering the methodology by which the state tallies its emissions, explaining that New York's unique 20-year metric puts the state at a disadvantage over other states that use a 100-year methodology to count their emissions.
- At the time the Climate Act was written it incorporated unique emissions accounting requirements that elevate the importance of methane to Climate Act compliance. In particular, the Climate Act specifies that the global warming potential (GWP) must be calculated over a 20-year time horizon.

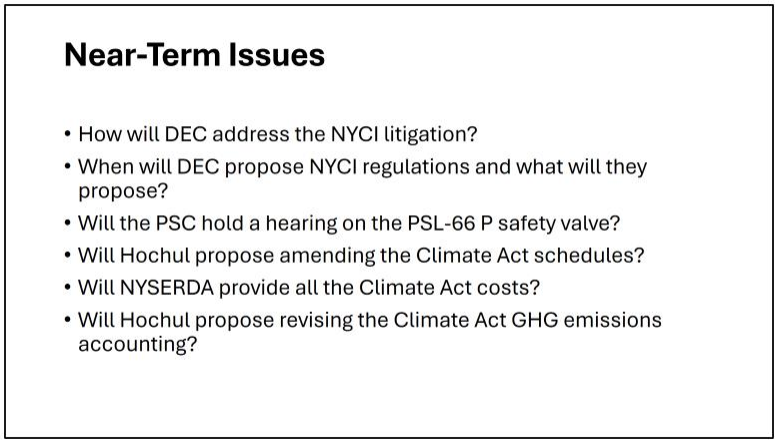
- Climate Act authors argued that it was necessary for the Climate Act to use 20-year global warming potential (GWP) values because methane is estimated to be 28 to 36 greater than carbon dioxide for a 100-year time horizon but 84-87 GWP over a 20-year period. Because of these high potentials they assumed that meant that the effect of methane on expected warming would be significant.
- This irrational obsession with methane is misguided because it is based on selective choice of the science and ignores inconvenient aspects of radiation physics which indicate that laboratory measurements of global warming potential do not translate to the atmosphere where it counts.
- In the Budget Season 2023 this change in methodology was proposed because it would reduce the total GHG emissions. When NYCI kicks in that will translate to lower costs to New Yorkers

Sector-Specific Implementation Gaps



Perplexity AI Summary of Implementation Gaps

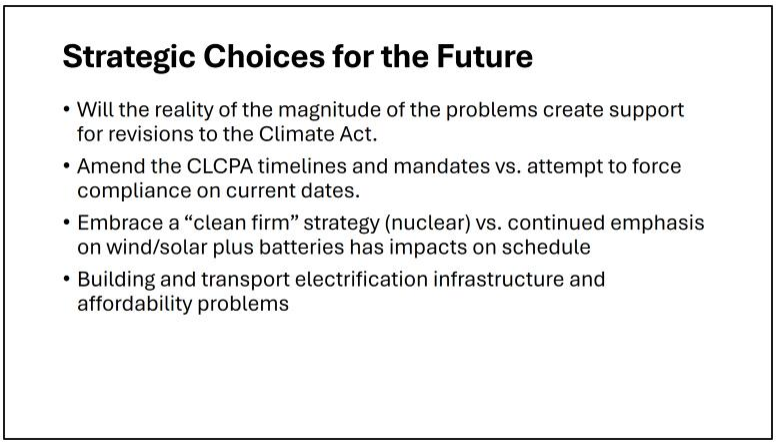
- Buildings
  - Pace of building electrification and heat pump deployment vs. stock turnover; LL97/NYC rules vs. rest-of-state; gas utility business model transition and stranded asset risk.
- Transportation
  - EV adoption trajectory vs. ZEV targets; charging infrastructure deployment; transit electrification (buses, commuter rail).
- Industry and "hard-to-abate" sectors
  - How industrial facilities, ports, and energy-intensive manufacturing are treated in CLCPA planning; availability of cost-effective abatement options.
- Agriculture and land use
  - Role of sequestration and land sector measures in CLCPA compliance; current policy tools and data limitations.



Summary of Important Issues

- How will DEC respond to the 2/6/26 date for rules or legislative fix
- NYCI regulations must come out this year
- PSC must address safety valve provisions
- Recent news stories suggest that Hochul may propose revising GHG accounting again

Strategic Choices for the Future



Summary of Strategic Issues

- Will the reality of the magnitude of the problems create support for revisions to the Climate Act.
- If the CLCPA timelines and mandates and not amended there will be litigation
- Embracing a "clean firm" strategy (nuclear) vs. continued emphasis on wind/solar plus batteries has impacts on schedule
- Building and transport electrification infrastructure and affordability problems