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MEMORANDUM IN OPPOSITION TO [A.3852 \(Norris\)](#) / No Same As Local Referendum on Article 10 Applications

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The Alliance for Clean Energy New York (ACE NY) strongly opposes A.3852. The bill amends the Article 10 permitting process for electric generation projects to require the passage of a city or town-wide referendum before a certification can be issued.

The current Article 10 process includes numerous avenues for local residents to make their voices heard. The Board on Electric Generation Siting and the Environment (“Siting Board”), which grants certificates for all generation projects over 25 megawatts, includes two ad hoc members that are appointed from the local municipality where a project is proposed to be sited. These local residents represent the local community on the Siting Board and speak to local concerns about the project. Each project proceeding has local representation and two votes on any project certification.

Article 10 also requires the project applicant to develop and implement a Public Involvement Program (PIP) which facilitates public participation at all phases of the process – from pre-application through certification and compliance. The PIP must consult with the stakeholders and encourage their participation at the earliest opportunity. It must educate the public on the proposed project and the Article 10 process, including informing local residents about the availability of funding for municipalities and local parties. Also, the PIP must encourage participation by stakeholders in the certification and compliance processes.

Article 10 was written to ensure that local residents and local governments are included in the decision-making process. The law requires project applicants to provide multiple rounds of Intervenor Funds to local parties or municipalities to hire expert witnesses, consultants or lawyers, or to conduct studies, to defray any potential costs for their involvement in the siting process.

The new Climate Leadership and Community Protection Act (CLCPA) has a 70% by 2030 renewable electricity mandate and a 100% carbon free electricity standard by 2040. Achieving these goals will require use of the full range of renewable technologies. It will require building new renewables as well as retaining existing projects. New York needs to accelerate renewable energy development. Our current Article 10 law allows for significant local input and involvement in the certification process.

For the above reasons, the Alliance for Clean Energy New York opposes this legislation. For more information contact Anne Reynolds, Executive Director, at 518-432-1405. All of ACE NY’s memos on legislation are available at <https://www.aceny.org/legislative-actions>.