



*Carol E. Murphy
Executive Director*

May 16, 2008

**MEMORANDUM IN OPPOSITION TO
S.7341 (Maziarz)/A.2965 (DeMonte)
In Relation to Expanding the
Products Which May Be Purchased for Public Use**

The Alliance for Clean Energy New York (ACE NY) opposes these bills. These bills amend the municipal purchase law to allow municipal governments to pay a premium for “green” energy, just as they are allowed to do for products with recycled content. However, these bills fail to provide a premium sufficient to fulfill the goal. ACE NY believes these bills should be amended to raise the allowable increase above non-green power from 10 to 15 percent.

ACE NY believes the State must allow municipal entities to contribute to combating global climate change and increasing our energy security through the purchase of renewable power. This would also help the State achieve its clean energy goals given one percent of the new generation needed to meet the New York Renewable Portfolio Standard (RPS) target is supposed to come from voluntary purchases rather than through State contracts supported by rate-payer surcharges.

Passage of these bills would provide a pretense of providing municipalities with the choice of green power while, in actuality, preventing such purchases. Presently, most green power purchase options are 15 percent higher or more than “brown” power (power supplies based on fossil fuels). Municipalities should be able to choose green power if they desire without being hampered by municipal purchase law which is aimed at ensuring proper purchasing procedures are used, but has since been amended to provide for municipal government purchases of unique products, such as those with recycled content.

These bills do not exempt municipalities from following proper procurement practices but merely allow government entities at the local level to engage in purchasing representative of their constituents’ choices and to show leadership in the most important issues of our time – energy security and environmental protection. Many individual electric customers, residential and commercial, choose to pay a small premium for renewable power.. The Governor’s Renewable Energy Task Force also identified this issue as a priority and included within its February 2008 report recommendations, that the State remove any statutory or regulatory barriers to municipal government purchases of green power. Unfortunately, these bills will not further that goal unless amended.

For the above reasons, the Alliance for Clean Energy New York strongly opposes this legislation.

For more information contact Carol E. Murphy, Executive Director, or Valerie Strauss, Deputy Director, at 518-432-1405.