



Comments on the Environmental Protection Agency's (EPA) Proposed Power Plant Rule

These comments are submitted on behalf of the New York State Reliability Council LLC (NYSRC).

The NYSRC is a reliability organization approved by the Federal Energy Regulatory Commission. (FERC)¹ The NYSRC is responsible for the development and enforcement of Reliability Rules necessary for the safe and reliable operation of the New York State bulk power electric system. The rules adopted by the NYSRC must be complied with by the regional system operator, the New York State Independent System Operator (NYISO) and all parties participating in NYISO's competitive wholesale electricity markets.

The NYSRC submits that in its decision-making; it is necessary for the United States Environmental Protection Agency (USEPA) to carefully consider if, and when existing generation resources can be retired. This analysis should include understanding the pace and volume of development of new types of generation resources (energy storage, offshore wind, onshore wind and solar) required, expansion of necessary transmission and distribution upgrades, and understanding expected load growth forecasts due to electrification of multiple sectors of our economy to ensure resource adequacy and system reliability are maintained.

^{1 1} *Cent. Hudson Gas & Elec. Corp.*, 83 FERC ¶ 61,352 (1998), *order on reh'g*, 87 FERC ¶ 61,135 (1999).

¹ *Cent. Hudson Gas & Elec. Corp.*, 86 FERC ¶ 61,062 (1999); *Cent. Hudson Gas & Elec. Corp.*, 87 FERC

Reliability is not an abstract concept; it is objectively and precisely measured based on NERC standards approved by FERC. It provides for the generation and transmission resources that are needed to prevent electrical blackouts in expected circumstances that stress the grid. Below is a link to the NERC report on the consequences of the 2003 Northeast Blackout.²

The NYSRC recommends that any final USEPA rule promulgated should contain a provision to allow the state environmental regulatory agencies, such as the New York State Department of Environmental Conservation (NYSDEC), authority to extend the operation of a generation facility if it is determined by the system operator (e.g., the NYISO) or local transmission owner that a reliability problem will result if the generation resource is retired.

Many changes within our electric industry support the recommendation above, including:

- Electrification of the transportation and building sectors coupled with large load growth due to emerging industry economic development, including hydrogen production, chip manufacturing, and data centers, are creating unprecedented load growth. This places even greater importance on maintaining needed existing resources while the electric system adjusts to these new load demands.
- The North American Electric Reliability Corporation (NERC) has published several recent reports which identify tightening resource adequacy considerations throughout the United States for both summer and winter periods.³ Further, some regional electric system

² <https://www.nerc.com/news/Pages/Video-Highlights-20-Years-of-Reliability-Progress-following-2003-Northeast-Blackout.aspx>

³ NERC 2023 Reliability Report

operators are forecasting a switch from a summer peaking to winter peaking grid because of higher energy demand partially driven by electrification efforts. Maintaining fuel diversity and understanding the different seasonal operating attributes of new clean energy resources are important considerations in meeting these challenges reliably while ensuring public safety.

- Simultaneously, the regional electric grids need to upgrade their transmission and distribution systems to accommodate more renewable resources, electric vehicle infrastructure, and to convert fossil heated buildings to electricity. In addition, the generation fleet is already changing from traditional generation resources with availability typically above 90% to a higher percentage of intermittent resources, such as wind and solar with much lower production per installed MW of capability. It is essential to allow ample time for these changing dynamics to be understood and prudently managed to meet the changing reliability considerations that will evolve.
- Many emerging technologies including hydrogen blending for generation, carbon sequestration, long term duration energy storage, or other evolving technologies are still to be proven on a larger scale.
- The electric industry is only at the beginning stage of understanding the effects of climate change and power system needs during events of extreme weather. More time is needed to fully analyze and understand and respond to these impacts on electric power systems.
- Our national power system was designed to allow neighboring power systems to support each other during periods of system stress, such as from extreme weather, extreme heat, and extreme cold conditions. The prudent level of available inter-regional reliance is currently narrowing creating an even greater need to ensure resource adequacy within each RTO/ISO becomes more important.

As each state pursues clean energy policies; more renewable resources will be added to the electric system and total air emissions will be reduced. In the transition to cleaner generation resources, regulatory authorities must ensure that electric system reliability and public safety are priorities and that these important public policy considerations are managed in rulemaking in a coordinated, comprehensive manner.

As we aggressively and simultaneously electrify multiple sectors of our economy, we will create an even greater reliance on the reliable performance of the electric power system. The reduced diversity in both the supply and demand sides of the electric industry will create a greater need for the highest level of system reliability to be maintained to ensure that power is available for vehicles and heat for buildings under all conditions. History has demonstrated that a failure in the reliability of the electric power system will involve severe societal consequences.

A balanced approach which includes an emphasis on maintaining fuel diversity, and reliability informed regulatory mechanisms to protect system reliability, when necessary, will ensure a smoother transition.

The NYSRC appreciates the opportunity to provide these comments, and requests that they be incorporated in any final rule promulgated.