

COMMUNITY ADVOCATES CHALLENGE \$150M COAL PLANT BAILOUT IN WESTERN NY

Families and businesses to pay for expensive, unnecessary plant upgrade

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Albany - Today, the Sierra Club and Ratepayer and Community Intervenors, represented by Earthjustice, filed a lawsuit in the New York Supreme Court in Albany challenging a Public Service Commission (PSC) ruling that would slap \$150 million in subsidies on New Yorkers' electricity bills to repower the uneconomical Dunkirk coal plant.

The expensive bailout would result in a plant three times larger than necessary to maintain reliable operation of the region's power grid. The plant would be allowed to burn both coal and gas, increasing unhealthy air pollution in the region and contributing to dangerous climate disruption.

"It's not fair to make our families pay for more dirty fuels when there are better solutions available. Governor Cuomo should be helping communities and workers in the transition away from coal, not allowing companies to continue burning coal indefinitely at the expense of our families' health," said **Lisa Dix, Senior New York Representative for the Beyond Coal Campaign**.

Ratepayer advocates are concerned that the decision could start a cascade of similarly expensive proposals from the other coal plants in the state facing their own economic problems.

"We can't afford more dangerous fossil fuel pollution or the higher bills that come with it. We need Governor Cuomo to support our communities and workers in a responsible transition away from coal and gas and toward truly renewable energy sources," said **Carol Chock, Legislator from Tompkins County and President of Ratepayer and Community Intervenors**.

The owners of the Dunkirk coal plant requested authorization to mothball the uneconomical facility in 2012. However, the local utility identified a reliability need for one unit of the plant, so it was granted a temporary Reliability Support Services Agreement (RSSA), a ratepayer-funded subsidy for continued operation of that unit through June 1, 2015.

As the expiration neared, Governor Cuomo pushed the PSC to approve additional ratepayer subsidies to reopen the other three units and allow them to burn both coal and gas. This was after National Grid had already shown that a much smaller fix would solve the reliability issue. The PSC, under direction from the Governor, improperly accepted the expensive, oversized plan. They failed to stand up for the families and businesses that will be forced to foot the bill for a dirty energy plant that's much larger than necessary.

“The PSC is supposed to protect consumers, not blindly follow Governor Cuomo’s misguided attempt to subsidize the profits of out-of-state energy companies,” said **Shannon Fisk, lead counsel for Earthjustice on this case**. “It’s not right to make New York’s families pay for continued dangerous pollution in their communities.”

The challenge is the latest action in more than a year of opposition from groups including the New York Business Council and Independent Power Producers of New York.

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