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July 25, 2008

Draft EMP Comments
New Jersey Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

RE: Draft EMP Comments

Dear BPU:

I represent the New Jersey Environmental Lobby (NJEL). NJEL is a state-wide environmental organization representing individuals, businesses and other environmental groups. Please accept the following as NJEL's comments to the draft energy master plan.

While we are over all supportive of the energy master plan, we are disappointed in it. The EMP does not appear to be a plan on how to achieve the goals, but a menu of items that the State may or may not undertake. There as explained below the energy master plan is not aggressive and outlining meaningful and progressive energy goals. If the energy master plan is actually going to be used not only to plan and improve the State energy consumption and production as a component of the State's attack global warming, then the EMP must set out ambitious goals, not merely restating the status quo.

Goal 1- Maximize Energy Conservation.

NJEL strongly supports this goal. Again with the rest of the EMP there is no road map on how to achieve these goals. Also, since the release of the EMP the

legislature has taken actions or not taken actions that have direct impacts to the EMP. For example, the EMP envisions the enactment of S702 by the end of July. S702 was not passed by both Houses of the New Jersey legislature prior to their recessing this summer. Now the earliest S702 could be signed into law would be this fall and maybe even latter. The goals envisioned by Action Item 2 are now one year delayed at the best. How is the EMP going to address this situation?

The New Jersey legislature also passed the Permit Extension Act of 2008. This bill will further delay any benefits anticipated by an enhanced energy code. Any development that had permits expire since January 1, 2007 and would have had to apply the new enhanced building code does not have to. So, it will take several years now, even if the new building codes are enacted before new construction will incorporate these requirements. Again, the final EMP will have to address the impacts this bill will have and how to compensate for the loss of efficiency.

Again the legislature has failed to enact minimum energy efficiency standards for appliances before they recessed. It is not reasonable to assume that the new standards will be enacted and effective by January 1, 2009. This will further delay any savings realized from efficiency. The EMP does needs to compensate for this loss.

Goal 3- Meet 22.5% of State's electrical needs from renewable sources.

This goal is disappointing. First this goal is already required by State regulations. California is requiring that it produce 20% of its energy from renewable sources by 2010 and 33% by 2020. New York is seeking to obtain 24% of its electricity from renewable sources by 2013. Nevada has a goal of 20% by 2015. New Jersey has lost its edge as a leader. New Jersey should be pushing for increased energy from renewable sources.

Additionally there is no clear goal on how the State plans on reaching the current goal. NJSA 52:27F-14, the statute governing the energy master plan provides that the EMP should be for a period of 10 years and have long term objections with interim implementation measures. The draft EMP and the energy master plan implementation strategy have no real action plan on how to implement any of the goals. In fact as to on-shore wind resources, the EMP acknowledges it has no interim implementation measures. See page 33 of the Draft EMP Strategies. Currently there are multiple hurdles experienced by people who wish to install wind turbines. These hurdles not only slow the process of installation for these projects but creates huge disincentives for others to install renewable energy. These disincentives work against the RPS goals and the energy master plan. The EMP has no strategy on how to address and surmount these impediments. The publishing of a guidebook will not remove these hurdles.

There is no discussion on the off-shore wind about how to get that on-line and the reasonable time frames for this to occur. Given that the Mineral Management Service has just published its draft rules on alternative energy leases on the outer continental shelf, it is entirely possible that any pilot offshore wind facility will not be in operation during the next ten years or even by 2020. How is the EMP going to address this situation and the non-realization of 350mw of renewable energy?

The EMP also does not address renewable energy from wave or tidal systems. There are several pilot programs taking place around the world. On March 31, FERC issued a permit for the Edgartown-Nantucket Tidal Energy Plant Water Power Project. It is estimated that ocean power can generate up to ten percent of the country's energy needs. There is at least one company in NJ promoting and working on wave technology. Ocean Power Technologies of Pennington NJ has a demonstration project of the coast of Atlantic City for BPU. Yet there is no mention of these technologies as a current or future component of the NJ's energy needs. Why is BPU not seizing on this opportunity to promote this kind of renewable energy as well as promote green jobs and enhance the State's economy?

NJEL recommends that BPU in its master plan set out and pursue actual measures to implement this plan. Some of these measures call for legislation.

NJEL recommends that BPU call for an aggressively assert legislation on the following issues:

Legislation is required to set state wide standards for the installation of renewable energy. Currently there is the real potential of 566 different requirements for the installation of solar or wind generation. As of late 2007 there were only a handful of municipalities that had ordinances that set forth the standards for the construction wind turbines. One of those standards was a complete ban within its borders. Legislation is need so that municipalities cannot unduly restrict the installation of renewable energy. California, and other states, has such legislation which provides, "the implementation of consistent standards to achieve the timely and cost-effective installation of small wind energy systems is not a municipal affair . . . but is instead a matter of statewide concern. Ca. Gov't Code §65892.13(b). See also Ca. Gov't Code §2473.1(a)(5) which provides that "the installation and operation of solar energy systems do not create adverse impacts on health, safety, or noise in areas where those systems are installed." It is only with broad and forceful statutes from the state that we are going to be able to create the necessary incentives and regulatory framework necessary not only to meet the current RPS but exceeding that goal.

We strongly support and urge BPU to support legislation A385 and similar bills that exempts the value of renewable energy systems from the calculations of property value for taxation purposes.

The EMP should also call for legislation exempt renewable energy systems from sale tax. Again, this is a method which the State can implement that will help create incentives for its citizens to switch from fossil fuels to renewable energy.

There is no mention in the EMP or its implementation document of hybrid systems. The State as it moves forward with a pilot off-shore wind facility should require, as long as feasible, the developer to install wave or tidal generator in conjunction with the wind turbines. This hybrid facility would increase the electrical generation without meaningfully increasing the footprint of the facility.

The EMP is devoid of any discussion of geothermal energy and how that can be utilized to reduce the State's needs.

The State should be careful with Biofuels. As we have regrettably learned a push for ethanol has had undesirable consequences. Any push for biofuels, which NJEL supports, should ensure that it is not replacing one harm with another. It would appear that there is substantial sources of non-food based biofuels within the state. They should be pursued. For example there are many municipalities within New Jersey that require grease traps. These grease traps must then be emptied at a cost to the business owner and the grease disposed. The EMP should encourage the use of these kinds of waste products to be converted into biofuels, biodiesel, etc. It is my understanding that there is a company in New Jersey that is doing exactly this. Again, this may be an opportunity to improve the environment, provide energy without harming the environment and provide for green jobs and a better economy.

Goal 4-New generation.

NJEL has great concern with this policy. While new generation may be required, all steps should be taken to maximize renewables and conservation. As noted above the EMP does not do that. Last year the U.S. Supreme Court determined that carbon dioxide was a pollutant under the clean air act. Since then at least two states have not issued permits for coal plants based upon the concern over global warming. It is my understanding that carbon capture and sequestration is not yet commercially viable and even when it does become viable there are not suitable subterranean structures in NJ for it to work in this State. New Jersey, having the Global Warming Response Act, should

have a strong policy statement in the EMP against new coal fired generation. That is missing from the EMP. Emissions from fossil fuel generation have other harmful effect in addition to the contribution to global warming. Particulate matter and mercury being two the greatest harms. PM has been found to increase premature mortality and increase the incidence of hospital treatment due to respiratory conditions including asthma. It is also a carcinogen. Mercury is deposited into our waterways and is bioaccumulating in fish. This toxic metal, if ingested by eating fish, can cause birth defects, neurological damage and other medical conditions. By reducing our reliance on fossil fuels we are not only reducing our effects on global warming, protecting against increasing fuel costs, we are improving the health of the environment and the people who live in it.

Lastly, as New Jersey continues on with its Regional Greenhouse Gas Initiative there is concern that leakage will occur and that overall NJ's carbon footprint will increase. The EMP discusses the issue but sets forth no solutions. New Jersey has in the past, under authority of the clean air act and other legal causes of action, pursued out of state polluter because of their effect on New Jersey's air quality. The EMP should set forth an aggressive plan to force the dirtiest of outstand generators to clean up their act and reduce their air pollution, including CO2. If New Jersey pursues this strategy it will have an effect of bringing online new generation from cleaner sources and may in fact help prompt states to the west of New Jersey to increase their generation of electricity of renewable sources.

It is respectfully submitted that the EMP be revised as suggested above.

Very truly yours,



Michael L. Pisauero, Jr.