

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Proceeding on Motion of the Commission to
Implement a Large-Scale Renewable Program
and a Clean Energy Standard

Case 15-E-0302

**PETITION FOR APPROVAL TO BACKFILL CLEAN ENERGY STANDARD
FUNDED STAFF POSITIONS**

1. Introduction

The New York State Energy Research and Development Authority (NYSERDA) files this petition with the New York State Public Service Commission (Commission) seeking Commission approval to backfill staff positions funded through the Clean Energy Standard (CES) if they become vacant in 2026. As described later in this petition, these positions are critical to administering the CES, and a prolonged vacancy will significantly hinder NYSEDA's ability to fulfill its obligations as CES Administrator.

2. Order Approving 2026 CES Administrative Funding

The Commission's Order Approving Administrative Funding¹ (Approval Order) approved, with modifications, NYSEDA's petition² (Administrative Funding Petition) for CES administrative funding for the 2026 compliance year. Included in the Approval Order was approval of both the overall budget and individual budget categories for each program of the CES, with certain modifications. NYSEDA will thus manage expenditures within the approved budget for each category and the overall budget.

¹ PSC. 2025. Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, Order Approving Administrative Funding* (December 19).

² NYSEDA. 2025. Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard, Petition Regarding Proposed Year 2026 Clean Energy Standard Funding and Reconciliation of Year 2024 Administrative Costs* (July 31).

Ordering clause 3 of the Approval Order further describes that any hiring for CES-funded direct labor³ positions, including backfilling vacancies, requires Commission approval:

The New York State Energy Research and Development Authority shall undertake no new Clean Energy Standard hires or backfill vacancies for the remainder of 2025 or in 2026 without prior Public Service Commission approval.

Pursuant to this requirement, NYSERDA submits this petition to support timely and efficient operation of the CES, consistent with NYSERDA's role as CES Administrator as designated by the Commission.^{4,5}

3. NYSERDA's Authority-Wide Approach to Backfilling Vacancies

As background, NYSERDA conducts a rigorous, needs-based assessment before filling any position – this is true for both new positions and when an existing position becomes vacant. This disciplined vacancy management process is applied to all positions in the Authority, including CES-funded position vacancies. Every vacancy is evaluated through a structured review of mission impact, duration of the need, current workload, required capabilities, and internal capacity to absorb or redesign the work, ensuring staffing decisions reflect fiscal responsibility and program priorities.

NYSERDA's vacancy review process includes:

1. Formal Team and Business Unit evaluation of need
2. Human Resources review and evaluation of need, including proposed scope, level, and cross-NYSERDA resource availability
3. Finance review to verify financial capacity
4. Officer review and approval or denial after the preceding three steps

Fiscal responsibility is paramount to this process while also ensuring sufficient staffing to carry out the

³ As described in NYSERDA's March 4, 2026 filing of CES overhead and indirect costs in Case 15-E-0302, consistent with generally accepted accounting practice, general and administrative expenses (G&A) and labor costs related to entity-wide functions (indirect costs) are allocated across all funding sources utilized by NYSERDA, including the CES. That allocation uses a methodology that assigns a pro rata share of these costs to each funding source, based on the direct staffing costs needed to administer programs under that particular funding source as a percent of total NYSERDA direct staffing. NYSERDA understands the requirement for Commission approval for any backfills to be for direct staffing (direct labor) and not applicable to staffing associated with indirect costs.

⁴ PSC. 2016. Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Order Adopting a Clean Energy Standard (August 1).

⁵ PSC. 2020. Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Order Adopting Modifications to the Clean Energy Standard (October 15).

critical work of the CES in providing safe, reliable, and clean sources of energy for New York State.

4. Clean Energy Standard Roles and Current Staffing Levels

As described in the Administrative Funding Petition, CES-funded positions include a broad range of activities and skillsets necessary to administer the CES, including operational functions such as settling contract obligations and tracking pertinent data, overseeing the operation of the New York Generation Attributes Tracking System (NYGATS), authoring the various compliance reports associated with the CES, conducting solicitations for new resources, creating contracts for newly awarded resources, managing contracted projects while in development, and implementing CES activities directed by Commission Orders. Although many CES-funded positions include work in more than one of these activities, the associated work can be grouped into broad categories as follows:

- CES Operations – The Operations staff provide a variety of services to enable the efficient and reliable functioning of the CES. These roles manage NYGATS, settle contracts with generators in commercial operation, and sell Renewable Energy Certificates (RECs) to Load Serving Entities (LSEs) and the voluntary market. These roles also manage all CES data and reporting, including internal tracking, Open NY reporting, and business system development and maintenance as well as CES financial tracking, reporting, and management. Additionally, Operations includes an analyst position, which is critical for conducting competitive procurements, developing program cost estimates, forecasting future cash flows, and analyzing the impact of various market changes on the CES. Operations also includes transmission system experts supporting annual solicitations as well as the team’s engagement on related transmission issues, such as the Commission’s Case 20-E-0197, a Proceeding on the Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act.
- CES Project Managers – Project Managers perform a variety of tasks in support of the CES programs, with their primary tasks being conducting competitive procurements, negotiation of contracts for new awards, and active management of existing contracts with generators that are not yet in commercial operation. Additionally, Project Managers perform program and policy analysis, maintain expert working knowledge of the New York, national, and global markets, and apply that knowledge to pursue cost-effective, timely, and efficient resource development in support of the CES. This work includes developing expertise and informing programmatic activities across a breadth of issues, such as capacity accreditation, inflation, federal policy, and other matters directly

affecting the CES. Project Managers also include team members with specific expertise in project siting.

- CES Legal – The end result of a solicitation award is a purchase contract for offshore wind renewable energy certificates (ORECs) or renewable energy certificates (RECs) from other eligible generation types, referred to together as (O)RECs, between the awarded generation project and NYSERDA. Each contract is individually negotiated and executed based on a standard contract, and the legal team plays a critical role in this process. The legal team also supports the Zero Emissions Credit (ZEC) program, CES program design, policy creation, competitive procurements aligned with Office of the State Comptroller and NYSERDA procurement guidelines, and regulatory filings and works collaboratively with Project Managers, Operations, and Leadership to address contractual issues as they arise.
- Leadership – Leadership positions are shared functions across the Large-Scale Resources programs and include the head of NYSERDA’s Large-Scale Resources team as well as the Directors actively leading each of the Large-Scale Resources major program areas. This team provides coordination and collaboration across the entire CES team, sets team priorities, develops program strategy, completes ad hoc analysis and projects, and ensures that the programs under their guidance continue to innovate in pursuit of New York’s clean energy goals while minimizing ratepayer impact and ensuring the most positive outcomes possible for all New Yorkers.
- CES Direct Labor Roles on Support Teams – Support Teams include full or partially CES-funded positions that directly support CES administration in departments outside of the Large-Scale Resources business unit, including staff in Contracts, Finance, Marketing, and Communications.

The Administrative Funding Petition proposed reducing CES staffing by 4 full-time equivalent (FTE) positions, resulting in a new proposed total of 43.25 FTE. This total was reflected in the 2026 CES administrative budget approved by the Commission via the Approval Order. Recent staffing changes have further reduced the total NYSERDA FTE allocated to the CES, with 2 FTEs becoming vacant through staff departures, 1 FTE becoming vacant from a previously vacant position no longer being filled, and another 0.65 FTE reduced via reassignment to new roles within NYSERDA outside of the CES. Taken together, this represents an additional 3.65 FTE reduction below the Salaries and Overhead budget approved by the Commission in the Approval Order. These vacancies have been reviewed per the backfill process discussed in Section 3 and will not be backfilled this year. Including these recent changes, the

CES team has been reduced by 7.65 FTE compared to 2025 (see Table 1), a 16% reduction, and the team composition is anticipated to now have a total FTE count of 39.6 FTE for the remainder of 2026.

Table 1. Updated CES Full Time Equivalent Positions for Remainder of 2026						
Program Area	Tier 1	Tier 2	Tier 3/ZECR	Tier 4	OREC	Totals
2025 FTE	24.18	0.40	2.09	3.54	17.04	47.25
2026 FTE Approval Order	23.48	0.25	2.09	3.99	13.44	43.25
2026 FTE Updated	22.83	0.25	1.99	3.49	11.04	39.60
Net Change 2025 to Current	(1.35)	(0.15)	(0.1)	(0.05)	(6.0)	(7.65)

5. Clean Energy Standard Workstreams

NYSERDA has analyzed current major workstreams across the CES and will be able to fulfill its current responsibilities as CES Administrator with the current filled direct labor staffing level of 39.6 FTE.

However, further reductions beyond this level will impact CES administration.

NYSERDA’s responsibilities for administering the CES directly support efforts to increase electric grid reliability and affordability in New York State. As of March 5, 2026, there are a total of 97 Operational or Under Development large-scale renewable generation projects listed in Open NY⁶ totaling over 9.5 GW of generation capacity. These projects include the Champlain Hudson Power Express (CHPE) under Tier 4; the Sunrise Wind and Empire Wind offshore wind generation projects; one Tier 2 Maintenance project; and 93 Tier 1 land-based renewable projects. Several additional Tier 2 Maintenance projects recently directed by the Commission will appear in future updates to Open NY as the contracts are established. Also not included in this count are awarded projects from RESRFP25-1, which was launched in late

⁶ Open NY. 2025. “Large-scale Renewable Projects Reported by NYSERDA: Beginning 2004.” Accessed January 28, 2026. <https://data.ny.gov/Energy-Environment/Large-scale-Renewable-Projects-Reported-by-NYSERDA/dprp-55ye>.

September 2025, for which the results are not yet public. Future CES solicitations are anticipated to add to this generation portfolio. Each of the projects in the CES portfolio requires diligent oversight by a NYSERDA CES Project Manager, as well as support from Operations, Legal, Support Teams (e.g., Contracts and Finance), and other resources, both during development and when in operation to administer contract settlement.

CES administration involves a significant number of operational workstreams as discussed above in Section 4. These workstreams continue unabated and are in fact increasing as more projects under contract with NYSERDA enter commercial operation and begin monthly contract settlement. NYGATS management remains a core function of CES administration and is growing in scope as new projects in the Tier 1, Tier 4, and Offshore Wind programs come online. Additionally, as transmission system constraints have emerged as a key factor affecting large-scale renewable generators in the state, transmission system subject matter expertise remains vitally important to inform CES solicitations, participate in the Coordinated Grid Planning Process (CGPP), and address highly technical transmission matters as they arise in CES administration.

Sales of (O)RECs, and potentially of Zero-Emissions Credits (ZECs), to the voluntary market are a relatively new and expanding work scope that offers the potential for significant ratepayer cost reductions. When voluntary purchasers buy (O)RECs or ZECs, the proceeds from those sales are applied in full to reduce the remaining LSE obligation, a reduction that is passed along to ratepayers. NYSERDA has conducted two Tier 1 REC Voluntary Sales to date, in 2025 and 2026.⁷ These sales resulted in \$1.47 million and \$1.32 million ratepayer cost reductions, respectively. The Commission-approved Implementation Plans for the Tier 4 and Offshore Wind programs both include voluntary sales as does the proposed ZEC 2.0 Implementation Plan Proposal filed by NYSERDA and Department of Public Service Staff based on direction from the Commission. Expanding voluntary sales across these programs offers both the potential for significant ratepayer savings and new workstreams that must be fully staffed for success.

The Renewable Energy Standard (RES), through which NYSERDA procures Tier 1 renewable projects, continues to be an important source of new reliable generation in the State and must maintain staffing to continue its important work of conducting Commission-directed annual solicitations and managing contracted projects under development from award into commercial operation. There are currently 10 RES projects under construction, and many more are expected to begin construction in the coming

⁷ NYSERDA. N.d. "Tier 1 REC Voluntary Sales." Accessed March 17, 2026. <https://www.nysERDA.ny.gov/All-Programs/Clean-Energy-Standard/Voluntary-REC-Sales/Tier-1-REC-Voluntary-Sale>.

months. The RES (Tier 1) team is also seeing a growing workload of verification activities for economic benefits and disadvantaged community benefits reporting as more projects advance from under development to commercial operation.

Staffing and associated costs for the Tier 2 program have been reduced and minimized to a level that allows the team to maintain the ability to administer new Tier 2 Maintenance awards when directed by Commission Order. There have been several recent and ongoing applications to the Commission for Tier 2 Maintenance awards, and this workstream must be continued.

The ZEC program (Tier 3) was recently extended by Commission action through 2049. While this is a long-standing program and staffing has been optimized, programmatic workload is increased in 2026, including the Commission's requirements for NYSERDA to file an updated implementation plan and to create a proposal detailing how a potential voluntary ZEC sale mechanism would work.

As discussed in the Administrative Funding Petition, the Tier 4 program is in a period of intense activity preparing for the CHPE project to enter commercial operation. One of the positions that recently became vacant was dedicated 50% to Tier 4 in 2026. The position will not be backfilled, as CHPE is nearing commercial operation. However, the remaining staffing dedicated to Tier 4 remains vital to effective and timely program administration. Details of future Tier 4 staffing, along with all other CES staffing, will be included in NYSERDA's petition for 2027 CES administrative funding.

In 2026, the Offshore Wind team's programmatic efforts are centered on administering contracts for the two projects under construction, Sunrise Wind and Empire Wind, while continuing stakeholder engagement to inform opportunities where additional ratepayer value can be realized, and project development risks can be reduced in anticipation of a more supportive federal landscape in the future. Planned efforts are being reduced in line with the substantially reduced administrative funding but remain focused on workstreams associated with the projects under construction and to maintain compliance with their contractual obligations. The program will continue to support port and supply chain development using State appropriated funding. The Offshore Wind team's work in 2026, though scaled back, includes continuing efforts with technical working groups and other efforts focused on identifying and pursuing cost-reduction strategies to benefit ratepayers, such as supporting legacy investments, advancing supply chain and workforce development opportunities, informing potential permitting reforms, and evolution of the procurement model.

NYSERDA is also exploring the potential for an offshore wind predevelopment support program through a request for information (RFI). NYSERDA intends to prepare and file a summary of responses in the

CES and Offshore Wind Standard Proceedings to support the Commission's ongoing review of procurement processes for large-scale renewable resources, including offshore wind. Any future determination regarding the establishment of a predevelopment program, including potential funding approaches, will be informed by stakeholder feedback received through the RFI, evolving industry conditions, and the outcome of the Commission's review of offshore wind procurement processes.

6. Proposed Approach to Backfilling Critical CES Vacancies

As discussed previously in this petition, CES-funded FTE staffing is currently 16% below the staffing levels in the Commission-approved 2025 CES administrative budget. This reflects a further reduction of 3.65 FTE beyond the 4 FTE reduction in the Commission-approved 2026 CES administrative budget.

As discussed above, while some CES workstreams have been curtailed in 2026, such as efforts by the Offshore Wind team, other areas of the CES are increasing, including (O)REC and ZEC voluntary sales and management of the growing portfolio of Tier 1 generators. With the significant staffing reduction that has already been executed, it is untenable to accommodate any new vacancies, should they occur, by absorbing the work into the current team. Additionally, many positions require specialized skills and experience. For example, if a CES-funded Legal position were to become vacant, an existing team member without legal qualifications cannot be transferred into that role or take on those work responsibilities. This is true for a number of positions on the team spanning a variety of technical and programmatic expertise.

It is also important to emphasize the fast-paced and time-sensitive nature of NYSERDA's CES administration work, which makes it critical to fill vacancies quickly. NYSERDA's (O)REC contracts are settled monthly; NYGATS operates 24 hours a day; Tier 1 solicitations are annually scheduled to keep pace with a rapidly evolving renewable energy market, with generating facilities facing deadlines to enter construction imposed by federal statute to receive federal tax credits. In this environment, waiting to submit an individual petition to the Commission for any particular vacancy as it arises would risk severely disrupting CES administration if and when a position needs to be quickly filled. Therefore, this petition as submitted provides the necessary information and framework for a single Commission approval to allow backfilling new vacancies if they arise in the current 39.6 FTE for the remainder of 2026.

NYSERDA wholeheartedly recognizes the importance of energy affordability and adheres to the guiding principle of incurring only those costs necessary to administer the CES for the benefit of all New Yorkers.

It is with these considerations in mind that the following process for backfilling new vacancies in 2026 is proposed. NYSERDA will continue to employ the internal rigorous, needs-based assessment detailed in Section 3 when considering potential hires for any new vacancies should they arise. For new vacancies that directly impact CES functions, including contract origination, contract management, settlement, REC management, reporting, and analysis, NYSERDA requests that the Commission approve this petition and authorize NYSERDA to backfill new vacancies if NYSERDA's internal review process determines the position to be critical to CES administration which cannot be absorbed by other existing resources. Furthermore, for the term of the Approval Order NYSERDA will not increase CES staffing beyond the current staffing level, shown in Table 2, of 39.6 FTE and will not exceed the updated Salaries & Overhead budget, reflecting the most recent staff reductions, provided in Table 3 below.

Table 2. CES Staffing^a		
Primary Role	FTE	Brief Description^b
CES Operations and Analysis (Operations)	9.75	The Operations staff provides a variety of services to enable the efficient and reliable functioning of the CES. These positions settle contracts, manage all CES data and reporting, and conduct business system development and maintenance. Additionally, Operations includes an analyst position and transmission experts.
LSE Obligations, REC Sales, ZEC program, and NYGATS ^c	3.0	These positions administer LSE obligations, manage (O)REC inventory, oversee NYGATS, conduct sales to the voluntary markets, manage the ZEC program, and lead drafting and updates to the various program implementation plans.
Project Managers	17.95	Project Managers operate across a diverse category of workstreams that includes managing the 97 Operational and Under Development projects discussed in Section 5, conducting CES solicitations, engaging local communities, supporting program and policy analysis, and maintaining and applying expert working knowledge of the New York, national, and global markets to the CES program to advance cost-effective, timely, and efficient resource development.
Legal	2.0	Legal supports most aspects of CES administration, including the solicitation process, contract administration, program design, and regulatory filings.
Leadership	4.8	Leadership leads the major CES program areas, provides coordination and collaboration across the entire CES team, sets team priorities, develops program strategy, completes ad hoc analysis and projects, and completes administrative personnel and program management responsibilities.
Support	2.1	These CES-funded positions directly support CES administration in departments outside of the Large-Scale Resources business unit, including personnel in Contracts, Finance, and Communications.
^a This table is a summary of FTE assigned to job functions. In many cases, a specific individual may represent a partial FTE allocation in multiple areas depending on their areas of expertise, programmatic needs and workloads. ^b See Section 4 for further descriptions of these categories. ^c This category is included within the Operations category in the discussion in Section 4 and has been broken out in this table for clarity.		

Table 3. Proposed Updated CES Year 2026 Salaries & Overhead Budget						
	Tier 1	Tier 2	Tier 3/ZECR	Tier 4	OREC	Totals
Salaries and Overhead Approved 2026	\$8,862,619	\$105,729	\$789,547	\$1,453,501	\$5,233,797	\$16,445,193
Salaries and Overhead Updated 2026	\$8,597,187	\$105,729	\$756,435	\$1,282,171	\$4,429,257	\$15,170,779
Change (\$)	(\$265,432)	\$0	(\$33,112)	(\$171,330)	(\$804,540)	(\$1,274,414)
Change (%)	-2.99%	0.00%	-4.19%	-11.79%	-15.37%	-7.75%

Beyond 2026, staffing will be further subject to the usual annual CES administrative funding petition process, with the next CES administrative funding petition due by July 31, 2026, for CES compliance year 2027.

7. Need for Expediency

At this time, NYSERDA is aware of one upcoming vacancy: the Deputy General Counsel responsible for all CES legal matters is departing NYSERDA on April 24. This key senior position plays a critical role in NYSERDA’s administration of the CES. This position plays a key role in providing legal support and guidance for all programs of the CES. Complex legal issues arise on a regular basis in the CES, ranging from high-stakes contract drafting and negotiations, to procurement law matters arising in the preparation and administration of solicitations, to interactions with labor law, environmental law, and federal-state energy regulatory matters. These issues require careful consideration from a team of specialized attorneys who are experts in these technical and industry-specific issues. The current Deputy General Counsel manages a team of in-house attorneys to address these issues in consultation with outside counsel where appropriate. The departure of the Deputy General Counsel creates a timely need for additional legal and management services, which in the immediate term will be filled primarily through borrowed inter-departmental and additional outside counsel resources. We note that using outside counsel in this way does not provide the same level of full-time legal guidance from an attorney deeply immersed in the issues specific to CES administration. Furthermore, reliance on outside counsel is not cost-effective in the

long-term. Given this urgency and the cost-sensitivity of this issue, NYSERDA will commence recruiting for a backfill of the Deputy General Counsel role immediately but would not actually complete any hire unless and until the Commission acts on this petition.

8. Conclusion

NYSERDA respectfully requests that the Commission approve this proposal to backfill CES-funded direct labor position vacancies during the remainder of 2026 if and when they arise. As discussed, NYSERDA has determined that effective CES administration can be maintained with the currently filled 39.6 FTE but accommodating any new vacancies without a commensurate reduction in workstreams will impact CES administration. Any new vacancy, should it arise, would still be scrutinized through NYSERDA's backfill hiring process with a view to current and near-term critical workstreams and it may be determined that a backfill is not warranted if workstreams also change. NYSERDA proposes to keep CES-funded positions at or below the current direct labor staffing level of 39.6 FTE for the remainder of 2026 and to keep the CES salaries and overhead budget at or below the updated figures in Table 3.