



Re: Purchase of Tier 1 Renewable Energy Certificates
Request for Information RESRFI22-1
RFI Release Date: July 7, 2022

Responses Due: Thursday, July 28, 2022, by 3:00 PM Eastern Prevailing Time

The purpose of this Request for Information (RFI) is to invite external stakeholders to review and comment on several key changes and focus areas of the forthcoming 2022 Tier 1 solicitation, RESRFP22-1. Through this RFI, NYSERDA is seeking information from interested stakeholders, including large-scale renewable energy project developers and owners, renewable energy system equipment manufacturers and supply chain partners, domestic steel mills and steel component manufacturers, engineering, procurement, and construction (EPC) firms, agricultural stakeholders, labor stakeholders, project host municipalities, industrial development agencies (IDAs), disadvantaged communities, minority- and women-owned business enterprises (MWBs), Service-Disabled Veteran-Owned Businesses (SDVOBs), other public or private stakeholders and members of the general public. Stakeholders responding to this RFI are referred to throughout as “Respondents.” Stakeholders intending on submitting Bid Proposals to RESRFP22-1 are referred to throughout as “Proposers.”

Responding to this RFI is optional, and failure to respond will not prohibit an otherwise-qualified Proposer from submitting a Bid Proposal under RESRFP22-1. Respondents to this RFI are not required to answer all questions and should focus on questions relevant to their interests and/or field of expertise.

Comments are due by Thursday, July 28, 2022, at 3 p.m. ET, and should be sent to res@nyserda.ny.gov with the subject line “RESRFI22-1 Comments” or submitted via the following Seamless Docs link: [RESRFI22-1 Request for Comments Seamless Docs Form](#)

NYSERDA reserves the right to reach out to respondents to seek clarifications. Any questions about this RFI or requests to discuss this RFI should be directed to Bram Peterson, Mac Farrell, Abbey DeRocker, Thomas King, Dave Crudele, Alex Stein, Georges Sassine, and/or Doreen Harris (the Designated Contacts) in writing through the email address noted above.

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1. Content of Responses

Responses should be concise and focus on areas in which the respondent has a particular interest or expertise. Please limit your response to 20 pages or less.

1.1. Mandatory Information

Responses must contain the following information in order to be considered:

- Respondent’s name (whether a natural person or legal entity);
- Respondent’s address; and
- Respondent’s contact information, including name, phone, and email address of a designated contact person for Respondent that is able to speak to the content of the RFI response.

1.2. Requested Information

NYSERDA requests Respondents include the following information in their responses to this RFI:

- Respondent’s background and interest in RESRFP22-1, including a summary of previous experience that could be relevant to this RFI;
- A summary of the key issues that are important to Respondent;
- Each page of the response should include Respondent’s name in the header; and
- Responses should reference the applicable RFI section number, for example, Section 2.1, Question 1.

The Summary of Changes and Focus Areas section below highlights the planned changes to the forthcoming Tier 1 solicitation relative to the [most recent Tier 1 solicitation, RESRFP21-1](#), as well as other specific aspects of the solicitation on which NYSERDA seeks comments.

Stakeholders are encouraged to focus their comments on these areas, and, in particular, on the questions posed below; however, Respondents are free to provide any information deemed pertinent.

2. Summary of Prospective Changes and Focus Areas

2.1. RESRFP22-1 Schedule

The schedule for the 2022 Tier 1 solicitation has not yet been finalized, but the time between RFP issuance date and Step One Application submission deadline is anticipated to be approximately 60 days, followed by a Notice of Qualification (NoQ) issued by NYSERDA to those Proposers deemed eligible to submit a binding Step Two Bid Proposal, after which there would be a period of approximately 60 days to submit a Bid Proposal. This would result in bids being due approximately 4.5 months following the issuance of the solicitation. See below for a graphic showing an illustrative solicitation schedule.

Figure 1: Illustrative Tier 1 Solicitation Schedule



The Public Service Commission (PSC) October 2020 Order Adopting Modifications to the Clean Energy Standard (CES Modification Order) authorized NYSERDA to issue annual Tier 1 solicitations to support the achievement of the Climate Leadership and Community Protection Act (CLCPA) target of a 70% renewable energy statewide electric grid by 2030, with neither minimum nor maximum quantity limitations in any given year, and noted that NYSERDA should be afforded flexibility to respond to market conditions regarding the schedule and terms of its Tier 1 solicitations.

Questions to Stakeholders:

- i. What, if any, factors should NYSERDA consider when setting the schedule for RESRFP22-1, including the RFP issuance date, open period, Step One Eligibility Application deadline, and Step Two submission deadlines?
- ii. In particular, what timing for RFP issuance and Proposal submission would be most conducive to obtaining viable, appropriately de-risked, and competitive Bid Proposals in 2022?
- iii. What timing considerations, if any, should be accounted for with respect to the proposed transmission solutions (e.g., Phase 1, Phase 2A, Phase 2 solutions) filed by Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, and Rochester Gas and Electric Corporation in the PSC's Power Grid Study Proceeding ([DPS Case 20-E-0197](#))?
- iv. What timing considerations, if any, should be accounted for with respect to the forthcoming final recommendations to be published by the [Farmland Protection Working Group](#) (FPWG)?
- v. What timing considerations, if any, should be accounted for with respect to the potential expansion of federal tax credits (Production Tax Credit and Investment Tax Credit) that may be afforded to eligible Tier 1 technologies?

2.2. U.S. Department of Commerce Antidumping (AD) /Countervailing Duty (CVD) Investigation

For developers advancing solar projects: On February 8, 2022, Auxin Solar filed requests with the U.S. Department of Commerce ("DOC") to investigate alleged circumvention of existing antidumping ("AD") and countervailing duty(ies) ("CVD") orders that cover crystalline silicon photovoltaic cells and modules from China. Auxin alleges that crystalline silicon photovoltaic cells and modules consisting of primarily Chinese components are undergoing minor processing in Malaysia, Vietnam, Thailand, and Cambodia and are thus circumventing existing AD/CVD orders. Auxin is requesting duties to be imposed on all imports of CSPV cells and modules from these four southeast Asian countries. On March 28, 2022, DOC announced that it launched an investigation into the circumvention of AD/CVD by solar PV makers in Cambodia, Malaysia, Thailand, and Vietnam as requested by Auxin Solar. The full investigation could take 300-345 days and if DOC finds circumvention, importers of crystalline silicon photovoltaic cells and modules from these four nations will have to pay duties, perhaps as far back as November 4, 2021 (can be applied retroactively). A preliminary finding is not expected prior to August 29, 2022 with a final determination expected January 26, 2023 if not extended. [For more information, please refer to the DOC anti-circumvention investigation](#) (Department of Commerce, International Trade Administration, [A-570-979, C-570-980], "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty and Countervailing Duty Orders").

On June 6, 2022, President Joseph Biden issued a [“Declaration of Emergency and Authorization for Temporary Extensions of Time and Duty-Free Importation of Solar Cells and Modules from Southeast Asia,”](#) (the “Declaration”) which in part provides U.S. solar deployers with the ability to source solar modules and cells from Cambodia, Malaysia, Thailand, and Vietnam by providing that those components can be imported free of certain duties for 24 months.

Questions to Stakeholders:

- i. What Bid Proposal timing considerations, if any, should be accounted for with respect to the recently launched U.S. Department of Commerce investigation?
- ii. How does the Declaration and outcome of the investigation affect the timing and expected costs of equipment for proposed Tier 1 projects?
- iii. Is it the respondent’s intention to purchase equipment prior to the expiration of the 24-month period referenced in the Declaration? If yes, please address how this is feasible and the risks associated with this strategy. If no, please explain the current strategy for equipment purchase and obtaining module supply agreements for projects intending to participate in the next Tier 1 solicitation.
- iv. What type of relief (equipment cost, bid price, project development timelines), if any, does the Declaration provide to developers intending to Bid Proposals to the 2022 Tier 1 solicitation? Why or why not?

2.3. Defense Production Act

Concurrent with the two-year halt of solar tariffs on major Southeast Asian panels suppliers, the Biden Administration invoked the Defense Production Act (DPA) to support US-made solar by encouraging domestic equipment in federal procurements. NYSERDA understands that the federal government intends to use Master Supply Agreements to enable domestic clean electricity providers to swiftly sell equipment to the US government, and US-made solar will be given a “super preference” in federal procurement efforts. President Biden also authorized the Energy Department to use the powers granted under the Defense Production Act to scale up manufacturing. A June 6 announcement from the White House estimated the actions would bring 10 GW of new solar panels over the next ten years.

Questions to Stakeholders:

- i. In what way will the DPA provide relief to solar projects developing in New York?
- ii. In what way will evoking the DPA stimulate domestic production in the United States?
- iii. Will ramping up production using Defense Production Act powers require funding from Congress?
- iv. How can NYSERDA encourage domestic solar equipment manufacturing in New York State?

2.4. Forced Labor Prevention Pledge

Ensuring an ethical and sustainable supply chain is of great importance to NYSERDA. The solar industry is working together to address this problem. NYSERDA is considering requiring all RESRFP22-1 awardees to sign the Solar Energy Industry Association’s (SEIA) [Forced Labor Prevention Pledge](#) (Pledge), opposing forced labor practices and heightening awareness of human rights abuses against Uighurs, an ethnic minority living in the Xinjiang region of China. Companies that sign the Pledge agree to conduct their business in an ethical manner.

Questions to Stakeholders:

- i. Has your company signed the Pledge? Why or why not?

- ii. If your company has not signed the Pledge, what are some of the concerns associated with the Pledge?

2.5. Solicitation Resource Mix

Per the CES Modification Order, NYSEDA is authorized to procure approximately 4.5 million Tier 1 RECs annually through 2026. The published solicitation target is a non-binding target, and the final contracted quantity of RECs under each solicitation is subject to NYSEDA and Department of Public Service (DPS) discretion.

Under RESRFP22-1, NYSEDA intends to again set a non-binding procurement target, and to increase the emphasis on achieving an award group with a diverse resource mix that will complement the existing fleet of operating renewable energy generators in New York and the portfolio of under development large-scale renewable energy projects contracted by NYSEDA, with the goal of maintaining a pipeline of large-scale renewable projects that will support the mandate to achieve a 70% renewable electric grid by 2030. NYSEDA and the DPS intend to effectuate this preference if needed by employing the Resource Mix Portfolio Risk Factor (see [RESRFP21-1 Section 6.2](#), Portfolio Risk Factors).

Questions to Stakeholders:

- i. Should NYSEDA increase or decrease the solicitation target for RESRFP22-1 as compared to RESRFP21-1? Why or why not? See the [NYSEDA Strategic Outlook 2022-2025](#), Renewable Energy Section, for a summary of the distributed and large-scale renewables programs underway by NYSEDA and an outlook on future statewide load.
- ii. What benefits or risks should NYSEDA and DPS consider when choosing to employ or not employ the Resource Mix Portfolio Risk Factor to achieve an award group with a diverse resource mix?
- iii. How can NYSEDA best quantify or evaluate the benefits and risks of selecting an award group comprised of a diverse resource mix? What other steps can NYSEDA take in solicitation development and bid evaluation to ensure that future award groups exhibit a diverse resource mix with a generation profile that complements the existing pipeline of contracted large-scale renewables and supports future estimates of statewide load?
- iv. How should other ongoing NYSEDA programs (e.g., the Offshore Wind program, Tier 4 REC program, recent NY-Sun program expansion, transmission solution proposals in Public Service Commission Case 20-E-0197 [Power Grid Study Proceeding](#)), and/or future statewide load uncertainty be accounted for when setting future solicitation targets?

2.6. Climate Action Council Scoping Plan

The Climate Action Council (CAC) published on December 30, 2021 its [Draft Scoping Plan](#), inclusive of a series of recommendations and proposed workstreams that the state's agencies and authorities can implement in support of New York State's climate targets. The CAC has since held 11 public hearings across the State to receive public input on the Draft Scoping Plan and advance work on a Final Scoping Plan to guide the implementation of the State's nation-leading climate goals under the CLCPA.

Questions to Stakeholders:

- i. While RESRFP22-1 will incorporate the relevant recommendations to the extent feasible consistent with PSC Orders under [Case 15-E-0302](#), what, if any, particular recommendations, strategies, or proposals included in the CAC Draft

- Scoping Plan should be explicitly accounted for by NYSERDA in the development of its 2022 Tier 1 solicitation?
- ii. NYSERDA recognizes that the CAC Draft Scoping plan is in draft form, with a final plan expected to be filed by January 1, 2023. What challenges, if any, do developers face when developing and preparing Bid Proposals to be submitted to RESRFP22-1 while the Scoping Plan is still in draft form?

2.7. Optional Inflation Adjustment Bid Proposals

NYSERDA is considering introducing a new component to the binding Bid Price submission that would afford awarded Proposers a Fixed REC Price or Index REC Strike Price adjustment based on the realized inflation between the time of the submitted Step Two Bid Proposal and the time that the Bid Facility reaches a predetermined milestone to be established in RESRFP22-1 that reflects the closure of construction capital costs. An example of how this mechanism would be effectuated in the awarded Agreement is included below.

Proposers interested in pursuing an Inflation Risk-Adjusted Proposals (IRAP) would be required to provide an Index REC Strike Price or Fixed REC Price that is not indexed to inflation. In that required price, future inflation would be absorbed fully by the Project and would not change the Index REC Strike Price or Fixed REC Price.

In addition, Proposers would be permitted to submit IRAPs as Alternate Proposals. Under the IRAP structure, the Index REC Strike Price or Fixed REC Price would be subject to a one-time adjustment that would take place at a milestone to be established in RESRFP22-1 that reflects the closure of construction capital costs (e.g., Final Investment Decision (FID), Notice to Proceed to Construction (NTP), Commercial Operation Date (COD)). NYSERDA is considering what milestone to utilize for this purpose and is seeking stakeholder feedback. The adjustment to the Index REC Strike Price or Fixed REC Price would be calculated as set forth in the formula below:

$$REC_{adj} = \left(REC_{bid} \times \frac{Index_T}{Index_B} \times P \right) + (REC_{bid} \times (1 - P))$$

where:

REC_{adj} is the adjusted price after the milestone (e.g., FID, NTP or COD)

REC_{bid} is the as-bid REC price at the time of RESRFP22-1 bid submission

$Index_T$ is the value of the inflation index at time of the adjustment milestone (e.g., FID, NTP or COD)

$Index_B$ is the value of the inflation index at the time of bid submission

P is the percentage of the as-bid REC price subject to the adjustment, between 0-100%, chosen by Proposer

As noted above, the percentage of the as-bid Index REC Strike Price or Fixed REC Price that would be modified by the adjustment would be determined by the Proposer in its Proposal. IRAPs would be evaluated using a risk-adjusted price adder.

Questions to Stakeholders:

- i. Would this approach be expected to reduce ratepayer costs by eliminating a risk premium in REC bid pricing, and if so, by how much? Are there modified approaches NYSERDA should consider to counter inflation uncertainty in a way that serves the best interests of ratepayers?

- ii. Describe how an inflation adjustment mechanism could affect the project development timeline and/or viability of proposed Tier 1 Bid Facilities.
- iii. Please comment on your expectations for near-term and long-term inflation and the impact on your proposal pricing.
- iv. What publicly available index or indices are most suitable to capture developers' exposure to inflation during the project development period? Should NYSERDA utilize different indices for different Tier 1 eligible technologies? Please explain the relevance of the index or indices you suggest.
- v. Should the adjustment mechanism be based on a single defined index or multiple indices? Please provide any suggestions on how multiple indices should be weighted for purposes of tracking key component costs, including calculation examples, and whether these would be applicable to specific or all Tier 1 eligible technologies.
- vi. What is an appropriate way to set $Index_B$, the value of the inflation index at the time of bid submission? Could this be an annual average, discrete monthly value, or other?
- vii. Should the adjustment mechanism be based on a single defined index? In the alternative, are there commercial advantages associated with an adjustment formula with multiple indices that track key drivers of total project cost? If yes, please provide general guidance on how weighting factors may be established for purposes of tracking key component costs, including calculation examples.
- viii. Is an option of 0-100% for Proposers to choose appropriate, or should a certain factor be fixed in the RFP?
- ix. What is the optimal milestone for determining the price adjustment date? Should the milestone be a fixed calendar date, or the date of a defined event? If a date defined event, should it be FID (in which case, how should that be defined), NTP, COD, or some other point in time and why?
- x. Will a contract with an inflation risk adjustment clause be sufficient to support executing binding agreements with primary OEMs, and ultimately project financing?

2.8. Increased Minimum Threshold Requirements

Since the first Renewable Energy Standard solicitation in 2017, NYSERDA has steadily increased the Minimum Threshold Requirements each year. Only those Bid Proposals found to have met all Minimum Threshold Requirements will be eligible for evaluation under Step Two of RESRFP22-1. NYSERDA is again considering increasing multiple Minimum Threshold Requirements under RESRFP22-1, including the changes below summarized by subcategory.

Tier 1-eligible RECs or environmental attributes that are the subject of a current NYSERDA RES contract, or that were the subject of an award under NYSERDA's RESRFP21-1 solicitation, will not be eligible under RESRFP22-1. Proposers are advised that Bid Facilities subject to a previous Tier 1 award prior to NYSERDA's RESRFP21-1 solicitation that executed a RES Standard Form Agreement but subsequently terminated and forfeited contract security will be eligible to participate under RESRFP22-1.

2.8.1. Interconnection

Under RESRFP21-1, the Minimum Threshold Requirement for the Interconnection subcategory to submit a Step Two Bid Proposal was to have demonstrated that the Proposer's deposit/fees have been paid to commence the Bid Facility's System Reliability Impact Study or System Impact Study or equivalent with the relevant interconnecting control area. Under RESRFP22-1,

NYSERDA is considering increasing this threshold to the Bid Facility having completed the System Reliability Impact Study or System Impact Study or equivalent (e.g., Stage 6 in the NYISO Interconnection Queue).

2.8.2. Permitting

Under RESRFP21-1, one of the Minimum Threshold Requirements for Permitting was to submit a Draft Desktop Wetlands and Water Resources Delineation for the Bid Facility. Under RESRFP22-1, NYSERDA intends to increase this threshold, requiring all Proposers to have conducted both a desktop and a field screening to identify potential impacts on wetlands and waterbodies, such that preliminary measures to avoid and minimize wetland impacts can be identified, evaluated, and implemented. RESRFP22-1 will detail the full requirements of the on-site field screening such that Proposers understand the nature of the required screening. The updated screening requirements will likely retain the requirement for a desktop review of available online data sources and maps of wetlands and waterways (required under RESRFP21-1), and add new requirements under RESRFP22-1 including a field effort which would involve preliminary identification and a general description of wetland and water resources, spot checking of soils, shallow hydrography and vegetation at selected locations, apparent functional status, and ground-truthing of various color tones and corresponding ecotones on aerial photographs and maps.

2.8.3. Energy Deliverability

If a Bid Facility intends to interconnect in an area indicated by the [February 1, 2022 Utilities Headroom Data Filing](#) that has either zero or negative headroom, or less headroom than the Nameplate Capacity of the proposed Bid Facility, the Proposer will be required to provide an energy deliverability study evidencing that the Bid Facility is fully deliverable at the proposed Bid Quantity without causing adverse incremental curtailment to currently operating large-scale renewable projects or large-scale renewable projects under development and awarded by [NYSERDA](#). The deliverability study will be required to model all electrically local, under development, projects with active NYSERDA contacts as part of the base case development, regardless of interconnection or NYISO Class Year status. NYSERDA will confirm the need for a submitted deliverability study as part of the Notice of Qualification sent to the Proposer if the Bid Facility is deemed eligible to submit a binding Step Two Bid Proposal. NYSERDA will make available to Proposers data associated with operating or under development large-scale renewable projects.¹ NYSERDA will reserve the right to ask clarifying requests regarding the development and production of the deliverability study.

2.8.4. Resource Assessment/Energy Production Estimate

Under RESRFP21-1, Proposers were required to submit a Resource Assessment and Energy Production Estimate that provides a narrative description of any assumed level of curtailment and equipment degradation built into the resource assessment and any projected impacts on the Bid Facility's energy and/or capacity deliverability. Under RESRFP22-1, NYSERDA intends to strengthen this requirement to require all Proposers to further detail the full extent of the curtailment assessments performed to demonstrate the deliverability of the Bid Facility, and clarify explicitly what the degradation assumptions are for the equipment proposed for the Bid Facility. Proposers will also be required to explain if and how their 8,760 generation profile differs from their generator-only bid if submitting an alternate bid with energy storage. Proposers

¹ Large-Scale Renewable Projects Reported by NYSERDA: Beginning 2004 is available on [OPEN NY](#).

should note that all Proposers will be subject to these increased requirements, separate the potential energy deliverability study requirement detailed in Section 2.6.3.

2.8.5. Agricultural Land

Under RESRFP21-1, all Proposers were required to populate and submit the NYSERDA Smart Solar Siting Scorecard to demonstrate the impacts that the proposed Bid Facility is expected to have on active agricultural land and Mineral Soil Groups 1 through 4 (MSG 1-4). The Smart Solar Siting Scorecards from all submitted Bid Proposals will be made public following the submission of Step Two Bid Proposals such that they are accessible to the relevant permitting bodies and Host Communities. In RESRFP22-1, NYSERDA is proposing to post on the solicitation website the project-specific Smart Solar Siting Scorecard along with the Project Summary and Community Outreach Plan. The draft RESRFP22-1 Smart Solar Siting Scorecard is accessible as [Appendix 2](#) to this RFI.

Proposers will be encouraged to use recently posted and updated data available at the links below to assess the extent to which their proposed Bid Facility is sited in New York State Agricultural Districts and Mineral Soil Groups classifications 1 through 4 (MSG 1-4): [NYSERDA 2022 Soils Data for use in the Large-Scale Renewables and NY-Sun Programs](#), [2022 NY Soils Data GIS Map](#).

2.8.6. Executive Order 16

On March 17, 2022, Governor Kathy Hochul issued Executive Order 16 (EO 16) Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia. For RESRFP22-1, NYSERDA intends to require Proposers to submit EO 16 certifications as part of their Step One Eligibility Application in accordance with guidance and certification forms published by the New York State Office of General Services (OGS), available at: <https://ogs.ny.gov/EO-16>.

Questions to Stakeholders:

- i. What benefits and risks are presented to Proposers due to the proposed modifications to the RESRFP22-1 Minimum Threshold Requirements?
- ii. For Proposers with projects in development seeking to complete their System Reliability Impact Study or System Impact Study or equivalent with the relevant interconnecting body, by what date will it be feasible for your intended Bid Facilities to reach this milestone? Please provide month and year.
- iii. Should NYSERDA take any steps to allow Bid Facilities to remain eligible for evaluation and award if their System Reliability Impact Study or System Impact Study or equivalent is completed between the Step Two Bid Proposal deadline and the completion of bid evaluation?
- iv. For Proposers intending on submitting Bid Facilities to RESRFP22-1, please describe the resources needed to support an Energy Deliverability study as well as your ability to produce the Energy Deliverability study as described by NYSERDA. What other Energy Deliverability considerations should NYSERDA include in its evaluation of Bid Proposals and project selection?
- v. Will Proposers have adequate time to perform the above-mentioned energy deliverability study in time for a mid to late Q4 2022 Bid Proposal deadline? If not, how much time is needed to prepare a thorough energy deliverability study as described?

- vi. In order for Proposers to properly conduct an energy deliverability study as described above, what study inputs other than those listed in Open NY (e.g., expected average annual generation) should be provided by NYSERDA?
- vii. What further clarifications or resources can NYSERDA provide to Proposers to assist in the requirement to complete the RESRFP22-1 Smart Solar Siting Scorecard?
- viii. What other details will be critical for NYSERDA to provide for Proposers to appropriately detail the requirements of the wetland and waterbodies screening mentioned above?

2.9. Prevailing Wage

New York State Labor Law § 224-d (2) requires that “Covered Renewable Energy Systems” are “subject to prevailing wage requirements in accordance with Labor Law §§ 220 and 220-b. Labor Law § 224-d (1) defines “Covered Renewable Energy Systems” as “renewable energy system, as such term is defined in Public Service Law 66-p, with a capacity of greater than five megawatts alternating current (MWAC) and which involve the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.” Labor Law §224-d (3) further provides that these prevailing wage requirements do not apply to “construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project, or construction work performed under a labor peace agreement, project labor agreement, or any other construction work performed under an enforceable agreement between an owner or contractor and a bona fide building and construction trade labor organization.” Under Labor Law §224-d, the prevailing wage requirements will be subject to the enforcement jurisdiction of the New York State Department of Labor. For further detail, see [Labor Law §224-d](#) in its entirety.

Question for Stakeholders:

- i. What further detail or clarification would allow stakeholders to better understand the new Prevailing Wage requirements set forth under Labor Law § 224-d?

2.10. Labor Peace Agreements

New York State Public Service Law § 66-r (3) requires that REC Agreements for projects with a capacity of greater than five megawatts alternating current (MWac) include a stipulation that the owner of the project, or a third party acting on the owner’s behalf, stipulate to entering into a Labor Peace Agreement (LPA) with a bona fide labor organization representing, or attempting to represent, employees providing operations and maintenance services for the project. Adherence to such LPA will be an ongoing condition necessary to receive payments under the REC Agreements executed from RESRFP22-1. An LPA is an agreement between the owner of the Bid Facility and a bona fide labor organization that, at a minimum, protects the State’s proprietary interests by prohibiting labor organizations and their members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the Bid Facility in accordance with Public Service Law § 66-r (3).

Question for Stakeholders:

- i. What further detail or clarification would allow stakeholders to better understand the new Labor Peace Agreement requirements set forth under Public Service Law § 66-r?

2.11. NYGATS Tier 1 Eligibility Requests

NYSERDA advises all interested Proposers to ensure that their proposed Bid Facility(ies) must meet the Tier 1 eligibility requirements to participate in RESRFP22-1, and encourages all Proposers to register their Bid Facility(ies) in the New York Generation Attribute Tracking System (NYGATS) as early as possible to ensure that the facility is eligible to submit a Step One Eligibility Application.

Interested Proposers may access [the Tier 1 Certification Submission Instructions and Eligibility Guidelines here](#), and are strongly encouraged to register their Bid Facility(ies) in NYGATS by following the instructions posted on the Clean Energy Standard website: [RES Tier 1 Certification](#). Interested Proposers may register their facilities in NYGATS at any time (open, rolling enrollment), including prior to the issuance of RESRFP22-1.

Question for Stakeholders:

- i. What further detail or clarification should NYSERDA provide to proposers to encourage participants to obtain a NYGATS Provisional Statement of Qualification or Statement of Qualification?

2.12. Capacity Accreditation

NYSERDA is actively monitoring the ongoing actions following the [NYISO Proposal on Buyer-Side Mitigation and Capacity Accreditation](#) recently accepted by the Federal Energy Regulatory Commission (FERC). NYSERDA understands this change in Capacity Accreditation will constitute a “change in law” under contracts using the current Index REC structure. After the change in Capacity Accreditation is set forth in detail by NYISO in compliance with the recent FERC Order, but prior to it becoming effective, NYSERDA intends to make necessary modifications to its Index REC settlement formula to include a new Capacity Accreditation Factor that preserves the economic expectations of those that have already entered into agreements utilizing the Index REC structure, awarded but yet-to-be-executed agreements utilizing the Index REC structure, and agreements that will be awarded under RESRFP22-1, where the final rules are not yet known.

NYSERDA has issued a dedicated Capacity Accreditation Request for Information in parallel to this RFI, through which interested stakeholders are encouraged to submit feedback regarding potential mechanisms to address the capacity mechanism for future agreements using the Index REC structure. The Capacity Accreditation RFI, inclusive of questions for stakeholders to consider, is available here: [LSRRFI22-1](#)

2.13. Incremental Economic Benefits Categories

Three categories of economic benefits are planned to be retained as part of the incremental economic benefits component of the Step Two Bid Proposal submissions:

- Category 1: Long-Term Economic Benefits to New York State, inclusive of long-term jobs and/or long-term payments to the New York State economy, its municipalities and/or residents.

- Category 2: Short-Term Economic Benefits to New York State, inclusive of in-state purchases and short-term jobs.
- Category 3: Investments/Commitments to Local Economic and Workforce Development, similar to long-term economic benefits, but inclusive of other commitments that can be included as part of a Step Two Bid Proposal related to economic and workforce development activities.

In RESRFP22-1, NYSERDA is considering allowing New Storage Technologies, including non-electrical battery energy storage facilities such as electrolytic hydrogen or experimental energy storage technologies, to be eligible for incremental economic benefits if Proposers submit Bid Facilities with a co-located or separately located New Storage Technology, however these types of paired energy storage facilities will not be eligible for non-price evaluation in the Project Viability and Operational Flexibility and Peak Coincidence subcategory, and will be evaluated in the Incremental Economic Benefits Category only. Investments may include pilot and demonstration projects that complement proposed Projects, including innovative storage projects that are not otherwise eligible as Energy Storage. These may include demonstration projects that utilize hydrogen in the energy, transportation, building, or industrial sectors, and proposals that advance the maturation of a hydrogen supply chain in New York State.

In RESRFP22-1, NYSERDA also plans to continue to more favorably evaluate incremental economic benefits to New York State that will be realized in part or in full by disadvantaged communities as part of the proposed projects' development. The Climate Leadership and Community Protection Act (CLCPA) directs the [Climate Justice Working Group](#) (CJWG) to establish criteria for defining Disadvantaged Communities. On December 13, 2021, the CJWG voted to release draft Disadvantaged Communities criteria for public comment. The 120-day public comment period ends July 7, 2022. Should a final definition for "Disadvantaged Communities" be adopted prior to the Step Two Bid Proposal submission date for RESRFP22-1, NYSERDA intends to amend RESRFP22-1 to reflect the final definition of disadvantaged communities released by the CJWG.

As the CJWG is working to finalize the criteria for defining Disadvantaged Communities in New York, interim Disadvantaged Communities criteria will apply to all Large-Scale Renewable projects awarded before the final Disadvantaged Communities criteria are finalized. Further resources for identifying interim Disadvantaged Communities are located on [NYSERDA's Disadvantaged Communities website](#).

Once the final disadvantaged communities criteria are finalized, they will be incorporated into future solicitations, and an updated map of New York Disadvantaged Communities will be provided for reference to Proposers. Additional resources for identifying draft Disadvantaged Communities are located on the [New York Climate Act website](#).

Questions to Stakeholders

- Are the descriptions of these categories clear as to what can and should be included in each? For example, under RESRFP22-1, the solicitation intends to clarify that any long-term commitments with firm dollar amounts should be submitted under Category 1 (e.g., Full-time employees needed to run and maintain the Bid Facility whose position lasts 3 years or longer, PILOT, Host Community and Good Neighbor Agreements), and commitments that do not have firm associated dollar amounts (e.g., project labor agreement commitments, internship commitments, apprenticeship commitments) should be submitted under Category 3.
- Are there any adjustments to this categorization approach that NYSERDA should consider?

- iii. Is the distinction between Electrical Energy Storage and New Storage Technologies, such as electrolytic hydrogen or experimental storage sufficiently clear, or are there ways it could be improved?
- iv. What resources can NYSERDA provide to Proposers to help with developing incremental economic benefit commitments afforded to Disadvantaged Communities? See [Section 8.3.5 of RESRFP21-1](#) for examples of resources provided to Proposers that participated in the 2021 Tier 1 solicitation.

2.14. U.S. Iron and Steel (Buy-American)

To inform NYSERDA's preliminary determination under Public Service Law (PSL) § 66-r (the "New York Buy-American law") for RESRFP22-1, NYSERDA contracted with Advisian to perform a study of U.S. iron and steel in Tier 1 eligible technologies land-based wind and utility-scale solar.

Public Service Law (PSL) § 66-r (the New York "Buy-American" law) requires that certain iron and steel used in certain state-supported renewable energy facilities be sourced domestically unless the head of the applicable state entity concludes that the requirement is not in the public interest for a particular procurement.

The assessment as to whether the requirement is in the public interest must be conducted prior to each procurement and included in the procurement document itself. NYSERDA commissioned a series of studies and issued a preliminary determination (See Appendix 3) that due to the potential for increased costs, schedule delay, current market dynamics, manufacturer availability, and steel availability, including the requirement in RESRFP22-1 would not be in the public interest.

Despite these findings, NYSERDA continues to strive to support the development of a domestic supply chain for renewable energy technologies and is proposing the establishment of a minimum dollar requirement related to the use of U.S. iron and steel in the construction of renewable energy systems selling RECs to NYSERDA under RESRFP22-1.

NYSERDA is considering a minimum dollar requirement for utility-scale solar of \$30,000 / MWdc. Similarly, NYSERDA is considering a minimum dollar requirement for onshore wind of \$63,000 / MWac.

The preliminary determination and the Advisian study are attached hereto as Appendix 3 to this RFI.

NYSERDA encourages all interested stakeholders to submit comments on the proposed measures described in [Appendix 3](#).

Questions to Stakeholders:

- i. What feedback do stakeholders have on the content of the Advisian study? Does Advisian's analysis accurately capture key considerations? What specific modifications are warranted and why?
- ii. What other considerations should NYSERDA account for when setting the final domestic iron and steel purchasing requirements for Tier 1 technologies in RESRFP22-1?
- iii. What new requirements should NYSERDA make clear related to tracking and reporting domestic iron and steel expenditures to verify that the required amount of domestic steel has been procured for each awarded Bid Facility?
- iv. By what percentage or dollar amount will the proposed minimum purchase requirement increase the Index REC Strike Price proposed to NYSERDA?

By what percentage or dollar amount will the proposed minimum purchase requirement increase the project's Capital Expenditure?

2.15. MWBE and SDVOB Firms

Labor Law § 224-d (6) imposes a new requirement on owners and developers to comply with the goals and objectives of Executive Law Articles 15-A and 17-B RESRFP22-1. In order to collect information associated with this obligation, and to collect data related to the reporting requirement found under Labor Law § 224-d (7), NYSERDA plans to include new provisions for successful Proposers to meet including commercially reasonable efforts to encourage, support, and maximize the use of Minority and Women Owned Business Enterprises (MWBE) and Service-Disabled Veteran-Owned Business (SDVOB) firms as contractors and sub-contractors on NYSERDA awarded Tier 1 renewable energy projects. These new provisions will also include enhanced reporting requirements and a new metric for incremental economic benefits associated with MWBE and SDVOB firms.

Proposers will be required to indicate any incremental economic benefit commitments that are planned to be directed to MWBE and SDVOB firms as a subset of the Expected Total Dollars, which will be given greater weight in scoring and treated as a separate category of incremental economic benefits in the Agreement, i.e. NYSERDA will compare the Verified MWBE and SDVOB Dollars against the Expected MWBE and SDVOB Dollars, and should the Verified MWBE and SDVOB Dollars fail to total or exceed the Expected MWBE and SDVOB Dollars, NYSERDA may enforce remedy(ies) under the REC Agreement, including the potential for partial retention of contract security for failure to cure reporting deficiencies.

Questions to Stakeholders:

- i. What other considerations, if any, should be afforded to Bid Proposals that commit to incremental economic benefits to MWBE/SDVOB firms?
- ii. What other reporting requirements should be expanded in response to the new MWBE/SDVOB contract provisions?
- iii. How can NYSERDA encourage awardees and Sellers to utilize MWBE and SDVOB firms as contractors and subcontractors in New York State renewable project development, construction, and operation?
- iv. What clarity would help stakeholders better-understand these new requirements?

2.16. Project Viability and Operational Flexibility and Peak Coincidence Evaluation

The Project Viability and Operational Flexibility and Peak Coincidence component of bid evaluation allows for Bid Proposals to receive up to 20 non-price points across various sub-categories, which have previously consisted of the following ten subcategories: 1) Site Control, 2) Interconnection, 3) Energy Deliverability, 4) Peak Coincidence, 5) Permitting, 6) Project Development, Financing and Creditworthiness, 7) Community Engagement, 8) Resource Assessment and Energy Production Estimate, 9) Carbon Emissions and Embodied Carbon, and 10) Energy Storage.

Several modifications to these sub-categories are planned to be incorporated into RESRFP22-1, detailed in the following subsections.

2.16.1. New Sub-Category: Agricultural Land

Proposed facilities will be evaluated based on their expected impacts to active agricultural land and Mineral Soil Groups 1 through 4 (MSG 1-4), as well as any avoidance, mitigation, and/or co-utilization measures that the Proposer is willing to commit to at the time of the bid submission.

NYSERDA intends to intake and assess these impacts and commitments by requiring all solar Proposers to complete and submit a revised version of the NYSERDA Smart Solar Siting Scorecard, which will score projects based on these impacts and additional measures. NYSERDA is not intending to use the Scorecard as a screening tool to preclude Proposers from receiving a NYSERDA award based on agricultural impacts, nor contractually require avoidance and/or mitigation measures submitted via the Scorecard, however NYSERDA may make the Scorecards for awarded projects publicly available such that the applicable permitting body may reference the Scorecard as part of the permitting process for the project. Projects that include co-utilization measures will be viewed favorably in proposal evaluation. Accordingly, Proposals with co-utilization commitments will receive favorable scoring credit and these commitments will be included in the awarded Agreement as described below.

Starting under RESRFP20-1, and continued in RESRFP21-1, any Bid Facility awarded a NYSERDA contract that is to be constructed within an Agricultural District on more than 30 acres of Mineral Soil Groups (MSG) 1-4 (highest quality soils per New York Department of Agriculture and Markets or AGM) is required to pay an Agricultural Mitigation Payment based on the total area on MSG 1-4, or commit to other to-be determined mitigation measures of comparable value. Under RESRFP22-1, NYSERDA intends to allow for a partial or full deferral of the Agricultural Mitigation Payment until three-years after the Bid Facility reaches Commercial Operation if the Proposer implements the agricultural co-utilization measures in its Proposal. These co-utilization measures will be incorporated into the Tier 1 Standard Form Agreement, and Sellers will be required to demonstrate implementation of the co-utilization measures for this three-year period. If implemented, it is NYSERDA's intent that the deferred Agricultural Mitigation Payment could be waived by NYSERDA upon receipt of a final report detailing the effort.

2.16.2. Revised Evaluation for the Permitting Sub-Category

NYSERDA proposes to coordinate with the New York State Department of Environmental Conservation, acting as a specialist reviewer to inform the evaluation, under which proposals with a more feasible pathway to securing all necessary permits to construct the Bid Facility will be favorably scored compared to proposals that have more material challenges that have not yet been addressed with planned mitigation measures.

2.16.3. Revised Evaluation for the Peak Coincidence Sub-Category

For RESRFP22-1, NYSERDA intends to evaluate projects based on their marginal contribution to future load forecasts (e.g., 2030, 2040) when accounting for the portfolio of already operating and contracted, under development renewable and zero-emissions generation in New York State. Projects that complement the existing portfolio of operating/under development projects more significantly will receive greater scoring compared to projects that do not afford the same level of complementary generation compared to future load.

2.16.4. Revised Evaluation for the Energy Storage Sub-Category

NYSERDA intends to afford greater weighting in evaluation to Bid Proposals that propose with co-located or separately located energy storage facilities. Evaluation will be modified to reflect the current costs of energy storage facilities and are intended to more extensively examine the benefits afforded by energy storage facilities to transmission-constrained areas of the state's electric grid. Energy storage evaluation will continue to preferentially evaluate energy storage Bid Proposals that are cost competitive and appropriately sized to the size of the paired generating Bid Facility. Proposers are advised that New Storage Technologies are not eligible for Project Viability evaluation, which only applies to electrical energy storage, and that New

Storage Technologies will only be eligible for non-price points under the Incremental Economic Benefits to New York State category.

Questions to Stakeholders:

- i. Are these updates to Bid Proposal evaluation reasonable and sufficiently described for Proposers to be able to adequately respond to the updated evaluation mechanics?
- ii. Are there additional factors that NYSERDA should consider as part of the Project Viability evaluation?
- iii. Should NYSERDA consider removing any factors from the Project Viability evaluation?
- iv. Would the above-mentioned modifications to the Agricultural Mitigation Payment framework help encourage co-utilization or agrivoltaics projects?
- v. What sensitivities or challenges are presented by introducing agricultural impacts as non-price category for evaluation?

2.17. Non-Viability Determinations

As allowed by the October 15, 2020 Public Service Commission Order, under RESRFP21-1, NYSERDA introduced the Non-Viability Determination mechanism, which authorized NYSERDA to reject a Bid Proposal based upon a unanimous determination by the Technical Evaluation Panel (TEP) that evaluates all submitted bids that the project is not presently viable. If a Bid Proposal is rejected and determined non-viable by the TEP, NYSERDA would notify the Proposer of the determination and provide an explanation after i) the submission of the Step Two Bid Proposal and ii) NYSERDA's receipt of responses to any clarifying question. Reasons noted in RESRFP21-1 that could present a Non-Viability Determination were listed as 1) The Bid Proposal is immature to such an extent that it would be impossible to ascertain whether it is viable; 2) The Bid Proposal is predicated on unrealistic economic or regulatory assumptions; or 3) The Bid Proposal is subject to serious economic or regulatory risks without a sufficient mitigation plan.

Under RESRFP22-1, NYSERDA intends to clarify and expand the reasons for which a Bid Proposal could be deemed non-viable, including expanding the list of reasons in RESRFP21-1 to include Bid Proposals that may suffer from serious permitting/regulatory risks that are not sufficiently mitigated based on the current proposed design of the Bid Facility and the level of site studies conducted to date, and/or Bid Proposals that are predicated upon unrealistic regulatory assumptions, both of which would be informed by permitting Specialist Reviewers that would provide information to the Technical Evaluation Panel (TEP) evaluating the Bid Proposals. NYSERDA intends to continue to scrutinize all submitted Bid Proposals to confirm that the project has a viable Bid Price based on the location, size, and type of project, and reserves the right to ask clarifying questions to confirm that the Bid Proposal is not predicated on unrealistic economic assumptions or subject to serious economic risks. NYSERDA will also clarify in RESRFP22-1 that any Non-Viability Determinations will not be employed until after the Proposer has been provided the ability to respond to any serious concerns raised by the TEP, in addition to any clarifying questions asked by NYSERDA. Consistent with and expanded from RESRFP21-1, Proposers will also be required to substantiate their Bid Price with reasonable cost estimates as part of their Step Two Bid Proposal.

Questions to Stakeholders:

- i. What other factors should NYSERDA consider when implementing updated Non-Viability Determination reasons?

- ii. In addition to interconnection cost estimates, what other cost estimate subcategories (e.g., total capital costs, labor costs, operating expenses, federal tax credit assumptions) should NYSERDA solicit from Proposers in order to adequately assess if a Bid Proposal is predicated on unreasonable economic assumptions or subject to serious economic risks?
- iii. What is the ideal, feasible, and minimum rate of return (ROR) needed to ensure a project moves through financing, construction, and operation in New York State? See the most recent [NYISO State of the Market Report](#) for recent public data regarding feasible rates of return for large-scale renewables projects. How does this compare to the returns seen in other jurisdictions?
- iv. What are some key metrics, relative values, or other indicators that indicate a project is economically viable and can be advanced through financing, construction, and commercial operation? Conversely what key metrics, relative values, or other indicators that indicate a project is unlikely to reach commercial operation?
- v. What, if any, additional controls should NYSERDA implement to ensure that Proposers have the ability to adequately respond to clarifying questions and/or concerns raised by the TEP or Specialist Reviewers prior to issuing a Non-Viability Determination?
- vi. How should NYSERDA assess risk with respect to proposed Bid Facilities that are intended to be sold to a long-term owner compared to facilities that are planned to be developed, owned, and operated by the Proposer?
- vii. What other data should NYSERDA request from Proposers to verify the technical viability of the Step Two Bid Proposals?

2.18. Optional Elective Committed Local Transmission Upgrade Bid Proposals

Under RESRFP22-1, NYSERDA is considering allowing Proposers to submit an alternate Bid Proposal that includes local elective electrical infrastructure upgrades (Elective Upgrades). These Elective Upgrades would enable the Bid Facility to deliver a greater amount of its generated energy. Elective Upgrades would be committed to by the Proposer as part of the alternate Bid Proposal and would be codified and required to be built in any resulting awarded Agreement.

Proposers electing to submit an alternate Bid Proposal with Elective Upgrades would only be permitted to submit an alternate Bid Proposal if the upgrade costs are confirmed by an approved Facilities Study by the relevant interconnecting utility. The indication of interest in submitting an alternate Bid Proposal with committed Elective Upgrades would need to be made at the time of the Step One Eligibility Application such that NYSERDA can detail in the Notice of Qualification, if the project is deemed eligible to proceed to Step Two, what data requirements are needed by the Proposer to be submitted with the Step Two Bid Proposal to ensure the alternate Bid Proposal is eligible for evaluation.

See Figure 2 below for an example of the type of data that Proposers will need to provide to NYSERDA, subject to additional review and expansion by the relevant interconnecting utility and NYISO.

Figure 2: Example of Data to be Provided with Alternate Step Two Bid Proposal with Committed Local Elective Electrical Infrastructure Upgrades

Upgrade Name	Limiting Conductor	Summer Normal (MVA)	Summer Long-term Emergency (MVA)	Winter Normal (MVA)	Winter Long-term Emergency (MVA)
Line A, Substation A to Substation B (115kV)	605 ACSR 20/7	180	210	220	250
Line B, Substation C to Substation B (115kV)	1030 ACSR 54/7	260	300	310	340
Line X, Substation X to Substation Y (115kV)	1035 ACSR 45/7	240	290	305	345

Questions to Stakeholders:

- i. Please comment on your interest in developing an alternate Elective Upgrade bid proposal should the option be afforded to Proposers under RESRFP22-1.
- ii. What other requirements and details should NYSERDA provide in RESRFP22-1 to inform Proposers as to the scope of requirements necessary to submit with upgrades?
- iii. Should NYSERDA require a less advanced study stage prior to accepting Elective Committed Local Transmission Upgrade Bid Proposals (e.g., prior to a completed Facilities Study)?

2.19. RESRFP22-1 Headroom Data Appendix

In February 2022, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (the Utilities) filed in the Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act ([Power Grid Study Proceeding](#), DPS Case 20-E-0197) the [Utilities' Revised Headroom Calculations](#), which provided updated headroom estimates for each Utilities' local transmission and distribution (LT&D) systems to help guide Staff, NYSERDA, and potential bidders as to existing system limitation identified under the methods previously proposed by DPS Staff in the Power Grid Study Proceeding. Proposers are strongly encouraged to familiarize themselves with the Utilities' Revised Headroom Calculations filing and other related filings related to transmission in the Power Grid Study Proceeding.

Under RESRFP22-1, NYSERDA intends to publish a new Appendix which augments the data filed in the Utilities' Revised Headroom Calculations filing. The Utilities' indicated in the filing which sufficiently advanced under-development large-scale renewable projects were included in the base case that informed the headroom data outputs. NYSERDA intends to publish a modified Appendix that lists the remaining headroom as reported for each Utility Districts, and also provide the amount of capacity contracted by NYSERDA in each Utility District to guide Proposers in assessing the viability of their proposed Bid Facility when considering both generators already modeled by the Utilities and generators under contract to NYSERDA.

As previously mentioned in Section 2.6.3. Energy Deliverability, any Proposer submitting a Bid Proposal for a Bid Facility in a utility district where the Nameplate Capacity exceeds the minimum 2030 headroom in the utility district, the Proposer will be required to submit an energy deliverability study to demonstrate that the Bid Facility is capable of delivering its full Bid Quantity without 1) suffering from adverse curtailment levels and/or 2) causing adverse curtailment levels to renewable energy systems currently under contract with, or with awards from, NYSERDA.

An example of how this Headroom Data Appendix will be presented is provided in Figure 3 below. In this example, any proposed Bid Facility sited in the National Grid Capital/Northeast Region would be required to provide a deliverability study if the nameplate capacity for the Bid Proposal is greater than 60 megawatts (Lowest Headroom Capacity, 200 MW, minus Additional NYSEDA-Contracted Capacity, 140 MW, resulting in approximately 60 MW of remaining headroom under the most conservative load case).

Figure 3: Capacity Headroom in the National Grid Capital/Northeast Region (MW)

Location	2030 Summer Peak Load (MW)	2030 Light Load (MW)	2030 Shoulder Load (MW)	2030 Winter Peak Load (MW)	Additional NYSEDA-Contracted Capacity (MW)
Capital/Northeast	310	490	200	740	140

Questions to Stakeholders:

- i. What other data would be useful for Proposers in developing their Bid Proposals that NYSEDA could include in the new Headroom Data Appendix?
- ii. How can this data be made most accessible and actionable for Proposers?
- iii. What other considerations should NYSEDA account for when developing both the final Headroom Data Appendix and final requirements for Proposers that may need to provide a deliverability study if sited in an area with potentially insufficient headroom to be fully deliverable?

3. Appendices to RESRFI22-1

Appendix 1. [NYSEDA Guidance for Wetland and Stream Screenings for Large-Scale Renewable Energy Projects](#)

Appendix 2. [RESRFP22-1 Smart Solar Siting Scorecard](#) and **Exhibit 1.** [Smart Solar Siting Scorecard Workbook](#)

Appendix 3. [RESRFI22-1 Preliminary Determination Memorandum](#)