



New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Compliance With Executive Order 111: Agency Energy Efficiency Goals and Practices

New York State Energy Research and Development Authority



Executive Summary

Purpose

To determine whether State agencies and certain public authorities and corporations, collectively referred to as Affected State Entities (ASEs), achieved a reduction of their energy consumption by 35 percent as directed by Executive Order 111 (E.O. 111 or the Order) and whether the New York State Energy Research and Development Authority (NYSERDA) took appropriate actions to assist other entities to comply with the statewide energy efficiency target established by the Order.

Background

E.O. 111 required that, by 2010, all ASEs seek to achieve a reduction of their energy consumption by 35 percent as compared to 1990 levels. NYSERDA was designated the lead entity responsible for coordinating implementation and assisting other ASEs to fulfill their responsibilities under the Order. Additionally, each ASE was required to submit an annual energy report to NYSERDA by December 1 of each year detailing its overall management of energy and sustainability improvements. In December 2012, E.O. 111 was replaced by a new Executive Order 88, which requires ASEs to further reduce their energy consumption by another 20 percent relative to 2010-2011 levels. NYSERDA's role under this new Order is to assist the ASEs, and a newly established Central Management and Implementation Team, in their efforts to implement and comply with these new requirements.

Key Findings

- Our audit found NYSERDA made significant efforts to provide guidance, and to directly and indirectly assist ASEs in meeting their energy reduction goals, but was deficient in its oversight and monitoring of the statewide progress toward the goal, and these deficiencies likely hampered the effort's outcomes. As a result, more than a decade after E.O. 111 was issued, no one can be certain precisely what was accomplished on a statewide basis and whether program goals were achieved by anyone except a few select agencies that chose to comply.
- Many ASEs did not consistently and accurately report annual energy usage data to NYSERDA as required. As a result, there is little assurance that reported progress toward the target is an accurate representation of the statewide results.
- NYSERDA provided both direct and indirect assistance and guidance to ASEs, but it failed to enforce reporting requirements or investigate anomalies in the data it did receive. As a result the reliability of the reported results was further diminished.

Key Recommendation

- Consistent with its responsibility to assist ASEs and the Central Management and Implementation Team in their efforts to comply with the new Executive Order 88, NYSERDA should draw upon its experience administering E.O. 111, and the related issues discussed in this report, to help fulfill its role under the new Order.

Other Related Audits/Reports of Interest

[New York State Energy Research and Development Authority: Compliance With Executive Order 111 Requirements to Purchase Power From Renewable Sources \(2008-S-74\)](#)

State of New York
Office of the State Comptroller

Division of State Government Accountability

October 17, 2013

John B. Rhodes
President & Chief Executive Officer
New York State Energy Research and Development Authority
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Dear Mr. Rhodes:

The Office of the State Comptroller is committed to helping State agencies, public authorities and local government agencies manage government resources efficiently and effectively and, by so doing, providing accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Compliance with Executive Order 111: Agency Energy Efficiency Goals and Practices*. This audit was performed according to the State Comptroller's authority under Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

Office of the State Comptroller
Division of State Government Accountability

Table of Contents

Background	4
Audit Findings and Recommendation	6
Statewide Energy Efficiency Effort	6
NYSERDA Oversight and Efforts to Assist ASEs	7
Recommendation	11
Audit Scope & Methodology	11
Authority	12
Reporting Requirements	12
Contributors to This Report	13
Agency Comments	14

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Background

Executive Order 111 (E.O. 111 or the Order), issued by the Governor on June 10, 2001, set out a decade-long initiative that instructed State agencies and certain public authorities to be more energy efficient and environmentally proactive. The Order was divided into sections, each addressing a specific initiative ranging from establishing energy efficiency goals to instituting energy efficient and environmentally sensitive practices. Section I of the Order required that all covered agencies and authorities (collectively referred to as Affected State Entities or ASEs) would seek to reduce their energy consumption to the point where, by the end of 2010, they would be consuming 35 percent less energy than they did 20 years earlier in 1990.

In addition to being one of the ASEs covered by the Order, the New York State Energy Research and Development Authority (NYSERDA) was designated as the lead entity responsible for coordinating implementation, and for assisting other ASEs to meet their commitments under the Order. The Order also created an Advisory Council, which was headed by NYSERDA's President and composed of the heads of 13 other ASEs. In December 2004, NYSERDA and the Advisory Council jointly developed guidelines that interpreted the requirements of the Order and specified criteria for periodic reporting, as well as possible exemption for certain facilities or operations. The guidelines required each ASE to submit an annual energy report to NYSERDA by December 1 of each year detailing their overall management of energy and sustainability improvements. NYSERDA was, in turn, responsible for developing annual reports that summarized statewide energy reduction efforts and achievements toward the 35 percent goal. NYSERDA was also responsible for making these reports available to all State entities, the Governor's Office, the Division of Budget and the public.

NYSERDA's guidelines also strongly encouraged ASEs to evaluate their building stock using a tool referred to as the ENERGY STAR Portfolio Manager. The tool consists of a free software program developed by the U.S. Department of Energy and the U.S. Environmental Protection Agency that allows building owners or managers to compare their energy performance against similar buildings across the country. NYSERDA recognized that every agency might not be able to meet the 35 percent target and directed these ASEs to explore the possibility of meeting or exceeding the standards set forth by the ENERGY STAR Portfolio Manager. However, even if an ASE chose to take this alternate approach, it was still required to track and report its energy usage, which was to be included in evaluating overall progress toward the State's goal of a 35 percent reduction in energy consumption.

The benchmark time period for evaluating the ASEs' success in meeting the Order's energy reduction goal ended at the close of the State's 2010-11 fiscal year. Annual reports detailing 2010 energy consumption data were due from individual ASEs by December 2011. A final report by NYSERDA was expected early in 2012.

On December 28, 2012, the Governor signed Executive Order 88 (E.O. 88), which replaces E.O. 111 and requires ASEs to take steps to further reduce energy consumption by another 20 percent relative to their 2010-11 usage levels. E.O. 88 designates the New York Power Authority as

the entity responsible for implementation and monitoring, and directs it to establish a Central Management and Implementation Team (CMIT) to administer the new Order. NYSERDA continues to be tasked to assist the CMIT and ASEs with respect to complying with and implementing the requirements of the Order.

Audit Findings and Recommendation

Our audit found NYSERDA made significant efforts to provide guidance, and to directly and indirectly assist ASEs in meeting their energy reduction goals. However, we also concluded NYSERDA was deficient in its oversight and monitoring of the statewide progress toward the goal, and these deficiencies likely hampered the effort's outcomes. For example, NYSERDA never precisely defined which State entities were subject to the Order's requirements and did little to enforce annual reporting requirements despite consistently declining compliance throughout the decade. NYSERDA also did not scrutinize the reports that were submitted and, as a result, failed to identify inaccuracies and inconsistencies that significantly impacted the accomplishments that ASEs were reporting. In addition, more than two years after the end of the period covered by the Order, NYSERDA had yet to finalize its own required report on program accomplishments.

In the end, more than a decade after E.O. 111 was issued, no one can be certain precisely what was accomplished on a statewide basis and whether program goals were achieved by anyone except a few select agencies that chose to comply. Although NYSERDA is no longer responsible for managing the State's current energy initiative (E.O. 88), this report highlights several important opportunities to improve performance as the State moves forward with this next effort.

Statewide Energy Efficiency Effort

Many ASEs did not consistently and accurately report their annual energy usage. As a result, no one can precisely say whether, or to what extent, the State met its energy reduction goal specified in the Order. For 2010-11, the last year NYSERDA required ASEs to report energy usage data:

- Only 38 ASEs submitted an annual report even though NYSERDA had initially issued what it termed to be a partial list of 111 State entities affected by the Order.
- Only 28 of those reports contained any actual energy usage data. The other ten ASEs indicated only that they occupied buildings where someone else pays for the utilities.
- For the 28 entities reporting data, we calculated a collective energy usage reduction of just 22 percent.
- More importantly, only four ASEs reported that they actually met or exceeded the 35 percent goal:
 - Dormitory Authority - 60 percent reduction
 - Department of Environmental Conservation - 45 percent reduction
 - Office for People with Developmental Disabilities - 39 percent reduction
 - Office of General Services - 38 percent reduction

Despite its lead role in the Order and several energy efficiency initiatives it undertook, NYSERDA actually increased its own energy consumption by 52 percent over the measurement period. Officials explained that the increase in consumption was due to operational changes that occurred during the period. These included a move to a larger building, coupled with higher electrical loads brought on by additional staff and computer equipment. Other agencies appear to have encountered similar situations that were not anticipated when the Order's goals and

performance measures were established a decade earlier. For NYSERDA's part, it chose to adopt the alternate approach specified in its guidelines and earned an ENERGY STAR building rating for its facilities during 2010-11.

NYSERDA Oversight and Efforts to Assist ASEs

Although NYSERDA provided both direct and indirect assistance and guidance to ASEs, we found it was deficient in its oversight and monitoring of the statewide progress toward the goal. First and foremost, NYSERDA did little to pursue ASEs that failed to report their energy usage information as required. In addition, even when reports were submitted, NYSERDA failed to adequately scrutinize them for reasonableness and consistency. As a result, officials often accepted energy usage data without questioning significant changes from amounts reported previously. In many cases, these unexplained changes significantly affected reported accomplishments. In responding to our findings, NYSERDA officials stated they view their role under the Order as providing technical and educational assistance, as well as guidance to ASEs regarding energy reduction efforts, and not as a monitoring or enforcement arm. In addition, they felt they lacked the authority to enforce individual ASEs' compliance with the Order.

We found NYSERDA did take several steps in this support role to assist ASEs in meeting the goals of the Order. Initially, it prepared guidelines to help ASEs implement energy efficiency practices in their buildings. In addition, it developed a template that ASEs used to calculate a common energy usage measure known as their Energy Use Index, or EUI. Changes in each entity's EUI ultimately determined the extent of their energy savings achievements. As the program matured, NYSERDA also published information and tips about energy reducing activities, equipment, and tools, including on its website, in the guidance it issued to ASEs, and in the appendices of its annual reports. NYSERDA also provided energy efficiency training to approximately 20 ASEs and worked closely with the Department of Corrections and Community Supervision to establish a series of energy efficient performance-based contracts.

Unexplained Changes to Baseline Energy Figures

Because the Order's energy savings goals were tied to a comparison against actual usage from as far back as 1990, it is critical that each ASE's base year EUI figures be as accurate as possible. Agencies that understated their base year usage would also inevitably understate the savings they achieved. Conversely, agencies that overstated their historical usage, whether in error or on purpose, would automatically appear to have saved more than they actually did. In terms of monitoring program accomplishments, NYSERDA officials acknowledged that they relied entirely on the base year EUI figures reported by ASEs as the starting point against which to measure the progress and did not take any steps to verify the accuracy of these figures.

We also did not examine the accuracy of the information, but we did analyze the reported figures for consistency and to ensure that changes were appropriately justified. When we compared data reported between 2001-02 and 2010-11, we identified 13 cases where ASEs had increased their base year figures without explanation (see Table 1). These unexplained increases should

have warranted investigation by NYSERDA.

Table 1: ASEs That Changed Their Base Year EUI Without Explanation

Affected State Entity	Original Base Year EUI	Revised Base Year EUI	Percent Change
Office of Parks, Recreation and Historic Preservation	35,166	117,986	+235.5%
Hudson River - Black River Regulating District	25,836	82,755	+220.3%
Adirondack Park Agency	155,472	273,541	+75.9%
State Emergency Management Office	86,000	133,603	+55.4%
Division of Criminal Justice Services	383,232	521,204	+36.0%
Department of Transportation	196,817	261,637	+32.9%
Thruway Authority	143,067	177,357	+24.0%
Battery Park City Authority	191,827	233,080	+21.5%
Canal Corporation	78,415	92,373	+17.8%
Public Employment Relations Board	17,086	20,026	+17.2%
Office of Children and Family Services	211,476	244,556	+15.6%
Roosevelt Island Operating Corporation	64,000	72,050	+12.6%
Office of Mental Health	282,102	307,512	+9.0%

For example, the Office of Parks, Recreation and Historic Preservation (Parks) reported baseline energy usage of about 35,000 EUI in 2002 and 2003, did not report for the next three years, then in 2007 increased its baseline to almost 118,000 EUI, an increase of over 235 percent. Although Parks reported a slight increase (about 6 percent) in the square footage of space it occupied from 2002 to 2007, these changes happened in subsequent years and would not affect the base year figure. Even so, NYSERDA accepted the data without follow-up or question.

Eight of these 13 ASEs were still reporting energy usage data to NYSERDA in 2010-11. Their questionable data was included when NYSERDA performed its final statewide calculation to determine the progress toward the goal. We recalculated their reported accomplishments using the base year figures that each originally reported to determine the effect of the changes on overall success. Our analysis showed these reported changes, if incorrect or unsupported, may have significantly skewed both individual and statewide results reported by NYSERDA.

For example, in its 2009-10 report, NYSERDA listed seven ASEs that it said had already met the Order's 35 percent goal. In contrast, as shown in Table 2, when we removed unexplained base year adjustments, three ASEs (Battery Park City Authority, the Department of Transportation and the Office of Mental Health) had no longer met the goal. We also corrected an error in the 2009-10 energy usage data reported by the Division of Military and Naval Affairs and as a result, this fourth agency no longer met the goal as well. It had originally reported a 2009-10 EUI of 70,064, but our review showed its actual EUI was 104,442, placing it well short of the target.

Table 2: ASEs NYSERDA Reported as Meeting the 35 Percent Target in 2009-10

Affected State Entity	2009-10 EUI	Revised Base Year EUI	Energy Reduction as Reported	Original Base Year EUI	Energy Reduction as Adjusted
Battery Park City Authority	129,793	233,080	-44.3%	191,827	-32.3%
Department of Transportation	153,349	261,637	-41.4%	196,817	-22.1%
Office of Mental Health	197,838	307,512	-35.7%	282,102	-29.9%
Dormitory Authority	103,149	359,124	-71.3%	359,118	-71.3%
Office of General Services	241,095	385,277	-37.4%	385,277	-37.4%
Division of Military and Naval Affairs	104,442	111,682	-6.5%	111,682	-6.5%
Office for People With Developmental Disabilities	212,964	331,759	-35.8%	331,759	-35.8%

Similarly, NYSERDA's draft report¹ covering the final year of the program (2010-11) lists six ASEs as having met the goal. Table 3 shows how the unexplained adjustments, if incorrect, would remove both the Department of Transportation and the Office of Mental Health from this list.

Table 3: ASEs NYSERDA Reported as Meeting the 35 Percent Target in 2010-11

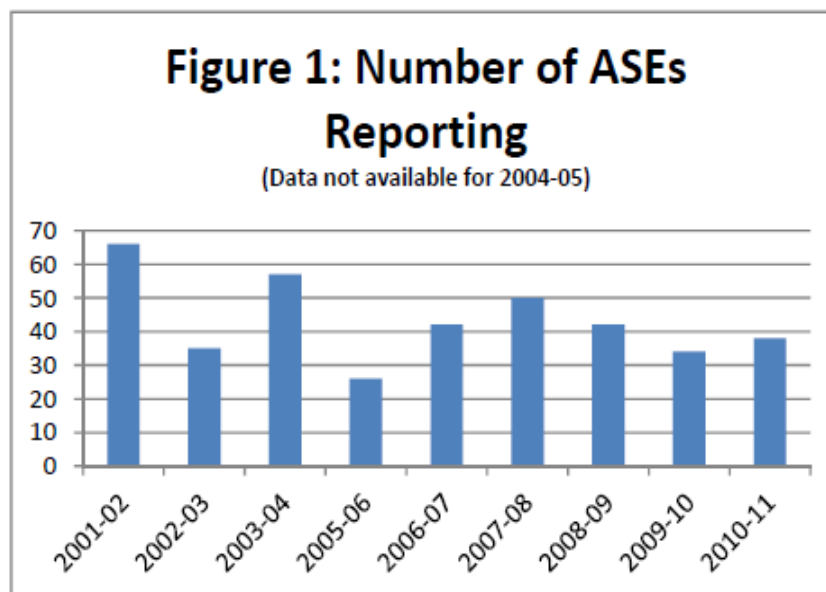
Affected State Entity	2010-11 EUI	Revised Base Year EUI	Energy Reduction as Reported	Original Base Year EUI	Energy Reduction as Adjusted
Dormitory Authority	143,616	359,124	-60.0%	359,118	-60.0%
Department of Transportation	136,693	261,637	-47.8%	196,817	-30.5%
Office of General Services	239,820	385,277	-37.8%	385,277	-37.8%
Department of Environmental Conservation	113,496	205,819	-44.9%	205,819	-44.9%
Office of Mental Health	197,009	307,512	-35.9%	282,102	-30.2%
Office for People With Developmental Disabilities	204,180	331,759	-38.5%	331,759	-38.5%

¹ As of March 20, 2013, the final report was still not issued by NYSERDA.

We also found some other inconsistencies or anomalies in the data that should have warranted at least some cursory investigation or inquiry by NYSEERDA staff. Most significant was a difference between the amount of natural gas reportedly consumed by the Office of Parks, Recreation and Historic Preservation (Parks) during 2009-2010 and 2010-2011. In 2009-2010, Parks reported consuming more than 68 million cubic feet of this fuel in its operations. This figure fell by more than 99 percent to only about 638,000 cubic feet during 2010-2011, the final year of the program. Although the other types of energy that Parks reported consuming did not significantly increase to account for this disparity, NYSEERDA accepted the report without question and used the data to calculate both agency and statewide savings.

Limited and Sporadic Reporting by ASEs

We also found the number of ASEs reporting data each year fluctuated, but dwindled significantly since inception of the program. Figure 1 shows that in 2001-2002, 66 ASEs submitted annual reports to NYSEERDA, compared with only 38 that reported in 2010-2011. Although NYSEERDA originally published what it termed a “partial list” of 111 ASEs, officials were unable to provide a complete list of agencies subject to the Order. Rather, they stated that the number of mandated reporting entities varied from year to year due to the establishment, closure and consolidation of agencies, public benefit corporations and authorities. NYSEERDA officials also said they are not always made aware of these changes. Officials told us they sent reporting notifications to all ASEs on the partial list in the early years following the Order, but later discontinued this practice. For the last three years of the program, they acknowledged that they only sent requests for energy data to ASEs that had reported previously.



Calculation of Statewide Impacts

As a result of the limited and sporadic reporting by ASEs, the annual reports issued by NYSEERDA may not be representative of the statewide progress toward the 35 percent energy reduction goal, but reflective of only the entities that reported data. In addition, our review found NYSEERDA may have compounded the problem through its choice of the methodology it used to calculate statewide progress. Rather than comparing the total amount of energy consumed by the reporting ASEs against their total base year usage, NYSEERDA chose to simply report the average percentage reduction reported by each agency. This method fails to account for the fact that some agencies

use much more energy than others and therefore have a greater impact on statewide savings as a whole, which is the goal of the Order. Our analysis of reported energy usage shows NYSERDA's calculation actually understated the statewide achievement during the final years of the Order.

In its 2009-2010 annual report of program accomplishments, the last one actually issued, NYSERDA reported an average 12.7 percent reduction in energy usage by the 34 ASEs that reported. However, when viewed in terms of statewide usage, total consumption by these 34 agencies had actually declined by more than 22 percent when compared to their total base year levels. These differences occur because larger agencies with many facilities (including the Dormitory Authority, the Office of General Services, the Office of Mental Health and the Office for People with Developmental Disabilities) tended to have greater savings than smaller entities like the Division of Military and Naval Affairs. Similarly, the draft report prepared by NYSERDA for 2010-2011, the final year of the Order, shows an average 13 percent reduction by 38 ASEs. Our calculation of their collective savings is again closer to 22 percent in total.

Recommendation

1. Consistent with its responsibility to assist ASEs and the Central Management and Implementation Team in their efforts to comply with the new Executive Order 88, NYSERDA should draw upon its experience administering E.O. 111, and the related issues discussed in this report, to help fulfill its role under the new Order.

Audit Scope & Methodology

The objectives of our audit were to determine whether ASEs achieved a reduction of their energy consumption by 35 percent as directed by Executive Order 111 and whether NYSERDA took appropriate actions to assist other entities to comply with the statewide energy efficiency target established by the Order. Our audit period was from April 1, 2008 to March 27, 2013.

To accomplish our audit objectives, we analyzed the Order, the associated guidelines, select annual energy reports, and ASEs' energy consumption data. We also interviewed NYSERDA officials to determine what steps they took to comply with the Order. To assess the level of assistance and guidance provided to ASEs, we reviewed relevant correspondence issued by NYSERDA, information on its website, and supporting documentation for training sessions and seminars that it administered.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating

the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Authority

The audit was performed according to the State Comptroller's authority under Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

Reporting Requirements

A draft copy of this report was provided to NYSERDA officials for their review and comment. In responding to our report, officials expressed full agreement with our observations and recommendation, while reiterating their opinion that the Order did not specifically assign NYSERDA authority to oversee or enforce ASE compliance. Their comments were considered in preparing this final report and are included in their entirety at the end.

Within 90 days after final release of this report, as required by Section 170 of the Executive Law, the President & Chief Executive Order of the New York State Energy Research and Development Authority shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendation contained herein, and where the recommendation was not implemented, the reasons why.

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Vision

A team of accountability experts respected for providing information that decision makers value.

Mission

To improve government operations by conducting independent audits, reviews and evaluations of New York State and New York City taxpayer financed programs.

Agency Comments



September 12, 2013

John Buyce, Audit Director
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Dear Mr. Buyce:

This letter constitutes the response of the New York State Energy Research and Development Authority (NYSERDA) to your draft audit report (2012-S-159) regarding Compliance with Executive Order 111: Agency Energy Efficiency Goals and Practices for the New York State Energy Research and Development Authority.

NYSERDA appreciates the audit finding that “NYSERDA made significant efforts to provide guidance, and to directly and indirectly assist Affected State Entities (ASEs) in meeting their energy reduction goals.” However, we offer the following comments to clarify some of the audit report’s other findings and recommendations.

The draft audit report indicates that “NYSERDA was deficient in its oversight and monitoring of the statewide progress toward the goal, and these deficiencies likely hampered the effort’s outcomes.” As examples of these deficiencies, the report cites NYSERDA’s failure to enforce annual reporting requirements and its failure to correct inaccuracies and inconsistencies in reporting by the ASEs.

NYSERDA believes that this finding reflects a misperception of NYSERDA’s assigned role in the EO 111 process. Section VI of EO 111 defines NYSERDA’s role as follows: “*NYSERDA shall coordinate implementation of this Executive Order and shall assist each agency and affected entity in the fulfillment of the responsibilities imposed herein in a cost-effective manner.*” The EO also assigns to NYSERDA to develop certain guidelines and criteria. NYSERDA was not assigned responsibility for “oversight” or given enforcement authority. The EO is clearly structured to place on each individual ASE the responsibility for compliance, and the Guidelines clearly place on each individual ASE the responsibility for accurate reporting of its progress. NYSERDA believes it fulfilled its role to coordinate and assist ASEs, and that it made public the information that each ASE was responsible for providing accurately and agrees with the Comptroller’s conclusion on that point.

Energy efficiency is a complex issue, which is not solely defined as a reduction of Btus/SF. An alternative approach to demonstrate that ASEs have successfully made their energy operations as efficient as practical is to use the U.S. Environmental Protection Agency’s Portfolio Manager to evaluate their buildings. A Portfolio Manager score of 75 or better must be obtained to receive an ENERGY STAR Building Label and serves as alternate compliance of the EO111 35% efficiency goal. The report notes that “NYSERDA actually increased its own energy consumption by 52% from its base year.”

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While that statement is factually correct, NYSERDA used the alternate compliance as set forth in the Guidelines and has earned an ENERGY STAR Building Label for the last 5 years (most recent score 88). Based on this score and the fact that NYSERDA only has one building, we actually exceeded the efficiency requirements of EO111.

The report indicates that NYSERDA understated the efficiency achievement by averaging each ASE's achievement. It was a decision of the Advisory Council to report on achievement using the "agency average" method, which was deliberate to note the average achievement of agencies as a collective. The intent was to ensure that all agencies put forth the best efforts they could individually. In each year's report, not only was aggregate information of the state provided, but each individual agency's responses were also included in appendices allowing any reader to review individual agency performance on each topic. NYSERDA assisted in the alternative calculation methodology with the Comptroller's staff and concurs with the Comptroller's assessment that by weighting reported figures by square feet, the State achieved a 22% reduction.

The report noted that NYSERDA limited its follow up in later years to a targeted number of agencies. This is accurate, however, NYSERDA always ensured that over 95% of known space was included in the report each year and that the largest agencies were included. NYSERDA believes that it took appropriate efforts to ensure that Affected State Entities that own and operate space reported and that ultimately, timely and accurate reporting are the responsibility of each individual Affected State Entity, as is stated in the Guidelines and the Order. The majority of agencies that did not receive additional follow up in later years had either not responded previously or had consistently responded that they did not have energy consumption or vehicle fleets.

The report recommends that NYSERDA take lessons learned during the ten years of EO111 to help inform EO88. NYSERDA is in full agreement and notes that many of the items commented on were in fact addressed when EO88 was issued on December 28, 2012 (e.g. enforcement, facility level reporting, locking baseline information). NYSERDA will continue to provide feedback and lessons learned as appropriate through the Steering Committee and in its role to provide technical support and advice to EO88.

NYSERDA would like to thank the Office of State Comptroller staff who participated in this audit for their professionalism and for their positive collaboration to ensure compliance with EO111.

Sincerely,



Francis J. Murray, Jr.
President and CEO