



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
633 THIRD AVENUE  
NEW YORK, NY 10017

September 14, 2017

The Honorable Rhonda K. Schmidtlein  
Chair  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

Chair Schmidtlein:

I write to express New York State's strong opposition to the Section 201 petition of Suniva, Inc. and SolarWorld Americas, Inc., the Petitioners, in which they seek relief from allegedly unfair foreign competition around the manufacturing of solar photovoltaic cells. For reasons detailed below, the Petitioners' requested relief – which would effectively double the market price for solar cells – would have dire consequences for New York's currently thriving solar industry and the thousands of jobs it supports. In addition, such relief would hamper the transformation of the grid to make it more resilient and efficient by slowing the growth of distributed energy resources that are increasingly paired with solar. As a consequence, this short-sighted relief would curtail growth in an entire emerging system of innovation and company growth in the clean technology sector. As such, the imposition of these tariffs would result in both immediate loss of jobs in New York State and a surrender of competitive advantages and economic opportunities throughout the nationwide clean energy economy.

Under the leadership of Governor Andrew Cuomo, New York has become a national leader in developing job-creating clean energy technologies. Through the Governor's Clean Energy Standard, New York—the fourth-largest state in the country, with the 12<sup>th</sup> largest economy in the world by GDP—will obtain half of its electricity from renewable sources by 2030.<sup>1</sup> The state has also committed to a nation-leading goal to cut greenhouse gas emissions 40 percent below 1990 levels by 2030.

A key part of these efforts to reduce emissions and expand renewables is the Governor's NY-Sun Initiative, a \$1 billion investment in solar PV deployment and solar market development. NY-Sun has already resulted in an 800 percent growth in solar installations throughout New York State since 2011. As a result of this increased scale of deployment, many parts of New York State's solar market are self-sustaining: they no longer require public support. NY-Sun has partnered with over five hundred solar companies and reduced the cost of going solar in New York by over 62% since 2012, benefitting consumers and businesses alike. The

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<sup>1</sup> *Governor Cuomo Announces Establishment of Clean Energy Standard that Mandates 50 Percent Renewables by 2030*, GOV. ANDREW M. CUOMO (Aug. 1, 2016), <https://www.governor.ny.gov/news/governor-cuomo-announces-establishment-clean-energy-standard-mandates-50-percent-renewables>.

current pipeline of solar projects in New York State includes a full gigawatt—more than the sum-total of all of New York’s presently installed solar capacity. By 2023, the state will add more than 3 gigawatts of installed solar capacity, enough to power 400,000 homes<sup>2</sup> with clean, locally produced energy.

New York now ranks among the top-ten states for solar nationally, and the local jobs created by this activity are especially important to New York’s economy. It is estimated that more than 8,000 full-time jobs support the solar industry here. The jobs that are being created are not just in installation, sales, or project development. Because of a growing market, solar manufacturers are increasingly interested in locating close to demand and in locations where there is a supply chain to support their growth.

But this progress and its benefits could be severely hampered by a decision by the International Trade Commission in favor of the Petitioners. The New York State Energy Research and Development Authority (NYSERDA) projects that, if the relief requested by the Petitioners were to be ultimately granted, New York State’s residential, small commercial, and industrial-scale PV projects would all substantially contract or disappear. Rather than grow to 12,000 jobs by 2021, the industry would be able to support just half the number of jobs it supports today.

Of course, the economic promise of solar is not limited to New York, and the consequences of granting relief extend far beyond New York’s borders. The United States solar energy industry employs 260,000 Americans.<sup>3</sup> Last year, the number of jobs in the U.S. solar industry grew by nearly 25 percent, compared to an overall job-growth rate of 1.45 percent.<sup>4</sup> Moreover, most solar installers do not have college degrees,<sup>5</sup> yet still they make an average of 26 dollars per hour.<sup>6</sup> One out of every fifty new American jobs was attributable to the solar industry,<sup>7</sup> and last year marked the fourth consecutive year in which U.S. solar jobs grew by at least 20 percent.<sup>8</sup>

The disruptions that could be caused by the Petitioners’ requested relief would likely extend to sectors of the clean energy economy well beyond solar. Solar energy is increasingly being paired with other distributed energy technology, including batteries, fuel cells and energy efficiency. Together, these solutions can offer greater customer and system-wide cost and energy savings. Further, these distributed “nodes” represent key building blocks of the grid of the future that is more resilient and flexible. A grant of Petitioners’ requested relief would therefore mean a

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<sup>2</sup> *About NY-Sun*, NYSERDA, <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/About>.

<sup>3</sup> *Top 10 Solar States*, SEIA (2017), <http://www.seia.org/research-resources/top-10-solar-states>.

<sup>4</sup> Katie Fehrenbacher, *1 Out of 50 New US Jobs Came From the Solar Industry in 2016*, GREENTECH MEDIA (Feb. 7, 2017), <https://www.greentechmedia.com/articles/read/1-out-of-50-new-us-jobs-came-from-the-solar-industry-in-2016>.

<sup>5</sup> *U.S. Bureau of Labor Statistics, How to Become a Solar Photovoltaic Installer*, in OCCUPATIONAL OUTLOOK HANDBOOK (Dec. 17, 2015), <https://www.bls.gov/ooh/construction-and-extraction/solar-photovoltaic-installers.htm#tab-4>.

<sup>6</sup> *Solar Wages 2016*, THE SOLAR FOUNDATION, <http://www.thesolarfoundation.org/solar-jobs-census/solar-wages-2016/>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

slower, more fitful transition to a decentralized electricity grid, one in which smart and advanced metering technologies make the grid more resilient to extreme weather events and even cyber-attacks. Recently, widespread power outages caused by Hurricanes Harvey and Irma have underscored the need to build the grid of the future, not to keep rebuilding the grid of the past.

I am confident the Commission will keep these considerations in mind as it makes its decision in this case. Recommending to the President relief as requested by the Petitioners could lead directly to missed opportunities and create greater costs for New York State and the national economy as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Kauffman", written in a cursive style.

Richard Kauffman  
Chairman of Energy & Finance for New York, Office of the Governor  
Chairman of the New York Energy Research and Development Authority

Cc: The Honorable Lisa R. Barton, Secretary  
The Honorable David S. Johanson, Vice Chairman  
The Honorable Irving A. Williamson  
The Honorable Meredith M. Broadbent