

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of

STANDARD CARBON TECHNOLOGY,
INC.,

Petitioners,

For Judgment Pursuant to CPLR Article 78

-against-

LOUISE YOUNG, IN HER OFFICIAL
CAPACITY AS THE COMMISSIONER OF
THE MAYOR'S OFFICE OF CLIMATE
AND ENVIRONMENTAL JUSTICE; THE
MAYOR'S OFFICE OF CLIMATE AND
ENVIRONMENTAL JUSTICE; NYC
ACCELERATOR; and THE CITY OF NEW
YORK,

Respondents.

Index No. _____

VERIFIED ARTICLE 78 PETITION

PETITIONER Standard Carbon Technology, Inc. ("Standard Carbon"), by its undersigned counsel, for its Verified Petition against, alleges:

NATURE OF THE ACTION

1. Petitioner Standard Carbon offers technological solutions to facilitate citywide building compliance with Local Law 97 ("LL97"), which imposes limits on carbon dioxide and other greenhouse gas emissions (together, "Emissions") by most buildings larger than 25,000 square feet in New York City.

2. Respondents operate the NYC Accelerator, which provides guidance to building owners and operators on energy efficiency, decarbonization, and compliance with Local Law 97 by connecting them with qualified service providers and technical resources. NYC Accelerator also runs the NYC Accelerator Service Provider Program (the "Service Provider Program") which,

according to the NYC Accelerator website, provides service providers with “business development, training, visibility, and technical resources designed to help projects move forward.”¹

3. Standard Carbon was one of the qualified service providers under the Service Provider Program.

4. On October 6, 2026, without prior notice or an opportunity to be heard, Respondents peremptorily removed Petitioner Standard Carbon from the NYC Accelerator Service Provider Program. The timing was particularly devastating because the NYC Accelerator Expo (the “Expo”)—an invaluable marketing opportunity for Standard Carbon to showcase its products and services to property owners and managers, and other interested parties—is scheduled for October 14, 2026. Removal from the NYC Accelerator Service Provider Program entailed that Standard Carbon also could not participate as an exhibitor at the Expo.

5. Respondents’ agency action, further, is based on illogical and false premises. Respondents claim that another agency, the Department of Buildings (“DOB”), has not “approved” Standard Carbon’s technology, and therefore Standard Carbon falsely represented in its application to the NYC Accelerator that its technology can help buildings comply with LL97.²

6. To begin, this is a category error: the DOB simply does not “approve” or “disapprove” *technology*. Moreover, the DOB has never actually conducted a calculation of Standard Carbon’s technological offerings to determine whether, in fact, they achieve carbon

¹ Service Provider Program, NYC Accelerator Website, available at: <https://accelerator.nyc/service-provider-program>.

² Supporting documents for this Petition can be found in the accompanying Affirmation of Andrew Lauter in Support of Verified Article 78 Petition and Emergency Application for a Temporary Restraining Order and A Preliminary Injunction, dated October 13, 2026. This Petition is also accompanied by a memorandum of law.

emission reductions, and thus made no determination on that subject. Hence the illogic: Respondents leap from the claim that DOB has not “approved” a technology whose emission-reduction capabilities it has never calculated, to the conclusion that Respondents’ representations about that technology’s capabilities are false. Therefore, the Respondents’ decision to remove Standard Carbon from the Service Provider Program was a *per se* error of law, arbitrary and capricious, and an abuse of discretion.

7. The supposed grounds for the challenged agency determination by the Respondents are phantom, but the injury to Standard Carbon is real. Article 78 review exists for just this purpose. Accordingly, for the reasons stated below, Petitioner Standard Carbon requests that the Court annul the agency determination, direct Standard Carbon’s reinstatement, and provide interim relief restoring the *status quo ante* so that it can participate in the upcoming Expo.

THE PARTIES

8. Standard Carbon is a Delaware corporation with offices at 115 Broadway, 5th Floor, New York, New York.

9. Respondent, the Mayor’s Office of Climate and Environmental Justice (“MOCEJ”), is a mayoral agency tasked, among other things, with leading NYC’s unified strategy against the climate crisis. MOCEJ’s offices are located at 253 Broadway, New York, NY 10007. MOCEJ launched and sponsors the NYC Accelerator.

10. Respondent Louise Young is the Commissioner of MOCEJ. She is sued solely in her official capacity.

11. Respondent NYC Accelerator, launched and sponsored by the MOCEJ, runs the NYC Accelerator Service Provider Program. Its address is 1 New York Plaza, New York, NY 10004.

12. The City of New York is joined to ensure that complete relief can be provided, as it is the overarching municipal entity that holds the legal capacity to execute court orders.

VENUE

13. Venue is proper in this County because the adverse administrative determination for which review is sought occurred in this County; because the responsible agency is located in this County; and because the majority of relevant events occurred in this County.

RELEVANT FACTS

Background: Local Law 97

14. Local Law 97 of 2019 (“LL97”) is an ambitious building-decarbonization law. In relevant part, LL97 requires most buildings larger than 25,000 square feet in New York City to significantly reduce their Emissions. LL97 Article 320 (N.Y.C. Admin. Code § 28–320) provides the main statutory text governing private buildings, and 1 RCNY §103-14 provides the main corresponding rule promulgated by the New York City Department of Buildings (“DOB”), which administers and enforces LL97. The Emissions limits became effective in 2024, and become progressively stricter in 2030 and beyond.

15. LL97 is a performance-based, emissions-focused statute. It regulates the greenhouse gas emissions attributable to a building’s energy consumption, not the means by which a building achieves compliance. Affected buildings have an “annual emissions limit” that is a product of gross square footage multiplied by a “building emissions intensity limit” that varies with the occupancy classification(s) assigned to the building. *See* N.Y.C. Admin. Code § 28-320.3.1. The emissions are expressed as “tCO₂e” (metric tons of carbon dioxide emissions).

16. Buildings that exceed their applicable Emissions limits are subject to substantial financial penalties, calculated at \$268 per tCO₂e in excess of the limit.

17. Thus, “facilitating compliance” with LL97 has a clear meaning: it means for a qualified service provider such as Standard Carbon to assist a building in reducing its tCO₂e by one metric ton or more, which in turn reduces the applicable penalty, potentially eliminating the penalty entirely if the building’s tCO₂e is reduced below its annual emissions limit under LL97.

18. Critically, as discussed further below, LL97 does not prescribe or mandate the adoption of any particular technology, fuel, or compliance pathway. Building owners retain the discretion to select the most appropriate compliance strategy for their buildings, including the use of alternative fuels, energy-efficiency measures, on-site renewable generation, or other lawful means of reducing reported emissions.

19. Because LL97 prescribes a formula, but not the means of satisfying the formula, observable testing, mathematical calculations, and accepted scientific formulas determine whether a proposed technology brings emissions below the required level based, in relevant part, on the associated emissions coefficient of the fuel combusted in the building.

The DOB’s Role In Administering LL97

20. The DOB requires covered building owners to submit annual emissions reports regarding their annual carbon dioxide equivalent emissions.

21. A building’s emissions output is calculated as the product of the energy consumed multiplied by an “energy coefficient” (the “Coefficient”) that represents the Emissions per kBTU³ associated with that energy source. *See* N.Y.C. Admin. Code §28-320.3.1.1.

22. LL97 assigns an “energy Coefficient” to various familiar types of energy sources, such as “[u]tility electricity,” “[n]atural gas combusted on the premises of a covered building,” and #2 or #4 fuel oil.

³ A kBTU is 1,000 British Thermal Units, which is a standard energy usage measure.

23. This is a non-exclusive list. The statute specifically provides that buildings can use other energy sources as well. *Id.* § 28-320.3.1.1(7).

24. For such other energy sources, building owners submit a CCD1 form directly to the DOB to have a custom Coefficient formally reviewed. The CCD1 is a formal petition submitted by a registered design professional—a licensed engineer—that provides a proposed Coefficient for that energy source based upon supporting documentation. The DOB may agree with the proposed Coefficient, or assign a different one. *See* 1 RCNY §103-14(d)(3)(i)(c).⁴

25. The correct Coefficient to assign to such other sources is at bottom, a matter of science. The Coefficient, and therefore the Emissions associated with a particular energy source for purposes of LL97 compliance, does not depend on departmental policy, or whether the department itself favors one type of energy source over another. The DOB publishes a guide that effectively adopts well-recognized standards that are also employed, for example, by federal agencies and the state of California to quantify Emissions.⁵

26. Thus, although DOB approval of a proposed Coefficient is required, the DOB neither “approves” nor “disapproves” any emission-reducing technology. As relevant here, the agency remit is to review a proposed Coefficient and either agree or—using documented, empirical techniques—assign a different Coefficient.

How Standard Carbon Promotes Compliance with LL97

⁴ *See also*, NYC Buildings, *LL97 Deductions & Alternatives for Calculating Annual Building Emissions Report User Guide*, § IX, “Biofuels and Alternative Fuels,” available at: https://www.nyc.gov/assets/buildings/pdf/deduct_alt.pdf.

⁵ *See* NYC Buildings, Local Law 97, *REQUIREMENTS FOR REPORTING ANNUAL GREENHOUSE GAS (GHG) EMISSIONS IN COVERED BUILDINGS*, *Biofuels Info Guide* (February 18, 2025), available at: https://www.nyc.gov/assets/buildings/pdf/biofuels_info_guide.pdf#page=14.

27. Standard Carbon sells technologies that convert carbon dioxide into low-carbon fuels. It offers two principal means to reduce Emissions.

28. First, Standard Carbon offers a machine that recycles and converts a building's on-site Emissions into an alternative fuel known as e-NG (electric natural gas), by combining it with green hydrogen produced through electrolysis powered by renewable electricity. The resulting e-NG molecule is chemically interchangeable with conventional natural gas and can be combusted in the same equipment, but with a materially lower lifecycle carbon intensity. Use of e-NG in turn substantially lowers Emissions relative to other fossil fuel sources, such as oil, and the recycling facet of the machine provides an even greater reduction over time because it is able to recycle and convert the e-NG's own emissions as well.

29. Second, and alternatively, Standard Carbon offers delivery of a low-carbon fuel that it produces offsite by converting emissions arising from other sources (such as cow-manure or other forms of biodegradable waste), and delivers through existing pipelines.⁶

30. While Standard Carbon's technologies are proprietary, they are not unique. For example, both carbon dioxide ("CO₂") methanation to create a green energy source,⁷ and the conversion of CO₂ emitted by biogenic sources such as manure farms into cleaner energy,⁸ are well-known in the industry. What differentiates Standard Carbon's business is that it delivers energy using such known techniques to building owners.

⁶ Standard Carbon also offers a service that enables customers to convert Emissions into a lower-carbon fuel that, in turn, they can sell to other buildings. This is another method of recycling and converting Emissions that reduces overall Emissions levels.

⁷ See, e.g., NEG8 Carbon, *What is eFuel?* (January 26, 2026), available at: <https://neg8carbon.com/what-is-efuel/>.

⁸ See, e.g., Liquid Wind, *Carbon Capture*, available at: <https://www.liquidwind.com/carbon-capture>

31. Standard Carbon's technology enables building owners to reduce reported emissions under LL97 by substituting a lower-carbon fuel for natural gas, without requiring capital-intensive retrofits or changes to existing heating systems. Despite its significantly lower carbon emission, the fuel Standard Carbon produces is chemically equivalent to natural gas, and can be used by existing building equipment that otherwise would burn a fossil fuel.

32. In layperson's terms: Standard Carbon's technology converts CO₂ into a lower-carbon fuel that results in substantially reduced Emissions relative to traditional fossil fuels at affordable prices for building owners, benefiting both its clients and the public at large.

33. Standard Carbon's technology has been reviewed, accepted, and found to reduce Emissions in multiple other jurisdictions, including the European Union under RED II/RFNBO frameworks, the U.S. EPA, the California Air Resources Board (LCFS), and Québec (Énergir). The Life Cycle Assessment ("LCA") tool used by Standard Carbon to measure the total environmental impact of its e-NG, including associated emissions, has been reviewed and accepted by these regulatory bodies, demonstrating that the underlying methodology is sound and has been validated in multiple domestic and international regulatory contexts.

34. As relevant to LL97 compliance, Standard Carbon in effect makes one central claim: the Coefficient for its technology is far lower than for conventional fossil fuels. In consequence, Standard Carbon represents that buildings that adopt its technology will reduce their Emissions, and therefore reduce or avoid the statutory fines imposed by LL97 for excess Emissions.

35. The technology Standard Carbon sells is being successfully deployed in, for example, Nebraska, Japan, Spain, England and Quebec. In New York City, Standard Carbon's technology is currently operational at a pilot deployment at the City College of New York

(“CCNY”), located at 160 Convent Avenue, where it converts CO2 emitted by a hot water heater into pipeline-quality e-NG; CCNY is also scheduled to receive low-carbon fuel produced off-site.

36. The CCNY deployment is being conducted in collaboration with the CUNY Earth Engineering Center. Phase 1 of the deployment is operational, and Phase 2, which would extend the technology to full steam-plant decarbonization, is currently in the front-end engineering design (FEED) stage.

37. Standard Carbon invested approximately \$1.5 million in equipment and installation to bring this technology to New York City for this specific use case.

Standard Carbon’s Admission Into the NYC Accelerator Service Provider Program

38. The NYC Accelerator operates a Service Provider Program through which qualified providers are listed on a public Resource List and Lookup Tool. Service Providers serve as an extension of the program's outreach, helping transition NYC buildings to a low-carbon future, and gain exposure to Participant referrals.

39. In 2025, Standard Carbon applied for acceptance into the Service Provider Program.

40. On June 6, 2025, Standard Carbon was formally accepted via email into the NYC Accelerator Service Provider Program.

41. Upon acceptance, Standard Carbon was added to the NYC Accelerator Service Provider Resource List and Lookup Tool, granted access to the Program’s marketing toolkit and program manual, and assigned an account manager.

42. Prior to acceptance, on or about May 2, 2025, Joseph Staluppi, an NYC Accelerator Account Manager, emailed Standard Carbon following an introductory meeting and stated: “Our goal is to get your technology and approach in front of more buildings facing cost-prohibitive compliance pathways.”

43. Standard Carbon has remained in good standing in the Service Provider Program since its acceptance and has fulfilled all reporting and engagement requirements applicable to Service Providers, including monthly project-status reporting and maintaining active enrollment in a Con Edison, National Grid, or NYSERDA incentive program.

44. Respondents recently removed Standard Carbon's listing from the website. Importantly, however, Standard Carbon's representations about its business have not materially changed from those made in the application.

The Importance of Participating in the NYC Accelerator and the 2026 Expo

45. Standard Carbon's inclusion in the NYC Accelerator Service Provider Program has been central to its business development in New York City. Such inclusion has served as a critical credibility marker for prospective clients evaluating compliance pathways under LL97. The Program has provided Standard Carbon with access to building decision-makers, technical resources, and a network of industry professionals that would otherwise be difficult to reach.

46. Standard Carbon has invested significant resources in maintaining its active status in the NYC Accelerator Service Provider Program, including completing required orientations, attending annual update sessions, and submitting monthly project-status reports. The Service Provider Agreement that Standard Carbon signed requires prompt response to participant inquiries within three business days, a minimum of six engagements per year, at least one completed project per year, and monthly reporting to the Service Provider Program.

47. Of great importance is participation in the NYC Accelerator Expo. In 2025, NYC Accelerator held an inaugural NYC Accelerator Expo. The Expo is in effect a large trade event where companies such as Standard Carbon showcase their products to building owners and property managers seeking assistance in satisfying LL97.

48. Standard Carbon participated in the 2025 NYC Accelerator Expo, which proved to be a critical business-development opportunity. The Expo generated over 100 leads for Standard Carbon across various project scopes and sizes, several of which converted into active proposals and engagements.

49. The Expo also provided direct exposure to building decision-makers, registered design professionals, and other service providers, allowing Standard Carbon to establish relationships that have continued to generate business throughout the past year. The reputational benefit of being a featured Service Provider at the Expo, alongside other vetted providers, has been substantial and has helped establish Standard Carbon's credibility in the NYC market.

50. The 2026 NYC Accelerator Expo is scheduled for Wednesday, October 14, 2026, at the Metropolitan Pavilion in New York City. Standard Carbon has been preparing for its anticipated participation in the 2026 Expo. In reliance on its expected participation, Standard Carbon engaged in booth design, developed marketing materials, and organized staffing and travel.

51. The Expo represents a critical opportunity to communicate directly with building owners about alternative compliance pathways and to demonstrate that Standard Carbon remains a vetted, active participant in the City's own program.

52. Exclusion from the Expo and from the NYC Accelerator Program would cause irreparable harm not only to Standard Carbon's pipeline of future business, but also to its reputation. Building owners who encounter Standard Carbon at the Expo or through the NYC Accelerator will regard such participation as a strong indicator that it is a reputable vendor with technology worth exploring. Conversely, exclusion sends a negative signal to the market regarding Standard Carbon's technology.

Respondents' Sudden and Unjustified Removal Decision

53. On or about October 6, 2026, Respondents abruptly removed Standard Carbon from the NYC Accelerator Service Provider Program and notified Standard Carbon that it would not be permitted to participate in the 2026 NYC Accelerator Expo. This action was taken without prior notice, without an opportunity to be heard, and without any opportunity to attempt to cure any of Respondents' objections.

54. Instead, the notice of removal came in the form of an email, which stated in relevant part:

The NYC Accelerator Service Provider Program terms provide that any material misrepresentation by a Service Provider may result in disqualification and removal from the program. On its listing on the NYC Accelerator website, Standard Carbon stated that its technology facilitates compliance with Local Law 97.

The Department of Buildings has not approved Standard Carbon's technology for compliance credit under Local Law 97. Because Standard Carbon's statement could lead building owners to believe they will receive compliance credit they will not receive, it is a material misrepresentation.

As a result, Standard Carbon has been removed from the Accelerator Service Provider Program and is not eligible to participate in the Expo.

55. As discussed below, this objection contains multiple, clear, fundamental errors, and therefore provides no basis whatsoever for the agency's action.

56. The notice, moreover, came as a complete surprise to Standard Carbon, which had been in good standing in the Service Provider Program and had fulfilled all applicable requirements. Standard Carbon was not informed of any alleged violation of the Service Provider Agreement, any misrepresentation in its marketing materials, or any deficiency in its performance as a Service Provider.

57. Whether intentional or not, the timing of the removal, eight days before the scheduled Expo on October 14, 2026, is certain to maximize the harm to Standard Carbon and to prevent it from participating in the most important business-development event of the year.

Respondents' About-Face Is Completely Unjustified

58. Respondents' Service Provider Agreement states, in §13: "Any material misrepresentation made by a Service Provider or any failure to disclose any material information in connection with its response to the RFQ may result in disqualification from consideration for participation in the Program, or the removal of the Service Provider from the NYC Accelerator materials. Approved verbiage is NYC Accelerator-approved."

59. That provision, however, does not warrant the Respondents' agency action being challenged here. The agency determination that Standard Carbon made any "material misrepresentation" is fundamentally flawed and demonstrably wrong in multiple respects, and has no basis in fact or applicable rules or regulations.⁹

60. *First*, the notice claims that the Department of Buildings ("DOB") "has not approved Standard Carbon's technology for compliance credit under Local Law 97." However, "approval of the technology" by the DOB is simply not a requirement of participation in the NYC Accelerator Service Provider Program.

⁹ Respondents do not appear to base their adverse agency determination on any material misrepresentation in Standard Carbon's *application*. As relevant here, the application states: "We're eager to join the NYC Accelerator Service Provider Program to support New York City's ambitious climate goals and help building owners navigate Local Law 97 compliance.... [W]e aim to provide building owners, property managers, and compliance professionals with practical, cost-effective solutions that drive real emissions reductions, without requiring any invasive and destructive retrofits or other major capital upgrades." Rather, Respondents rely upon the "listing" allegedly posted on the NYC Accelerator website. Petitioner does not have a copy of the listing, which Respondents have taken down, but Petitioner believes it is substantially similar to the foregoing statement in the application.

61. *Second*, the notice falsely suggests the DOB conducted some form of review of Standard Carbon’s technology and refused to “approve” the technology as a means of satisfying LL97. But no such thing has happened, and no such thing *could* happen. The notice itself fundamentally misrepresents the DOB’s role and involves a clear category error.

62. As discussed, the DOB simply does not “approve” or “disapprove” technology. It does something completely different. It reviews submissions by owners regarding their Emissions and determines compliance with LL97-mandated Emissions levels. For example, a building whose Emissions currently exceed LL97-mandated levels may seek to avoid a fine by submitting a “decarbonization plan” for good-faith compliance under LL97 that includes an equipment inventory with installation dates, documentation of prior emission-reducing measures, and planned alterations or equipment changes. *See* RCNY §103-14(i)(2)(iv)(a).

63. Similarly, as discussed above, under the CCD1 process, DOB review involves reviewing Standard Carbon’s proposed Coefficient for a building that utilizes Standard Carbon’s technology. *See* 1 RCNY §103-14(d)(3)(i)(c). Under its own regulations, the DOB can either agree with that Coefficient, or propose a different one. The relevant regulation states:

For any fuel type that is combusted or consumed on site, not listed in this subparagraph or section 28-320.3.1.1 of the Administrative Code and not prohibited by applicable rule or law, *the owner must propose a carbon coefficient, in tCO₂e per kBtu, that serves the public interest of reducing GHG emissions, to be used for calculating greenhouse gas emissions for such fuel type.* Such proposed coefficient and documentation supporting such proposed coefficient shall be provided to the Department, in a form and manner determined by the Department. *Such proposed carbon coefficient is subject to approval by the Department, which may alternatively assign a different coefficient for such fuel type.*

64. Neither form of review involves “approving” or “disapproving” a technology. What DOB can “approve”—or disagree with, but only if it proposes a different figure based upon its testing—is the proposed Coefficient associated with a novel combustible fuel type.

65. And so, under the plain language of the applicable statutes and regulations, a claim that DOB has not “approved” Standard Carbon’s *technology* cannot get off the ground, because that is not something the DOB does.

66. *Third*, the notice involves a clear error in its use of the phrase “material misrepresentation.” It conflates two distinct concepts: (1) whether, in Respondents’ words, Standard Carbon’s technology “facilitates compliance” with LL97, and (2) whether the DOB has “approved” the technology.

67. Standard Carbon makes no representations about what the DOB has approved or will approve with respect to a building’s Emissions reports or related applications. Standard Carbon makes only representations about what the technology itself *does*, *i.e.*, produce a lower-Emission fuel whose use will reduce a building’s emissions relative to current fossil fuels.

68. If that claim is true (which it is), then by definition Standard Carbon’s technology “facilitates compliance” with LL97, and therefore, by definition, Standard Carbon has made no material misrepresentation.

69. To date, the DOB has made no determination to the contrary (nor could it). While the DOB and Standard Carbon are engaged in ongoing discussions, described below, *none* of those discussions challenge Standard Carbon’s claims about its own technology, or what use of that technology can achieve relative to LL97 requirements, or Standard Carbon’s proposed Coefficient.

Standard Carbon’s Ongoing Discussions with DOB

70. The DOB is not a party to this Proceeding because the only agency determination being challenged at present is *Respondents’* decision to remove Standard Carbon from the NYC Accelerator Service Provider Program and, therefore, also exclude it from the Expo.

71. The simple bottom line for this application, however, is that a pre-CCD1 relating to use of Standard Carbon’s e-NG as an energy source is under review. DOB has not, as of this date, stated that it substantively disagreed with the calculations and the Coefficient presented by Standard Carbon.¹⁰ And DOB has never stated, or suggested, that Standard Carbon’s technology fails to deliver lower emissions than fossil fuels, and therefore that its technology fails to facilitate LL97 compliance in that respect.

72. Similarly, while DOB previously denied some applications for “good faith extensions” of compliance deadlines that themselves referenced a proposed decarbonization plan involving Standard Carbon technology, *none* of those denials challenged Standard Carbon’s representations about what its technology accomplishes.¹¹ Instead, DOB’s position, at its core, was that it would not provide a “preemptive” approval or assignment of a Coefficient, and that a building that is subject to LL97 must install the technology and then report the resultant emission computations before the DOB would undertake any such “technological” review. The DOB has declined to consider the technology’s implementation in buildings that are not subject to LL97 (such as City College) for the purposes of approving or assigning a Coefficient.

¹⁰ See NYC Buildings, *Determination Requests*, available at: <https://www.nyc.gov/site/buildings/industry/determinations.page> and NYC Buildings, *Industry Step-by-Step Guide, How to File a Pre-Determination Request*, available at: <https://www.nyc.gov/assets/buildings/pdf/pre-detreq.pdf>, which describe such pre-determination requests.

¹¹ As best as Standard Carbon can determine, DOB claims to have agency discretion to ignore incorporation of Standard Carbon’s technology into a decarbonization claim that is proposed by a building in connection with a request for a “good faith extension” of prior compliance deadlines, and instead to require actual adoption of the technology and a concomitant CCD1 by a building that is subject to LL97 before the agency will conduct its review of a proposed Coefficient. Again, that position is simply not equivalent to, as Respondents represent, “not approving the technology,” full stop, in a manner that would falsify Standard Carbon’s representations about what the technology does and how it may facilitate LL97 compliance.

73. To date, DOB has not undertaken the process described by N.Y.C. Admin. Code § 28-320.3.1.1(7) and 1 RCNY §103-14(d)(3)(i)(c), *i.e.*, determining the Coefficient for e-NG (or for fuel delivered from off-site sources by Standard Carbon).

74. Simply put: no actual review or substantive analysis by DOB of Standard Carbon's technology has ever occurred, let alone rejection of its technological claims.

75. For that reason, Respondents' position—that DOB has made an actual adverse determination about Standard Carbon's technology that renders Standard Carbon's representations false—is completely baseless.

NO PRIOR APPLICATION

76. No prior application has been made for the relief requested herein.

FIRST CAUSE OF ACTION

(Error of Law, Arbitrary and Capricious Action, and Abuse of Discretion — CPLR § 7803)

77. Petitioner repeats and re-alleges each and every allegation above as if fully set forth herein.

78. This cause of action arises under Article 78 of the New York Civil Practice Law and Rules, and is properly brought pursuant to CPLR § 7803, which authorizes this Court to review Respondents' determination and to grant relief, including annulling the agency action and directing reinstatement of Petitioner.

79. Respondents' determination to abruptly remove Standard Carbon from the NYC Accelerator Service Provider Program and bar it from participating in the 2026 NYC Accelerator Expo scheduled for October 14, 2026, was affected by an error of law, was arbitrary and capricious, and/or was an abuse of discretion.

80. As a direct and proximate result of Respondents' unlawful determination, Standard Carbon has suffered and will continue to suffer irreparable harm, including but not limited to the

loss of its status as a Service Provider in the NYC Accelerator Service Provider Program, the loss of its ability to participate in the 2026 Expo, damage to its reputation in the New York City market, and the loss of business opportunities.

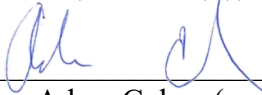
81. Accordingly, pursuant to CPLR § 7803 and § 7806, the Court should annul Respondents' determination and direct Standard Carbon's immediate reinstatement to the NYC Accelerator Service Provider Program. The Court should also preserve the *status quo ante* by restoring Standard Carbon's invited participation in the 2026 NYC Accelerator Expo and preliminarily enjoining Respondents from removing Standard Carbon from the NYC Accelerator Service Provider Program.

WHEREFORE, Petitioner prays that the Court enter judgment and relief as follows:

- a. Issuing a judgment vacating and/or annulling the decision to remove Standard Carbon from the NYC Accelerator Service Provider Program and directing Respondents to reinstate Petitioner Standard Carbon to the NYC Accelerator Service Provider Program;
- b. Issuing a TRO that enjoins the Respondents' revocation of, and restores, Standard Carbon's invited participation in the 2026 NYC Accelerator Expo.
- c. Issuing a preliminary injunction enjoining Respondents from removing Standard Carbon from the NYC Accelerator Service Provider Program and restoring Standard Carbon to the NYC Accelerator Service Provider Program pending the determination of this Petition; and
- d. Granting Petitioner such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 13, 2026

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VERIFICATION

I, Andrew Lauter, affirm as follows:

I am the Chief Executive Officer of Petitioner Standard Carbon Technology, Inc. I have read the foregoing petition and know the contents thereof; the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

I affirm this 13 day of October 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.


Andrew Lauter