

1 5-12-2022 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, May 12, 2022

7 10:30 a.m. until 2:02 p.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 COMMISSIONERS:

12 RORY M. CHRISTIAN, Chair

13 DIANE X. BURMAN

14 TRACEY A. EDWARDS

15 JAMES S. ALESI

16 JOHN B. MAGGIORE

17 DAVID J. VALESKY

18 JOHN B. HOWARD

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2 (The proceeding commenced, 10:30 a.m.)

3 CHAIR CHRISTIAN: Good morning, I call
4 this session of the Public Service Commission to
5 order. Madam Secretary, are there any changes to the
6 final agenda?

7 SECRETARY PHILLIPS: There are no
8 changes to the final agenda.

9 CHAIR CHRISTIAN: Thank you. Before
10 moving to the agenda, I'll conduct a roll call.
11 Commissioners, when I call your name, please confirm
12 that you are present. Commissioner Burman?

13 COMMISSIONER BURMAN: Here.

14 CHAIR CHRISTIAN: Commissioner Alesi.

15 COMMISSIONER ALESI: Here.

16 CHAIR CHRISTIAN: Commissioner
17 Edwards.

18 COMMISSIONER EDWARDS: I'm here. Good
19 morning.

20 CHAIR CHRISTIAN: Good morning.
21 Commissioner Howard.

22 COMMISSIONER HOWARD: Here.

23 CHAIR CHRISTIAN: Commissioner
24 Valesky.

25 COMMISSIONER VALESKY: Here.

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2 CHAIR CHRISTIAN: Commissioner

3 Maggiore.

4 COMMISSIONER MAGGIORE: Here.

5 CHAIR CHRISTIAN: Excellent. Thank
6 you, everyone. We'll now move to the regular agenda.
7 And our first item, Item 201 case 22-M-0149 related
8 to the implementation and compliance with the
9 requirements of the Climate Leadership and Community
10 Protection Act, also known as the C.L.C.P.A.

11 Today, it will be presented by Ms.
12 Jessica Waldorf, our Chief of Staff with Marco
13 Padula, Peggie Neville, Maude Emerson, Commissioner
14 and Lindsey Overton available for questions. Ms.
15 Waldorf, please begin.

16 MS. WALDORF: Good morning, Chair
17 Christian, and Commissioners. My name is Jessica
18 Waldorf and I'm the Chief of Staff and Director of
19 Policy Implementation at the Department. I'm here
20 today to present the order on the implementation of
21 the Climate Leadership and Community Protection Act
22 or as I will refer to it throughout C.L.C.P.A.

23 The C.L.C.P.A. is the most ambitious
24 climate policy legislation enacted in the country and
25 will significantly transform every sector of the

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2 State's economy. It contains a number of statutory
3 targets and requirements including an 85 percent
4 reduction in greenhouse gas emissions by 2050.

5 The C.L.C.P.A. also set standards to
6 ensure that the benefits of clean energy investments
7 directly serve disadvantaged communities in the State
8 that have been disproportionately impacted by climate
9 change, including the requirement that at least 35
10 percent with a goal of 40 percent of the benefits of
11 these investments are directed to disadvantaged
12 communities.

13 The Commission will continue to play a
14 critical role in advancing the C.L.C.P.A.'s efforts
15 and has quickly taken action within its jurisdiction
16 to help put the State on a path to meeting the
17 C.L.C.P.A.'s aggressive targets.

18 Specifically, the Commission has
19 implemented a variety of clean energy initiatives,
20 both pre and post C.L.C.P.A. enactment including
21 large scale and distributed clean energy project
22 development, energy efficiency, building
23 electrification, zero emission transportation,
24 programs to reduce natural gas usage, and instituted
25 a coordinate -- a coordinated planning process to

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2 evaluate local transmission and distribution system
3 needs to support the State's full transition to a
4 zero emissions electric grid.

5 Given the scope of the C.L.C.P.A. and
6 the extensive work necessary to achieve its mandates,
7 continuous monitoring of progress will be crucial to
8 ensure that the State remains on track to achieve
9 these objectives.

10 There are also existing policies that
11 will need to be reviewed and new policies that will
12 need to be developed to further the enablement of the
13 C.L.C.P.A. The order before you institutes this
14 proceeding to both track and assess progress made
15 towards the C.L.C.P.A. mandates and will provide
16 policy guidance and serve as a forum for policy
17 development as necessary for the additional actions
18 needed to help achieve the objectives of this law.

19 The order reinforces the Commission's
20 statutory responsibilities in implementing the
21 C.L.C.P.A. as well as its core mission to ensure that
22 utilities can provide safe and adequate service at
23 just and reasonable rates, and the reliability and
24 resiliency of the electric and gas systems.

25 It establishes necessary guidance and

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2 requirements for Staff and utilities in future rate
3 cases to evaluate compliance with the laws,
4 emissions, limits, and targets. It includes a notice
5 for comment on one policy issue and establishes an
6 informational presentation by Staff to the Commission
7 on compliance with the requirements of the C.L.C.P.A.
8 pertaining to the Commission and the Department.

9 The order does not conflict with the
10 work that is ongoing at the Climate Action Council or
11 with the work that is taking place in the gas
12 planning proceeding or any other related proceeding.
13 It does not include any new funding decisions, nor
14 does it ask the Commission to make any new decisions
15 on policy issues.

16 The Commission and the State have
17 already made significant progress towards achieving
18 the mandates of the C.L.C.P.A. related to the
19 decarbonization of the electric system.

20 When taking our existing renewable
21 energy generation and combining it with the projects
22 that are awarded, existing and contracted, 63 percent
23 of the State's generation will come from renewable
24 sources, well on the way to achieving 70 percent
25 renewable energy by 2030.

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2 Several recent rate cases included
3 emissions inventory requirements, often within a
4 broader study and required in advance of the
5 utilities next rate filing.

6 However, the requirements have varied
7 both in terms of the required content and frequency
8 of submission. There have also been additional
9 actions at the State level that provide further
10 clarity to utilities and industries on how to assess
11 the emissions within their sector of the economy,
12 including the release of Statewide greenhouse gas
13 emissions limits, and the release of the first annual
14 Statewide greenhouse gas report by the Department of
15 Environmental Conservation.

16 The order establishes an annual
17 greenhouse gas emissions inventory reporting process
18 with the major electric and gas investor-run
19 utilities, and clear and consistent Statewide
20 guidelines for greenhouse gas emissions reporting
21 requirements.

22 Utilities will work with Staff in
23 developing a proposal for this annual greenhouse gas
24 emissions inventory report including the requirements
25 and methodology used to calculate emissions and final

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2 draft version of the proposal for public comment by
3 December 1st of 2022.

4 Establishing this annual greenhouse
5 gas emissions inventory reporting process and
6 distinguishing it from the C.L.C.P.A. studies
7 required in past rate cases will allow the Commission
8 to evaluate the impact of utilities' planning
9 measures and operational changes each year.

10 Additionally, requiring all utilities
11 to submit on the same frequency will allow for a
12 cumulative assessment of the utilities Statewide
13 greenhouse gas emissions.

14 The order also notes that utilities
15 are expected to undertake the same analysis to assess
16 the greenhouse gas emissions impacts of the
17 investments, capital expenditures, programs, and
18 initiatives, and their future rate filings consistent
19 with requirements included in recent rate cases.

20 The order highlights the importance of
21 ensuring the benefits of the State's clean energy
22 investments are realized in disadvantaged communities
23 and specific actions the Commission has already taken
24 to achieve that.

25 Staff is currently working with

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2 utilities and other State agencies to baseline
3 current clean energy and energy efficiency programs
4 to determine if they comply with the C.L.C.P.A.'s
5 requirements and will continue to evaluate our
6 existing programs and report on those that require
7 modification.

8 Overall compliance with this mandate
9 will be tracked and reported on an annual basis
10 within this proceeding. The order explains the
11 reasoning behind the Commission's prior determination
12 that the megawatt hour load ratio share methodology
13 is appropriate for allocating the cost of large scale
14 clean energy projects that directly serve the
15 C.L.C.P.A.'s goal of reducing greenhouse gas
16 emissions Statewide.

17 However, it also notes the concerns
18 that have been raised by Commissioners and
19 stakeholders about the increased cost of C.L.C.P.A.
20 investments and the impacts that this will have on
21 ratepayers and maintaining energy affordability.

22 The order before you directs Staff to
23 include detailed cost impacts of any new C.L.C.P.A.
24 investment projects and/or programs when presenting
25 such proposals to the Commission for consideration,

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2 as well as continue to undertake the benefit cost
3 analysis required under the benefit cost analysis
4 framework order.

5 It also directs Staff to include a
6 discussion of C.L.C.P.A. based cost impacts and
7 benefits in its annual informational presentation so
8 that the Commission and the public have this
9 information to understand the impact of these capital
10 investments on rate payers.

11 The Commission has two policies that
12 pertain to utility ownership of electric generation
13 assets. The Commission's vertical market power
14 policy established a presumption that utility
15 ownership of large scale generation has
16 anticompetitive consequences and established three
17 conditions for a utility to rebut this presumption.

18 In its report of the energy vision
19 track one order, the Commission der -- determined
20 utility ownership of distributed energy resources
21 will be the exception rather than the rule and
22 established four circumstances under which utility
23 ownership of distributed energy resources would be
24 allowed.

25 The same concerns that existed at the

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2 time of those policies being developed are still
3 relevant today. However, there are stakeholders
4 asking for a reevaluation of those policies,
5 including submission in recent rate cases, or other
6 petition filings by utilities, asking for the
7 Commission to reconsider them in light of the
8 evolving policy changes at the State level, including
9 achieving the aggressive clean energy goals
10 established in the C.L.C.P.A.

11 The order explains that the issue of
12 utility ownership of re --renewable generation
13 assets must be considered in the context of what can
14 best accelerate the market and be consistent with the
15 public interest.

16 To help inform the Commission's
17 assessment as to whether revisions to its prior
18 policies are necessary, the order directs the
19 Secretary to issue a notice seeking public comment
20 regarding utility ownership of both distributed
21 energy resources and large scale renewables
22 contemporaneously with the issuance of this order.

23 Similar to the requirements the
24 Commission has included in recent rate cases on
25 emissions inventories, the Commission has required

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2 utilities to file studies assessing the impacts of
3 transitioning away from the use of natural gas.

4 This order recognizes the value of
5 having one coordinated Statewide study and directs
6 the utilities to work with Staff to develop a
7 proposal for a greenhouse gas emissions reduction
8 pathway study or study proposal that analyzes the
9 scale, timing, costs, risk, uncertainties, and
10 customer bill impacts of achieving significant and
11 quantifiable reductions in greenhouse gas emissions
12 from the use of gas delivered by utilities.

13 The order directs the utilities to
14 file the study proposal for public comment by March
15 31st of 2023 and engage stakeholders prior to its
16 submission. The order also notes that it expects
17 Staff to continue work in the gas planning proceeding
18 and in utility specific rate cases as appropriate to
19 address both near and long term measures to reduce
20 greenhouse gas emissions from the gas delivery
21 system, including many of the measures adopted in
22 recent rate cases.

23 The Staff gas -- gas system planning
24 proposal and the gas planning proceeding recommends
25 the Commission direct New York's gas utilities to

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2 file long-term plans that consider the greenhouse gas
3 emissions impacts of new gas infrastructure and the
4 State's reduction goals.

5 The study proposal in this order will
6 help inform these long term plans. Staff will align
7 its work under the gas planning proceeding and in the
8 development of the study proposal and consider any
9 recommendations for the decarbonization of the gas
10 delivery system that may be included in the Climate
11 Action Council scoping plan once finalized.

12 The order notes that the Commission
13 will continue to review proposals for the use of
14 alternative fuels, such as locally produced
15 biomethane or green hydrogen, and evaluate the costs,
16 reliability benefits and the environmental impacts
17 and benefits associated with the use of these fuels.

18 The order highlights all the
19 significant investments the Commission has made in
20 energy efficiency and building electrification,
21 including the Clean Energy Fund and New Efficiency
22 New York that are projected to achieve over two
23 thirds of the Statewide energy -- the Statewide
24 energy efficiency goal.

25 It notes that the -- that

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2 N.Y.S.E.R.D.A. and the utilities should continue to
3 explore and refine approaches to make the most
4 efficient use of ratepayer funds, as well as
5 eliminate confusion in the marketplace and provide
6 streamlined access to consumers.

7 The order also highlights New York's
8 efforts in electric and gas demand response programs
9 and that while the electric demand response market
10 has seen steady growth, the State's suite of gas
11 demand response programs is limited.

12 It notes the Commission anticipates
13 implementing a Statewide proceeding in the future to
14 investigate the potential expansion of gas demand
15 response programs Statewide and to determine if such
16 programs can be operated on a cost effective basis as
17 a normal part of the utility business going forward.

18 The order highlights the many actions
19 the Commission has taken towards the State's zero
20 emissions vehicle goals, including time of use rates,
21 per plug incentives to mitigate the cost of
22 installing publicly accessible direct current fast
23 charging facilities and several E.V. -- E.V.
24 demonstration and pilot projects.

25 It also highlights the efforts under

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2 the E.V. Make-Ready program in that it directed the
3 electric investor-owned utilities to file managed
4 charging program proposals that it expects Staff to
5 complete its review of in the near future.

6 The order also highlights the work
7 Staff, and the Commission will do to complete the new
8 statutory responsibility to establish a commercial
9 E.V. tariff and the importance of ongoing monitoring
10 to enable increased deployment of zero emissions
11 vehicles.

12 The order outlines the history of the
13 Commission's actions on non-wires alternatives
14 projects and that while electric non-wires
15 alternatives projects have been steadily advancing,
16 gas non-pipe alternatives projects have been slower
17 to mature as they are meaningfully more complicated.

18 It notes the Commission anticipates
19 addressing these and other issues related to the
20 advancement of non-pipe alternative projects within
21 the gas planning proceeding.

22 The order outlines the Commission's
23 actions to date to support large scale renewable
24 energy resources and advance green technologies
25 including solar transmission infrastructure, energy

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2 storage, and on- and offshore wind, through the
3 reform -- Reforming Energy Vision, New York Sun,
4 Clean Energy Fund and Clean Energy Standard
5 Initiatives.

6 The order notes that the Commission
7 and Department will continue to evaluate our existing
8 program to determine whether more resources are
9 needed to both meet anticipated increased electric
10 demand, greenhouse gas emissions reductions and to
11 maintain system reliability.

12 As noted earlier, the order directs
13 Staff on an annual basis to present to the Commission
14 an informational item detailing the Commission's
15 actions and the Department's activities associated
16 with the overall compliance with the C.L.C.P.A.
17 mandates.

18 The presentation will include but not
19 be limited to the emissions associated with electric
20 and gas usage in the State, progress on achieving the
21 targets mandated within the Renewable Energy Program,
22 the costs, and benefits to ratepayers of C.L.C.P.A.
23 investments over the prior year and a review to the
24 extent that the investments made to comply with the
25 Commission's C.L.C.P.A. related programs over the

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2 prior year benefited disadvantaged communities.

3 In closing, the magnitude of the
4 change needed to achieve the goals of the C.L.C.P.A.
5 is significant and must consider climate justice,
6 just transition, reliability, and resiliency of the
7 energy systems, and cost mitigation to preserve
8 energy affordability.

9 The order outlines all the ways the
10 Commission is already demonstrating leadership in
11 achieving the goals of the C.L.C.P.A. and establishes
12 clear guidance and procedures to monitor progress
13 moving forward as well as evaluate the performance of
14 our utilities.

15 This concludes my presentation. I
16 would like to thank the many Staff members that
17 contributed to the development of this order, which
18 in addition to establishing new procedures here at
19 the Department also serves as a summary of all of the
20 incredible work the Commission and Staff have done to
21 date in achieving the State's climate and clean
22 energy goals.

23 We are now available to answer any
24 questions the Commission may have. Thank you.

25 CHAIR CHRISTIAN: Thank you for your

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2 presentation, Ms. Waldorf. And yes, I echo your
3 thanks to Staff on putting this together. This is
4 truly great accomplishment in advancing us towards
5 our requirements in meeting the C.L.C.P.A.

6 Now, throughout your presentation, you
7 pointed out the variety of emissions reduction
8 targets and renewable energy targets required by the
9 C.L.C.P.A. and also the Commission-specific
10 directives that are embedded in the C.L.C.P.A. for
11 which we are being called to support the transmission
12 towards the zero emission grid and decarbonizing the
13 broader economy.

14 To date, we've largely done that
15 through rate cases and a variety of orders. And we
16 can cite several of the actions in the past that
17 support this overarching goal. You've mentioned
18 electrifying buildings, electrification of
19 transportation, and other factors, also, large scale
20 renewable distributed energy resources.

21 And though we've seen great progress
22 through all these actions, as you pointed out, much
23 more needs to be done. Particularly, as we move
24 forward with meeting the requirements to support
25 disadvantaged communities and doing so at a minimum

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2 to the degree outlined in the C.L.C.P.A.

3 So this order helps us track and
4 assess the future efforts, monitor progress with the
5 directives specific to the Commission, and ensure
6 that the actions we take continue to support rather
7 than erode our long-standing mandate to provide safe,
8 reliable, and affordable electric service.

9 The Commission's commitment to these
10 mandates is unwavering. And any additional
11 supporting actions and policy guidance will be
12 evaluated with those mandates in mind.

13 This proceeding will better serve the
14 Commission and the public and allow for greater
15 transparency, while serving as a venue through which
16 any future actions can be taken. In addition to
17 serving as a summary for past and future work, it
18 also takes into consideration many of the concerns
19 raised by this Commission and its Commissioners,
20 particularly those regarding the cost of the
21 C.L.C.P.A. investments and their impacts on
22 affordability.

23 It will also help facilitate
24 discussions towards the development of an all-State
25 plan for financing future investments, which I'm

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2 looking forward to.

3 Much of the C.L.C.P.A. today has been
4 implemented to ratepayer funds and alternatives will
5 be helpful in maintaining affordability, while
6 ensuring we maintain our trajectory towards 2030,
7 2040, and beyond.

8 So through this action, we reaffirm
9 the Commission's long standing commitment to
10 achieving the State's goals while balancing
11 reliability, and affordability and I want to thank
12 you and Staff again for putting this together. And
13 with that, I'll go to you, Commissioner Burman for
14 comments.

15 COMMISSIONER BURMAN: Thank you. I
16 appreciate all the work that has clearly gone into
17 this, not just for this item, but in all of the work
18 that's gone in in preparation for the Climate
19 Leadership and Community Protection Act since it's
20 gone into effect, in all of the different
21 implementation challenges, and then the work that's
22 under our jurisdiction, directly and indirectly and
23 working with the different agencies, the different
24 working groups, and the Climate Action Council.

25 I think that for me, there are a

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2 couple of different things that I'd like to touch
3 upon and reflect upon. This is our first time as a
4 Commission as a whole in actually discussing it as a
5 item and hearing from each other on this forward path
6 and putting it in one item.

7 I am concerned about then doing that
8 somewhat in a vacuum and then voting on it and moving
9 forward today. For me, I do think that we don't have
10 the luxury that the Climate Action Council has in a
11 lot of the ongoing dialogue, on record and off record
12 as a whole, where they're able to talk as a full
13 body, and then, come together and put a document
14 together.

15 That for me means that this document
16 as a draft doesn't necessarily represent my voice or
17 the voice of the full Commission. It doesn't mean
18 that it's not touching upon some of that but that's
19 somewhat that I think it's important for us to keep
20 that in mind as we go forward.

21 However, I do think that it is a
22 really good attempt and a really good mechanism, and
23 Staff, under the direction of the Chair have worked
24 hard to try to put in this document aspects of our
25 voices, especially as it comes to certain things like

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2 reliability and costs in there, and I appreciate
3 that.

4 It's -- what this order does do, as
5 you point out, is reinforcing our statutory
6 obligations in for -- for whatever reason, there has
7 been a lot of concern on whether we support or will
8 follow the Climate Leadership and Community
9 Protection Act.

10 I think that's probably a fair
11 questioning, but I think it's only fair in terms of
12 how to implement it. Not necessarily, do we believe
13 that we have to follow our statutory obligations
14 without a doubt.

15 The Commission, I believe, as a whole
16 would agree we would follow all of our statutory
17 responsibilities and not just one singular piece of
18 it but taken as a whole. So for me, it's the
19 reinforcement of our statutory responsibilities is
20 important.

21 Within -- embedded within the
22 C.L.C.P.A. is not just one piece of it, though. It's
23 in there. It expressly talks about the liability.
24 But even if it did not, we have other aspects of our
25 Public Service Law and our own mission, that we would

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2 have to incorporate, that we cannot just look at it
3 in a vacuum.

4 In the implementation aspect of the
5 C.L.C.P.A., it's a work in progress. And so for us,
6 we need to be working through that, planning, being
7 cognizant of that. And so it's important for us to
8 have these conversations and be focused on that.

9 I am concerned though that in some
10 ways, and the draft scoping plan does seem to try to
11 narrow some of it, in a way that may not leave enough
12 flexibility for what is under our jurisdiction or
13 tries to too much direct things that may more
14 appropriately need to be carefully analyzed under our
15 jurisdiction by the technical experts over at D.P.S.
16 in collaboration with the technical experts like the
17 Reliability Council, like the I.S.O., and like other
18 technical experts, that we may need to engage with.
19 So that's something that I'm reflective of.

20 What I am concerned with when I see
21 this is that the draft order does seem to rely too
22 heavily on the -- what the draft scoping plan says,
23 and then, in alignment to what will come from the
24 final plan, and kind of directing Staff to ensure
25 that it -- we or Staff is aligned with the final

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2 plan.

3 We as a Commission don't know what
4 that final plan will be and we should not presume
5 that, and that process needs to play out. But more
6 importantly, that process does not just end with the
7 final plan.

8 After that final plan, which has
9 recommendations, it then goes to the State Energy
10 Planning Board, which has its own statutory
11 obligations, and those -- those recommendations then
12 get vetted and SAPA'd and there's a whole other
13 process.

14 And then, therefore, under the Public
15 Service Law and the State Energy Law, there are other
16 -- whole other realms of processes and substantive
17 mechanisms.

18 So for me, I don't necessarily want to
19 be locked in to some of our substantive
20 jurisdictional responsibilities that are only being
21 looked at in the vacuum of the Climate Action
22 Council, when I believe strongly that some of the
23 very essence of what we do, our bread and butter,
24 need to be looked at from a technical perspective by
25 us now. And by us throughout the whole process, in a

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2 way that may not be as carefully evaluated even if
3 it's passionately evaluated in the Climate Action
4 Council.

5 That is a process removed, we are
6 removed from it, even though we do have the Chair,
7 who is a part of it, it is a -- not a direct linkage
8 and he sits in it in a very different role. And it
9 is not a direct linkage to us.

10 And so we need to be careful about our
11 own roles and responsibilities as he is cognizant of
12 it, and we are cognizant of those roles. So for me,
13 I just want to make sure that we are very focused
14 when we're looking at it of being cognizant of that.

15 To the extent that we are also -- as
16 we have on this session, other items that are sort of
17 intricately connected, 101 and 102, that deal with
18 gas planning and the gas moratorium issues, and then
19 some consent items that also bleed into it.

20 It was a little difficult for me to
21 keep track of how they all either fit or don't fit
22 together. So some of the things that I might say
23 here, I will save for brevity, for 101 and 102, but I
24 did want to touch upon the gas planning transition,
25 as it relates to the draft scoping plan.

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2 There is a whole section that is
3 devoted in the draft scoping plan to the gas
4 transition. I was a little concerned and I
5 underscore that only because the way I envision sort
6 of our focus is that we need to be open to looking at
7 all options and seeing what is viable and making sure
8 that we are not leaving off the table any potential
9 viable thing.

10 When you look at the gas transition
11 section, in the draft scoping plan, it starts out
12 that says that it is looking at entailing a
13 downsizing of the fossil gas system. And then it
14 continues throughout that.

15 Two things I'm struck by. One, the
16 use of the word fossil gas. Now, I know that there
17 was a whole debate in the Climate Action Council on
18 that usage. I'm not going to rehash that. I do
19 think that was a worthwhile debate.

20 Unfortunately, as I see it, I do think
21 that from a technical perspective, it's important
22 that we be very careful that we are focused on the
23 usage from a technical perspective as it applies to
24 us technically, it matters.

25 Technically, when we're looking at it,

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2 we have to be careful. It relates to regulations.
3 It relates to laws, not just at the State level, but
4 at the federal level. It relates to what it means
5 when we're looking at our regulations on a safety
6 matter with PHMSA and our regulations there, and who
7 it may or may not apply to.

8 And so we can't just decide how we are
9 going to rename things because that means that we may
10 need to try to change everything in a way that we're
11 going to confuse, and possibly cause disruption
12 that's unintended, and has significant consequences.

13 And in terms of this, here, for me,
14 that causes me concern, because it also means that
15 we're focusing on it in a way that gets away from the
16 technical, already understood, already embedded in
17 the law, at this federal level and at the State
18 level, and across the nation. And that's of concern
19 to me.

20 That's a debate for another day, in
21 terms of whether or not that to be changed but for
22 me, as we go forward, we have to be careful in terms
23 of the technical nature of those things.

24 The other aspect of it is the
25 downsizing. That's a presumption that we are going

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2 to downsize. For me, I believed when we were looking
3 at this that we would be looking at what that means
4 in terms of the transition of the gas system, and the
5 opportunities that we may need to be looking at.

6 Whether that is reducing emissions
7 with certain technologies that may help us in
8 underserved areas in Upstate that may be able to
9 benefit from that, looking at renewable natural gas,
10 looking at hydrogen, all those things that have a
11 need for us to lean into and to do analysis from and
12 to help us in our -- in the important role that we
13 have.

14 When we talk about it from the end of
15 downsizing, we missed a core component of already
16 what we've been hearing from in terms of the
17 manufacturers association, that we've had parties
18 submitting in proceedings saying they need gas, or
19 they're going to have a problem, multiple
20 intervenors, in many of our proceedings, consumer
21 power advocates.

22 And so for me from an economic
23 regulatory perspective, not only are we going to have
24 missed our -- a core component of the voices of
25 stakeholders, but we're also not understanding what

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2 potentially that means from a reliability
3 perspective.

4 So I would like to start out not
5 necessarily saying downsizing, but what does this
6 mean with the role of natural gas in the transition.
7 And that's why for us that looking at it, when we
8 embed in our draft order, the draft scoping plan, it
9 takes me a little bit with a concern, because it's
10 not making it broader for me, which is that the draft
11 scoping plan is too narrow in terms of what we have
12 to accomplish and look at.

13 So for me, I'd like just to make sure
14 that we're having more of a focus that doesn't just
15 follow too narrowly and -- and cause us to miss our
16 statutory responsibilities that are related to that.

17 Now, getting to the next thing, which
18 is the costs. I am glad that it is focused in here
19 on the costs. I am glad that there is focus on
20 saying that it's in response to not only
21 stakeholders, but also Commissioners.

22 Each of us come at it a little
23 differently, what the costs are, what the benefits
24 are. I think we need to have a fuller conversation
25 on what that means and actually have some real

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2 numbers now and also working together so that we are
3 talking the same.

4 So there is in here, focus on rates,
5 rate payers, C.L.C.P.A. related costs, we all may be
6 speaking differently. Rate impacts may be different
7 than bill impacts. C.L.C.P.A. -- C.L.C.P.A. related
8 costs, we may be -- you may be thinking of it as only
9 related to the utility costs, I may be thinking of it
10 related to the broader costs that are related to
11 having to get rid of your gas furnace, and what that
12 may mean, all of the different other side costs,
13 workforce development that may be having to be done.

14 So I just want us -- and then the
15 benefits that may go with that. I just want us to be
16 very careful and forward thinking now, so that it is
17 not that we get so far along. And it seems to me
18 that this has been something that we've been talking
19 about for so long, that it's hard for me to just see
20 it saying, yes, we hear you and we're going to do
21 this, where I feel like we need to actually have
22 publicly numbers and really getting much more
23 granular in that. And I thank you for that.

24 The one thing I like is I think this
25 is supposed to be, and correct me if I'm wrong, a

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2 clearing house of kind of tracking all that's
3 happening on the C.L.C.P.A. related proceedings.
4 What I -- my impression though is that it will be
5 hard for folks to look at this and say that this is a
6 good clearing house unless we have an ability to do
7 more than just this sort of draft order.

8 So when I look at it, initially, the
9 draft order, it has a lot of different things in
10 there. Talks about, you know, the New York Sun and
11 Clean Energy Standard, and there's a whole host of
12 proceedings. Many of them, you may know I voted no
13 on or concurred.

14 And I don't want the impression to be
15 that all of us are now confirming our support for all
16 of it because I think that would be the wrong
17 impression, especially as it has future funding that
18 may be attached to it, or future decisions that we
19 may have to do.

20 So I think that it would be important
21 for there to be some kind of tracker that is more for
22 a layman to be able to look at and say what were all
23 the proceedings, how -- what's the case number,
24 what's the date, what's the summary, again, I'm not
25 looking for people to have to, you know, spend a lot

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2 of time on it.

3 But I do think it's important that
4 there is some ability to easily track it. I'm sure
5 there are some external websites that has a lot of
6 it, anyway. But if we are going to be looking at
7 this as the clearing house, we should at least be
8 thinking about what that means.

9 What I'm not comfortable with embedded
10 in here is the discussion of this as a forum for
11 policy development. I understand it. The forum for
12 policy development is our discussions here, is our
13 discussions as a Commission as a whole, is our
14 discussions on what is appropriate for us to tackle
15 next.

16 Opening a proceeding and discussing
17 that, seeing what's next on the horizon, what we may
18 want to do in order of priority but part of it is
19 we've already sort of gotten out of the gate the next
20 thing, which I'm not necessarily sure is the first
21 thing of priority, which is utility ownership. It is
22 on -- ON some people's top priority.

23 But there are also other pending
24 proceedings. E.D.F. just made -- brought a
25 proceeding. IPPNY and other environmentalists

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2 brought a joint proceeding. There's a whole host of
3 proceedings that are still pending.

4 It would be helpful in that tracker to
5 know what is still there. But also, I think what's
6 helpful is for us to have closure on those
7 proceedings. Even if it's to say we're not doing
8 anything on those proceedings.

9 We may disagree on what we're doing or
10 not doing, but at least there's finality, rather than
11 as we've seen, we'll see in later, you know, a
12 resolution many years later, right. So it helps us
13 sort of come to terms with what's out there.

14 So for me, the focus for policy
15 development gets sticky in a generic proceeding
16 because as we've seen in -- I'm blanking on the case
17 number, 15 E --

18 MR. ROSENTHAL: 0302.

19 COMMISSIONER BURMAN: Yes. You can't
20 find anything in there. But there is 25 million
21 different proceedings in there, right, 25 different
22 things. So if we're going to have a clearing house,
23 we've got to figure out a way and I know D.M.M. is
24 the most horrible thing to try to figure out.

25 We have to figure out a way to make it

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2 easier for people because if we are going to engage
3 in a much more comprehensive real way, if we are
4 going to actually help -- because if I'm a
5 Commissioner and I -- and I can give up. I can't --
6 I just feel it's hard for everybody else. So I just
7 have to sort of understand this. Because when we --
8 especially, again, when we have agendas, and it pops
9 15 A -- what's the number?

10 MR. ROSENTHAL: 0302.

11 COMMISSIONER BURMAN: Right.

12 MS. WALDORF: Yes.

13 COMMISSIONER BURMAN: Everybody says,
14 oh, my god, is that my -- is that my -- is that my
15 issue, right. So even on that we have to be more
16 careful than just saying not your issue. Right. In
17 a way that just lets people know.

18 So I am only going to talk a little
19 bit more. There is in here also discussion on the
20 working group, one of the working groups and that
21 also is of concern to me because it's part of the
22 Climate Action Council.

23 And I, again, it gets, sort of to me,
24 while that is helpful information, it is sort of
25 stepping into someone else's arena and that may be

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2 information for us in having an understanding, but it
3 is also -- a lot of that is still being sort of
4 worked through, and processed, and may come in some
5 fashion through other means and mechanisms, and we
6 need to kind of be cognizant of that.

7 And so the draft order, in many
8 aspects seems to sort of try to put closure on things
9 that I worry that it locks us in too much. Or at the
10 same time, there are aspects of it where it says, we
11 will be waiting for the Climate Action Council to
12 deal with and we see this in -- also in the other
13 items too, with like, for example, R&G, and hydrogen.
14 And I do believe that we have an ability to get under
15 the hood of a lot of those issues on our own, and we
16 should.

17 So I do appreciate the diligence. I
18 appreciate the continuing dialogue. I really think
19 it's important for us as a Commission to work with
20 each other, as well as Staff in a way that helps us
21 be much more thoughtful as a Commission as a whole on
22 what we want to see next, and I look forward to that,
23 so thank you.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner Burman. Commissioner Alesi, any

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2 comments?

3 COMMISSIONER ALESI: Chairman, I have
4 nothing to add, I'll be supporting the issue. Thank
5 you.

6 CHAIR CHRISTIAN: Thank you,
7 Commissioner. Commissioner Edwards, do you have
8 anything to say?

9 COMMISSIONER EDWARDS: I just -- I
10 just have a question on --within the orders it speaks
11 to the -- on page seventeen specifically about the
12 Climate Justice Working Group as it relates to the
13 disadvantaged communities.

14 So does anyone know how they get
15 appointed, the Climate Justice Working Group?

16 MS. WALDORF: Sure.

17 COMMISSIONER EDWARDS: Jessica, do you
18 know?

19 MS. WALDORF: Commissioner Edwards,
20 I'm actually going to turn this over to Peggie to
21 respond to that one.

22 COMMISSIONER EDWARDS: Okay. Great.
23 Thank you.

24 MS. NEVILLE: Good morning,
25 Commissioner. Yes, so the Climate Justice Working

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2 Group, as you referenced in the draft order, and I
3 believe Jessica Waldorf has been active. I believe,
4 it was formed back in 2020.

5 We'll have to get back to you on
6 specific details about the process but what I can
7 tell you is that the statute itself identified the
8 types of representatives that should be on the
9 Climate Justice Working Group.

10 And those were representatives of
11 communities of color, communities of low income, as
12 well as communities disproportionately impacted by
13 climate change. Also, representatives from
14 organizations that have a history of advocacy on
15 environmental justice issues.

16 I believe the statute also
17 specifically required that the composition of the
18 working group included three representatives from the
19 New York City communities, three from Upstate urban
20 communities, as well as three from rural communities.

21 So there was some guidance provided
22 within the statute. I don't believe it specifically
23 spoke to the process, and so that's what I'd like to
24 follow up on with our colleagues at the Department of
25 Environmental Conservation on other details there,

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2 but that's what I can share with you as far as the
3 composition as it stands today.

4 COMMISSIONER EDWARDS: Okay. Thank
5 you. Because the -- that is a very powerful group,
6 as in the Climate Justice Action Council, all the
7 working groups are on there. And again, they -- it
8 specifically says that they are working on investment
9 and direct resources, housing, workforce development,
10 pollution reduction, low income energy assistance,
11 transportation, and economic development.

12 Our concern is that when I look at the
13 disadvantaged communities, it does represent all
14 regions, but the working group does not. So the
15 working group, you outlined it correctly as to the
16 three members from New York City, three from the
17 rural communities and three from urban communities in
18 Upstate New York. It does not include suburban
19 communities. It does not include anyone from Long
20 Island.

21 So I'm particularly interested in how
22 that came about, what the statute is, what their
23 responsibilities are, and then taking a look at all
24 of those different working groups because the other
25 one that piqued my interest was the Just Transition

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2 Working Group as well.

3 But I'd like to know more about, you
4 know, as a follow up, our relationship between the
5 working groups, the Council, and this particular
6 order. And if we could not only do that but more
7 about the tracking and representation, tracking more
8 than annual, because I just think that, you know, the
9 jurisdiction for the C.L.C.P.A. is Statewide, but it
10 just doesn't look like that the representatives that
11 are on the working groups are represented Statewide.
12 So if you could get back to me, I would appreciate
13 that.

14 MS. NEVILLE: Yes, certainly. Thank
15 you.

16 COMMISSIONER EDWARDS: Okay. Thank
17 you. That's all I have, Chair.

18 CHAIR CHRISTIAN: Thank you,
19 Commissioner. Commissioner Howard.

20 COMMISSIONER HOWARD: Thank you, Mr.
21 Chairman. I'm going to be supporting this for one
22 reason, one overarching reason. I am hopeful, and
23 I'm counting on you, Mr. Chairman and Staff, that we
24 do an actual accounting of what things cost people.

25 And in a corollary to that is what

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2 these new costs will mean to our broader economic
3 competitiveness in each region of New York State,
4 which is -- which is very diverse and very, very,
5 very different. And to that, I do applaud you for --
6 for moving ahead with this.

7 However, I just want to go on the
8 record, there is one aspect of this order that I do
9 not agree with, is the locking in of the volumetric
10 load share ratio for paying for renewables and
11 associated transmission projects.

12 I don't believe that's a -- it may be
13 somewhat of a divergence from my previous positions,
14 but I don't currently believe it is a fair and
15 adequate way to do things. I understand it's an easy
16 accounting mechanism, but I don't think it really
17 gets to the point.

18 And at this point, I want to say
19 because it's been discussed, particularly in other
20 things, and in the press, this issue of -- and it
21 came up last month, this issue of the two grids. You
22 know, that we have an Upstate grid, which is largely
23 zero emission, way over 90 percent and we have a
24 Downstate grid that is in the same proportion, a
25 fossil based grid.

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2 At no time, during the debate on the
3 C.L.C.P.A. or subsequently have it -- we made it
4 clear to all New Yorkers that the State of New York
5 wants the zero emission people to help subsidize at a
6 greater level, the high emission people. That just
7 has not been discussed. My guess, my belief is, had
8 it been transparent at the front end, we may be in a
9 very different spot than we are today.

10 But again, I think that is very
11 cognizant of this is that, and particularly the
12 continued vulnerability of the Upstate economy. Our
13 entire State's economy is shaky in its foundations,
14 but I believe the upstate economy is -- is shakier.

15 You know, it's one thing that's also
16 occurred to me and particularly it is in relate to
17 the powers of this Commission. And I'm going to use
18 the phrase the taxing powers of this Commission
19 because the legislature, either through its silence,
20 or total lack of action, has given this Commission
21 nearly the exclusive responsibility to reach into New
22 York pock -- New Yorkers' pockets to pay for the
23 C.L.C.P.A. mandates.

24 Nobody else. There is no general
25 revenue associated with this, and that we are doing

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2 it every day. And we're going to do it sometimes
3 later in this session.

4 Again, and I will almost assure you
5 the same authors and proponents of the C.L.C.P.A. in
6 the legislature, when they see the actual bill
7 impacts and rate impacts of the measures that we will
8 be forced to do in the absence of their action, they
9 will -- we'll be highly criticized. We'll be highly
10 criticized because currently, we're the only guys in
11 town literally, who will pay for these, these
12 actions.

13 And again, to the extent that this
14 proceeding provides the real transparent costs to New
15 Yorkers, independent of a benefit analysis, which I
16 believe is critical, but we've got to know the cost
17 cold and Mr. Chairman, as I said, when I was a member
18 of the Climate Action Council, and I've said through
19 here the total obfuscation of the cost issue, through
20 the C.L.C.P.A. from when it was passed, the formation
21 of the Climate Action Council, the working groups,
22 and then the subsequent scoping plan falls far, far
23 short.

24 I believe it's totally obfuscated the
25 actual cost to New Yorkers. And I think if New

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2 Yorkers knew that they would have a different opinion
3 on the outcomes.

4 I also have to note that the
5 legislature is currently holding a hearing as we
6 speak, on the issue of building electrification and I
7 have serious doubts that the actual cost and who
8 ought to pay for those programs will be discussed
9 this morning.

10 Again, it is -- again, if the
11 legislature does not want to pay for it, I hope my
12 colleagues on this Commission understand that
13 responsibility falls to us exclusively, to the tune
14 of hundreds, not a couple, hundreds of billions of
15 dollars and it is an awesome responsibility, and that
16 we got through statute and by default.

17 But with that, I do appreciate the
18 Staff's work on this. And by the way, the Staff's
19 work on this, we're at the toe of this curve. The
20 work gets much more complicated and to fulfill the
21 mandate, I believe that the Chairman, and I certainly
22 concur with this, to the amount of clarity that we
23 need to provide to cut through this fog that is
24 created by, I believe, a totally unworkable program
25 that the 22-member Climate Action Council and

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2 subsequent subcommittees. It is almost a Rube
3 Goldberg way to make public policy.

4 And again, it is very easy not to be
5 able to tell New Yorkers what's really going on. And
6 to that extent, I concur with Commissioner Burman,
7 that we have a lot of proceedings, a lot of
8 proceedings that overlap and intertwine, and that
9 maybe through this thing, that maybe our own agenda
10 and proceedings, we show sort of how to combine,
11 streamline, and I'll rely on our august counsels to
12 figure out what can we do to make that easier, more
13 transparent, and actually easier for stakeholders to
14 participate in each one of our proceedings.

15 So to that end, I will be supporting
16 this. I do look forward to this. But again, the
17 more honest we are, the happier I'm going to be, so
18 thank you.

19 CHAIR CHRISTIAN: Commissioner
20 Valesky.

21 COMMISSIONER VALESKY: Thank you,
22 Chair Christian. I'm going to actually pick up where
23 Commissioner Howard left off, and perhaps it's to our
24 august General Counsel in the room. But Commissioner
25 Burman referred to it as well. I'm going to support

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2 this order from certainly a clearinghouse of
3 C.L.C.P.A. items is really, really important.

4 But in terms of the day-to-day or
5 month-to-month business that we conduct, will we have
6 -- I'll use today's agenda. So on the consent
7 agenda, I guess, I'll address this to you, Mr.
8 Rosenthal. So on the consent agenda, we have at
9 least two items coming up. I think they're numbers
10 375 and 380, that have to do with cost allocation.

11 Will we have a way in future sessions,
12 assuming this order is adopted, will there be a
13 mechanical way, let's say, in June's session when
14 various proceedings come before us in this new --
15 that has to do with the C.L.C.P.A. in light of this
16 order, draft order, assuming it is approved, that
17 will clearly identify not only for us as
18 Commissioners, but to Commissioner Burman's point to
19 the general public and her usage of 15-E-0302 to be
20 precise.

21 But to make it clear to -- to -- to
22 all of us that these are items that we will be
23 considering that have a C.L.C.P.A. impact and somehow
24 fit under the construct of this order.

25 MR. ROSENTHAL: So that -- that's the

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2 goal. I mean, the purpose of -- of this order was to
3 create a clearinghouse and -- and just the order
4 itself, just so you know, the C.L.C.P.A. has a
5 provision, and it's 66-P3. And it requires the
6 Commission by July 1st, 2024 and every 2 years
7 thereafter, to do a bunch of things, one of which is
8 to identify progress of meeting the C.L.C.P.A.
9 targets.

10 I think one that addresses the issue
11 that you're all raising right now. But it also
12 requires that the Commission has to provide an
13 understanding of the annual funding and commitments
14 of -- of commitments and expenditures made under the
15 C.L.C.P.A. So we're trying to get ahead of that is
16 what this order does.

17 COMMISSIONER VALESKY: Okay. I -- I
18 think that's really important. And -- and in any way
19 and every way that we can make it very clear going
20 forward, and perhaps I should address this -- the
21 suggestion directly to you, Chair Christian. So even
22 the technicality of the agendas that come before us
23 through some sort of notation, that this item in some
24 way, shape, or form has something to do with what
25 we're -- you know, what we're about to do today.

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2 I think that would be really, really
3 important. Again, not only for us but for the
4 general public as well. A couple of -- there are
5 certainly many components to this, the vast majority,
6 I do support, some I have concerns with, but I do
7 want to identify just two if I could.

8 The first one has to do -- and I'm
9 going to just take a few seconds to read into the
10 record from the order itself because I think it's
11 important. The first one speaks to Commissioner
12 Howard's quote, what things cost people is what
13 Commissioner Howard said earlier. So I'm just going
14 to read again from page 20, at least the version that
15 I'm reading from is page 20 of the order, which says,
16 the Commission has noted in many of its recent
17 decisions, and I would just add, certainly only a
18 month ago, specifically during Tier Four, I and many
19 Commissioners raised the issue of -- of -- of cost.

20 Commissioner has noted in many of its
21 recent decisions that there was a concern about the
22 impact the increased costs of C.L.C.P.A. investments
23 will have on ratepayers and maintaining energy
24 affordability. Since investments required to
25 implement the C.L.C.P.A. are becoming a significant

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2 driver of utility rate increases, it is critical for
3 D.P.S. Staff to provide the Commission and the public
4 with specific cost-based information to understand
5 the impact of these capital investments on ratepayers
6 as part of our core obligation to ensure just and
7 reasonable rates.

8 The Commission expects Staff to
9 continue to include detailed cost impacts of any new
10 C.L.C.P.A. investment projects and programs when
11 presenting such proposal to the Commission for
12 consideration and it goes on -- on from there.
13 That's really, really important. I just want to
14 underscore that for the record.

15 But one of the other items that I want
16 to just highlight and -- and ensure that it doesn't
17 get lost. The note -- notation of alternative fuels,
18 we're recognizing we the Commission that there may be
19 a need to use alternative and low carbon fuels such
20 as locally produced biomethane, green hydrogen and
21 others as a tool to reduce the carbon content of gas
22 as the State implements strategies for long-term
23 decarbonization and transition of the gas system.

24 I want to articulate that as a lead
25 into my -- my final point which has to do with the --

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2 with the Climate Action Council. I, in a former life
3 had an opportunity to -- to serve as a member of the
4 executive committee of the Climate Action Council
5 when it was just getting off the ground shortly after
6 the law itself took effect.

7 So I have a little bit of background
8 in terms of -- of the complexity of that process that
9 continues to play out. I am a little concerned and
10 picking up where Commissioner Burman shared earlier
11 that -- that we are in this order referring to a
12 draft Climate Action Plan, a draft plan that has now
13 seen at least 10, or 11, or 12 public hearings. In
14 fact, even today, I believe there's a public hearing.

15 A public comment period that continues
16 to remain open for a couple of weeks or so at some
17 point in June, I believe. And then at some point, as
18 we head toward January 1st, 2023, an actual vote on a
19 draft scoping plan. And I should say a draft scoping
20 plan that the last I checked actually had some
21 options for the public to consider. I think, three
22 different options in -- in particular.

23 So it's -- it's fair to say that
24 between now and January 1st, the plan as it exists
25 today is not going to be the plan that is -- well,

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2 it's not enacted into law because it's not a
3 legislature but adopted, I'll use the phrase I guess
4 would be adopted by the statutory deadline of January
5 1st, 2023.

6 The alternative fuels piece, I use
7 that both because I'm concerned about that and in --
8 in supportive of -- of that direction that the
9 Commission has given. But I also use that as an
10 example where I know that there's a fair amount of
11 controversy in the Climate Action Council process.

12 So I think it's important that this
13 order be flexible enough, and -- and I -- I -- I rely
14 on -- on the great work of all the Staff to be
15 flexible enough to both react to whatever that final
16 Climate Action Council scoping plan will be later
17 this year, but also firm enough so that it continues
18 to maintain the priorities of this Commission, which,
19 as we all know, has nothing to do with the Climate
20 Action Council with the exception of the Chair
21 holding dual role -- roles both here and -- and on
22 the Council.

23 So I -- I think that that could be a
24 delicate balance that has to be found. Only time
25 will tell because we don't know what the final plan

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2 is going to look like. So that would be my one
3 hesitation that you know we are to the degree we're
4 relying on assumptions of something that -- that may
5 not be final, I would just share that for the general
6 consideration as -- as we go forward. If you'd like
7 to share any thoughts -- would -- that would be
8 great.

9 MS. WALDORF: I would.

10 COMMISSIONER VALESKY: Sure.

11 MS. WALDORF: I would tell you that
12 Staff also shares that same concern. The -- but
13 there is a public dialogue playing out and we wanted
14 to make it clear that the work that we're seeking to
15 accomplish through this order, we're not seeking to
16 directly conflict with the work of that public body.

17 To the extent that recommendations get
18 incorporated into a final scoping plan, and those get
19 adopted into a resulting State energy plan. And
20 there are firm directives that are handed to the
21 Commission and the Department will certainly take
22 recommendations and incorporate that into whatever
23 our future processes are.

24 However, in this order, one of the
25 things that we're doing is we're working -- we're

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2 starting the process now with our utilities. We know
3 that there is this challenge ahead of us to
4 decarbonize the gas system. And we want to have this
5 joint process to think through what that really means
6 together, to bring in technical experts and really
7 evaluate what that means on a practical basis.

8 And also, what the cost impacts and
9 technical feasibility of actually achieving that look
10 like. So there is a reference to the draft scoping
11 plan in the section of the gas -- the gas section of
12 the draft order, but it was intentionally put in
13 there to call attention to the fact that we're not
14 looking to conflict with any actions at the State
15 level.

16 We recognize them and to the extent
17 that firm recommendations come out of that process
18 and get incorporated into future plans we'll
19 incorporate that into ours as well.

20 COMMISSIONER VALESKY: Okay. Thank
21 you very much. And again, I'll be supporting this
22 draft order. Thank you, Mr. Chair.

23 CHAIR CHRISTIAN: Thank you,
24 Commissioner. Commissioner Maggiore, do you have any
25 comments?

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2 COMMISSIONER MAGGIORE: I want to
3 thank Ms. Waldorf for her presentation and all the
4 Staff that worked on this. I think this is an item
5 that's going to have very long tail. It's an -- it's
6 an order that I'm going to refer to in the future as
7 we're evaluating other items.

8 Along those lines, I -- I have some
9 questions and comments that are relevant to this
10 plan, but are, I think, more on point in reference to
11 some of the other items on the agenda today. So I'm
12 going to reserve my specific questions and comments
13 for those items. Other than that, I also want to
14 acknowledge that I was -- Chair Christian, I was
15 pleased to hear your comments.

16 I think there was some -- there was
17 some -- you said some relevant things that are --
18 that are hopeful about how the whole of government
19 addresses some of the cost-related issues using this
20 order as a tool. So I think this is a very
21 significant order. And I'm going to be pleased to
22 support it today.

23 CHAIR CHRISTIAN: Okay. Thank you,
24 everyone. So that said, I'll -- I'll bring this to a
25 vote. So my vote is in favor of the order.

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2 Commissioner Burman, how do you vote?

3 COMMISSIONER BURMAN: I'm going to be
4 abstaining at this time. I do think it's a
5 appropriate proceeding to bring forward, but I would
6 like to be reflective and have more conversation.
7 Thank you.

8 CHAIR CHRISTIAN: Thank you.
9 Commissioner Alesi?

10 COMMISSIONER ALESI: I vote yes.

11 CHAIR CHRISTIAN: Thank you.

12 Commissioner Edwards?

13 COMMISSIONER EDWARDS: I'm voting in
14 favor.

15 CHAIR CHRISTIAN: Thank you.
16 Commissioner Howard?

17 COMMISSIONER HOWARD: Yes.

18 CHAIR CHRISTIAN: Thank you.

19 Commissioner Valesky?

20 COMMISSIONER VALESKY: Yes.

21 CHAIR CHRISTIAN: Thank you. And

22 Commissioner Maggiore?

23 COMMISSIONER MAGGIORE: Yes.

24 CHAIR CHRISTIAN: Thank you very much.

25 This item is approved, and the recommendations are

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2 adopted. Thank you.

3 MS. WALDORF: Thank you.

4 CHAIR CHRISTIAN: Okay, now that we've
5 done the musical chairs, we'll move to our second and
6 third items. First of the second -- the second item,
7 item 101 case 20-G-0131 related to the implementation
8 of gas system planning process. And it'll be
9 presented by Brandon Goodrich, welcome, with Chris
10 Stolicky.

11 And item 102 as it relates to the
12 natural gas moratorium and management process which
13 will be presented by Ken Sheehan and Chelsea
14 Laquitara. Aric Rider and Erin O'Dell Keller are
15 available for questions. Brandon, please begin.

16 MR. GOODRICH: Good morning Chair
17 Christian and Commissioners, can you hear me okay?

18 COMMISSIONER BURMAN: Yeah.

19 MR. GOODRICH: Thank you. My name is
20 Brandon Goodrich, and I'm the managing attorney for
21 the rate section in the Office of General Counsel.
22 I'm joined by Chris Stolicky, Chief of Gas Planning
23 and Reliability in the Office of Electric, Gas, and
24 Water. Ken Sheehan, special assistant in the Office
25 of General Counsel, and Chelsea Laquitara, Utility

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2 Consumer Program Specialist 3 in the Office of
3 Consumer Services.

4 We're here today to present two items
5 in case 20-G-0131, the gas planning proceeding.
6 Chris Stolicky and I will begin by presenting item
7 101, a draft order adopting a gas system long-term
8 planning process. Ken Sheehan and Chelsea Laquitarra
9 will then present the draft order adopting moratorium
10 management procedures.

11 To provide some background, at the
12 March 2020 session, the Commission issued its order
13 initiating the gas planning proceeding. Among other
14 things, that order directed Staff to propose a
15 modernized gas system planning process. The
16 Commission emphasized that the modern -- modernized
17 process must be transparent and enable alignment with
18 the State's policies.

19 Additionally, the order initiating
20 proceeding encouraged the use of non-pipe
21 alternatives to potentially reduce or eliminate the
22 need for gas infrastructure and investments, to
23 identify the need to explore methods of demand
24 response and peak reduction, and to recognize the
25 need to avoid or mitigate criteria pollutants.

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2 On February 12th, 2021, Staff
3 submitted a gas system planning process proposal,
4 which I will refer to as the planning proposal.
5 Staff held a stakeholder forum on March 25th, 2021,
6 at which stakeholders had the opportunity to ask
7 questions with Staff prior to submitting their
8 comments on the planning proposal.

9 Interested entities then had the
10 opportunity to provide written comments on May 3rd,
11 2021 and reply comments on June 4th, 2021. Finally,
12 virtual public statement hearings were held in May of
13 2021 as well. In developing the draft order before
14 you today, Staff reviewed hundreds of comments and
15 endeavored to incorporate those comments into the
16 planning process as appropriate.

17 Additionally, before turning to the
18 planning process itself, I note that since Staff
19 released the planning proposal, the Climate Action
20 Council released its draft scoping plan. As was just
21 discussed, we do note that it is just a draft of the
22 scoping plan and there's further process to follow on
23 that.

24 However, the draft scoping plan states
25 that emission reductions are needed from all sectors

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2 of the economy to achieve the goals and requirements
3 of the C.L.C.P.A. And while the C.L.C.P.A. does not
4 impose specific requirements on the State's gas
5 distribution system, rationally, meeting the
6 C.L.C.P.A.'s emissions reductions targets for the
7 entire economy will require emissions reductions from
8 the gas distribution system.

9 Further, the draft scoping plan
10 acknowledges that, "During the transition to the
11 decarbonized systems, some investments in traditional
12 infrastructure may still be necessary to maintain
13 reliability and safety for remaining fossil gas
14 customers. But greater scrutiny of such investments
15 is warranted to ensure that utilities do not
16 exacerbate the problem of stranded assets and make it
17 more expensive to fully decarbonize the fossil gas
18 sector."

19 The planning process set forth in the
20 draft order reflects the planning proposal with
21 modifications. Generally, the draft order creates a
22 planning process that ensures the Commission, Staff,
23 and stakeholders have the necessary information to
24 consider local gas distribution companies or L.D.C.s,
25 long-term plans and any alternative solutions, to

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2 ensure that New York's residents continue to have
3 safe, adequate, and reliable gas service as the State
4 reduces greenhouse gas emissions and transitions to
5 alternative energy sources.

6 Further, the planning process provides
7 a flexible framework through which the Commission can
8 address the work of the Climate Action Council and
9 other changes to the natural gas system that may
10 result from implementation of the C.L.C.P.A. The
11 draft order recommends applying the planning process
12 to the 11 largest L.D.C.s. That is Con Edison,
13 Orange and Rockland, National Grid's three operating
14 companies, Central Hudson, New York State Electric
15 and Gas, Rochester Gas and Electric, National Fuel
16 Gas, St. Lawrence, and Corning.

17 Each L.D.C. would be required to file
18 a full long-term plan approximately every 3 years,
19 and the filings would be staggered with approximately
20 one utility filing every 4 to 5 months. N.F.G. would
21 be the first to file in December of this year. And
22 in the years in between in L.D.C.'s long-term plan
23 filings, the L.D.C. would file an annual update.

24 The order initiating the gas planning
25 proceeding noted the need for the planning process to

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2 be transparent and open to stakeholder participation.
3 Many commenters echoed this goal. The planning
4 process set forth in the draft order provides
5 significant opportunities for stakeholder's
6 participation.

7 The planning process requires L.D.C.'s
8 to engage with stakeholders through a pre-filing
9 technical conference at which the subject L.D.C. can
10 provide background information on its system and
11 operations. And approximately 30 days after that the
12 L.D.C. would file its initial long-term plan.

13 From that point on, stakeholders would
14 have the opportunity to request information from the
15 L.D.C. There would also be multiple stakeholder
16 meetings which Staff would facilitate. Further,
17 stakeholders would have multiple opportunity --
18 sorry, multiple opportunities to provide comments on
19 the L.D.C.'s long-term plan.

20 Ultimately, the process would result
21 in the L.D.C. submitting the revised long-term plan.
22 And if stakeholders disagree with all or a portion of
23 that revised plan, stakeholders would have the
24 opportunity to explain their disagreement. The
25 Commission could then consider the L.D.C.'s revised

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2 long-term plan and any stakeholder disagreement, and
3 choose to adopt, reject, or modify in whole or in
4 part, the long-term plan.

5 The direct -- the draft order
6 recommends providing for Staff to select and hire a
7 consultant independent of the L.D.C. to assist in
8 reviewing the L.D.C.'s long-term plan and any
9 stakeholder proposals. Staff would issue a request
10 for proposals and select consultants based on the
11 weighting of those proposals, including the expertise
12 of consultant Staff, interviews, and costs.

13 While the consultant will work at the
14 direction of Staff, the subject L.D.C. would pay the
15 costs of the consultant and be permitted to defer
16 those costs with recovery addressed in a rate
17 proceeding. And Chris Stolicky will now address the
18 substantive requirements for the long-term plans and
19 next steps in the gas planning proceeding.

20 MR. STOLICKY: Thank you, Brandon.
21 Good morning, Chair, Commissioners. I will walk
22 through the elements of the long-term plans,
23 additional requirements in the order, and then
24 discuss future phases of the proceeding.

25 For the initial filings L.D.C.s will

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2 be required to incorporate a 20-year forecast in
3 natural gas demand, detailing the sources of any
4 growth, be they from new construction or conversions
5 from other heating fuels such as oil or propane.
6 Tied to the demand forecasts will be a supply
7 forecast.

8 Some L.D.C.s currently use peaking
9 assets or delivered services to meet demands. The
10 plans would include a justification supporting the
11 need for and reasonableness of these supply
12 solutions. The L.D.C.s will then be required to
13 develop scenarios that include various supply aspects
14 including one scenario which features a new
15 infrastructure -- sorry, a no new infrastructure, but
16 instead meets demand solely with programs such as
17 efficiency and demand response.

18 Additionally, L.D.C.s will be required
19 to identify the disadvantaged communities in their
20 service territories, explain the impacts of
21 disadvantaged communities of any proposed projects,
22 and explain how the L.D.C. will ensure that an
23 appropriate portion of the benefits of any proposed
24 N.P.A. such as energy efficiency, demand response,
25 and electrification access to disadvantage

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2 communities.

3 The plans will also include an N.P.A.
4 framework which includes a screening process and
5 consideration of removal of leak-prone pipe and
6 strategic planning. Along with the N.P.A. framework,
7 there would be a comparison of alternatives which
8 will include a benefit cost analysis, estimated bill
9 impacts, net present value calculations, and
10 emissions impacts.

11 As mentioned in Jessica Waldorf's
12 presentation, natural gas demand response programs
13 must be an important part of L.D.C. supply plans
14 going forward and should be increased to represent a
15 larger part of the supply solution. Jessica also
16 explained how the L.D.C.s will be required to include
17 greenhouse gas emissions inventory related to the
18 generic C.L.C.P.A. proceeding.

19 And L.D.C. long-term plans and annual
20 update should include reporting on their individual
21 greenhouse gas emissions and progress on reducing
22 them. In addition to adopting the planning process,
23 the draft order recognizes there's more work to be
24 done to inform decisions regarding the gas transition
25 and requires the following 3 next steps.

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2 First, the draft order recommends
3 instituting an avoided cost of gas working group.
4 This group would work within the existing benefit
5 cost framework to define certain elements of cost and
6 benefit that are specific to the natural gas
7 industry. Second, the draft order recommends
8 depreciation studies that estimate the cost of
9 different scenarios for depreciating gas plant should
10 be filed within 180 days.

11 Staff recommends that the studies
12 include a scenario that fully depreciates gas plant
13 by 2050, and also a scenario that includes continued
14 use of some gas plant after 2050 to recognize the
15 role for distribution of low carbon fuels such as
16 biomethane and hydrogen into the future.

17 Third, the draft order recommends an
18 effort focused on the cost of entitlements pursuing -
19 - pursuant to 16 N.Y.C.R.R. Part 230 also known as
20 the 100-foot rule. The L.D.C.s would be required to
21 report the cost of providing natural gas service
22 lines free of costs for new customers. Based on the
23 information provided, Staff would propose
24 modifications to 16 N.Y.C.R.R. Part 230, that balance
25 economic development interests with the need for

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2 greenhouse gas emissions reductions.

3 Additionally, the draft order also
4 recognizes that there is a need for future phases of
5 this proceeding to ensure it follows developments
6 related to C.L.C.P.A. Topics for future phases
7 include the role of hydrogen and biomethane as
8 alternative lower carbon fuel sources. Long-
9 term planning must consider the ability to serve hard
10 to electrify customers and may also mitigate parts of
11 the gas system from becoming stranded assets.

12 Second, rate design that can
13 contribute to demand response should be considered,
14 including the ending of rates that encourage the use
15 of more natural gas and the potential of developing
16 seasonal rates. Finally, the role of electrification
17 for space and water heating loads for residential and
18 commercial customers should be a consideration in the
19 natural gas transition.

20 I'd like to now turn it over to Ken
21 and Chelsea who will present item 102.

22 MR. SHEEHAN: Thank you, Chris. Good
23 morning, Chair and Commissioners. This is matter 102
24 of that same case, specifically, it is the draft
25 order adopting moratorium management procedures.

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2 This is a subset of the matter just presented by our
3 colleagues and flows from the original order
4 instituting proceeding on the natural gas issue.

5 Specifically, this order covers issue
6 5, standards governing moratorium. These issues have
7 been raised to the Commission through a number of
8 moratoria declared by natural gas companies in the
9 State. And this proceeding and proposed order
10 reflects the desire by the Commission to have future
11 moratoria if they occur, operate in a fair,
12 transparent, and equitable manner.

13 Specifically, the order constituting
14 proceedings set forth 4 issues that need to be
15 addressed, the declaration of a moratorium, treatment
16 of customers and applicants, communication standards,
17 and the practices of prioritization and lifting of a
18 moratorium. In response to the order, the joint
19 local distribution companies has provided a filing
20 that indicates -- that include a section on
21 moratorium procedures.

22 The J.L.D.C.s consists of Con Edison,
23 KEDNY, KEDLI, Niagara Mohawk, NYSEG, Rochester Gas
24 and Electric, National Fuel Gas, and Orange and
25 Rockland. This filing outlined their joint positions

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2 on 1) justification of declaring a moratorium, 2)
3 communications and customer engagement during the
4 moratorium, 3) reporting during and after the
5 moratorium, and 4) when to end the moratorium.

6 After receiving consideration of the
7 joint proposal, as well as submissions from St.
8 Lawrence, and -- St. Lawrence, and Corning Gas, Staff
9 issued its Staff proposal on February 12th, 2021.
10 The Staff proposal was designed to serve as a
11 framework for the declaration, operation, and lifting
12 of any moratorium called within the State.

13 The Staff proposal recommended each
14 L.D.C. develop metrics to be used for determining if
15 a moratorium needed to be called, comprehensive
16 communication plans, the development of a consumer
17 Bill of Rights, a filing to the Commission at least
18 two years in advance of requests of calling any
19 moratorium, and the issuance of requests for
20 proposals for non-pipe alternatives, no more than 60
21 days after the moratorium notice.

22 In addition, the Staff proposal called
23 for the official notice of moratorium to be filed
24 with the Commission at least 120 days before the
25 start of the moratorium. This notice would be a

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2 substantive and significant filing and would be
3 issued for comment pursuant to the State's
4 Administrative Procedures Act.

5 Once enacted, the Staff proposal
6 requires the development and keeping of a wait list
7 for service, development, and deployment of
8 moratorium management services, and no less than
9 semi-annual reporting to the Commission on
10 alternatives offered, wait list participation and
11 economic development issues addressed with programs
12 and ratepayer dollars used to address them.

13 Once an L.D.C. is ready to lift the
14 moratorium, the Staff proposal called for development
15 of a plan, including how success would be measured,
16 the use of metrics to show available gas supply and
17 service, and a filing to the Commission at least two
18 weeks before the lifting showing that safe and
19 adequate service can be provided.

20 With these considerations, Staff
21 issued its proposal for consideration and comment.
22 Comments were received from a number of entities all
23 of whom supported the moratorium process in general
24 and provided minor suggestions for changes or
25 additions. Based upon Staff's review of these

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2 comments, including from the J.L.D.C.s, Staff
3 proposes that the Commission adopt the Staff proposal
4 with a few minor modifications.

5 First, the J.L.D.C.s proposed a number
6 of indicia to use to determine design day supply-
7 demand imbalances. These proposals included
8 M.M.B.T.U. per day available for delivery, expected
9 equivalent number of typical new customers, and the
10 estimated years of growth a system could absorb.

11 As for indicia of deficiencies in
12 infrastructure, the criteria proposed included
13 pressures of distribution system lateral endpoints,
14 looking at minimum and average endpoint pressures as
15 a percentage of maximum allowable operating
16 pressures. Staff proposes adoption of these
17 criteria. The remainder of the issues center on
18 customer service and consumer protection and will be
19 addressed by Chelsea Laquitarra.

20 MS. LAQUITARA: Thank you, Ken. Good
21 morning, or good afternoon, Chair and Commissioners.
22 The remaining proposed requirements in the draft
23 order are primarily designed for consumer protection
24 and information.

25 The first includes the expressed

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2 requirement of a moratorium customer Bill of Rights.
3 While ideas were presented, the draft order would
4 have the Commission expressly require the J.L.D.C.s
5 to develop a standard Bill of Rights that provides at
6 a minimum, guarantees to customers that the utility
7 will provide information on the moratorium, the
8 timing, the availability of service, information on
9 alternatives, and the process for lifting the
10 moratorium.

11 The Bill of Rights will make clear
12 that there will be no cost to the consumer if the
13 consumer cancels a service request during a
14 moratorium. Third, documents will be translated into
15 different languages as required by the Home Energy
16 Fair Practices Act.

17 Finally, the Bill of Rights will
18 remind customers of their ability to file a complaint
19 against the utility with the Commission. This draft
20 Bill of Rights will be submitted for approval by the
21 Commission within 45 days of this order.

22 In light of the possible impact of a
23 moratorium both instituting and lifting on low and
24 moderate income customers and customers in areas
25 classified as disadvantaged communities, the draft

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2 order directs the gas utility to report on these
3 communities in terms of population numbers and gas
4 usage, as well as methods for allowing customers to
5 determine the availability of gas and for providing
6 the last 5 years' worth of customer applications,
7 service requests, and work requests.

8 In terms of customer outreach, the
9 draft order would require that within 6 months of
10 this order, each L.D.C. shall provide a draft public
11 communications plan to the Director of the Office of
12 Consumer Services. 45 days thereafter, the draft
13 order provides that each L.D.C. shall file a final
14 version of this comprehensive plan with the secretary
15 to the Commission and shall update this plan
16 annually.

17 As part of any actual notice of
18 moratorium, the L.D.C. shall provide the
19 communications plan that will be implemented.
20 Finally, the draft order directs the L.D.C.s to
21 include the training materials that will be used for
22 the utilities' customer service representatives as
23 part of their communications plan, and to file
24 updates no less than 120 days prior to the start of a
25 moratorium.

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2 With those details, Staff asks for the
3 Commission to adopt the proposed order. This
4 concludes our presentation and Staff is available for
5 questions. Thank you.

6 CHAIR CHRISTIAN: Thank you, everyone.
7 We'll do comments first and the -- the voting on both
8 items after. So I'll start with 101 and then 102.
9 You know while I appreciate all the work and, you
10 know, appreciative of the time taken to put all this
11 together. I want to thank you all for your efforts
12 in presenting this to us today.

13 You know, we asked 2 years ago -- this
14 Commission asked 2 years ago that you come forward
15 with a proposal for how we would modernize the gas
16 planning process. And we appreciate what you've
17 delivered on that. When the Commission originally
18 asked for this, we ask that you prioritize
19 transparency and have a focus on equity. And it's
20 clear that those things were a key consideration in
21 the plans that you put forward.

22 You've also attempted to maintain
23 consistency with the C.L.C.P.A. and future
24 expectations of that. And again, very much
25 appreciative of that outcome. You know, I think the

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2 key goal in all of this is to ensure that we learn
3 from the lessons of the past, we reduce confusion and
4 give customers, and utilities, and everyone involved
5 as much -- as much notice as possible in what actions
6 are coming.

7 We don't want to create a situation
8 where we are creating inequities or the appearance of
9 inequities. And I think what you have put forward
10 today definitely keeps that in mind. We also want to
11 make sure we don't incur any costly infrastructure,
12 unnecessarily build out infrastructure that may not
13 be utilized in the future.

14 Again, I think you do a really great
15 job of mapping that out. And then finally, with the
16 moratorium, you know, ultimately, I -- I think you've
17 taken into consideration key factors in past
18 moratoriums. And looking forward, we'll be better
19 positioned to take action as needed, should the need
20 arise. So I want to thank you all for your work,
21 putting these 2 orders together.

22 And with that, I'll go to Commissioner
23 Burman for any comments.

24 COMMISSIONER BURMAN: Thank you so
25 much. I know that in the first item today, we had

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2 inaugural Staffer presenting. And I know, I think
3 both Ken and Chelsea it's your first time presenting
4 as well. So welcome and I'm glad to see everyone
5 doing so well. I -- I really just have a couple of
6 thoughts.

7 As many of you know, I've been pretty
8 loud throughout my time as a Commissioner on gas
9 planning and gas moratorium issues since I came on
10 the Commission in 2013. And the need for us to
11 really do more and really get under the hood and
12 address the critical issues. So you know, it's --
13 it's important to me, I do think that our existing
14 planning processes are not adequate and need to be
15 improved.

16 I don't necessarily think that that is
17 a reflection of the utilities. I think -- frankly, I
18 think it's a, you know, a reflection of many factors.
19 And -- and I also don't think that's a reflection of
20 Staff. I think that for me, you know, our core
21 component, really our 3 prongs are the need for us to
22 be focused on reliability, affordability, and safety.

23 And the -- to the extent that we are
24 looking now carefully at long-term planning of the
25 gas system, I think that's appropriate. And so I am

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2 glad that we're finally sort of addressing this
3 proceeding. There's 2 issues here, though. And
4 actually there's 2 proceedings, there's the case that
5 came in in 2012, 12-G-0297. I want to address that
6 one first because one of the things that is of
7 concern to me is the closure of that.

8 Now, that closure of that is really
9 just a formality, because for all intents and
10 purposes, it's been dormant for many years. It does
11 get to the heart of our need to have finality when we
12 have generic proceedings open, and then we don't,
13 sort of, close them down and we leave it sort of
14 hanging out there for, you know, folks to not know
15 whether we're going to take them up or not.

16 But also, this proceeding, the other
17 one that's connected to this, which was opened in
18 2020; we just came to it now. And for me, it is
19 something that I've been saying that when we are
20 going to put items back on to hit the refresh button.

21 We do have to give parties an
22 opportunity, a notice in some fashion, even though
23 legally we don't have to, to say hey, and not just,
24 you know, putting it on the preliminary and then the
25 final agenda to say, you know, we're about to decide

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2 this, maybe it's just to at least talk about it at
3 session, and then make sure that their comments that
4 they may have submitted are still accurate and
5 reflective and update because there's a lot of things
6 that might be in the record that we're relying on for
7 our decision making and that does concern me.

8 Closing down the decision, or the case
9 in 20 -- that was opened in 2012 is not necessarily a
10 problem. The problem is, and this is where I have a
11 concern with it is that the rationale for the closure
12 in the order is, I think, not accurate. And the
13 other prong is that we are also asking the utilities
14 to put forward information as to the 100-foot rule on
15 the costs. And I'll explain.

16 In the order, we say that in June
17 2013, Staff released a proposal regarding the 100-
18 foot rule to clarify what facilities new natural gas
19 customers are entitled to pursuant to 16 N.Y.C.R.R.
20 Part 230 and asking L.D.C.s to provide information on
21 aspects of new gas customer attachments.

22 And then in the ensuing months, it
23 became clear that New York would be taking steps to
24 address climate change and reduce greenhouse gas
25 emissions, which would not include perpetuating the

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2 use of fossil fuels. I just think that categorically
3 that is not accurate in -- for 2 reasons.

4 1) That gets to my earlier comments in
5 the item before which is that that seems to be
6 presuming that we are downsizing the natural gas
7 system which may or may not be the case and we need
8 to be looking at that more holistically. But 2) in -
9 - a few months after June 2013 we were not at the
10 place of reducing or getting rid of fossil fuels. In
11 fact, as a Commission, and I think it's important to
12 sort of point out we had a whole host of things that
13 we, as a Commission, have been doing since then.

14 Many of New York P.S.C.'s rate plans
15 adopted for the major gas utilities in the State have
16 had neighborhood or network expansion programs that
17 require the gas utilities to develop plans for the
18 reasonable economic extension of gas service to
19 underserved applications and communities.

20 Programs were designed to eliminate
21 common barriers to conversion and provide financial
22 support to low-income customers to enable their full
23 participation. The gas utilities were asked to
24 identify areas for expansion and conversion and
25 aggregate rebate programs to encourage more

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2 conversions from dirtier fossil fuels to natural gas.

3 It was seen as a positive and it was
4 done to help reduce emissions and also to help enable
5 low-income customers and also to enable those who
6 didn't have access. For example, in 2016, so 3 years
7 after 2013, the P.S.C. approved Upstate, New York
8 State -- excuse me, NYSEG's community expansion pilot
9 program under which the company was to test a
10 community expansion approach that provided a fixed
11 surcharge quote for a project during the development
12 period for prospective projects, NYSEG was to develop
13 a fixed surcharge, "Based on a forecast of customers
14 that it anticipates would connect over a 10-year
15 surcharge period for the project."

16 Therefore, potential customers would
17 know the surcharge amount before committing to take
18 natural gas service and would have the option to pay
19 upfront or monthly. Ongoing they -- we also approved
20 a Community Development Fund pilot program for NYSEG
21 and RG&E to expand natural gas to communities where
22 either no approved gas -- gas franchise existed, or
23 where there is an existing approved franchise but no
24 gas main.

25 The fund was going to match funding

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2 provided by local, regional, and State agencies to
3 offset the capital costs incurred, to construct
4 natural gas infrastructure in a community. This was
5 a 2-year pilot program with a fund of 300,000 for
6 NYSEG and RG&E, both with a maximum matching fund
7 contribution of 100,000 per project.

8 Any unspent funds in a given year were
9 to carry forward to the next year throughout the
10 duration of the program. Any funds not spent when
11 the pilot program ended would be returned to
12 customers through a reconciliation mechanism. Then
13 in December 2016, the P.S.C. approved as part of a
14 rate plan settlement an expense allowance of 200,000
15 for Brooklyn Union Gas, D.B.A. National Grid to
16 support a customer conversion rebate program.

17 This allowance was to be used, among
18 other things for gas air conditioning projects, and
19 conversions to natural gas that required contribution
20 in aid of construction. Then we also allowed
21 National Grid, KEDLI, the New York P.S.C., a part of
22 the rate settlement approved, a conversion rebate
23 program providing \$1,000 rebate to new residential
24 customers who agreed and wanted to connect to the
25 distribution system along planned, main replacement

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2 routes.

3 This was focused on those who had
4 significantly higher number of residential customers
5 located near a gas main but were not connected to the
6 system. It was to help those folks who wanted it.
7 And then it goes on. So the reason I'm sharing this
8 is because these were customers who desired it.
9 There was a focus on why this was helpful not only to
10 those customers, but also helpful in looking at it
11 from rate impacts, as well as, reducing emissions.

12 And so when we made these decisions
13 and actions, it wasn't just a snapshot in time. It
14 also had some forward-looking projections on what
15 this would mean and would look like. So when we ask
16 now for decisions, you know, for the utilities to put
17 forward costs now, we also have to look back at what
18 it does mean to stop this program.

19 And we have to look at other things
20 not just, you know, one particular piece, but the
21 benefits that had been there in many of these things
22 that have been stopped. And also, some of the
23 information like, you know, there was neighborhood
24 programs I know, you know comes to mind, the
25 neighborhood expansion programs that were on Long

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2 Island and Roslyn in, you know, I'm thinking of
3 Roslyn.

4 And there's a whole host of -- of
5 communities that were invested in the 100-foot rule
6 because it was helpful to them. And it was helping
7 them get off, for many of those folks, oil, or
8 propane. And so it was, you know, something that I
9 think we just need to keep in mind. And that -- that
10 record by closing it, you're also taking away and not
11 having for it come back into this record some of
12 those very factual information that could be helpful
13 to have as a historical perspective continuing here
14 in this record including, I might add, information on
15 what came out of the technical conferences, including
16 the air emission reductions in New York City,
17 including NYSERDA support at the time for why the
18 100-foot rule and -- and -- and the gas expansion was
19 really, really important.

20 And so I just point that out, because
21 in a vacuum, and in trying to now sort of fit the
22 policy that's been changed, it actually misaligns for
23 what had been done, and what the rationale was then.
24 Now, it may change, but we should at least understand
25 it, and understand why it came into being, and what

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2 was helpful or not.

3 And then also, it's not a one size
4 fits all in this State. So there may be pockets of
5 areas, whether it's Upstate and parts of Upstate, you
6 know, and they dispute where Upstate is and Downstate
7 may be different. So there may be pockets that if we
8 have it that everybody's the same we may be actually
9 harming folks who need access to gas, and that 100-
10 foot rule is really going to be harmful if we take it
11 away.

12 So I -- I -- I just -- you know, I
13 just want to be very careful on that. All right, the
14 other thing is -- in here is I -- there is a focus on
15 stakeholder engagement, which I think is really
16 great. I think the more we can do on stakeholder
17 engagement, the better. However, I am concerned that
18 we have not carefully thought through what this looks
19 like.

20 We have seen the clunkiness of
21 stakeholder engagement that does not necessarily
22 think through how stakeholder engagement can be
23 effective in a way that is helpful. I want us to
24 make sure that we are providing an -- a -- a -- an
25 environment that is a collaborative environment that

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2 everyone feels they can -- they can work together and
3 it's -- the right boundaries are there.

4 There are certain technical aspects of
5 the long-term planning that may not be appropriate
6 for anyone but the technical experts to be working
7 on. Just like when we do the emergency response
8 plans, or the electrical -- electric plans and other
9 things, we don't necessarily have everybody, and
10 their mother involved in that.

11 And so I just want to make sure that
12 when we are looking at this, that there is a careful
13 evaluation of the scope of what aspects of it may
14 need to be in there. And the order does not
15 necessarily give those boundaries. And I think that
16 that's really something that we should think about.

17 And I don't think it was -- I don't
18 think it's -- I don't think the order prevents the
19 Staff from working with the utilities and others to
20 provide more guidance on what the more limited scope
21 might be, or more appropriate scope might be. Also,
22 as to the extent that the draft orders -- the draft
23 order in 101 talks about stakeholders having the
24 ability to ask for information. It also doesn't give
25 any guidance on what that is.

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2 Now, nobody would want me to be the
3 one to ask for information because as, you know, I'd
4 ask for 20 million things, right? So that may not be
5 appropriate. So you -- and we may never, as we see
6 it from session, we may never get out the door,
7 right? So we may need to have some scope again on
8 what appropriate information requests are just like
9 we do in our natural discovery.

10 And we may need to have an ability to,
11 as appropriate, and as reasonable and work with what
12 that looks like, and actually help in shaping what
13 that is. There's also in the order a very
14 prescriptive filing schedule on the order for the
15 utilities. I think that this is a learning process.
16 And to the extent that the utilities will be and it's
17 a different filing schedule that -- that had been
18 there before, to the extent that the utilities may
19 look at that filing schedule, and either find it
20 workable or not, for whatever, you know, reason.

21 To the extent that Staff and the
22 utilities come up with a different schedule, I
23 personally think that we should allow that
24 flexibility as it makes sense. And we should also
25 think about the need for that change because it

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2 shouldn't be so prescriptive on who goes first or who
3 goes second if it makes sense to change that order or
4 to change that timeline. That's just my 2 cents.

5 There's also again, another reference
6 to R.N.G. and hydrogen in there. I do believe that
7 to the extent that we should be leaning in a lot more
8 on our own rather than, you know, again, referring
9 back to the draft scoping plan and the Climate Action
10 Council. New York is differently situated than other
11 states, and that's in this case, not necessarily a
12 positive.

13 New York as to R.N.G. does seem to do
14 the accounting of it differently. And we may need to
15 -- and that may be unfairly -- unfair in terms of how
16 we're accounting for it from an emission's
17 perspective I don't know. I do think that we need to
18 be a lot more open to it and a lot more engagement on
19 it from a technical perspective, and also looking at
20 how to rectify some of those criticisms and
21 challenges in a way that gets us more further along
22 in a positive way.

23 The -- I also -- because here like in
24 -- in 10-, excuse me, 201, it talks about the draft
25 scoping plan. I do want to take a moment to

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2 recognize that -- first of all, I don't think I've
3 ever said how much I appreciate the work that the
4 Climate Action Council and all of the folks who have
5 been putting a lot of time to it -- have -- that I
6 appreciate that.

7 And I appreciate I've -- I've spent a
8 lot of time watching virtually, and I -- it's an
9 enormous task to do. So thank you for your efforts
10 as well. But the one thing that also is -- is -- is
11 confusing to me is, there are three statements that
12 were made -- written statements that were -- official
13 statements that were made by three of the members
14 that I thought were part of the draft scoping plan as
15 part of the vote of Dennis Eisenbach and then 2
16 others.

17 And those 3 statements, I thought were
18 really, really helpful. Substantively, it -- it --
19 it helped me -- it helped me understand some of the
20 issues that were in the draft scoping plan, some of
21 the challenges that had come from listening to the --
22 the -- the virtual meeting as well. And I couldn't
23 remember all the details of the statements. And then
24 I -- I looked, they're not in the draft scoping plan.
25 They're not part of the appendix.

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2 And they're not on the website for the
3 Climate Action Council. They may be embedded
4 somewhere maybe in the meeting minutes or something,
5 but you can't easily find them. And I think that's a
6 fail. So if -- if someone who happens to be
7 connected to the Climate Action Council could help to
8 put that up on the website, that would be really
9 helpful. So if you could take that back that would
10 be helpful.

11 Because I do think that that would --
12 that is helpful for us as well, because a lot of that
13 relates to some of the technical needs, as it relates
14 to us. As to the moratorium 102, I believe strongly
15 that we need to have standards and a process for the
16 moratorium. My concerns are the same that they've
17 been in many other that we have dealt with before.

18 We are not addressing the elephants in
19 the room. We are not addressing that the moratoriums
20 continue to exist. We are not addressing the
21 continued supply constraints. And we seem to not be
22 addressing that we have an obligation, even if it's
23 not directly in our jurisdiction to work, not just
24 watch, but to work to remedy it and work to not have
25 the moratoriums continue to exist.

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2 Having a procedure on how to end the
3 moratorium is not sufficient. When we know that we
4 have moratoriums that continue to exist, that have
5 been existing for years, it's like having a
6 proceeding that has been in place since 2012. And we
7 only end it after many years when nobody else cares
8 and it's pretty much dormant. It's unacceptable.

9 If it means that we need to figure it
10 out, we need to figure it out. It's not acceptable.
11 We can't keep saying -- well, it's -- we've just
12 dealt with this time and again, there's so many
13 different -- Lansing is the one I come to. Lansing
14 doesn't make sense. We addressed; we didn't allow it
15 in National Grid. But now we're setting up a system
16 where we're understanding, we know winter is coming,
17 we're going to have a problem. And what we're doing
18 is we're making it easier.

19 But we're also sending a message, and
20 multiple interveners says we're making it that much
21 easier and we're basically, in a sense, saying do it
22 faster and get out ahead and have the moratorium
23 notice. That may be helpful for giving notice, but
24 it still doesn't help in getting the moratoriums to
25 not happen.

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2 And we should be getting under the
3 hood more on what those issues are. And that means
4 addressing the elephant in the room and addressing
5 with our sister agency some of those challenges
6 today, not -- not waiting. It's too important and
7 it's back to what we care about, reliability,
8 affordability, and safety. We have a responsibility
9 to make that happen. Thank you.

10 CHAIR CHRISTIAN: Thank you,
11 Commissioner Burman. Commissioner Alesi, do you have
12 any comments?

13 COMMISSIONER ALESI: Thank you, Mr.
14 Chair, my colleagues. I think this proposal
15 recognizes that any moratorium had to be fair and
16 equitable and with that in mind, I'm pleased to see
17 that there is no attempt at this point, and I stress
18 at this point, to pursue a Statewide moratorium on
19 gas.

20 In my view such an effort would be
21 unfair with respective customers that are making
22 plans based on continued availability of natural gas.
23 And as of now, this plan meets the need for a
24 universal system. And I fully support it. And I
25 want to again, applaud the Staff for the tremendous

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2 effort.

3 I know I'm only touching on one aspect
4 of it, but it's one that's important to me, and I
5 stress that, so I'll voting, yes. Thank you.

6 CHAIR CHRISTIAN: Thank you,
7 Commissioner. Commissioner Edwards, do you have any
8 comments?

9 COMMISSIONER EDWARDS: I have no
10 comments. I want to thank the Staff for all their
11 hard work, especially on the moratorium. Good work,
12 thank you very much.

13 CHAIR CHRISTIAN: Thank you,
14 Commissioner. Commissioner Howard?

15 COMMISSIONER HOWARD: Thank you, Mr.
16 Chairman. As I had mentioned to you personally, I
17 believe this order while important may it be a bit
18 premature since we still have nine days of the
19 legislative session left, where there are a variety
20 of pending pieces of legislation that could have a
21 dramatic impact on this.

22 Particularly, I believe Commissioner
23 Alesi made passing reference to that. Every few
24 months, it seems there is no solid ground under our
25 feet regarding the issue of natural gas and the

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2 natural gas system and it's impacts on all levels.

3 And I don't know when we're going to
4 get some solid ground. To the extent that this
5 proceeding helps at least provide a roadmap to the
6 extent possible so we can have some multiyear
7 consciousness going forward about what natural gas
8 is. What it isn't New York State, who gets it, who
9 doesn't. And -- and the impacts thereof.

10 I have a couple of questions in regard
11 to the impacts that any municipalities' actions that
12 may have taken regarding the a -- a de facto
13 moratorium through statute of no new natural gas
14 hookups, first, for small customers, then potentially
15 large customers. How do we -- how will we deal with
16 that?

17 And for -- you know, for instance, for
18 me, like in New York City, right? We have a hard law
19 that says by a date certain the customers will not
20 get new service. How does that -- can anyone answer
21 the question, how that's going to play into this --
22 our analysis because that did not exist, when many of
23 these cases were -- were born.

24 MR. GOODRICH: So when you say when it
25 -- when it -- when it play -- how will that play into

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2 our analysis. Do you mean in the -- the planning
3 process for the utilities that would be affected?

4 COMMISSIONER HOWARD: Correct. And --
5 and particularly as it's relates to any potential
6 moratoria that exists. Well, the moratoria becomes I
7 believe, maybe moot if the government says no more
8 gas. I -- I just want to know if that is Staff's
9 conclusion as well.

10 MR. GOODRICH: I think, I know that
11 this has come up in -- in a number of recent rate
12 cases as well. And I -- I think that we've looked at
13 it from a couple of different perspectives,
14 recognizing that that it will change the trajectory
15 of -- of gas sales and -- and peak demand, but that
16 it is a little uncertain exactly what that impact
17 will be in the -- the next few years anyways.

18 As I'm not an expert on the New York
19 City law, but I believe it -- it does have a number
20 of exceptions and timeframes in it that that mean
21 that certain things might be necessary for -- to get
22 through the next couple of years that before those
23 changes might really take effect.

24 So I think that we have endeavored to
25 look at things and ensure that the gas systems

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2 affected are able to meet demand that may occur, but
3 also understanding that, that there will be impacts
4 going forward.

5 COMMISSIONER HOWARD: Thank you. On
6 the issue of accelerated depreciation and stranded
7 costs, can anybody give me what happens to customer
8 bills when we grant accelerated depreciation?

9 MR. GOODRICH: So I think that that is
10 the purpose of the studies that are -- that are being
11 asked for in the draft order, in order to look at
12 what the potential impacts of different scenarios of
13 accelerating depreciation may have on bills.

14 COMMISSIONER HOWARD: Well maybe --
15 maybe -- maybe not the specific, but the theoretical
16 impacts?

17 MR. GOODRICH: I think it's -- it's --
18 it's pretty straightforward that if you accelerate
19 depreciation, you're going to increase the
20 depreciation expense at present, or in the near
21 future. Though once it is depreciated, there will be
22 less depreciation expense at -- at later date.

23 COMMISSIONER HOWARD: So -- so we
24 could expect near term rate impacts if in fact, we
25 grant accelerated depreciation.

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2 MR. GOODRICH: Yes.

3 COMMISSIONER HOWARD: Thank you. The
4 next question I have is, is the issue of new large
5 takers. It's well known the State of New York is
6 soliciting a variety of new very large businesses,
7 particularly those involved in microelectronics and
8 the manufacturer of microchips, which are to use --
9 pardon the phrase, ginormous users of natural gas not
10 only for their current plants, but with the
11 expansions that we hope to do.

12 I just want to know, will we do some
13 analysis of gas is going away for little people, but
14 big people get to have new gas. And how does that
15 work? And then corollary to that is as the system,
16 we lose customers through electrification. What can
17 we guess is what that impact will be for the
18 remaining customers who are supporting the same gas
19 system, but with just fewer customers?

20 MR. STOLICKY: I think I can start
21 with the second question first. Laid out in -- in
22 the draft order the utilities are required to offer
23 or look at vari -- various scenarios over time and
24 the associated cost with those scenarios. So that
25 would include declining demand or increasing demand

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2 in the different alternatives to the traditional
3 natural gas system.

4 COMMISSIONER HOWARD: No, I got that,
5 but just again, back to the theoretical. Is it fair
6 to say, as we have fewer customers supporting a
7 relatively intact system, does that not infer that
8 those remaining customers will have to pay more to
9 support the entire system?

10 MR. STOLICKY: Those costs will be
11 laid out in the long-term plans, and they will be
12 subject to stakeholder comments throughout the
13 process.

14 COMMISSIONER HOWARD: I know this.
15 I'm asking for you to have some conclusionary
16 remarks. And I'm not going to hold you to them, just
17 still going on the theoretical.

18 MR. STOLICKY: Theoretically --

19 COMMISSIONER HOWARD: Just your basic
20 --

21 MR. STOLICKY: -- less customers,
22 same expenses, yes, it will cost more.

23 COMMISSIONER HOWARD: Got you. So in
24 the near term depending on how the State of New York
25 decides to go, that there -- and I do this in the

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2 period of no time in many, many decades have we
3 pointed to energy affordability across the board like
4 we are today.

5 MR. STOLICKY: Uh-huh.

6 COMMISSIONER HOWARD: So that these
7 issues that do will have potential, maybe very large
8 impacts on the issues of energy affordability. Is
9 that also fair to say, without the full impact of the
10 analysis yet?

11 MR. GOODRICH: I mean, I think that
12 that's something that -- that we are looking at and
13 that does need further review depending on how the
14 gas system -- how the use of the gas system develops
15 over the coming years, you could end up with a lot of
16 interplay between accelerated depreciation on some of
17 the assets.

18 Maybe portions of the gas system would
19 -- would continue to be used for -- for those sectors
20 that can't electrify and -- but maybe the way that
21 that gets done could be done in a way that that you
22 don't end up with the cost of the system today being
23 borne by that smaller subset of customers.

24 So it's -- I think there's a lot
25 that's just not known yet.

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2 COMMISSIONER HOWARD: Well, I'm
3 hopeful that in the -- this proceeding will lead us
4 to some more solid answers on these -- on these
5 subjects. The other thing I want to point out and it
6 was brought out at several sessions ago in regarding
7 -- you know, we used the -- the issue of large
8 customers get to vote with their feet or their entire
9 factory.

10 So if the issue becomes that we make
11 natural gas not a viable option for many large
12 takers, it would be naive to a fault to believe that
13 -- that those -- that economic activity will not use
14 natural gas somewhere else. And as we went through
15 recently and last week the State celebrated the
16 groundbreaking for the new Great Lakes Cheese
17 Facility in Cattaraugus County.

18 However, that was a perfect example,
19 that that customer, if it leaves the system, it was
20 going to take its gas load with it. And it's not
21 like they weren't going to process cheese without
22 natural gas. It was just whether they were going to
23 do with New York State or somewhere else.

24 So I think that we need to be
25 cognizant of that and that this issue -- and I will

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2 bring it -- and you've heard it several times
3 already. The issue of economic competitive needs to
4 be part of this analysis. If we make natural gas
5 burning particularly for industrial purposes not
6 possible, or if we want to develop 18 million square
7 feet of new office space in midtown Manhattan, how --
8 how are we going to -- what's the plan?

9 We seem that we may even have a plan
10 for how the buildings may be built and financed, but
11 we haven't told anybody yet how we're going to heat
12 them. And I think that will need to be part of this
13 analysis as well is how we fit the issue of
14 electrification and/or lack of gas for these very
15 large either industrial facilities and/or large real
16 estate developments.

17 So I think that will need -- I would
18 suggest that there is a critical component of this
19 undertaking. Again, Mr. Chairman, thank you for
20 bringing this. I hope we don't have to revisit this
21 in a couple of weeks because the law changed. But
22 until that happens, I will be supporting this.

23 CHAIR CHRISTIAN: All right. Thank
24 you, Commissioner. And Commissioner Burman, I
25 believe you say you had a question?

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2 COMMISSIONER BURMAN: Yeah. I just
3 have actually a question and -- and a comment. First
4 of all, thank you, Commissioner Howard, because I --
5 I think you raised a lot of really good comments and
6 questions. So we're talking about costs here, and --
7 and how this gets borne out.

8 And it really trips into a lot on the
9 201 item and the gas transition. How much of this is
10 going to get allocated into the C.L.C.P.A. costs
11 versus the gas planning costs? Because I'd like to
12 see us tracking the gas planning stuff under the
13 C.L.C.P.A. cost as well, because so much of it is
14 being done in some ways because of that.

15 So I don't want us to somehow be
16 looking at it as, well, it's not really that much,
17 because we're doing long-term planning and that's not
18 C.L.C.P.A. related costs. But it is because a lot of
19 what they're doing may have to be done because it's
20 being done related to the C.L.C.P.A.

21 So I just wonder how we're factoring
22 that in. And -- and will that get tracked in the
23 clearing house?

24 MR. GOODRICH: Which costs are you
25 talking about here?

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2 CHAIR CHRISTIAN: Well, hold on one
3 second. I think that may be a question we will have
4 to address through the C.L.C.P.A. and that those
5 members aren't here right now. So why don't we table
6 that for further discussion, because I don't think we
7 have the right people --

8 COMMISSIONER BURMAN: Okay.

9 CHAIR CHRISTIAN: -- to answer that
10 question right now.

11 COMMISSIONER BURMAN: All right.
12 That's fine. Thank you. And then the other issue
13 is, it does remind me that we had last session talked
14 about needing information from Empire State
15 Development on our economic development projects and
16 as it relates to all of this follows up from
17 Commissioner Howard, so thank you.

18 CHAIR CHRISTIAN: Thank you, everyone.
19 Thank you. Commissioner Valesky?

20 COMMISSIONER VALESKY: No questions or
21 comments. Thank you.

22 CHAIR CHRISTIAN: Thank you.
23 Commissioner Maggiore?

24 COMMISSIONER MAGGIORE: Thank you. I
25 have a few questions and it did give us some of the

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2 other comments I'm going to just change a few but may
3 change the order in which I'm asking them. Let me
4 ask first, I -- I know Jessica Waldorf formerly said
5 during her presentation that this C.L.C.P.A. order
6 was not in conflict with these orders.

7 But let me ask you, do you foresee
8 tensions between these items and specifically, you
9 know, 20-G-0131. But really both of them, do you
10 foresee tensions between these items and C.L.C.P. --
11 C.L.C.P.A. order we just approved.

12 MR. GOODRICH: I don't. The two
13 orders are well aligned and we're looking at the
14 greenhouse gas emissions reduction pathway study in
15 the C.L.C.P.A. order that will help to inform the
16 long-term plans the utilities will be filing under
17 the gas planning process.

18 We do require that the utilities
19 provide the greenhouse gas emissions impacts of their
20 proposals under the gas planning process that we will
21 be able to evaluate those and provide -- provide that
22 information to the Commission.

23 COMMISSIONER MAGGIORE: Okay. Thank
24 you. My second question is in requiring utilities to
25 file plans assuming different scenarios including the

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2 no-infrastructure option as you explained. Are we
3 inviting them to game the system and use the multiple
4 scenarios as a way of making the case against the no-
5 infrastructure option?

6 MR. STOLICKY: I'll take that one. So
7 that -- that is a good question. And -- and I will
8 tell you that we believe that including the
9 alternative scenarios, you know it is important to
10 ensuring we maintain the safety and liability of the
11 system. To Commissioner Burman's comments earlier
12 under the previous items.

13 You know, there's a lot of technical
14 aspects in this planning. And this process lays out
15 an opportunity for stakeholders and all -- everyone
16 as a group to become more educated on the technical
17 aspects of the system and work through the
18 requirements that are needed. You know, I'll point
19 out that -- that yes, there is a requirement that the
20 utilities, the L.D.C.s include no infrastructure
21 option.

22 And it does give them the opportunity
23 to assert that that option is not feasible. But I
24 want to note that if L.D.C. chooses to assert that we
25 expect Staff to select a consultant and all

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2 stakeholders to vigorously go through those
3 assertions, and -- and -- and as well as the entirety
4 of the rest of the L.D.C.'s long-term plan.

5 COMMISSIONER MAGGIORE: Okay. Thank
6 you. I just have one more question. And -- and I
7 feel like given some of the other comments that have
8 been made today by my colleagues I just want to just
9 add a little context as to why I'm asking this.

10 You know, Commissioner Burman had
11 referenced the -- the -- the draft scoping plan
12 coming out of the Climate Action Council as
13 referencing the actual downsizing of the natural gas
14 system. And I do -- you know, with -- with that in
15 mind I do think there is -- there is a reasonable
16 inference that these -- these scoping plans headed in
17 that direction.

18 And so -- so with that in mind, I -- I
19 would ask so why are we allowing for the possibility
20 of the expansion of natural gas customers and natural
21 gas usage. Isn't that in contrast to the C.L.C.P.A.
22 goals, either as expressed by the law or expressed by
23 the draft scoping plan with the Climate Action
24 Council?

25 MR. GOODRICH: So Commissioner

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2 Maggiore, I would note that we aren't encouraging the
3 expansion of natural gas customers or natural gas
4 usage. But the order -- and the order seeks to
5 expand on efforts today in utility rate cases to
6 minimize and potentially eliminate new gas
7 infrastructure investments and new usage, if
8 possible.

9 And -- and also while maintaining the
10 safe and reliable service that the utilities have
11 been providing to their customers. And right now, it
12 is important to note that there are existing
13 statutory and regulatory requirements that do require
14 that utilities provide service to applicants.

15 There are specific ones in Public
16 Service Law in Sections 31, that apply to applicants
17 -- applications for service from residential
18 customers and there are also requirements in the
19 Transportation Corporations Law in Section 12 of that
20 law, that apply to applicants for nonresidential
21 service.

22 And with those statutory requirements,
23 the utilities when they receive a request as long as
24 they have the gas available to serve them, are
25 required to provide service and the -- the planning

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2 process that we've set forth in the draft order,
3 while encouraging utilities to lower emissions and
4 lower gas usage, it does set forth a process through
5 which we can ensure that to the -- that the utilities
6 can continue to provide the customers that they do
7 have and the customers that they are required to
8 serve with safe and adequate service.

9 COMMISSIONER MAGGIORE: Okay. Thank
10 you. I -- I -- you know, I -- I think that that
11 those answers are -- they satisfy me. I do and --
12 and also, you know, I don't want to pass the
13 opportunity of thanking you for your presentation and
14 commending the Staff's work on these important items.
15 I -- you know, I do want to note that it is -- you
16 know, I think we are doing -- we are making a good
17 faith -- faith effort to, you know, thread the needle
18 on it.

19 It is certainly possible that the fact
20 that Commissioner Howard alluded to the -- the
21 legislature still in session and the law might
22 change. But I -- I also think that we could foresee
23 the possibility that the scoping plan that comes out
24 of the Climate Action Council could create tensions
25 that might not exist yet.

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2 But I just -- you know, there's a --
3 there's a few different sentences in that draft
4 scoping plan that sort of stand out as potentially
5 being sources of conflict and I'll just -- I'll just
6 read one, heading for 2050, the State will need
7 market solutions to better align with 100 percent
8 emission free requirements.

9 Allow for a rapid transition away from
10 fossil fuel generation and maintain reliability and
11 affordability. So that that -- that idea takes into
12 account our mandate to maintain reliability and
13 affordability, but also envisions a transition away
14 from fossil fuel generation, which I think in the
15 context of the rest of the report is, you know, I --
16 I would read as a transition away from fossil fuel
17 use.

18 So I'm mentioning this now because you
19 know, as Commissioner Howard said, the legislature
20 still in session. I think Commissioner Valesky
21 mentioned that the Climate Action Council still
22 taking input on -- on the scoping plan and I -- you
23 know, in a -- in a sense, this -- this policy that
24 we're voting on today is in fact feedback for the
25 Climate Action Council and the legislature.

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2 So I -- you know, I want to thank you
3 for your -- your work on this. I'm very comfortable
4 voting for it. But the ball is in play. So thank
5 you very much.

6 CHAIR CHRISTIAN: All right. Thank
7 you, Commissioner Maggiore. Okay. With that, I'll
8 bring the two items to vote. I'll start with a vote
9 specific to Item 101. My vote is in favor of the
10 recommendations to adopt. Commissioner Burman, how
11 do you vote?

12 COMMISSIONER BURMAN: I concur in part
13 and dissent in part.

14 CHAIR CHRISTIAN: Commissioner Alesi,
15 how do you vote?

16 COMMISSIONER ALESI: I vote, yes.

17 CHAIR CHRISTIAN: Commissioner
18 Edwards, how do you vote?

19 COMMISSIONER EDWARDS: Yes.

20 CHAIR CHRISTIAN: Commissioner Howard,
21 how do you vote?

22 COMMISSIONER HOWARD: Yes.

23 CHAIR CHRISTIAN: Commissioner
24 Valesky, how do you vote?

25 COMMISSIONER VALESKY: Yes.

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2 CHAIR CHRISTIAN: Commissioner

3 Maggiore?

4 COMMISSIONER MAGGIORE: Yes.

5 CHAIR CHRISTIAN: Okay. The item is
6 approved. And the recommendations are adopted. All
7 right. I'll go to call for a vote for item 102. My
8 vote is in favor. Commissioner Burman?

9 COMMISSIONER BURMAN: I concur in part
10 and dissent in part.

11 CHAIR CHRISTIAN: Commissioner Alesi?

12 COMMISSIONER ALESI: Yes.

13 CHAIR CHRISTIAN: Commissioner

14 Edwards?

15 COMMISSIONER EDWARDS: Yes.

16 CHAIR CHRISTIAN: Commissioner Howard?

17 COMMISSIONER HOWARD: Yes.

18 CHAIR CHRISTIAN: Valesky?

19 COMMISSIONER VALESKY: Yes.

20 CHAIR CHRISTIAN: Commissioner

21 Maggiore?

22 COMMISSIONER MAGGIORE: Yes.

23 CHAIR CHRISTIAN: Okay. The item is
24 approved, and the recommendations are adopted. Thank
25 you. Thank you, everyone. Okay. With that, I hear

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2 there's a call for a small recess. Looking at my
3 watch, it is 12:53. Why don't we return at 1:03 and
4 we'll reconvene at that time. Thank you.

5 (Off the record)

6 (On the record)

7 CHAIR CHRISTIAN: I believe we've all
8 returned, alright. So let's -- let's begin. Our
9 next item, our fourth item for today is item 301 case
10 22-E-0139 related to the report on electric system
11 preparations for the upcoming summer.

12 Today with us presenting will be
13 Richard Quimby, Andrew Timbrook, and Maribel Rivera.
14 In addition, we'll also have Paul Darmetko, Erin
15 O'Dell Keller available for questions. Richard,
16 please begin.

17 MR. QUIMBY: Thank you. Good morning
18 Chair Christian and Commissioners. My name is
19 Richard Quimby. I'm the Power System Operations
20 Specialist 4 in the Electric Safety and Reliability
21 Section in the Office of Electric, Gas and -- Gas and
22 Water.

23 Today we will be briefing you on the
24 State's electric transmission and distribution system
25 summer preparedness for 2022. Slide three please.

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2 Each spring staff conducts -- Good morning Chair
3 Christian and Commissioners. My name is Richard
4 Quimby, I'm a Power Systems Operations Specialist 4
5 in the Electric Safety and Reliability Section with
6 the Office of Gas -- Electric, Gas and Water.

7 Today we will be briefing you on the
8 State's electric transmission and distribution system
9 summer preparedness for 2022. Slide three please.
10 Each spring summer conduct -- staff conducts its
11 annual review of the electric system and utility
12 preparedness to meet the summer peak operating
13 conditions for New York.

14 This review focuses on electric system
15 reliability and is part of our normal course of
16 business at the Department and it's a high priority
17 review. Peak summer operating conditions are often
18 when the electric system can be the most stressed.

19 And we look to each of the utilities
20 and to the NYISO for assistance that we are -- and
21 assurances that we are prepared to meet New York
22 customers' needs for the upcoming season. This
23 review consists of an assessment of the New York
24 I.S.O. projections, their forecasts, and their supply
25 resource availability.

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2 Additionally, staff issues its annual
3 summer preparedness survey to each of the utilities
4 and reviews their responses as well as conducts
5 interviews with each utility to discuss planned and
6 completed system, reinforcements, spare equipment
7 inventories and confirm that they will reliably meet
8 customer demands for the summer operating period.

9 Through these surveys -- through these
10 surveys and interviews we find that each of the
11 utilities have completed or will complete all major
12 planned reinforcements, inspections, and repairs
13 prior to the start of the summer operating season and
14 have adequate spare equipment on hand to meet
15 unforeseen circumstances or system events.

16 Based on staffs review and assessment
17 of utility data, meetings with each of the individual
18 utilities and the NYISO we find that the State's
19 electric transmission and distribution systems are
20 prepared to meet reliability -- meet the forecasts
21 for 2022 summer electric demands. Next slide please.

22 Now we take a look at the forecast
23 load compared with supply resources for the upcoming
24 summer. This chart shows the historic actuals and
25 the forecasted Statewide peak demand as projected by

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2 the New York I.S.O.

3 The lower, brown-colored line shows
4 the 2022 peak load forecasts over the next 10 years.
5 This summer's peak load forecast is consistent with
6 what we have seen over the past several years. And
7 NYISO's baseline forecast projects the Statewide peak
8 demand for 2022 of 31,765 megawatts.

9 Looking out over the next 10 years the
10 peak load forecast remains practically flat. The
11 flattening of the peak growth, load growth or rate
12 can be attributed primarily to the positive effects
13 to the State's energy programs and to the underlying
14 forecasted at the now econometric growth rates.

15 It should be noted that embedded in
16 this demand forecast are any anticipated impacts, the
17 ongoing COVID pandemic on electric usage throughout
18 the State. Next slide please. Corresponding to the
19 previous graph, this chart shows the forecast impacts
20 of the contribution of energy efficiency and
21 distributed generation towards reducing peak demands.

22 The blue bars represent the forecast
23 energy efficiency impacts, and the red bars represent
24 the impacts of distributed generation. By the year
25 2020 -- '32 the combined effects of these programs is

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2 projected to help lower the peak demand by over 6400
3 megawatts. Next slide please.

4 Here we present the expected available
5 resource capability for 2022. Installed generating
6 capacity for 2022 totals 37,537 megawatts. A
7 decrease of 3,365 megawatts from 2021, the decrease
8 in generating capacity can be primarily attributed to
9 small generator deactivation and de-rating some
10 possible generators.

11 Combining the installed generation cap
12 -- capacity with projected demand response and
13 special case resources as well as net per purchase
14 imports provides New York with a total of 41,049
15 megawatts worth of capacity and resources for 2022.

16 The 378 megawatt increase in net firm
17 purchase imports from 2021 is simply the markets way
18 of economically procuring the necessary capacity
19 needed to reliably serve a forecast peak load in New
20 York. Next slide please.

21 The New York State Reliability Council
22 has set the 2022, '23 installed reserved margin at
23 19.6 percent above the forecast peak demand. This
24 19.6 percent installed reserve requirement results in
25 a 6,226 minimum requirements above the forecasted

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2 peak demand for a total installed capacity
3 requirement of 37,991 megawatts.

4 As mentioned previously, the total
5 available capacity for 2022 is 41,049 megawatts,
6 which is 3,058 megawatts above the minimum required.
7 This equates to actual installed reserves of 29.2
8 percent above the forecast peak for the 2022.
9 Providing further cushion to serve the peak load
10 beyond the 19.6 percent margin required by the New
11 York State Reliability Council.

12 To further help curb peak energy
13 system demands, each of the utilities have load
14 relief programs in which customers are compensated
15 for providing load reductions when called upon.
16 Currently there's estimated 1,100 megawatts enrolled
17 in these programs for 2022 to further facilitate peak
18 demand reductions during the summer's hottest days.

19 Additionally, the NYISO and each
20 utility have operating procedures in place to further
21 mitigate any unforeseen reliability issues. These
22 emergency operating procedures include emergency
23 demand response programs, D.R.P., voltage reductions,
24 voluntary industrial curtailments, emergency
25 purchases, among others.

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2 And NYISO projects about 3,300
3 megawatts will be available under emergency operating
4 procedures if needed this summer. This now concludes
5 my portion of the presentation, given all the
6 information we have presented here, staff believes
7 the electric system is adequately prepared to
8 reliably meet New York customers' need for the summer
9 of 2022.

10 I'll now turn it over to Andrew to
11 discuss the projected summer pricing outlook.

12 MR. TIMBROOK: Good afternoon Chair.
13 Good afternoon Commissioners. My name is Andrew
14 Timbrook, and I am a utility engineering specialist
15 in the Office of Electric, Gas and Waters Upstate
16 Rates and Tariff Section.

17 In this portion of the presentation,
18 I'll be providing a summary of how the utilities have
19 performed at reducing the electric supply price
20 volatility for the full-service residential
21 customers. I'll provide an overview of the utilities
22 residential electric supply portfolio composition for
23 this coming summer.

24 I'll also compare this summer's energy
25 futures to last summer's futures and actuals, as well

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2 as discuss capacity price changes as compared to last
3 year. And finally, I will provide a summary of how
4 market price changes are expected to impact full-
5 service residential customers and compare the overall
6 price change to the last several years.

7 Before I begin, I will reiterate that
8 supply prices are market driven and the utilities
9 under Commission jurisdiction have little to no
10 control of the cost of the electricity they supply to
11 their customers. The cost of electricity is
12 determined largely by the energy and capacity markets
13 administered by the New York I.S.O.

14 However, the utilities do have a large
15 role in mitigating the supply price volatility for
16 their mass market customers, which is the subject of
17 my presentation. Next slide please. Actually go one
18 more, please. Thank you.

19 This graph shows the result of the
20 utilities' electric supply price volatility and
21 mitigation efforts since December of 2008. It
22 compares the average New York I.S.O. market price
23 volatility, the red line with the volatility of the
24 utilities residential electric supply portfolios,
25 which is the blue line.

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2 Or more simply stated, the lines show
3 what the volatility of the utilities portfolio would
4 have been had they only purchased from the market
5 versus what it actually was because they engaged in
6 hedges. Each point on the line represents the
7 volatility over a 12-month period as measured by the
8 coefficient of variation.

9 As you can see from the chart, the
10 utilities have continued to do a good job of reducing
11 the portfolio price volatility compared to market.
12 The highest point on the chart represents the
13 volatility that was experienced as a result of the
14 polar vortex in the winter of 2013, '14.

15 The following run up and volatility
16 and drop is the result of a combination of electric
17 market prices steadily falling, and a price spike
18 that occurred in February of 2015. This price spike
19 was nowhere near as high as the prior winter, but it
20 did cause the volatility to rise.

21 We then experienced a few years of
22 relatively stable prices due to mild weather,
23 followed by another price spike that occurred in
24 January of 2018 again, mainly driven by cold weather.

25 The run up from October of 2019 and

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2 subsequent decline in the market price volatility
3 through April of 2021 is the result of energy prices
4 declining followed by an increase in the Statewide
5 full-service residential market price, which was
6 primarily driven by a shift in capacity costs due to
7 the New York I.S.O. peaking on a weekend in the
8 summer of 2019.

9 This weekend peak shifted more
10 capacity cost responsibility to residential customer
11 classes. A price spike also occurred in February of
12 2021 due to colder than normal weather. In this past
13 winter, as you well know, we experienced a prolonged
14 stretch of cold weather in mid to late January and
15 early February, which significantly impacted market
16 prices and price volatility.

17 You can see the result of this on the
18 very far right of the graph where the red line goes
19 up from about 18 and a half percent to almost 40
20 percent. This increase in market prices combined --
21 in combination with the way in which Consolidated
22 Edison and Central Hudson bill their full service
23 residential customers for supply significantly
24 impacted many full-service residential customers in
25 their service territories.

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2 Con Edison has since filed a proposal
3 to modify its full-service mass-market supply
4 mechanism, which is also before the Commission today
5 for consideration as item 369 on the consent agenda.
6 Department staff is also in discussions with Central
7 Hudson to determine if it's full- service mass-market
8 and use supply rate mechanism can be modified to
9 reduce the likelihood of significant bill impacts due
10 to the operation of the mechanism in the future.

11 Overall, as compared to the market
12 price volatility the Statewide portfolio continues to
13 perform very well. Next slide please. This chart
14 shows the elements of the composite residential
15 electric supply portfolio for this summer. As shown,
16 about 59 percent of the portfolio consists of fixed-
17 price contracts, of these the majority are financial
18 in nature.

19 The fixed portion of the portfolio
20 also includes newer physical contracts, older legacy
21 contracts, and a small amount of the utilities own
22 generation with fixed fuel costs as well as NYPA
23 contracts. The balance of the portfolio is
24 predominantly made up of market purchases followed by
25 relatively small amounts of utilities own generation

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2 with variable fuel costs and index contracts that are
3 primarily indexed to natural gas.

4 Next slide. This chart shows this
5 upcoming summer expected average energy market prices
6 based on I.C.E. futures, and how they compare to last
7 summer's futures and actual. For New York City, the
8 Hudson Valley, and Western New York or New York
9 I.S.O. zones J, G, and A, respectively.

10 Last summer's expected energy market
11 prices that we reported to you in May are in green.
12 Last summer's actual market prices are in blue, and
13 this summer's expected market prices are in red.
14 Last summer, the actual prices ended up between 35
15 and 45 percent higher than what we expected going
16 into the summer period.

17 At this point going into summer 2022
18 energy prices are expected to be higher still than
19 last year's by between 37 and 42 percent. This is
20 most likely due to the expectation of higher
21 generator fuel prices driven by current world events,
22 as well as greater economic activity.

23 I would like to note however the
24 actual prices will likely vary from futures due to a
25 variety of factors including weather, economic

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2 conditions, and demand on the system. And as I will
3 show later, we are not expecting that the full-
4 service mass-market residential customer bills will
5 be impacted to this extent due to the hedges that
6 companies have in place for this summer and to the
7 changes in capacity prices that I will go over next.

8 Next slide. So this next slide shows
9 what last year's summer strip auction capacity prices
10 were and what this upcoming summer's prices are. As
11 you can see, there's projected to be very little
12 change in price especially in the G through J
13 locality.

14 A slight decrease is expected for New
15 York City and the rest of the State. The two main
16 factors that drive the slight price decrease are
17 lower installed reserve margin, slated to drop from
18 120.7 to 119.6 percent on a Statewide basis, as well
19 as a lower Statewide peak forecast, which is dropping
20 from 32,333 megawatts to 31,767 megawatts.

21 These changes should lead to a
22 slightly lower prices in the New York City area and
23 the rest of the State as a result of lowering the
24 UCAP requirement in the New York control area. Next
25 slide. This slide provides a bit of context around

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2 the changes in market prices and the resulting impact
3 on the electric supply portion of customer bills.

4 This chart shows an estimate of the
5 supply portion of a typical residential monthly bill
6 as a result of the year to year changes in the load-
7 weighted full-service mass-market residential
8 commodity. For the chart, we consider a typical
9 residential customer to use 600 kilowatt hours per
10 month, which is close to the Statewide average but
11 varies by utility.

12 As you can see the summer month bill
13 impact for this upcoming summer, cumulatively for
14 June through September is expected to be about 12
15 percent higher than last summer on a Statewide
16 average basis. This increase is consistent with
17 increases that have occurred over each of the last
18 two summers of approximately 11 percent per year and
19 would be a return to 2014 price levels after a recent
20 period of low supply prices.

21 I should note that depending on where
22 a customer is located in the State, and what utility
23 they're served by, and their actual use, their summer
24 commodity bill will vary from what is shown here and
25 could be higher or lower than last summer. To

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2 conclude, the summer electric prices have risen in
3 recent years and are projected to continue that rise
4 this summer.

5 The utilities have continued to
6 perform well at reducing the month to month price
7 swings compared to the market and have maintained
8 approximately a 59 percent fixed price hedge level
9 for this summer on a Statewide average basis, which
10 should mitigate any significant unexpected price
11 spikes should they occur.

12 Further, we continue to work with the
13 utilities to adjust their full-service mass-market
14 customer-supply price mechanisms as needed to improve
15 volatility mitigation efforts. That concludes my
16 portion of the presentation. I will now turn it over
17 to Maribel to discuss customer outreach and
18 education. Thank you.

19 MS. RIVERA: Thank you. Good
20 afternoon Chair Christian, Commissioners. Thank you.
21 Good afternoon Chair Christian and Commissioners. My
22 name is Maribel Rivera, and I am a manager in the
23 Department's Consumer Outreach and Education and Call
24 Center Sections.

25 This past winter New Yorkers faced

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2 dramatically higher energy prices that impacted their
3 utility bills. This situation was particularly
4 difficult on vulnerable customers like the elderly,
5 or families with fixed or low incomes.

6 As discussed in the previous slides,
7 the energy prices are likely to remain a concern for
8 the foreseeable future. This report describes the
9 outreach efforts being implemented by Department
10 Staff and New York State Utility Energy -- Utilities
11 to provide customers with information to help them
12 manage their energy usage during the 2022 summer
13 season.

14 Next slide please. In light of the
15 financial impacts of the current world events, the
16 harsh winter months of 2022, and the forecasted
17 summer commodity prices it is critical that the
18 Department and New York Utilities pursue aggressive
19 summer preparedness campaigns and including promoting
20 the following key messages.

21 1) The anticipated price of energy
22 commodity and how market forces, such as supply and
23 demand, affect the price of natural gas and
24 electricity. 2) Ways that consumers can manage
25 energy bills -- excuse me, including bill payment

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2 programs such as budget billing and deferred payment
3 arrangements.

4 As well as financial assistance
5 programs, such as the two Home Energy Assistance
6 Programs that are currently open, they are known as
7 Emergency Heat and the Cooling Assistance. 3)
8 Promoting the availability of energy efficiency
9 programs, as well as simple affordable measures
10 consumers can take to beat the heat and reduce energy
11 use, which may help to control their bills.

12 4) How consumers can help maintain the
13 reliability of the electric system by reducing
14 consumption during peak usage times and increase
15 understanding of energy alerts and the actions to
16 take if one is declared.

17 And last, 5) Safety information
18 regarding natural gas, electricity, and storm related
19 service interruptions. Next slide please. In order
20 to reach utility consumers with these important
21 messages, Department Staff will conduct the summer
22 outreach and education campaign using a variety of
23 tools.

24 Staff will use a combination of
25 multilingual summer publications, event exhibits, and

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2 presentations, virtual platforms such as the
3 Department's websites and social media platforms.
4 The partnerships with other State agencies, and
5 service organizations, and local governments.

6 Specifically, we will develop and
7 distribute plain language publications that will
8 highlight our core messages. All summer campaigns
9 publications will be available in English, and
10 Spanish, and many are also available in Bengali,
11 Chinese, Haitian Creole, Korean, Russian, and
12 Yiddish.

13 We're also in the process of
14 translating key Department publications into Arabic,
15 Italian, and Polish. We distribute these materials
16 through our grassroots outreach -- excuse me,
17 including in- person and virtual presentations to
18 community groups. And exhibits at public events such
19 as county fairs, senior expos, home shows, and the
20 annual New York State -- State Fair.

21 Participation in these events provide
22 us with an invaluable opportunity for face-to-face
23 interactions with a numbers of consumers that allow
24 us to reach large, diverse, and otherwise underserved
25 populations.

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2 To further increase our efforts to
3 reach New York State consumers and make our
4 information more accessible to the virtual community,
5 we will have a dedicated page on our Ask PSC website
6 with summer forecast information, digital copies of
7 our publications, links to New York State and utility
8 assistance programs, as well as energy efficiency and
9 summer safety tips.

10 In addition, we will utilize the
11 Department's social media channels to promote these
12 messages throughout the summer months. We will post
13 tips and sound bites on these platforms and drive
14 traffic to the Ask PSC summer page.

15 Lastly, we'll share the summer
16 campaign materials with our call center
17 representatives to assist them in directing consumers
18 to information about peak demand, consumer assistance
19 program, energy efficiency and low cost ways to beat
20 the heat and manage energy bills. Next slide please.

21 To help us reach as many New Yorkers
22 as possible, we invite our network of nearly 6,000
23 consumer leaders, including social service agencies,
24 community organizations, libraries, and local
25 government officials to partner with us in educating

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2 their constituents about rising energy costs, bill
3 management options, and assistance programs, as well
4 as measures to help them reduce their energy
5 consumption.

6 We will reach out to our partners by
7 email and letter to announce the start of our summer
8 campaign. This communication will direct our partner
9 community leaders to the dedicated Ask PSC summer
10 page, where they will find digital copies of our
11 publications that may be downloaded and shared with
12 their staff and constituents.

13 We will also share a flyer with a
14 Q.R., or a quick-read code that directs users to our
15 webpage. That flyer will be posted in high traffic
16 areas. Lastly, the letter will also inform our
17 partners that staff is available to provide
18 presentations to consumer groups and to ensure that
19 the message is been received, we will track the open
20 rate for email campaign and conduct follow-up email
21 campaigns throughout the summer season that target
22 the community leaders who may not have opened up our
23 previous email.

24 Next slide please. In addition to
25 initiating our own reacher -- outreach program, we

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2 are working with the utility companies to encourage
3 them to maintain strong customer education programs
4 so that their customers receive the information and
5 assistance they need during the coming summer months.

6 The companies have outreach and
7 education plans to alert customers about anticipated
8 commodity prices, actions they have taken to mitigate
9 price spikes, and ways consumers can conserve energy
10 and manage energy bills. This is through payment
11 plans and financial assistance programs.

12 In response to the supply price
13 volatility of the early months of 2022, the companies
14 increased the frequency of messaging and broadened
15 their outreach efforts and channels to promote
16 awareness of energy price forecasts and the impacts
17 on customer's bills.

18 The companies will continue with this
19 outreach effort in the upcoming summer season. The
20 companies are using a variety of channels to reach
21 their customers including email campaigns, text
22 alerts, news releases, radio and paid media ads, bill
23 insert and bill envelope messages, postcards,
24 newsletters, on-hold telephone messages, website
25 features, YouTube videos, and social media posting.

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2 The companies also work with municipal
3 and elected officials. They partner with human
4 services organizations and community groups and
5 conduct grassroots activities, such as virtual and
6 in-person events and forums. Some companies also
7 alert customers about their energy usage and offer
8 tips about energy saving actions that can help reduce
9 their bills.

10 Lastly, the companies provide training
11 to their customer advocates, as well as their call
12 center staff on summer messaging and customer
13 assistance. In conclusion, the Office of Consumer
14 Service is pursuing a summer outreach and education
15 campaign. It's designed to raise awareness of New
16 York's electric supply and demand outlook and price
17 forecast.

18 The campaign will ensure consumers
19 have access to information about actions and programs
20 that will help them manage their summer energy bills,
21 use less energy, and stay cool. Staff will continue
22 to monitor the need for additional outreach and
23 education efforts during these uncertain times.

24 We will work with the utilities to
25 make modifications as needed throughout the summer

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2 season. This concludes my portion of the
3 presentation and staff is available for questions.
4 Thank you for your time.

5 CHAIR CHRISTIAN: Thank you for your
6 presentation. You know, it's -- it's encouraging to
7 see the preparations that we've taken, and the State
8 has prepared -- to prepare the State for this kind of
9 summer cooling season.

10 You know, I'm -- I'm encouraged by the
11 attention to detail and documenting the generation of
12 resources that are available and their availability.
13 It's good to know we have those in play, but I'm
14 further encouraged by your statements. Specifically,
15 the statements about outreach to expanded group,
16 community leaders, partnerships, et cetera.

17 As we learned earlier in the year,
18 it's going to be important to get the messaging out
19 far and wide to ensure that everyone can prepare and
20 take their own measures to address their needs this
21 coming heating season.

22 And -- and with that in mind, I want
23 to point out this month the consumer price index was
24 released, showing that prices for the month of April
25 were up 8 percent year over year. This is a record,

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2 this hasn't happened in a generation.

3 And when we dig into the consumer
4 price index, which by the way for those unaware of,
5 the consumer price index is basically measure of
6 where prices are going in the economy generally. And
7 within that overall measure there's subcategories for
8 energy, specifically electricity and natural gas.

9 And most interesting to me according
10 to the C.P.I., electricity is up 11 percent year over
11 year, and natural gas 22 percent year over year. So
12 these are significant increases, and they don't just
13 affect New York, they affect the entire country. And
14 you know, again, as you mentioned earlier, these are
15 being driven largely by geopolitical events outside
16 our borders.

17 But we are nonetheless dealing with
18 these experiences and I'm glad to see that we are
19 prepared to help New Yorkers through a variety of
20 ways in dealing with them. So thank you for your
21 presentation today. And with that, Commissioner
22 Burman, do you have any comments?

23 COMMISSIONER BURMAN: Thank you so
24 much. I appreciated the presentations from all three
25 of you. I do want to recognize Maribel and Andrew

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2 and I think you're both first timers, so I appreciate
3 that. Though Maribel, you're a long-time staffer so
4 I appreciate it. I am concerned about as we head
5 into the summer.

6 I do recognize that, you know, we're
7 hearing that we're prepared to reliably meet the
8 forecasted 2022 summer electric demands. But that
9 doesn't mean that it doesn't come with some
10 challenges and any increases, on a hot summer, and
11 any emergency issues, or any event issues. And
12 weather related issues can really put challenge
13 stress to us.

14 And also our emergency responses to
15 that and our demand responses also doesn't
16 necessarily mean that that will not come with its own
17 headaches and cost implications and price spikes for
18 folks. And so I do think that part of our job is to
19 also educate folks on what that means because we may
20 understand what that means.

21 But as we saw from last time, you
22 know, we had some challenges with that, and I do
23 think that we should be a little bit more direct in -
24 - in that. And we have to be prepared now for this
25 summer season, but we should also be discussing what

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2 it means as we head into the winter.

3 And the challenges for that, so my own
4 two cents is I'm very concerned, but thanks.

5 CHAIR CHRISTIAN: Thank you,
6 Commissioner Burman. Commissioner Alesi?

7 COMMISSIONER ALESI: Thank you, Chair.
8 It's a very thorough and enlightening report result
9 of the significant effort. It's going to be very
10 helpful as we move forward. I appreciate it. Thank
11 you very much.

12 CHAIR CHRISTIAN: Thank you,
13 Commissioner. Commissioner Edwards?

14 COMMISSIONER EDWARDS: Thank you very
15 much. I just have two requests. As the events go on
16 across the State, if we could just keep it posted and
17 keep informed about the date and where it is in case,
18 you know, we are available to attend.

19 And secondly, if we could have a list
20 by region of the service organizations and community-
21 based groups that we have partnerships with. But
22 other than that, thank you very much. Welcome.
23 That's it for me.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner. Commissioner Howard?

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2 COMMISSIONER HOWARD: Thank you. I
3 have one question, and then a comment. The issue on
4 the imports issue. Where do the majority of our
5 imports come from? Can anybody -- of the roughly
6 2,400 megawatts of capacity? Any -- any, sorry.

7 MS. MITCHELL: Yeah, most of them are
8 going to come from P.J.M. surrounding states.

9 COMMISSIONER HOWARD: And how much of
10 that will be from Quebec would you expect?

11 MS. MITCHELL: I don't know what that
12 number is off the top of my head. I can get back to
13 you on that.

14 COMMISSIONER HOWARD: Okay. But --
15 but it could be significant, correct?

16 MS. MITCHELL: It could be, yes.

17 COMMISSIONER HOWARD: All right.
18 Thank you. Maribel, I got to tell you, you have the
19 hardest job in the place.

20 MS. RIVERA: Uh-huh.

21 COMMISSIONER HOWARD: And what you
22 guys had to go through this winter. Unfortunately, I
23 believe you're going to pull those heavy load all
24 summer is long. One thing we have not come to grips
25 with as this Commission or as a State, despite some

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2 recent appropriations on arrears.

3 We have 10s of 1000s of customers
4 already in arrears based on price spikes, the effect
5 of COVID, and the economy. And now we're going into
6 a summer cooling season where we know prices will be
7 higher. But not just prices as the Chairman pointed
8 out for your electricity bill, but -- but all your
9 bills.

10 So there's already terrible pressure
11 we have on -- on customers who can't pay bills
12 period. I think we're going to have to continue our
13 dialogue with the utilities, particularly because we
14 cannot -- it just would be unconscionable to see mass
15 numbers of shut offs in this very difficult time.

16 And particularly, it will be, at least
17 in my understanding, until fall before we have a real
18 program on arrears forgiveness from the 250 million
19 dollars that was appropriated by the legislature,
20 which by the way, was wholly inadequate. But again,
21 I think our already difficult situation will be
22 worse.

23 I just want to make sure Maribel, that
24 you certainly let the chair and -- and others know
25 when you are resource deprived, meaning, you know, we

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2 need to have those people answer those phones and
3 deal with very angry and -- and scared customers.

4 And in terms of your in-person things,
5 I have attended a few things as a private citizen and
6 this last few months, the longest lines I saw were
7 folks wanting to come and talk, largely complain to
8 P.S.C. representatives about their issues regarding
9 their bills and the very big spikes. Again, your
10 staff does a great job.

11 MS. RIVERA: Thank you.

12 COMMISSIONER HOWARD: They are
13 pleasant, and patient and under very -- very
14 difficult circumstances. And I just want to hope,
15 Mr. Chairman, that we are resourced enough to deal
16 with I think is this ongoing tsunami of customers who
17 are unable to pay their bills and are going to need
18 to work out bill payment programs and having access
19 to a variety of government programs for them.

20 But again, thank you for what you do -
21 -

22 MS. RIVERA: Thank you.

23 COMMISSIONER HOWARD: -- and, again, I
24 -- I couldn't do it, let's put it that way. And
25 again, to you and all your staff for your patience

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2 and kindness. Thank you.

3 MS. RIVERA: Thank you.

4 CHAIR CHRISTIAN: Thank you,
5 Commissioner. Commissioner Valesky?

6 COMMISSIONER VALESKY: I don't have
7 any questions. Just to certainly thank you for the
8 presentation today for everyone who participated in
9 assembling this information. And thanks most
10 especially for the outreach efforts that I know
11 you've already begun and that are going to continue,
12 they're critically important.

13 MS. RIVERA: Thank you.

14 CHAIR CHRISTIAN: Thank you. And
15 Commissioner Maggiore?

16 COMMISSIONER MAGGIORE: Thank you.
17 Thank you for the presentation. I don't have
18 additional questions. I do share some of the
19 concerns expressed by Commissioners Burman and
20 Howard, but I don't have any additional comments on
21 top of that. Thank you very much.

22 CHAIR CHRISTIAN: Great. Thank you
23 everyone. So again, thank you for your presentation
24 today. And with that, we're going to move on to the
25 consent agenda. Do any Commissioners wish to comment

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2 or recuse from voting on any of the items on today's
3 consent agenda. I'll start with Commissioner Burman.

4 COMMISSIONER BURMAN: I just have a
5 few. Item 263 which is the utility energy registry.
6 I'm going to be voting no. This was a close call,
7 but I have to -- after carefully reviewing the record
8 I have to vote with the petitioners for -- this was a
9 petition for a rehearing and the draft order was
10 denying the petitions for rehearing filed by the
11 multiple interveners and the joint utilities.

12 My concern here is that the
13 petitioners -- the reason I'm going to be voting with
14 them, it was weighing in favor of the protection of
15 customer privacy. And while we're pointing out that
16 the -- that there -- we were cognizant of how much of
17 the reported load is made up in -- in -- from one
18 single customer usage.

19 And that in other words, they were --
20 we were saying that the customer specific usage is
21 information that only the customer and the utility
22 would have knowledge of. And so we were coming to
23 the conclusion based on our screening of it all that
24 we wouldn't have to worry about the privacy issues.

25 And I sort of felt that depending on

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2 the particular utility territory that it might be
3 actually easy to figure out who a large customer
4 would be based on it. And so from my own read on it,
5 I was concerned that it might make sense for us to
6 look at that again. So I was in favor of that, so
7 I'm a no on that.

8 On Item 370, I'm going to be -- this
9 is the electric emergency response plan reviews.
10 Every year the utilities file their plans, December
11 15th, 2021 and then after it gets SAPA'd staff works
12 with the utilities. And the plans generally get
13 amended based on a collaborative process with staff
14 and the utilities.

15 And then they come before us to
16 approve the plans based on our statutory obligations.
17 Since that statutory change where the Commission
18 itself approves the plan, I think it was back in
19 2013, when the statute was amended. We've never had
20 a utility not agree and work collaboratively with the
21 Staff.

22 And we've never had a situation where
23 there hasn't been agreement and an amended E.R.P. put
24 before us for approval. This is the first time where
25 there is a utility, Con Ed who didn't agree to the

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2 amendments with Staff. And so here the draft order
3 is recommending approving the amended E.R.P.s by all
4 the other utilities.

5 And for Con Ed, reverting back to what
6 I consider the status quo, which is their current
7 emergency response plan that they currently have in
8 place, of -- which is from August, 2021. I feel --
9 and then saying we're going to give them a few more
10 weeks to negotiate further with Staff and then come
11 back to us if they're not able to come to resolution.

12 I feel that's insufficient. They've
13 had enough time. Staff has had enough time to work
14 with them in negotiating. We should have clear
15 before us the final amended E.R.P. and I worry about
16 the slippery slope of allowing more time.

17 And so for me, I do not want to have a
18 situation where going forward next year this becomes
19 more of a creep for other utilities to think that
20 okay, well, maybe we'll just kind of do the same
21 thing. I worry that it sets us up in a perhaps
22 difficult situation.

23 There may be a legitimate reason for
24 Con Ed to not have agreed, but I'd rather have had
25 some submission by Con Ed on why they didn't agree

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2 and put it into the record that I could look at it.

3 But as it is, I'm not supportive. So I'm going to

4 vote for this item but I'm just explaining why I have

5 concern with that.

6 And I thought it was enough of the one

7 that Con Ed should understand where I'm coming from,

8 and the other utilities should hear that as well. On

9 Item 375 and -- Items 375 and 380, which deal with

10 cost allocation I'm a no on both of those items.

11 Thank you.

12 CHAIR CHRISTIAN: Thank you,

13 Commissioner. Commissioner Alesi, any comments?

14 COMMISSIONER ALESI: Thank you, Chair.

15 I'll be supporting the consent calendar with the

16 exception of Item 563 I'd like to recuse myself.

17 CHAIR CHRISTIAN: Okay. Thank you.

18 Commissioner Edwards?

19 COMMISSIONER EDWARDS: No comments, no

20 questions. Thank you.

21 CHAIR CHRISTIAN: Okay. Great.

22 Commissioner Howard?

23 COMMISSIONER HOWARD: Yes, thank you.

24 I have one question on Item 370. Kevin, would you be

25 able to answer a question -- quick question?

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2 MR. WISELY: I will attempt to, sir.

3 COMMISSIONER HOWARD: Okay. I
4 understand we have not come to what we believe is a
5 satisfactory conclusion with Con Ed on their E.R.P.
6 as submitted and that we are defaulting back to their
7 previous years E.R.P. That being said, how long are
8 we giving Con Ed before they come up with what we
9 feel is a corrected and satisfactory E.R.P.?

10 MR. WISELY: We're going to discuss
11 over the next two weeks, some follow up and
12 modifications from the 2021 plan. That 2021 plan
13 that we approved is a -- is a good plan, it is very
14 prescriptive and restrictive their work.

15 We've seen marked improvements in
16 their performance since Tropical Storm Isaias.
17 However 2021 we did -- the Commission so directed Con
18 Edison on some language as per your abilities in
19 Section 66 of Public Service Law and that is a very
20 strong plan.

21 And I'm confident that we will be able
22 to -- to build on that and if we were to have a storm
23 today, it is a strong plan too, still -- yet we still
24 want to move forward with some additional
25 modifications as we work on with the other utilities.

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2 COMMISSIONER HOWARD: Thank you,
3 Kevin. Well, I would suggest if this -- our plan
4 does not come to fruition that this Commission -- Mr.
5 Chairman, take immediate action and I would support
6 any One Commissioner Order that may mandate a -- a
7 response from the company.

8 I want to remind this company that
9 their poor performance in storm response resulted in
10 the largest penalty ever brought by this Commission.
11 And their 2021 E.R.P. was a reflection of the
12 problems that we identified in the corrective actions
13 they did in that settlement.

14 Again, I would not want to give this
15 company very long. I think when the broader world
16 finds out that they potentially want to renege or
17 retract on their E.R.P. commitments, I think the --
18 the response will be profound and not very pleasant.

19 But again, Kevin, if you could please
20 keep myself and my colleagues informed in the next
21 couple of weeks as this goes forward, I would greatly
22 appreciate it.

23 MR. WISELY: Certainly.

24 COMMISSIONER HOWARD: On Items 375 and
25 380, I will be voting no. Largely, I think I've

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2 stated a few times already today about my problem
3 with the load share ratio for these climate things,
4 particularly as it relates to transmission projects.

5 I just would like to read from the
6 record on particularly on Item 380 some comments that
7 were brought by Petitioners, including one by the
8 Buffalo Niagara partnership, who states in the record
9 that the C.L.P. - that under the C.L.C.P.A. are not
10 equal and that the ratepayer in Buffalo may receive
11 very marginal benefit from the Long Island C.L.C.P.A.
12 process.

13 However, the overwhelming majority of
14 the project's benefit is felt by those utilizing the
15 power for the project that this project will transmit
16 and that will be in Long Island and New York City. I
17 would also like to note for the record, this is the
18 first time in -- I have a group of State legislators
19 who tend to agree with me on my position.

20 They are representative of State
21 legislators from the entirety of Upstate, from
22 Western New York through Rochester, Central New York,
23 the Capital Region, and the Hudson Valley all agreed
24 that this is an unfair allocation and an unfair
25 burden to the Upstate ratepayers, who I will have to

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2 point out again, are not causing the lion's share of
3 the climate problem for on electricity since they are
4 largely supplied by zero emission sources.

5 It is -- also I'd like to read in the
6 record a thing but the -- from the -- Association for
7 a Better Long Island, who said the initiative which
8 will saddle already burdened with high cost, I will
9 submit that reason Long Island has very high costs,
10 particularly for utilities, is you overtax them.

11 And is an issue that is still going
12 on, particularly in the -- in Nassau County with
13 assessments over power plants, some of which don't
14 even exist anymore. And again, in terms of the --
15 you know, there are things that local governments can
16 do to help ameliorate high energy costs.

17 But I find it very -- very
18 enlightening that they referred to this order as an
19 unfunded mandate. And I would remind my friends in
20 the legislature, they are the ones who wrote this
21 law. And again, and I would just would like to
22 conclude with one aspect that is in the order
23 referring to the reversal of our 75/25 cost
24 allocation that was going to be for the offshore wind
25 integration now to a load ratio share.

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2 In the order it says, the Commission
3 finds here that all utility customers are equal
4 beneficiaries and the projects to be selected
5 pursuant to transmission need to identify the March
6 2021 order because they are intended to roll project
7 -- the project to distribute zero emission energy to
8 the rest of the State.

9 I could not disagree more with that
10 statement. Again, I don't believe that that is the
11 case, we can say it over and over again, but that I
12 don't believe is the real reality. But with that,
13 thank you and I concluded. And I will support the
14 rest of the consent agenda.

15 CHAIR CHRISTIAN: Thank you,
16 Commissioner. Commissioner Valesky?

17 COMMISSIONER VALESKY: I have no
18 comments on any of the items.

19 CHAIR CHRISTIAN: Okay. Commissioner
20 Maggiore?

21 COMMISSIONER MAGGIORE: Thank you.
22 First, I'd like to say I'm going abstain on two
23 items, one is a 20-T-0549 and the other is 21-E-0634.
24 And if you have that, I'm going to comment on one
25 item, if that's okay?

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2 CHAIR CHRISTIAN: Please.

3 COMMISSIONER MAGGIORE: Okay. I just
4 would like to explain my vote on Item 380. Last
5 month when we voted on two Tier 4 projects I
6 expressed concerns about projects that are not part
7 of rate cases being paid for by surcharges on
8 consumers' electric bills. That concern extends to
9 the present vote.

10 The cost of the State's conversion to
11 green energy far exceeds the ability of ratepayers to
12 finance through their electric bills. However, much
13 as was the case last month, the present -- the
14 present item is not new. A no vote today would not
15 force the legislature to come up with a different way
16 of financing the wind projects that are a necessary
17 part of New York's clean energy future.

18 Another concern I expressed last month
19 was that features of the two transmission lines
20 benefits some parts of the State at the expense of
21 others. There is no cost benefit analysis in the
22 record related to the present item. The question
23 today is who benefits from the wind energy projects
24 that are behind today's item.

25 This item is about clean energy and

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2 the beneficiaries of the entire State, that's the
3 reason I'm going to vote yes. That said in voting
4 yes, I have great sympathy for many of the objections
5 to today's proposals. I'm somewhat surprised that
6 some of the objections came from individuals and
7 institutions that were silent on last month's Tier 4
8 vote.

9 I'm viewing many of the present
10 objections based on the principle of who benefits
11 from clean energy. I agree with the principle that
12 the beneficiaries of the State achieving the
13 C.L.C.P.A. goals are the entire State and not simply
14 regions receiving energy generated by the Long Island
15 wind.

16 And I feel like we just re --
17 reiterated that principle in the C.L.C.P.A. order
18 that we voted on earlier today. Voting for this is
19 not voting for a regular -- sorry, voting on this
20 item is not voting for a regionally significant
21 ancillary fund, or a jobs project to help part of the
22 State at the expense another part of the State, or
23 a health program that doubles as an energy program.

24 This is not to say that there are
25 unenumerated benefits to wind generated energy

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2 flowing from Long Island westward. However, none of
3 those benefits are part of the record. So to be
4 consistent with my stated rationale from last month
5 I'm going to vote yes.

6 We would be having an entirely
7 different conversation that this was a new item or a
8 new program. This is not the final component of New
9 York's conversion to green energy. I continue to
10 think that beyond projects that are part of rate
11 cases, the State as a whole has more equitable ways
12 of financing the clean energy conversion than simply
13 adding charges to electric bills.

14 My vote yes today should not be
15 interpreted as a sign that I will automatically vote
16 yes for new projects coming forward. With that said,
17 I am going to vote yes on this item. Thank you.

18 CHAIR CHRISTIAN: Thank you,
19 Commissioner. And with that, I will do a call for
20 vote. My vote is in favor of the recommendations on
21 the consent agenda. Commissioner Burman, how do you
22 vote?

23 COMMISSIONER BURMAN: I vote yes,
24 except for 263, 375 and 380, I vote no.

25 CHAIR CHRISTIAN: Thank you.

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2 Commissioner Alesi?

3 COMMISSIONER ALESI: Thank you, Chair.

4 I vote yes on the entire consent calendar with the
5 exception of 563, I'd like to recuse myself on that
6 issue.

7 CHAIR CHRISTIAN: So noted. Thank
8 you, Commissioner. Commissioner Edwards?

9 COMMISSIONER EDWARDS: I vote yes for
10 the consent agenda.

11 CHAIR CHRISTIAN: Thank you,
12 Commissioner. Commissioner Howard?

13 COMMISSIONER HOWARD: I'll be
14 supporting the consent agenda with the exception of
15 Items 375 and 380 where I will be a no.

16 CHAIR CHRISTIAN: Okay. Thank you.
17 Commissioner Valesky?

18 COMMISSIONER VALESKY: I vote yes.

19 CHAIR CHRISTIAN: Thank you. And
20 Commissioner Maggiore?

21 COMMISSIONER MAGGIORE: I vote yes
22 with the exception of the two items I earlier
23 identified that I'm going to abstain on.

24 SECRETARY PHILLIPS: And Commissioner
25 Maggiore, can I please confirm that the item numbers

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2 are 363 and 377 on which you're abstaining?

3 COMMISSIONER MAGGIORE: Let me just
4 confirm that for you. I apologize for being slow on
5 that. 363 correct, and what was the other item?

6 SECRETARY PHILLIPS: 377?

7 COMMISSIONER MAGGIORE: 377. Yes,
8 that's correct, yes.

9 SECRETARY PHILLIPS: Thank you.

10 CHAIR CHRISTIAN: Thank you. With the
11 -- with the votes in favor, the items are approved,
12 and the recommendations adopted. I want to thank
13 everybody for this today and I'd like to take a
14 moment to extend special thanks to two individuals
15 who have been near and dear with this organization
16 for many -- many years.

17 One of whom has since left the agency,
18 but I'd like to call out Bruce Alch, our former
19 Deputy Director -- sorry, former Director, and Cindy
20 McCarran, Director -- Deputy Director for their long-
21 serving time here with the department. And I want to
22 thank them for their service. They're both retiring
23 or have retired.

24 We prepared -- excuse me, it's been a
25 long session. We have prepared resolutions in their

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2 honor, and they will be filed. But I wanted to take
3 a moment to acknowledge their service and their time
4 with us and give thanks and a round of applause for
5 their time with us. Okay. And with that, Madam
6 Secretary?

7 COMMISSIONER MAGGIORE: Mr. Chair, --
8 Chair Christian?

9 CHAIR CHRISTIAN: Yes?

10 COMMISSIONER MAGGIO: I'm sorry, I --
11 I'm sorry to go back. I just -- I said something
12 incorrect. I -- I'm not to abstain from 377, the
13 item is 381 and not 377.

14 CHAIR CHRISTIAN: Okay. We're making
15 a note of that, one moment.

16 COMMISSIONER MAGGIORE: Okay. Sorry
17 about that.

18 CHAIR CHRISTIAN: So just to confirm
19 for the record, you're abstaining from Items 363 and
20 381?

21 COMMISSIONER MAGGIORE: That's
22 correct, yes.

23 CHAIR CHRISTIAN: Okay.

24 SECRETARY PHILLIPS: It's been noted.

25 CHAIR CHRISTIAN: Thank you.

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2 COMMISSIONER MAGGIORE: Okay. Thank
3 you.

4 CHAIR CHRISTIAN: Okay. So that
5 said, Madam Secretary, is there anything else?

6 SECRETARY PHILLIPS: There's nothing
7 further.

8 CHAIR CHRISTIAN: All right. Thank
9 you, everyone and we are adjourned. Have a good day.

10 (Off record: 2:02 p.m.)

11 (The meeting concluded.)

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2 STATE OF NEW YORK

3 I, JAMES MAGLARAS, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 154, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 16th day of May, 2022.

11

12

13 JAMES MAGLARAS, Reporter

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