

2/16/2023 - Monthly Meeting

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

MONTHLY MEETING

Thursday, February 16, 2023

10:31 a.m. until 11:41 a.m.

ESP, Building 3, 19th Floor Boardroom

Albany, New York

COMMISSIONERS:

RORY M. CHRISTIAN, Chair

DIANE X. BURMAN

JAMES S. ALESI

TRACEY A. EDWARDS

JOHN B. HOWARD

DAVID J. VALESKY

JOHN B. MAGGIORE

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2 (The meeting commenced at 10:31 a.m.)

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

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

9 CHAIR CHRISTIAN: Thank you. First,
10 I'll conduct a roll call of commissioners. When I
11 call your name, please confirm that you are with us.
12 Commissioner Burman.

13 COMMISSIONER BURMAN: Present.

14 CHAIR CHRISTIAN: Commissioner Alesi.

15 COMMISSIONER ALESI: Present.

16 CHAIR CHRISTIAN: Commissioner
17 Edwards.

18 COMMISSIONER EDWARDS: Present.

19 CHAIR CHRISTIAN: Commissioner Howard.

20 COMMISSIONER HOWARD: Present.

21 CHAIR CHRISTIAN: Commissioner
22 Valesky.

23 COMMISSIONER VALESKY: Present.

24 CHAIR CHRISTIAN: Commissioner
25 Maggiore.

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2 COMMISSIONER MAGGIORE: Present.

3 CHAIR CHRISTIAN: Thank you. And I
4 hear you loud and clear in New York. We'll move to
5 the regular agenda. Our first item for discussion
6 today, Item 301, Case 20-E-0197 as it relates to the
7 petition identifying areas of concern transmission
8 needs and recommended solutions. It will be
9 presented today by Elizabeth Grisaru, Deputy Director
10 of Office of Electric Gas and Water, accompanying her
11 will be Mary Ann Sorrentino, Jerry Ancona, and Jalila
12 Aissi. Ms. Grisaru, please begin.

13 MS. GRISARU: Good morning, Chair
14 Christian and Commissioners. We are very pleased to
15 be here with you today on this item.

16 The draft order that is now before you
17 would approve an approximately 4.4 billion dollar
18 investment in local transmission upgrades required to
19 meet our state's 2030 climate targets. These upgrade
20 projects arise out of the Accelerated Renewable
21 Energy Growth and Community Benefit Act which was
22 signed into law in April of 2020.

23 Under this statute, the legislature
24 directed the commission to identify the transmission
25 upgrades that are needed to meet the climate goals

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2 established in the 2019 Climate Leadership and
3 Community Protection Act, often referred to as the
4 CLCPA.

5 As you and the other commissioners
6 know, the CLCPA sets mandatory targets for
7 decarbonizing the state's economy and schedules for
8 achieving those objectives. As required by the
9 legislature, the commission initiated the present
10 proceeding in May of 2020 and began planning the
11 transmission needed to support CLCPA targets.

12 Following the recommendations of the
13 January 2021 power grid study, the Commission has
14 pursued two primary efforts. First, upgrading
15 infrastructure to meet the 2030 targets for renewable
16 generation and second, developing a coordinated
17 planning process to identify the transmission
18 investments that will be needed in the longer term.

19 To date, the Commission has approved
20 the development of a number of local upgrades that
21 support our 2030 goals in the category we call Phase
22 One projects. These are projects that are needed to
23 maintain the reliability and safety of the utility
24 systems but also add headroom for renewable
25 generation.

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2 In addition, the Commission directed
3 the utilities to propose criteria for making
4 investments in the category of Phase Two, local
5 transmission projects. That is the upgrades that are
6 primarily driven by CLCPA needs. While that work is
7 ongoing today, the Commission recognized in a
8 September 2021 order that upgrades were urgently
9 needed in three regions of the state where the growth
10 in renewable generation has exceeded the capacity of
11 the grid.

12 And if we could turn to the slide
13 here, that would be helpful. Those three regions are
14 illustrated in this slide that you see here. For
15 shorthand, we refer to them here and in the draft
16 order as the areas of concern and that is the three
17 regions that are outlined in this map with -- in red.
18 These three areas represent a major portion of the
19 state's investment in renewable generation.
20 Measuring the pace of development by the generation
21 projects that are under contract with our sister
22 agency NYSERDA, these regions include 85 percent of
23 all contracted projects that are currently
24 operational and 45 percent of all projects that have
25 received contract awards but are at some earlier

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2 stage in their development. Developer interest in
3 these regions has been very strong in the past and
4 continues to be strong looking toward the future.

5 However, the limitations of the
6 transmission system in these regions are affecting
7 the operations of the generation. When the system is
8 congested, generation is curtailed to avoid
9 reliability violations and damage to utility
10 equipment. As additional generation projects come
11 online and compete for the limited transmission
12 capacity, the congestion problem increases leading to
13 more curtailments and deteriorating economic
14 conditions for generation project developers and
15 owners.

16 In the same September 2021 order, the
17 Commission directed the utilities operating in these
18 regions to file proposals for upgrades that would
19 improve the capacity of their systems to manage both
20 the existing and future renewable generation. The
21 three utilities National Grid, NYSEG/RG&E, and
22 Central Hudson filed local transmission solutions in
23 March of 2022. Staff has reviewed -- excuse me,
24 staff has reviewed those proposed upgrades and
25 recommends approval of 62 projects at an estimated

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2 cost of approximately 4.4 billion dollars.

3 These projects would provide over
4 three gigawatts of additional headroom to the
5 existing system and are planned to enter service
6 later in this decade, reducing the congestion that
7 existing generation is already experiencing, and
8 providing capacity for additional projects that are
9 under contract with NYSERDA in time for their 2030
10 goals.

11 The actual costs of these investments
12 would be recovered from all ratepayers in the state
13 through the load ratio shared methodology that the
14 Commission approved in the same September 2021 order.
15 The practical effect of this approach is that rates
16 would gradually increase as each project is built and
17 comes into service. Staff estimates that assuming
18 all of these upgrades are in service in 2030, rates
19 would increase by approximately six mills per
20 kilowatt hours. Staff estimates that customer's
21 total bills would rise between three and 16 percent
22 depending on their service classifications and
23 locations.

24 The eventual recovery of these costs
25 would flow through a new NYISO tariff rate schedule

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2 once any given projects cost have been approved by
3 the Federal Energy Regulatory Commission. While we
4 do not know today what the final cost of these
5 projects will be, staff intends to scrutinize the
6 company's expenditures on a regular basis consistent
7 with their existing practices and will participate in
8 the FERC proceedings to ensure that incurred costs
9 are reasonable and prudent. In addition, under the
10 funding agreement approved earlier by the Commission,
11 the utility's return on these investments will be
12 limited to the lower of the FERC rate or the rate
13 approved by this Commission in the applicable rate
14 cases.

15 And we note as it's explained in the
16 draft order, that these transmission upgrades would
17 help reduce other costs that ratepayers are exposed
18 to. Specifically, the cost of the curtailment risk
19 that generation developers now face. When developers
20 cannot accurately predict their revenues due to
21 transmission system limitations, they are forced to
22 raise their prices that they bid in the NYSERDA
23 procurements. Absent any transmission upgrades,
24 ratepayers would pay this curtailment-influenced
25 price over the 20-year term of the resulting NYSERDA

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2 contracts.

3 While staff recommends you approve
4 this significant transmission investment, we caution
5 that even this package does not guarantee that
6 additional upgrades will not be needed as we progress
7 towards the state's renewable generation targets.
8 Staff took an independent look at the utilities
9 assessment of the generation development potential in
10 these areas of concern and concluded that the
11 proposed upgrades reflect a very conservative view of
12 that potential. The utilities proposals are based on
13 a snapshot of the generation that they deemed likely
14 to be constructed that was taken in November of 2021
15 when they began designing the transmission solutions
16 now before you.

17 However, we know that since that
18 moment in time, the pool of generation projects that
19 are in advanced development has grown larger. Thus,
20 we expect that the Commission will need to revisit
21 transmission system needs in the areas of concern at
22 some point in the future. It is our expectation that
23 the result of the coordinated grid planning process,
24 which the Commission initiated earlier in this
25 proceeding, will help us inform those future

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2 investment decisions.

3 Thank you and I and my colleagues are
4 happy to answer your questions.

5 CHAIR CHRISTIAN: Thank you, Ms.
6 Grisaru. I -- I have a question. You -- you
7 mentioned that the projects would be reviewed in
8 accordance with existing practices. Would you be so
9 kind as to elaborate on what you mean by that?

10 MS. GRISARU: Yes. Our staff does
11 examine utility capital expenditures following the
12 rate case process and my understanding is that we
13 will apply essentially the same approach here.

14 CHAIR CHRISTIAN: So we'll review it
15 like we would a normal rate case.

16 MS. GRISARU: Just as we would in a
17 normal rate case process.

18 CHAIR CHRISTIAN: Got it. Just wanted
19 to clarify. You also said that this is going to meet
20 our 2030 anticipated needs based on the 2021 forecast
21 and the -- the CGPP is going to be helpful in getting
22 us beyond that. Is that right?

23 MS. GRISARU: That's correct.

24 CHAIR CHRISTIAN: Okay. Thanks. I
25 just wanted to make sure I was clear on that point.

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2 So again, thank you for you presentation. You know,
3 I'm happy to see this project before us today. This
4 is an offshoot as you mentioned of the Accelerated
5 Renewable Energy Growth and Community Benefit Act.
6 And the Commission is moving forward with the
7 directive assigned to us at that time to identify the
8 various transmission needs needed to meet the CLCPA
9 goals.

10 We understand that to successfully
11 decarbonize, we need to have a robust transmission
12 system. And I'm encouraged that these investments
13 would not only help us achieve that goal but help
14 secure New York's role as a leader in clean energy
15 going forward. So thank you and I look forward to
16 supporting this project. Commissioner Burman?

17 COMMISSIONER BURMAN: Thank you so
18 much. I do appreciate it. I also appreciate that
19 your presentation today did talk about the fact that
20 we're not quite sure on the final cost and that in
21 fact, there -- there may be significant uncertainty
22 on that. Can you talk a little bit -- are we looking
23 at perhaps potentially increased cost and who bears
24 that risk?

25 MS. GRISARU: Sure. I'd be happy to.

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2 The utilities themselves advise in the petition that
3 their cost estimates are based on a pretty
4 significant certainty band that goes from minus 25 to
5 plus 50. That's a typical range of uncertainty that
6 we see in -- in capital proposals in the rate case
7 context for example.

8 So you know, using the utilities cost
9 band, these -- these cost estimates could range from
10 3.3, which would be on the lower end, to 6.6 billion
11 that would -- that's the result of, you know, simply
12 applying the -- the uncertainty band.

13 So costs could go higher. Costs --
14 even the utilities agree that costs could go lower.
15 But I think that -- does that answer your question?

16 COMMISSIONER BURMAN: Yes. I asked --
17 I guess I am really concerned about the potential for
18 the increased cost to be fifty percent more perhaps,
19 is that what I heard you say?

20 MS. GRISARU: That's the uncertainty
21 range that the utilities provided and as I said that
22 we typically work with at this stage of project
23 development before the utilities have done the more
24 intensive project design and engineering work. There
25 a -- there is a significant uncertainty about the

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2 final cost.

3 COMMISSIONER BURMAN: Right. And I do
4 understand that we're looking at staff keeping on top
5 of the potential cost through a similar way of
6 looking at the review done during the rate case. My
7 concern is that it is outside of the rate case. And
8 so while it may be following the model or attempting
9 to follow the model of the rate case, there are not
10 necessarily the same level of due-diligence review
11 that may be in the rate case especially when you have
12 a lot of folks being able to look at that, the
13 process that is developed, the incorporation of the
14 administrative law judge, incorporation of what that
15 looks like from a prudency review and also how you
16 deal with the accounting issue especially when you're
17 looking at CapEx projects. And perhaps the concern
18 if it's -- can be very detrimental to ratepayers if
19 not done right. And I don't necessarily feel
20 comfortable with just hearing that staff will do
21 their due diligence. I have no doubt staff will
22 attempt to. I just think that this can be a very
23 daunting process and we're not talking about a small
24 number of things.

25 And if I remember correctly, the

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2 utilities initially when we were talking about Phase
3 Two, they had actually expressed interest in having
4 the Phase Two projects to be done in the rate cases
5 and the Commission that as a whole it decided that it
6 would be done outside of that. Can you speak a
7 little bit about that?

8 MS. GRISARU: Yes, although that
9 discussion isn't directly applicable here. At an
10 earlier stage, the Commission did find that -- that
11 getting its arms around CLCPA-driven local
12 transmission needs required establishing a new forum
13 outside the rate case where the Commission could
14 undertake that sort of cross-coordinated view, which
15 again is the theme of behind the coordinated grid
16 planning process. So in a sense those -- those two
17 things come together.

18 So we are anticipating that the
19 utilities are under a directive to make a Phase Two
20 filing together and that filing which was originally
21 due this -- this January has been extended I believe
22 to the beginning of March. So that will be the first
23 time that the Commission undertakes this coordinated
24 process for the review of the coordinated Phase Two
25 portfolio.

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2 COMMISSIONER BURMAN: Okay. Thank
3 you. That's helpful. When I look, I also look at
4 what is our obligation, what is our process that we
5 have to ensure that we are making sure that this is
6 serving the public need. And I also am looking at
7 whether or not what we're doing today is appropriate
8 and if there are any alternative ways of doing this.

9 I recognize that I have a history of
10 voting no over concerns with Phase One and -- and the
11 different projects in there and the issues
12 surrounding how we do the vote forecasting.

13 For me, I also am mindful that my
14 votes when the majority of the -- when the majority
15 of the Commission votes to do it a certain way and
16 then I may vote no at that time, that I have an
17 obligation to also incorporate that in my analysis
18 and to recognize that the majority has spoken. And
19 then to look at whether or not in these facts and
20 circumstances in the record before us, if it's for me
21 to also continue and to figure out what the
22 appropriate action should be.

23 I do believe that we have an
24 obligation also in regulation to not be static and
25 not to be open to making appropriate due-diligent

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2 changes if the way we thought initially in something
3 needs to be changed. I am concerned that we have
4 backed ourselves in as a Commission as a whole to
5 orders when we initially kicked this off that if we
6 had with foresight would have done it differently
7 from the beginning.

8 I also believe that we have an
9 opportunity when we are looking at what this looks
10 like, especially with the ongoing coordinated grid
11 planning process, that we perhaps if necessary, in
12 this case make some modifications to that. And not
13 get stuck with, well, this is how we have to be
14 because this is how we thought we were going to do it
15 initially.

16 I don't see that evolution of thought
17 process in what's before us today. In fact, I see us
18 still stuck in trying to stick to not just the
19 legislature but to how we initially approached it,
20 which I think frankly may need some refining. And I
21 also think that the refining doesn't mean that it
22 would upend the process. We're looking at the Phase
23 Two now. We're looking at significant ratepayer
24 impact and we're looking at uncertainty on what this
25 means going forward. The way the order is written,

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2 it appears to suggest, excuse me, and I don't want to
3 misspeak, so.

4 As it turns -- it talks about
5 ratepayer impacts, it says this order is being issued
6 by the Commission pursuant to the requirements under
7 Section 73 of the Accelerated Renewables Act to
8 identify local transmission upgrades that are
9 necessary or appropriate to achieve the CLCPA under
10 our prioritized schedule upon which such upgrade
11 shall be accomplished. I agree, that is what we're
12 trying to do.

13 Having found that the projects are
14 issued -- at issue or justified, I don't agree. It
15 remains incumbent on the Commission to maintain
16 transparency with respect to the potential cost
17 impacts of the areas of the concerned projects on
18 ratepayers.

19 I'm going to repeat that. It remains
20 incumbent on the Commission to maintain transparency
21 with respect to the potential cost impacts of the
22 area of concerned projects on ratepayers. And I
23 think you just have to do that by acknowledging
24 openly that there are significant costs and we're not
25 necessarily sure about the final cost. And I

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2 appreciate that. I think that's a really important
3 thing.

4 The order then goes on to say though
5 that, however, we would be remiss if we did not also
6 consider the cost to ratepayers should we fail to
7 take action to address the transmission constraints
8 in the areas of concern associated with delivering
9 renewable energy to the load. I have a huge issue
10 with that. The theme I've been hearing in a lot of
11 different dockets and -- and sort of at the state as
12 a whole is this failure to take action. And I take
13 pause on that. What does that mean, failure to take
14 action?

15 I don't mean to suggest that we failed
16 to take action. In fact that for me, that section is
17 really important on ratepayer impacts. It is not
18 enough for us to have a word salad that does not go
19 into detail on what else are the potential
20 alternatives. What was the legal analysis? What was
21 the policy analysis? How would we also address this
22 perhaps and have options for us as a commission to
23 look at, the pros and the cons, the different things,
24 multiple interveners, LIPA, and others suggest
25 different opportunities, right?

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2 We are deciding that these projects
3 are justified and therefore we are all-in rather than
4 saying what I think is that we're looking at this,
5 we're evaluating, we're seeing what's still missing.
6 We're seeing the potential, you know, challenges that
7 have technical implications, have developer
8 implications, have cost implications, and perhaps, we
9 need to be mindful that this and what we're doing
10 here is not the only things that are adding costs and
11 issues onto the system. So the alignment between all
12 of the different standard things that are required
13 for us to do in reliability and safety and our core
14 mission have to also get pancaked on when we look at
15 the CLCPA and those requirements. But we have to do
16 it in a way that makes sense.

17 Now, I believe strongly that we all
18 agree that achieving the mandates of the Climate Act
19 and the Accelerated Renewables Act require major
20 investments in transmission and distribution
21 infrastructure. In addition to investments in
22 renewable generation to ensure the system of the
23 future serves New Yorkers in a reliable and cost-
24 effective manner. I think we all agree to that.

25 And we as a Commission have focused so

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2 far on upgrades to our local transmission facilities
3 that are needed to support state climate goals for
4 2030. In addition, we have addressed the need for
5 additional bulk transmission related to offshore wind
6 integration. And as we talked about here, for the
7 longer term, we are all looking at developing a
8 coordinated state planning process to identify grid
9 investments needed to meet the state CLCPA mandates
10 and ensure the Commission and electric utilities are
11 equipped to respond to system need in a timely and
12 responsible manner.

13 Through this process, we, along with
14 the electric utilities and other utilities and the
15 ISO, and a whole host of other stakeholders are going
16 to need to make sure that we're aligning or thinking
17 our procedures, incorporating any necessary
18 modifications to provide the Commission with a
19 complete view of both the bulk and the local
20 transmission needs as they evolve.

21 And so for me, what I recognize is
22 this is difficult. I recognize that we are going to
23 have challenges. I recognize that if it was a purely
24 market-based generation market, the transmission
25 investment would be done solely by the developers.

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2 But since the state has largely taken over resource
3 decisions, the idea is to have the ratepayers pick up
4 the tab directly and that's challenging when we're
5 talking about such a large amount. And when it's
6 being done outside of the rate case, it requires also
7 a lot of concern, a lot more coordination, and then
8 figuring out.

9 So I guess the fundamental question
10 is, how do the most cost-effective solutions rise to
11 the top? When do we act on them, and how do we act
12 on them, and how do we put in the barriers that we
13 need?

14 And if we are preordaining the utility
15 plans and expenditures here, what do we do when we
16 are still so uncertain? I don't feel that the
17 process has been laid out enough to ensure that this
18 record is sufficient. And in fact, I think it's
19 deficient in showcasing that this action is what we
20 should be doing today.

21 When we're looking at the cost issue,
22 I also have for me a concern. So part of what we've
23 talked about also is that there's a lot of developers
24 interested. That's a good thing, right? We have a
25 lot of interest. And we're looking at those projects

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2 that are further in development perhaps, right?

3 So we're only really partially solving
4 the problem for some folks today. But we're not
5 solving for those developers further out in the
6 development stage. How does it come back to the
7 commission if the costs are so out of skew? How do
8 we, if we're saying that they're necessary, how do we
9 make sure that we are truly looking at that?

10 Now, East New York has a letter that
11 they submitted seeking to renegotiate contracts based
12 on inflation and asking -- asking for a significant
13 portion of those contracts to perhaps to be
14 renegotiated. Will these -- will those types of
15 things come back to the Commission to weigh in on
16 whether it's appropriate? Should we be looking at
17 perhaps what the Commission should be saying
18 organically, generically? So that folks have
19 regulatory certainty in what that looks like. When
20 we say the staff is going to be tasked with
21 evaluating the costs, what lens do we look at? What
22 lens do we give you so that there's certainty around
23 what that looks like? Some of these projects may not
24 get built in the near term.

25 So if the costs, supply chain, and all

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2 the host of other things, inflation, if all that goes
3 up, what are we saying? There's no trigger perhaps
4 except to do what. That's what I'm asking. Explain
5 to me the process for me to feel comfortable, that we
6 as a commission are sending the right signals.

7 MS. GRISARU: And, of course, this is
8 hard. I think there is some language in the draft
9 order that acknowledges the -- the very difficult
10 situation that the Commission is in because it's a --
11 it's a very difficult exercise to try to predict what
12 market forces which is what -- which is what drives
13 the generation development. What will be the
14 intersection of those market forces, and be more
15 heavily regulatory -- regulatorily driven
16 infrastructure development? How do we -- how -- we
17 don't know where the generation developers are going
18 to go. We don't know exactly how quickly they're
19 going to show up or exactly where. How do we -- how
20 do we -- how do we tackle that problem?

21 And what the Commission did in -- in
22 this case and this is not -- this is not the
23 blueprint for Phase Two projects in general. As I
24 mentioned earlier, the Commission told the utilities
25 to go back to the drawing board with their proposal

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2 for benefit/cost analysis and other criteria that --
3 that we will be applying into future Phase Two
4 filings. So this particular case, given the urgency
5 of the congestion problem, is sort of on its own
6 model.

7 But that model addresses the
8 uncertainty essentially by -- by trying to box the
9 risk of over or under -- of overbuilding transmission
10 infrastructure which of course is -- would -- you
11 know, is the scenario that we wanted to avoid. And I
12 think staff is quite confident that the methodology
13 applied here and the record before you show that this
14 particular package of upgrades does not raise much
15 risk at all of overbuilding transmission
16 infrastructure.

17 Rather, we have less confidence that
18 you won't have a problem in the future because this
19 package is very conservative. It's based on a very
20 conservative snapshot of the generation potential.
21 And so the risk of underbuilding in this instance is
22 probably greater than the risk of overbuilding.

23 But in the immediate term, I think
24 staff is very confident that the package here is
25 appropriate to the defined needs of the system. And

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2 in that sense is cost-effective. And there may be
3 more buried in your question but I wanted to make
4 that point.

5 COMMISSIONER BURMAN: Thank you. I
6 appreciate that, Liz. I think the reality though is
7 that there are valid concerns. There is significant
8 uncertainty. I don't see us as a commission really
9 addressing the specific needs in terms of what the
10 staff, who are going to have to go to FERC, should be
11 looking at from the Commission as a body, what it
12 means in terms of this potential, if it is increasing
13 the cost or even just staying the same. It's a
14 significant dollar amount.

15 And it is not that I say we should not
16 move forward quickly and efficiently and responsibly
17 on transmission. But it is for us to look at what
18 are some of the alternatives and the options. And I
19 do think that when you look at the record, the record
20 does not necessarily give to the Commission an
21 opportunity for alternatives. So that section that
22 talks about ratepayer impacts has only lip service by
23 saying, we're doing this. We think it's justified
24 and if we fail to take action. And no one is
25 suggesting that we failed to take action but we

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2 should be measured. We should be looking at it.
3 Perhaps today is a framework to say what we're
4 looking at, what we care about, but then moving some
5 of the actual specifics in terms of what it looks
6 like, directing more analysis and modeling that can
7 give us more certainty on the costs. Directing some
8 kind of evaluation, especially in light of the
9 uncertainty with whether, you know, there's going to
10 be renegotiating on contracts that are already
11 existing.

12 What it is that we are saying about
13 that? What it is about how it may come back to the
14 Commission or not? And then also looking at folding
15 that into that some insight into what we should be
16 requiring for the coordinated grid planning process
17 which is underway.

18 And so as I sit here, these concerns,
19 the lack of its certainty, the lack of direction to
20 staff on what is required. And how it sort of then
21 would then be outside of the Commission without
22 necessarily being able to make timely modifications
23 and have proper analysis is enough for me to say that
24 this does not serve the public need. It is not
25 consistent with the long-term plans to improve

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2 liability and transmission capabilities. And it will
3 not help to accommodate future expansion of the clean
4 energy grid.

5 In fact, it might be a part of that.
6 But as a whole, this is not the right approach. And
7 so I would like us to look at this more and not just
8 trying to push it all out. I think that's -- that is
9 short-sighted and that is complicated. And it will
10 cause us to have more challenges than if we just gave
11 some analysis and direction now on what we need to
12 have the proper fiscal judiciary oversight. And I
13 worry that we are going to regret this today.

14 So based on that I will be voting no
15 based on the fact that I think the record is
16 insufficient in showcasing that this action today
17 should be taken. But it is not saying that I think
18 we should take no action. I think we should be
19 sending different signals and giving more clarity,
20 which is lacking here. Thank you so much.

21 CHAIR CHRISTIAN: Thank you,
22 Commissioner. Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you,
24 Chairman. And thanks to all the people in the
25 Department. We had the benefit of a -- a couple of

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2 briefings and I know an awful lot of work went into
3 that. So thank you for that.

4 What we're doing is we're responding
5 to a pressing need that is directly related to the
6 demands of the CLCPA, which is law. Our pursuit of
7 renewable energy will not come without cost.
8 Appropriately, this approach allows for costs to be
9 spread statewide. And I know that that will make
10 some people unhappy, but I would point out that when
11 we were sending transmission from the north down to
12 the metropolitan area, those same complaints were
13 heard by different sectors of our population. So
14 there's a matter of fairness in here that I don't see
15 is coming from this report. That's my editorial
16 version.

17 The higher cost of no curtailment
18 approach makes sense to me because most likely it
19 will provide more near-term headroom and it will also
20 support longer-term renewable development planning.
21 My greatest concern is unknown future costs. As an
22 aside, I remember twelve years ago when I was
23 underground at the 2nd Avenue Subway that had been
24 under construction for many years with completion
25 being promised and moving the ball forward and

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2 forward and forward.

3 We all know that it didn't happen in
4 the two years that it was supposed to have happened
5 since my visit down there. But it is now open,
6 however and that's the good news. It just came a
7 little late. 4.4 billion dollars is where we're
8 going with what's before us today. What remains
9 unknown is where we'll be and where we'll end up in
10 the future. And nevertheless, this is the path that
11 we have chosen. We must accommodate the law as it
12 has been presented to us by the legislature and I'll
13 be voting yes.

14 MS. GRISARU: Commissioner, if I could
15 just -- perhaps this is helpful for everyone. There
16 are at least two more touch points where we will see
17 the cost of these projects as they evolve. The first
18 one is in the Article Seven process which happens
19 here in-house. We will get updated cost estimates
20 from all of these project developers, utilities in
21 this case in -- as, they seek those Article Seven
22 certificates.

23 Secondly, as I mentioned earlier, the
24 Federal Energy Regulatory Commission will be sort of
25 sitting in our shoes in the future scrutinizing the

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2 actual costs that the utilities file with them. They
3 will be sort of wearing our hat or they'll be sharing
4 a hat at that point. And their process is no less
5 robust, no less intensive than ours, and we will be,
6 as I said, staff will be intervening in those
7 proceedings to make sure our voice is heard. And
8 that FERC understands our position on the
9 reasonableness and prudence of the costs as the
10 utilities report them.

11 So there will be at least those two
12 additional touch points on these costs going forward.

13 COMMISSIONER ALESI: Okay.

14 CHAIR CHRISTIAN: Thank you for that
15 additional commentary. All right. We'll move on now
16 to Commissioner Edwards.

17 COMMISSIONER EDWARDS: I have no
18 comments. Thank you. I'll be voting in favor.

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

21 COMMISSIONER HOWARD: Thank you.
22 Thank you. And -- and Liz, Mary Ann, and team, thank
23 you. There's some aspects of this order as presented
24 to us that I find gratifying, particularly our
25 emphasis on price transparency which, as you know --

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2 well, my belief as it may -- has not been so
3 transparent in other orders in the past. So to that
4 end I do thank you for that analysis, not just when
5 we speak and we typically speak of statewide impacts.
6 I do -- really do appreciate the individual LDC,
7 customer impact by company, and -- and rate class.

8 I have a couple of questions, you
9 know, it's in relation to the FERC oversight. Is it
10 fair to say that FERC is typically more generous in
11 rate of return than this commission?

12 MS. GRISARU: I think that is a common
13 assumption, Commissioner. I am -- don't personally
14 know all the history of others in this room who are
15 probably better able to answer the precise question.
16 But I think that is generally true. On the other
17 hand under the cost-recovery mechanism that will be
18 in place that will -- for these costs, the utilities
19 have agreed to use the return and capital structure
20 approved by this commission in their FERC filings.
21 So there will -- there will be that limitation on
22 what they submit to FERC. Do you want to --?

23 MS. SORRENTINO: They're actually
24 bound by the lower of the -- this commission's
25 allowed rate of return -- or return on equity and

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2 capital structure and the FERC return on equity and
3 capital structure in their filing at the FERC that
4 was approved.

5 COMMISSIONER HOWARD: Great. Thank
6 you. Because certain past orders we've done on -- on
7 transmission, the -- the owners have been granted
8 higher R.O.I.s than -- than we typically --.

9 MS. GRISARU: No. Not -- not here.

10 COMMISSIONER HOWARD: Okay. Good.
11 And is -- by your math, it would appear that the
12 owners and we make reference to the utilities. But
13 we're really talking about National Grid and the
14 Avangrid companies. So is that -- is that fair to
15 say in terms of where --

16 MS. GRISARU: And -- and Central
17 Hudson

18 COMMISSIONER HOWARD: -- these first -
19 - and Central Hudson.

20 MS. GRISARU: Central Hudson, yeah.

21 COMMISSIONER HOWARD: Okay. Great.
22 And this will -- actually, this will help provide a
23 significant impact -- an increase in their overall
24 CapEx, correct? The values of the companies will
25 increase significantly because they're building new

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2 stuff.

3 MS. GRISARU: Yes.

4 COMMISSIONER HOWARD: So --

5 MS. GRISARU: And hopefully it
6 attracts more investors.

7 COMMISSIONER HOWARD: -- for the --
8 for their shareholders and bondholders, this is a
9 good thing.

10 MS. GRISARU: I would say so, yeah.

11 COMMISSIONER HOWARD: Potentially.
12 Okay. Thank you. The -- you know as you'd probably
13 -- and staff already knows. I'm not going to be
14 supporting this. Not because of the issue of the
15 need for more transmission to accommodate new
16 renewables under the system. It's -- it's my ongoing
17 and, you know, unfortunately, I do sound like a --
18 and I -- I use the phrase broken record but anybody
19 under forty doesn't even know what a record is.

20 You know, that this -- this has been
21 my ongoing complaint. It's the nature of the load
22 share ratio recovery and how we're charged across the
23 state. It is particularly not ironic. It's just
24 right there in the face that those customers who have
25 the least carbon impact on the state will be paying

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2 nearly double for as compared to those customers that
3 have the highest carbon impact in the state.

4 I'll just use the, you know, example
5 Con Ed is largely ninety plus percent carbon-based
6 company currently versus, you know, NIMO and NYSEG
7 which is far less in terms of the actual -- where the
8 actual electrons come from, you know, they will be --
9 it'll be nearly double. It'll be nearly double the
10 impact on those -- those -- this is per the chart
11 that you provided the Commission.

12 Additionally, the -- the issue of
13 within rate classes, you know, and I just recently
14 came back from the neighborhood conference where I'll
15 tell you, there are about 30-some-odd states that use
16 as an example of 'come to my state and we won't bang
17 you for higher costs. Come here and build your new
18 widget factory or whatever.' And they blatantly use
19 our state as an example of something that they
20 wouldn't do. You know, to that end, you know, and
21 certain the industrial -- the commercial and
22 industrial portion of this is significant. And in
23 terms of if I was a site selector and going -- and
24 trying to decide where I was going to build my new
25 establishment, I'd want to -- I would have to look at

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2 where are my long-term costs were on a very important
3 aspect of my business.

4 So in some cases, you know, again the
5 high load factor industries are the most glaring and
6 we don't have that many. If we keep going this way,
7 we will have none. In some cases, those -- and this
8 is if the projects don't exceed what we think they
9 are. They have -- if we give them another 50 percent
10 wiggle room and that's a -- a big wiggle. It could
11 be significantly higher dollars over time. And, you
12 know, a double-digit, you know, rate increase, bill
13 increase or in this case, rate increases, you know,
14 is very troubling.

15 The other thing and -- and I know the
16 commission and the staff is poised in the next
17 several months to give us a complete analysis of the
18 overall cost of CLCPA compliance. And -- and I look
19 forward to that because to do this one-off -- I mean
20 one-offs is a wrong -- and pardon me, I don't mean to
21 be pejorative. These -- and the way we do, it -- to
22 me it masks the entire cost of decarbonization. This
23 is just one aspect that could have had, you know, up
24 to, you know four percent in some cases for
25 residential cost and ten percent for large and

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2 certain large industrials. But that's not the only
3 thing we're doing. And this is only on the
4 transmission side.

5 Those same developers will -- are
6 developing stuff that will also cost ratepayers money
7 again to develop those renewable rate resources. So,
8 you know, we are looking at some big numbers down the
9 road. And -- and again, that the issue of equity is
10 very important. And I -- and I don't believe that
11 this particularly -- their load share ratio is in any
12 way equitable because those customers that are
13 causing the problem are -- are the ones that seem to
14 be getting the better deal. And -- and I'm very,
15 very troubled by that, you know.

16 And in -- and in regard to this, you
17 know, there's been much talk lately about making New
18 York more affordable. I don't think raising
19 commercial and industrial rates by nearly double-
20 digit makes New York more affordable. And as we have
21 now known, any upward pressure on residential rates,
22 you know, we have just done the last order we've did.
23 A lot of -- gave a lot of ratepayer money to people
24 to help them or relieve them of their bills. If we
25 have more upward pressure on cost of bills, that just

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2 again, we know what happens. People don't pay. We
3 have to come up with an arrears program or some other
4 mechanism by which to make the utilities whole for
5 products that they have sold.

6 So I think, you know, that's -- that's
7 one of the things that are going. And I also find it
8 very interesting in this week that during the budget
9 hearings that the Chairman did an able job at. I
10 appreciate his efforts. But certain advocates
11 pointed out that in this year's budget, there is no
12 dollars to help transmission owners. And even though
13 that certain advocates said well, this is -- we're
14 going to spend a lot of money here. We really need
15 to help -- to help customers because, you know,
16 currently the only mechanism to pay for all this is
17 through utility rates, exclusively.

18 And I -- I just have to say and I'll
19 have to -- I feel compelled to say this. When asked
20 that question and the governor's office responded by
21 such, that state budget does not include funding for
22 transmission infrastructure. Utilities typically pay
23 for the cost of power infrastructure including
24 transmission lines. These costs are passed to
25 utility ratepayers through the delivery charge for

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2 electric service.

3 Well, in this case, we now know what
4 that number is. And I'm making the broad assumption
5 that these -- that these rate increases are now
6 somehow broadly acceptable as an effort to part of
7 our decarbonization efforts. And -- and I will
8 submit that bill on the -- you know, that financing
9 them exclusively through rates, particularly of
10 residential, is the least progressive mechanism for
11 financing anything. We make no judgment whether you
12 have the money to pay or you don't have the money to
13 pay. And then on the commercial and industrial side,
14 whether this puts you on -- out of industrial --
15 competitiveness. You go on it, you know, with your
16 peers. It's just -- it is just completely -- the
17 rhetoric doesn't match the actual effort that we're
18 doing here today. And I -- and I do understand where
19 we are. There is no other mechanism to pay for these
20 investments. I got it.

21 Again, at some point, you know, this
22 really gets out of hand. And this -- and as I said
23 and I really look forward to what it means in context
24 of all of the other CLCPA mandated spend -- well,
25 it's not mandated spending. It's things that we will

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2 have to do to make sure that we meet the -- the 2030
3 and 2040 goals.

4 So I think that is -- that is -- it's
5 still so troubling to me. And it's also that, you
6 know, and a lot of -- and the advocates also pointed
7 out, polluters should pay. Polluters should pay.
8 And in this case, the ratepayers who pollute the
9 least pay the most. It is -- it is -- it is really
10 troubling in terms of carbon impact, you know, and --
11 and that -- and that's that. And, you know, to me
12 the saddest part of what we're doing today is that no
13 one will know. No one will pay attention. No one
14 will know that upstate ratepayers are potentially
15 having higher impact than downstate ratepayers. They
16 won't know.

17 This will not appear in the Syracuse
18 Rochester Buffalo media. They won't know.
19 Decisionmakers at all levels just won't know. And it
20 will be after the bill impacts hit. And I guarantee
21 you, when this costs hit our rate cases, the howl
22 from these same constituencies will be heard from
23 here to Timbuktu. But this -- this is what we're
24 doing.

25 And again, I know they're all

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2 reconciled later. But again, we are -- we are
3 incurring the costs today. And it's not that I'm
4 against -- and I just have to say this again. It is
5 not that I am personally against how the need to
6 decarbonize our system rapidly and efficiently. It's
7 just the way we're paying for it.

8 If we believe that these large capital
9 expenses are absolutely necessary as a part of state
10 policy, then the state legislature needs to help pay
11 for them, not us. Because the members of this body,
12 we become the de facto tax raisers to -- to implement
13 public policy. So again I do appreciate your work
14 very much and your candor and particularly the candor
15 in regard to as Commissioner Alesi pointed out.
16 There is some upside or down. There's risk, real
17 risk going forward that these numbers could be
18 significantly higher. But to that end, I do
19 appreciate your work. But given the nature of how
20 we're doing this, I will not be supporting it. So
21 thank you very much, Mr. --.

22 MR. ROSENTHAL: Let -- let me just
23 make one comment, if that's okay. So it goes to your
24 question of ratepayers upstate make -- paying more
25 money for these projects than downstate ratepayers.

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2 And it could just go to confusion between table six
3 and seven in the order.

4 In actuality, ratepayers in each
5 classification will pay the identical amount no
6 matter where located in the state. Table Seven shows
7 the issue in terms of our percentage. And the
8 percentages are different just simply because
9 downstate rates are much higher than upstate rates.
10 And so the percentage increase is lower in downstate
11 than the percentages increase in Upstate New York.
12 But otherwise, just to be clear, ratepayers in each -
13 -

14 COMMISSIONER HOWARD: No. I
15 appreciate that. But I do have to --

16 MR. ROSENTHAL: -- classification
17 would pay the identical amount.

18 COMMISSIONER HOWARD: -- I -- I do
19 have to respond to the delta.

20 CHAIR CHRISTIAN: All right. Thank
21 you, Commissioner. Commissioner Valesky.

22 COMMISSIONER VALESKY: Thank you, Mr.
23 Chairman. Liz, great job by you and your team as
24 always. There -- there's a lot that -- that went
25 into this. This is a -- obviously a very, very

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2 significant item that is before us today and I
3 appreciate your work, appreciate your openness and
4 honesty in your presentation, and certainly in regard
5 to this. This may not be the end of the -- the end
6 of the line so to speak so thank you for that.

7 I -- I just -- and I will be
8 supporting the item. I just want to make one
9 observation as I was preparing for today's session
10 and -- and to consider this order. It seems to me as
11 we -- as the state as we march along the path toward
12 decarbonization we have this delicate balance or
13 equilibrium that we're trying to find between
14 generation of renewables and transmission of the
15 power that comes from those renewables.

16 On the generation side, lots of
17 progress. Our sister agency at NYSERDA I think has
18 done a good job in terms of them leading that effort.
19 We now have been hearing additional proposals going
20 back a year or so perhaps to change things on the
21 generation side and include others in that -- in that
22 process. That is neither for today or for us to
23 consider certainly. But I just make the observation
24 that we can continue to move forward on the
25 generation side all we want. But if we don't have

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2 the transmission to get what is generated from
3 renewable generation projects, well, where are we
4 going to be in the final analysis?

5 So, you know, not a lot of talk on the
6 transmission side. But this is just as important as
7 anything else along our path towards decarbonization.

8 So I -- I -- I see this order as in
9 the sense a rebalancing of that equation or maybe a
10 catching up if you will on the transmission side with
11 the generation side. And in that regard, I think
12 this is an incredibly important item that we consider
13 today. And I also appreciate specifically Liz your
14 response to, I believe it was of one of Commissioner
15 Burman's questions. I think you -- you and the staff
16 have taken the absolute correct approach when you
17 said and I'm paraphrasing. This is the -- in terms
18 of the issue of overbuilding versus underbuilding.
19 This is the most conservative approach. I think
20 that's absolutely the right approach that we should
21 be taking. So again thank you for -- for coming at
22 this from that perspective and again I'll be
23 supporting the item. Thank you.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner. Commissioner Maggiorre.

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2 COMMISSIONER MAGGIORE: Thank you. So
3 several of my colleagues raised some very serious
4 issues that I have been wrestling within my own mind
5 and, you know, last night, as I was doing my final
6 preparations for today's meeting, I took a walk
7 around Manhattan as the sun was going down and I
8 couldn't help but notice that it was about sixty-five
9 degrees. And it sort of reminded me of the context
10 of why the legislature passed the CLCPA in the first
11 place. And it made me think a little bit about that
12 law which, you know, reasonable people could disagree
13 about whether or not that -- what the best way to
14 deal with the issue. I supported it. But it very
15 clearly gives us -- us the P.S.C. mandates to come up
16 with a program to establish that seventy percent of
17 statewide electric generation must be produced by
18 renewable energy by 2030 and then by 2040, the
19 statewide electrical system must be zero emission.
20 The clock is ticking and that's one of the things
21 that I -- I can't get around in my head.

22 Now in my mind, ideally, when the
23 costs of such an enormous policy such as a CLCPA come
24 into view, that the legislature would pass a budget
25 appropriation to help achieve the statewide goals as

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2 articulated by that policy. And that given that our
3 state income tax has graduated tax with the
4 wealthiest New Yorker is paying a higher tax rate
5 contributing more of the statewide tax revenue.

6 That this approach would help ensure
7 that those who can afford to pay for these important
8 policy objectives, that the -- that the method of
9 paying is -- is -- is more closely matched with the
10 ability to pay. The legislature has other options
11 for progressive ways of raising revenue, bond act,
12 creation of a wealth tax. And ideally, I would -- I
13 would prefer that the legislature took that approach.
14 But it's not what the legislature did. Instead, we
15 were mandated to come up with a revenue -- to come up
16 with a way of generating revenue to pay for the
17 infrastructure that's mandated by law.

18 So the question for me is how can we
19 do this in an equitable way for ratepayers or at
20 least the most equitable way that is at our disposal
21 to do. So we come to today's order which we would
22 not be contemplating if not for the CLCPA. This is
23 not Phase One. So the -- the projects here are
24 coming into existence -- in order to meet these
25 statewide goals as articulated by the CLCPA. So I

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2 don't really like the load-share ratio as a way to
3 pay for this. But I can't get around in my head that
4 these are statewide goals that we are trying to
5 address. They're not local goals.

6 And so I conclude that this is a
7 justifiable way to pay for these infrastructure
8 investments. I don't like increasing rates. I don't
9 think anybody on this commission does. But as, you
10 know, as is evident by the order, there are enormous
11 costs that are associated with achieving the
12 statewide goals that are mandated by law. And so we
13 have to, you know, make a hard decision. I will note
14 the legislature has acknowledged that energy
15 affordability is an issue.

16 Last year they enacted the 250 million
17 dollars -- they passed 250 million dollars on to the
18 D.P.S. to reduce utility arrears and I know the
19 budget has another 200 million dollars to expand
20 affordability prog -- programs. Maybe the -- maybe
21 the legislature will contemplate putting more money
22 into that.

23 These are not necessarily, the -- the
24 methods that I would have preferred if I was in the
25 legislature but I'm not. I'm here, I'm on the P.S.C.

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2 I can't offer an amendment to create a wealth tax.
3 What I can do is I can vote yes or no. And I think
4 when -- when I consider all the factors here, I
5 arrived at the conclusion that I'm going to vote yes.

6 So, you know, the bottom line for me
7 is that we have to comply with the statewide mandate
8 for a program that benefits all New Yorkers. And I -
9 - I think that this is justifiable. Liz, I'd like to
10 thank you and your team for a thorough presentation
11 and an even more thorough order. And the order has
12 an awful lot of information in it and answered a lot
13 of my questions. So that's why I don't have any to
14 ask but I will be voting yes. Thank you very much.

15 CHAIR CHRISTIAN: Thank you,
16 Commissioner. Excuse me. My vote is in favor of the
17 recommendations to grant the petition and approve the
18 proposed transmission upgrades as discussed.
19 Commissioner Burman, how do you vote?

20 COMMISSIONER BURMAN: I will be
21 issuing -- issuing a separate written descent to be
22 attached to the order. My vote is a no.

23 CHAIR CHRISTIAN: Thank you.
24 Commissioner Alesi.

25 COMMISSIONER ALESI: Yes.

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2 CHAIR CHRISTIAN: Commissioner

3 Edwards?

4 COMMISSIONER EDWARDS: Yes.

5 CHAIR CHRISTIAN: Commissioner Howard?

6 COMMISSIONER HOWARD: No.

7 CHAIR CHRISTIAN: Commissioner

8 Valesky?

9 COMMISSIONER VALESKY: Yes.

10 CHAIR CHRISTIAN: Commissioner

11 Maggiore.

12 COMMISSIONER MAGGIORE: Yes.

13 CHAIR CHRISTIAN: Thank you, everyone.

14 The item is approved and the recommendations are
15 adopted. We're now going to move to the consent
16 agenda. Do any Commissioners wish to comment on or
17 recuse from voting on any items on the consent
18 agenda? I'll start with Commissioner Burman.

19 COMMISSIONER BURMAN: I will be

20 concurring on Item 162. On Item 164, I will be

21 concurring and I'd just like to say that my reason

22 for my concurrence is I am supportive of the item.

23 But in the item on page seven, it talks about the

24 fact that we will be requiring the initiation of --

25 of the new proceeding wherein all gas distribution

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2 utilities in New York would confirm and report on the
3 use of Permalock tapping tees in their service
4 territories. And it goes into the fact that we'll be
5 doing that new proceeding.

6 And for me, I am supportive of a new
7 proceeding but I think that it should have a separate
8 commencement order of a proceed -- of a -- today, the
9 commencement of the new proceeding order established.
10 It can reference that it is doing that. But I don't
11 think that it is procedurally fair or appropriate to
12 just reference it in here without having established
13 the commencement of a new proceeding by a separate
14 written order. So I'm concurring but I flag that as
15 a -- a process issue that I think is a problem.

16 CHAIR CHRISTIAN: Thank you,
17 Commissioner. Let's discuss that offline after this
18 session as well. Thank you. Those are the two Items
19 162 and 164.

20 COMMISSIONER BURMAN: Right.

21 CHAIR CHRISTIAN: Great. Thank you.
22 Commissioner Alesi?

23 COMMISSIONER ALESI: I'll be
24 supporting the entire consent calendar.

25 CHAIR CHRISTIAN: Thank you.

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2 Commissioner Edwards?

3 COMMISSIONER EDWARDS: No questions.

4 No comments.

5 CHAIR CHRISTIAN: Thank you.

6 Commissioner Howard?

7 COMMISSIONER HOWARD: Yes, I have one
8 comment and -- and one recusal. On Item 162, the St.
9 Lawrence Gas franchise extension. It's a sixty year
10 franchising statute for a gas-only utility. I
11 discussed it and my first blush was to be a hard no
12 on this in regard that I don't see how we could
13 reconcile a sixty year gas only franchise with the
14 goals of the CLCPA. But in discussion with counsel,
15 I've been informed and -- and that there is nothing
16 and as currently written in the CLCPA, would bar this
17 commission from extending gas franchises whether its
18 thirty years, sixty years, a billion years.

19 And while I do believe that is in fact
20 the case in their interpretation. There is no way
21 that I believe that this -- that action is in the
22 spirit of the authors of the CLCPA. And I also would
23 submit, since this is a small utility on the Canadian
24 border, it goes under the radar. If this is in a
25 more urbanized area with a greater level of activism,

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2 I believe there would have been more comments and --
3 and potential opposition to this.

4 In addition to our -- the counsel's
5 belief that the CLCPA does not disallow this -- this
6 action, it also points to the actions of local
7 governments because what this order does is to verify
8 actions of local governments who granted franchise
9 agreements. In this case to the tune of sixty years,
10 and again to counsel's advice there is nothing in
11 the CLCPA that specifically says that local
12 government actions need to be scrutinized by the
13 CLCPA as currently written.

14 We all know in this body that the
15 CLCPA inevitably will have some amendments. When and
16 how and what, we don't know yet. But it clearly has
17 some issues going forward. And I would suggest to
18 those who are interested, this issue of gas franchise
19 extensions may be one of the items that the
20 legislature maybe should take a look at and see how
21 they align with the overall spirit of the CLCPA.
22 With that being said, I'll be voting for it.

23 I'm also on the advice of department
24 counsel recusing myself from Item 360.

25 CHAIR CHRISTIAN: Sorry, Commissioner.

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2 SECRETARY PHILLIPS: I'm sorry.

3 CHAIR CHRISTIAN: Could you confirm
4 that item number, please?

5 SECRETARY PHILLIPS: Can you please --
6 yes.

7 COMMISSIONER HOWARD: 360.

8 CHAIR CHRISTIAN: I think you -- no.

9 SECRETARY PHILLIPS: Did you mean 362
10 by chance?

11 COMMISSIONER HOWARD: Oh, excuse me,
12 I'm sorry. 362, I apologize.

13 SECRETARY PHILLIPS: Thank you.

14 CHAIR CHRISTIAN: Got it. Thank you,
15 Commissioner. Commissioner Valesky.

16 COMMISSIONER VALESKY: No comments or
17 questions.

18 CHAIR CHRISTIAN: Thank you.
19 Commissioner Maggiorre.

20 COMMISSIONER MAGGIORE: I have no
21 additional comments. Thank you and I'll be voting
22 yes.

23 CHAIR CHRISTIAN: Okay. Thank you.
24 So my vote is in favor of the recommendations on the
25 consent agenda. Commissioner Burman, you're voting.

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2 COMMISSIONER BURMAN: I'm voting yes
3 except 162 and 164, I'm concurring. Thank you.

4 CHAIR CHRISTIAN: Thank you.
5 Commissioner Alesi?

6 COMMISSIONER ALESI: Yes, on all
7 items.

8 CHAIR CHRISTIAN: Thank you.
9 Commissioner Edwards.

10 COMMISSIONER EDWARDS: Yes, on all
11 items.

12 CHAIR CHRISTIAN: Thank you.
13 Commissioner Howard.

14 COMMISSIONER HOWARD: Yes, on all
15 items except for a recusal on Item 362.

16 CHAIR CHRISTIAN: Thank you.
17 Commissioner Valesky.

18 COMMISSIONER VALESKY: Yes, on all
19 items.

20 CHAIR CHRISTIAN: Okay. And
21 Commissioner Maggiorre.

22 COMMISSIONER MAGGIORE: Yes, on all
23 items. Thank you.

24 CHAIR CHRISTIAN: Thank you, everyone.
25 The items are approved and the recommendation is

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2 adopted. Madam Secretary, is there anything else
3 further coming before us today?

4 SECRETARY PHILIPS: There's nothing
5 further today.

6 CHAIR CHRISTIAN: Excellent. Thank you
7 that. And with that, we adjourn today's session.
8 Thank you everyone for your time and participation.

9 (The meeting concluded at 11:41 a.m.)

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1 2/16/2023 - Monthly Meeting

2 STATE OF NEW YORK

3 I, MONIQUE HINES, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 54, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 21st day of February, 2023.

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13 MONIQUE HINES, Reporter

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