

1 6/22/2023 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, June 22, 2023

7 10:30 a.m. until 1:39 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 JAMES S. ALES I

15 TRACEY A. EDWARDS

16 JOHN B. HOWARD

17 DAVID J. VALESKY

18 JOHN B. MAGGIORE

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2 (The meeting commenced at 10:30 a.m.)

3 CHAIR CHRISTIAN: Good morning. I
4 call the session of the Public Service Commission to
5 order.

6 Ms. Vigars, are there any changes to
7 the final agenda?

8 ACTING SECRETARY VIGARS: There are no
9 changes to the final agenda.

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

15 COMMISSIONER BURMAN: Present.

16 CHAIR CHRISTIAN: Commissioner Alesi?

17 COMMISSIONER ALESI: Present.

18 CHAIR CHRISTIAN: Commissioner
19 Edwards?

20 COMMISSIONER EDWARDS: Present.

21 CHAIR CHRISTIAN: Commissioner Howard?

22 COMMISSIONER HOWARD: Present.

23 CHAIR CHRISTIAN: Commissioner
24 Valesky?

25 COMMISSIONER VALESKY: Here.

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2 CHAIR CHRISTIAN: Commissioner

3 Maggiore?

4 COMMISSIONER MAGGIORE: Present.

5 CHAIR CHRISTIAN: Thank you. Okay.

6 We'll move to the regular agenda. Note for the
7 audience. We're going to start with item 102. The
8 discussion item today relates to the 2022 Pipeline
9 Safety Performance Measures report.

10 It will presented -- it will be
11 presented by Valerica Oreifej, and engineering
12 specialist number II. And Jeffrey Kline, Kevin
13 Speicher will be here available for questions.
14 Valerica, please begin.

15 MS. OREIFEJ: Good morning, chair.
16 Good morning, Commissioners. My name is Valerica
17 Oreifej. I'm a Utility Engineering Specialist -- it
18 was on. Sorry about that.

19 Good morning, Chair, Commissioners.
20 My name is Valerica Oreifej. I'm a Utility
21 Engineering Specialist Two with the Office of Energy
22 System Planning and Performance pipeline safety
23 section. Item number 102 is the 2022 Pipeline Safety
24 Measure -- Performance Measures Report and is for
25 information only.

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2 Can we please stop the PowerPoint
3 presentation? Thank you. The measures that make up
4 this report is the result of joint efforts beginning
5 in the 1990s between the 11 major gas distribution
6 operators and the Department of Public Service.

7 The report examined the results of
8 Local Distribution Companies or L.D.C.s for short,
9 performance in specific areas that includes damage
10 prevention, emergency response, and leak management
11 for 2022. And the results of the stops or its
12 investigation that verify compliance with the
13 pipeline safety regulations in 2021.

14 Overall, the data indicates that
15 performance has improved for L.D.C.s across the State
16 of the -- over the 20-year period staff has been
17 reporting performance to the Commission. Next slide,
18 please.

19 The first measure, damage prevention
20 measures the success of L.D.C.s and minimizing
21 damages to bearing gas facilities caused by
22 excavation or demolition activities. The damage
23 prevention measure is broken down into four
24 categories and they are as follows.

25 There are damages due to mismarks or

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2 inaccurate markings by the L.D.C.s of its affected
3 underground facility. L.D.C.s and their contractors,
4 third-party excavator errors, and no calls or failure
5 of an exca -- excavator to provide notice of intent
6 to excavate to the one-call notification system.

7 In 2022, two of the four categories
8 saw improvements in performance as follows. The no-
9 call damage rate decrease from 0.37 per 1000 one-call
10 tickets in 2021 to 0.34 per 1000 one-call tickets in
11 2022 or an 8 percent decrease.

12 And operators and their contractors
13 damage rate also decreased going down from 0.08 and
14 1000 one-call tickets in 2021 to 0.07 and 1000 one-
15 call tickets in 2022 or a 12.6 percent.

16 The other two categories saw a
17 decrease in performance and they are as follows. The
18 mis-marked damage rate increased slightly from 0.38
19 per 1000 one-call tickets in 2021 to 0.40 per 1000
20 one-call tickets in 2022 or a 5.3 percent.

21 The last category is the third-party
22 damage rate that also increased from 0.79 per 1000
23 one-call tickets in 2021 to 0.89 per 1000 one-call
24 tickets in 2022 or a 12.7 percent.

25 In 2022, the data shows a decrease in

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2 the number of one-call tickets with about 1.4 percent
3 or 11,039 less tickets. And an increase in the
4 number of total damages gone from 1,312 to 1,359 in
5 2022.

6 This resulted in a decline under
7 performance of the total damage rate, going from 1.62
8 per 1000 one-call tickets in 2021 to 1.7 per 1000
9 one-call tickets in 2022. However, a review of the
10 data for the past five years, 2018 through 2022 shows
11 a downward trend for all four categories as well as
12 for the total damage rate per 1000 one-call tickets
13 as you can see on the graph.

14 Next slide, please? The second
15 measure, emergency response reflects the L.D.C.s'
16 ability to respond promptly to reports of leaks,
17 odor, and emergency response. By examining emergency
18 notification -- I'm sorry.

19 By examining the percentage of reports
20 that were responded to within specific time
21 intervals, the percentages and the intervals are as
22 follows. The companies are to respond to 75 percent
23 of emergency reports within 30 minutes.

24 They are to respond within to -- 90
25 percent within 45 minutes, and to respond to 95

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2 percent within 60 minutes. Compared to 2021 and
3 2022, the L.D.C.s' performance for each of the
4 emergency response time intervals slightly declined
5 within about 1 percent range.

6 Although in 2022, the performance
7 declined, the companies' response times still far
8 exceeded the targets level -- levels. The data over
9 the 5-year period, 2018 through 2022 shows that the
10 L.D.C.s continued to improve their performance for
11 this category.

12 And staff believes that because in
13 2020 and 2021, there was less vehicle traffic due to
14 the COVID pandemic and L.D.C.s performance was
15 artificially improved during those years.

16 With the traffic pattern returning
17 back close to the pre-2020 level, the 2022
18 performance is more in line with what we would expect
19 if those years, the 2020 and 2021 were eliminated.

20 In general, the L.D.C.s have continued
21 to use technologies as G.P.S. to quickly identify the
22 most appropriate employee to respond and have
23 continued placing or adding personnel in certain
24 geographical areas during the times of the day that
25 have historically high volumes of emergency

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2 notifications.

3 Next slide, please. The third measure
4 is the leak management that examines the L.D.C.s'
5 performance related to their leak inventories in
6 addition to the evaluations of leak discovered and
7 leaks repaired.

8 Potentially hazardous leaks include
9 any leaks that require repair, which are type 1, type
10 2-A and type 2. Type 3 leaks, which do not have a
11 prescribed repair timeframe. They are considered to
12 be non-hazardous and are re -- and are required to be
13 re-evaluated during the next required leak survey.

14 They could survey or annually,
15 whichever is sooner to ensure that public safety
16 concern has not developed. While type three leaks
17 are not expected to become a safety concern, L.D.C.s
18 continued to eliminate those types of leaks as a
19 result of rate -- rate cases targets set forth for
20 annual total leak backlogs because it reduces lost
21 gas, reduces maintenance cost, the total number of
22 emergency response, and any effect that persistent
23 odor has or negatively impacting public awareness
24 efforts.

25 In general, all the L.D.C.s have

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2 demonstrated improvement over the past several years.
3 In 2022, the total year-end leak backlog improved by
4 about 13.4 percent gone from 8,454 leaks in 2021 to
5 7,325 or 1,129 less leaks.

6 The repairable year-end leak backlog
7 slightly decreased going from 41 leaks in 2021 to 44
8 leaks in 2022, and is down 96.3 percent when compared
9 to 1,178 leaks in 2003. The total number of leaks
10 discovered decreased by about 6.8 percent or 1009
11 leaks. And the total number of leaks repaired also
12 decreased by 9 percent or -- or 1,566 leaks.

13 Next slide, please. A review of the
14 total leak backlog for the past 10 years, 2013
15 through 2022 also shows a downward trend for the
16 total leak backlog as we can see from the graph.
17 This shows a positive effect that leak-prone pipe
18 replacement has had on the leak management
19 performance measures.

20 Next slide, please. The fourth and
21 the final measure. The L.D.C.s are evaluated under
22 compliance with the minimum pipeline safety
23 regulations. This measure looks at non-compliance
24 issues as -- as identified by staff during annual
25 audit activity.

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2 Each year, staff conducts
3 statistically based audits and investigations on the
4 L.D.C.s to determine their compliance. Each non-
5 compliance identified represent an area where an
6 L.D.C.'s failed to mini -- to meet the minimum
7 requirements as prescribed.

8 In addition to audits and
9 investigations, the -- to identify non-compliance
10 with a minimum pipeline safety regulations, staff
11 reviews the data for possibly areas of concerns,
12 which in this context mean an issue that is not
13 technically a violations, but it raises safety
14 concerns.

15 This is different from how the term
16 has been used in prior commission orders related to
17 local transmission planning. The data reported
18 varies greatly from year to year, which is due in
19 part to staff's five-year audit cycle.

20 Staff's audits and investigations
21 occur on varying -- varying frequencies determined by
22 the risk each regulation poses to the public safety -
23 - to public safety.

24 In 2021, staff identified non-
25 compliances on all L.D.C.s' operating service

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2 territories. A review of the number of violations
3 include by L.D.C.s in 2021 shows that the number of
4 violations significantly -- I'm sorry, significantly
5 increased for two L.D.C.s, while for the majority of
6 the L.D.C.s, the number of violations decreased.

7 For those L.D.C.s that showed an
8 increase in the number of violations in 2021, the
9 increase is primarily attributed to the L.D.C.s'
10 misunderstanding or misinterpretation of the pipeline
11 safety regulations with respect to inspections of
12 service regulators and vent maintenance of service
13 line valves and internal corrosion control, or
14 inadequately documenting all pertinent steps -- steps
15 of required inspections.

16 After identifying and bringing those
17 issues to L.D.C.s' attention, the L.D.C.s have
18 developed and implemented remediation plans,
19 including retraining of their employees, and revising
20 documentation used to record inspections.

21 Next slide, please. So as L.D.C.s
22 continue their outreach and education effort to
23 excavate their communities as well as to -- as the
24 general public adopt a better practices and
25 responding to leak, odor, and emergency reports and

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2 continue to replace leak-prone pipe, staff expects a
3 further improve -- performance improvements will
4 occur.

5 Thank you, Chair, Commissioners. This
6 concludes my presentation of the 2022 Pipeline Safety
7 performance measures report. I would be happy to
8 answer any questions. Thank you.

9 CHAIR CHRISTIAN: Thank you, Valerica,
10 appreciate the presentation. Good job as always. I
11 -- I do have one question about the area of concern.
12 For this particular report, we've always used that
13 terminology for that particular group. Right. Going
14 back, that's my recollection. Is that correct?
15 Okay. Great. Just wanted to confirm that. Thank
16 you.

17 So I have no questions. I appreciate
18 the work you guys have done and seeing promising
19 signs of continued improvement is always good and,
20 you know, looking forward to seeing this work
21 continue the pace. So thank you. Commissioner
22 Burman?

23 COMMISSIONER BURMAN: Thank you. I am
24 appreciative of what is generally good news on
25 pipeline safety and our oversight of that. I do

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2 recognize also that, on May 5th of this year, PHMSA
3 proposed a new rule for gas pipeline leak detection
4 and repair, and the engagement that's ongoing with
5 pipeline reauthorization.

6 It's really important, especially as
7 we look at how rules, regulation, and any potential
8 laws may impact us in the State, ensuring that we
9 have the right funding and the right flexibility in
10 working with folks in a positive path forward.

11 I do think it's also important to
12 continue our focus on repairing the leaks -- leaks in
13 the gas system to ensure safety. And I appreciate
14 all that you're doing. So thank you.

15 CHAIR CHRISTIAN: Thank you. We'll go
16 on to Commissioner Alesi.

17 COMMISSIONER ALESI: Thank you, Mr.
18 Chairman. This is a result of incredible talent
19 followed by hard work, and is good or if not better
20 than last week's briefing is very valuable to me
21 personally and to all of us, so thank you.

22 CHAIR CHRISTIAN: Commissioner
23 Edwards?

24 COMMISSIONER EDWARDS: I have no
25 comments. Thank you.

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2 CHAIR CHRISTIAN: Sorry, Commissioner
3 Edwards, I don't think we heard you on the mic.
4 Would you mind moving it a little closer?

5 COMMISSIONER EDWARDS: I have no
6 comments. Thank you very much for the information.

7 MS. OREIFEJ: Thank you.

8 CHAIR CHRISTIAN: Thank you,
9 Commissioner. We're going to look into your audio.
10 It's a little bit low. Okay. Commissioner Howard?

11 COMMISSIONER HOWARD: Thank you, Mr.
12 Chairman. Thank you for this report and I think it's
13 highlights one of the key items that we face in every
14 rate case and we have several before us. This issue
15 of leak-prone pipe. And clearly the initiatives over
16 the last, I would say decade, have led to these
17 better metrics.

18 And not only is this helps the safety
19 of people around the State and neighborhoods, but
20 actually reducing methane leakage is excellent
21 environmental initiative as well. So again, thank
22 you and again, I think as we go forward, leak-prone
23 pipe, and pipeline safety, and rate cases, will be
24 with us as long as we have gas in the system.

25 MS. OREIFEJ: Thank you.

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2 CHAIR CHRISTIAN: Thank you. And
3 Commissioner Valesky.

4 COMMISSIONER VALESKY: Thank you for
5 your presentation and the good work.

6 MS. OREIFEJ: Thank you very much.

7 CHAIR CHRISTIAN: All right. Thank
8 you. Commissioner Maggiore?

9 COMMISSIONER MAGGIORE: Yeah, I would
10 also want to thank you for presentation, very
11 thorough, very informative, and underscores the value
12 of some of the measures that we've taken to improve
13 the situation of leak-prone pipes and safety. So
14 thank you very much, but I don't have any additional
15 questions.

16 CHAIR CHRISTIAN: All right. Thank
17 you. Thank you, everyone. Thank you, Valerica.
18 We'll now move on to our second item for discussion
19 today. Item 202, which is the 2022 Utility Customer
20 Service Performance Report, which will be presented
21 to us by Ms. Chrystie Stafford. Kayla Whitaker is
22 also available for questions. Chrystie?

23 MS. STAFFORD: How about now? Okay.

24 ACTING SECRETARY VIGARS: And can we
25 also, please, show the PowerPoint presentation again?

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2 Thank you. Next slide for 202. Thank you.

3 MS. STAFFORD: Thank you. Item 202 is
4 a staff report that summarizes the New York State
5 Electric, Natural Gas, and Water Utilities customer
6 service performance for calendar year 2022. While
7 safety and reliability are paramount, the quality of
8 customer service remains vital for utility customers.

9 Customer Service Performance Targets
10 and Associated Negative Revenue Adjustments or
11 N.R.A.s for certain metrics are negotiated in utility
12 rate cases to help align shareholder and customers'
13 interests by providing potential earnings
14 consequences to shareholders that reflect the quality
15 of service provided to customers.

16 Staff conducted a thorough audit into
17 the Utilities' reported calendar year 2022, customer
18 service performance, processes, and procedures, which
19 included interrogatory responses, utility site
20 visits, conference calls, and the verification of
21 data submitted.

22 As a result, staff identified and
23 provided 18 recommendations on the report on several
24 areas for improvement and where further
25 standardization could be implemented.

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2 Next slide, please. Staff also
3 confirmed that Central Hudson, NYSEG and RG&E failed
4 to meet the targets for all of their respective
5 metrics in calendar year 2022. Con Edison, Liberty
6 St. Lawrence Gas, and Niagara Mohawk missed one
7 target each, and the remaining utilities met or
8 exceeded the performance standards established within
9 their individual rate plans. Total N.R.A.s incurred
10 in calendar year 2022 equal \$22.6 million.

11 Next, I will explain the service
12 quality metrics, review charts of utility performance
13 for the common service quality metrics, and summarize
14 all of the utilities that incurred N.R.A.s in
15 calendar year 2022. The utilities are required by
16 the Commission to file monthly, quarterly, and annual
17 customer service reports, allowing staff to track
18 customer service performance and identify trends that
19 are to be addressed in rate case proceedings.

20 The reports contain customer service
21 measures such as call answer rate, which is the
22 percentage of calls answered by a utility
23 representative within 30 seconds. Survey-based
24 measures of customer satisfaction, P.S.C. complaint
25 rate, the rate of appointments kept, adjusted bills,

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2 which are based on the number of adjusted bills
3 created due to utility error, estimated bills, which
4 measures the number of bills issued from estimated
5 meter readings, and residential collections measures
6 such as customer service terminations,
7 uncollectables, or write-off expense and customer
8 arrearages.

9 Several utility rate plans contain
10 language that a utility may incur a positive revenue
11 adjustment for its performance in reducing the levels
12 of residential service terminations, uncollectible
13 expense, and/or arrearages each year under the
14 residential collection's mechanism.

15 However, the COVID-19 pandemic and the
16 moratorium on service terminations greatly impacted
17 utility collection activity associated with these
18 measures. Therefore, these mechanisms have been
19 paused for the utilities.

20 Next slide, please. The call answer
21 rate, customer satisfaction survey, and P.S.C.
22 complaint rate are typically the metrics used to
23 measure performance at most large utilities. The
24 other metrics are utility specific and were
25 established to address service quality issues.

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2 This slide depicts the large utilities
3 call answer rate targets and their actual
4 performance. As you can see, Niagara Mohawk, KEDLI
5 KEDNY, and Orange and Rockland exceeded their targets
6 in calendar year 2022. Central Hudson, Con Edison,
7 NYSEG and RG&E fell short of their targets incurring
8 N.R.A.s.

9 Next slide, please. This slide
10 depicts the major utilities' customer satisfaction
11 targets -- I'm sorry, customer satisfaction survey
12 targets and their actual performance. Con Edison's
13 rate plan requires its customer satisfaction survey
14 to have multiple survey components to measure
15 customer satisfaction, so all four are shown here.

16 As you can see, NYSEG, Niagara Mohawk,
17 Liberty St. Lawrence Gas, RG&E, and Central Hudson
18 failed to meet their survey target and incurred an
19 N.R.A. The remaining companies met their target for
20 calendar year 2022.

21 Next slide, please. This slide
22 depicts the P.S.C. complaint rate targets for both
23 large and small utilities and their actual
24 performance. Complaint rates are calculated based on
25 a company's number of escalated P.S.C. complaints per

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2 100,000 customers.

3 As you can see, NYSEG, RG&E, and
4 Central Hudson failed this metric and incurred an
5 N.R.A. And the remaining companies met their target
6 for calendar year 2022. Corning's complaint target
7 uses actual complaints rather than a complaint rate
8 based on its customer population, so it is not
9 included on this chart. Corning had zero escalated
10 complaints in 2022.

11 Next slide, please. This slide
12 summarizes all of the utilities that incurred N.R.A.s
13 in calendar year 2022. Central Hudson failed its
14 call answer rate, customer satisfaction survey, and
15 P.S.C. complaint rate, which resulted in a combined
16 N.R.A. of 23 basis points or approximately \$2.9
17 million.

18 Central Hudson attributed these
19 failures to issues with its customer billing system
20 conversion, increased media attention that drove up
21 customer call volumes and complaints, and a high
22 level of attrition in its call center.

23 The department has an ongoing
24 investigation into Central Hudson's billing issues
25 that occurred in 2021 and 2022. Con Edison failed to

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2 meet its call answer rate target and will incur an
3 N.R.A. of \$4 million. Con Edison attributed its
4 performance to decreased staffing levels.

5 Liberty St. Lawrence Gas failed to
6 meet its customer satisfaction survey target and will
7 be assessed an N.R.A. of \$36,000. Liberty stated it
8 experienced low customer response rates through its
9 survey vendor and has since changed its vendor, and
10 anticipates increased -- anticipates increased
11 performance in 2023.

12 Niagara Mohawk failed to meet its
13 customer satisfaction survey target resulting in an
14 N.R.A. of two basis points or approximately \$1.1
15 million. Niagara Mohawk attributed this to high
16 bills due to commodity prices, and has conducted an
17 educational campaign to inform customers of high
18 commodity costs.

19 NYSEG and RG&E, both did not meet
20 their call answer rate, customer satisfaction survey,
21 percent of estimated bills and P.S.C. complaint rate
22 targets incurring N.R.A.s of \$8.7 million and \$5.9
23 million respectively.

24 NYSEG and RG&E stated that staffing
25 issues were the root cause of their failures on these

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2 metrics. Both NYSEG and RG&E stated expanded
3 telecommuting opportunities are expected to improve
4 hiring and emp -- employee retention in their call
5 center in 2023, thus improving their customer service
6 performance.

7 The customer service performance
8 indicators currently in place at the utilities in New
9 York State, established standards for performance and
10 put significant amounts of shareholder earnings at
11 risk for non-performance.

12 These mechanisms implemented by the
13 Commission, coupled with staff's ongoing monitoring
14 and auditing efforts appear to have been effective in
15 encouraging some of the companies to make customer
16 service a priority.

17 However, other utilities experienced
18 significant challenges in 2022. Staff continues to
19 focus its efforts on reviewing service quality
20 metrics for the companies that have missed their
21 targets in 2022 to ensure these metrics and
22 incentives will be improved upon in 2023.

23 Through the rate case process, staff
24 will continue to advocate for stronger performance-
25 based rate-making strategies relating to customer

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2 service as alternatives to traditional cost of
3 service regulation.

4 Staff will also continue to monitor
5 utility customer service quality to ensure the fair
6 and appropriate treatment of utility customers across
7 the State.

8 Next slide, please. This completes my
9 presentation on the customer service performance
10 report for calendar year 2022. Staff is available
11 for questions. Thank you.

12 CHAIR CHRISTIAN: Thank you. And
13 great inaugural run presenting to the Commission. So
14 we've been doing this since the early '90s, if I
15 remember correctly. And part of this is an
16 understanding that the utilities have a very unique
17 role to play in the communities they serve.

18 And that ensuring quality customer
19 service is a key component of that role. And so
20 having these metrics in place, monitoring these
21 activities, helps us make sure that the utilities are
22 doing what they need to do to take care of the
23 customers they have.

24 I -- I have two short questions for
25 you. I'll be very brief. You mentioned a total

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2 \$22.6 million in negative revenue adjustments. Am I
3 clear in understanding that these negative revenue
4 adjustments ultimately help ratepayers by lowering
5 costs?

6 MS. STAFFORD: Yes, they're worked
7 into the rates.

8 CHAIR CHRISTIAN: Uh-huh.

9 MS. WHITAKER: So typically --
10 typically, the N.R.A.s are deferred for rate --
11 ratepayer benefits, correct.

12 CHAIR CHRISTIAN: Cool. Thank you.
13 Just wanted to confirm that. And one other term you
14 used. You talked about an escalated complaint.
15 Could you amplify what an escalated complaint is?

16 MS. STAFFORD: Yes, the complaints
17 come into the -- the quick response system through
18 our call center. And if the customer's not satisfied
19 with that -- with their response from that, it's then
20 escalated to an S.R.S.

21 The -- our call center contacts the
22 utility. The utility has a certain amount of time to
23 respond and either if the -- if the response is not
24 received soon enough within the timeframe, or if the
25 response isn't satisfactory, it doesn't satisfy the

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2 customer, then it's escalated to a higher-level
3 complaint. And those are the ones that are counted.

4 CHAIR CHRISTIAN: Perfect. Thank you.
5 Appreciate that. All right. Commissioner Burman,
6 any questions?

7 COMMISSIONER BURMAN: Thank you. I
8 guess, my -- my focus is first, I appreciate having
9 the opportunity to look at this every year and see
10 where we are. I also deeply appreciate you
11 personally in the ongoing dialogue internally that
12 you're always available and staff is always
13 available.

14 Kind of look over things and explain
15 things and sort of the ongoing challenges we have in
16 looking at these metrics and how to help improve
17 things and lead to a path forward. I -- I will, sort
18 of flag, as -- as the Chair did, you know, a comment
19 on the negative revenue adjustments and kind of
20 looking at what that is across the board in terms of
21 negative revenue adjustments and positive revenue
22 adjustments and how is it balancing out.

23 But also, you know, sort of, trying to
24 take a little stock of analysis in terms of these
25 adjustments, and these metrics shouldn't be static

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2 and should be trying to help forecast where there may
3 need to be some changes perhaps, or new focus,
4 especially as it relates to back on, you know, the
5 rate cases and the deferral of -- of some of this.

6 I -- I want to make sure that the
7 trend is one that isn't just seeing us going down.
8 You know, I think for me, what struck me was that in
9 -- I think it was 2019, where we had, I think at
10 least four utilities that didn't meet their negative
11 revenue adjustments.

12 At that time, there was a focus on.
13 The reason for that was that for variety of reasons,
14 but -- but our main focus was that extreme weather in
15 2018 caused a spike in outages which ultimately
16 led to a decline in interruption frequency and
17 duration performance for electric service for the
18 year.

19 And there was also a focus on, kind
20 of, zoning in on some of those utilities who had
21 challenges during different storms. And that led to
22 really some positive developments in terms of a new
23 focus on emergency response plans.

24 But I think it's also for me, needing
25 to look a little bit more holistically and perhaps

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2 kind of zone in on is -- is what we're doing
3 ultimately helpful and not just about trying to make
4 sure that we don't miss the target again.

5 So for those four, that they don't
6 miss the target again, but that we are also reacting
7 in a prudent way in terms of our responsibility to
8 the ratepayers. For a lot of this, I think in 2019,
9 the solution, kind of, going forward at that time was
10 to increase staff, increase folks out for -- during
11 an emergency response.

12 But that also has a -- has a -- has an
13 impact on the cost. And also on the challenges when
14 you're having a hard time staffing up, but also the
15 challenges of -- of kind of where the priority is.
16 So I look at this as an opportunity as we go forward,
17 the takeaway here shouldn't just be preparing to help
18 in reducing or ensuring that everyone's meeting their
19 target.

20 But what are we doing holistically
21 that we can make sure it is really all of us rowing
22 the same way in the path forward. And that may mean
23 kind of more flexibility, and also an understanding
24 of what that impact is.

25 We have other legislation coming in

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2 terms of climate change that we're going to be, that
3 we are addressing in the emergency response plans, et
4 cetera. We have some cybersecurity stuff. And all
5 of this will have to be factored in into how do our
6 metrics ensure that we are not remaining static, but
7 that we're actually helping to be responsible, and --
8 and perhaps where that looks.

9 So I just raised that because I -- I
10 think it's a significant thing that we can do from a
11 policy perspective and as regulators in ensuring that
12 we are really having a -- a -- a -- a good role in
13 oversight and direction.

14 And keeping in mind, you know, our --
15 our -- our mission of safe and reliable service, and
16 ensuring that the -- it's done cost effectively. So
17 thank you.

18 CHAIR CHRISTIAN: Thank you.
19 Commissioner Alesi?

20 COMMISSIONER ALESI: Thank you, Mr.
21 Chairman. Thank you very much for the report. We
22 couldn't possibly do what's expected of us without
23 this kind of information which is the result of a lot
24 of hard work and talent. This will help us as a
25 Commission, it'll help the department. Certainly,

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2 will help the utilities.

3 And at the end of the day, we hope
4 that it will help the consumers and all of us in
5 those different categories are impacted by the effort
6 of providing services. And that effort will result
7 in good things, I hope, with the kind of information
8 that you've provided for us here. Thank you very
9 much.

10 CHAIR CHRISTIAN: Alright --
11 Commissioner Edwards.

12 COMMISSIONER EDWARDS: Yes, thank you.
13 I would just have a -- a request, that in six months'
14 time, we could just do a review on those companies
15 that did -- that did have a negative revenue
16 adjustment, just to see how they are doing in terms
17 of their progress.

18 MS. STAFFORD: Yes, definitely. I'll
19 take that back. Thank you.

20 COMMISSIONER EDWARDS: Thank you.

21 CHAIR CHRISTIAN: Thank you,
22 Commissioner Edwards. We'll -- we'll loop you in on
23 those discussions as they evolve. All right.
24 Commissioner Howard.

25 COMMISSIONER HOWARD: Thank you. One

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2 thing that jumps out at me in this report, so much of
3 this, what we call customer service, is about people.
4 And if utilities do not have adequate staff to meet
5 their -- their mission, their -- it -- it's a
6 problematic thing.

7 I know it made it a hard time during
8 COVID, a variety of things, but again, it -- it -- it
9 is -- it's a real shortcoming, I believe, of several
10 utilities that those have had negative revenue
11 adjustments. You got to do a better job at
12 recruiting and -- and retaining workforce during
13 difficult times. That's not going to go away.

14 And a big part of every one of our
15 rate cases is wages and bennies for -- for
16 individuals who work at utilities. If they need to
17 match the current job market in a given locale, I --
18 I -- I think that would be -- might be a good idea.

19 But it's unacceptable not to have the
20 level of staffing needed to meet these -- these
21 requirements. And -- and hopefully, when we see our
22 six-month report, we'll see more headcount at these
23 utilities that will get the work done. But thank
24 you.

25 It was very -- yeah, very informative.

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2 And especially, it will guide us in our decision-
3 making and -- and -- in rate cases going forward.

4 CHAIR CHRISTIAN: Commissioner
5 Valesky.

6 COMMISSIONER VALESKY: Thank you, Mr.
7 Chair. Thank you, Chrystie, for your presentation,
8 for the information. I would just have one request.
9 I noticed a number of your metrics were not met by
10 Central Hudson and you also reminded us that the
11 department has an ongoing investigation into Central
12 Hud -- Hudson's billing practices.

13 I would be interested in -- in -- in,
14 not for today, but if you could take back a -- a
15 status update of where that billing investigation
16 stands. I believe it's something that we initiated
17 about six months ago now, so it's certainly timely
18 that we would have an update.

19 MS. STAFFORD: Yes.

20 COMMISSIONER VALESKY: Okay. Thank
21 you.

22 MS. STAFFORD: Thank you.

23 COMMISSIONER VALESKY: Thank you.

24 CHAIR CHRISTIAN: And Commissioner
25 Maggiore?

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2 COMMISSIONER MAGGIORE: Thank you.

3 Thank you for the presentation. I -- I -- I think a
4 lot of the -- the report speaks for itself and it's
5 also reflective of sentiment that I often hear when
6 I'm sitting in on public statement hearings where
7 customer service-related issues are really at the
8 forefront of the mind of a lot of the -- the -- the
9 customers.

10 In -- in my, you know, to be
11 provocatively over simplified, you know, I -- it
12 strikes me that the task of keeping the lights on
13 should be more challenging than answering the phone.
14 But, you know, it's not necessarily the case in -- in
15 -- in all of these examples.

16 This is not an action item as
17 Commissioner Howard said. There are action items
18 such as rate cases that will come up before us where
19 this information, I think, is going to be extremely
20 helpful and useful in -- in guiding our decision-
21 making.

22 Finally, I just want to acknowledge
23 that, you know, some of the issues that are captured
24 on an individual level by these numbers that are
25 aggregations are -- are extremely distressing and

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2 emotional for people who are struggling on their end
3 of the -- the phone.

4 And I, you know, I think that this is,
5 that getting this information from you, is part of
6 the process that we -- that we engage in to improve
7 the situation.

8 So thank you for a very thorough
9 report, very clearly articulated, and I'm looking
10 forward to opportunities to use this information to
11 improve the situation and the future. Thank you.

12 MS. STAFFORD: Thank you.

13 CHAIR CHRISTIAN: Thank you,
14 Commissioners. Thank you, Chrystie. We'll now move
15 to the third item for discussion today. This is case
16 23-E-0119, which is the 2022 Electric Reliability
17 Performance Report. It will be presented today by
18 Patrick Blake. Kevin Wisely is also available for
19 questions. Patrick, please begin.

20 ACTING SECRETARY VIGARS: Can we
21 please display the PowerPoint again? Thank you.

22 MR. BLAKE: Good morning, Chair
23 Christian, Commissioners. My name is Patrick Blake
24 and I'm an Assistant Engineer in the Office of
25 Resilience and Emergency Preparedness. Today, I'll

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2 be providing you with a brief statewide summary of
3 New York's electric reliability performance for 2022.

4 Staff's written report provides
5 additional information and individual reviews for
6 each of the major electric utilities. Next slide,
7 please. Each year, staff performs an analysis of
8 electric reliability performance based on monthly
9 interruption data submitted by the electric
10 utilities.

11 Staff uses this data to calculate the
12 frequency and duration of interruptions and identify
13 trends. Frequency is affected by factors such as
14 system design, capital investment, maintenance
15 practices, and weather.

16 Decisions made by utilities today can
17 take several years before fully being reflected in
18 frequency performance. Duration is affected by
19 workforce levels, workforce management and geography.
20 Policy changes can have more immediate effects on
21 duration performance.

22 By reviewing the data with and without
23 major storms, we can achieve a balance between
24 interruptions under the utilities control, such as
25 equipment failures.

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2 And those where the utility may need
3 to implement resiliency measures to prevent
4 interruptions. It should be noted that some of the
5 statistics presented today reflect 34 major storm
6 events that occurred last year.

7 Reliability Performance Mechanisms or
8 R.P.M.s include company-wide targets for frequency
9 and duration. R.P.M. targets are established in each
10 rate case. And the investor-owned electric utilities
11 are subject to negative revenue adjustments to
12 failing to meet R.P.M. targets.

13 Central Hudson, Con Edison, Orange &
14 Rockland, National Grid, and RG&E met all of their
15 reliability targets in 2022. NYSEG failed its target
16 for frequency for the fourth consecutive year
17 incurring a negative revenue adjustment of \$7
18 million. Trees continue to be the largest
19 contributor to interruptions for NYSEG.

20 As part of the 2020 rate order, the
21 Commission established an expanded distribution
22 vegetation management budget, for the company to fund
23 two additional trimming programs.

24 The first program reclaimed circuits
25 that have not been trimmed in over 10 years. In the

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2 second program, proactively addresses danger trees
3 outside of the distribution right of way.

4 Although NYSEG has seen a decrease in
5 the number of outages due to trees inside the
6 distribution right of way over the last three years,
7 there has been an increase in the number of outages
8 due to trees from outside the right-of-way during
9 that same period. NYSEG should better develop their
10 approach to identify and remove hazard trees from
11 outside the right-of-way.

12 In order to address this issue, the
13 director of the Office of Resilience and Emergency
14 Preparedness will request by letter that NYSEG
15 provide a report detailing proposed improvements and
16 revisions to their approach by August 31st, 2023.

17 Additionally, in order to address an
18 increase in the number of pre-arranged outages that
19 both NYSEG and RG&E experienced in 2022, staff
20 recommends both companies meet with the other New
21 York State utilities to discuss best practices
22 regarding coordinating planned outages to conduct
23 make ready work.

24 Next slide, please. This graph shows
25 the frequency performance for the last five years

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2 Statewide. Since Con Edison's networks are usually
3 less prone to interruptions than overhead systems and
4 Con Edison serves a large percentage of the State's
5 electric customers, Con Edison's data can skew the
6 overall statistics.

7 As a result, we review the data both
8 with and without Con Edison. Excluding major storms,
9 the Statewide interruption frequency for 2022
10 improved when compared to both last year and the
11 five-year average, when viewed both with and without
12 Con Edison.

13 On average, customers experienced one
14 interruption approximately every 19 months. For
15 utilities other than Con Edison, customers on average
16 experienced one interruption every 11 and one-half
17 months. The major causes for interruptions excluding
18 major storms were equipment failures and tree
19 contacts.

20 To reduce the frequency of
21 interruptions, the utilities invest in capital
22 projects, inspections, and maintenance activities.
23 Next slide, please. This graph shows duration
24 performance for the last 5 years on a statewide basis
25 excluding major storms, and again, showing

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2 performance both with and without Con Edison.

3 The Statewide duration was 1 hour and
4 54 minutes. This is approximately 5.4 minutes
5 shorter than 2021 and 4.8 minutes shorter than the
6 Statewide 5-year average.

7 The Statewide duration for utilities
8 other than Con Edison was 1 hour and 50 minutes in
9 2022, which is 3 minutes shorter than 2021. And
10 approximately, 2.4 minutes shorter than the 5-year
11 average. Next slide, please.

12 The State experienced 34 separate
13 major storm events in 2022. Although this is 4 less
14 events in 2021, major storms in 2022 caused
15 approximately 31 percent more customer interruptions
16 and nearly double the customer hours of interruption
17 when compared to 2021.

18 As can be seen in the graph, the
19 effective major storms, and customers in 2022 was
20 more than those experienced in 2021, but still less
21 than 2020, which had several notable major storm
22 events including Tropical Storm Isaias.

23 The large increase in customer hours
24 can be attributed to 3 separate winter storm events
25 that occurred in February, April, and December of

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2 2022. Combined these 3 storms were responsible for
3 approximately 70 percent of the major storm customer
4 hours of interruption in 2022.

5 The largest storm in 2022 occurred in
6 April and severely impacted parts of the Capitol,
7 Central New York, Mohawk Valley, North Country, and
8 Southern Tier regions. Large portions of National
9 Grid and NYSEG service territories were affected with
10 both companies sustaining over 200,000 customer
11 outages.

12 The second largest storm occurred over
13 the Christmas holiday weekend as a historic blizzard
14 and lake-effect snowstorms impacted large portions of
15 Western New York in the Finger Lakes region.

16 This event spanned nearly 5 days with
17 the greatest impact in the city of Buffalo, affecting
18 both National Grids, Frontier, and NYSEG's Lancaster
19 operating divisions. In total, approximately 110,000
20 customers lost service.

21 The third largest storm occurred
22 during the first week of February when a winter storm
23 tracked through the Southern Tier and into the Mid-
24 Hudson and Mohawk Valley regions. The storm had the
25 greatest impact in Central Hudson's Kingston

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2 operating division with approximately 79,000
3 customers interrupted.

4 Next slide, please. Thank you. That
5 concludes my presentation. We'll be happy to answer
6 any questions.

7 CHAIR CHRISTIAN: Thank you, Patrick,
8 and great time -- great job on your first time out.
9 Good job. I appreciate the information you provided
10 and, you know, I want to really highlight my
11 appreciation for what I find as a continuously
12 improving and comprehensive report looking at what's
13 going on.

14 I -- I really very much appreciated
15 how you were able to highlight the specific impacts
16 of storms on an annual basis because what that's
17 showing to me is just how significant an individual
18 storm can be, on the performance in that particular
19 area.

20 And -- and what -- what's a little
21 troubling is, you know, we are aware that these
22 storms are going to become more frequent, more
23 impactful, and we're seeing that actually in your
24 report right now. And a thought that occurred to me
25 as you were presenting is how do we take that into

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2 account going forward?

3 Do -- would we need to adjust our
4 metrics or think about developing new metrics to look
5 at these individual storms in isolation and the
6 performance there? So a question we'll be discussing
7 offline, but very much appreciate your time and
8 presentation. Thank you.

9 MR. BLAKE: Thank you.

10 CHAIR CHRISTIAN: Commissioner Burman?

11 COMMISSIONER BURMAN: Thank you. I
12 did appreciate your presentation. I just wanted to
13 kind of note two things. One, two of the new
14 takeaways that are being added is that NYSEG is going
15 to provide a report to our director of the Office of
16 Resilience and Emergency Preparedness, detailing
17 proposed improvements and revision to their tree
18 issues outside the right-of-way.

19 And that's something that I think
20 would benefit all of us being updated on. But it --
21 and then, the second, and -- and I'll get to my but.
22 And the second thing that's being added is to address
23 an increase in the number of pre-arranged outages
24 that both NYSEG and RG&E experienced in 2022.

25 Staff is going to be recommending that

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2 the companies meet with other New York State
3 utilities to discuss that coordinated planned outages
4 for make-ready work. So I -- I just want to point
5 out and just kind of make sure that I -- I -- I -- I
6 got -- I have this right.

7 It -- that -- while that's new, the
8 utilities are encouraged to get together and do best
9 practices on all things, right. This is just sort of
10 targeting for us those things that, you know, sort of
11 stand out. But that, it is a continuous and should
12 be a continuous collaborative process.

13 But it doesn't mean that because one
14 utility does it one way, that everybody else should
15 follow, but perhaps understand what may or may not
16 work. But each utility territory is very -- perhaps
17 very different and has unique circumstances. So it's
18 a way to sort of make sure that people are working
19 together.

20 I do think it's also important that
21 Commissioners are timely updated on the ongoing
22 dialogue and the challenges that are out there
23 because it does -- it does impact other areas of our
24 regulatory work and it is important for us to have a
25 handle on that. So thank you.

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2 CHAIR CHRISTIAN: Commissioner Alesi?

3 COMMISSIONER ALESI: Thank you, Mr.

4 Chairman. I would simply say that this information

5 is made even more valuable by your presentation.

6 Thank you.

7 CHAIR CHRISTIAN: Commissioner

8 Edwards?

9 COMMISSIONER EDWARDS: No comments.

10 Thank you very much for the information.

11 CHAIR CHRISTIAN: Commissioner Howard?

12 COMMISSIONER HOWARD: Thank you. Just

13 like on our last presentation, much of this -- these

14 problems are related to people. Particularly on the

15 tree trimming, it -- it is unfortunate that it has

16 gotten to this level of, you know, in -- into this

17 level of -- of -- of lack of maintenance. It's just

18 that simple.

19 You can kick the can so long, it's

20 going to catch up with you -- it is caught up with

21 us. I think that combined with, and as we have seen

22 and I spoke to Kevin many times about this, these

23 new, not the major storms but the pretty big storms,

24 particularly those that go across the State routinely

25 of most summers lately.

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2 And the outages are almost nearly
3 exclusively from vegetation on -- on lines. There's
4 only one way to fix that -- that combined, and then,
5 I think it's important that customers understand who,
6 I believe now have zero tolerance for outages. There
7 was a period of time maybe that was true, and as we
8 electrify our system, that tolerance becomes even --
9 even less.

10 So again, these will be issues in
11 upcoming rate cases, cases before us currently. This
12 -- but this issue, it's not going away. It's not
13 going to get cheaper per se. And along with the tree
14 trimming is lack of investment. You -- you know, you
15 can trim all the trees, but if you have crummy
16 infrastructure, that doesn't help either.

17 So these playing catch up at the same
18 time that we're doing these major expansions, is --
19 is really going to be a tough and expensive
20 undertaking to get to a level of performance that I
21 think that the Commission and the general public is
22 comfortable with.

23 But again, thank you for your
24 presentation. Again, diligence on this is -- is what
25 it's all about. And again, and we will see as we

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2 have seen marginal improvements to date, but we will
3 see at the end of several cases that we're doing that
4 that marginal improvement moves to significant
5 improvement. But again, thank you for the
6 presentation.

7 CHAIR CHRISTIAN: Commissioner
8 Valesky?

9 COMMISSIONER VALESKY: Thank you,
10 Patrick, for the presentation. Kevin, thank you and
11 -- and your entire team for the -- the work that you
12 do. It's a good time also to acknowledge, once
13 again. I know we do -- have done this in the past.

14 But the regular emails that we each
15 receive during storms in regard to electric outages
16 sometimes on an hourly basis, not only based on
17 utilities, but I find that the county-by-county
18 breakdown particularly helpful as well.

19 So thanks for those and hopefully we
20 won't -- won't have many this year because that would
21 mean we won't -- don't have many major storms. Thank
22 you.

23 CHAIR CHRISTIAN: Commissioner
24 Maggiore?

25 COMMISSIONER MAGGIORE: Thank you.

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2 Much as, with the last item, this is not an action
3 item. So there are, you know, the -- the information
4 that you presented to us will absolutely be relevant
5 in upcoming items.

6 Commissioner Howard mentioned rate
7 cases and perhaps other items to address some of
8 these issues, you know, I have questions and comments
9 regarded -- regarding utilities' responses to
10 particular storms, but I don't think this is the
11 moment to raise those issues.

12 But I will be using this information
13 that you presented in upcoming matters where it is
14 more appropriate. So thank you very much. I think
15 this is very informative and helpful, and your
16 presentation was very clear. Thank you.

17 CHAIR CHRISTIAN: Thank you, everyone.
18 Thank you again, Patrick. Okay. We'll now move on
19 to our fourth discussion item for today. Item 302,
20 case 23-E-0110, which is the 2022 Electric Safety
21 Standards Performance Report. It'll be presented to
22 us today by Philipose Philip. Jason Pause is also
23 available for questions. Philipose, please begin.

24 MR. PHILIP: Thank you. Good morning,
25 Chair, and good morning, Commissioners. Slide,

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2 please.

3 ACTING SECRETARY VIGARS: Could we
4 please display the PowerPoint presentation? Thank
5 you.

6 MR. PHILIP: Today, I'll be providing
7 an overview of the Electric Safety Standards and the
8 utilities' compliance for 2022. This is for
9 information only.

10 Next slide, please. I will start with
11 some background information on the electric safety
12 standards. The original safety standards were
13 adopted by the Commission in January, 2005. The
14 standards included stray voltage testing and visual
15 inspection of electric facilities on an annual basis.

16 And the adoption of the National
17 Electrical Safety Code, N.E.S.C. as the minimum
18 standard for utility construction, maintenance, and
19 operation. The overall goal of the safety standards
20 is to safeguard the public from exposure to stray
21 voltage and to identify and mitigate any potentially
22 harmful condition before safety hazards and/or
23 reliability deficiencies develop.

24 2022 March, the 18th year for the
25 electric safety standards for the third year of the

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2 fourth, 5-year cycle.

3 Next slide, please. The utilities are
4 required to test their underground system and street
5 level facilities on an annual basis, while manual
6 testing their overhead distribution and transmission
7 facilities on a 5-year cycle.

8 With regards to testing, inspectors
9 carry a pen-like device that lights up red when
10 voltage is detected. 4.5 volt is the calibrated
11 threshold of the device, as that is the voltage limit
12 where the potential for injury becomes concerning.
13 However, the device does signal for lower voltages.

14 Once voltage is detected, the facility
15 is then tested with a digital volt meter to record
16 actual recordings. All voltage findings of 1 volt or
17 more required to be recorded and mitigated. In
18 total, there were only 133 voltage findings for
19 manual stray voltage testing of one volt or more.

20 Or approximately, point zero one
21 percent of the roughly 1 million facilities tested in
22 2022. This graph shows the historical findings for
23 manual stray voltage testing going back five years.
24 The blue section show the findings between 194.4
25 volts and the red sections shows the findings that

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2 are 4.5 volts and greater.

3 The 2022 total number of stray voltage
4 test findings saw a significant decrease at the 1 to
5 4.4 volt level and the 4.5 volts and greater level.
6 This is mainly attributed to a reduction in findings
7 on streetlights from Con Edison.

8 Streetlights continue to be the
9 largest facilities grouping with the stray voltage
10 findings. For example, in 2022, out of 133 findings,
11 streetlights accounted for 99 of those findings. As
12 part of the electric safety standards, utilities are
13 required to test all publicly accessible streetlights
14 regardless of ownership.

15 If an issue is found with a street
16 light that the utility does not own, that utility is
17 required to make the condition safe. It is
18 ultimately the responsibility of the municipality
19 that owns a street light to make the necessary
20 repairs.

21 Next slide, please. For mobile stray
22 voltage testing per Commission order, twelve mobile
23 surveys are required in New York City, two in
24 Buffalo, one -- and one each in Yonkers, White
25 Plains, New Rochelle, Albany, Niagara Falls, and

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2 Rochester every year.

3 The Upstate locations are selected due
4 to the population density of 50,000 plus. Again, any
5 voltage findings of 1 volt or more is reported and
6 mitigated.

7 In 2022, there were 8,405 voltage
8 findings in the three utility service territories
9 where mobile stray voltage testing is required, which
10 is up from 6,200 findings in 2021.

11 This graph presents the total number
12 of stray voltage findings across the State using the
13 mobile testing units for the last five years. Blue
14 represents Con Edison, red represents National Grid
15 and the green represents Rochester Gas & Electric.

16 The increase in Con Edison findings
17 primarily consisted of low voltage findings with a
18 majority of the increase being seen in the
19 streetlight, traffic signals, and non-utility
20 facilities categories.

21 Based on recent data, research, and
22 discussions with Con Edison, the increase in
23 findings can be attributed to the continued use of
24 road salt during winter weather conditions, which
25 inherently causes corrosion and breakdown of the

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2 cable installation in underground facilities.

3 The increase in the National Grid
4 findings were a result of the mobile testing
5 performed in Buffalo, which were also primarily low
6 voltage findings and almost all associated with the
7 streetlights.

8 Staff has held meetings with the
9 National Grid to determine the specific causes of the
10 increase and requested the company devise a plan to
11 reduce these events in the future.

12 Next slide, please. Per the electric
13 safety standards, the utilities are required to
14 complete visual inspections on 20 percent of their
15 facilities each year so that a hundred percent of the
16 -- of a utilities transmission and distribution
17 facilities will be inspected at least once every 5
18 years.

19 2022 was the third year of the fourth
20 full cycle of the inspection program. All utilities
21 are completed approximately 60 percent inspection of
22 assets in compliance with the standards. For
23 inspections, 2022 saw the downward trend continuing
24 overall deficiency found by the electric utilities
25 with a total of approximately 59,000 deficiencies

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2 found. That is a 21 percent reduction compared to
3 the approximately 75,000 found in 2021.

4 Next slide, please. For PSEG Long
5 Island, they are not subject to the Commission's
6 safety standards as they and system owner LIPA are
7 not regulated by the Commission. Through discussion
8 with the D.P.S. staff to help PSEG Long Island move
9 towards full compliance with the Commission's safety
10 standards, PSEG Long Island began a facility
11 inspection and stray voltage testing, pilot program
12 in 2020 and has continued to test and inspect
13 approximately 10 percent of its system assets on an
14 annual basis.

15 In total, PSEG Long Island tested and
16 inspected approximately 40,000 facilities in 2022 and
17 found a total of 2 stray voltage cases, which is
18 0.005 percent of facilities tested and 1,992
19 inspection deficiencies, which is 5.2 percentage of
20 those inspected.

21 Of those 1992 deficiencies found, 30
22 were level one, 65 level two and 1,897 level three.
23 The increase in level three deficiency is because of
24 numerous vandalism findings, such as cut down ground
25 in the town of Babylon.

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2 This graph presents the total number
3 of stray voltage findings and inspection deficiencies
4 found across PSEG Long Island area for the last three
5 years. The blue shadow represents 2020, red
6 represents 2021 and the green represents 2022.

7 The company will continue the pilot
8 program in 2023 to test and inspect an additional 10
9 percent of facilities targeting areas where the
10 highest rate of deficiencies is expected.

11 Last, we are happy to report that
12 based on the continued discussions with the D.P.S.
13 staff has had with the company and as required by the
14 2023 PSEG Long Island performance metrics, which is
15 T&D-44 regulatory compliance.

16 PSEG Long Island has now submitted an
17 implementation plan to the staff on March 31st, 2023
18 to move to full compliance with the Commission's
19 Electric Safety Standard Program requirements
20 beginning in 2024.

21 Next slide, please. In summary, the
22 New York utilities have met and complied with the
23 requirements of the Commission's electric safety
24 standards for 2022. This completes my presentation.

25 Thank you, Chair. Thank you,

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2 Commissioners. And we are ready to answer any
3 questions you may have. Thank you.

4 CHAIR CHRISTIAN: Thank you,
5 Philipose. I appreciate the presentation, very clear
6 and concise. I -- I have one question regarding the
7 Long Island pilot with PSEG. You mentioned level 1,
8 level 2, and level 3. Can you speak to the
9 differences between those levels?

10 MR. PHILIP: Level 1s are the major
11 ones which require repairs within seven days and
12 level 2 within one year, and level 3 within 3 years.

13 CHAIR CHRISTIAN: Got it. Okay. And
14 in terms of the increase in level 3, can you speak to
15 what the cause of that was from year to year?

16 MR. PHILIP: Vandalism.

17 MR. PAUSE: Yeah. So -- sorry. So
18 when we looked into it and asked those questions, I
19 guess it was -- it was mainly attributed to vandalism
20 of the streetlight bases in the Town of Babylon.

21 CHAIR CHRISTIAN: Got it. Okay. That
22 was the main driver. Okay. Thank you for that. So
23 again, appreciate the review. This is a important
24 part of keeping the system safe and reliable.

25 So definitely look forward to these

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2 every year and looking forward to finishing up this
3 next -- this 5-year cycle and preparing for the next
4 one, so.

5 MR. PAUSE: Thank -- thank you.

6 CHAIR CHRISTIAN: Commissioner Burman?

7 COMMISSIONER BURMAN: Thank you. I
8 appreciate it. I just want to note that I -- I also
9 appreciate very much the inclusion of PSEG Long
10 Island here. I know that, not in all the
11 presentations, was it in -- was PSEG Long Island
12 included and I think it does help to include them
13 even if we don't have direct oversight.

14 I think the overall goal of looking at
15 how everyone is doing is helpful, especially,
16 because, you know, they -- they should be and they
17 are working with other utilities and staff. And I
18 find it concerning that they're left out in this
19 annual update, but -- so I point it out here, I
20 appreciate it. Thank you.

21 CHAIR CHRISTIAN: Commissioner Alesi?

22 COMMISSIONER ALESI: Thank you, Mr.
23 Chairman. So today, we're harvesting a tremendous
24 amount of important information that gives us
25 guidance. It's very valuable and this is yet another

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2 part of the contribution toward that end. Thank you
3 very much.

4 MR. PHILIP: Thank you.

5 CHAIR CHRISTIAN: Commissioner
6 Edwards?

7 COMMISSIONER EDWARDS: No, thank you
8 very much. Good information and we just have to keep
9 watching on it. So thank you.

10 CHAIR CHRISTIAN: Commissioner Howard?

11 COMMISSIONER HOWARD: Thank you. And
12 thank you for the mention that as particularly
13 streetlights are the predominant issue where stray
14 voltage occurs --

15 MR. PHILIP: Yes.

16 COMMISSIONER HOWARD: -- in -- in and
17 around streetlights. That being said, I'm glad you
18 pointed out that as the streetlight, the actual
19 structures go on to the municipal-owned
20 infrastructure that -- that -- that maintenance
21 schedules and performance goes to that municipality
22 as well.

23 And I think as we see more and more of
24 this migration, I think it'll be incumbent upon us
25 and the utilities to make sure that -- that testing

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2 is -- is robust enough because like many things,
3 streetlight maintenance could fall the way of budget
4 cuts in -- in local budgets and things like that.

5 And we could get back to a situation
6 we were several decades ago where these occurrences
7 were actually much more frequent and largely were
8 untested. But again, that vigilance, I think, will
9 be very important and something that municipalities
10 must, in their due diligence, consider when they --
11 when they do purchase these facilities. But thank
12 you for the information.

13 CHAIR CHRISTIAN: Commissioner
14 Valesky?

15 COMMISSIONER VALESKY: Thank you for
16 your presentation. I have no questions.

17 CHAIR CHRISTIAN: Commissioner
18 Maggiore?

19 COMMISSIONER MAGGIORE: Thank you. I
20 -- I also have no questions, but I appreciate the
21 presentation and the information.

22 MR. PHILIP: Thank you.

23 CHAIR CHRISTIAN: All right. Thank
24 you, Commissioners. Thank you, Philipose. All
25 right. At this time, we're going to take a short 15-

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2 minute break and we'll reconvene. So my clock says
3 11:40, so we'll rejoin ourselves here at 11:55.

4 Thank you.

5 Thank you.

6 (Off the record; 11:40 a.m.)

7 (On the record at 11:56 a.m.)

8 CHAIR CHRISTIAN: Okay. Good morning
9 everyone. Welcome back from the break. We'll now
10 move to our fifth item for discussion today. Item
11 303 case 22-E-0633 which addresses the public policy
12 requirements for trans-missing -- transmission
13 planning purposes.

14 It'll be presented today by Ms.
15 Elizabeth Grisaru, Leka Gjonaj and David Drexler are
16 available for questions. Please begin, Liz.

17 MS. GRISARU: Great. Good morning for
18 a couple more minutes. Chairman and Commissioners,
19 very happy to see you all again. This item before
20 you responds to one of the key recommendations made
21 in the 2021 power grid study. And completes the
22 blueprint for the transmission infrastructure needed
23 to serve the State's statutory goal for offshore
24 wind.

25 As you know, the C.L.C.P.A. set a

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2 specific mandate for 9 gigawatts of offshore wind
3 resources to be constructed by 2035. The 2021 power
4 grid study concluded that with careful planning, the
5 9 gigawatt target could be met allocating 3 gigawatts
6 to Long Island interconnection points and another 6
7 gigawatts to New York City.

8 Thus, the study recommended
9 development of a new transmission tie between Long
10 Island and the mainland with at least 3 gigawatts of
11 capacity. The Commission acted on this
12 recommendation in March of 2021 by referring that
13 transmission need to the NYISO for the solicitation
14 of proposals under the NYISO's Public Policy Planning
15 Tariff.

16 Just this past week, the NYISO board
17 selected one of the projects submitted in response to
18 that solicitation as the most cost effective option
19 for the State's rate payers. The order before you
20 today would again leverage the NYISO's Public Policy
21 Planning process to solicit transmission proposals
22 that will support the integration of additional
23 offshore wind with the New York City local
24 transmission system owned and managed by Con Edison.

25 To meet the State goal, the

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2 transmission -- the transmission need identified in
3 this order is sized for at least 4.7 gigawatts of
4 capacity. This approach takes into account the
5 contracted offshore wind generation projects which
6 account for about 4.3 gigawatts of the 9 gigawatt
7 goal.

8 Leaving a balance of 4.7 gigawatts
9 needed for future offshore sources and rounding out
10 the 6 gigawatt recommended in the power grid study
11 for New York City interconnections. The order
12 further specifies that transmission proposals must be
13 complete designs that incorporate both onshore and
14 offshore equipment including converter stations,
15 interconnection facilities, and local transmission
16 upgrades.

17 This infrastructure would carry energy
18 from future offshore wind projects from a collection
19 point in the ocean to points of interconnection on
20 the Con Edison system, thus substantially reducing
21 wind developers interconnection risk. Staff believe
22 this approach will ultimately result in lower bids in
23 future NYSERDA offshore wind procurements and lower
24 OREC prices overall.

25 As provided in the NYISO tariff, the

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2 order includes additional criteria and metrics for
3 the NYISO to use in evaluating any transmission
4 proposals. First, the order builds on the extensive
5 work done by NYSERDA staff and a number of our sis --
6 sister State agencies in the recent cable routing
7 assessment which analyze the many constraints that
8 will impact construction of any underwater cabling in
9 New York Harbor.

10 The order provides that staff should
11 continue to work with those entities as well as with
12 federal agencies with siting jurisdiction in this
13 area to provide the NYISO and proposers with feedback
14 on the permit-ability of their designs. The aim of
15 this effort is to ensure those proposals that are
16 presented to the NYISO board have a reasonable
17 likelihood of meeting relevant permit standards and
18 requirements.

19 Second, the order requires proposers
20 to update the information they provide to the NYISO
21 on their efforts to secure real estate rights, as
22 this issue is particularly challenging for
23 infrastructure projects in New York City. Again,
24 staff is recommending this approach to ensure the
25 selected project is well positioned to progress

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2 promptly to permitting and construction.

3 Third, the order calls on Con Edison
4 to work with staff and engage a process to make
5 information about potential points of interconnection
6 available to transmission developers considering
7 making submissions in response to this order and the
8 NYISO solicitation. This step has the potential to
9 improve the quality of bids. And will help manage
10 the costs to rate payers of the offshore wind
11 program.

12 Given that the C.L.C.P.A. deadline for
13 the 9 gigawatts is 2035. The order sets an in-
14 service date of January 1, 2033 for the transmission
15 solutions. Developers would be required to show that
16 their projects can be permitted and constructed by
17 that date. If the Commission approves this order
18 NYISO will commence its process under the public
19 policy tariff and establish a schedule for
20 submissions and evaluations just as was done in the
21 case of the Long Island Tie solicitation. And I and
22 my colleagues are happy to answer your questions.

23 CHAIR CHRISTIAN: Thank you, Liz. I
24 appreciate your presentation. This is a culmination
25 of what has been years of work getting to this point.

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2 And then, I -- I like that you pointed out the most
3 recent decision from the New York ISO concerning
4 what's happening in Long Island because that's really
5 helpful in framing how this particular action comes
6 into play.

7 I -- I just have a technical question
8 for you about the connection points in particular.
9 So you mentioned that they're going to be going to --
10 for connection points in the ocean for -- for future
11 interconnection into the Con Ed system. Could you
12 talk to that a little bit and how that's an
13 improvement or more efficient process over what
14 currently plays out today?

15 MS. GRISARU: Right. Yeah, sure.
16 What we've had to date with the contracted projects
17 are radial interconnections. That is each -- each
18 wind farm, each wind project is proposing its own
19 transmission connection to the mainland. This
20 project would be one -- one piece of transmission
21 infrastructure with a point in the ocean to which the
22 wind farms would connect.

23 And -- and the cable infrastructure
24 would bring the energy of all of those wind -- wind
25 farms to specific interconnection points in -- in

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2 this case in New York City. And this -- this would
3 be more efficient. And would also -- also likely
4 minimizes the environmental impact that we would
5 otherwise see if we continued down the path of -- of
6 having radial interconnections for each wind project.

7 CHAIR CHRISTIAN: Great. Thank you
8 for that. I appreciate it. No further questions.
9 Thank you for the presentation today. Commissioner
10 Burman?

11 COMMISSIONER BURMAN: Thank you. I
12 appreciate the presentation, but I also appreciate
13 the hard work that's gotten us to this point. We
14 have a -- a significant role in system grid planning
15 that includes a -- a focus on reliability,
16 affordability, and safety. And in particular, we
17 have a significant role in transmission planning.

18 And that means that we have to also
19 work with others like the I.S.O., the Reliability
20 Council and then the relevant stakeholders to ensure
21 that we are moving forward in a -- a positive way.
22 And also being focused on ensuring the reliability of
23 the grid and what that means. This draft order
24 really is an attempt to ensure a -- a thoughtful,
25 sort of prudent process in how to look at planning

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2 for the transmission that's we're going to need to
3 safely and reliably integrate, in this case, offshore
4 wind into New York City.

5 And the draft order also is focused on
6 what that looks like in helping to reduce risk
7 interconnection and to support better project
8 development. I think that here, the draft order also
9 is trying to thread the needle of -- sort of a -- a
10 better process on emphasizing sort of more system
11 planning, more coordination.

12 This order -- draft order specifically
13 talks about alignment with the I.S.O. Making sure
14 that we are in sort of a cross purposes but that we
15 are helpful in looking at the challenges, addressing
16 them from the get-go. And trying to do some of this
17 planning that's really necessary where before it was
18 done sort of, you know, during or after.

19 This is, you know, the next phase.
20 And there are going to be many other steps along the
21 way not just with this but just across the board. So
22 for me, I -- I want us to also have a takeaway of not
23 just sort of patting ourselves on the back in terms
24 of, you know, great, here we are, we got this, you
25 know.

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2 There's a lot of things that have to
3 be done across the board. And making sure that we're
4 not focused on trying to get to the result that we
5 want. But rather more holistically ensure that we
6 are looking carefully at all of the different things
7 that are needed and being thoughtful in understanding
8 some of the implications, positive and negative.

9 And trying to figure out ways to
10 address them before a crisis. And also in a way that
11 helps us with those challenges. There are going to
12 be many. I also am very cognizant of the fact that
13 one of the challenges that we have is future not only
14 in current legislation but future legislation that
15 sometimes -- while well-meaning can be a little
16 overly prescriptive and reactive and doesn't
17 necessarily give us the proper flexibility or give us
18 the proper sort of understanding of our role in
19 ensuring that it's done, the system planning is done
20 thoughtfully and with the focus of reliability and --
21 and cost containment.

22 And so with that, I think that folks
23 should feel comfortable in seeing that we are trying
24 to set a clear path from system planning perspective
25 and needing to ensure that they give us the necessary

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2 prudent flexibility. And -- and the flexibility,
3 frankly, to the I.S.O. and to Reliability Council and
4 others to help a -- a -- as the experts in looking at
5 all of these different things and the challenges that
6 may be there. So thank you for that.

7 CHAIR CHRISTIAN: Okay. Commissioner
8 Alesi?

9 COMMISSIONER ALESI: Thank you, Chair.
10 Just building on what we learned last week during the
11 briefing. This is very good. But I have no
12 questions for you. I just want to appreciate -- let
13 you know we appreciate your work.

14 MS. GRISARU: Thank you very much,
15 Commissioner.

16 CHAIR CHRISTIAN: Commissioner
17 Edwards?

18 COMMISSIONER EDWARDS: No, thank you
19 very much for your thorough -- thoroughness.

20 CHAIR CHRISTIAN: Commissioner Howard?

21 COMMISSIONER HOWARD: Thank you. I
22 want to add my praise to my colleagues to the hard
23 work that staff has done. And for those that don't
24 know it, New York is really the envy of the nation
25 when it comes to transmission planning. And now

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2 implementation and steel in the ground, and something
3 we can be justly pride -- proud of.

4 We're also lucky. We have a single
5 State independent system operator which has over the
6 years, despite differences on policy, I think, we
7 have established a very, I think, healthy and
8 cooperative relationship in turns of fulfilling these
9 public policy needs. I believe this will be our
10 third -- fourth P.P.T.N., again, which other states
11 have not done any.

12 So again, I think it is a process that
13 we now know works in terms of the planning. One of
14 the things that does concern me. And -- and I thank
15 you in this order that we limit it to the offshore
16 space. There were a lot of people that wanted us to
17 have all over the State P.P.T.N.s. We'll get there,
18 but we're, you know, we're doing this one at a time.

19 And I think this is the proof will be
20 in how we evaluate the -- the current one that was
21 just voted on by the ISO. It appears in this period
22 of hyperinflation, pardon the expression hyper, but
23 certainly supply chain inflation that we have not
24 seen in -- in -- in a very, very long time,
25 particularly, in the electric equipment, labor, and

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2 space.

3 That -- there's a temptation by doing
4 these projects like this to -- and if we are not
5 careful, it would encourage developers to low ball
6 their -- their -- their bids potentially.

7 Particularly, if they know later on, they can come
8 back and say, well, you know, we're well intentioned
9 but we need more money.

10 Again, so I think some of the
11 languages where I do appreciate particularly dealing
12 with being realistic on costs, developing the hard
13 work. This is real estate development in New York
14 City. Fortunes have been made and lost on this
15 particular endeavor. Additionally, these are going
16 to be potentially very disruptive depending on how
17 they're done and how they're engineered to any given
18 community.

19 So again, I do appreciate adding the -
20 - the -- the language about outreach to every level
21 of stakeholder. I think that we will see and we're
22 seeing in some other locales, failure to do that
23 outreach adequately and on a timely basis can catch
24 up with you. A lot of lessons are going to be
25 learned right next door in Nassau County to -- to

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2 build the -- the -- the -- to move the current
3 proposal to reality.

4 I think this will be equally as -- as
5 challenging. The question I have, and I asked you
6 this before. Is that -- there is much talk and
7 certainly there are bills before the legislature to
8 increase our legislative mandate on offshore wind
9 procurement to significantly above where we're at.

10 Well, any of this doing this period
11 sort of reflect, well, it's, we can get to this. But
12 the next jump, you know, will this forestall more
13 difficult decisions later, you know, I mean, you --
14 you see where I'm coming from, I hope.

15 MR. ROSENTHAL: So Liz is going to
16 answer the policy question. I just wanted to kind of
17 restate what the law is right now. So the law -- the
18 C.L.C.P.A. says at least is the mandate, right?

19 COMMISSIONER HOWARD: Right.

20 MR. ROSENTHAL: At least 9 gigawatts.
21 So with that said, I'll -- let Liz answer the policy
22 question.

23 MS. GRISARU: That's a really
24 difficult question. You know if we put on a
25 different pair of eyeglasses --

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2 COMMISSIONER HOWARD: It's all talk
3 Liz.

4 MS. GRISARU: -- if we wear different
5 eyeglasses, are we going to, you know, look back and
6 see things differently. And I suppose that's
7 possible. What we are trying to do here is one,
8 support the statutory goal that is before us today.
9 Make sure that we can do that. Make sure we -- we
10 know that the -- the transmission corridors into New
11 York City are -- are -- talk about precious real
12 estate.

13 Those -- those are very highly
14 constrained. We're trying to make the best use we
15 can of those, given what we know today. And you
16 know, I think if -- if the legislature or this
17 Commission, you know, adopts a new -- a new target
18 for offshore wind, we will have to engage a planning
19 process -- a forward looking planning process and --
20 and look at options.

21 I -- we're trying hard not to. With
22 this proposal, we're trying hard not to close doors
23 but given the constraints of the New York -- of the
24 New York Harbor environment. It is almost impossible
25 not to close at least one. So that's probably not

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2 the -- the most comforting answer. But I think what
3 we've achieved here is to show that some forward
4 looking planning can achieve some efficiencies.

5 And that we should be attentive to
6 that. In thinking about future goals, we should be
7 attentive -- attentive to the transmission planning
8 needs in a forward thinking way.

9 COMMISSIONER HOWARD: And -- and you
10 just describe the level. It seems that particularly,
11 the level of cooperation will be necessary from
12 developers to all sort of agree. We're all going to
13 meet at spot in the ocean. And we're all going to go
14 down the -- into the harbor and -- and to
15 interconnect.

16 That -- that -- that's sort of
17 unprecedented. That level of coordination between
18 owners on new construction.

19 MS. GRISARU: Well, I -- I'm not sure
20 how much, you know, actual coordination the
21 developers would have to enter into among, you know,
22 among developers. They will be offered the
23 opportunity to interconnect to this facility. It
24 will -- I -- I think it will present significant
25 economic advantages for them.

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2 And that will probably motivate them
3 to look and take -- to look at it and take it
4 seriously. Each of them will have to get to the
5 interconnection point in the water on its own. But
6 we're going to size this in such a way that everybody
7 up to the 4.7 that everybody, you know, can get
8 interconnected.

9 So there they won't -- there shouldn't
10 be -- they shouldn't need to coordinate with each
11 other except to the extent that, you know, they may
12 be using the same cabling vessels. And you know, to
13 get their -- to get their -- their connection cables
14 to this interconnection point. But I think it's -- I
15 think it's going to be a big motivator just because
16 of the economic and -- the economic and -- and -- and
17 -- and risk reduction factors.

18 COMMISSIONER HOWARD: And thank you.
19 And -- and while I -- my -- my views on how these
20 projects are financed Statewide are -- are -- I don't
21 need to go through them again. Again, this would be
22 another Statewide finance project, correct?

23 MS. GRISARU: That -- that is the
24 default mode under the NYISO Public Policy Tariff,
25 yes.

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2 MR. ROSENTHAL: The -- the NYSERDA
3 process is also State -- Statewide, so that --

4 COMMISSIONER HOWARD: No, no, I
5 understand --

6 MR. ROSENTHAL: That is substituting
7 what we believe is going to be a less expensive one
8 for the current one.

9 COMMISSIONER HOWARD: Correct. I got
10 it.

11 MS. GRISARU: And the NYISO Tariff
12 includes cost containment measures.

13 COMMISSIONER HOWARD: Great. Thank
14 you. I look -- this is -- again, a -- the begin --
15 the -- the hard -- as hard as we've got to here, the
16 real hard stuff is going to come before us.

17 CHAIR CHRISTIAN: Commissioner
18 Valesky?

19 COMMISSIONER VALESKY: Well, on that
20 note, Liz. Thank you for the work. Thank you for
21 the presentation. I do just have a few questions.
22 There's a lot going on with offshore wind. So some
23 of these may relate to the order before us, some of
24 them may not. So if you would just indulge me.

25 First, I want to thank you for

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2 addressing, I would've asked you about the action
3 that the NYISO took earlier this week. I appreciate
4 you including that in your -- in your presentation
5 and that -- and that certainly clarifies it. So
6 thank you for that. In -- in terms of clarification,
7 I just took Commissioner or to a Chair Christ --
8 Christian's question earlier.

9 The interconnection point in the
10 ocean, does this -- will -- will that only apply to
11 new wind projects going forward or do previous
12 projects that have already been approved now have the
13 opportunity or ability through this order should it
14 be approved to connect in the ocean as well.

15 MS. GRISARU: I -- I have a little bit
16 of a hierarchy of a response.

17 COMMISSIONER VALESKY: Okay.

18 MS. GRISARU: Project -- future
19 projects -- projects in NYISO -- I, NYISO, I get my
20 -- my acronyms mixed up. NYSERDA has an ongoing
21 offshore wind solicitation today, New York 3. And
22 they plan to conduct another one, New York 4 in the
23 near future. I would expect New York 4 bidders would
24 -- would likely be directed to interconnect with this
25 facility.

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2 New York 3 bidders have the option to
3 -- to connect assuming that it's cheaper than each of
4 them going radially. So that's a -- a little bit of
5 a hierarchy. And it does -- it doesn't directly
6 offer anything to any of the contracted parties.
7 They've already made their plans as I said, to do
8 radial interconnections to the -- to the mainland.

9 COMMISSIONER VALESKY: Okay. Thank
10 you. Recently, we -- we -- we approved an order in
11 regard to Con Ed's Clean Energy Hub that at one
12 point, an initial version, I believe, had primarily
13 to do with offshore wind. What we approved had to do
14 with -- with reliability. But allowed for future act
15 -- action around offshore wind.

16 So I'm just -- I'm curious. Does
17 today's -- the action we're about to take today
18 impact in anyway shape or form, the Clean Energy Hub
19 that we've already approved for Con Ed.

20 MS. GRISARU: You might have heard me
21 mention that or you perhaps saw in the draft order
22 that we are expecting to engage with Con Ed and to
23 establish a process whereby Con Ed can make
24 information available about those interconnection
25 points that it thinks present advantages.

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2 I certainly expect from talking to
3 them that the Con Ed hub would be one of the -- the
4 locations that they would like to talk about. I
5 can't say much more than that because --

6 COMMISSIONER VALESKY: Sure.

7 MS. GRISARU: -- but -- but we do
8 expect a significant -- Con Ed to step up and to --
9 and to -- and to do take some pro -- proactive steps
10 to inform developers of -- of where Con Edison thinks
11 there are cost effective interconnection points on
12 its system including the hub.

13 COMMISSIONER VALESKY: Okay. Thank
14 you. I appreciate that. And -- and -- and last if
15 you -- or -- or maybe Bob could speak to briefly.
16 Commissioner Howard referred to proposals before the
17 legislature that were not taken up this year. I
18 actually just wanted to raise an issue. Now,
19 obviously the caveat, it has not been considered by
20 the governor.

21 So this is all hypothetical and unless
22 and until when that happens. But a bill was approved
23 by both houses of the legislature. Much of the
24 attention around it had to do with a -- a park
25 alienation piece but my understanding is that piece

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2 of legislation is -- was -- was far more broad than -
3 - than -- than a lot of the -- of the media reports
4 surrounding it.

5 Just curious if -- if you have --
6 again, with the caveat being it has not received
7 final review by -- by the governor. That having been
8 said, can you speak at all to the -- the effect of
9 that bill on everything that we are -- that we are
10 taking up both today and -- and previously.

11 And how that may or may not change
12 going forward offshore wind and -- and future
13 projects.

14 MR. ROSENTHAL: So I'm going to give
15 you a very limited response. I read the -- the
16 legislation and it applies -- there -- there's an
17 aspect to it that would amend public authority, the
18 part of the public authority law related to NYSERDA's
19 authority. And it -- it applies prospectively beyond
20 9 gigawatts and we're not beyond 9 gigawatts right
21 now.

22 COMMISSIONER VALESKY: Okay.

23 MR. ROSENTHAL: So the, you know, the
24 easiest answer for you are -- is that even if the
25 governor signs that bill and that's going to be

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2 completely up to the governor --

3 COMMISSIONER VALESKY: Right.

4 MR. ROSENTHAL: -- it -- it wouldn't
5 apply until after 9 gigawatts. So it has nothing to
6 do with what's before you today.

7 COMMISSIONER VALESKY: Okay. Thank
8 you. I appreciate that. Liz, thanks again and Leka
9 and -- and the entire team, it's an important matter
10 that we take up today. Thank you.

11 CHAIR CHRISTIAN: And Commissioner
12 Maggiore?

13 COMMISSIONER MAGGIORE: Thank you. I
14 -- I don't have any additional questions. I do want
15 to thank you for addressing some questions I had
16 offline. But between your presentation and some of
17 the other discussion that went on, I don't have
18 anything additional to say other than thank you for
19 the presentation.

20 CHAIR CHRISTIAN: All right. Thank
21 you, Commissioners. Thank you, Liz. We'll now do a
22 call for vote. My vote is in favor of the
23 recommendation to address the public policy
24 requirement for transmission planning as discussed
25 today. Commissioner Burman, how do you vote?

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2 COMMISSIONER BURMAN: Yes.

3 CHAIR CHRISTIAN: Commissioner Alesi?

4 COMMISSIONER ALESI: Yes.

5 CHAIR CHRISTIAN: Commissioner

6 Edwards?

7 COMMISSIONER EDWARDS: Yes.

8 CHAIR CHRISTIAN: Commissioner Howard?

9 COMMISSIONER HOWARD: Yes.

10 CHAIR CHRISTIAN: Commissioner

11 Valesky?

12 COMMISSIONER VALESKY: Yes.

13 CHAIR CHRISTIAN: Commissioner

14 Maggiore?

15 COMMISSIONER MAGGIORE: Yes.

16 CHAIR CHRISTIAN: Okay. The item is

17 approved. And the recommendations are adopted.

18 Thank you everyone. We'll now move to the sixth and

19 final item for discussion today. Item 101, case 21-

20 G-0577 which relates to the Saint Lawrence Gas Rate

21 Plan. Presented today we have Administrative Law

22 Judge Michael Clarke.

23 Judge Clarke happy to see you. All

24 right. And when you have a time, please begin.

25 A.L.J. CLARKE: My name is Michael

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2 Clarke. I'm the Administrative Law Judge assigned to
3 preside over this proceeding. Before you is a draft
4 order that would establish a gas delivery rate plan
5 for Liberty Utilities St. Lawrence Gas Corporation.
6 For a 3-year period beginning on November 1st, 2022
7 and continuing until October 31st, 2025.

8 The order adopts the terms of a joint
9 proposal executed by Liberty, trial staff of the
10 Department of Public Service and multiple
11 interveners. The Utility Intervention Unit of the
12 Division of Consumer Services of the New York State
13 Department of State is the only other party to this
14 proceeding.

15 U.I.U., which represents the interests
16 of residential and small commercial customers does
17 not oppose the joint proposal. Today, I'll briefly
18 provide some background information, detail the
19 agreement's revenue requirements, and then highlight
20 some of the notable provisions in the joint proposal.

21 Liberty provides gas service to
22 approximately 17,000 customers in rural northern New
23 York. For much of the last decade, two distinct
24 areas in the company's service territory have been
25 separated for rate-making purposes. The legacy area

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2 comprised of certain communities in St. Lawrence
3 County and a portion of Lewis County, and the
4 expansion area comprised of other communities in St.
5 Lawrence County and a portion of Franklin County.

6 Rates applicable to both areas were
7 most recently established by a Commission order
8 issued in July 2016 and con -- continued in a
9 Commission order issued in October 2019. The latter
10 order called for the two areas to remain separate
11 until the expansion area became self-supporting,
12 meaning that base rate revenues there would be
13 sufficient to cover the company's cost of service
14 there, without having to be subsidized by legacy area
15 revenues or until January 31st, 2023, whichever
16 occurred earlier.

17 If the expansion area was not self-
18 supporting by January 31st, 2023, the 2019 order
19 provided that company shareholders would be required
20 to write down plant in-service to a level allowing it
21 to be self-supporting without subsidization from
22 legacy area customers.

23 Against this backdrop, the company
24 commenced this proceeding in November 2021, seeking a
25 one year revenue increase of approximately \$3.5

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2 million which the company asserted would result in a
3 13 percent annual bill increase for the average
4 residential customer, an 18 percent increase for the
5 average commercial customer, and a five percent
6 increase for the industrial service class.

7 This filing pertained only to the
8 legacy area of Liberty's distribution system. In a
9 supplemental filing dated January 31st, 2022, the
10 company submitted various corrections and updates to
11 its initial filing and increased its revenue request
12 upward to approximately \$4.3 million.

13 The supplemental filing also contained
14 the company's proposal for consolidating the legacy
15 area and expansion area, including that any
16 potentially necessary write down be deferred for up
17 to 5 years. In direct testimony filed on June 3rd,
18 2022, staff recommended a one year revenue
19 requirement increase of about \$1.2 million or \$3.1
20 million less than the company requested in it's
21 initial filing -- in it's supplemental filing, excuse
22 me.

23 Although staff agreed with certain
24 aspects of the company's proposal for consolidating
25 the legacy and the expansion areas, it argued that

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2 any deferral of the write down would be inconsistent
3 with the Commission's direction in the 2019 order.

4 Staff also took issue with the
5 company's proposed rate allocation and rate design
6 methodologies, as did multiple intervenors.

7 Settlement negotiations began shortly after rebuttal
8 testimony was filed, successfully culminating in the
9 joint proposal submitted on March 31st.

10 As I indicated earlier, the joint
11 proposal would establish a 3-year rate plan beginning
12 on November 1st, 2022. And continuing until October
13 31st, 2025. The joint proposal recommends based
14 delivery revenue increases of \$2,579,086 in rate year
15 1, \$647,278 in rate year 2 and \$809,922 in rate year
16 3.

17 Recognizing that the considerable
18 increase proposed for rate year 1 would pose a
19 significant burden for rate payers, the joint
20 proposal -- joint proposal would permit the company
21 to instead raise revenues at levelized amounts of
22 \$1.38 million in rate year 1, \$1.93 million in rate
23 year 2, and \$1.94 million in rate year 3.

24 This levelization would result in a
25 2.97 percent total bill increase in all 3 rate years.

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2 For the typical residential heating customer, the
3 revenue changes would lead to a \$7.84 increase in the
4 average monthly bill in rate year 1.

5 A \$6.06 increase in rate year 2 and a
6 \$6.11 increase in rate year 3. Although the revenue
7 increases recommended in the joint proposal are
8 significant, the company has not filed for a delivery
9 rate increase since 2015.

10 And it's last approved rate increase
11 became effective in 2018, rate year 3 of the
12 company's most recent rate plan. Since then, various
13 company costs and expenses have risen, including
14 those related to labor, health insurance, inflation,
15 property taxes, pensions, which are primary factors
16 driving the requested revenue increase.

17 It is notable that the revenue
18 requirements reflected in the joint proposal are
19 considerably reduced from the company's initial
20 proposal. As previously stated, the company
21 originally sought a \$3.5 million increase and
22 adjusted that request upward to \$4.3 million in it's
23 supplemental filing dated January 31st, 2022.

24 While staff's original recommended
25 revenue increase was \$1.2 million, staff now

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2 maintains that the proposed revenue increases over
3 the course of the 3-year rate term are a reasonable
4 compromise between its, Liberty's, and the other
5 party's litigation positions.

6 In that regard, multiple intervenors
7 characterize the proposed revenue requirements as the
8 most challenging aspects of the joint proposal.
9 Multiple intervenors nevertheless adds that the --
10 the proposed revenue requirements have been pared
11 back to the extent practicable, while still enabling
12 the company to maintain system reliability and
13 integrity and to perform all other core utility
14 functions. The joint proposal allows a 9.2 percent
15 return on equity with a common equity ratio of 48
16 percent, and includes an earning sharing mechanism
17 that is triggered if the company's actual return
18 exceeds 9.7 percent. The cost of capital terms set
19 forth in the joint proposal are reasonable given
20 current economic conditions and they compare
21 favorably with those approved by the Commission in
22 other rate -- recent utility rate proceedings.

23 Additionally, the earning sharing
24 mechanism acts as a safeguard against potential over
25 earning and ensures that ratepayers share in any

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2 efficiency gains realized by the company. The joint
3 proposal sets forth the revenue allocation and rate
4 design methodologies agreed upon by the signatory
5 parties, following extensive and detailed
6 negotiations necessitated primarily by staff's and
7 M.I.'s dissatisfaction with the company's proffered
8 allocated cost of services study.

9 And by staff's proposal to transition
10 from declining block rate structure to a flat rate
11 structure, which multiple intervenors argued could
12 unfairly result in customers with high usage
13 subsidizing those with lower usage.

14 The joint proposal reflects a
15 compromise involving a uniform service class increase
16 and a rate structure designed to recover a portion of
17 the revenue increase via both fixed and variable
18 charges. The joint proposals overall revenue
19 allocation rate design methodologies, supporting a
20 gradual transition to a flat rate structure,
21 equitably balance New York's conservation goals,
22 while mitigating bill impacts on large customers.

23 The joint proposal also presents a
24 consensus resolution to any issues surrounding
25 consolidation of legacy area and the expansion area

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2 that will require the company to write down \$4.5
3 million. Legacy area customers will not subsidize
4 expansionary customers and future company rate
5 filings will reflect a single consolidated cost of
6 service, achieving the Commission goal of elim --
7 eliminating the distinctive treatment between the two
8 areas as expressed in the Commission's 2019 order.
9 This is an equitable fact-driven solution that
10 comports with the 2019 order.

11 Turning to the company's low income
12 program, the parties recognize that energy costs
13 represent a significant burden for low income
14 individuals and families. The joint proposal
15 accordingly recommends that the company's existing 2-
16 tiered program be expanded to 4 tiers with monthly
17 discounts, reflecting the Commission's energy
18 affordability program goal of a 3 percent energy
19 burden for gas only customers.

20 The program would thus identify and
21 allocate more funding to customers who are in greater
22 need of assistance, while also being consistent with
23 Commission directives that discounts be properly
24 tailored to the specific needs of such customers.

25 Finally, the joint proposal offers an

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2 ample basis upon which the Commission can determine
3 that it complies with New York's Climate Leadership &
4 Community Protection Act. It creates processes for
5 ensuring that the company approaches extensions of
6 service with appropriate consideration of the
7 C.L.C.P.A.'s emission reduction targets.

8 For any proposed entitlement projects
9 exceeding 500 feet, the company will consult with
10 D.P.S. staff prior to beginning construction, and
11 then, file a report with Commission including non-
12 pipe alternatives that were considered, documentation
13 that the company inform potential customers of
14 alternatives to natural gas heating, and info --
15 information on the proposed projects consistency with
16 attainment of emissions limits established pursuant
17 to the C.L.C.P.A.

18 Regarding any future proposals to
19 extend its service beyond what is required by the
20 Commission's rules regarding the Commission's, excuse
21 me, the company's obligation to serve. The joint
22 proposal requires the company to submit a petition to
23 the Commission before beginning construction.

24 The company must explain how it's
25 proposal is consistent with C.L.C.P.A. emissions

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2 goals and provide information regarding project cost
3 estimates, projected natural gas and alternative
4 energy costs, and any non-pipe alternatives that were
5 considered.

6 The company cannot proceed with such a
7 proposal unless and until the Commission authorizes
8 it to do so. The joint proposal discontinues the
9 company's carbon reduction initiative program, which
10 provided customers with incentives for high
11 efficiency gas conversions.

12 It also requires that the company
13 implement a behavioral demand response program,
14 pursuant to which it would request that customers
15 reduce usage during peak times. Thus, lowering their
16 own utility bills, reducing the amount of gas
17 consumed and furthering achievement of the
18 C.L.C.P.A.'s greenhouse gas emission targets.

19 The company would also be required to
20 institute a residential methane detector pilot
21 program, which will allow for the quicker discovery
22 and repair of any potentially leaking pipes. Thus,
23 minimizing the release of greenhouse gases and
24 improving gas safety.

25 The joint proposal also requires the

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2 company to submit an annual report, reflecting it's
3 upstream local distribution and end use greenhouse
4 gas emissions. And it must provide gas conservation
5 messaging to customers and refer new applicants for
6 gas service to the New York State Clean Energy
7 Program, where they can learn about electrification
8 options and discover if they're eligible for any
9 applicable rebates.

10 Based on the foregoing, the Commission
11 can confidently determine that the joint proposal is
12 in the public interest. Indeed, the joint proposal
13 appropriately ensures the company's continued
14 provision of safe and reliable service, at just and
15 reasonable rates, its terms comply with the
16 C.L.C.P.A., and it is consistent with regulatory
17 action required by or taken in other Commission
18 proceedings. That concludes my presentation. But
19 I'm certainly available for any questions you may
20 have.

21 CHAIR CHRISTIAN: Thank you, Judge
22 Clarke, I think you stole my notes, because you ended
23 almost as how I was going to begin. And I couldn't
24 agree more, I know this was a difficult process. But
25 I appreciate where -- where you arrived and how you

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2 got there, in terms of working with the other
3 parties.

4 And I do agree that this is consistent
5 with regulatory action and aligned with the
6 C.L.C.P.A. So thank you for your work and bringing
7 us forward to us today.

8 A.L.J. CLARKE: Thank you.

9 CHAIR CHRISTIAN: Thank you,
10 Commissioner Burman.

11 COMMISSIONER BURMAN: Thank you. So
12 first of all, it's been a pleasure over these last
13 two years, getting to know you and sort of you're
14 cutting your teeth on the rate cases and sort of
15 seeing how thoughtful you approach them and take
16 seriously comments from the Commissioners and really
17 try to be -- ensuring that we get a full factual
18 record and the detailed analysis.

19 And making sure that we have a draft
20 order that really sets forth why it is or is not in
21 the public interest. And I appreciate that.

22 A.L.J. CLARKE: Thank you.

23 COMMISSIONER BURMAN: I think there
24 are three things that I want to sort of touch upon.
25 One is that I -- I was struck by and it's in the

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2 draft order multiple intervenors, characterizing the
3 proposed revenue requirements and you spoke about it
4 as the most challenging aspects of the joint
5 proposal.

6 And they -- multiple intervenors were
7 supportive, adding really that the proposed revenue
8 requirements have been pared back to the extent
9 practicable, while still enabling the company to
10 maintain system reliability and integrity, and
11 perform all other core utility functions. And I
12 think that's accurate.

13 But I am struck by the fact that we
14 are challenged in the rate cases, especially in rate
15 cases that have a lot of C.L.C.P.A. and State
16 policies. And it's not just New York, it's other
17 State policies and other States, where the rate cases
18 have to sort of take into account all of that.

19 And how that can really be challenging
20 in trying to deal with the rate impacts. So I point
21 that out because I think that, for me, the important
22 thing is that we are mindful that we have to ensure
23 that the utilities are maintaining system
24 reliability, and integrity, and performing their core
25 utility functions.

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2 And that is a be-all and end-all and
3 that that takes precedent. And that we -- when we
4 are looking at what may need to be pared back, we
5 cannot shirk our responsibility on reliability and
6 safety and the core responsibilities.

7 And so we have to just, I think, think
8 through that carefully, clearly as done here. But we
9 have -- we have challenges in -- in other areas in
10 sort of allowing other things outside of our core
11 utility functions, take precedent, or push through.

12 And sometimes we forget to just get
13 back to what's our -- what's our ultimate
14 responsibility. So that's the first. The second is,
15 I am mindful that there is implementation of I.T.
16 issues. I.T. issues and trying to implement them in
17 any large project can be challenging.

18 Whether it's a utility, or a company,
19 or frankly, in my own home. And so I look at this
20 and I feel that the order recognizes that I.T.
21 implementation challenges can be something that is a
22 problem. And how do we do it in a way that we are
23 making sure that any hiccups that are -- that are not
24 the fault of rate payers and perhaps hiccups that
25 should have been looked at more carefully by the

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2 utility, that the cost on that is borne by the
3 company and not the rate payers.

4 And can you talk a little bit about
5 how we would assess, you know, utility I.T.
6 implementation and the rollout of that and the
7 prudence of -- of that?

8 A.L.J. CLARKE: The company's customer
9 first performance is going to be evaluated through
10 regular capital spending reporting and service
11 quality monitoring. The department has recently
12 begun utilizing an internal automated system that
13 prepares charts, almost in real time, so that staff
14 can identify trends and take corrective action as
15 necessary. So they are on top of that. And as you
16 mentioned, the order does emphasize that any rollout
17 problems will be borne -- the costs associated with
18 them will be borne by the company and not rate
19 payers.

20 COMMISSIONER BURMAN: I think that's a
21 positive. And I think that sort of looking at it
22 before it's launched, is really helpful. And that's
23 really sort of, I think, an improvement in our
24 regulatory oversight.

25 And with the companies, I think now

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2 recognizing that I.T. implementation can be very
3 challenging and needing to kind of forecast out and -
4 - and plan for that. So I -- I appreciate that.
5 Then the third prong, which is really one that I -- I
6 struggle with, and -- and it sort of hits on both
7 the company-funded extension capital projects and the
8 entitlement projects and expansion exceeding 500
9 feet.

10 So in this J.P., it established a
11 process outside the current rate case, for these
12 capital projects, non-pipe alternatives, as well as
13 the gas extensions. And history, most recently, in a
14 -- in a few rate cases, has left me a little bit
15 concerned about this process.

16 We've -- it is really important when
17 we're looking at and I've spoken about this before.
18 But it's really important when we're looking at joint
19 proposals and coming together to -- for people to
20 support it, that some of the post future actions on,
21 you know, a project, whether it's a non-pipeline
22 alternative, or a pipeline, or a gas expansion, is --
23 shouldn't be decided, in sort of the rollout of when
24 a petition will come and what the petition will look
25 like, in a joint proposal.

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2 It may be that you recognize in the
3 joint proposal that, okay, we're not going to --
4 we're not going to be able to get to this here. And
5 so this -- this isn't going to stop us from
6 supporting this joint proposal, but we recognize that
7 this capital project, this, you know, non-pipe
8 alternative, whatever the issue is, is going to be
9 addressed in the future and maybe giving some
10 framework ideas of what that may look like.

11 For me, the challenge is is that from
12 the history of other things that have been sort of
13 left to, all right, the utility will come back to us
14 with the petition, you know, to -- to expand or to,
15 you know, lift a moratorium or to decide something
16 related to, in particular, most -- most recently gas.

17 It doesn't leave a lot of flexibility
18 to the Commission. And in times it can, the process
19 itself can get murky and confused and take on another
20 life of it's own that if it had been decided within
21 the rate case or had been decided, without being
22 tagged with, well, you have to be move -- you have to
23 do this petition a certain way, per the joint
24 proposal.

25 It locks us in, in a way that I think

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2 can be clunky, perhaps improper, and perhaps creating
3 more challenges than if we were just to not keep it
4 in the joint proposal and to decide it singularly or
5 to resolve it in the rate case.

6 So I guess I am looking for some
7 understanding because it's -- I'm still sort of left
8 a little concerned with -- we'll take the first
9 prong, which is the reporting requirement for the
10 company-funded extension capital projects and what
11 the purpose of that is and what exactly we're asked -
12 - we're telling them to do.

13 A.L.J. CLARKE: Well, I think that the
14 intent is actually the opposite of -- of what you
15 were suggesting. It's not to lock the Commission in,
16 it's to grant the Commission the discretion to
17 approve or not approve any proposed projects down the
18 line and to avoid having any kind of uncertain
19 funding included in the revenue requirements approved
20 by the joint proposal.

21 So it's really, it's an information
22 piece, the company will have to inform or advise
23 prospective customers of alternatives. And then, the
24 company will have to inform the Commission as to what
25 it's doing, how much it's going to cost, what the

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2 impacts are regarding C.L.C.P.A. compliance.

3 So certainly, I think it's the
4 opposite of trying to lock the Commission into a
5 particular position.

6 COMMISSIONER BURMAN: I think that's
7 helpful. I -- I agree with you that that's the
8 intent. I think history has shown that sometimes the
9 intent has -- has fallen away. And it then becomes a
10 much more complicated process that doesn't actually
11 allow any movement forward in -- in resolving some of
12 the issues, except to say no to the project or come
13 back later again.

14 For the non-pipe alternative
15 consideration for entitlement of capital projects,
16 where we are saying, prior to beginning construction,
17 the company has to consult with staff, and then file
18 a report with the secretary, detailing the cost of
19 the proposed projects, alternatives that were
20 considered to the project, and documentation
21 establishing that the company informed prospective
22 customers of alternatives to natural gas heating.

23 And information on the proposed
24 project's consistency with attainment of Statewide
25 greenhouse gas emission goals as articulated in the

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2 C.L.C.P.A. I just also want to remember that we --
3 and kind of highlight that customers who want gas,
4 customers who are, you know, given alternatives to
5 natural gas heating.

6 We have to be very careful that we're
7 not delaying their own choice. And we're also have
8 to be careful that we're not somehow trying to push
9 them away from something. And that, you know, we --
10 we are really allowing the company to offer viable
11 options and make sure that, you know, we're -- we're
12 being careful not to insert our own desires in that.
13 Does that make sense?

14 A.L.J. CLARKE: Yes.

15 COMMISSIONER BURMAN: Thank you.

16 A.L.J. CLARKE: Do you want me to
17 respond?

18 COMMISSIONER BURMAN: Sure, yeah.

19 A.L.J. CLARKE: Again, I -- think --.

20 COMMISSIONER BURMAN: I would,
21 especially since you said it made sense, yeah.

22 A.L.J. CLARKE: I think it makes
23 sense. But again, I think the -- the intent of this
24 provision is really just to add another level --
25 level of staff involvement to infrastructure, gas

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2 infrastructure projects. I should add, I think there
3 may have been some confusion surrounding this.

4 But forecast entitlement projects are
5 included in the revenue requirements in the joint
6 proposal. So that's -- that's clear for the
7 entitlement pieces.

8 COMMISSIONER BURMAN: Right.

9 A.L.J. CLARKE: The -- I think, again,
10 the intent is to educate consumers about potential
11 options that they may or may not have. And on the
12 backside, the company is bringing the information
13 regarding it's experiences with these customers to
14 the Commission, so that that information can inform
15 future policy planning.

16 COMMISSIONER BURMAN: Right.

17 A.L.J. CLARKE: Particularly in the
18 gas planning proceeding.

19 COMMISSIONER BURMAN: Right. And I
20 think we have to be very careful to not become
21 barriers to that. And also make sure that we are
22 allowing the customer and the utility to work
23 together on what makes sense without making them jump
24 through a million hoops.

25 And it's never going to be good enough

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2 because, you know, we want you to just say no, right.
3 So the other thing is that regarding the entitlement
4 projects, exceeding 500 feet, where the -- this is
5 providing a level of review.

6 This is the level of review that the
7 company would not otherwise be subjected to. And so
8 the company, which is in support of it because the
9 joint proposal is -- is really looking at a detailed
10 main extension review procedures, that is going to
11 ensure that the company's most significant future
12 investments in the new gas infrastructure will
13 incorporate consideration of consistency with the
14 C.L.C.P.A.'s greenhouse gas emission reduction goals
15 and the possibility of non-pipe alternatives.

16 But I just want to underscore, this is
17 something they would not have had to do. So we
18 should make sure that we are not sort of now making
19 them have to jump through even more hoops in this
20 process. Because they are voluntarily agreeing to
21 this.

22 And so at the back end, we can't now
23 say, okay, great, you agreed to it. And now we're
24 going to make it even harder for you and -- and just,
25 you know, keep pounding on that issue. I think

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2 that's really important to understand, they are
3 supporting this.

4 But if it wasn't in this, they would
5 not necessarily be subjected to this new review
6 process. Is that correct?

7 A.L.J. CLARKE: I think that's fair.
8 I -- I struggle, I suppose I struggle with the word
9 review. It's more a consultation with staff. And I
10 think the purpose is just to provide staff with the
11 information that this is ongoing, this is what we're
12 doing.

13 COMMISSIONER BURMAN: Right.

14 MR. LECAKES: It is the type of review
15 that staff does do even for entitlement projects
16 during the rate case. So they do look at what the
17 company's expansion plans are, regardless of -- of
18 entitlement or not. And I think that taking it
19 outside of the rate case and -- and, you know,
20 continuing that kind of review process, during the
21 rate plan and not while, a rate case is under review,
22 takes into real -- or takes into consideration, the
23 reality is that we are in -- in a transition period
24 or there's a lot of uncertainties that exist around
25 the future of gas and utilities in the State that

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2 didn't exist, even, you know, a couple of years ago
3 so.

4 COMMISSIONER BURMAN: Right. Okay, I
5 think that's all helpful. I think this conversation
6 in terms of making sure that we're all on the same
7 page of what the level of review and scrutiny is, is
8 important. And I think that it's also something that
9 as we move forward and are looking at perhaps other
10 joint proposals.

11 We have to be very careful that this -
12 - if we don't start looking to dictating what
13 petitions should or should not look like and, you
14 know, make very careful choices. And perhaps, some
15 of the policy decisions that are baked in, have to
16 get decided before we delve into it in the rate case
17 itself.

18 And there's some generic proceedings
19 that we're looking at that perhaps there are others,
20 where it might be helpful to sort of issue specific
21 things, need to make sure that we are not sort of
22 just holding out for a -- we're not deciding
23 something because we have one or two holdouts on some
24 issue specific, you know.

25 And so, but for them getting what they

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2 want, they won't support the joint proposal. Totally
3 understand that holistically, though the joint
4 proposal needs to be in the public interests for the
5 customers of the utility. So just, you know.

6 MR. LECAKES: I agree. And I think
7 that that's a fair observation. At the same time,
8 the utilities do have the right, you know, during a
9 rate plan to always petition for projects that they -
10 - they want to accelerate prior to -- to filing a new
11 rate plan.

12 So in -- at certain times, it can be
13 helpful to try and define the universe of certain
14 petitions that you know are likely to come down the
15 road during that 3-year term so.

16 COMMISSIONER BURMAN: Yeah, it's a --
17 it's a difficult issue in trying to strike the right
18 the balance. And so I raise it only because I think
19 that here, we are I think, trying to strike that
20 right balance and some of the issues we've had in
21 other rate cases or petitions that come after the
22 rate cases have been particularly challenging.

23 And perhaps it's food for thought in -
24 - in some -- in what that means for us. And I will
25 say this process is very different from, you know,

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2 the most recent one where there was a consultant
3 charge performing a review, based on demand
4 forecasts.

5 And I just think that there's, you
6 know, and I -- I had a difference of opinion with the
7 majority. So, you know, I don't need to rehash that.
8 But I do think that I it -- it lends itself to
9 conversation, just in terms of are we all on the same
10 page and how we handle things. And I think that's a
11 good thing. So thank you.

12 CHAIR CHRISTIAN: All right.
13 Commissioner Alesi.

14 COMMISSIONER ALESI: Thank you,
15 Chairman. Again, good work, it seems we've been
16 saying that all day long, but it is good work. And
17 right in line with all of the other presentations for
18 today. This meets the challenge, as has been
19 presented, fair and equitable, satisfies the needs of
20 the C.L.C.P.A., reasonable compromise.

21 Which is I recall from my childhood,
22 my mother used to say at the dinner table, you won't
23 always get what you want, but you'll always get what
24 you need. And I think this satisfies the public
25 need, so good job.

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2 A.L.J. CLARKE: Thank you.

3 CHAIR CHRISTIAN: All right.

4 Commissioner Edwards.

5 COMMISSIONER EDWARDS: I don't have
6 any questions. Thank you.

7 CHAIR CHRISTIAN: Commissioner Howard.

8 COMMISSIONER HOWARD: Yeah, again, I
9 will join the chorus of thanking you for a go -- job,
10 well done. And I think this case shows that
11 regardless of the size of the company, the
12 complexities are the same. And -- and actually, in
13 some cases, the resources of the company and the
14 petitioners are -- are less.

15 Which makes it harder for you, Judge
16 to parse the sphinx, as so to speak. But again, good
17 work and I will be supporting it. Thank you.

18 CHAIR CHRISTIAN: Commissioner
19 Valesky.

20 COMMISSIONER VALESKY: Thank you for
21 the efforts. I have no questions.

22 CHAIR CHRISTIAN: Commissioner
23 Maggiore.

24 COMMISSIONER MAGGIORE: Thank you. I
25 don't have any questions. Other than just a couple

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2 quick comments. Commissioner Howard has pointed out
3 in the past that among the very many things that
4 staff does particularly well, are rate cases are, you
5 know, a great example of that.

6 The process is thorough, it's public,
7 it's participatory, it's transparent. And I -- I
8 think this is an example of -- of those practices
9 coming together to achieve a balance between
10 priorities that are sometimes intention.

11 I've -- I've said before that nobody
12 wants to raise rates. But this is not a slapdash
13 process. And the -- the point that Commissioner
14 Burman, quoted from some of the comments that the
15 revenue requirements were pared back to the extent
16 practicable, also stood out to me.

17 So I -- I think this achieves quite a
18 bit and through a process that everyone with an
19 interest had an option to participate in to arrive at
20 the best outcome. I also note, and you could correct
21 me if I'm wrong, I don't think there's any commentary
22 in here challenging the conclusion that this -- that
23 this J.P. achieves C.L.C.P.A. goals.

24 And to do that for a gas rate case, I
25 think is worth noting. And I agree with that

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2 conclusion. So I don't like raising rates. But I
3 think that this is a product of -- of good work. And
4 I do agree that it's in the public interest. So I
5 intend on voting yes. Thank you.

6 CHAIR CHRISTIAN: Thank you,
7 Commissioners. I'll now bring us to call for a vote.
8 My vote is in favor of the recommendation to adopt
9 the terms of the joint proposal as discussed.
10 Commissioner Burman?

11 COMMISSIONER BURMAN: Yes.

12 CHAIR CHRISTIAN: Commissioner Alesi?

13 COMMISSIONER ALESI: Yes.

14 CHAIR CHRISTIAN: Commissioner
15 Edwards?

16 COMMISSIONER EDWARDS: Yes.

17 CHAIR CHRISTIAN: Commissioner Howard?

18 COMMISSIONER HOWARD: Yes.

19 CHAIR CHRISTIAN: Commissioner
20 Valesky?

21 COMMISSIONER VALESKY: Yes.

22 CHAIR CHRISTIAN: Commissioner

23 Maggiore?

24 COMMISSIONER MAGGIORE: Yes.

25 CHAIR CHRISTIAN: Okay. The item is

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2 approved, and the recommendations are adopted. Thank
3 you, everyone. Thank you, Judge. Okay, with that
4 we'll now move on to the consent agenda. Do any
5 Commissioners wish to comment on or recuse from
6 voting on any of the items on today's consent agenda?
7 I'll begin with Commissioner Burman.

8 COMMISSIONER BURMAN: Yeah, I have a
9 couple of items that I want to make some comments on.
10 Item 264, which is a draft order, approving the
11 request of NYSEG and RG&E to extend the maximum
12 suspension period through and including October 18th,
13 and to be made whole for the delay.

14 Last session, myself and a couple of
15 other Commissioners did raise some concerns on the
16 needing to extend the suspension period. And the
17 challenges with that and trying to meet the statutory
18 11 month obligation to decide a rate case.

19 We're now faced here, with the joint
20 proposal having been filed, needing to be SAPA'd, and
21 needing folks to be able to have an opportunity to
22 comment on that. And I think that's important.

23 And also then for staff, and then, the
24 Commission to have an opportunity to take those
25 comments and look at the joint proposal, and then,

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2 look towards a draft order that is reflective and is
3 in the public interest.

4 So giving the extra time make sense.
5 There's two things that I just want to point out,
6 though, is that October 18th, is the week after the
7 October 12th, Public Service Commission session. So
8 if we are deciding it after that session, we're
9 really looking at November for a decision.

10 Every month that there is a delay
11 means that we are having to incorporate an additional
12 month to be spread over the years of the rate plan,
13 effectively increasing rates by whatever that
14 percentage is. And I think that that's something
15 that is really important for us to look at.

16 And ensure that we are trying to get
17 under the hood of the issues with the extension of
18 the suspension period. And, you know, kind of my
19 understanding here and support here is because of the
20 timing with the joint proposal.

21 But I would like us to more
22 holistically look at how can we make sure that we are
23 shaving off, you know, these suspension periods, the
24 need to extend the suspension periods, how do we help
25 collaborate better, how do we look at, you know,

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2 stakeholders involved in rate cases, settlement
3 discussions in a way that helps us collaborate but
4 also helps address some of the challenges that that
5 may be there that have sort of made us now more on
6 the side of continually looking at extensions of the
7 suspension period.

8 So those are the two things that I
9 raise on that item. Item 265 is the next item. I'm
10 going to come back to that, that's the energy broker
11 item. And I have some sort of detailed comments on
12 that. Item 267, I'm con -- concurring consistent
13 with my voting record on this.

14 I do look forward to addressing the
15 more larger energy efficiency initiative issues. But
16 I did vote for similar with ConEd. So I will do the
17 same in concurrence here. Item 367, which is the
18 Clean Energy Standard backstop mechanism item.

19 I do want to take a moment to explain
20 sort of my concern here. There's a couple of things
21 that sort of stand out for me from a process wise
22 that impacts me in looking at this substantively.
23 The first level is something that I've talked about
24 is, when you look at our preliminary and final
25 session agenda and you look at the item number, we

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2 are still using the generic case.

3 So people would not recognize
4 specifically that the item that we're going to be
5 taking up is related to the Clean Energy Standard
6 backstop mechanism. I just find that troubling, I
7 know I sound like a broken record.

8 But I do think that if we are looking
9 at having transparency, we should be clear in the
10 agenda items. It's legally sufficient, but I just
11 don't think -- it's prudent to -- to not, you know,
12 let people know exactly what petition we're looking
13 at or what the -- what the substance of it is.

14 Especially when you look at Case
15 Number 15-E-0302. It's just -- it's the most, I
16 think it's one of the most massive ones, since
17 competitive opportunities proceedings. So the other
18 is, this is a petition that was filed by NY --
19 NYSERDA in July, 2021.

20 Now, with all fairness to NYSERDA, it
21 was a petition that was -- they were asked to file
22 back in November of 2016. It was the financial
23 backstop mechanism. August 1st, 2016, was the Clean
24 Energy Standard. And then, November was the Clean
25 Energy Standard administrative order.

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2 And there was -- at that time, there
3 was a recognition that we might have to address this
4 back -- have to address sort of the backstop
5 mechanism. So, you know, kind of fast forward. It
6 made sense, the filing happened in July 2021.

7 And a recognition that, you know, they
8 were putting forward their proposal, NYSERDA's
9 proposal in how to address this potential backstop
10 mechanism that they might need. So the thing for me
11 is, though, we're deciding this petition, almost two
12 years from when it was filed.

13 So I initially had a why, like, what -
14 - what's -- what's making this now all of a sudden
15 have to be decided. Now, for me, it -- I -- I have
16 spent a great deal of time kind of going over it and
17 understanding what this is and what this is not.

18 And I am leaning towards the side that
19 there is no boogeyman here. This isn't a backdoor
20 way of addressing, you know, some of the large scale
21 renewable petitions that we may have here. Or, you
22 know, trying to increase, you know, the budgets in a
23 way that sort of makes it, you know, a grab for more
24 money.

25 This really is and this is where I

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2 feel comfortable is that we have understood that if
3 there is a shortfall, you know, anytime you start a
4 new program, you have to have some, you know, cash on
5 hand to help roll this out, right.

6 So that this process was for NYSERDA
7 to use this Clean Energy fund money and look to the
8 electric distribution companies for that funding.
9 And that's what the Clean Energy Standard, the RECs,
10 the ZECs, et cetera.

11 And the programs, they should totally
12 be fully funded to the extent that they are deemed
13 prudent. The backstop mechanism then is addressing
14 really two issues. Cash flow, working capital is one
15 and the second is uncollectible accounts.

16 So this draft order uses this backstop
17 mechanism to address the existing deficit in the ZEC
18 program, which was created by NYPA's inability to
19 collect those costs from it's customers via existing
20 supply contracts.

21 And just so you know, that sounds like
22 I'm taking a hit -- hitting NYPA with -- with it. I
23 don't mean that their inability to collect those
24 costs from it's customers really did make sense
25 because they had existing supply contracts that

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2 didn't have this sort of mechanism in there and how
3 to -- to, you know, collect for it, right.

4 So I feel like everyone in this case
5 is really trying to figure out how to properly handle
6 it and make sure that we're moving forward in -- in a
7 way that is addressing the -- the deficit issues. We
8 had a draft order that allocated the current ZEC
9 deficit, which is significant 33 plus to all electric
10 utilities.

11 And LIPA was based on a load ratio
12 share, you know, the -- that order was not supportive
13 of, but I understand the deficit issue, load ratio
14 share is a different issue. But this rate mechanism
15 in place at the electric utilities for the recovery
16 of the backstop mechanism cost is applicable to the
17 delivery of supply to NYPA customers.

18 So I feel comfortable that this is
19 really trying to get at how do we do all this. We're
20 addressing here, the NYPA issue, we're addressing the
21 collection of those the deficit that NYPA has -- has
22 to deal with. We're going to have to address it from
23 the LIPA customers that is going to come.

24 But we are really looking at this in a
25 way that the backstop and I want to be very clear.

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2 This backstop mechanism, the need to invoke it should
3 be a rare occurrence. And is only a place to address
4 completely unusual circumstances.

5 But it should be infrequent, and it
6 should be something that we are -- are -- are not
7 using as, you know, a way to, you know, refresh our
8 coffers. So what the order, the draft order does, it
9 develops this true-up process from month to month
10 over and under collections as and -- and will
11 significantly reduce, I think if we do it this way,
12 significantly reduce the need for the backstop.

13 But we have to be cognizant of not
14 having collected but then of collecting and using the
15 funding to sweep because that will be challenging.
16 And just keep in mind our last order addressing some
17 of the C.E.S. payments.

18 We're trying to not keep having this,
19 you know, over collection, right, that we're trying
20 to have, where we're collecting only what we really
21 need. So we're not going to have -- in a lot of our
22 program orders, we say okay, we're going to do this
23 program, we're going to expand it, we're going to do
24 this and it's okay because we're going to use
25 uncollectible funding and we're going to sweep it.

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2 That mindset has to change because remember, when you
3 have a program, it's -- that you think is a good one,
4 it should be fully funded.

5 But if we are trying to -- to expand
6 it saying it's not a big deal because we got these,
7 you know, we got these other things, we're going to
8 sweep. We can't keep using the rainy day fund. And
9 we have to just be mindful of that.

10 So I -- I look at this as the changes
11 that are taking place in 2025, you know, the way tier
12 one REC costs or allocated and recovered from L.S.E.s
13 will significantly again, reduce the need to invoke
14 the backstop.

15 So I am comfortable voting for this,
16 again because this is not supposed to be -- let's use
17 this backstop mechanism now as, you know, a thing
18 that we do. And in fact, we are very, I think
19 prudent in saying, look, if you, NYSERDA think that
20 you're going to need to invoke the backstop, you're
21 going to have to petition the Commission.

22 And you're going to have to go through
23 a process of really showing what's happening. And
24 making sure that you have Commission approval to do
25 that which may need that we then need to pivot in a

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2 lot of the different programming, and the funding,
3 and all of that.

4 But we are really mindful that the
5 steps that we're doing for that is intended to make
6 sure that if you need to invoke the backstop
7 mechanism, you really shouldn't -- we shouldn't be
8 there. But if you do, we understand it's probably
9 because of some really, you know, unusual
10 circumstance.

11 And therefore, we're going to make
12 very carefully sure and frankly, we're going to look
13 at what happened that led us to that in the first
14 place. I was very concerned, and after sort of
15 really going over it carefully talking to incredible
16 staff who -- who really walked through it that these
17 are completely unrelated to the petitions of ACE New
18 York and others seeking modification to their REC and
19 OREC agreements.

20 And in no way allows NYSERDA to pay
21 generators more than their contracted amounts. So
22 the boogeyman issue, I fully vetted, feel very
23 comfortable that it's not there and I -- I am going
24 to concur. I felt it was important to explain this
25 process.

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2 Because the same way I had the knee
3 jerk reaction to not appreciating where we got, I
4 felt like I should take some time to explain it,
5 perhaps, to others who might be interested. But
6 also, again, historically, I've been here since when
7 we first did the August 1st, 2016, C.E.S. petition,
8 and then, the November one.

9 And I really wanted to make sure that
10 folks understood sort of the history and the
11 importance of this because I do think this is
12 important. And so all right, sorry, sorry, belabored
13 that a little bit. But I just thought that was
14 important.

15 The next one is 376, which is the New
16 York Sun mid review. So I -- I initially, up until
17 last evening, I thought that I might be voting no on
18 this item. I again saw a lot of boogeymen. And I --
19 I think it's important for me to recognize that when
20 we're looking at this, there's a couple of layers,
21 right.

22 I have to get out of my head and when
23 I -- I never supported the initial New York Sun being
24 done without legislative action, you know, to give us
25 some of that. And so there's a history of -- of me

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2 voting no on a lot of the New York Sun issues.

3 And then, so here we have this
4 midpoint review, it would have been easy for me to
5 just vote no. But I don't think that that is helpful
6 when part of it is now looking and saying okay, what
7 is this midpoint review actually doing?

8 How are we setting ourselves up to
9 move forward? And in this case, maybe I wouldn't
10 have designed it this way. But maybe I do things a
11 little differently, but this is -- the way this is
12 done, it's a critical design component of the New
13 York Sun program for NYSERDA to have the ability to
14 have flexibility to revise various program incentive
15 rates.

16 The trend here is that when NYSERDA
17 works with our staff in making adjustments, they have
18 made downward adjustments on the incentives, they've
19 shown a prudence in doing so. Now, this is -- these
20 are not large scale renewables.

21 This is really specific to the New
22 York Sun program and is not the larger scale
23 renewable programs. This order is really giving them
24 flexibility to not have to go through a belabored
25 process with the Commission to get some ability to

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2 make incentive rate adjustments that make sense and
3 that are not again, you know, in this large scale
4 massive process.

5 If they were to go through all the
6 hoops that would get us to voting yes or no on that,
7 the -- the need for it would be problematic, right,
8 they would have -- they would have had -- it would
9 have been like, well, you can apply but by the time
10 you apply, you know, people got away, right.

11 So for me, I look at this as important
12 for us to give clear direction to our staff to work
13 with NYSERDA as prudently under the program design to
14 have that flexibility. And so it enables NYSERDA to
15 prudently utilize the funding to achieve the
16 distribute -- distributed solar goals and allows
17 NYSERDA to make these adjustments as necessary in a
18 timely manner.

19 And responding to evolving market
20 conditions, including anticipated future federal
21 guidance on the I.R.A. Now, these adjustments have
22 traditionally always been made, after consultation
23 and concurrence with our D.P.S. staff team, who makes
24 sure to do so in a way that is having a fiduciary
25 responsibility to the rate payers.

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2 So here, I think that's really helpful
3 and I'm comfortable with that. The order also, very
4 importantly to me, says, look, as to your wanting to
5 perhaps increase the prevailing wage budget. You
6 cannot do that unless you come back to the Commission
7 and make a filing that the Commission as a body will
8 approve and look at.

9 So no, you cannot increase the budget
10 for prevailing wage. And in fact, you know, that was
11 one of the sticklers to me, not supporting the
12 Commission becoming a prevailing wage board. And --
13 but I'm comfortable here that we are really making
14 sure that they'd have to come back to us.

15 The second thing is we say, look, we
16 understand that you -- you are looking at 10 megawatt
17 procurements, you know, above and beyond that, that's
18 not what we're doing. We're not increasing that
19 right here, this order does not address that issue.

20 And then, the last thing that I think
21 is helpful is we -- NYSERDA is being asked to come
22 and do a filing on information on the I.R.A. and --
23 and explain how it intends to deal with a lot of the
24 I.R.A. things. Now, the I.R.A. is -- an
25 implementation of the I.R.A. is a constantly moving

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2 issue.

3 So NYSERDA can come to us today and
4 tomorrow, things can change. It is important,
5 though, for us to start saying what -- what is the
6 plan? What are the -- the things that are being
7 done? How is this linking, you know, we're asking
8 the utilities to tell us what they're doing.

9 NYSERDA needs to help give some
10 direction and to put in a docket, some meat on the
11 bones. And that's what this I think intends to do.
12 And so for that, I will be supporting this item. So
13 the larger issue for me is 265, which is the energy
14 broker item.

15 I truly struggled with this. And I'm,
16 frankly uncomfortable with the legislation, and then,
17 how we are implementing that legislation. So my
18 personal take is that the legislation was signed, it
19 was Senate Bill S9414.

20 And it required the registration of
21 retail energy brokers and consultants with a binding
22 requirement, disclosure of broker compensation, a
23 customer's prohibition of certain rebates and it set
24 up a registration process.

25 That legislation was clunky at best

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2 and challenging. I think that the original intent of
3 the legislation was really to kind of probably look
4 at how to address the relationships with building
5 maintenance operators, perhaps some unscrupulous ones
6 without the owner's knowledge, cutting deals and what
7 that looks like.

8 So the bill, which really could have
9 been as simple as, you know, disclose if you have
10 monetary relationships here and, you know, what's
11 going on. It morphed into something way beyond that.
12 It requires brokers to disclose how they got paid and
13 how much they got paid.

14 That's fine, right, disclose but this
15 transformation really became a -- a poorly drafted,
16 unclear, everybody sort of pancaked on and it
17 inexplicably looked on its face like a good consumer
18 protection bill. So I guess it was signed, but it's
19 not.

20 And in fact, it actually may not only
21 create a lot of workload for not only our staff but
22 everyone else. It may create a bureaucratic sort of
23 registration process. But it also morphs into us
24 getting away from our core functions and
25 responsibilities over rates into something that, you

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2 know, we cannot control the relationships between the
3 building maintenance operators and -- and, you know,
4 commercial vendors.

5 So the staff -- so what happened was
6 we have a -- we had an issue where legislation has an
7 effective date of June 21st, 2023. And so in the
8 rush after the bill is signed to get this out the
9 door, and I understand that.

10 No one took the time to talk to, at
11 least me as a Commissioner, in what do you think, how
12 should we handle that. We didn't -- we didn't have a
13 proceeding initiated that we said yes, we agree.
14 We're going to, you know, initiate this proceeding
15 pursuant to the legislation. We've done that before.

16 We didn't have an opportunity to give
17 our two cents on what this looked like. We didn't
18 have an opportunity to say this def -- these
19 definitions in the legislation doesn't make sense in
20 -- in our world. There's challenges, you know, what
21 is an energy broker, what's an energy consultant, how
22 does this relate, you know we have a whole host of
23 things.

24 It's not just ESCOs, there are
25 D.E.R.s, there's C.C.A.s, there's renewable energy

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2 hubs, like the list goes on, right. And so there was
3 a rush and staff was -- was pushed to put out a staff
4 white paper or staff proposal to try in good faith
5 address this complete sort of, you know, kitchen
6 sink.

7 The problem is, is that staff, well-
8 meaning, just like the legislation, well-meaning,
9 wound up putting it and making it very broad to cover
10 a lot of things. And in theory that sounds good,
11 right? But again remember, we are, you know, we are
12 focused on the -- the rates. We are focused on
13 consumer protection in a way that makes sense between
14 what we're doing.

15 So now, this -- this sort of -- I -- I
16 think inserting our P.S.C. authority here into these
17 commercial arrangements, frankly, between
18 sophisticated entities, we don't really have a
19 business in -- in, and we shouldn't have a business
20 in -- in trying to micromanage and regulate this
21 registration process and this relationship that,
22 again, we cannot -- we cannot get involved in a lot
23 of that, right.

24 So this registration process is -- is
25 not necessarily going to get at the root cause of how

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2 do we deal with bad, unscrupulous people and allow
3 the good people to flourish. The issue is a lot of
4 good energy brokers and energy consultants, actually,
5 you want in the marketplace.

6 They help make sure that you're
7 getting the best price. They help make sure you're
8 getting the best deals. They work with folks. And
9 the good ones actually make sure that they're
10 keeping, you know, the marketers honest and following
11 the rules.

12 So for me I -- I see this as getting
13 so far outside of our comfort level that it's not
14 going to be helpful. Now the draft order tries to
15 claw back the staff white proposal, frankly, because
16 we got a lot of comments that said, oh, my God, what
17 are you doing? I don't understand.

18 I don't understand the legislation.
19 The proposal is -- is un -- perhaps well-meaning, is
20 unintended, and it's going to capture a lot of people
21 that -- that doesn't make any sense.

22 Again, remember, a lot of these energy
23 brokers and energy consultants are also, again, the
24 ones who are helping with energy audits. We want
25 them out there, good ones. So the law, yes, we are

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2 stuck with it. Got signed, we're stuck with it.

3 I think that we have a challenge, and
4 the draft order has been revised to reflect sort of
5 addressing sort of some of these challenges, which is
6 that we're going to have a -- we're going to have a
7 stakeholder process technical conference and we're
8 going to try to work through -- a lot of people are
9 going to have a million and one questions, a million
10 and one.

11 Our staff is going to need to be
12 trained on this. Our staff is going to need to work
13 through this. We are going to take away from a lot
14 of the work we need to do if we don't have more staff
15 who are highly trained in this and working through
16 that, and for what end?

17 I'm not sure that this registration
18 process is actually going to do anything to help
19 customers in any real way. So this draft order
20 recognizes we're going to have this process, and
21 then, people can ask questions, and we also recognize
22 that we may have to make changes. We may have to
23 make modifications.

24 Yes, we have a lot of exceptions. You
25 know, attorneys, don't worry. You're not considered

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2 an energy broker, an energy consultant in this. Yes,
3 C.C.A. administrators, you know, you're not
4 considered that, though just remember, you have your
5 own process and -- and challenges there.

6 And so this impossible situation,
7 though, while we have this I think really good thing
8 in terms of stakeholder process and then having to be
9 prepared to come back to the Commission to address
10 it. We got stuck in that, well, you still have to
11 file your registration form and you -- we're going
12 to, you know, decide yay or nay with it.

13 So while we're -- we're -- on one hand
14 saying, look, we're going to give you some breathing
15 room, we understand, we are -- we're going to work
16 with you, and we're going to come back. You still
17 have to work, you still have to do it all. I think
18 that's the disconnect.

19 That you still have to do it all makes
20 no sense if we're already recognizing the workload,
21 the impossibility, the confusion, and we should wait
22 on that piece until after we work through some of it.
23 To me, the draft order should be a draft of what
24 we're thinking, putting it out there as this is what
25 we're thinking, work together, come back to us,

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2 because we know we're going to get it wrong.

3 We know that there is a problem. And
4 by the way, the elephant in the room is, we also know
5 that the legislation, the intent behind the
6 legislation while well-meaning isn't actually, you
7 know, has morphed into this other thing that isn't
8 actually going to be that helpful and in fact may
9 cause a lot more confusion.

10 Because some energy brokers, the good
11 ones, and some energy consultants, the good ones, may
12 decide not to play in this field anymore and go do
13 other things that keeps them away from having to be
14 bogged down with sort of a bureaucratic nightmare
15 that's going to open them up to a lot of scrutiny
16 that doesn't need to be there.

17 Again, bad ones we don't want. Good
18 ones we want. They provide viable service for
19 customers, and that's helpful. So I am going to be
20 voting no on this. And I am going to be really
21 saying, look, everybody needs to weigh in at that
22 stakeholder conference because it's coming back to
23 the Commission.

24 I recognize the problem of having to
25 do all this registration stuff, you know, that may be

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2 problematic. Frankly, I think we should -- we -- we
3 should -- we should understand that that has to --
4 that has to just sit. Staff does not have the
5 ability to do that while they're also trying to --
6 you want staff to come with stakeholders open to
7 listening rather than locked in.

8 Well, this is what you have to do.
9 They're -- staff is going to have a problem wearing
10 these two hats, and I just don't think it's fair. So
11 with that, I -- I am truly conscious of the hard,
12 impossible work that got staff here.

13 I appreciate really very much the
14 understanding of the challenges, and I think that we
15 have an opportunity to be mindful of when we see
16 legislation, whether it's good, bad, or indifferent,
17 we have to take a moment, breathe, and make sure that
18 we fully look at all of the different issues and work
19 with the Commission who has to -- has to bless a lot
20 of this stuff on the -- when that happens.

21 And we also have to be able to push
22 back on bad legislation, however well-meaning it is.
23 So with that, I'll be voting no.

24 CHAIR CHRISTIAN: Commissioner Alesi?

25 COMMISSIONER ALESI: I'll be

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2 supporting the entire consent agenda.

3 CHAIR CHRISTIAN: Commissioner

4 Edwards?

5 COMMISSIONER EDWARDS: I have one

6 recusal, item number 369.

7 CHAIR CHRISTIAN: Sorry, could you say

8 that again, item 369?

9 COMMISSIONER EDWARDS: One recusal,

10 369, item number.

11 CHAIR CHRISTIAN: Thank you.

12 Commissioner Howard?

13 COMMISSIONER HOWARD: On item 369, I

14 will be no, consistent with my prior votes. Beyond

15 that, I will be good with the consent agenda.

16 CHAIR CHRISTIAN: Commissioner

17 Valesky?

18 COMMISSIONER VALESKY: No comments on

19 any items.

20 CHAIR CHRISTIAN: Commissioner

21 Maggiore?

22 COMMISSIONER MAGGIORE: On item 266,

23 I'm going to vote no. Other than that, I will be

24 supporting the consent agenda.

25 CHAIR CHRISTIAN: Thank you,

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2 Commissioners. I'll now move to a call for a vote.
3 My vote is in favor of the recommendations on the
4 consent agenda. Commissioner Burman, how do you
5 vote?

6 COMMISSIONER BURMAN: Thank you. I
7 vote yes, except 264, I concur, 265, I'm a no. 267,
8 I concur, consistent with my voting record. 367 and
9 376, I concur. Thank you.

10 CHAIR CHRISTIAN: Thank you.
11 Commissioner Alesi?

12 COMMISSIONER ALESI: Yes, on all
13 items.

14 CHAIR CHRISTIAN: Commissioner
15 Edwards?

16 COMMISSIONER EDWARDS: Yes, on all
17 items, with the exception of item number 369.

18 CHAIR CHRISTIAN: Thank you.
19 Commissioner Howard?

20 COMMISSIONER HOWARD: Yes, on all
21 items, except item 369 where I am a no.

22 CHAIR CHRISTIAN: Commissioner
23 Valesky?

24 COMMISSIONER VALESKY: Yes, on all
25 items.

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2 CHAIR CHRISTIAN: Commissioner

3 Maggiore?

4 COMMISSIONER MAGGIORE: Yes, on all
5 items, except for item 266, where I am voting no.

6 CHAIR CHRISTIAN: Okay. Thank you,
7 everyone. The items -- the items are approved, and
8 the recommendations were adopted. Ms. Vigars, is
9 there anything else to come before us today?

10 ACTING SECRETARY VIGARS: There is
11 nothing further.

12 CHAIR CHRISTIAN: Thank you. And with
13 that, I adjourn today's meeting. Thank you,
14 everyone.

15 (Off the record)

16 (The meeting concluded at 1:39 p.m.)

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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 135, is a true record of all proceedings had at
8 the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 26th day of June, 2023.

11

12

13 MONIQUE HINES, Reporter

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