

1 3/20/2025 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, March 20, 2025

7 10:30 a.m. until 11:26 a.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 COMMISSIONERS:

12 RORY M. CHRISTIAN, Chair

13 COMMISSIONER JAMES S. ALESI

14 COMMISSIONER DAVID J. VALESKY

15 COMMISSIONER JOHN B. MAGGIORE

16 COMMISSIONER UCHENA S. BRIGHT

17 COMMISSIONER DENISE M. SHEEHAN

18 COMMISSIONER RADINA R. VALOVA

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

3 CHAIR CHRISTIAN: Thank you all. This
4 is my prompt -- everybody okay? This is my prompt
5 for the webcast to begin in ten seconds. Good
6 morning. I call the session of the Public Service
7 Commission to order. Madam Secretary, are there any
8 changes to the final agenda?

9 SECRETARY PHILLIPS: There are no
10 changes to the final agenda.

11 CHAIR CHRISTIAN: Thank you. Before
12 moving to the agenda, I'd like to conduct a roll call
13 of Commissioners. When I call your name, please
14 confirm that you are present. Commissioner James
15 Alesi?

16 COMMISSIONER ALESI: Present.

17 CHAIR CHRISTIAN: Commissioner David
18 Valesky?

19 COMMISSIONER VALESKY: Here.

20 CHAIR CHRISTIAN: Commissioner John
21 Maggiore?

22 COMMISSIONER MAGGIORE: Here.

23 CHAIR CHRISTIAN: Commissioner Uchena
24 Bright?

25 COMMISSIONER BRIGHT: Present.

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2 CHAIR CHRISTIAN: Commissioner Denise

3 Sheehan?

4 COMMISSIONER SHEEHAN: Here.

5 CHAIR CHRISTIAN: Commissioner Radina

6 Valova?

7 COMMISSIONER VALOVA: Present.

8 CHAIR CHRISTIAN: Thank you. Before

9 we turn to the regular agenda, do any Commissioners

10 wish to recuse from voting on item 201? Commissioner

11 Alesi?

12 COMMISSIONER ALESI: No, I do not.

13 CHAIR CHRISTIAN: Commissioner

14 Valesky?

15 COMMISSIONER VALESKY: No.

16 CHAIR CHRISTIAN: Commissioner

17 Maggiore?

18 COMMISSIONER MAGGIORE: No.

19 CHAIR CHRISTIAN: Commissioner Bright?

20 COMMISSIONER BRIGHT: No.

21 CHAIR CHRISTIAN: Commissioner

22 Sheehan?

23 COMMISSIONER SHEEHAN: No.

24 CHAIR CHRISTIAN: Commissioner Valova?

25 COMMISSIONER VALOVA: No.

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2 CHAIR CHRISTIAN: Thank you. We'll
3 begin with our regular agenda. Our first item for
4 discussion today, item 201, case 24-E-0060 and 24-G-
5 0061. As it relates to Orange and Rockland electric
6 and gas rates, it'll be presented today by Nicholas
7 Planty, Erika Bergen, and Dakin Lecakes. Tim Canty,
8 Jeff Hogan, Mike Rieder, are all available for
9 questions. Please begin.

10 A.L.J. PLANTY: Thank you. Good
11 morning, Chair Christian and Commissioners. I was
12 assigned to press -- preside over these proceedings
13 with Administrative Law Judge Erika Bergen and Chief
14 Administrative Law Judge Dakin Lecakes, who are here
15 with me this morning.

16 Item 201 is a draft order that would
17 approve a joint proposal or J.P. that establishes
18 electric and gas delivery rate plans for Orange and
19 Rockland Utilities Inc., which I will refer to as the
20 company, for a three-year period from January 1st,
21 2025 through December 31st, 2027.

22 The J.P. is signed by the company
23 trial staff of the Department of Public Service,
24 which I'll refer to as staff, and the Utility
25 Intervention Unit of the New York State Department of

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2 State, or U.I.U., the Public Utility Law Project or
3 PULP, and the Village of Kiryas Joel opposed the J.P.
4 while the New York Geothermal Energy Organization
5 takes a neutral position.

6 Municipal interveners, a collection of
7 municipalities in the company's service territory,
8 also participated in these matters and have taken no
9 position on the joint proposal.

10 The company commenced these
11 proceedings in January 2024, seeking a one-year
12 increase in electric delivery revenues of
13 approximately \$18.1 million and an increase in gas
14 delivery revenues of approximately \$14.4 million. In
15 April 2024, the company filed an update that adjusted
16 those numbers and provided numbers for an additional
17 two years.

18 After filing testimony in spring of
19 2024, the parties negotiated their settlement
20 positions over the summer of 2024. Staff, U.I.U.,
21 and the company signed the joint proposal in the fall
22 of 2024, and it was filed in November, 2024.

23 An evidentiary hearing on the joint
24 proposal was conducted by the judges on November
25 21st, 2024 to admit nearly 300 exhibits into evidence

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2 and to allow cross-examination of a joint panel
3 consisting of witnesses from staff and the company.
4 Various briefs were filed before and after the
5 hearing.

6 Per its April 2024 update, the
7 company's litigated position for electric delivery
8 revenue was for increases of \$10.1 million for rate
9 year one, \$34.7 million for rate year two, and \$55
10 million for rate year three.

11 Significantly, the joint proposal
12 provides a \$13 million decrease in rate year one,
13 which is \$23.1 million less than what the company
14 sought. The J.P. provides a \$24.7 million increase
15 in rate year two, which is \$10 million less than what
16 the company sought, and a \$44 million increase in
17 rate year three, which is \$11 million less than what
18 the company sought.

19 To avoid volatility in bills, as well
20 as to smooth out the rate year two and rate year
21 three increases, the J.P. shapes the electric
22 delivery revenue changes by keeping revenue flat in
23 rate year one, that is, there is no increase or
24 decrease for rate year one. The J.P. then levelizes
25 the rate year two and rate year three increases at

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2 \$17.7 million per year.

3 One note is that even though zero
4 increase was allowed for electric and rate year one,
5 customers will see a small increase in their rate
6 year one monthly electric bill resulting from the
7 expiration of a credit in the third rate year of the
8 company's previous rate plan.

9 Without accounting for any make-whole
10 provision, the average total monthly bill impacts for
11 a typical electric customer using 600 kilowatt hours
12 per month are \$3.50, or 2.4 percent for rate year one
13 due solely to the expiration of the credit from the
14 previous rate plan, \$4.93, or 3.3 percent for rate
15 year two, and \$5.33, or 3.5 percent for rate year
16 three.

17 For gas delivery revenue, the
18 company's litigated position was for increases of
19 \$17.1 million in rate year one, \$22.8 million in rate
20 year two and \$19.2 million in rate year three.

21 The joint proposal reduces those
22 amounts to \$3.6 million in rate year one, which is
23 \$13.5 million less than what the company sought, \$18
24 million in rate year two, which is \$4.8 million less
25 than what the company sought, and \$16.5 million for

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2 rate year three, which is \$2.7 million less than what
3 the company sought. The amounts have been levelized
4 as an increase of \$10.4 million in each of the three
5 rate years.

6 Without accounting for any make-whole
7 provision, the average total monthly bill impacts for
8 a typical residential gas heating customer using 100
9 centum cubic feet per month are \$9.58, or 6.1 percent
10 in rate year one, \$5.99 or 3.5 percent for rate year
11 two, and \$6.79 or 3.6 percent for rate year three.

12 The joint proposal allows a 9.75
13 percent return on equity or R.O.E. and a 48 percent
14 common equity ratio for all three rate years, which
15 is the product of a settlement compromise and falls
16 within the range of the 10.3 percent proposed by the
17 company and the 9.5 percent recommended by staff.

18 Standard for a proposed settlement,
19 the joint proposal's R.O.E. reflects the economic
20 conditions at the time the agreement was made and
21 provides for the legally required opportunity for a
22 utility to earn a fair return on its prudently
23 incurred infrastructure investments used to serve the
24 public and compares favorably to the Commission's
25 recent adoption of a three-year rate plan containing

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2 a 9.7 R.O.E. -- 9.7 percent R.O.E. for National Fuel
3 Gas Distribution Corporation in December 2024.

4 The joint proposal also includes a
5 three-tiered earnings sharing mechanism. Under the
6 E.S.M., if the company earns between 10.25 percent
7 and 10.75 percent, customers will share in 50 percent
8 of those earnings. Between 10.75 percent and 11.25
9 percent, the customer's share is 75 percent. And for
10 any earnings exceeding 11.25 percent, the customer's
11 share is 90 percent.

12 These figures are designed to
13 encourage the company to find efficiencies, but also
14 to ensure that customers are not funding excessive
15 company earnings. The rest of the joint proposal's
16 terms provide for a standard rate plan. The electric
17 spending increases that are included are to replace
18 aging infrastructure in the company service
19 territory.

20 They also address load growth from
21 climate change impacts and large facilities,
22 including data centers that went online in the area,
23 as well as electrification, both in replacing fossil
24 fuels and adding electric vehicle charging. The gas
25 spending increases are primarily to replace aging

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2 infrastructure and to replace leak prone pipe.

3 Having reviewed the evidence compiled
4 in these matters, we can assure the Commission that
5 the participating parties thoroughly examine the
6 company's proposed capital expenditures and the
7 budgets reflected in the joint proposal fall within
8 the range of possible outcomes that could have
9 resulted following a fully litigated case.

10 The figures represent a reasonable
11 compromise that will allow the company to continue to
12 provide safe and reliable service to its customers.

13 As an additional safeguard for
14 customers, the joint proposal has performance targets
15 for both electric and gas. The electric performance
16 targets are the same as in the previous rate plan,
17 but the monetary exposure to the company for missing
18 the targets has increased.

19 In contrast, the applicable gas
20 performance targets have been tightened from the
21 previous rate plan, but the company's monetary
22 exposure for failure to achieve those targets remains
23 the same.

24 For customer service, the joint
25 proposal includes the same categories from the

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2 previous rate plan with the performance targets for
3 the call answer rate metric having been tightened.

4 In addition, the company's monetary exposure has been
5 increased for a failure to attain the performance
6 targets for all of the customer service categories.

7 The joint proposal also requires the
8 company to expand its protections for residential
9 customers related to extreme cold and extreme hot
10 weather conditions. Specifically for hot weather,
11 the company will not schedule residential service
12 terminations for non-payment on any prior day or day
13 of, the heat index being forecasted 93 degrees
14 Fahrenheit or higher.

15 This modifies the company's previous
16 rate plan, which required a forecasted heat index of
17 95 degrees Fahrenheit or higher for two consecutive
18 days or 100 degrees Fahrenheit for a single day.

19 In addition, for cold weather, the
20 joint proposal provides that between November 1st and
21 April 15th, the company will not schedule residential
22 service terminations for nonpayment on days when high
23 temperatures factoring in windchill are forecasted to
24 be 32 degrees Fahrenheit or lower. This is more
25 protective than the previous rate plan, which did not

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2 factor in windchill.

3 The company also agreed to establish a
4 voluntary moratorium on winter termination for
5 customers that are older people, blind people, or
6 people with a disability or disabilities. The joint
7 proposal also provides for investments in the
8 customer online portal, including enhancements to the
9 digital customer experience, which is what customers
10 interact with on the company's website, as well as
11 data analytics programs to provide more granular data
12 for the benefit of future reporting.

13 The company is also required to
14 provide a substantial report regarding its programs,
15 operations, and results in the disadvantaged
16 communities within its service territory.

17 As mentioned, PULP and the Village of
18 Kiryas Joel oppose the joint proposal. PULP argues
19 that the proposed rate increases will
20 disproportionately impact energy affordability
21 program or E.A.P. customers unless discounts are
22 increased.

23 PULP therefore requests that the J.P.
24 be modified to lower the bill impacts for customers,
25 or at the very least, to require the company to

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2 conduct enhanced outreach to identify potentially
3 eligible households and enroll them in the E.A.P.
4 during the rate plan so that they may receive an
5 additional level of protection from rate increases.

6 However, proposals to limit bill
7 impacts to E.A.P. participants, the exploration of
8 alternate sources of E.A.P. funding, and
9 consideration of changes to the budget cap should be
10 addressed in the context of the Commission's generic
11 E.A.P. proceeding to ensure standardization and
12 eliminate inequities among E.A.P. participants
13 throughout the state.

14 In any event, the E.A.P. provisions in
15 the joint proposal are in the public interest and
16 consistent with the Commission's E.A.P. orders and
17 policies. PULP also argues against a fixed R.O.E.
18 and requests that the Commission modify the rate plan
19 to include an R.O.E. that is updated annually.

20 However, a number of the Commission's
21 recent rate orders, including National Fuel in
22 December 2024, rejected similar requests by PULP. As
23 noted in previous rate orders, PULP's arguments fail
24 to account for the benefits that utility customers
25 receive through a fixed R.O.E. and that utilities

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2 must manage their business in a manner beneficial to
3 their customers and their investors in order to
4 receive the return prescribed in the allowed R.O.E.

5 Moreover, incorporating a fixed R.O.E.
6 in a settlement was an issue that was specifically
7 considered by the Commission and thoroughly vetted by
8 interested parties including PULP when the Commission
9 adopted the settlement guidelines.

10 A fixed R.O.E. and a multi-year rate
11 plan promotes the public interest by providing
12 predictability and stability, supports utilities'
13 credit ratings, which allows utilities to borrow
14 money on more favorable terms and in turn keep rates
15 lower and incentivizes utilities to continue to
16 strive for cost efficiencies and productivity gains
17 that ultimately benefit ratepayers by leading to
18 lower costs that will be reflected in future rates.

19 Lastly, an annual reset of the R.O.E.
20 creates uncertainty that shifts the risk of R.O.E.
21 fluctuations from the company to its customers. PULP
22 also contends that the extreme heat protection
23 provisions -- provisions should be modified.

24 However, as explained in the draft
25 order, the Commission recently instituted a

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2 proceeding to examine best utility practices
3 regarding customer protections associated with
4 extreme heat events and to identify improvements that
5 may be warranted to standardize customer protections
6 across utilities to the extent practicable.

7 If during this rate plan, the
8 Commission adopts uniform standards in the extreme
9 heat protections proceeding, and those protections
10 are more protective than what is in the J.P., the
11 more protective terms will apply instead of the
12 J.P.'s provisions.

13 As it stands, the joint proposal
14 includes enhanced heat protection provisions compared
15 to the previous rate plan and advances the
16 Commission's policy goals and those of the State and
17 protecting New York residents from the impacts of
18 extreme heat conditions.

19 It should be noted that although PULP
20 compares the company's protections to Con Edison's
21 protections, Con Edison's service territory is a
22 densely urban area where heat island effects are
23 expected, whereas the company's service territory is
24 far less densely populated.

25 PULP also contends that the extreme

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2 cold protection provisions are insufficient because
3 the previous rate plan provided extreme cold
4 protections on days during which the actual
5 temperature was predicted to fall below freezing at
6 any point in the day, not just the high temperature.

7 This is not accurate as the company's
8 past practice was to look at the forecasted high
9 temperature, which was rec -- recognized by PULP's
10 own witness. The language in the joint proposal is
11 consistent with the company's past practice, and
12 contrary to PULP's view represents an expansion of
13 protections given that windchill is now factored in.

14 The village of Kiryas Joel poise --
15 opposes a joint proposal contending that it does not
16 adequately address the company's ongoing failure to
17 timely provide service to new applicants. The
18 village though, did not provide sufficient evidence
19 to establish that there are unreasonable delays in
20 the company's provision of new service connections,
21 either in the service territory generally or
22 specifically in the village.

23 Similarly, the village's contention
24 that the company is violating existing laws is
25 unsupported by record evidence. As the village

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2 acknowledges, the J.P. contains many provisions
3 designed to improve customer service and to improve
4 the processing of new connection requests.

5 To the extent that the village has
6 concerns with the new service application process,
7 the village should avail itself of the existing
8 remedy for all customers, which is the department's
9 complaint process. Indeed, the village acknowledged
10 that developers are aware that they can contact the
11 department for assistance but have not done so.

12 In establishing electric and gas rate
13 plans, the Commission must find that the proposed
14 rates assure the continuation of safe and adequate
15 service at just and reasonable rates and produce a
16 result that is in the public interest.

17 A negotiated joint proposal must meet
18 the public interest standard after the Commission's
19 consideration of the following factors. Whether the
20 joint proposal balances the protection of consumers
21 with fairness to investors and the long-term
22 viability of the utility, whether it is consistent
23 with the environmental, social and economic policies
24 of the Commission and the State, whether it falls
25 within the range of reasonable likely outcomes that

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2 would have resulted in a fully litigated proceeding,
3 and whether the record provides a rational basis for
4 the Commission's adoption of it.

5 These factors and considerations in
6 the context of a negotiated settlement are themselves
7 elements of the public interest standard. Based on a
8 thorough evaluation of the record and this
9 presentation of our findings, we believe that the
10 joint proposal satisfies these criteria. That
11 concludes our presentation, and we are available for
12 any questions you may have.

13 CHAIR CHRISTIAN: Thank you, Nicholas.
14 And I believe this is your first time presenting
15 before the Commission, I'd say it was a good run, so
16 good job on that.

17 A.L.J. PLANTY: Thank you.

18 CHAIR CHRISTIAN: And also, want to
19 thank the Administrative Law Judges, Judge Bergen and
20 Judge Lecakes for your work in bringing this to us
21 today. You know, there's no such thing as an easy
22 rate case, so I know this was a challenge. And I
23 think the challenge is amplified by the fact that
24 each rate case is unique in its own way.

25 As Nicholas has pointed out the

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2 variety of variables and comparisons between other
3 utilities, when we evaluate, we have to compare a
4 variety of factors, both regionally from economic
5 weather and other conditions in making these
6 decisions, and that creates its own set of challenges
7 in coming to the decisions and the outcomes in each
8 rate case.

9 You know, we look at past actions, we
10 look at past outcomes, how they've impacted us, as
11 well as the need and cost for future potential
12 actions. And when we look at all the things that go
13 into a rate case, we want to make sure they're in
14 alignment with the various regulatory mandates and
15 state policies and also ensure that utility actions
16 support rather than work in opposition to our
17 collective goals.

18 This is a really important
19 consideration in our stewardship of ratepayer funds,
20 and we want to make sure we ensure that all
21 investments made are aligned with the public good.
22 It's clear to me from what you've discussed today and
23 shared that the work -- work going into the reviewing
24 and coming to this joint proposal, you've done just
25 that.

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2 Maintaining the balance between
3 interest is always a challenge, but I think you've
4 done an amazing job of getting us to this point.
5 Securing no increase in its first year is a
6 significant accomplishment, and I want to thank you
7 and staff for getting to that point.

8 So, with that said, thank you for your
9 hard work and looking forward to seeing you again in
10 the future on additional rate cases. And with that,
11 Commissioner Alesi?

12 COMMISSIONER ALESI: Thank you, Chair.
13 I think the staff has done an excellent job in
14 bringing this issue to a reasonable conclusion. And
15 I'll be succinct, I'll be voting for the order.

16 CHAIR CHRISTIAN: Thank you.
17 Commissioner Valesky?

18 COMMISSIONER VALESKY: Thank you,
19 Chair. Just a few brief comments. First, Nick,
20 thank you and congratulations on your first
21 presentation and to the other Administrative Law
22 Judges and the entire staff. Thank you for an
23 outstanding job.

24 Just a couple of thoughts that I have
25 first, and -- and Judge Lecakes will recall that from

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2 time to time I raised the issue of rate compression.
3 I raise it in this case because it strikes me that
4 the rate compression in this particular case will be
5 as short a timeframe or as small a compression as --
6 as -- as we almost ever do.

7 Rate year one started on January 1st,
8 so we're only two and a half year -- two and a half
9 months rather into -- into rate year one, so I think
10 that's important.

11 I know, and I understand that not all
12 rate cases lend themselves to concluding in such a
13 timely fashion, but -- but this particular rate case,
14 I think does -- does show a -- a -- a positive
15 example of when we're able to -- to move through the
16 process as expeditiously as possible.

17 That does have tangible benefits in
18 terms of -- in terms of those first-year rates and --
19 and -- and the lack of -- of a significant amount of
20 rate compression. So, I -- I just wanted -- wanted
21 to highlight that.

22 The other point I just want to make in
23 regard to both of the formal oppositions filed by the
24 two -- two organizations, first to PULP. PULP's
25 participation, once again, has been incredibly

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2 important and I think it's -- it's worth identifying
3 that.

4 They raise important issues, some of
5 which have been raised in -- in other rate cases, but
6 others have not. So, I appreciate their -- their
7 attention and the work that they do on behalf of
8 ratepayers across the State.

9 And -- and I would just suggest that -
10 - that -- well, it may sound counterintuitive, that
11 opposition can be helpful and I think it has been
12 helpful and I think staff very effectively walked us
13 through in -- in the order and certainly, Nick, in
14 your presentation today each of those specific points
15 from PULP and -- and -- and -- and your responses to
16 that, and I appreciate that.

17 The other -- the other opposition from
18 -- from the village, the village of Kiryas Joel, you
19 know, that -- that's certainly a concern when -- when
20 we hear someone saying that there's a failure to
21 provide timely service to new applicants.

22 I appreciate the response in that
23 regard and certainly would encourage the village to
24 take advantage of the -- of the existing remedies for
25 all of their customers. That having been said, I

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2 think it's worth us keeping an eye on going -- going
3 forth as staff and as a department because that's --
4 that's not an insignificant matter, so I -- I would
5 hope we'll continue to pay some attention to that
6 moving forward past today.

7 With that, I certainly find that the
8 conclusions that have been -- been drawn in this rate
9 case certainly satisfy our legal obligation of
10 providing safe and -- and reliable electric and gas
11 services at just and reasonable rates to the
12 ratepayers of -- of Orange and Rockland. And as
13 such, I plan on supporting the order. Thank you.

14 CHAIR CHRISTIAN: Thank you.
15 Commissioner Maggiore?

16 COMMISSIONER MAGGIORE: Thank you.
17 Thank you for the presentation, it was very clear and
18 thank you for all the work you put into it. I would
19 like to drill down on a couple of aspects of what we
20 are voting on today.

21 The first is that I think most people
22 think about their utility bill and not really about
23 their utility rates. So, I wanted to take a look at
24 a theoretical Orange and Rockland bill and get a
25 better understanding of what part of it will be

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2 affected by our approval or rejection of this order.

3 And the second aspect of the order I
4 would like to discuss is what -- that we're being
5 asked to approve, does Orange and Rockland have to do
6 as a matter of law and where do they and by extension
7 we, have discretion. So, I know it's not part of the
8 record, but Orange and Rockland has a sample bill on
9 its website and it has a hypothetical \$265 and 77
10 cents balance.

11 If you look at the sample bill, it
12 breaks down electric and gas charges and then for
13 each, supply and delivery charges. Am I correct that
14 this order has nothing to do with the supply charges
15 of the bill?

16 A.L.J. LECAKES: For the vast majority
17 of the supply charges, that's correct.

18 COMMISSIONER MAGGIORE: Okay. So,
19 hypothetically, if the cost of energy in New York
20 that -- if the cost of energy in New York gets from
21 Canada goes up as a result of President Trump's trade
22 war against Canada and New Yorker's energy's bill --
23 energy bills go up as a result.

24 Am I correct that we can't approve or
25 reject that and that this order is unrelated to that

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2 particular reason that New Yorkers' energy's bill --
3 energy bills might go up?

4 A.L.J. LECAKES: Right. That's
5 correct, that this order is unrelated to that.

6 COMMISSIONER MAGGIORE: Okay, great.
7 So, now what the utility petitioned the Commission to
8 do is adjust rates in order to recover the cost of
9 doing a variety of things that are described in
10 detail in the J.P. and in a little less detail in the
11 order itself. Is that correct?

12 A.L.J. LECAKES: Yes, that is correct.

13 COMMISSIONER MAGGIORE: Okay. Are
14 some parts of the delivery charge section of a
15 utility bill that are separate from costs incurred by
16 the utility? Are there some parts of the delivery
17 charge section of the -- of the bill that are
18 separate from costs incurred by the utility?

19 A.L.J. LECAKES: There -- there are
20 some parts of the delivery bill that are separate
21 from costs that are explored through the rate case
22 process that are imposed by other entities or that
23 are outside services.

24 COMMISSIONER MAGGIORE: Okay. Yes,
25 that's what I'm asking. Thank you. So,

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2 understanding that this is a sample bill and that it
3 isn't actually in evidence, it's a pretty small part
4 of the overall utility bill. Is that typical? Is it
5 accurate to say that the portion of a typical energy
6 bill that goes towards, for instance, the Clean
7 Energy Fund unrelated to the utility's operation, is
8 a pretty small part of the overall bill?

9 A.L.J. LECAKES: I mean, yes, more or
10 less depending on your -- your definition of -- of
11 small. But relatively, yes.

12 COMMISSIONER MAGGIORE: Relatively,
13 yes. Yeah. Okay. So, if we approve this J.P., what
14 -- what we are approving is not what Orange and
15 Rockland initially petitioned us for, as was evident
16 by your presentation, and I just want to make sure I
17 understood that. I thought it was pretty clear, but
18 I just want to make sure that that's correct. Is
19 that correct?

20 A.L.J. PLANTY: Yes, that's correct.

21 COMMISSIONER MAGGIORE: Yeah. And in
22 fact, we'd be cutting Orange and Rockland's rate
23 request, is that right?

24 A.L.J. PLANTY: Yes.

25 COMMISSIONER MAGGIORE: Okay. So

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2 hypothetically, if this Commission took the position
3 that we would not approve any rate plan that included
4 any rate increases whatsoever, if we just refuse to
5 act on this and we didn't budge forever, what would
6 go into effect is exactly the rate plan that Orange
7 and Rockland petitioned us to approve in the first
8 place.

9 And so -- and I know I'm
10 oversimplifying the dynamic, but to those of us --
11 but to those who have urged us not to approve Orange
12 and Rockland's proposed rate hike, which we're not
13 doing, if we vote yes. But to those of us who urged
14 us not to act in any -- on any rate plan, that
15 include -- includes any rate hikes, if we did that,
16 if we just didn't act, we could keep our hands clean
17 as Commissioners, but rates would go up beyond what
18 this J.P. establishes. Is that right?

19 A.L.J. LECAKES: That's correct. The
20 Public Service Law has a provision that the
21 Commission must act absent utility extension within
22 11 months. And if the Commission just does not act
23 on that filing in that 11 months, those -- the -- the
24 filed rates go into effect by operation of law.

25 COMMISSIONER MAGGIORE: Okay. So,

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2 rates are set in anticipation of costs that the
3 company expects to incur over the next three years.
4 Some of those anticipated costs are concrete and some
5 are estimates, and we could have a discussion about
6 methodology when it comes to those estimates.

7 But am I right that we're not simply
8 approving a rate plan to establish an amount of money
9 that the utility will figure out how to spend? And I
10 understand that they have some discretion, but
11 they're not -- we're not just approving an amount of
12 money that they're going to figure out how to spend
13 after the fact. Is that correct?

14 A.L.J. LECAKES: That's absolutely
15 correct. Our role as Administrative Law Judges is to
16 view the evidence that's provided that forecasts how
17 they plan to spend that money. So, we know in
18 advance what their plans are going forward for the
19 rate plan.

20 COMMISSIONER MAGGIORE: Great. Thank
21 you. And -- and -- and we, and when I say we, I mean
22 staff tend to be pretty conservative in terms of what
23 we accept in terms of the expected revenue from
24 sources other than rates. For instance, the J.P.
25 acknowledges that the company applied for federal

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2 funding under the Infrastructure Investment and Jobs
3 Act. But rather than just assume it's going to get
4 that funding,

5 there's a provision that says if the
6 company receives any funding under the -- the act,
7 the company will pass on those savings to the
8 ratepayers. Is that correct?

9 A.L.J. LECAKES: Yeah, there's several
10 areas in the joint proposal that are phrased
11 similarly.

12 COMMISSIONER MAGGIORE: Yeah. Right.
13 Okay. So, just, you know, hypothetically, or
14 parenthetically I should say, if the Trump
15 administration killed the Infrastructure Investment
16 and Jobs Act as the president has promised to do, the
17 administration would kill this avenue for reducing
18 New Yorkers utility bill, but that's not baked in the
19 cake that they're going to get it. So, that --
20 that's the statement, it's not a question.

21 But let me ask you this in broad
22 terms, what -- Orange and Rockland wants to raise
23 rates for what that they want to raise rates for? Do
24 they have to do what is purely discretionary and what
25 are they required to do? What might have some

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2 flexibility in terms of when they do an accounting
3 strategy or some other variable?

4 And this, you know, sir, this is the
5 first non really yes or no question that I'm asking
6 you. What do they have to do? What do they have
7 some discretion over? Yeah.

8 A.L.J. LECAKES: Well, from our
9 perspective, by entering into the joint proposal,
10 they're required to spend the rate plan or -- or --
11 or the amounts provided in the rate plan to support
12 the programs that they've put forward in evidence in
13 the case. But I'll defer to accounting and finance
14 to get some specific category areas, which I think it
15 might be what you're looking for.

16 MR. CANTY: Hi, this is Tim --

17 A.L.J. LECAKES: Yes.

18 MR. CANTY: -- Canty. Yeah, the vast
19 majority of -- of cost forecast in the rate case are
20 not discretionary, such as taxes, return on -- return
21 of rate base, and CapEx previously approved by the
22 Commission, debt costs. The company has some
23 discretion in -- in labor costs and, -- and where and
24 how they're deployed. And they have some discretion
25 in the different O. and M. buckets of -- of costs.

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2 COMMISSIONER MAGGIORE: Yeah. Thank
3 you. That -- that's -- thank you, that's consistent
4 with my understanding. The company explained that,
5 you know, the company explained that the proposed
6 revenue increases were largely driven by necessary
7 enhancements to the company's infrastructure that
8 will ensure the company is able to provide safe and
9 reliable service and increase resiliency, as well as
10 to support beneficial electrification, distributed
11 energy resources, and the development of large-scale
12 renewables its storage -- and storage.

13 And that its electric investments
14 would address anticipated growth in multifamily
15 homes, large commercial and industrial facilities and
16 data centers, foster electrification of buildings and
17 transportation and better meet customers increased
18 expectations regarding system reliability.

19 Related to natural gas, I'm sorry,
20 system reliability, resiliency and faster restoration
21 of service after outages caused by storms, and that
22 its proposals related to natural gas delivery would
23 assist in maintaining safety and reliability and
24 support decarbonization through reductions in gas
25 usage and furtherance of the C.L.C.P.A.'s goals. So

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2 first, did I get any of that wrong or any -- leave
3 anything major out?

4 A.L.J. LECAKES: Not from our
5 perspective.

6 COMMISSIONER MAGGIORE: Okay. So, my
7 question is, do all of these costs contribute equally
8 to the rate increase? Do some of these things cost
9 more than others?

10 A.L.J. LECAKES: Some will cost more
11 than others.

12 COMMISSIONER MAGGIORE: Okay. We
13 receive public comment that expressed a belief that
14 ratepayers who are also taxpayers are being squeezed
15 on all sides, which I sympathize with being both the
16 ratepayer and a taxpayer myself, but this is being
17 driven by policy decisions at the State level
18 regarding environmental and energy issues.

19 Would you say that most of the
20 increase is driven by policy decisions along the
21 lines as expressed in those concerns?

22 A.L.J. LECAKES: Again, without having
23 a specific number to quantify, I -- I do agree that
24 there is a portion of the rate increase that is
25 driven by policy decisions, correct.

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2 COMMISSIONER MAGGIORE: Well, I --
3 that's not why I'm asking. I -- I agree that there's
4 a portion that is. But my question is, would you say
5 that the majority of this increase is driven by those
6 policy decisions?

7 MR. HOGAN: This is Jeff Hogan. I can
8 try and answer that. I -- the answer to that would
9 be no. The majority of this increase is things that
10 I would call kind of bread and butter for rate cases.
11 It involves things like property tax increases, it
12 involves things like increases in the number of full-
13 time employees at the utility labor costs.

14 There's a lot of rate base being --
15 there's a lot of investment being put into the
16 system. That investment, we call it return on and
17 off. It's the depreciation costs, return equity,
18 debt costs related to that investment. All of those
19 costs make up the majority of this rate increase.
20 There are some policy driven things that would be the
21 minority.

22 COMMISSIONER MAGGIORE: Okay. Thank
23 you. That -- that's consistent with my reading as
24 well. So, sometimes we hear that a particular law,
25 that C.L.C.P.A. causes rate increases. Is there any

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2 provision in the C.L.C.P.A. that requires Orange and
3 Rockland to specifically and explicitly do anything
4 that contributes to this proposed rate increase?

5 A.L.J. LECAKES: No, there's not.

6 COMMISSIONER MAGGIORE: Okay. And
7 just to be clear, does the C.L.C.P.A. ban natural gas
8 or any particular use of natural gas or override the
9 obligation to serve or even mention natural gas?

10 A.L.J. LECAKES: No, it does not.

11 COMMISSIONER MAGGIORE: Okay. But the
12 C.L.C.P.A. does place requirements on State agencies
13 and entities such as this Commission to consider
14 whether its decisions are inconsistent with the
15 attainment of the State's Statewide greenhouse gas
16 emission limits, and where such decisions are
17 inconsistent to justify its decisions and identify
18 alternatives or mitigation measures.

19 Now, I would argue that we essentially
20 do that here in this order and that all -- as well as
21 all the rate orders that I've encountered since I've
22 come to the Commission. So -- so we -- the language
23 that we use says that the J.P. aligns with or is
24 consistent with the C.L.C.P.A.

25 My question is, does that type of

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2 statement encompass some of the utility's initiatives
3 that either predated the C.L.C.P.A. or likely
4 would've been pursued regardless of the C.L.C.P.A.,
5 is that correct?

6 A.L.J. LECAKES: That is correct.

7 COMMISSIONER MAGGIORE: Okay.

8 Nonetheless, the J.P. brings our decision more in
9 line with the C.L.C.P.A. than had we simply approved
10 the petition that was originally submitted. So, do
11 you agree with that? And if you do, can you identify
12 any features of the J.P. that advance the State's
13 greenhouse gas goals that we -- that were not part of
14 or existed in a lesser form in the original petition?

15 A.L.J. LECAKES: So, the programs that
16 were proposed by the company to further C.L.C.P.A.
17 goals, more or less line up with what is adopted in
18 the J.P. But they've all been shaped by, first, the
19 testimony of staff that is responsible for managing
20 clean energy, things like that, C.L.C.P.A. related
21 items, and also by the negotiations that took place
22 that involve all of the parties, some with
23 environmental interests.

24 So, yes, in -- in many ways, the --
25 the joint proposal, the rate plan that evolved from

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2 that and that we're adopting today addresses
3 C.L.C.P.A. provisions in a more specific and focused
4 way than the original filing does.

5 COMMISSIONER MAGGIORE: Okay. Thank
6 you. So, thank you very much for those answers. So,
7 I'm going to vote yes on this item. We are not
8 approving Orange and Rockland's petition for a rate
9 increase, but nonetheless Orange and Rockland must
10 incur a variety of costs that allow them, or us,
11 little flexibility in terms of increasing revenues to
12 meet those costs.

13 These increased costs are being
14 exasperated by federal policy or will -- or will be
15 exasperated by federal policy. The conversion to
16 clean energy is in the mix, but not the primary cost
17 driver. The C.L.C.P.A. is not directly a cost driver
18 at all, but nonetheless, this order meets its
19 obligations under the C.L.C.P.A.

20 So, for all of these reasons, and I
21 never like voting yes on a rate case that raises
22 rates, but I -- it -- I -- I see no reason to vote
23 no. I don't see a no vote to be in the public
24 interest. So, thank you for indulging me with all
25 those questions.

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2 CHAIR CHRISTIAN: Thank you.

3 Commissioner Bright?

4 COMMISSIONER BRIGHT: Thank you,
5 Chairman. And I want to thank the A.L.J.s, of
6 course, Judge Planty, Judge Bergen, and Judge Lecakes
7 and all those who engaged in this rate case.

8 So, I see this joint proposal as
9 threading a delicate needle. We know we have to
10 manage our infrastructure while also doing more to
11 fortify it because we're being battered by climate
12 change. Reports are saying New York as well, on its
13 way to growing back to where we were at our pre-
14 pandemic levels as far as population.

15 So, in addition to shoring up our
16 infrastructure from regular use and the ever-
17 intensifying impacts of climate change, energy use in
18 New York is going to continue to increase as more
19 people move here and more businesses look to do
20 business here, including energy intensive businesses
21 like data centers and major manufacturing. So, this
22 J.P. helps us to maintain safety and reliability
23 while also managing costs.

24 Switching over to the gas side, I -- I
25 do have some concerns with replacing rather than

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2 repairing leak prone pipe since that is one of the
3 main costs to customers. But overall, I hope and
4 expect that we might be able to address some of those
5 concerns in a generic proceeding. So, I thank
6 everybody for the good work and I will be supporting
7 this item as well. Thank you.

8 CHAIR CHRISTIAN: Thank you.
9 Commissioner Sheehan?

10 COMMISSIONER SHEEHAN: Thank you.
11 First, thanks Judge Planty officially calling you
12 Judge. So, thank you for your presentation. It was
13 very clear and straightforward, and it was a great
14 summary. Also, thanks to Judge Bergen and Judge
15 Lecakes.

16 I know you guys went to all those
17 public statement hearings and all the staff who put
18 the time and effort into the -- the case. So, I
19 appreciate everyone's efforts of the staff and the
20 parties involved.

21 I -- in my estimation, I believe that
22 the staff -- staff has worked well to do an excellent
23 job in balancing all of the interests that were
24 present -- present for this case and has done an
25 excellent job in terms of limiting the rate impacts

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2 associated with -- with this case and -- and then
3 really working hard to dig into what the company
4 requested and -- and instead come up with, I think a
5 -- a better compromise.

6 I did spend a considerable amount of
7 time reviewing the comments and -- and statements
8 from PULP and from the Village of Kiryas Joel. I do,
9 you know, there are people here today and -- and
10 energy affordability is a big theme for us.

11 So, I -- if we could, and I -- I
12 apologize I didn't give this heads up beforehand, but
13 it would be helpful to just spend a little bit of
14 time on what this case does do with respect to
15 O.&R.'s E.A.P. program, you know, the continuation
16 of that program, what that affords and, you know,
17 what their efforts are with respect to enrolling
18 people in that program.

19 I -- I understand that there's --
20 there are things that PULP did bring forward that we
21 -- that staff has determined is really more
22 appropriate for our generic E.A.P. proceeding. So, I
23 -- it would -- I think it would be helpful to just
24 maybe spend a little bit of time just maybe
25 identifying, you know, high level what their program

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2 does incorporate and that those safeguards that are
3 included in -- in this case, if we can do that.

4 A.L.J. LECAKES: So, the E.A.P., which
5 stands for Energy Affordability Program provides low-
6 income households with additional assistance. It's
7 not the only assistance they receive. Many of the
8 people who receive assistance through the company's
9 energy affordability program also receive home energy
10 affordability assistance from the federal government.

11 The way the E.A.P. program is set up
12 for Orange and Rock -- Rockland is, it allows for
13 four tiers of assistance. It provides monthly bill
14 credits to customers in need of assistance, affording
15 their -- both their electric and their gas bills.

16 The different tiers provide an
17 increasing level of assistance on each bill credit,
18 depending on what tier or -- or the tiers are -- are
19 measured by their -- basically their need because of
20 their household income. And so, that's how the
21 program works in general. I don't know if you wanted
22 any more specifics than that?

23 COMMISSIONER SHEEHAN: No, I -- I -- I
24 think it's important to just note that there's --

25 A.L.J. LECAKES: Yeah.

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2 COMMISSIONER SHEEHAN: -- the programs
3 included in this case, and that there will be
4 additional things we as a Commission will be taking
5 up in a -- in our generic proceeding. And I -- I --
6 I wanted to make sure we got that on the record
7 today.

8 A.L.J. LECAKES: Right.

9 COMMISSIONER SHEEHAN: Because I think
10 it's a -- a critical thing for us to note. Thank
11 you, Judge. You know, there's a lot of other things
12 in here that I am supportive of and the things I've
13 discussed with staff, the inclusion of, you know,
14 continued investments in non-wire alternatives, which
15 hopefully will also continue to reduce costs in the
16 long run with respect to the utility's operations,
17 which in turn will hopefully help continue to put
18 downward pressure on rates.

19 So, I wanted to highlight those as --
20 as key elements, I think, of this -- of this rate
21 case, and I encourage O&R to continue to invest in
22 those non-wires alternatives and non-pipes
23 alternatives.

24 With all of that, you know, I do agree
25 that, you know, while we can nitpick, but we can't on

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2 a J.P., on the whole looking at this case, I do think
3 that it assures the continuation of safe and adequate
4 service at just and reasonable rates. And I do find
5 that it's in the public interest.

6 So, thank you again for your efforts,
7 and I apologize for catching you off guard on the
8 E.A.P., but you were ready. See, you were ready.
9 So, thanks very much.

10 CHAIR CHRISTIAN: Thank you.
11 Commissioner Valova?

12 COMMISSIONER VALOVA: Thank you. As
13 always, the benefit and drawback of being last is
14 that my colleagues have already spoken so eloquently.
15 So, I want to thank staff and the A.L.J.s and the
16 parties who participated in this case. And I also
17 want to thank my colleagues for your thoughtful
18 comments.

19 I don't have anything else to add. I
20 want to say particularly thank you to Commissioner
21 Maggiore for your thoughtful questions and -- and
22 probing questions. And I agree that as a whole, on
23 balance, the joint proposal represents a reasonable
24 compromise under our governing standard of review and
25 will be voting yes. Thank you.

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2 CHAIR CHRISTIAN: Thank you. Thank
3 you. We'll now move to a call for vote.

4 SECRETARY PHILLIPS: Chair, I'm sorry.
5 Before you vote, Commissioner Alesi, is it possible
6 for you to move your mic closer? Thank you.
7 Apologies.

8 CHAIR CHRISTIAN: No worries. Thank
9 you. I'll start over. I'll now move to call for a
10 vote. My vote is in favor of the recommendation to
11 adopt the terms of the joint proposal as discussed.
12 Commissioner Alesi, how do you vote?

13 COMMISSIONER ALESI: Yes.

14 CHAIR CHRISTIAN: Thank you.
15 Commissioner Valesky?

16 COMMISSIONER VALESKY: Yes.

17 CHAIR CHRISTIAN: Thank you.
18 Commissioner Maggiore?

19 COMMISSIONER MAGGIORE: Yes.

20 CHAIR CHRISTIAN: Thank you.
21 Commissioner Bright?

22 COMMISSIONER BRIGHT: Yes.

23 CHAIR CHRISTIAN: Thank you.
24 Commissioner Sheehan?

25 COMMISSIONER SHEEHAN: Yes.

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2 CHAIR CHRISTIAN: Thank you.

3 Commissioner Valova?

4 COMMISSIONER VALOVA: Yes.

5 CHAIR CHRISTIAN: Thank you. The item
6 is approved and the recommendations are adopted.
7 With that, we now move to the consent agenda. Do any
8 Commissioners wish to comment on or recuse from
9 voting on any of the items in today's consent agenda?
10 I'll begin with Commissioner Alesi.

11 COMMISSIONER ALESI: I do not.

12 CHAIR CHRISTIAN: Thank you.

13 Commissioner Valesky?

14 COMMISSIONER ALESI: No comments or
15 recusals.

16 CHAIR CHRISTIAN: Thank you.

17 Commissioner Maggiore?

18 COMMISSIONER MAGGIORE: No recusals.

19 I am going to comment on one item, item 165, which is
20 24-G-0028. And it's a fairly routine order where
21 should we approve it, the Commission would authorize
22 a certificate of public need extension for -- for the
23 town of Richfield to construct a gas plant and
24 exercise the gas franchise granted to it.

25 My comment is, is that, you know,

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2 should we approve this, we are agreeing that this
3 extension is consistent with the C.L.C.P.A. and that
4 that conclusion is based on the finding that the
5 volume of greenhouse gas emissions traceable to the
6 Commission's decision is expected to continue, and
7 that the stat -- continue the status quo and
8 therefore not result in a meaningful increase.

9 And because this decision is
10 consistent with the C.L.C.P.A. emission limits, the
11 Commission need not opine on potential alternatives
12 or mitigation measures for the project.

13 And I agree with that assessment, and
14 the only reason I'm highlighting that is, I think it
15 shows that we're able to arrive at the conclusion
16 that a decision that we make is consistent with the
17 C.L.C.P.A. if it doesn't have any impact on
18 greenhouse gas emissions.

19 And we don't have to jump through
20 hoops to, you know, or do some sort of complicated
21 study to reach that conclusion while acknowledging
22 that the law applies to our decisions. So, I'm
23 voting in favor of that and everything else on the
24 consent agenda. Thank you very much.

25 CHAIR CHRISTIAN: Thank you.

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2 Commissioner Bright?

3 COMMISSIONER BRIGHT: No comments or
4 recusals. Thank you, chair.

5 CHAIR CHRISTIAN: Thank you.

6 Commissioner Sheehan?

7 COMMISSIONER SHEEHAN: Yes, I will be
8 recusing from item 365. No comments on the other
9 items.

10 CHAIR CHRISTIAN: Thank you. And
11 Commissioner Valova?

12 COMMISSIONER SHEEHAN: No comments or
13 recusals. Thank you.

14 CHAIR CHRISTIAN: Thank you. My vote
15 is in favor of the recommendations on the consent
16 agenda. Commissioner Alesi, how do you vote?

17 COMMISSIONER ALESI: Yes on all items.

18 CHAIR CHRISTIAN: Thank you.

19 Commissioner Valesky?

20 COMMISSIONER VALESKY: Yes on all
21 items.

22 CHAIR CHRISTIAN: Thank you.

23 Commissioner Maggiore?

24 COMMISSIONER MAGGIORE: Yes on all
25 items.

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2 CHAIR CHRISTIAN: Thank you.

3 Commissioner Bright?

4 COMMISSIONER BRIGHT: Yes on all
5 items.

6 CHAIR CHRISTIAN: Thank you.

7 Commissioner Sheehan?

8 COMMISSIONER SHEEHAN: Yes, on all
9 items with the exception of 365, which -- from which
10 I'm recused.

11 CHAIR CHRISTIAN: Thank you.

12 Commissioner Valova?

13 COMMISSIONER VALOVA: Yes on all
14 items.

15 CHAIR CHRISTIAN: Thank you. And with
16 that, the items are approved and the recommendations
17 are adopted. Thank you. Madam Secretary, is there
18 anything else to come before us today?

19 SECRETARY PHILLIPS: There's nothing
20 more today.

21 CHAIR CHRISTIAN: Thank you. So, with
22 that, our regulatory agenda for today is complete,
23 but we're not quite done. After a long public
24 service, a distinguished career that spans state
25 government and city government, our general counsel,

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2 Bob Rosenthal, is retiring. This is Bob's last
3 session.

4 I have to say, it has been amazing for
5 me to be able to work with Bob over the last three
6 years and to be able to benefit from his wealth of
7 experience and knowledge in all things. I know I can
8 say without a doubt that New York State is better off
9 with Bob's service, and I'm fortunate enough to be
10 able to say I'm not alone in that assessment.

11 We have here a proclamation from the
12 governor citing Bob's service and we wish to give
13 this to Bob today in honor of his numerous
14 contributions, both to the city of New York and the
15 state of New York throughout his career.

16 So, Bob, I'm sorry to see you go, but
17 I'm very happy you're going to begin the next
18 chapter, having accomplished so much. And I thank
19 you for that. Three cheers. Now, I want to
20 embarrass Bob more, but I think we'll conclude our
21 session.

22 And I -- I want to speak from the
23 citation to the governor -- what the governor stated
24 in her citation. I, Kathy Hochul, Governor of the
25 State of New York, do hereby confer this special

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2 citation upon Bob Rosenthal with gratitude and
3 commendations on his occasion of his retirement, with
4 best wishes for good health and happiness.

5 So once again, Bob, thank you for your
6 service and with that we will adjourn. Thank you
7 everyone.

8 (The meeting adjourned at 11:26 a.m.)

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2 STATE OF NEW YORK

3 I, DANIELLE CHRISTIAN, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription,
7 consisting of pages number 1 to 49, inclusive, is a true
8 record prepared by Associated Reporters Int'l., Inc. from
9 materials provided by me.

10 IN WITNESS WHEREOF, I have hereunto
11 subscribed my name, this the 24th day of March, 2025.

12

13 DANIELLE CHRISTIAN, Reporter

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