5/15/2025 - Monthly Meeting

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

MONTHLY MEETING

Thursday, May 15, 2025

10:34 a.m. until 12:55 p.m.

ESP, Building 3, 19th Floor Boardroom

Albany, New York

COMMISSIONERS:

RORY M. CHRISTIAN, Chair

COMMISSIONER JAMES S. ALESI

COMMISSIONER DAVID J. VALESKY

COMMISSIONER JOHN B. MAGGIORE

COMMISSION UCHENA S. BRIGHT

COMMISSIONER DENISE M SHEEHAN

COMMISSIONER RADINA M. VALOVA

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(The meeting commenced at 10:34 a.m.)

CHAIR CHRISTIAN: Good morning, everyone. I call today's session of the Public Service Commission to order. Madam Secretary, are there any changes to the final agenda?

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

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

COMMISSIONER ALESI: Present.

CHAIR CHRISTIAN: Commissioner Valesky?

COMMISSIONER VALESKY: Here.

CHAIR CHRISTIAN: Commissioner Maggiore?

COMMISSIONER MAGGIORE: Here.

CHAIR CHRISTIAN: Commissioner Bright?

COMMISSIONER BRIGHT: Here.

CHAIR CHRISTIAN: Commissioner Sheehan?

COMMISSIONER SHEEHAN: Here.

CHAIR CHRISTIAN: Commissioner Valova?

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COMMISSIONER VALOVA: Present.

CHAIR CHRISTIAN: Thank you. Before we turn to the regular agenda, do any Commissioners wish to recuse from voting on any items on today's regular agenda? Commissioner Alesi?

COMMISSIONER ALESI: I do not.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky?

COMMISSIONER VALESKY: No.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore?

COMMISSIONER MAGGIORE: No.

CHAIR CHRISTIAN: Thank you. Commissioner Bright?

COMMISSIONER BRIGHT: No.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan?

COMMISSIONER SHEEHAN: Yes. I will be recusing from item 302. Thank you, Chair.

CHAIR CHRISTIAN: Thank you and noted. Commissioner Valova?

COMMISSIONER VALOVA: No.

CHAIR CHRISTIAN: Thank you. We'll now begin the regular agenda, where we will discuss

two items, concurrently and they will be voted on after staff completes their presentation. Items 201 and 202 related to L.M.I. and non-L.M.I. Energy Efficiency and Building Electrification projects.

It'll be presented today by Peggie Neville and Chris Coll, with support from Kevin Manz, Dave Drexler, and potentially others. Peggie, please begin.

MS. NEVILLE: Thank you. Good morning, Chair and Commissioners. Today, we will -- we will be presenting two items related to the ratepayer funded Energy Efficiency and Building Electrification or E.E.B.E. initiatives for the 2026 through 2030 period.

Item 201 addresses the New York State Energy Research and Development Authority or NYSERDA and the utilities' low to moderate income or L.M.I., portfolios. And item 202 addresses NYSERDA and the utilities' non-L.M.I. portfolios.

Due to the closely linked nature of these initiatives, we will be presenting these items jointly for your consideration, beginning with item 202. Before getting into the details of both draft orders, we think it is important to highlight that

the Commission has a long history of funding energy efficiency investments dating back to the late 1990s.

The Commission has found that energy efficiency programs serve two critical affordability functions. First, to lower the energy cost for individual households or businesses that implement energy efficiency projects. And second, to reduce the overall energy system costs for all ratepayers through the reduction of individual building energy use that may help to avoid or delay certain electric and gas system investments.

For example, energy efficiency plays a big role in demand-side management, which is a critical in system planning. And when used effectively, energy efficiency can permanently reduce energy consumption at peak times when demand on the system and energy prices are the greatest.

Permanent reduction of demand at these times through investments in energy efficiency can reduce, defer, or even eliminate the need for costly infrastructure upgrades at lower costs to all ratepayers and thus making future utility bills more affordable.

The Commission has continuously

demonstrated strong oversight of the use of ratepayer funds for these purposes and throughout the years has implemented enhanced reporting requirements, investment and program planning processes, increased stakeholder participation in the design of programs, and utilized strong measurement and evaluation protocols to ensure the most efficient and prudent use of these resources.

The staff team is proud to bring these two items before you today, which build on the Commission prior actions and successes of nearly thirty years of programming and collectively represent a transformational shift that will chart a successful path forward for Energy Efficiency and Building Electrification programs.

These draft orders are a result of an extensive and iterative process that began with the Commission initiating the review of the New Efficiency New York and Clean Energy Fund programs in 2022. At that time, the Commission directed staff to issue a report assessing the performance of the collective E.E.B.E. efforts.

This report was issued in December 2022. And included a series of observations and

questions for public comment regarding how the E.E.B.E. portfolios should evolve to meet the State's current needs and policy objectives. As a result of that process, the Commission issued its order-directing proposals, which adopted a strategic framework that future portfolios should adhere to, established a budget-bounded approach capping the funding for the collective programs at $1 billion per year with 30 percent of the budgets allocated to L.M.I. programs.

And directed NYSERDA and the utilities to file responsive proposals. NYSERDA and the utilities filings were made in December 2023 and supplemented in January 2024. Following the submission of proposals, technical conferences were held in person and virtually in both New York City and Albany to allow for detailed engagement with stakeholders.

Written comments were solicited through the State's Administrative Procedures Act process resulting in substantial input, nearly 200 sets of comments, all of which have been considered in the development of the draft orders before you. Comments received often spanned both the L.M.I. and

non-L.M.I. portfolios.

However, given the breadth and depth of stakeholders' comments, I will cover the general themes that emerged that are most closely linked to the non-L.M.I. portfolios. And Chris will cover those most closely linked to the L.M.I. portfolio.

Overall, comments reflected general support for the roles and activities proposed by NYSERDA and the utilities. However, many commenters noted continued concerns about the lack of coordination among the program administrators or P.A.s, as well as limited details that were provided in the P.A. proposals.

Some other comments of note include calls for service -- calls from service providers for the continuation of incentives for L.E.D. lighting in the non-residential sector, citing the potential they believe still exists in this market.

Objections from large energy users for the cost of the programs to be recovered purely on a volumetric basis, as well as support for a proportional share of the funding to be dedicated to programs targeting large commercial and industrial customers. And a large number of towns and villages

opposing changes that NYSERDA proposed to its Clean Energy Communities program. There were also numerous comments related to various programmatic details.

NYSERDA and the utilities' collective electric and gas E.E.B.E. based proposals totaled $3.78 billion including utility labor and projected an estimated 512 million lifetime M.M.B.T.U. equivalent of energy savings for the 2026 through 2030 period.

Con Edison included an additional 117.8 million for steam energy efficiency in their base proposal. Con Edison and Orange & Rockland also proposed expanded electric and gas and steam for Con Edison proposals totaling an additional $709 million.

The draft order emphasizes the need for efficient use of ratepayer funds and takes several actions to ensure this occurs, including streamlining administrative processes, removing redundant functions and emphasizing putting funds to work through the use of a new money out-the-door metric.

The draft order also reaffirms the strategic framework with minor modifications, requiring program administrators to allocate at least

85 percent of funds to strategic measures, a maximum of 15 percent of funds to neutral measures, and zero funds to non-strategic measures.

This framework serves to prioritize incentives for measures with the greatest impact and meaningful contributions to the State's efficient decarbonization goals. First, I will discuss treatment of the utility non-L.M.I. proposals. The draft order finds the proposals to be generally in alignment with the strategic framework as set forth by the Commission in the order-directing proposals.

However, the utility proposals generally do not optimize for customer bill reductions or the importance to pursue efficient building electrification, such as electrification after or concurrent with building envelope improvements, which I will refer to as weatherization.

Weatherization includes measures such as air sealing, attic and wall insulation. The draft order emphasizes the importance of efficient electrification to not only reduce customers' energy costs, but the value it can bring to reduce the future winter electric demand that would result from

electrification of space heating at scale.

Therefore, the draft order before you sets forth additional budgetary guidelines for the utilities to adopt in the delivery of their non-L.M.I., E.E.B.E. portfolios. These guidelines include all gas utilities must allocate a minimum of 50 percent of their program budgets to small residential weatherization.

All electric utilities must allocate a minimum of 25 percent of their program budgets to small residential weatherization. And all electric utilities must allocate a maximum of 50 percent of their program budgets for electrification programs serving all sectors.

This will include the current New York State Clean Heat program, which will be refined to serve the small residential market along with other programs that will be better suited to serve multifamily and nonresidential customers.

The draft order finds that the utility proposals for residential weatherization were lacking, representing wide variation in offerings and did not adequately address the Commission's directive to solve for the complexity of overlapping electric

and gas territories.

Therefore, given the importance of this work to New York's policy agenda and the meaningful benefits it can provide to customers in the form of bill reduction and improved health and comfort of their homes, the draft order directs the development of a regional residential weatherization approach for market rate customers in both the Upstate and Downstate region.

This approach is being taken to ensure consistency and services delivered in a streamlined and efficient manner rather than the fragmented and somewhat redundant approaches proposed by the utilities. Weatherization approaches for the L.M.I. market segment are adjusted in the L.M.I. order and will be discussed in Chris's remarks.

To effectuate this approach, the draft order earmarks a minimum of $920 million from the collective utilities' budgets and requires the Upstate utilities and the Downstate utilities to each make a joint filing within 90 days for Commission consideration.

The draft order provides further guidelines that the utilities must incorporate into

their joint proposals. To further support the development of these proposals, the draft order requires D.P.S. staff to convene one or more technical conferences within 45 days to explore the experience and relative strengths and weaknesses of existing program models, identify best practices from other jurisdictions, and allow for opportunity for input from interested stakeholders.

Beyond the regional residential weatherization programs, the draft order also directs modifications to the New York State Clean Heat program. These modifications include a differentiation of incentives in the near term to encourage projects to pursue weatherization and phasing out incentives for projects not meeting minimum weatherization requirements by March 2028.

The draft order also discusses the importance of meaningful program offerings for nonresidential market segment. While these may include weatherization and electrification approaches, the draft order also speaks to the importance of additional energy efficiency offerings, including waste heat recovery and process improvement opportunities for large customers.

With regard to stakeholder comments requesting a longer phase out of L.E.D. lighting incentives in the non-residential market, the draft order finds that while federal standards for linear fluorescent lamps, the predominant light source used in commercial buildings have not been updated since 2015.

In February of 2023, the U.S. Department of Energy issued a determination that it would not be increasing efficiency standards for general service fluorescent lamps in part because of already declining shipments and natural replacement by tubular L.E.D.s as a more cost effective lighting solution.

Tubular L.E.D. replacement lamps as direct replacements for linear fluorescent tubes have very quickly moved into the market with a compelling payback based on both energy cost savings and significantly reduced maintenance costs resulting from the longer life nearly two-and-a-half times greater for the tubular L.E.D. lamps.

National market assessment studies from D.O.E. show that by 2020, L.E.D. lamps had moved to around 50 percent of commercial lamp inventory, a

dramatic change from only six percent in 2015. It is expected that L.E.D. market penetration has further increased over the past five years since 2020.

Reinforcing this, the most recent Con Edison portfolio evaluation found commercial lighting free ridership to be at 57 percent and was significantly higher than other measure types and was higher for Con Edison than other programs less recently studied reflecting market trends towards L.E.D.s.

Related evaluation reports from other utilities noted that opportunities for non-residential lighting will diminish with the market trends of L.E.D.s becoming standard practice. While the draft order takes note of the comments provided by service providers on this topic and appreciates that potential still exists for customers they may serve.

Given finite resources, the draft order finds funding should be used to help offset cost of other measures that are unlikely to be pursued without some level of financial support. Therefore, the draft order maintains that a transition away from ratepayer funded incentives for

L.E.D. lighting is an appropriate and necessary evolution of the ratepayer funded programs.

This transition was signaled in the staff E.E.B.E. report in December 2022 and then confirmed in the order-directing proposals in July 2023. Therefore, no lamp or light source incentives will be allowed in the E.E.B.E. non-L.M.I. portfolio beginning January 1st, 2026.

While this phase out will occur with the launch of the new E.E.B.E. portfolio period, the draft order does recognize the value in ensuring as many projects as budgets can support are seen to fruition under the current portfolios. Therefore, the draft order allows utilities to commit to projects up to December 31st, 2025, based on funding availability and for those expenses to occur in 2026.

The draft order rejects the expanded proposals submitted by Con Edison and Orange & Rockland and the steam efficiency program proposed by Con Edison. The utility proposals for the '26 through 2030 period are recommended for approval totaling 3.285 billion including labor with estimated energy savings of 383 million lifetime M.M.B.T.U. equivalent.

With regard to cost recovery for utility, Energy Efficiency and Building Electrification programs for this period, across both items, the draft orders provide the directive to return utility collections to a surcharge mechanism as opposed to being incorporated into base delivery rates.

The draft orders lay out a process for the utilities to undertake with D.P.S. staff to facilitate this transition. Of note, this move to a surcharge will not impact the cost ratepayers are currently paying or would be paying in their total bill. The surcharge simply adds a layer of transparency into the level of funding provided for these initiatives.

Finally, the draft order requires the utilities to each file an implementation plan for its non-L.M.I. E.E.B.E. portfolio, reflecting the Commission's directives within 60 days for D.P.S. staff approval. I will now discuss the NYSERDA non-L.M.I., E.E.B.E. portfolio.

The draft order authorizes NYSERDA's five-year non-L.M.I., budget of $500,000,000 with estimated savings of over 131 million lifetime

M.M.B.T.U. equivalent. However, the draft order makes several adjustments and refinements to NYSERDA's role and programmatic approaches to better reflect the Commission's priorities.

These adjustments include modifications to NYSERDA's proposed budgets. It is within this area where the recommended actions have interplay between the non-L.M.I. and L.M.I. draft orders. Specifically, the draft orders make the following NYSERDA budget adjustments.

One, increasing total funding for workforce development and allocating a greater proportion of funds for this activity from the non-L.M.I. budgets. Two, reducing the total general awareness and education budgets and shifting a portion of the disadvantaged communities engagement costs to the non-L.M.I. budget.

Three, reducing the budget for codes and standards initiatives and four, reducing NYSERDA's administrative budget. The culmination of these budget adjustments allows for more funding to be put to work in priority programs including the L.M.I. sector, which Chris will cover in detail in his remarks.

The draft order also refines NYSERDA's general awareness and education role to prioritize funds to drive customers to undertake projects and right size the offering to generate the level of demand to match the funding available to support it.

Additionally, the draft order requires several actions and follow-up to provide adequate detail and enforce the collaborative model between NYSERDA and the utilities that will properly leverage the roles the Commission has assigned to each program administrator.

With regard to NYSERDA's proposal for workforce development, the draft order reasserts that the development of the workforce to support the needs of E.E.B.E. is critical and as discussed previously, provides additional funding for these activities.

However, the draft order recognizes the need to better assess the workforce training and employment needs and opportunities across New York State's ecosystem, inclusive of contractors, workforce training entities such as Department of Labor, State Ed Department, non-profit entities and community based organizations that serve disadvantaged communities, among others.

This broader assessment should be done to further inform the development of offerings in the 2026 through 2030 period. As such, the draft order directs NYSERDA to undertake this assessment in consultation with D.P.S. staff and to file this assessment no later than January 1st, 2026.

The draft order requires NYSERDA to file an E.E.B.E. workforce development implementation plan within 60 days of the order for staff approval to ensure there is no funding gap beginning on January 1st, 2026 and directs NYSERDA to update the implementation plan in 2026 to incorporate the findings from their assessment.

With regard to cost recovery of NYSERDA's L.M.I. and non-L.M.I. E.E.B.E. portfolios, which in total are $1.5 billion over the period. The draft orders include several actions to provide near and longer term relief to ratepayers for the cost of these programs.

Specifically, these actions include utilizing the existing cash balance currently held at the utilities that has resulted from collections of ratepayers funds for authorized NYSERDA programs but for which expenditures have not yet occurred.

This results in the near-term relief of approximately $340 million over the 2025 to 2026 period in collections ratepayers otherwise would have been responsible for. Additionally, these items utilize available offsets including 216.7 million resulting from a surplus that materialized in the New York Sun program that is no longer needed to achieve the State's 10 gigawatt solar goal.

As well as 141.8 million in accumulated interest earnings on the collections held at the utilities for the NYSERDA programs. The total of these offsets results in reducing collections by 24 percent of the total cost of NYSERDA's, E.E.B.E. non-L.M.I. and L.M.I. portfolios over the '26 through '30 period.

Lastly, on a going forward basis, the draft order establishes a process that will automatically use future interest earnings at the utilities and future funds that become available through project attrition in NYSERDA's legacy programs. These future offsets will serve to further reduce ratepayer collections.

The draft order requires NYSERDA to file an implementation plan for its non-L.M.I.,

E.E.B.E. portfolio, reflecting the directives in the order within 60 days for D.P.S. staff approval. The evolution of the non-L.M.I., E.E.B.E. portfolios for both NYSERDA and the utilities will require that foundational tools such as reporting, tracking systems, the technical resource manual and staff oversight of these functions, also must evolve.

The draft order directs staff to take on an overall review of these various elements and identify updates needed to modify processes and guidance to ensure the Commission's directives can be carried out effectively. The draft order provides $8 million for D.P.S. staff-directed activities to allow staff to procure contracted resources to bring in specific subject matter expertise, or services that may be needed to ensure the successful implementation of these programs.

That concludes my remarks on the non-L.M.I. draft order. Chris will now cover the L.M.I. draft order.

MR. COLL: Okay. Good morning, Chair and Commissioners. My name is Chris Coll. And I'll be presenting the L.M.I. draft order that is before you today. As you are well aware, energy efficiency

and weatherization have been central to the Commission's efforts to address energy affordability for lower income customers, as these interventions often deliver longer term energy affordability, benefits such as reduced energy burden.

As the Commission seeks to advance the equally important goals of energy affordability for low income households and achievement of the State's climate -- climate goals, the State will need to decarbonize the building sector through weatherization, energy efficiency, and increasingly electrification with heat pump solutions.

This draft order seeks to advance the -- this work in alignment with the aforementioned affordability and climate policy goals. The genesis of this order -- this draft order, followed the Commission's July 2023 order directing proposals, which among other things established a total budget of $1.5 billion from 2026 through 2030 for L.M.I., E.E.B.E. programs or 30 percent of the overall E.E.B.E. budget.

It reset roles and responsibilities amongst the utilities and NYSERDA with respect to the administration of ratepayer funded L.M.I., E.E.B.E.

programs. With Con Edison and National Grid, Downstate companies, KEDNY and KEDLI, responsible for administering an Energy Efficiency and Building Electrification program for affordable multifamily buildings.

While NYSERDA takes responsibility for administering a Statewide one to four family program, an Upstate program to address the needs of affordable multifamily buildings, Statewide technical assistance offerings, workforce development, and awareness and engagement activities including those targeting residents of disadvantaged communities.

The order also reinforced the need for utilities in NYSERDA to advance strategies that meet the needs of disadvantaged communities including, achieving the Climate Act's requirement for investments and benefits accruing within disadvantaged communities.

It also required staff to play an improved oversight role of the programs to ensure that the programs are meeting the policy objectives of the Commission. And as with the non-L.M.I. draft order, established a strategic framework that program -- that program budgets are directed to those

E.E.B.E. measures that will have the greatest impact when it comes to decarbonizing homes and buildings.

Thereafter, in response to the July 2023 order, the utilities and NYSERDA proposed L.M.I. portfolios totaling $1.57 billion for the 2026 through 2030 time frame, which includes utility labor costs. These proposals include a projected 83 million M.M.B.T.U. equivalents of lifetime energy savings and projected over 500,000 households served over that time period.

Con Edison also proposed an expanded L.M.I. portfolio of $519.2 million. Following these proposals, the Commission received comments from over 150 parties and the record reflects overall support for the L.M.I. programs proposed.

However, multiple parties offered recommendations to increase the resources amongst L.M.I. households and disadvantaged communities in addition to other programmatic changes. Stakeholder comments received included the need to -- the need for increased funding to support L.M.I. projects with stakeholders calling for 50 percent of total E.E.B.E. budgets to be allocated to L.M.I. and disadvantaged communities programs.

An emphasis on the need to electrify in the L.M.I. market segment. Program design considerations around eligibility criteria, the funding of pre-weatherization upgrades and the geographic distribution of L.M.I. projects. The need for more transparency from program administrators with respect to program design and performance, including decisions on program rules and incentive levels.

Stakeholders also requested for improved stakeholder engagement on these programs and portfolios. With this draft order the Commission approves with modifications the proposals from the -- the program administrators Con Edison, National Grid, and NYSERDA for L.M.I., E.E.B.E. programs for 2026 to 2030.

In total the draft order approves $1.57 billion over 2026 to 2030 or $313 million annually to achieve the E.E.B.E. solutions within -- excuse me, to advance E.E.B.E. solutions within the L.M.I. market segment, including improving engagement with stakeholders and disadvantaged communities through initiatives such as the Regional Clean Energy Hubs.

This funding -- this funding level represents an annual increase of $132 million to L.M.I., E.E.B.E. programs over the current funding levels. The draft order also approves an energy -- an energy savings target of 100.4 million M.M.B.T.U. equivalents of lifetime energy savings and supports E.E.B.E. in nearly 600,000 housing units from 2026 through 2030.

This is over 100,000 households a year, which is an increase of about 30 percent over current program production. Further, the draft order reaffirms the Commission's objective -- objectives for the L.M.I. E.E.B.E. programs to reduce energy consumption and cost for households that are experiencing the greatest burden.

To maximize the impact of ratepayer funds through effective coordination, and the leveraging of other funding sources and through administrative efficiencies. To simplify participation and reduce administrative burden for applicants as well as service providers such as contractors and installers.

To seek and incorporate feedback from market participants in the design and implementation

of these programs. To enhance transparency in program and portfolio performance. And to ensure clarity and certainty on program guidelines, goals, and budgets to market participants including the minimization of volatility with respect to program budgets from year to year.

With respect to comments on the record regarding the budget allocation between L.M.I. and non-L.M.I. programs. The draft order maintains the budget allocation between L.M.I. and non-L.M.I. programs as outlined in the July 2023 order directing proposals and incorporate -- and incorporate into the proposals by the program administrators with 30 percent of the overall budget or as mentioned $1.57 billion going to support L.M.I. E.E.B.E. efforts from 2026 through 2030.

This draft order includes several -- several recommendations to adjust aspects of the proposed programs to optimize the budgets dedicated to the L.M.I. market segment, as highlighted by Peggie in her remarks. These adjustments will result in an additional $97 million being made available to -- to the programs that will incentivize L.M.I. E.E.B.E. projects.

With respect to the comments calling for increase -- an increase of budgets dedicated to L.M.I. and disadvantaged communities, we note that the department's recent accounting of investments to disadvantaged communities identified that 47 percent of programmatic investments occurred either within geographic disadvantaged communities or projects supporting L.M.I. households in affordable multifamily buildings during the 2020 through 20 -- 2023, program period.

Furthermore, staff will be tracking and reporting on disadvantaged community investments on an annual basis going forward. However, I want -- I want to emphasize that over these three years, 2020 through 2023, the investments incur -- occurring within disadvantaged communities were largely the result of a business as usual approach.

In the sense that utilities and NYSERDA had not started to incor --incorporate disadvantaged community strategies in -- into their programs until midway through that time period. With this draft order the Commission is emphasizing the need for both the L.M.I. and the non-L.M.I. programs to benefit disadvantaged communities, setting an

expectation that each P.A. will develop strategies and programs to do so.

Therefore, staff believes that -- that -- that we should expect to see an increase in the overall portion of E.E.B.E. budgets going to the combination of L.M.I. households and disadvantaged communities on a go- forward basis.

Staff also notes that in addition to ratepayer funding dedicated to the L.M.I. market segment, there are other sources of funding dedicated to E.E.B.E. solutions for low to moderate income customers and affordable housing.

Approximately, $220 million of State and federal funds are being programmed as such in 2025 alone. As with the non-L.M.I. draft order, the L.M.I. draft order prioritizes weatherization, establishing that 85 percent of program budgets will be used to weatherize L.M.I. homes and affordable multifamily buildings.

Weatherization is the first step to effectively decarbonizing a home. And can drive long term energy burn reductions, an outcome of particular importance for lower income households and the achievement of the Commission's energy affordability

policy.

However, we must also work to achieve the C.L.C.P.A. objectives to decarbonize the economy, as previously -- as previously mentioned. As such, it is -- it is important that we begin to electrify L.M.I. homes and affordable housing where it makes sense to do so now.

To this end, the draft order sets forth principles for the electrification of L.M.I. homes and affordable multifamily buildings, effectively advancing a strategy to electrify where it will have the greatest impact.

The principles that will guide ratepayer funded L.M.I. electrification are as follows: prioritizing weatherization and energy efficiency. Improving the envelope of a home or building and reducing end-use electric load will provide long-term reductions in energy use and associated costs for L.M.I. households and affordable housing owners.

And will help ensure that heat pumps that are installed will operate efficiently. A focus on energy affordability, P.A.s must consider whether overall energy costs for households will increase or

decrease as a result of heat pump installations.

This includes the shifting of heating costs from building owners to tenants in affordable housing. Target the conversion of delivered fuel customers. Given that converting space heating from a lower cost fuel such as natural gas to a heat pump can potentially lead to increased costs for home heating.

P.A. should prioritize the conversion of delivered fuel customers to maximize the energy affordability benefits for L.M.I. customers. And finally, align programs and policies to enable affordable electrification. There are a number of programs and policies that must be aligned at the State level to support electrification -- electrification of L.M.I. homes without impacts to -- to energy bills.

These include housing programs and policies, bill payment assistance programs and sub-metering policy, to name a few. Regarding program design, the draft order adopts the inclusion of a 60 percent of area median income as an additional income eligibility criterion for low income programs, providing E.E.B.E. solutions.

Essentially, providing households residing in higher income areas of the State such as in New York City, Westchester County, Saratoga County with the ability to qualify for program support based on an income threshold that is relative to their county as opposed to the whole State.

It's worth noting that in most counties the State median income is higher than the area median income. The draft order provides the utilities in NYSERDA with the ability to use up to 10 percent of their programmatic budgets to fund pre weatherization activities, which include health and safety and structural deficiencies with the expectation that P.A.s will report out on the type of measures funded, frequency of install, and cost of these measures.

There's currently a lack of detailed information on the -- on the order of magnitude that these issues have -- have -- of these issues in -- in L.M.I. homes. And beginning to collect data on -- on issues will better position the Commission to -- to make decisions on this important issue in the future.

The draft order will require NYSERDA to improve the geographic distribution of projects to

ensure that L.M.I. households across the State are able to benefit from these programs. The draft order also emphasizes the need for -- for the utilities and NYSERDA to improve the identification and referral of low income customers with the highest energy consumption to EmPower Plus for service to reduce energy consumption and improve affordability for those households.

With respect to improved transparency from P.A.s regarding program performance and decision making, the -- the draft order requires staff to develop a performance management framework, including development of key performance indicators to measure the progress of overall -- of the overall portfolio of programs against the Commission's objectives.

As well as enhanced reporting on program metrics to improve transparency for staff as well as stakeholders. These measures will ensure that -- that staff has the ability, you know, to oversee the programs effectively and ensure that the Commission's policy objectives are being met.

The draft order also emphasizes the need to improve stakeholder engagement by P.A.s and directs the P.A.s to collaborate with stakeholders in

the development of their L.M.I. implementation plan and to maintain -- and to maintain engagement with stakeholders on program design and implementation considerations throughout the administration of these programs.

The draft order also requires staff to host quarterly stakeholder meetings to discuss L.M.I. program and portfolio performance, identify opportunities to address any barriers or challenges to program implementation and discuss emerging issues.

The draft order also reaffirms the strategic framework with minor modifications to address opportunities for improving energy affordability for L.M.I. customers. These modifications include the ability to fund the replacement of inefficient refrigerators if such replacement will reduce electric consumption and improve energy affordability for the household.

Lighting will remain eligible for L.M.I. projects as part of a comprehensive retrofit. Standalone lighting incentives will no longer be permitted through these programs. The ability for program administrators to include measures with lower

effective useful lives such as pipe insulation and low flow devices and direct install offerings is also permissible.

This is a way to reach tenants that might otherwise be unable to participate in a broader weatherization program. And finally, the -- the funding of natural gas combustion appliances in multifamily buildings in limited -- limited circumstances will be permissible through 2030, where electrification is not feasible and where there would be significant efficiency gain over minimum required standards and where the replacement is accompanied by comprehensive control upgrades and retro commissioning to ensure optimal performance of the thermal system.

The utilities in NYSERDA are required to develop and file an implementation plan within -- within a 120 days of this order, in coordination with stakeholders as previously mentioned. The implementation plan will be reviewed and approved by staff.

Finally, the draft order requires staff to file a -- a performance management framework within 60 days of this order to include details on

key performance indicators that will be used to measure the progress of L.M.I. programs and meeting the objectives of the Commission.

Reporting considerations and the structure of staff led stakeholder meetings. This performance management framework must be developed in coordination with stakeholders. This concludes our presentation and we'd be happy to take any questions.

CHAIR CHRISTIAN: Thank you. That was a meaty discussion. So, throughout the development of this order, I -- I -- I had the opportunity to take a look at something from the past, our State's past. And it's, the State Energy Master Plan was released back in 1980. And you know, while I was reading the plan, I found it, noteworthy how similar the problems described in the 1980s continue to echo today.

It was eerie, actually. Now, this 45-year old report, it emphasizes something. It -- it emphasizes the importance of reducing energy demand through conservation and describes it as quote, the least expensive, environmentally safest and most economically beneficial supply option now available to New York. It's 45 years ago.

Now, despite its age, I think this message today only serves to continue to highlight the important role of energy efficiency. And I think you two did a great job of reinforcing the spirit of this message. I think their inherent truths of this message still persists to this day. And you've made that abundantly clear.

This order brings that message forward. And the directives from the Commission bring it to life in a way that will ultimately benefit all New Yorkers, especially, as you've pointed out low and moderate income New Yorkers, those of us living in demand -- disadvantaged communities.

Now, time and time again, we've seen how energy efficiency programs benefit both individuals and society as a whole and you've mentioned this. It lowers energy costs for individual households and businesses that implement the various projects, but also importantly, it reduces the overall energy system costs that all ratepayers have to bear.

And it happens for the individual reduction at the building level. Each person's

contribution helps lessen and avoid the strain on the electric system allowing us to avoid or eliminate certain investments and that's a big deal.

Particularly now, given the various cost considerations that are omnipresent. Now, as a commission, we've continuously acted in support of and emphasized the importance of energy efficiency. And we've been doing this, I want to say since the '80s, not necessarily the '90s.

And it's a tradition I feel honored to be a part of. And I feel honored to be a part of this group in hearing this today and seeing the progress made in the last 45 years. The thing about energy efficiency is its understated elegance makes it hard to show off.

I've never once showed off my L.E.D. bulbs to anyone. But its benefits reach into every single home, every business. And it does so in the form of lower bills and cleaner air. And so, through this order and the Commission's actions, we recognize that circumstances evolve and that even the best laid plans often require adjustments after implementation.

I'm going to quote Mike Tyson here. Bear with me. Everyone has a plan until they get

punched in the face. Now, it may not feel that way while we're living through it, but it's important to consider all the different obstacles we've faced over the last few years.

Everyone forgets about the fires in Australia but I have fond -- I have unfond memories of the fires in Canada and the effect it had on my health and well-being. And I know many of us experienced and have friends and family who experienced similar tragedy in California over the last few years.

These environmental catastrophes will continue. And recently in New York we had tornadoes too, first time in history. We've had global conflicts and more coming. A global pandemic and coupled with the resulting supply chain disruptions and economic uncertainty, we have seen a relentless assault on all our well laid plans.

Fortunately, despite these and numerous other challenges, the value of energy efficiency remains unchanged, making these programs core drivers supporting all our energy and environmental goals. Because energy efficiency either directly enables or enhances many other

efforts underway, particularly, those related to electrification as you've both pointed out.

So, through today's Commission action, we take steps to continue on our long history of advancing energy efficiency. And we do so in partnership with our State's utilities and NYSERDA, aligning roles and responsibilities in a manner that builds on their respective strengths.

And we do so with an eye towards leveraging additional funding sources to complement ratepayer funds already authorized. And we do this with an eye towards equity, ensuring funds are allocated to support benefits to low and moderate income individuals and households and disadvantaged communities.

So, through these programs, we have a platform to develop -- to deliver benefits to all New Yorkers and to do so cost effectively. And for this reason, I wholeheartedly support and endorse the order and extend my gratitude first to staff for what I can only imagine has been an incredibly challenging few months in putting this together.

But also to the advocates and stakeholders who've engaged in this process from the

very beginning. I want to express my thanks to you all for helping develop what I believe to be a solid path forward to help us achieve our goals. Thank you. And with that, Commissioner Alesi?

COMMISSIONER ALESI: Thank you, Chairman. Of course, this is easy to embrace. And you can't just sit here and say I embrace this. It's all good. It's nice to see that where we have succeeded, we can use money from that success to spend in other areas as we proceed forward and as we continue to pursue the kind of energy that we want, not only in New York, but in the rest of the world for that matter.

But I should say that, from my perspective, I could talk about this and we're all going to talk about this and how we're, I think, all going to embrace this effort. But when it comes to how we make our decisions, I have to go back to the incredible amount of time and talent that goes into not only the report that we have here today, for which I am very much thankful.

But into the briefings that we get prior to coming here, those are very much detailed and very valuable information that we receive. We

had the opportunity to go back and forth. And we could not come to a consensus without the value of those briefings and what you are teaching us here today and sharing with us today, much of which we'd like to think we already know.

But without your expertise and the value of your intellect, we would be short changed. So, I will be embracing this and I want to thank you for your efforts.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky?

COMMISSIONER VALESKY: Thank you, Chair Christian. You know, I -- I want to -- I want to first of all start by, thanking both you, Chair Christian and you, Peggie, in your opening remarks for providing a bit of an historical perspective about these issues and -- and how long these issues have been alive and effective and working on behalf of New Yorkers.

It's -- it's good to -- it's a good frame of reference. So, I want to thank you both for -- for -- for starting both of your remarks there. There is so much in these orders as -- as we know that any one of us as Commissioners or all of us as

Commissioners could go through item by item and discuss the issue, why you're making the -- the recommendation that you're making, but we would be here for maybe as long as you all worked on the -- on the orders initially.

So, I'm not going to do that. And I'll just make a couple of -- of very general comments. And -- and the first has to do, Peggie, Chris, and your -- and your entire staff team, I know and you know that there are many, many stakeholders that have been anxiously awaiting the results of today for quite some time.

And I know and -- and I certainly hope they know, the amount of effort and the number of hours that you all put in to -- to this -- to this effort right up until last night, this morning maybe. And I wanted to share though, thinking about that and -- and about your work in -- in -- in bringing these to us, I want to just share a -- a phrase with you that, Commissioner Alesi, you will remember well when you and I served for many years in -- in the State legislature.

And when we did and it would often occur at the end of the State budget process, the

State budget adoption process, which, of course, we just saw here recently, this year with the new State budget. And that simple two word phrase is pencils down, pencils down.

And what pencils down meant then, and I think it really applies here to your effort, that you continue to receive comments, you mold and shape and modify your recommendations, but at some point, it's time to put the pencils down. And I think that that time has certainly -- certainly arrived.

And we also know, similar to that budget process, Commissioner Alesi, that when we would consider budget bills, you had all sorts of competing interests. Some stakeholders would be extremely pleased with the result. Others, not so pleased.

And it's quite likely that the same can be said for -- for your efforts here today and the decision that we will make shortly. But I think and -- and I would reiterate the Chair's comments in regard to stakeholder participation.

It has been incredibly important and it will continue to be incredibly important. And I would just remind those of you who are -- who are

listening, that stakeholders come to the -- to this process with a particular point of view. They have a piece of the pie, as it will, that they're looking to advance.

You, Peggie, Chris, entire team, are responsible for baking the entire pie and presenting it to us. And that's not always easy. And I'm sure it was not easy at all in this -- in this case. But I think you have done it incredibly well.

And I would just conclude by -- by noting that we will, as we take up rate cases and consider joint proposals, which won't be today, but certainly, in the near future. We, in those proceedings, look at a joint proposal through the lens, as required to, through the lens of whether or not it meets the public interest standard.

And I think the public inter -- interest standard, which again is is a -- a rate based focus, but I think it's -- it's worth looking at the public interest standard in everything that we do. And I'm reminded of that standard today as we consider Items 201 and 202.

And I'm pleased to say that -- that I most certainly find both of these orders in the

public interest. And as such, I'll be supporting them. Thank you very much for your efforts.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore?

COMMISSIONER MAGGIORE: Thank you. I have no questions. I commend the staff for the work that went into these orders and acknowledge that they will advance the goal of energy efficiency, which I support. But it would be inaccurate for me to say that the orders in whole are reflective of or in alignment with the totality of my views. So, with the most possible respect, I'm going to vote no. Thank you.

CHAIR CHRISTIAN: Thank you. Thank you. Commissioner Bright? Commissioner Bright?

COMMISSIONER BRIGHT: Thank you, everyone. Yeah. Thank you, Chairman. And thank you, Peggie and Chris, for all your hard work and staff for -- for pulling all of this together. Like, everybody has said, this has been a herculean effort.

So, I have more comments. No questions. I might have a couple questions in here, but mostly comments. So, for me, these orders really you're -- we're doing a review of how things have

gone so far. And are looking at the strategic framework as our foundation for what the future will be.

And what we wanted to do here is remedy the inefficiencies, improve the delivery of services and especially for low and moderate income households, but also ensure that the portfolio evolves in line with our needs. So, I see that as having happened here and looking at the -- a few of the highlights, throughout both of these orders were operationalizing the reset of the roles and responsibilities, which I think is critical, but also including this extra oversight from D.P.S. staff.

Folding more of stakeholder engagement into what will be happening going forward. And of course, stakeholder engagement has happened throughout this process, but there are a few areas where we will continue to engage stakeholders in a very thorough way.

So, just a couple of examples of transitioning to a revised low and moderate income coordinating group where we're going to be hosting portfolio performance meetings with the program administrators and stakeholders on a regular basis.

Designing the performance management framework, which Chris mentioned in his -- his comments, with stakeholders to really outline those key performance indicators where -- which are going to be so critical to how we're looking at the performance of these portfolios.

And then, joint design on a number of different levels throughout the order which folks will see. And this engagement will continue to help us make better decisions and understand the barriers to entry for programs we want people to be participating in. So I see that as extremely critical.

We're improving the performance management framework. And there was a lot of discussion before in -- in -- in comments that I saw throughout the record where there might have been a little bit of an opaque picture, not a very clear picture of where money is actually going or how successful things are.

And so, being able to really hone in on that with our performance metrics and designing this framework with stakeholders is going to be absolutely critical. The framework is going to be

used to evaluate the overall performance of these portfolios. So, that is something that people will be looking forward to.

And staff will be documenting the stakeholder engagement process, not just for these performance metrics, but also for how the program administrators engage with stakeholders as they're building their different implementation plans.

A couple of other things. So, working with existing groups in this order, one of the things that gets called out is, working with some existing stake -- stakeholder groups like the energy affordability program working group, which is a great source of knowledge, information and experience.

There's a whole section on performance metrics, adopting a lifetime savings metric, market transformation met -- metrics, workforce development metrics and as Peggie mentioned, the money out the door, metric. So, we're really maximizing the use of funds.

And I see that, of course, as part of that, the essential picture here. There's the data sharing framework, which I feel like that was another sticking point for a lot of people is -- is just, you

know, how data is being shared.

And then, with the utilities and NYSERDA having challenges to be able to share that data, but with staff recognizing that we've already had a couple of Commission orders that helps us to put us in a place where we could share that data without going around in circles and while still protecting ratepayer interests and information.

Of course, the area median income was such a huge part of -- of what I wanted to see in order to expand eligibility. So, I appreciate that. And I also appreciated the efficiency first weatherization and pre-electrification stances this order takes by explicitly outlining principles to guide the L.M.I. portfolios.

And Chris went over those -- those principles, which were prioritizing energy efficiency, focusing on energy affordability, and targeting delivered fuels, as well as aligning programs and policies with -- that enable electrification.

And I think that a couple of other things with the definitions that are outlined in this order, which Peggie and Chris, you didn't go over,

but which I just see as so essential for us all to be on the same page.

So, partial electrification, full electrification, phase electrification and hybrid electrification, I saw that as extremely important in getting us all on the same page. Really, on the non-L.M.I. order, I was impressed in looking at the portfolio's staff found that the budget allocations needed to be more directive, but not just for building electrification, but for efficient and beneficial building electrification with a stronger focus on weatherization and program efficiency in support of better buildings, emission reductions and ratepayer savings.

And all of this is going to help us achieve the greatest impact with ratepayer funds. I wanted to say a few words about the disadvantaged communities criteria. So, a lot of things get attributed to the C.L.C.P.A. And in reality, I feel like a lot of those things are really layers.

So, instead of doing 50 percent by 2030, we're doing 70 percent by 2030. So, the goal is already there. And we're already working towards it, but we up our ambition and that's great. Another

example, would be something like storm hardening or resilience plans. Storms are certainly getting worse.

Infrastructure just keeps aging and getting battered because of the climate crisis. But resiliency plans were already a part of what we do. We just do more of it because of the brutal impacts of climate change. But our disadvantaged community criteria is different.

This is something that can truly be attributed to the C.L.C.P.A. And I think this order does an excellent job of recognizing and distinguishing the importance of investment in disadvantaged communities. The disadvantaged community criteria and designation is not arbitrary.

The climate justice working group, which was set up by the C.L.C.P.A., established over 40 criteria to identify the communities that have been overburdened. But then -- and overburdened for a variety of reasons, including housing characteristics, environmental burdens, socio-demographic indicators and many others, that Chris and Peggie could probably go down the whole list.

And our focus on disadvantaged

communities in this order will help households across the spectrum, non-L.M.I. and L.M.I. And I thoroughly support staff's work in making this distinction very clear in these portfolios.

The last thing I wanted to mention is the workforce development, which I -- which I thought was, in thinking about disadvantaged communities, that was something that -- that I think is a clear -- sort of is very clear on that distinction.

And so, I really appreciate staff's modifications to NYSERDA's workforce development proposal, adjusting the funding, so it's not predominantly coming out of the L.M.I. portfolio. And moving around money in the non-L.M.I. portfolio but staying within the budget finding to increase my service spending on workforce development, by $6 million.

And then, also just on workforce development, we ended up agreeing with the commenters that we need additional collaboration NYSERDA, community-based organizations, contractors and others particularly in disadvantaged communities. Not just to address workforce development and development but also the conduct and assessment on training and

workforce training challenges as well as job placement which is so key.

So -- so that we can better understand the gaps, the needs and where there is room for improvement. So, there's so much in these orders as many of the Commissioners have already said, but I really, really thank Peggie and Chris and all the stakeholders.

This is really a -- I feel like a good job of balancing a ton of different things. And I think this sets us up for success. There are still many, many many things to come. Though as I know, there will be many implementation plans that are still going to be coming in and that will still get public comment and stakeholder engagement both to build those plans and to -- and to comment on those plans.

So, I thank you all so much. I thank the -- the -- the stakeholders involved and I will be supporting this item. Thank you.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan?

COMMISSIONER SHEEHAN: Thank you, Chair. So, first, as everyone has already noted, I

really do want to thank Peggie, and Chris, Kevin, and David and all the staff that worked on this. I -- I know that there was so much work went into this because reading -- you can just tell from reading the orders and the technical conferences.

Thanks as well to the stakeholders who spent a lot of time working on this. I did want to -- I -- I -- I wanted -- I have some questions, but they're more for clarification, right? So, to -- maybe for the record, make some clarifying.

So, through both orders, the total funding authorized is over $5 billion over the time period, 2026 to 2030, am I right?

MS. NEVILLE: Correct.

COMMISSIONER SHEEHAN: So, what's the exact number, Peggie? 53 --

MS. NEVILLE: You can ask that, yeah.

COMMISSIONER SHEEHAN: 53-ish. Okay. We'll go with it. Okay.

MS. NEVILLE: And just to speak there that it -- it was within the budget bounding of the 5 billion but includes utility labor that wasn't originally included in that account.

COMMISSIONER SHEEHAN: Understood.

So, what I also want to clarify. And I -- and you made this point that and some of the funds are going to be shifted to a surcharge. It's going to look different on bills. But what we're doing here is not adding any new charges on any customer bills.

This -- this is an existing -- essentially existing funding streams.

MS. NEVILLE: Right. So, the -- the increases will not go up because we were -- we set the budget bounding based on kind of what we had been collecting. And in some cases, they may, you know, be level or stay the same --

COMMISSIONER SHEEHAN: Right.

MS. NEVILLE: -- or -- or may be reduced.

COMMISSIONER SHEEHAN: Right. Yes. Okay. That's very helpful. And we're using and I think -- I can't remember. I think it was you, Peggie, went through the different pots of money that we are accessing that have already been charged, right.

So, redirecting some unmute -- unneeded, New York Sun funding, funds that have been collected, but are sitting just, I'll let you say it.

MS. NEVILLE: Yeah. Correct. So, specifically, the 216.7 million from New York Sun surplus, which the Commission spoke of last session. There was also a 141.8 million in interest earnings that exist at the utilities and that we factored into the collection schedules that are a part of both orders.

Additionally, though, we are also kind of putting an automatic process in, so that additional interest earnings that will happen or attrition from legacy programs as projects do fall out, that's -- that's kind of a common occurrence.

Those will automatically reconcile into the surcharge, so it will actually reduce the surcharge going forward. We just can't predict what that number is, but we know that that will be additional reconciliation that will happen over these -- this five-year period.

COMMISSIONER SHEEHAN: Yeah. Okay. So, I just want to applaud you staff for that extra level of work and trying to find those additional dollars because they do, you know, we are -- to be able to make these investments and do it affordably is key -- it's key that we look under every rock.

And Chris, you mentioned, outside of this and outside of what we're doing today, additional State funds. Do you -- can you just repeat that for -- for, so we can all just focus on that for a minute?

MR. COLL: Right, Commissioner. So, this just -- just looking at 2025, there's about $220 million that is either from State budget appropriations or federal funding that goes to support E.E.B.E. types of programs, for L.M. -- L.M.I. households.

So, this includes, the weatherization assistance program, State -- State budget appropriations to NYSERDA and then, also to H.C.R.

COMMISSIONER SHEEHAN: Okay. And that's above the 1.5 billion that would -- that you went through?

MR. COLL: Right. So, that would -- that would be additive to what -- what the Commission is -- is --

COMMISSIONER SHEEHAN: Okay.

MR. COLL: -- looking at.

COMMISSIONER SHEEHAN: All right. Perfect. Thank you. So, I appreciate you indulging

my questions. I do -- as -- as -- as the staff knows, I did struggle -- I did struggle with these orders initially, primarily because they are so dense.

And there's a lot we're trying to do on first blush and then, you get into the stakeholder comments and it's very easy to get sucked into different arguments. They're very compelling. There's lots of very compelling arguments. And there are huge competing demands on this.

Even though it's a lot of money, it's finite and the competing demands are real. But I had to -- so I had to really step back and say, what are we trying to do here? What's really the main goal and what is the Commission trying to achieve with these orders?

And the answer to that, and it goes back to the Chair's comments, is energy efficiency and building electrification, this is what these orders are about. And we have to use these funds to achieve that end and do it in the most cost effective way possible.

So, you know, energy efficiency, I was there in the beginning working on those, you know,

the -- these first programs. And I, you know, it's -- it's interesting. You talk -- you talked about how nobody likes to show off an L.E.D. light bulb and I forgot what term you use.

I -- I just say that energy efficiency isn't considered the -- the sexy clean energy resource. You know, nobody -- nobody, like, has bells and whistles around energy efficiency. But it is, I'd say it's the meat and potatoes. It's the thing that we need the most.

And it is -- it has over the course of decades driven huge savings for both and -- and relief for the grid and savings for consumers. You know, it's helping, it's really critical now as we manage load growth and, you know, it does lead to overall cost reductions.

But that is based on the way the investments are scheduled and how we use that money. We can't achieve those huge savings for everyone unless we drive those investments in the most strategic way. So, that's how I came, I -- that -- that's how I approached this, stepping away from the individual arguments and having to look at the whole and the totality.

So, I -- I firmly believe that the fundings should be used to help offset cost -- cost of measures that are unlikely to be pursued without some level of financial support. And that's on the building electrification side, I think that the staff has done a tremendous job.

You know, this is obviously something, you know, to get to the numbers we need to achieve on building electrification. It goes well beyond this order. So, we are doing what we do as a Commission and -- and finding those strategic investments that will help, you know, help the system as a whole.

You know, I'm a big fan of investments in avoiding -- avoiding investments in leak-prone pipes, for example. And let's -- let's address, you know, building electrification that helps avoid those investments.

These things can be done in parallel and should be done in parallel. And I think the staff has reflected that in these orders. So, I, you know, coming -- coming around, I -- I am going to support the orders and it's with that mindset of, you know, it's, I'm sure that it's not perfect, but I do think it they're really good.

I think they're -- this is the enemy of the -- enemy of the good is the perfect. So, I just, you know, to me, we could sit here and can -- continue to deliberate on the -- how to allocate this pie of funding, and we'd still be fighting and as Commissioner Valesky said.

So, my concern is that we start -- we make these changes, we get these changes in place and we get these investments flowing. And the sooner we can do that the better. So, thank you again to staff.

CHAIR CHRISTIAN: Thank you. Commissioner Valova?

COMMISSIONER VALOVA: Okay. Thank you. I'm going to sound like a broken record, but I think it's well-deserved. Thank you so much to staff for your excellent work on these orders. Thank you to all of the stakeholders who submitted comments on both of these matters.

I -- I -- I know everyone's already said it, but I really do want to reiterate these are both really important issues. And I'm so appreciative of everyone's hard work and recognize how difficult it is to take so many moving parts and

see how they all fit together.

So, I think, overall, I think, the orders represent a well-thought out set of programs. I think that there are a lot of great elements within them, with the new roles and responsibilities for program administrators, the new processes for monitoring progress and results and course correcting when needed.

With that said, I would have liked to see some additional analysis in order 201, the L.M.I. portfolio order regarding the options and the costs and benefits of shifting budget allocations between the L.M.I. and non-L.M.I. portfolios.

And as such, similar to my colleague, Commissioner Maggiore, I'm not -- I'm not voting no, because I do think overall the basis is reasonable. I'm going to abstain because I also feel like there are some additional bits of information I would have liked to see in order to be able to make an affirmative yes or no decision. So, I am abstaining. Thank you very much.

CHAIR CHRISTIAN: Thank you. We're now going to move to voting. Though we discussed both items together, we will vote for each item

individually. And so, I'll do the call for vote for the first item, Item 201 related to the L.M.I. energy efficiency portfolio. So, Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: I vote yes.

CHAIR CHRISTIAN: Thank you.

SECRETARY PHILLIPS: I'm sorry, can you use the mike?

COMMISSIONER ALESI: Yes, on the first item.

SECRETARY PHILLIPS: Thank you.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky?

COMMISSIONER VALESKY: Yes.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore?

COMMISSIONER MAGGIORE: No.

CHAIR CHRISTIAN: Thank you. Commissioner Bright?

COMMISSIONER BRIGHT: Yes.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan?

COMMISSIONER SHEEHAN: Yes.

CHAIR CHRISTIAN: Thank you.

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Commissioner Valova?

COMMISSIONER VALOVA: I am abstaining on Item 201, which I understand as being neither a yes nor a no vote but is essentially counted as not yes.

CHAIR CHRISTIAN: Okay. Thank you.

SECRETARY PHILLIPS: Before you proceed, Chair, may I have your vote?

CHAIR CHRISTIAN: Oh! I always assume it's assumed. I vote yes in favor of this item. Thank you, Madam Secretary. Okay. Barring that little gap, the item is approved and the recommendations are adopted. I'll now call the vote for Item 202. My vote is in favor of the recommendations to adopt the items referenced in the non-L.M.I. energy efficiency and electrification order as we've discussed today. Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: I vote yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky?

COMMISSIONER VALESKY: Yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore?

COMMISSIONER MAGGIORE: No.

CHAIR CHRISTIAN: Thank you. Commissioner Bright?

COMMISSIONER BRIGHT: Yes.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan?

COMMISSIONER SHEEHAN: Yes.

CHAIR CHRISTIAN: Thank you. Commissioner Valova?

COMMISSIONER VALOVA: Yes.

CHAIR CHRISTIAN: Thank you. The item is approved and the recommendations are adopted. That said, we will take a 10-minute recess and return for two remaining discussion items before going to the consent agenda.

(Off the record; 11:52 a.m.)

(On the record; 12:04 p.m.)

CHAIR CHRISTIAN: All right. Welcome back everyone. Thank you for being here. We'll now move to our third item on today's agenda. Item 301, Case 25-E-0239. Our 2025 Summer Electric System Preparations report.

It'll be presented today by Shahriar Chowdhury and Richard George, Jason Pause and Paul

Darmetko are available for questions. Shahriar, please begin. That would be great, yes. I think that'll be up in a moment.

MR. CHOWDHURY: Good afternoon, Chair Christian and Commissioners. My name is Shahriar Chowdhury. I'm an Electric Utility Engineering Specialist II in the electric safety and reliability section in the Office of Energy System Planning and Performance.

Today, we will be briefing you on New York State's electric transmission and distribution system Summer Preparedness for 2025. Next slide please. One more.

Each spring staff conducts its annual view of the electric system and utility preparedness to meet the peak summer operating conditions for New York. This review focuses on electric system reliability and is part of our normal course of business at the department and is a high priority review.

Peak summer operating conditions are often when electric system can be most stressed, and we look to each utility and the New York Independent System Operator hereafter referred to as the NYISO

for assurances that we are well prepared to meet New York customers upcome -- New York customers' needs for upcoming season.

The review consists of an assessment of NYISO's projected demand forecast, and the supplier resource availability. Additionally, staff issues its annual summer preparedness survey to each utility and reviews all responses, as well as conducts interviews with each utility to discuss planned and completed system reinforcements, spare appointment inventories and confirm they will reliably meet customer demands for the summer operating period.

Next slide, please. Through these interviews we find that each of the utilities have completed or will complete all major planned reinforcements, inspections, and repairs prior to the start of the summer operating season and will have adequate spare equipment on hand to meet unforeseen circumstances or system events.

Based on staff's review and assessment of the utility data, meetings with each of the individual utilities and the NYISO, we find that the State's electric transmission and distribution

systems are prepared to reliably meet forecast 2025 summer electric demands.

Now, we will take a look at forecasted load compared to available supply resource for the upcoming summer. The chart on screen shows the historical actuals, the forecasted State peak demand as projected by the NYISO.

The blue colored line shows the 2025 peak load forecast over the next 10 years. The summer's peak forecast -- peak load forecast is consistent with what we have seen over the last several years, and the NYISO baseline forecast projects a Statewide peak demand for 2025 of 31,471 megawatts.

Looking out over the next 10 years, the peak load forecast increases at a steady and linear pace overall. This can be attributed to increase in electrification and projected load from existing and future large loads projects interconnecting to the transmission system, which is offset in part by positive effects of the State's energy efficiency program and to underlying forecast economic growth rates.

Next slide, please. Corresponding to

the previous graph, this chart shows the cumulative forecast impacts of -- for -- of the contribution of energy efficiency and distributed generation towards reducing peak demands.

The blue bars represents the forecast energy efficiency impacts, and the red bars represents the impact of distributed generation. While the current New York Control area Summer Peak typically occurs in the late afternoon in the four to five p.m. range, it is expected that in the summer peak -- that the summer peak will shift into evening hours in the later year -- later forecast years.

This results as additional behind the meter solar generation is added to the system and expected E.V. charging increases in the evening hours. This shift in peak hour timing will result in behind the meter solar generation becoming less coincident with the peak, which is reflected in the reduction seen in the graph for later years.

By the year 2035, the combined effect of these programs is projected to help lower peak demand by approximately 5,600 megawatts.

Next slide, please. This slide highlights the expected available resource capability

for 2025. The installed generating capacity for 2025 totals 37,682 megawatts.

Combining this -- the installed generation capacity with projected demand response and special case resources, as well as net firm purchase imports provides New York with a total of 40,938 megawatts worth of capacity resources for 2025.

Next slide, please. The New York Reliability Council has set the 2025-2026 install reserve margin at 24.4 percent above the forecast peak demand. This 24.4 percent installed reserve margin results in a 7,679 megawatt minimum requirement above the forecasted peak demand for a total install capacity requirement of 39,150 megawatts.

As mentioned previously, the total available capacity for 2025 is 40,937 megawatts, which is 1,787 megawatts above the minimum required. This equates to an actual install reserve of 30 -- 30.1 percent above the forecast peak for 2025 providing a further cushion to serve the peak load beyond the 24.4 percent margin required by New York State Reliability Council.

To further help curb peak energy system demands, each of the utilities have load relief programs, which is customer -- in which customers are compensated for providing load reduction when called upon.

Additionally, the NYISO and each utility have operating procedures in place to further mitigate any unforeseen reliability issues. These emergency operating procedures include emergency demand response programs, voltage reductions, voluntary industrial curtailments, emergency purchases among -- and among others.

The NYISO projects that about 3,159 megawatts will be available under emergency operating procedures if needed this summer. This now concludes my portion of the presentation. And given all the information we have presented here, staff believes that the electric system is adequately -- adequately prepared to reliably meet New York customers' needs for the summer of 2025.

I'll now turn it over to Richard George to discuss projected summer volatility and price outlook. Thank you.

MR. GEORGE: Thank you, Shahriar.

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Good afternoon, Chair Christian and Commissioners. My name is Richard George and I'm a Utility Engineering Specialist in the Office of Rates and Tariffs.

In this portion of the presentation, I'll be providing a summary of how the utilities have performed at reducing electric supply price volatility for their full service residential customers.

This will include an overview of the utilities' residential electric supply portfolio composition for this coming summer. A comparison of this summer's energy futures to last summer's futures and actual prices, the capacity price changes as compared to summer 2024.

And lastly, I'll present the Statewide estimated supply bill for this upcoming summer as compared to the last several years for full service residential electric customers using projected utility supply bill estimates that are inclusive of the utilities' hedging plans.

Before I begin, I'll reiterate that the electric market prices are dependent on present market conditions, and the utilities under Commission

jurisdiction have no control over the market price.

The cost of electricity is determined largely by the energy and capacity markets administered by the New York I.S.O. However, the utilities do have the abilities -- the ability to mitigate the month-to-month volatility of end use supply prices for their mass market customers through hedging in their supply rate mechanisms.

The end use, full service, mass market, residential supply rate mechanisms have some flexibility through the ability to spread large reconciliations over more than one month at practice that utilities have utilized more frequently in the last several years.

My presentation will focus on measuring how the utilities have performed at that task historically and what steps the utilities have taken to manage any market price volatility that may occur this summer.

Next slide please. This graph shows the results of the utilities' electric supply price volatility mitigation efforts dating back to December, 2008. The red line is the average New York I.S.O. market price volatility, and the blue line is

the volatility of the utilities' residential electric supply portfolios.

As you can see from the graph, the utilities' electric supply portfolio has consistently experienced less volatility as compared to the market. The high points on the graph show various times over the past several years where market price volatility spiked.

During those times, the utilities' portfolios generally experience significantly less volatility. This performance is attributable to their -- to the hedging practices that the utilities employ to smooth their unpredictability of market prices.

As previously mentioned, each utility through their supply rate mechanisms have the ability to and have spread large reconciliations from prior period under or over recoveries of supply costs over multiple months to mitigate the impact of unpredictable market price swings that would have otherwise caused higher price volatility for their full service mass market residential customers.

Overall, as compared to the market price volatility, the Statewide portfolio should be

expected to continue to experience less volatility in the future. Next slide please.

This chart shows the elements of the composite residential electric supply portfolio for this summer, across all investor owned utilities. As shown about 64 percent of the portfolio consists of fixed price contracts. Of the fixed price contact -- contracts, the majority are financial in nature.

The fixed portion of the portfolio also includes newer physical contracts, older legacy contracts, and small amounts of the utilities' own generation with fixed fuel costs, as well as NYPA contracts.

The balance of the portfolio is predominantly made up of market purchases, followed by relatively small amounts of utilities' own generation with variable fuel costs and index contracts are primarily indexed to natural gas. Next slide, please.

This chart shows this upcoming summer's expected ener -- average energy market prices based on I.S.O. futures, last summer's futures, and last summer's actual prices. For New York City, the Hudson Valley and Western New York, or

New York I.S.O. zones, J., G., and A.

Last summer's expected energy market prices that we reported to you last May are shown in green. Last summer's actual prices are shown in blue. This summer's expected market prices are shown in red.

As you can see, the summer's expected prices are higher than the future's prices from this time last year, up from between 17 and 26 percent. And higher than the actual prices by approximately 20 percent.

Last summer, the actual prices end up being very close to what was expected going into the summer period. I'll note however, that actual prices will vary from futures due to a variety of factors including weather, economic conditions, and demand on the system. Next slide, please.

This slide shows last year's summer strip auction capacity prices were and what this upcoming summer's prices are. As you can see, there's very little change in prices from last summer in the rest of state and G., J. locality.

However, New York City Zone capacity prices decreased by approximately 22 percent. Next

slide, please. This slide provides a bit of context for how the expected change in market prices could impact the electric supply portion of customer bills.

This chart shows an estimate of the supply portion of a typical residential monthly bill, as a result of the year to year changes in lower weighted, full service, mass market, residential commodity prices.

For the chart, we consider a typical residential customer to use 600 kilowatt hours per month -- per month, which is close to the Statewide average, but varies by utility.

The average summer bill estimate for this upcoming summer, cumulatively for June through July -- through September is expected to be about 6.5 percent higher than the last summer on a Statewide average basis.

The slight increase in the 2025 bill estimate as compared to 2024 reflects the expected changes in market prices, as well as the impact from the utilities hedging programs.

I should note that depending on where a customer is located in the State, what utility they are served by, their actual use and actual market

prices, the commodity portion of their summer bill will vary from what is shown here and could be higher or lower than last summer.

To conclude, the utilities have continued to perform well at reducing the month-to-month price volatility as compared to the market volatility and have maintained approximately a 64 percent fixed price he -- hedge level for this summer on a Statewide average basis which should mitigate any significant unexpected price spikes should they occur.

Further, we continue to communicate with utilities and monitor their -- their full service, mass market, customer supply, price mechanisms -- mechanisms, and consider any adjustments as needed to improve volatility mitigation efforts.

This concludes our presentation and staff is now available for questions. Thank you.

CHAIR CHRISTIAN: Thank you. Appreciate the overview, and I'm happy to see we're in good shape. You know, I -- we do this pretty much every summer, every year in anticipation of the summer months.

In part because it's a -- it's a priority of making sure that we are prepared for the upcoming summer season, the -- the period of time when our system is most stressed. And this is a priority for us at the Commission.

But it isn't re -- it isn't developed in a silo. It's the result of what I view as a continuous coordination, both between us, the utilities, and also the New York I.S.O. and variety of other stakeholders.

And again, the goal is to make sure we can prepare to meet the needs of all New Yorkers when system conditions are usually at their worst.

And this is a longstanding process. This predates my time at Chair, Commissioner Alesi's as well. And its importance is only going to increase given the challenges of load growth related to data centers or electrification efforts and major businesses setting up operations throughout the State.

So, it's --I'm happy to see that we're expected to have a ready supply of electricity during the summer, and I think that's in part attributable to the significant energy efficiency investments. We

have a long history of engaging in the very investments we just discussed in a previous order today.

So, again, I want to thank you for the time and putting this together. And I want to highlight something you said in your presentation that by 2035, the combined effect of energy efficiency and demand response programs is projected to lower the peak demand by about 5 and a half gigawatts. Is that right?

MR. CHOWDHURY: That's correct.

CHAIR CHRISTIAN: That's -- that's significant. And I think it's important that we highlight how these efforts work together to help prepare the system as a whole for the challenges we can anticipate, while also putting us in a position to adapt to those that we can't. So, thank you for your presentation today. Commissioner Alesi?

COMMISSIONER ALESI: Thank you, Chairman, I won't enlarge on that but just add my thanks as well and good job as always.

CHAIR CHRISTIAN: Thank you. Commissioner Vales -- Valesky.

COMMISSIONER VALESKY: Thank you,

Chair. That -- just a -- a quick two-part question if I could and thank you for the presentation and information.

I don't know if we can go back to the slides, but if we can bring them back up, I had a question about something on slide six. I -- right there.

So, two-part question, I guess. Number one, what would be the reason for the decrease in the installed generation capacity from last year to this year?

And the follow-up question would be not to get ahead of ourselves, we're going to see an Item 302, a pretty significant increase in Statewide load projection by -- by 2030.

So, does this discre -- this decrease give anyone reason for concern as we continue to move forward with -- forward with needing more electricity?

MR. CHOWDHURY: Commissioner, I can answer the first question. So, the changes in the installed generation that you see is a combination of generation additions and deactivations, but that's just one factor.

There's other factors and that includes generation -- generated capacity ratings that change year over year. So, that would be the reason for the -- the changes that you see.

COMMISSIONER VALESKY: And would anyone like to weigh in as to whether that's cause for concern going forward or projections going forward?

MR. PAUSE: Good afternoon. This is Jason Pause. You know, I -- I think that, you know, the New York I.S.O. is continuously looking at the generation capacities installed and those levels, and you know, they can adjust accordingly, so at this time I don't think we have any concerns with that.

COMMISSIONER VALESKY: Okay, okay. All right. Thank you very much.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore.

COMMISSIONER MAGGIORE: Thank you. Thank you for the presentation. I just want to reiterate something that I -- I wrote down, which I think is the headline of this presentation, which is the electric system is adequately prepared for the summer.

And it's not really a question unless you -- unless anybody thinks I got that wrong. But like I said, I wrote it down. I think it's in your quote, and I think it's also reflective of what the Chair characterized this summary to be. But that's -- that's -- that's correct, right?

MR. CHOWDHURY: That is correct.

COMMISSIONER MAGGIORE: Yeah, thank you. Thank you very much. That's it.

CHAIR CHRISTIAN: Yeah. Thank you. Commissioner Bright.

COMMISSIONER BRIGHT: Thank you, Chairman. And no questions. I just want to add my thanks to staff for all your hard work. Thank you again.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan.

COMMISSIONER SHEEHAN: I don't have any questions either. Thank you both for your presentations. I appreciate the work that goes into this and the coordination with the New York I.S.O. and making sure we're prepared for the summer. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova.

COMMISSIONER VALOVA: I also want to thank staff for your work on this and appreciate the opportunity to check in and make sure we are prepared. I appreciate it. No -- no questions.

CHAIR CHRISTIAN: Okay. Thank you, everyone. We will now move to our fourth and final item for discussion today. Item Number 302, Case 15-E-032. As it relates to the Clean Energy Standard Biennial Review.

It'll be presented today by Tom Dwyer and Marco Padula. Peter Sheehan and Carlene Pachokzak are available for questions. Tom, when you're ready, please begin.

MR. DWYER: All right. Good afternoon, Chair and Commissioners. Item 302 is a draft order addressing the draft Clean Energy Standard Biennial Review, that was filed by staff at the Department of Public Service and the New York State Energy Research and Development Authority or NYSERDA on July 1st, 2024.

The draft order before you today recommends that the Commission adopt the draft Clean Energy Standard Biennial Review as final. Adopt in

part, and with modifications, the draft Biennial Review's proposed changes to the Clean Energy Standard and establish further process to continue to promote renewable energy development in the State.

I will provide some background on the Biennial Review process and the draft Biennial Review itself before turning the presentation over to Marco, who will walk through the individual recommendations made within the Biennial Review, as well as the proposed decisions made within the draft order.

As background, in response to the Climate Leadership and Community Protection Act, or C.L.C.P.A., the Commission modified the Clean Energy Standard in 2020 to incorporate the specific targets and policies of the Act.

The C.L.C.P.A. requires that the Commission conduct a Biennial Review of the Clean Energy Standard that considers progress towards meeting the overall targets for the deployment of renewable -- excuse me, renewable energy systems and zero emission resources.

Specifically, the Biennial Review must include, one, the factors that will or are likely to impact progress towards meeting the C.L.C.P.A. goals.

Two, a description of the distribution of systems by size and load zone. And three, annual funding commitments and expenditures.

Department of Public Service staff and NYSERDA staff filed the draft Biennial Review on July 1st, 2024 with initial comments solicited through September 23rd and reply comments solicited through October 7th, 2024.

The draft Biennial Review does two things. First, it reports on the information specifically required by the C.L.C.P.A. as codified in the Public Service Law, those being the three points I mentioned a moment ago.

Second, it includes recommendations to modify the clean energy standard to maintain a trajectory towards achieving the State's clean energy goals as quickly and cost effectively as possible.

The draft Biennial Review presents the results today of efforts to reduce emissions associated with the New York electricity system as evidenced by the composition of the State's electricity supply portfolio.

It also summarizes progress on contracted renewable energy as broken out by the

various tiers of the clean energy standard. A significant portion of the draft Biennial Review is spent discussing the various factors affecting progress.

Those factors include, but are not limited to, inflation and supply chain pressures, transmission system bottlenecks, and the needed upgrades to support additional renewable generation, delays in the interconnection and siting processes.

As well as expected increases in Statewide electric load, which in turn increases the number -- the amount of renewable energy that is needed to achieve the targets of the C.L.C.P.A.

The draft Biennial Review considers these and other factors affecting progress towards meeting the State's clean energy goals and provides a series of options and recommendations to modify various elements of the clean energy standard.

This includes recommendations to modify clean energy standard tier one renewable energy procurements, as well as to modify contracting terms and processes related to tier one and offshore wind solicitations.

The draft Biennial Review also

provides recommendations related to distributed solar generation, the preservation of hydroelectric resources, consideration of distribution, utility owned renewable generation, and clean energy zones.

As I mentioned earlier, these proposals were made in an effort to maintain the trajectory towards achieving the State's clean energy goals as quickly and cost effectively as possible.

I'll now turn it over to Marco, who will discuss the draft Biennial Review’s proposals, as well as the recommended decision in today's draft order.

MR. PADULA: Thanks for that. Thanks for that overview, Tom. Good afternoon, Commissioners. I'll now provide a summary of the specific recommended decisions in the draft order. I'll begin with those related to the tier one and offshore wind solicitations.

The draft order increases NYSERDA's annual procurement target from 4,500 gigawatt hours per year to 5,600 gigawatt hours per year for the Tier One program. And also extends NYSERDA's Tier One procurement authority to 2029.

While the Biennial Review had

recommendations to reduce the 70 percent weighting in the scoring of bids, the draft order rejects that and instead focuses on the maturity thresholds necessary for projects to be eligible to bid.

As you are aware, NYSERDA establishes maturity thresholds for each solicitation. The draft order proposes establishing a consistent minimum maturity threshold, being the completion of the phase one New York Independent System Operator interconnection study and also meeting the requirements for the I.S.O. phase two study entry.

This is meant to ensure that more advanced projects bid into solicitations, thereby reducing the risk of attrition. To address the low participation of land-based wind in Tier One solicitations, the draft order rejects the options for a carve-out, a specific solicitation, or price bonus.

And instead supports the continued utilization of the portfolio risk factor approach that allows selection of higher price bids while maintaining an 80 percent capacity limit on any one technology type in the portfolio as long as the portfolio average cost does not increase by more than

10 percent. The draft order also allows NYSERDA the flexibility to reduce the 80 percent capacity limit but not increase it, and it allows for solar plus battery storage to count as a different technology than just solar.

The Biennial Review included recommendations to allow for strike price adjustments, both prior to the commercial operation date of the project, as well as post commercial operation date.

The draft order supports the continued use of strike price adjusters for formulaic strike price adjustments that occur between award and commercial operation, for known and measurable events like changes to inflation.

The draft order does not adopt a strike price adjustment for events that are highly unpredictable at the time of project bidding, otherwise known as Black Swan Events.

Regarding strike price adjustments post commercial operation date, the draft order rejects such recommendations and notes that this would expose ratepayers to any increase in a developer's cost when the purpose of a competitive

solicitation is to relieve ratepayers from exposure to those risks.

The draft order also addresses the recommendation to increase the maximum REC and OREC contract tenor by five years. By allowing for such increase on an R.F.P. by R.F.P. basis, which would result in an increase of the Tier one contract tenor to 25 years, and the offshore wind contract tenor to 30 years.

Aligned with the theme of reducing attrition and getting projects built, the draft order allows NYSERDA the flexibility to no longer require a termination right for a Tier one project, failing to come online by a certain date.

Thereby allowing NYSERDA to include reasonable provisions in Tier one contracts that encourage continuous development. That said, the draft order does require that any commercial operation date set in a Tier one solicitation shall be no longer than five years from the award date but allows NYSERDA the ability to extend that for events that are beyond the developer's control.

Related, the draft order allows NYSERDA to use an outer date limit approach that is

currently used for offshore wind for Tier one, which provides a strong incentive to complete construction or be subject to a reduced contract tenor.

The Biennial Review also raised the issue of optimizing the indexed REC settlement structure to address basis risk, which is the difference between the nodal and the zonal price, and generation shape risk.

On this topic, the draft order finds that more analysis is needed before making changes and direct staff and NYSERDA to more specifically address these issues, either through the next Biennial Review process or through a separate proposal filed prior to the next Biennial Review process.

Specific to the offshore wind procurements, the draft order does not provide NYSERDA the flexibility to solicit more than nine gigawatts of offshore wind, if necessary, to achieve the nine gigawatt goal given that this would necessitate further environmental review to increase the target.

And the order notes that any modifications to this target will be addressed in the

next Biennial Review. Related, the draft order directs NYSERDA and D.P.S. staff to determine if the current cadence of offshore wind solicitations should be revised, given recent federal policy changes.

I will now move to summarize the additional proposals the draft order addresses that are outside of the Tier one and offshore wind procurement processes. The first is related to the Statewide distributed solar goal.

The draft order declines to adopt an increase to the distributed solar goal beyond 10 gigawatts and points to the Commission's April 2025 order, which allowed for an additional 500 megawatts of procurement and recognized the success of the New York Sun Program in establishing a successful market.

The draft order further notes that 10 gigawatts is not a cap. And points to other market mechanisms that support this industry and recognizes the Commission's continued work on interconnection reforms.

The Biennial Review had several proposals related to maintaining hydro generation resources in New York. The draft order points to the Commission's hydro value or H value order from

October 2024, that provided hydro resources, an H value at 75 percent of the environmental value, provided under the value of distributed energy resources or VDER tariff.

The draft order also revises the Tier two maintenance program contract tenor to 10 years to provide more revenue certainty for project owners.

And to better enable existing hydro resources to repower and participate in future Tier one REC procurements, the draft order directs staff to develop a recommendation within 180 days for separate hydroelectric repowering criteria that captures the significant costs and considerations necessary for repowering hydro, including removal of the 15 percent increase in generation requirements for hydroelectric facilities. Lastly, as it relates to hydro generation, the draft order does not adopt the proposed capital grant program for baseline hydro.

The Biennial Review also raised the issue of utility ownership of generation. The draft order does not change the Commission's policy on this topic but does recognize that the market has changed since the original deregulation proceeding in the

1990s.

And therefore, seeks comment on specific questions to help inform the Commission's assessment as to whether changes to that policy might now serve the interest of ratepayers.

To better align the development of renewable generation with the development of transmission and distribution lines, the draft order directs staff to create a process for defining and identifying a clean energy zone for incorporation into the Commission's existing planning processes and renewable procurements.

Such filing is due within one year and is expected to build upon the work underway in the coordinated grid planning process. Considering New York's path to transitioning to renewable resources, the draft order notes the need to consider policies to preserve the existing nuclear generation fleet and to evaluate its future role in the State's zero emissions targets.

In doing so, the draft order directs staff to prepare a white paper to evaluate how any continued zero emissions credit or ZEC program should be structured and file such white paper for public

comment within 120 days of the effective date of the order.

The final area addressed by the draft order is the overall renewable procurement practices that have been applied in New York for more than a decade.

The draft order recognizes that New York is in a pivotable -- pivotal moment where we have not seen the expected level of success from our current processes and are faced with massive amounts of new load growth and rising need for new, clean, firm electric capacity on the grid.

Additionally, several reports have been filed in the Clean Energy Standard Docket regarding the potential for other means of procurement to provide a pathway forward for new generation, including utility owned procurement, in addition to the new authority granted to the New York Power Authority to build new clean generation projects.

All these factors point to a need to conduct a comprehensive review of the current procurement practices to determine the best path forward for New York State to achieve its clean

energy goals, while ensuring a reliable and cost effective system.

Therefore, the draft order directs staff to conduct a detailed review of procurement practices and submit a white paper within one year. The review must include the following topics at a minimum.

The value proposition for customers, the system benefits, the procurement mechanisms, voluntary market participation and market design changes. This concludes my presentation, and we are happy to take any questions you may have.

CHAIR CHRISTIAN: Thank you for the presentation and bringing this to the Commission today. As you've stated, you know, the -- the primary goal today is to make sure that our efforts are efficiently aligned to advance progress towards our clean energy goals.

And as has been mentioned multiple times most recently by Tom, we have a wide array of challenges we need to overcome in order to meet those goals.

Collectively, they represent a set of challenges that we have to take into consideration

when we determine next steps. And I think this order addresses them head on through the variety of options discussed herein.

We at the Commission Stress Designing programs with flexibility in mind, recognizing that evolving market conditions, advances in technology and consumer actions and preferences may require us to make periodic adjustments, balancing priorities such as affordability, reliability, and other legislative mandates.

The dynamic realities of project development have shown us that we are taking, what I view it to be, a measured approach towards putting ourselves in a position to meet those goals.

And from the engagement in the public process where we've had over 60 participating parties in this particular proceeding, if I remember right, I think that's been helpful in providing us with the dynamism needed to identify key actions to drive the desired outcomes.

So, I find the various adjustments you've identified and outlined to be in the public interest. I wholly support this order and thank you for bringing this to our attention today. With that,

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Commissioner Alesi?

COMMISSIONER ALESI: Thank you. To repeat myself, I -- I don't have any questions, and my only comments center around the fact that this is very valuable information as we move forward. And thank you for your efforts.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky.

COMMISSIONER VALESKY: Thank you, Chair. Thank you, Marco. Certainly appears that should the order be approved, we'll be having many white papers to read over the next several months and -- and years, more homework for all of us. Right.

Well, so again, another order that has a lot in it. I think a lot of really positive and important recommendations to move forward. I just wanted to ask two questions if I could, Marco.

Well, one, I -- I don't think you referred to in your presentation; if you did, I apologize. But I -- I do know, and, and the chair mentioned some 60 organizations commenting, we certainly thank all -- all of them for -- for their time and their input.

You had attached a very helpful

appendix to the end of this order that kind of summarizes all of these comments. And I just want to a -- a -- address the first one and it relates to the 70 by 30 target.

It says 60 organizations urge the Commission to reject the Biennial Review's determination that the State will miss the 2030 target deadline. I -- I -- I, just -- just for clarity sake we are -- we are not rejecting the Biennial Reviews determination. Is that correct?

MR. DWYER: Yeah, the Biennial Review --.

COMMISSIONER VALESKY: Or Tom. Okay.

MR. DWYER: Yeah, I can take that one. The Biennial review --

COMMISSIONER VALESKY: Yeah, okay. Thanks.

MR. DWYER: -- reported on projected load, and where it forecasted essentially what we thought we could procure over the next several years in order to try to hit that 70 percent. This order here though, does not adopt any change to that 70 by 30 target.

There would be, have to be a specific

process, the C.L.C.P.A. permits, you know, the -- the Commission to do that under certain circumstances. But we we're not doing that here today.

I think at this point we have two more Biennial Reviews before the -- that 2030 target is you know, is hit. So, at this point we -- we are not adopting a change to -- to that target.

COMMISSIONER VALESKY: Okay, thank you for that. And the -- just a second question for Tom or Marco. The issue of uti -- utility-owned generation the order indicates, and you -- you did summarize this, Marco, that -- that -- that while the order does not rescind Commission policy on utility ownership of generation a -- assets.

The Commission seeks comment on the following questions to help better inform the Commission's assessment as to whether changes to that policy might serve the interest of ratepayers goes on to list, I don't know, seven or eight questions, I guess in order.

So, I, I'm just -- just -- just ask you to maybe expand upon that a bit in terms of the thinking behind that, and the -- the process by which these questions, or answers to these questions will

be submitted.

Is this something that is part of the next Biennial Review? Is this a separate effort? If you could kind of flesh that out a little more, I'd -- I'd appreciate that. Thanks.

MR. PADULA: Sure. So, I think the first part of the answer is, you know, you'll see and folks will see in the order, the detailed questions really intended to build the record in more depth on that particular issue.

And ultimately with the fact that we're kicking off an overall review of the procurement processes that the results or responses to those questions would be considered within that overall review, because that is one of the options to be considered under the overall procurement review. Does that help you?

COMMISSIONER VALESKY: Okay. Yes. Thank -- thank you. That's, that --- that does provide a bit of clarity. Thank you. Appreciate that. And I don't have any other questions.

Again, just to -- to thank, thank you and all of you. Tom, Marco, for your -- for your work on this item. And look forward to -- to reading

those many white papers in the future. Thanks.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore.

COMMISSIONER MAGGIORE: Thank you. Thank you for the presentation. The presentation and the order itself, are very clearly laid out. I don't have any questions. I had a few questions for, just for clarification that were answered prior to the session.

I do want to note that this is an interesting kind of order because it's responsive to a report that it was issued at a point in time last year. And in that respect, the modifications that we will be voting on today in -- in my view, make an awful lot of sense.

And I also think it's important for me to limit my comments to the four corners of this order and not to go beyond that. So I'm not going to say a whole lot more other than that, I support this measure and plan to vote yes.

CHAIR CHRISTIAN: Thank you. Commissioner Bright.

COMMISSIONER BRIGHT: Thank you, Tom and Marco, for your -- for your thoughtful and

thorough work. I have no questions. Just want to thank you for all the hard work in bringing this to us today. Thanks again.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan.

COMMISSIONER SHEEHAN: I'm recused on this item, so no questions, no comments.

CHAIR CHRISTIAN: Just to make sure, you're recusing on this item. Is that correct? Thank you. And Commissioner Valova.

COMMISSIONER VALOVA: Nothing further to add from my colleagues. Thank you so much for your hard work and I'm supportive of the recommendations.

CHAIR CHRISTIAN: Thank you. That said I will do a call for a vote. My vote is in favor of adopting the draft Clean Energy Standard Biennial Review as final and approving with modifications the recommendations made within the Biennial Review as discussed. Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: I vote yes.

CHAIR CHRISTIAN: Commissioner Valesky?

COMMISSIONER VALESKY: Yes.

CHAIR CHRISTIAN: Commissioner Maggiore?

COMMISSIONER MAGGIORE: Yes.

CHAIR CHRISTIAN: Commissioner Bright?

COMMISSIONER BRIGHT: Yes.

CHAIR CHRISTIAN: Commissioner Valova?

COMMISSIONER VALOVA: Yes.

CHAIR CHRISTIAN: Thank you. The item is approved and the recommendations are adopted. We'll now move to the consent agenda. Do any Commissioners wish to comment on or recuse from voting on any items on today's consent agenda, beginning with Commissioner Alesi?

COMMISSIONER ALESI: I do not.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky?

COMMISSIONER VALESKY: No comments or recusals.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore?

MR. MAGGIORE: I do want to comment on two items. Item 162 and Item 375. They're separate items but I'm going to attempt to ask them at the

same time. They're both orders that include a mission analysis, responsive to Section 72 of the C.L.C.P.A., which I think is appropriate and consistent with what the law is as I understand it.

In both cases, the analysis concludes that approval of these orders will result in fewer emissions then rejection of these orders. Regarding 375, the discussion includes responses to concerns raised by D.E.C.

I'm going to be voting yes on this item, and that is in part, based on the understanding that those concerns have been addressed and that D.P.S. and D.E.C. are now on the same page about this order.

I'm going to concur on 162. Because while the order concludes that approval will result in fewer emissions than a rejection of the order, I -- and I think is correct, I do -- I would feel more comfortable with a more in depth analysis on that point.

Also, I don't want my vote to inadvertently suggest any implications relevant to any unresolved issues about how we think about R.N.G., and R.N.G. product -- projects.

I'm reluctant to bring up this point for fear that doing so might suggest that the order does contain such implications, which to be clear, I don't think it does. But just for these two reasons, I'm going to concur on that item. That's it. Thank you.

CHAIR CHRISTIAN: Thank you. Commissioner Bright.

COMMISSIONER BRIGHT: Thank you, Chairman. No recusals. I just want to give some positive comments on Item 365. This is for approving NYSERDA's Tier four implementation plan, and just happy to see that.

And that the compliance process for Tier four RECS for New York City Zone J is moving forward. Thanks.

CHAIR CHRISTIAN: Thank you. Commissioner Sheehan.

COMMISSIONER SHEEHAN: I am recusing from Item 365, and I don't have any comments on any of the other consent agenda items.

CHAIR CHRISTIAN: Okay, thank you. Commissioner Valova.

COMMISSIONER VALOVA: No comments, no

recusals.

CHAIR CHRISTIAN: Okay. I will now conduct a call for vote. My vote is in favor of the recommendations on the consent agenda. Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: Yes on all items.

CHAIR CHRISTIAN: Thank you. Commissioner Valesky?

COMMISSIONER VALESKY: Yes, on all items.

CHAIR CHRISTIAN: Thank you. Commissioner Maggiore?

COMMISSIONER MAGGIORE: Yes, on all items except for 162, on which I'm going to concur.

CHAIR CHRISTIAN: Do me a favor. Could you say the number of the item you're concurring on again, just for the record?

COMMISSIONER MAGGIORE: Yes. It's Item Number 162, which is Case Number 24-G-0685.

CHAIR CHRISTIAN: Thank you. Commissioner Bright?

COMMISSIONER BRIGHT: Yes, on all items.

CHAIR CHRISTIAN: Thank you. And

Commissioner Sheehan?

COMMISSIONER SHEEHAN: Yes, on all items, with the exception of 365 from which I'm recusing.

CHAIR CHRISTIAN: Okay. Thank you all. The items are approved and the recommendations are -- oh, I'm sorry. I'm so sorry. Commissioner Valova.

COMMISSIONER VALOVA: Yes on all items. Thank you.

CHAIR CHRISTIAN: It's been a long day everyone. The items are approved and the recommendations are adopted. Madam Secretary, is there anything to come before us today?

SECRETARY PHILLIPS: There's nothing further.

CHAIR CHRISTIAN: Thank you. And with that, I adjourn. Thank you everyone.

(The meeting concluded at 12:55 p.m.)

5/15/2025 - Monthly Meeting

STATE OF NEW YORK

I, DANIELLE CHRISTIAN, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription, consisting of pages number 1 to 111, inclusive, is a true record prepared by Associated Reporters Int'l., Inc. from materials provided by me.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 19th day of May, 2025.

DANIELLE CHRISTIAN, Reporter

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