**4/16/2026 - NYS Public Service Commission**

**STATE OF NEW YORK**

**PUBLIC SERVICE COMMISSION**

**2026 COMMISSION SESSION**

**DATE:** **APRIL 16, 2026 at 10:33 a.m.**

**LOCATION:** **3 Empire State Plaza**
**19 floor Boardroom**
**Albany, New York 12223**

**COMMISSIONERS:**

**RORY M. CHRISTIAN, Chair**
**COMMISSIONER JAMES S. ALESI**
**COMMISSIONER DAVID J. VALESKY**
**COMMISSIONER JOHN B. MAGGIORE**
**COMMISSIONER UCHENNA S. BRIGHT**
**COMMISSIONER DENISE M. SHEEHAN**
**COMMISSIONER RADINA R. VALOVA**

**Reported by Winston Idada**

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(The hearing commenced at 10:33 a.m.)

CHAIR CHRISTIAN: Good morning. Oh. Thank you. I call this 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 very much. Before moving to the agenda, I would like to conduct a roll call of Commissioners. When I call your name, please confirm that you are present.

Commissioner James Alesi.

COMMISSIONER ALESI: Present.

CHAIR CHRISTIAN: Commissioner David Valesky.

COMMISSIONER VALESKY: Present.

CHAIR CHRISTIAN: Commissioner John Maggiore.

COMMISSIONER MAGGIORE: Present.

CHAIR CHRISTIAN: Commissioner Uchenna Bright.

COMMISSIONER BRIGHT: Present.

CHAIR CHRISTIAN: Commissioner Denise

Sheehan.

COMMISSIONER SHEEHAN: Present.

CHAIR CHRISTIAN: Commissioner Radina Valova.

COMMISSIONER VALOVA: Here.

CHAIR CHRISTIAN: Thank you. Before we turn to the regular agenda, do any Commissioners wish to recuse from voting on item 201?

Commissioner Alesi.

COMMISSIONER ALESI: I do not.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: I do not.

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: No.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova.

COMMISSIONER VALOVA: No.

CHAIR CHRISTIAN: Thank you. We now move to the regular agenda. Our first item for discussion, item 201, case 24-M-0516, as it relates to our consideration of the terms of a settlement agreement between the OIE Staff and nine affiliated ESCOs. It will be presented today by Alison Wrynn with Kathleen O'Riley and John Sipos available for questions.

Alison, please begin.

MS. WRYNN: Can you all hear me? Excellent. Okay.

UNIDENTIFIED SPEAKER: Is the green light on?

MS. WRYNN: The green light is on, yes. Okay. That's better. Good morning, Chair and Commissioners. My name is Alison Wrynn, and I'm a senior attorney with the Department's Office of Investigations and Enforcement. I'm joined today by Kathleen O'Riley from the Office of Consumer Services and John Sipos, the General Counsel.

Item 201 is a proposed order adopting the terms of a settlement agreement entered into between OIE Staff and nine affiliated ESCOs. The

agreement is contingent upon Commission adoption, and I'll be presenting a summary of its terms. By way of background, more than eighty ESCOs in New York State currently provide electric and natural gas supply to residential or mass market customers. ESCOs must meet certain compliance standards to maintain eligibility to continue to serve those customers.

The standards governing ESCO conduct are described in the Uniform Business Practices, or UBP, as well as in prior Commission orders. ESCOs that fail to meet these standards risk the imposition of consequences, including the potential revocation of eligibility. In 2023, Staff in the Department's Office of Consumer Services conducted a routine renewable energy audit and identified unusual data associated with several of the affiliated ESCOs. Following a thorough investigation by DPS Staff, the Commission issued an order to show cause on September 18th, 2025 against the nine affiliated ESCOs.

That omnibus order to show cause directed the ESCOs to respond to Staff allegations that the affiliated ESCOs collectively committed multiple violations of the UBP and certain Commission orders. These alleged violations included a failure

to transition a group of mass market customers, known as legacy customers, to compliant contracts after relevant portions of a 2019 order in case 15-M-0127 that quote/unquote "reset the ESCO market took effect".

Staff also alleged that certain affiliated ESCOs failed to de-enroll customers participating in low-income assistance programs at the end of existing agreements or their current billing periods, which Staff contended violated a 2016 order in case 12-M-0476, generally prohibiting ESCOs from serving low-income customers. After the Commission issued the omnibus order to show cause, Staff and the affiliated ESCOs engaged in settlement discussions. As a result of those discussions, Staff and the affiliated ESCOs have agreed to a settlement subject to Commission adoption, consisting of three primary parts.

First, the affiliated ESCOs would provide billing adjustments totaling $50 million to all current and former legacy customers that continued to be served on products that Staff contended expired when relevant portions of the reset order took effect on April 16th, 2021. The billing

adjustments would be distributed to legacy customers based on their overall energy usage from that date to the date of any Commission approval of the settlement agreement to the nearest one percent. Notices informing legacy customers of the settlement and accompanying billing adjustment checks would be sent to legacy customers no later than sixty days after the date of any Commission approval of the settlement agreement.

Second, one of the affiliated ESCOs Direct Energy Services, LLC, would offer a guaranteed savings product to all eligible current and former legacy customers residing in New York State. Subject to obtaining affirmative customer consent, the Guaranteed Savings product would provide impacted customers with a savings of fifteen percent for their energy supply, compared to the rate a customer would pay their local utility for their supply of electricity or natural gas for twelve months. This product offering has an estimated value of up to $21 million.

And third, to the extent not already completed, relevant affiliated ESCOs would provide payments to low-income customers for the period

during which those customers received ESCO service through one of the affiliated entities, totaling $919,396, and transition customers back to their local utility service. The settlement agreement further states that in response to Staff's allegations, the affiliated ESCOs voluntarily suspended certain marketing and enrollment activities, and altered language and disclosures on certain websites. The affiliated ESCOs have also committed to full compliance with the Commission's rules and regulations.

Finally, the settlement agreement allows Staff to track and evaluate the affiliated ESCOs' actions. The agreement requires the affiliated ESCOs to report to Staff regarding their administration of the billing adjustments. The settlement agreement also requires Direct Energy to engage an independent auditor at its own expense, to monitor the implementation and performance of the guaranteed savings product. Settlement agreements adopted by the Commission should be in the public interest and comport with policies and goals of the Commission and the state. An acceptable agreement should also be within the range of reasonable results

that would have likely arisen from a Commission decision in a litigated proceeding.

An agreement should balance the interests of consumers, shareholders, and public safety consistent with the applicable legal framework. Given the proposed outcome for impacted legacy customers here, Staff contends that the settlement agreement represents a fair outcome. Impacted customers will receive substantial billing adjustments, which is particularly significant considering ongoing energy affordability concerns. The proposed agreement would also provide most legacy customers with the option to save fifteen percent on their energy supply, compared to the default utility supply rate for the next year.

Finally, the settlement agreement ensures that the affiliated ESCOs will come into compliance with the UBP. Staff therefore, recommends that the Commission adopt the terms of the settlement agreement and we are available for any questions. Thank you.

CHAIR CHRISTIAN: Thank you. Appreciate the work that went into this to ensure that we're protecting ratepayers and providing them

with the services that they pay for and do so equitably. I really appreciate the work that went into this, both in identifying the problem and ultimately bringing us to settlement today. I think this is in the best interest of ratepayers. It is my sincere hope that this order sends a clear and very much unmistakable signal to every company granted the privilege of doing business in New York State.

Now, in holding them accountable, I think the provisions of this order address past harms and most importantly, puts measures in place to mitigate potential future harms and ensure all customers are fairly compensated. So with all those things in mind, I fully support this order. Again, thank you all for your work in both identifying the problem and addressing it through the settlement, and you have my full support. Thank you.

Commissioner Alesi.

COMMISSIONER ALESI: Thank you, Chairman. I only have a question regarding the growth of ESCOs in New York State. Historically, they haven't been around that long. But I'm just wondering, are they continuing to grow in numbers? Do we know at this point?

MR. SIPOS: So good morning, Commissioner. John Sipos here. I think ESCOs have been around approximately twenty-five years. And as Alison said, I think the current count is in the neighborhood of eighty.

COMMISSIONER ALESI: Yes.

MR. SIPOS: That number has, I think, decreased from a from an absolute number compared to say ten or more years ago. So there's been somewhat of a reduction in the last decade.

COMMISSIONER ALESI: Thank you. So the report clearly says eighty. But I'm just wondering, twenty-five years is -- well, in terms of my history, anyways, it's not that long ago. But I'm just wondering if there's a trend of them increasing and because we know we've had difficulties with them over the past. So that just satisfies my curiosity. Thank you. Good report all the way around.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Thank you, Chairman. Thank you, Alison and Kathleen and John for the good work. All the offices here at the Department it's important for T's to be crossed and

I's to be dotted, but certainly your office, the fact that you're doing investigations, I would say are at the top of the list. And it's certainly appears that you have crossed all your T's and dotted all your I's.

I just have a question and a comment if I could make. The question, actually -- I was going to ask it anyway, but it sort of dovetails on what Commissioner Alesi just raised. It has to do with ESCOs in general. But my question is, you noted in your presentation that the findings that you've brought forward to us today resulted from a routine renewable energy audit back in 2023. So my question is -- I think to myself, had that routine energy audit not taken place the alleged improprieties could certainly have continued until an audit was done.

So the question is how routine is routine? How often are our eighty some ESCOs in the state audited? And are they audited based on statute? Are they audited based in terms of frequency? Are they audited based on a statute, based on a Commission order, based on Department internal policy? I'm just trying to get a sense as to how the frequency of aggressiveness in making sure

ESCOs are doing what they are supposed to be doing? And behaving the way they're supposed to behaving, I should say.

MR. SIPOS: So thank you for the question. The Office of Consumer Services does engage in regular audits. That's part of their regular practice. One reason the audits are done is to ensure that the markets and the ESCO participation meshes or syncs with other programs that the Public Service Commission has enacted in recent years and to make sure that they are matching. And so when Kathleen started that audit in 2023 -- Kathleen's the one who initially saw this anomaly, I'll characterize it as, and as a result of that Office of Consumer Services and the Office of Investigations and Enforcement looked further.

That's just part of our regular follow-up when we see something like that. So we saw something, and we went further. It's not necessarily -- it's just the practice that exists, to the first part of your question, what is the framework? It's the regular compliance and cross-checking, if you will, that led to it here. And because of that -- because of what was found, the

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offices continued on and leading to the order to show cause from last September.

COMMISSIONER VALESKY: So would there be any indication as the results to take that one step further -- the results of this audit, which obviously are significant -- would there be any indication from your perspective to suggest that the Department should consider greater frequency in whatever the frequency of audits that are -- I'm just trying to get to the root of the issue here, which is anomalies or discrepancies apparently will not be discovered without an audit, which would lend me to believe that we need a robust audit schedule to make sure we're rooting out any anomalies.

MR. SIPOS: Well, I think we do have a robust --

COMMISSIONER VALESKY: Okay.

MR. SIPOS: -- audit approach.

COMMISSIONER VALESKY: That's what I'm hoping to hear.

MR. SIPOS: Okay. And one reason is, as I said, is to make sure, from an accounting perspective, that the funds are meshing in the context of our other programs like under the Clean

Energy Standard, things like that, ensuring that money is being provided to our affiliated state agency, NYSERDA, is part of their implementation of the CES order and things of that nature. So it is actually -- it's a regular process. The office does it to make sure things are netting out.

And I mean, the lesson I think -- another lesson here is not only the affordability, which is front of mind to all of us, but this is a significant resolution here. This is a significant case for the Office of Investigations and Enforcement and in the Office of Consumer Services. And it should serve as a message, as a deterrent, to other companies that New York is vigilant, that the Public Service Commission is vigilant and is expecting full and robust compliance with the Uniform Business Practices and other provisions that we have.

COMMISSIONER VALESKY: I agree 100 percent. Absolutely. And I certainly hope that it does send that message to all ESCOs in the state. So thank you. That was my question. I appreciate the response. My comment, and you sort of alluded to it near the end. I just wanted to make the comment -- Alison, you noted in your presentation, and it's

certainly -- there's nothing incorrect when you said impacted customers will receive substantial billing adjustments, which is particularly significant considering ongoing energy affordability concerns. Certainly true. There's no doubt about that.

The only word of caution I would share would be that this order, whether we have an energy affordability concern in this state or not, whether we are in the top handful of states in terms of energy cost, or whether we were in the bottom handful of energy costs across the nation, if Staff alleges improprieties or violations, that has to stand on its own, right? So I don't want the message going forth that somehow this Commission, that because we are in an affordability crisis, we are somehow being more aggressive than we would otherwise be, or we are taking actions that we otherwise perhaps would not take if we didn't have an affordability concern, right? Do you see what I'm saying? This stands on its own.

And the affordability is, I think, a byproduct of your work, a positive byproduct of your work, but by no means was the reason why the work was done. And I just -- I'm not asking that as a

question. It's just a comment to make sure that we as a Commission -- the mission of the office is to do exactly what you've done in this order, which is to identify through an audit when there are improprieties and alleged violations. And you all bring appropriate enforcement actions to us for consideration, regardless of the cost of electric and gas in the state, okay? Yeah.

MR. SIPOS: So just to round that out, that is the focus of the Office of Investigations and Enforcement. The office is being stood up in recent years. I think it is focused on ensuring compliance. It's focused on ensuring accountability. And it's focused on ensuring protection of our consumers here in the State of New York.

COMMISSIONER VALESKY: Thank you. That is job one and always needs to be certainly, of your office. Thank you, both, very much. I appreciate your diligence in allowing me to ask some questions. And thanks again for the good work. I'll be supporting the order. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: Thank you.

Thank you for the presentation and thank you for the good work. I actually don't have any questions, but I will support this item. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: Thank you, Alison and team for the presentation. I also don't have any questions. I'd only echo the Chair in saying it's so important to hold ESCOs and others accountable. And all the offices coming together, OCS as well as Investigations and Enforcement and of course, general counsel to bring this before the Commission is extremely important, and I greatly appreciate it and the outcome. Thank you so much.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Thank you, Chair. Thank you for the presentation, Alison. Good job. As you've heard, one of the most important things we do as a Commission and as a Department is protect consumers. And I think what this settlement reflects is that priority. I really want to thank the Staff, the OCS Staff, and particularly you, Kathleen, for your diligence. If not for your hard

work and your expert review we wouldn't be here. So I really want to thank you. And for everyone else in this Department who works hard every day and doesn't think they get noticed, this is the kind of thing that because you caught this issue we are here today. So kudos to you and to everyone in your office who does this kind of work.

I do want to also thank OIE for their work because also, again, you got us to a very strong, fair settlement here. And I think it's a reflection of your work as well. I do have a couple questions. I don't think we've covered -- do we know how many consumers are actually affected through the settlement or who might have been -- do we have an estimate of the number of customers?

MS. WRYNN: Yes. I don't remember the exact number off the top of my head, but it is in the multiple, multiple thousands.

COMMISSIONER SHEEHAN: Okay.

MS. WRYNN: Yes.

COMMISSIONER SHEEHAN: Yeah. I was trying to get a sense of scope.

MS. WRYNN: It is a large, large customer base that --

COMMISSIONER SHEEHAN: Yep.

MS. WRYNN: -- these nine affiliated ESCOs affect.

COMMISSIONER SHEEHAN: Okay. I apologize, I didn't ask that before, but it hit me while we were talking. Like, I don't even know how many people. Because what I -- because the important part of this is that one of the things that's specifically called out is that those impacted consumers will be receiving payments within sixty days. And I think that's really critical. It's timely.

And one of the things I think it's important for us to message and be part of the messaging is making sure those customers know that they can be expecting a check and that it's not some -- it's a real check. It's a reflection of this settlement and that they should take it and cash it. And that it's not, like, a fake check or something that's void or that will have any strings attached. So it's important that I think that we're involved in that messaging, and I think we are. Is that right, Alison?

MS. WRYNN: Yes, that's correct. So

there'll be a notice going out as part of the settlement agreement, an appendix as part of the agreement that specifically outlines what that message will state. It will explain what occurred here today. It will explain the billing adjustment that the customer will receive and then provide the opportunity for that customer to enroll in the guaranteed savings product, should they choose to do so.

If customers can't be tracked down after a certain amount of time and the void date expires, then there will be another round of attempting to reach customers who may have relocated. So at least within the New York market as it only impacts those customers. So yes, there are measures in place to ensure that consumers can be tracked down and located and ideally cash those checks when they're provided.

COMMISSIONER SHEEHAN: Okay. Great. And I know that the ESCOs are required to report on their compliance pursuant to this settlement agreement, and I hope and expect that they will. If they don't, however, or if they fall short in that regard, what are our -- what's our recourse?

MR. SIPOS: Well, I'm going to be an optimist and --

COMMISSIONER SHEEHAN: You'll note, I started with I hope and expect that they will.

MR. SIPOS: I'm going to be an optimist and say that we expect, based on our negotiations, that they will comply. As with any Commission order, if a company does not comply with it there remains the opportunity for further remedial action by the Office of Investigations and Enforcement. And when I'm saying that that's just a general generic principle. It's not specific to this case.

COMMISSIONER SHEEHAN: Yeah. Understood. Okay. I think that's those are the only questions I had left. Again, I thank you all very much for your hard work and great job. I'll be supporting the order.

CHAIR CHRISTIAN: Thank you.

And Commissioner Valova.

COMMISSIONER VALOVA: Thank you. I echo everyone's thanks for your great work and careful attention to detail and surfacing the irregularities that you found. And I'm also very

appreciative of the requirement to have an independent auditor to ensure that the guaranteed savings product is appropriately implemented. Can you speak briefly why the settlement, if you can, why it opts for an independent auditor versus, like, for example, having Staff perform the auditing function? What is the benefit?

MS. WRYNN: So there will be an independent auditor just to ensure that the numbers are all matching correctly. But there will also be reporting to Staff about the implementation of the guaranteed savings product. So to the extent that Staff identifies anything that seems a little bit off as it's being implemented, we can always look into it at that time. But the independent auditor will ensure that all the numbers match at the end of the day.

COMMISSIONER VALOVA: That's great to hear. Thank you. And like I said, I think it's great to have that additional check to make sure that everything is functioning correctly. And the last thing I'll say generally is that competition is meant to be good for consumers, but you can't have competition if you don't have actually competitive

products that are not accurately reflecting market prices and protecting customers.

So I echo what has already been said that I think this order sends a very important message to the ESCO markets. I think we want customers to have a choice in how they procure their energy, but we want to make sure that they do it in a way that they are protected. Thank you very much. I will be supporting this order.

CHAIR CHRISTIAN: Thank you. Thank you, everyone. I'll now conduct a call for a vote. My vote is in favor of the recommendations outlined in the draft as discussed.

Commissioner Alesi, how do you vote?

COMMISSIONER ALESI: Yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Yes.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: Yes.

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. Thank you, everyone. And Alison, for a first time, this was a pretty big one. So great job. Thank you.

And with that we will now move on to our second item. One moment. Item 301, cases 14-E-0423, addressing the utilities Dynamic Load Management, or DLM, annual reports and proposed program modifications. That will be presented today by Matt Brown with Marco Padula, Stephanie McDermott, and Kate Overacker available for questions.

Matt, please begin.

MR. BROWN: Good morning, Chair Christian, Commissioners. My name is Matt Brown, and I'm a deputy director with the Office of Markets and Innovation. Item 301 is a draft order addressing utilities Dynamic Load Management, or DLM, annual reports. The draft order also includes Commission

4/16/2026 - NYS Public Service Commission approval of proposed program modifications. And lastly, the draft order includes several actions to clarify program definitions and streamline reporting requirements.

In summary, the draft order approves Con Edison's Bring Your Own Battery, or BYOB, expansion, approves National Grid's transition to net load forecasting, reactivation of the Distribution Load Relief Program, and tariff updates reflecting NYISO program retirements. The draft order also initiates a review of the long-term viability of the term and auto DLM programs, rescinds legacy monthly demand response reporting requirements established in 2002, and clarifies the use of the term Dynamic Load Management Programs. Details on the proposed utility modifications and recommendations include the following.

For Con Edison. Con Edison proposed to expand its Direct Load Control, or DLC, program to include a Bring Your Own Battery or BYOB offering. This is in response to the Commission's 2025 DLM order directing the utility to develop a residential energy storage participation pathway. The proposal enables eligible residential storage systems to

provide load relief through performance-based incentives.

Advanced Energy United and ACE New York submitted comments in support of the expansion of the DLC programs to include energy storage as a means to enhance DER aggregation and peak load reduction. The draft order approves Con Edison's BYOB proposal as a measured expansion of demand response capabilities, leveraging distributed energy storage, and brings Con Edison into alignment with National Grid, NYSEG, O&R, and RG&E, each of which already have BYOB programs.

For National Grid, National Grid proposed transitioning from gross to net load forecasting due to increasing DER penetration, widening the gap between system load measures. Advanced Energy United and ACE New York jointly submitted comments in support of this transition as better reflecting system conditions and reducing unnecessary dispatch, and recommended that each of the other utilities be directed to implement similar net load forecasting methodologies for calling events.

The draft order approves National

Grid's transition to net load forecasting, finding that it will reduce unnecessary event dispatches while maintaining reliability outcomes. The draft order does not direct other utilities to change their forecasting methodologies. However, the utilities are directed to begin assessing and reporting on the effectiveness of their forecasting and event calling methodologies. National Grid proposed reactivating the Distribution Load Relief program, or DLRP, in the New Krumkill area to address localized reliability constraints driven by forecasted load growth.

The program is intended to provide near-term load relief, while longer term infrastructure and nonwire solutions are developed. The draft order approves National Grid's proposed modifications as reasonable operational improvements that enhance program efficiency and alignment with current system conditions. National Grid also proposed tariff revisions to reflect the New York Independent System Operator, or NYISO retirement of legacy programs, including the Day-Ahead Demand Response Program, or DADRP, and Demand Side Ancillary Services Program or DSASP, including removal of obsolete tariff provisions.

The draft order approves the tariff updates as administrative cleanup and housekeeping necessary to reflect NYISO market changes. The draft order also addresses term and auto DLM programs. The term and auto DLM programs were established to support energy storage development and expand longer term demand response opportunities. However, participation to date has been limited and uneven across utilities. Utility DLM annual reports indicated little to no enrollment or successful procurements in several service territories, and limited evidence of new participant growth.

The draft order requires utilities to conduct further evaluation of the utilities' term and auto DLM programs due to this limited and uneven participation. Additional reporting will provide the Commission with sufficient information to assess whether modifications or discontinuation may be warranted in a future proceeding. The draft order includes a rescission of monthly demand response reporting. Con Edison, National Grid, and O&R filed a petition to rescind legacy monthly demand response reporting requirements, predominantly tracking participation in NYISA programs, which was

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established in 2002 when these programs were in earlier stages of development. The draft order approves the petition to rescind legacy monthly DER reporting requirements, as annual reporting already provides sufficient oversight.

And finally, the draft order includes a clarification of DLM programs. Advanced Energy United filed a request for clarification to address ambiguity prior Commission orders regarding the meaning of utility DLM program. They noted that the term has been used inconsistently, both as an umbrella for all demand response programs and more narrowly for term and auto DLM, creating uncertainty for program participation, particularly for residential energy storage incentives. The draft order clarifies that DLM programs is an umbrella term encompassing all Commission-approved demand response programs, including the CSRP, DLRP, term and auto DLM programs, as well as the residential focused DLC program.

This resolves stakeholder confusion and ensures consistent interpretation across proceedings. This concludes my presentation and I, along with Marco Padula, Stephanie McDermott, and

Kate Overacker, are ready to respond to any questions. Thank you.

CHAIR CHRISTIAN: Thank you, Matt, for the presentation. I always like this time of year when we do these orders, in part because it's a reminder and an opportunity to consider where we've been and where we're going. The grid, as we've all known it, has been built around a centralized approach. Big power plants, lots of smaller customers. And there's certain infrastructure that works well under that scenario. But we know the direction we're going in -- in a direction towards a more bidirectional system, a system that offers individuals, such as everyone in this room, an opportunity to participate in both the use of energy and the production of energy in ways not originally conceived when we were originally putting the system together.

And that requires flexibility. That requires what we're talking about today. And I see this as an excellent opportunity to really highlight how customers can play an active role in helping to maintain the system itself, both by lowering costs for the overall system and for themselves, and

creating opportunities for them to be more engaged in the day-to-day of what happens and be a true participant, understanding the costs and the impacts.

I see you mentioned it's going to strengthen reliability and support affordability and promote innovation. And I agree. And I want to emphasize the importance of scale, because, though at individual levels our individual contributions may be small, the real value is realized when we can aggregate and coordinate our collective actions towards something bigger. And that is the promise I see here today. And I'm looking forward to seeing the next years' review of these reports. So thank you again for putting this together and presenting it to the Commission. You have my support on this item.

Commissioner Alesi.

COMMISSIONER ALESI: Thank you, Chairman. I don't have any questions. I'll be looking forward to things in the future as we continue, as the Chairman has just said, to pursue different ways to move into the future with intelligent energy. And so I'll be supporting it, but no questions. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Valesky.

COMMISSIONER VALESKY: Thank you, Chair. No questions or comments from me. Just thank you for the presentation and the work in bringing this order for us. And I'll be supporting the item. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Maggiore.

COMMISSIONER MAGGIORE: I also don't have any questions or comments other than to thank you for the presentation and your hard work on this. I will be supporting this item.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: Thank you. I do have a couple of questions. But I think also thank you, Matt. I think this might be your first time. Well, well done. And thank you, team, for all your hard work on this. So I do have a couple of questions. First, on the auto DLM programs. So have you seen any specific insights or like, is there strategies from Con Ed's successes on their auto DLM program or even advice from stakeholders?

Because I know this gets presented to

stakeholders in webinars and they have conversations with the utilities and Staff on these programs. But any sort of insights that can help us to leverage Con Ed's success through other utilities, anything that can be helpful for other utilities as they work on their auto DLM programs?

MS. OVERACKER: Sorry. I know my voice is distracting, so I'll try to answer that to the best -- so participation in Con Edison and National Grid are largely bigger because the economics are better. They have higher avoided costs which make those markets more attractive to the aggregators. And at the same time, term and auto DLM are more complex with multi-year contracts and procurement processes, which makes them harder to scale compared to the more flexible CSRP.

So these programs have been significantly expanded. The resource base term DLM is particularly mostly shifted CSRP (audio interference) growth from CSRP participants rather than bringing in new ones, while auto has seen some success. So yeah, I don't know if that answers your question.

COMMISSIONER BRIGHT: So sort of the

characteristics of the specific territory make it a little bit more challenging?

MS. OVERACKER: Right. Yes.

COMMISSIONER BRIGHT: Yeah. Yeah. So that does answer my question on the auto DLM and term DLM really programs. And then also, on the gross versus net. So do we think that there are any sort of metrics or criteria or outcomes from National Grid's work that we might use to evaluate whether other utilities should transition from gross to net for future periods?

MS. OVERACKER: For forecasting?

COMMISSIONER BRIGHT: Yeah.

MS. OVERACKER: It's a highly detailed process that the utilities have more immediate data to address. I will say that all the utilities, other than NYSEG and RG&E, use net load forecasting. So for that type of modification to the program, we would leave that in the utilities' hands. But we do review their progress each year and address what we can. We tweak the event date triggers, things that we can lessen the amount of events called so as not to exhaust participants, but we are interested in having the utilities monitor this and report to us

annually so we have a better idea of really what's going on behind the scenes.

COMMISSIONER BRIGHT: Yeah. Because event fatigue can be very real.

MS. OVERACKER: Yes.

COMMISSIONER BRIGHT: Yeah.

MS. OVERACKER: Exactly.

COMMISSIONER BRIGHT: Especially with the large number of events.

MS. OVERACKER: Yes. Yeah.

COMMISSIONER BRIGHT: Well, that does answer all my questions. I just really have comments that very much sort of echo the Chair's comments. I feel like I'm echoing the Chair very much today, but I just -- demand response and ultimately, sort of dynamic management is so key to achieving the affordable future that we would like to see on our system. And it is about consumers and customers being dynamic partners in this endeavor. And if we can get the load shifting and shaping programs right, we can achieve not only not just wiggle room but a true rethinking of how the system works, how it works for consumers, and how the system functions to produce a healthy, reliable, and cost-effective grid.

And a smart grid full of active and willing participants who know how to take power into their own hands using smart systems and distributed resources like solar and crucially, energy storage, as well EVs as grid assets and aggregating thousands of those assets, homes, and businesses into dispatchable resources, as the Chair mentioned. So getting to that point is us catching up with the age of technology for the benefit of ratepayers. And this idea of dynamic loads, grid DERMS, edge DERMS. These are not ideas of tomorrow. They are ideas of today, and our demand response programs are a huge part of that.

So thank you, guys. Thank you to everybody for continuing to manage and refine these important and foundational programs that support ratepayers and the dynamic functioning of the grid. So thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Thank you, Chair. Thanks, Matt. Great presentation. As Commissioner Bright just elaborated, dynamic load management programs, I do see as an important tool

for us to manage peak load, to provide symptom relief, and to provide benefits to customers. So I think that will become even more important as our margins get tighter. So I do support these changes. I think they're a step in the right direction. I support the order. But I did want to ask -- there's sort of -- we didn't get into it a lot in the order.

And so I was hoping you guys could just elaborate a little bit on what we're hoping to see. We talk about wanting a review and an evaluation of the programs. And I wanted to hear from you what you're envisioning with respect to that. And I do have some suggestions that, for example, I want to make sure we're including stakeholders in that review and getting their input, not just what the utility's experience has been, but to get the input from the stakeholders and providers who can provide solutions. And maybe they also can provide some insight into why there hasn't been as much participation.

The other thing that I wanted to just raise, and this is part of what I want you guys talk about a little bit, is the intersection of these programs with the other things we're doing in this

realm, right? So this isn't the only place we're dealing with system relief and peak load shaving. It's like we have a lot of different proceedings going on. But like, on the holistic sense we have DSIPs the utilities are doing us. We have the Grid of the Future. So it's where does this fit into that? And how do we -- how do we make sure we're leveraging these programs in that bigger picture is really what I'm getting at?

So I know it's a big sort of open-ended thing, but I would love to just hear you talk about what you're envisioning with respect to this review going forward. So I'm looking at you, Matt or Marco or Kate.

MR. PADULA: I can start.

COMMISSIONER SHEEHAN: Okay.

MR. PADULA: I've been involved in the DLM program for years, right? And to just to give you a little history, like, in the late 1990s, that's when we really started looking at the peakiness of the system.

COMMISSIONER SHEEHAN: Right.

MR. PADULA: Right. If you look at the load curve, it's very peaky. And there's just --

there has to be value to reducing that peak. So we started with, as you're probably well aware, demand response programs at the ISO. And those are pretty straightforward, right? You get capacity value. Then we recognized can we get value for avoided distribution costs? So that's when we embarked on all of the dynamic load management programs. Those are really focused on distribution value, right? We don't pay for ICAP value at the distribution level. We leave that to the ISO wholesale market programs.

So dynamic load management programs really focused on distribution value. Year after year, we try to revise rules. We try to revise outreach and education, those types of things, to try to increase the amount of megawatts that are enrolled and also get the performance of those megawatts. It's one thing to say that we have 500 megawatts signed up and getting payments to be sitting there. But then when we call you for events, we expect you to perform. So you see throughout the order what the performance of the program has been. We expect that performance to increase over time. So we do have annual filings, as you're well aware. This is in response to that annual filing. And every year that

there's an annual filing, Kate holds a stakeholder webinar. We get input from stakeholders.

So there has been that annual engagement with the stakeholder groups, and also utilities are always thinking about what do I need to change for the next summer capability period? Now, layer on top of that, the Grid of the Future proceeding, right? That's where we're really thinking hard. How can we take these programs that we've been working on for the last ten years and really scale them, like the Chair has alluded to? Because when we can scale, that's when we can get the utilities to really rely upon them in their daily operations and reliability. So Grid of the Future, I'd say, is one of the primary places that you're going to see more push on what programs what -- as you know, the first report that came out in Grid of the Future really looked at what is the capability that we believe is out there from a utility-to-utility and program-to-program.

Now, it's going to take the next step to say, what are the -- what do we need to do to enable that to happen in each of the utilities? That's going to be, like, a big next step in the Grid

of the Future proceeding. So I hope that kind of helps. Does that kind of address your --

COMMISSIONER SHEEHAN: It does. It does. And I think it's the sort of -- the challenge I think we have is that there's this -- the Grid of the Future is the promise, right, that we're going to get there and it's all going to come together. And in the meantime, we're still kind of grinding it out with these individual programs. And it's this is what we have today. So it's how do we take advantage of what we have today? What changes should we be making if we can be making them sooner rather than later?

The thing that jumps out at me is just the National Grid using it at Normanskill. Like them deciding that we're going to expand to that. And it just makes me think about all the other utilities and rate cases and where we're -- some of them look to these programs where others don't. And it's just trying to understand. It feels like missed opportunities. But without having any data to back that up, it just sometimes feels like we aren't necessarily always connecting the dots because we're working on several fronts at the same time, which I

completely understand.

So I guess I'm hopeful that the review -- this next annual review, we move at least incrementally closer to getting to that stage where we're really leveraging the opportunity.

MR. PADULA: Kate wants to add. Go ahead.

MS. OVERACKER: I just wanted to point out one of the -- a big value of these annual reviews. National Grid -- in the past when we first started auto and term DLM and DLRP and CSRP they did have the DLRP program running in the New Krumkill area. And after the first couple seasons, with no participation and no cost effectiveness whatsoever, we turned that in their tariff into a placeholder to be continued to look at, so that at a future time they'd be able to bring it back on board.

COMMISSIONER SHEEHAN: Yeah. I said, Normanskill. I don't know why. Krumkill, Normanskill.

MS. OVERACKER: I didn't even notice.

COMMISSIONER SHEEHAN: No. I appreciate the correction, too. But no, it was just something that jumped out at me because it -- when

you have the specifics, right, it helps to bring focus to opportunity. And then I just think about all these other the rate cases that we're in or the DSIPs where there may be congestion or there's an issue on the distribution system. And it makes me think, are we using these programs strategically enough and in enough places?

So I've now shared all the thoughts I've had on this whole thing. But I will just say I do look forward to the continuing work on the Grid of the Future. In the near term, I also look forward to seeing what we come up with in terms of how we can improve these programs and continue to leverage them. So with all that, I do appreciate the work, and I will support this order. And I know that this is a big challenge. And I know -- and I appreciate everybody taking this on regularly. So thanks, though. Marco, I appreciated your description of the perspective and where we're going. Thank you.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova.

COMMISSIONER VALOVA: Thank you. I think great work, everyone. And I'm also appreciative of stakeholders who filed comments in

this case. I am very interested to see what the outcome will be of the data -- the utilities other than National Grid will be regarding net load forecasting. Can you speak a little bit about why it's advisable or what is the benefit of having them gather data first before considering the adoption of net load forecasting the way that National Grid is adopting it now?

MS. OVERACKER: Most of the other utilities already use net load forecasting. So the one holdout right now is NYSEG and RG&E. What we want to make sure is that going forward they're reviewing their methodologies -- we know what their methodologies are -- for determining why net load is better should they switch to gross load or why wouldn't they? So right now, we just want to see their background, their methods.

COMMISSIONER VALOVA: Thank you. And I also echo what my colleagues have already said about the importance of customers contributing to the clean energy transition and to increasing the efficiency with which we serve customers. It's not just about adding a new generation. It's about using existing grid infrastructure as efficiently as

possible. And I will be supporting this item. Thank you.

CHAIR CHRISTIAN: Thank you. With that, I'll do a call for vote. My vote is in favor of the recommendations contained in the draft order, as we've discussed.

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: Yes.

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. Thank you. All right. We will now move to the consent agenda. Do any Commissioners wish to comment on or recuse from voting on any items on the consent agenda?

I'll begin 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.

COMMISSIONER MAGGIORE: No comments. No recusals.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: No comments or recusals.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: No comments, and no recusals. It's my two-year anniversary.

CHAIR CHRISTIAN: Commissioner Valova.

COMMISSIONER VALOVA: No comments or recusals.

CHAIR CHRISTIAN: That never happens. All right. Thank you, everyone. 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.

CHAIR CHRISTIAN: Thank you.

Commissioner Bright.

COMMISSIONER BRIGHT: Yes, on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Sheehan.

COMMISSIONER SHEEHAN: Yes, on all items.

CHAIR CHRISTIAN: Thank you.

Commissioner Valova.

COMMISSIONER VALOVA: Yes, on all items.

CHAIR CHRISTIAN: All right. Thank you, everyone. The items are approved and the recommendations are adopted.

Madam Secretary, is there anything further to come before us today?

SECRETARY PHILLIPS: There's nothing further today.

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

(The hearing concluded at 11:29 a.m.)

4/16/2026 - NYS Public Service Commission

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