

Public Service Commission Meeting - 11-16-2017

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, November 16, 2017
2:00 p.m.
Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

COMMISSIONERS:

JOHN RHODES, Chair
GREGG C. SAYRE
DIANE X. BURMAN
JAMES ALESI

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2 CHAIRMAN RHODES: Good afternoon.

3 It's time and I'd like to call this session of
4 the Public Service Commission to order.

5 Secretary Burgess, are there any changes to the
6 final agenda?

7 MS. BURGESS: Good afternoon, Chair and
8 Commissioners.

9 There are no changes to the final agenda.

10 CHAIRMAN RHODES: Thank you.

11 With that, let's move to the first item for
12 discussion, which is Item 101, Case 17-G-0432 which is the
13 petition of NYSEG for authorization to construct a natural gas
14 compressor pilot project in Tompkins County, presented by Mike
15 Rieder, Chief of Gas and Water Rates. Cindy McCarran, Deputy
16 Director of Gas and Water, is available for -- for questions.

17 Mike, please begin.

18 MR. RIEDER: Good afternoon, Chair Rhodes,
19 Deputy Commissioners. Item 101 addresses a petition filed by
20 New York State Electric and Gas, seeking Commission
21 authorization for proposed natural gas compressor pilot
22 project in Tompkins County, New York. The draft order before
23 you authorizes NYSEG to proceed with the pilot compressor
24 project and to include the associated incurred capital costs
25 in its rate base.

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2 However, the company's request to defer the
3 incremental O&M cost associated with the pilot compressor
4 project is denied because the expense forecasted to be
5 incurred during the company's rate plan, will be immaterial.

6 In addition, by this order, NYSEG would be
7 directed to issue a non-pipes alternative request for
8 proposal, within thirty days to address the pending-gas
9 demands in the Tompkins County area.

10 By way of background, NYSEG has experienced
11 significant growth in natural-gas load in its Ithaca division
12 in recent years. While the company has reinforced the system
13 over the years, such work has reached some limitations and
14 during peak-day Commission -- conditions, the north end of the
15 distribution system serving the vicinity of Ithaca, primarily
16 in the Town of Lansing, loses its -- loses its ability to
17 maintain minimum acceptable pressures. Continued pressure
18 drops can create safety and reliability issues, which may
19 require curtailment of some firm natural gas customers.

20 To mitigate the system-pressure issues and
21 ensure safe and reliable service to its customers, in February
22 2015, NYSEG issued a moratorium, indicating that the company
23 would be unable to accept any new applications for gas service
24 in this area. Demand for new gas service has continued to
25 grow and the low-pressure level issues on the existing system

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2 have continued since that time.

3 In 2016, NYSEG was authorized to proceed with
4 the construction of a new eighteen point six million dollar,
5 seven point four mile gas supply project, known as the
6 Lansing-Freeville Reinforcement Pipeline -- Reinforcement
7 Pipeline, to address the need for additional gas supply and
8 pressure reinforcement, in the Town of Lansing. After
9 numerous discussions over the past year, with various
10 stakeholders in the affected area and Commission staff, NYSEG
11 proposed the pilot compressor project and RFP process, to
12 address the safety and reliability issues associated with the
13 low pressure in the system and the increased demand of natural
14 gas in the Lansing area.

15 A number of Tompkins County representatives
16 have -- have expressed a strong desire to see non-pipes
17 alternatives to the pipeline project to help meet Tompkins
18 County's greenhouse-gas emission-reduction goals.

19 Under the proposal, NYSEG will install four
20 electrically powered compressors, placed strategically within
21 its gas-distribution system, to boost system pressures in
22 stages, during peak-demand times. This is a unique approach
23 to address the issue of gas-distribution system pressure
24 drops, one which has not been previously tested in New York
25 State. The company intends to have the project up and running

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2 in time for the 2018/2019 winter-heating season.

3 Completion of the pilot compressor project
4 alone, will not eliminate the need for the moratorium on new
5 gas connections currently placed in certain areas of Tompkins
6 County, at is it -- as it is designed only to address current
7 low-pressure issues on the system. To address the moratorium,
8 NYSEG will begin exploring proposals, to address not only the
9 current pressure reliability issues, but also to address the
10 pending demands for the provision of gas service in the area
11 for both existing, as well as for new customers.

12 Numerous residents of Tompkins County, as well
13 as public officials submitted comments in this proceeding,
14 expressing support for NYSEG's proposed pilot-compressor
15 project in opposition to -- to traditional pipe solutions.
16 The comments emphasized the need to curtail the reliance on
17 fossil fuels and not invest in new infrastructure shut --
18 infrastructure, such as the pipeline, that could become a
19 stranded asset, but rather invest in energy efficiency and
20 alternative-heating sources, such as air or ground source-heat
21 pumps. Representatives from the Sierra Club, Environmental
22 Defense Fund, and Tompkins County Area Development, also filed
23 comments supporting the proposed pilot-compressor project.
24 While most of the comments received were in support of the
25 proposed compressor-con -- pilot project, the Lansing Town

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2 Supervisor criticized the proposal for failing to address the
3 unsatisfied gas demand of current and new customers and the
4 moratorium on new gas connections in the village and town of
5 Lansing. The Town Supervisor reiterated his strong support
6 for the pipeline project because Lansing has significant pent-
7 up demand for development and housing and the proposed pilot-
8 compressor project will not address the area's gas demand and
9 future needs.

10 Multiple Intervenors filed comments expressing
11 general support for the company's petition for this particular
12 non-pipe solution, but stated that it was concerned regarding
13 the lack of a benefit-cost analysis in the filing. MI argues
14 that non-pipes alternative should only be pursued if a
15 benefit-cost analysis shows demonstrable benefits to customers
16 and asks that such an analysis be performed for the non-pipes
17 alternatives provided, in response to the RFP proposed by
18 NYSEG.

19 We believe that it is sensible for the company
20 to test, in this pilot, whether such compression equipment can
21 be used to address pressure drops within a gas-distribution
22 system and whether such compression equipment will be
23 supported by customers and stakeholders. This pilot project
24 is a novel way of addressing pressure issues, without spending
25 the significant capital investment, that the pipeline project

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2 would entail.

3 To address the concerns of the Lansing Town
4 Supervisor, the company will be required to issue a non-pipe
5 alternative RFP, to seek proposals to address not only the
6 current pressure and reliability issues, but also to address
7 the pending demands for the provision of gas service in the
8 area, for both existing, as well as new customers.

9 To address the comments of MI regarding the
10 benefit-cost analysis for the non-pipe solutions that may be
11 proposed in the RFP, NYSEG is directed to perform such an
12 analysis for each proposal, including those that are rejected,
13 if any.

14 Thank you.

15 Cindy and I will be happy to answer any
16 questions you may have.

17 CHAIRMAN RHODES: Thank you, Mike.

18 The item today, I think finds itself in support
19 of the views of the local community that's keen to protect the
20 environment and reduce the community's greenhouse gas
21 emissions and also of the state's well-established
22 environmental and economic goals. I think this innovative
23 pilot project, to boost the gas distribution system's ability
24 to maintain reliable supply without the need to build new gas
25 pipe -- gas pipeline, can be an environmental and economic

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2 model and I'm fond -- very supportive.

3 Are there any comments or questions from my
4 fellow Commissioners? Commissioner Sayre?

5 COMMISSIONER SAYRE: I'm voting in favor as
6 well, but this decision did require some soul searching on my
7 part.

8 The compressor stations should resolve the
9 problem of -- of low pressure in the existing service area,
10 but as Mike said, it won't bring -- these stations won't bring
11 gas to areas in Lansing, where some people are asking for it.
12 A pipeline would have solved both problems, but there are
13 problems associated with the pipeline-siting, not the least of
14 which is strong local opposition.

15 This case is really an example of how it's a
16 good idea for people to get involved in our proceedings. It
17 appears from the comments and the input that we've received,
18 that the people in the area in question, mostly prefer the
19 compressors over the pipeline. So, now that we know how the
20 local affected people view the issues, that was a very
21 substantial factor in my decision to approve the petition.

22 CHAIRMAN RHODES: Thank you.

23 Commissioner Burman?

24 COMMISSIONER BURMAN: Here, it does address an
25 emerging reliability concern.

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2 One of the things that I do think that the
3 order fails in, in that the order when it talks about Tompkins
4 County area development, it states that Tompkins County is
5 supportive of the natural-gas compressor pilot project, which
6 I do think it is supportive, but it's supportive with
7 conditions and caveats and I think that the order could have
8 been more specific on the details of what the caveats were and
9 it listed out that their concerns -- more specifically. In
10 particular, in their concerns with the fact that some
11 businesses were resorting to the use of propane as an
12 alternative to natural gas because of the moratorium, to the
13 extent that there was a length of time in completing the
14 project and also being concerned about the reasonable and
15 economical non-gas pipeline solution not being identified and
16 needing to hurry up and address the issues.

17 I also do think that the order does not fully,
18 accurately depict the Multiple Intervenors comments. While
19 the Multiple Intervenors focused on the benefit-cost analysis,
20 it actually went into a four-point analysis on the non-pipes
21 alternative and I think the -- looking at the Multiple
22 Intervenors analysis is really one that we might need to take
23 a more holistic approach to.

24 In this case, the four-point analysis that the
25 Multiple Intervenors looked at, met all four criteria, but I

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2 think the Multiple Intervenors analysis is saying non-pipes
3 alternative needs to pass some threshold benefit-cost analysis
4 economic tests and it's not enough that for each and every
5 case, we go to non-pipes alternative as a go-to situation.
6 That in fact, it is something that should be looked at
7 carefully, but it may not be a be-all and end-all and we need
8 to be very focused on where -- when it is appropriate and have
9 some real clear guidelines and guideposts for what that is.

10 In this case, the four conditions that Multiple
11 Intervenors suggested and that met the case, were that the
12 project -- one, that the project would address low pressures
13 in the NYSEG's gas system in the region and therefore its
14 implementation arguably is justified on reliability grounds
15 alone.

16 Two, at a projected cost of slightly less than
17 four million, the project is significantly-less costly than
18 other proposed pipeline projects. Three, there appears to be
19 strong local support and four, successful implementation of
20 the non-pipes alternative, potentially could result in carbon-
21 emission reductions.

22 So, it wasn't just a matter of the benefit cost
23 analysis, it was a little deeper than that.

24 And also, the criticism from the Lansing
25 Supervisor was very detailed and very concerned for his

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2 community, especially because there was a very real concern
3 about significant-reliability needs of the current gas
4 customers in -- in Lansing and the demands of prospective
5 customers who have already requested gas and expected new
6 demand growth in the area. So, while there is significant
7 interest for those in the surrounding community to not have
8 gas, there is a competing interest and so for Lansing,
9 Lansing's Supervisor was feeling very frustrated that one
10 community was seeming to be heard louder than his community
11 and at least from the perspective of that Lansing supervisor,
12 was very concerned about that and wanting more attention to
13 it.

14 This is not a case of us changing our detailed
15 analysis in the rate case. In fact, in pages sixty-three
16 through sixty-six in the rate case, we did a careful analysis
17 of gas expansion and the benefits of gas expansion and -- and
18 I think it's very, very important for us to be very mindful of
19 the benefits and -- and the challenges that are there.

20 What's very important is a clear engagement
21 with the community and working with the utilities in here,
22 NYSEG has been very engaged in working with both communities
23 and coming up with alternatives. So even though the rate case
24 had blessed the project and they could have gone forward, they
25 took a step back and tried to come up with some alternatives.

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2 It is a continued struggle to work through this
3 and that's why for us, we need to be very mindful of the fact
4 that it does not mean that now it will always be a go-to that
5 non-pipe alternatives even -- are always going to be the
6 winning go-to solution. In fact, we need to be very careful
7 that we're conveying that non-pipe alternatives may be an
8 alternative. It is something to look at. What that is, we
9 need to be very careful and it must be economical, feasible,
10 least-costly and we need to be very careful to go through
11 that.

12 This order, while I will be voting for it, I
13 will not be voting with the majority in it because I do not
14 think this order is detailed in what that is. This order
15 talks about looking at the -- looking and considering the
16 benefit-cost analysis shall be conducted from both a company
17 and customer perspective, considering the state and Tompkins
18 County's emission-reduction goals.

19 It says nothing about the need for reliability.
20 It says nothing about the need for whether or not there's a
21 need for gas, whether there's an interest from the community
22 in having gas. Those are things that I think we need to take
23 more of a deliberative approach to.

24 So, I would hope that the support in all of
25 those different things and go back to the aspects that we

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2 raised in the rate case, the deliberative process that we did
3 in that, are also taken into account. This order does mention
4 the rate case and so, the rate case is not -- and the -- the -
5 - the rationale behind the rate case is not -- is not -- is
6 not -- is no longer -- is still part of this and still part of
7 the record so it is something that I think is reflected in
8 that.

9 So, that's why I will be voting for it, but
10 only in concurrence. Thank you.

11 CHAIRMAN RHODES: Thank you, Commissioner
12 Burman.

13 Commissioner Alesi?

14 COMMISSIONER ALESI: Well, at the end of the
15 day, I guess this program is an innovative way to provide
16 service in the general area, needing an alternative way to
17 deliver that service outside of establishing a pipelines. But
18 it also appeals to me even though it's not perfect as a pilot
19 program, so that maybe in other times and other applications,
20 we'll have something to learn from and from that simple
21 standpoint I'll be supporting it.

22 CHAIRMAN RHODES: Thank you very much.

23 I proceed to call for a vote on this item, Item
24 101.

25 My vote is in favor of the recommendation to

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2 authorize the pilot compressor project as described.

3 Commissioner Sayre, how do you vote?

4 COMMISSIONER SAYRE: Aye.

5 CHAIRMAN RHODES: Commissioner Burman?

6 COMMISSIONER BURMAN: I concur.

7 CHAIRMAN RHODES: Commissioner Alesi?

8 COMMISSIONER ALESI: Aye.

9 CHAIRMAN RHODES: The item is approved --
10 approved and the recommendation is adopted.

11 We move to the second item for discussion.

12 Item 201, Case 17-M-0178, which is the petition of Orange and
13 Rockland Utilities for the authorization of a program-
14 advancement proposal, presented by Nicola Jones, Utilities
15 Supervisor and Rob Cully, Utility Engineer Specialist Two.

16 Nicola, please begin.

17 MS. NICOLA JONES: Thank you.

18 Thank you and good afternoon, Chairman Rhodes
19 and Commissioners. Item 201 addresses the petition of Orange
20 and Rockland, for authorization of a program-advancement
21 proposal, filed with the Commission on February 13, 2017.
22 Orange and Rockland petition requested authorization for
23 changes the company proposed to its energy-efficiency program,
24 low -- low-income credits, Advanced Metering Infrastructure
25 Project, also referred to as AMI. The petition also requests

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2 approval of a non-wires alternative framework.

3 Item 201 recommends five actions.

4 First, that the Commission's consideration of
5 Orange and Rockland's proposed changes to its energy-
6 efficiency program and low-income credit, be deferred until
7 additional input and further review is done.

8 Second, to approve a full-scale rollout of
9 Orange and Rockland's enhanced AMI system throughout its New
10 York service territory. Third, to approve the company's
11 proposed AMI customer-engagement plan.

12 Fourth, to deny Orange and Rockland's request
13 to implement an AMI rate pilot.

14 And finally to approve a non-wires alternative
15 framework, for Orange and Rockland.

16 I will now turn my attention to Orange and
17 Rockland's AMI project. In Orange and Rockland's 2015 rate
18 order, that was issued October 16th, 2015 under Case 14-E-
19 0493, the Commission approved the installation of AMI devices
20 for electric and gas customers in Rockland County and ordered
21 Orange and Rockland to collaborate with stakeholders, to
22 develop a revised AMI business plan. Furthermore, the
23 Commission articulated it retained the right to make a further
24 determination of Orange and Rockland's AMI implementation and
25 could decide to modify or halt the project.

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2 Orange and Rockland did engage stakeholders in
3 the development of the company's present AMI business plan and
4 it worked with its sister company, Con-Edison to further
5 refine its business plan and to negotiate with and select AMI
6 vendors.

7 Orange and Rockland's AMI business plan
8 includes the installation of AMI for its approximately two
9 hundred and twenty-nine thousand electric and one hundred and
10 thirty-six thousand gas customers over the next four years.
11 Over the twenty-year life expectancy of the AMI system, Orange
12 and Rockland determined a net benefit, of approximately
13 fifteen point six million dollars, in net-present value.

14 After SAPA was issued for this petition, one
15 comment was filed by a member of the -- member of the public,
16 that requested the petition be denied due to unspecified
17 health and safety concerns. I do want you to know that for
18 customers who would like to opt out of AMI meter installation
19 for any reason, including health or safety concerns, customers
20 can contact the utility to make such an arrangement. In
21 addition, Orange and Rockland's tariffs that address this
22 matter have already been approved by the Commission.

23 Staff did analyze Orange and Rockland's AMI
24 project proposal. It was found that Orange and Rockland has
25 partnered with Con-Edison to use a similar AMI system and

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2 development schedule.

3 Con-Edison's AMI business plan that
4 incorporated lessons learned from utilities across the country
5 and Canada was approved by the Commission effective March 17,
6 2016 under Case 15-E-0050. This AMI system enhancement to
7 Orange and Rockland's original proposal approved by the
8 Commission in Orange and Rockland's 2015 rate order. This
9 approach allows for additional cost savings, incorporation of
10 best practices learned by Con-Edison and synergies between
11 both the utilities.

12 Preventing AMI system obsolescence and managing
13 costs are key areas that require ongoing monitoring.
14 Therefore, the draft order recommends the tracking of upgrades
15 to Orange and Rockland's AMI system through AMI metrics, a cap
16 on AMI capital-expenditures budget, to a total project cost of
17 ninety-eight point five million, incorporation of valued
18 engineering to minimize future costs and for the utility to
19 provide an annual filing of AMI expenditures incurred and
20 cost-reduction benefits realized.

21 Staff reviewed the benefit-cost analysis
22 provided by Orange and Rockland including assumptions, costs
23 and benefit projections. Staff agrees with Orange and
24 Rockland, that the benefits derived from this project exceed
25 cost. In fact, staff found that the benefits identified by

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2 Orange and Rockland are conservative.

3 Regarding Orange and Rockland's customer-
4 engagement plan, the draft order recommends its approval. The
5 plan was developed with input from stakeholders, including
6 staff, customers and third parties and addressed customer-data
7 access and data-privacy issues.

8 However, the draft order recommends the denial
9 of Orange and Rockland's proposed AMI rate pilot. Rather
10 Orange and Rockland can use information from Con-Edison's AMI
11 rate pilot and such information is to be used to create
12 innovative-rate design.

13 The draft order recommends that Orange and
14 Rockland may defer the revenue requirement associated with the
15 implementation of the incremental project scope, until base
16 rates are reset. In addition, for the customer-engagement
17 plan, as long as recovery of the incremental cost does not
18 cause the company to over-earn during the period costs are
19 incurred, the company's allowed to defer these costs until
20 base rates are reset. All costs associated with this project
21 are subject to further review in Orange and Rockland's next
22 rate-case proceeding.

23 Overall, AMI will contribute to the
24 modernization of the company's electric and gas-distribution
25 system creating operational savings and efficiencies, as well

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2 as increased visibility and control of its system. AMI can
3 facilitate customer access to products and services provided
4 by third parties. AMI can empower customers to become aware
5 of their energy usage, which can allow them to better manage
6 their energy costs.

7 I am glad to report to date, Orange and
8 Rockland has used AMI funds approved in its 2015 rate order to
9 successfully install its AMI backbone information-technology
10 systems, began billing customers based on AMI data, completed
11 design and installation of the communication network in
12 Rockland, installed over thirty-four thousand AMI meters,
13 devices in Rockland, began its outreach to its customers in
14 government entities and is working towards completing the
15 design and installation of its AMI communication-network
16 system for Orange and Sullivan Counties.

17 I will now turn this item over to Mr. Robert
18 Cully, who will discuss Orange and Rockland's non-wires
19 alternative framework.

20 MR. CULLY: Thank you, Nicola.

21 Good afternoon, Chair Rhodes and Commissioners.

22 I -- I'll be providing the overview of staff's
23 recommendations related to the non-wire alternative or NWA
24 framework, as proposed by O&R.

25 Similar to the non-pipes alternatives discussed

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2 previously this afternoon, non-wire-alternative projects
3 replace or defer the need for electric-transmission and
4 distribution-system infrastructure through the use of
5 customer-side distributed-energy resources, or DERs, or load
6 reductions and are an important part of the portfolio of
7 regulatory reforms, designed to engage utilities decreasing
8 costs and providing value to customers.

9 Orange and Rockland seeks and pursues cost-
10 effective non-wire-alternative projects, that would allow for
11 the delay of traditional capital-infrastructure investment,
12 which would otherwise be needed to accommodate the growth and
13 peak-electric demand in various areas of the company's service
14 territory.

15 Proposed a shareholder incentive that would
16 provide for thirty percent of the present value of net
17 benefits resulting from non-wire alternative projects pursued
18 and is essentially identical to the mechanism approved by the
19 Commission in January, for non-wire alternative incentives at
20 Consolidated Edison in Case 15-E-0229.

21 The draft order adopts Orange and Rockland's
22 proposed incentive mechanism. The mechanism includes a
23 multistep process for determining a final incentive that would
24 award the company for maximizing customer benefits and
25 minimizing the cost to achieve such benefits.

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2 Under that process, an initial-shareholder
3 incentive would be determined as a thirty-percent share of the
4 net benefits calculated, based on a detailed benefit-cost
5 analysis. To provide a strong price signal for the company to
6 manage and reduce costs of the non-wire-alternative project
7 throughout its implementation, the company would share
8 fifty/fifty in the difference between the total-cost assumed
9 and the initial net-benefits calculation and the actual total
10 cost once the non-wire-alternative project is completed.
11 Therefore, the final-shareholder incentive would equal the sum
12 of the initial incentive and fifty percent of the cost
13 overruns, or underruns of the non-wire alternative project.

14 The final incentive will be subject to both a
15 floor and a cap, such that the final incentive will be neither
16 less than zero dollars, nor greater than fifty percent of the
17 initial net benefits. The cap, in particular, reduces gaming
18 opportunities for the company to overstate or understate
19 initial non-wire alternative project costs, or traditional
20 capital-project costs.

21 Overall, the mechanism represents a financially
22 meaningful incentive opportunity that should encourage Orange
23 and Rockland to pursue innovative portfolio-level approaches
24 to implementing non-wire alternative projects, while producing
25 significant net benefits, for -- for customers.

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2 Finally, the draft order requires several
3 checkpoints throughout the process, during which the filing of
4 operating and accounting procedures as well as an
5 implementation plan and benefit-cost analyses for each non-
6 wire-alternative portfolio will be required.

7 CHAIRMAN RHODES: Thank you.

8 So, I am going to support this item. I agree
9 with the -- and find that the deferral of the energy
10 efficiency low-income credits make sense. I like the
11 consistency implied with the non-wires-alternative framework
12 following the -- a model established for other utilities,
13 including Con-Ed. And most substantively, I -- I am going to
14 approve the AMI proposal, with the customer engagement-plan
15 and without the -- the rate pilot.

16 These advanced meters are a smart investment,
17 just for the cost savings alone that they produce for
18 customers and just for -- for customers. On top of that, they
19 have other benefits. They enable better customer engagement
20 and provide the foundational information for customers and
21 suppliers to save money and reduce greenhouse-gas emissions,
22 by better -- by better managing and decreasing energy use in
23 the future.

24 Commissioner Sayre?

25 COMMISSIONER SAYRE: The Chair already made all

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2 of my points. I'm -- I'm satisfied that the AMI program
3 passed the -- the required benefit-cost analysis, even looked
4 at conservatively as staff did and now that it makes financial
5 sense, it has all these extra benefits in -- through our REV
6 proceeding, to allow customers to both better manage their
7 energy and if they so choose, to participate in developing
8 energy markets.

9 So, I -- I too support the item as well.

10 CHAIRMAN RHODES: Thank you.

11 Commissioner Burman?

12 COMMISSIONER BURMAN: I have a couple of
13 questions.

14 First of all, I thought you had very good
15 presentations, so thank you both.

16 On the discussion page, on page sixteen,
17 under low-income and energy-efficiency program, it says
18 O&R's request for the expansion and cost recovery of low-
19 income credits and its energy-efficiency program does
20 require further review from staff and input from
21 stakeholders. Therefore, this component of the petition
22 will not be considered at this time.

23 That's all it says about the petition and I --
24 I'm just -- I was left confused by why there wasn't more
25 analysis and why we weren't addressing, what was the review,

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2 when will it be taken care of, where will it be looked at
3 since we have been so focused on both low-income and energy
4 efficiency and it was a part of the petition. So, I was just
5 trying to figure out where it fits.

6 MS. SCHERER: I think with regard to the low-
7 income credits, we've just implemented -- we're still in the
8 process of implementing the most-recent Commission order in
9 the low-income proceeding and it -- it's not an appropriate
10 time to consider modifications to credits at this point.

11 COMMISSIONER BURMAN: Okay.

12 MS. JONES: And for the energy efficiency,
13 while it's -- it's not in similar light, but there -- there
14 are other efforts going on regarding energy efficiency and it
15 was -- one, we didn't get much feedback from stakeholders
16 regarding these two components once the petition was SAPA'd,
17 but also, we feel like those two areas are areas that would be
18 better addressed in a lot of the efforts around the energy
19 efficiency and also as -- as was stated along with the low-
20 income --

21 COMMISSIONER BURMAN: Okay.

22 MS. JONES: -- credit -- low-income program
23 efforts --

24 COMMISSIONER BURMAN: Okay.

25 MS. JONES: -- but they will be -- they will be

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2 addressed in the future.

3 COMMISSIONER BURMAN: Okay. I was concerned.

4 We only got one commenter and that --

5 MS. JONES: Uh-huh.

6 COMMISSIONER BURMAN: -- that seemed odd to me.

7 Did that seem odd to anyone else? Not from --

8 I mean, it -- since it was low-income energy-efficiency AMI,
9 we didn't hear from UIU. We didn't hear from PULP. We didn't
10 hear from a consumer advocate. I was just -- we didn't hear
11 from any of the energy-efficiency folks.

12 MS. JONES: I -- I can speak for the AMI
13 component. I know that O&R. has been in constant contact with
14 a lot of the parties, the stakeholders, customer staff, with,
15 you know, every major step they made as far as their plans
16 with AMI, they kept everyone informed. So, that could be a
17 reason why there wasn't a lot of comments related to AMI

18 For the other areas, I'm not sure.

19 COMMISSIONER BURMAN: Okay. That's okay.

20 Okay. On page seventeen, it says that O&R is
21 to file annual reports to provide information regarding AMI
22 system upgrades and improvements. In addition, value
23 engineering should be used to determine how future additional
24 benefits can be achieved from AMI with minimal incremental
25 costs.

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2 Once we have the annual reports, staff will
3 look at them, make adjustments, work through all that. The
4 value engineering -- who does that?

5 MS. JONES: That would be something that we're
6 asking the utility to do --

7 COMMISSIONER BURMAN: Uh-huh.

8 MS. JONES: -- as part of their process with --
9 with evaluating future actions related to AMI.

10 COMMISSIONER BURMAN: Okay. Okay. Was the --
11 this -- I think this is for you, Mr. Cully.

12 With the non-wire alternative and the projects
13 that are out there, are we evaluating the projects that are
14 selected, working with the different utilities and in this
15 particular case O&R to review, get feedback from some of the
16 folks that have been selected, not only -- or -- or the ones
17 that haven't been -- that have participated, I know that they
18 got a lot of folks that submitted -- submitted bids into the
19 non-wires alternatives. For those that didn't make it, maybe
20 the, you know, the lessons learned from that and
21 opportunities, so that we can draw upon that for other non-
22 wire-alternative opportunities, holistically what works, what
23 doesn't work.

24 What are we doing about those types of
25 opportunities?

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2 MR. CULLY: So the short answer is that the
3 review process of the -- how the RFP, or other procurement
4 process worked, is a -- a regular part of our engagement with
5 not only the utility, but stakeholders, in each of these
6 cases.

7 COMMISSIONER BURMAN: Uh-huh.

8 MR. CULLY: Generally speaking, these non-wire
9 alternatives tend to -- at least the ones that we've gotten so
10 far, have their own RFPs and so each -- each utility is -- is
11 working through kind of their unique procurement processes.
12 Some of the other less-experienced utilities than say Con-
13 Edison, who's had a number of different procurement processes
14 related to its Brooklyn-Queens demand-management program, have
15 been going more of a traditional RFP and then -- and then work
16 out which are the best projects, whether on a -- on a -- a
17 single project or -- or portfolio basis to move forward with,
18 in their -- for their particular non-wire-alternative
19 programs.

20 I would expect from O&R, that to be the case as
21 well, for the -- the first few non-wire alternatives, but
22 we've been generally seeing a trend towards more market-based
23 type procurements, apart from RFPs as we do more and more in
24 the non-wire-alternative realm.

25 COMMISSIONER BURMAN: Thank you.

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2 I am very much impressed with O&R's outreach
3 and education components -- the four components, the energy
4 future were informed and engaged. I think that framework is a
5 very good one.

6 I do think that that customer engagement and
7 outreach is very important. I do think that using these
8 technologies to develop these innovative products and services
9 are very important and this can really be very helpful.

10 I do think we need to be very careful and keep
11 an eye on all of this and continue to look at what this means,
12 especially as we go into the future and the -- the rate case
13 and other aspects of this and as we look at the non-wires
14 alternatives going forward. I think that's very important.

15 I do want to mention that the aspects that we
16 didn't approve with the low-income and the energy-efficiency,
17 I wanted to make sure that that, you know, doesn't fall off
18 and you are making sure that it -- it gets addressed in other
19 aspects. I think the energy-efficiency piece in particular is
20 particularly important, as well as low-income, which falls
21 among all aspects that we're doing, not just by itself, as a
22 stand-alone.

23 So, I want to make sure that -- because I do
24 think that's what sort of caused me concern, when I saw, you
25 know, just short -- very short discussion in the order, caused

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2 me some pause.

3 Okay. Thank you.

4 CHAIRMAN RHODES: Commissioner Alesi?

5 COMMISSIONER ALESI: Nothing. Nothing.

6 CHAIRMAN RHODES: With that, we move to call
7 for the vote on Item 201.

8 My vote is in favor of the recommendation to
9 approve Rockland's proposal as described.

10 Commissioner Sayre, how do you vote?

11 COMMISSIONER SAYRE: Aye.

12 CHAIRMAN RHODES: Commissioner Burman?

13 COMMISSIONER BURMAN: Yes.

14 CHAIRMAN RHODES: Commissioner Alesi?

15 COMMISSIONER ALESI: Aye.

16 CHAIRMAN RHODES: The item is approved and the
17 recommendation is adopted.

18 The third item for discussion, Item 202, Case
19 07-M-0548, which is the conclusion of the energy-efficiency
20 portfolio standard, presented by Colleen Gerwitz, Director of
21 Office of Clean Energy. We have -- Ted Kelly, Assistant
22 Counsel, is available for questions.

23 (Off the record discussion)

24 COMMISSIONER SAYRE: I apologize. My mic
25 wasn't working. It wasn't on. It was working. Sorry.

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2 I voted in favor.

3 Colleen, please begin.

4 MS. GERWITZ: Good afternoon -- is this on?

5 No.

6 Good afternoon, Chair Rhodes and Commissioners.

7 Item 202 is a draft order, authorizing the conclusion of the
8 Energy Efficiency Portfolio Standard. The Energy Efficiency
9 Portfolio Standard, or EEPS, was initially authorized on a
10 June 24th, 2008 Commission order, in support of the
11 implementation and operation of energy-efficiency programs by
12 eleven invest -- investor-owned electric and/or gas utilities
13 and the New York State Energy Research and Development
14 Authority, NYSERDA.

15 EEPS was ordered and implemented in two
16 distinct phases, or periods. EEPS One programs ran from the
17 initial EEPS authorization through December 31st, 2011 and
18 EEPS Two ran from January 1st, 2012 through December 31st,
19 2015.

20 The draft order that is before you addresses
21 three topics supporting the conclusion of EEPS. EEPS One
22 program overspending, EEPS shareholder incentive awards and
23 deadlines and reporting requirements for the final financial
24 closeout of EEPS.

25 These topics were the subject of a June 16th,

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2 2017 staff proposal that was issued for public comment. My
3 presentation will briefly summarize each topic.

4 First, the topic of EEPS -- EEPS One program
5 overspending. During EEPS One, the Commission approved each
6 EEPS program, along with the specific annual budget for each
7 and expected that program administrators would modulate
8 program delivery, to work within approved annual budgets. As
9 EEPS progressed, the Commission gradually granted greater
10 flexibility, to allow banking and borrowing across program
11 years and transfer of funds between and among programs, to
12 align with customer demand and to prevent temporary
13 interruption of program delivery.

14 During EEPS One, five utilities overspent
15 eleven EEPS One programs, but with the increased flexibility
16 authorized by the Commission, there were no EEPS Two over
17 expenditures and none of the utilities overspent their EEPS
18 portfolio.

19 The Commission previously addressed two of
20 these EEPS One program expenditures in a March 4th, 2015 order
21 that authorized Niagara Mohawk to retain unspent EEPS One
22 funds from other programs, to cover the overspending on two of
23 their programs. The draft order before you, proposes similar
24 treatment with regard to the remaining nine programs,
25 providing authorization for six hundred and forty thousand

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2 seven hundred and eighty-eight dollars in unspent electric
3 funds, to address over expenditures of three electric program
4 budgets and one million, three hundred and one thousand six --
5 six hundred and ten dollars in unspent EEPS gas funds to
6 address over expenditures in seven EEPS One gas programs.

7 The draft order recognizes the -- these
8 expenditures benefitted customers by providing additional
9 energy efficiency services to an increased number of
10 customers, but excludes these energy savings from counting
11 toward the calculation of the utility-shareholder incentives,
12 so as not to reward any utility for spending above their
13 authorized program budges.

14 The second topic addressed in the draft order
15 is the calculation and awarding of EEPS shareholder
16 incentives. As described in the draft order, the Commission
17 in an August 2008 order and several subsequent orders,
18 instituted financial incentives -- instituted a financial-
19 incentives model, designed to motivate utilities to pursue
20 energy efficiency programs. The model included the awarding
21 of utility-shareholder incentives, based on utility
22 performance against Commission-established energy-savings
23 targets.

24 Both EEPS One and EEPS Two included a graduated
25 structure that allowed utilities to earn positive incentives,

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2 if they achieved between eighty and one hundred percent of
3 their portfolio target.

4 Under EEPS One, there was a symmetrical design,
5 with a negative incentive applied for performance between
6 fifty and seventy percent of the target. Gas utilities were
7 allowed to opt-out of the EEPS One incentive structure.

8 Under EEPS Two, the Commission retained the
9 graduated incentive structure, but modified it to be a
10 positive only structure for -- for performance between eighty
11 and one hundred percent. The EEPS Two incentive structure
12 applied to all electric and gas utilities running EEPS
13 programs.

14 The EEPS Two structure also included two tiers
15 with the first tier, step one, rewarding utilities for meeting
16 their own target and the second tier, step two, rewarding
17 utilities for achievement against the statewide goal, to which
18 utility and NYSERDA achievements contributed.

19 There are a number of specific components
20 included in the calculation of the incentives and related
21 issues are discussed in the draft order, such as a credit for
22 utility referrals to the NYSERDA and power programs, a Con
23 Edison specific megawatt reduction component, gas-unit
24 conversions, definition of the EEPS One performance period,
25 and multiple updates and corrections to utility-reported

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2 energy-savings values. Ultimately, the incentive structure
3 seems to have been an effective motivator, as the utilities
4 and NYSERDA achieved ninety-seven percent of the statewide
5 electric target and ninety-three percent of the statewide gas
6 target.

7 Based on this performance result, this draft
8 order recommends awarding fifty-six point five million in
9 total EEPS electric-shareholder incentives and twelve point
10 four million in total gas-shareholder incentives, with
11 specific awards for each utility specified in the order. The
12 draft order directs the unspent, unencumbered utility EEPS
13 funds, as reported in the EEPS reporting application through
14 October 17, 2017, be used to pay the shareholder incentives
15 and to the extent that a particular utility does not have
16 adequate funds, NYSERDA is directed to provide the remaining
17 balance, using available unspent unencumbered funds reported
18 in its March 31, 2017 uncommitted-funds report.

19 The third topic addressed in the draft order is
20 the final financial reconciliation and conclusion of EEPS.
21 The draft order establishes a set date of December 31st, 2017
22 for the conclusion of all utility EEPS spending and February
23 29th, 2020 for the conclusion of all NYSERDA EEPS spending.
24 By June 30, 2018, each utility is directed to file an up to
25 date accounting of EEPS financial information, inclusive of

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2 accrued interest, which will establish a clear point in time
3 baseline for future Commission action, with regard to
4 remaining unspent fun -- EEPS funds and future accrued
5 interest.

6 Similarly, NYSERDA is directed to provide an
7 equivalent report within one hundred and eighty days of the
8 conclusion of its EEPS programs.

9 I want to thank and acknowledge the many hours
10 of effort that staff, particularly Katie Mammon and Danielle
11 Foley (phonetic spelling) put into reconciling the information
12 and data to support the development of this draft order.

13 Ted Kelly and I are available to answer any
14 questions.

15 CHAIRMAN RHODES: Thank you, Colleen.

16 This item addresses the conclusion of the
17 successful EEPS programs, recognizing their achievement of
18 ninety-seven percent and ninety-three percent of the statewide
19 electric and gas savings goals respectively and as a result,
20 awarding the appropriate utility-shareholder incentives and
21 also for addressing the individual program, under and over
22 expenditures and establishing the dates and final financial
23 reconciliation reporting requirements.

24 I am going to vote in favor of this item.

25 Commissioner Sayre?

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2 COMMISSIONER SAYRE: For me, the most important
3 piece of this order is the last ordering paragraph.

4 After some compliance activities and filings,
5 the EEPS case is closed. I'm very happy to see the loose ends
6 tied up and I commend the Chair of the staff and in particular
7 Colleen and Ted for getting this done. It took a lot of work.

8 EEPS was a good program and it was a successful
9 program and we've learned from it and I believe that our
10 replacement programs are better. It makes sense to me and
11 it's a matter of some relief to me, therefore, to put EEPS One
12 and EEPS Two into the rearview mirror.

13 CHAIRMAN RHODES: Thank you.

14 Commissioner Burman?

15 COMMISSIONER BURMAN: So, I have a different
16 perspective.

17 I was not a member of the Commission when the
18 EEPS process was rolled out, but I do know that the process
19 was undertaken under an imperative to get the many energy-
20 efficiency programs up and running, in an extremely tight and
21 probably unreasonable timeframe.

22 I do believe that there have been many lessons
23 learned from the EEPS initiative, including the need to be
24 more prudent and measured in making our demands, the need to
25 be more realistic and thoughtful ahead of time about how

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2 quickly goals can be accomplished and the need to truly
3 understand what the financial implications may be to run the
4 programs and to prepare in case programs are more in-demand
5 than anticipated. That way, we can truly issue orders that
6 properly authorize programs that can be implemented
7 effectively and stay within the bounds of the Commission
8 orders.

9 Those lessons are especially important when the
10 programs will affect varied types of customers, in ways that
11 we likely may not be able to anticipate, but should try to
12 plan for. So, while there are some successes in the EEPS
13 program and I do acknowledge that that is from the hard work,
14 hard work of many of the utilities and the Commission staff,
15 Colleen and her folks, have spent an enormous time and I do
16 think that we need to recognize there were many flaws and
17 there were many trip-ups along the way.

18 When the Commission issues an order
19 establishing a maximum budget for a program, the utility, or
20 other entities responsible for ministering that program,
21 including NYSERDA, needs to respect the Commission order.

22 I do have a -- a concern in when we overspend,
23 doing retroactive authorizations. It's no -- does not go
24 unnoticed that I was not here when that major reauthorization
25 -- retroactive authorization of overspending was done February

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2 26th, 2015, when I was not here and I was excused for health
3 reasons.

4 Thereafter, I raised additional concerns and I
5 have made -- have made it very clear publicly that I would not
6 -- I was not comfortable in doing retroactive overspend --
7 overspending of programs. I think that we need to look very
8 carefully when we do that, even if there are reasons for doing
9 so. I think we need to have true conversations about that.
10 Again, Commission orders are very important and we need to
11 take those carefully and we need to, in the end, be very
12 careful in the outset.

13 I do think going forward, we want to ensure
14 that we as a Commission, again, properly set goals, targets,
15 timing and funding in our orders, that account for the real-
16 life design and implementation of programs. We need to do a
17 better job at the front-end, when we establish programs rather
18 than as in this case with EEPS, the Commission in furtherance
19 of its energy-efficiency policy objectives inappropriately
20 rushed through -- through and rolled out a flawed EEPS
21 program.

22 And while we did make course corrections, we
23 didn't necessarily do it, without significant delay and we
24 didn't do enough, fast enough. We owe it to the rate payers
25 to get it right at the outset and I'd like to make sure that

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2 we take careful note of the lessons from EEPS and do a better
3 job continually and -- and not just say it's behind us. We
4 make sure that we carefully take note of the lessons learned,
5 the good, the bad, and the ugly.

6 So, thank you.

7 CHAIRMAN RHODES: Thank you.

8 Commissioner Alesi?

9 COMMISSIONER ALESI: Nothing to add.

10 Thank you.

11 CHAIRMAN RHODES: Thank you.

12 With that, I call for a vote on Item 201.

13 My vote is in favor of the recommendation to
14 award the utility Energy Efficiency Portfolio Standard
15 shareholder incentives, address program over expenditures and
16 establish dates and final financial-reconciliation reporting
17 requirements, supporting the conclusion of EEPS as described.

18 Commissioner Sayre, how do you vote?

19 COMMISSIONER SAYRE: Aye.

20 CHAIRMAN RHODES: Commissioner Burman?

21 COMMISSIONER BURMAN: No.

22 CHAIRMAN RHODES: Commissioner Alesi?

23 COMMISSIONER ALESI: Aye.

24 CHAIRMAN RHODES: The item is approved and the
25 recommendation is adopted.

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2 COMMISSIONER BURMAN: May I just interrupt?

3 I -- I believe it's Item 202. I think you may
4 have said 201 at the beginning.

5 CHAIRMAN RHODES: I -- thank you.

6 COMMISSIONER BURMAN: I just want to clarify
7 that for the record.

8 CHAIRMAN RHODES: It is indeed Item 202.

9 Thank you.

10 We now move to the fourth item for discussion.

11 Item 301, get it right, Case 17-E-0594, which is staff's
12 report on the March 2017 windstorm and order to show cause,
13 presented by Christian Bonvin, Chief of Electric Distribution
14 Systems and Jane Cicerani, Managing Attorney.

15 Christian, please begin.

16 MR. BONVIN: Good afternoon, Chair Rhodes and
17 Commissioners. Today, I'll be discussing staff's
18 investigation into the performance of New York State Electric
19 Gas Corporation and Rochester Gas and Electric Corporation,
20 with regard to the windstorm that swept across western New
21 York, on March 8th, 2017. The severe nature of the storm
22 resulted in widespread damage to electric distribution
23 systems. Fallen trees, broken poles, downed wires and road
24 access, made it difficult for emergency responders and
25 residents. Peak outages were approximately forty-eight

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2 thousand for NYSEG, a hundred and twenty-three thousand for
3 RG&E and a hundred and thirteen thousand for National Grid.

4 Restoration took until March 13th for NYSEG and
5 March 15th for RG&E. In comparison, National Grid restored
6 service to customers by midday on March 12th. Because of
7 National Grid's ability to restore service in a timelier
8 manner, the focus of the investigation was on NYSEG and RG&E.

9 As you know, all investor-owned utilities are
10 required under Public Service Law, N -- 16 NYCRR, Part 105, to
11 file an emergency-response plan annually for review and
12 Commission approval. NYSEG and RG&E operated as a single
13 entity when responding to storm events and as such they have a
14 common emergency-response plan.

15 Staff -- staff's investigation considered a
16 combination of elements including a review of compliance with
17 the company's emergency-response plan, discussion and
18 interviews with utility representatives and public officials,
19 evaluation of complaint data filed with the Department's
20 Office of Consumer Services, comments received as part of the
21 Public Statement Hearings, meetings with company management
22 and staff, analysis of the company's response to information
23 requests and other salient information. The investigation
24 reviewed whether the utilities were properly prepared for and
25 how they responded to the effects of the wind storm.

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2 Staff also examined the communications used to
3 inform customers, emergency-management personnel, government
4 officials and the media of the company's response and
5 restoration efforts. While staff found certain areas where
6 NYSEG and RG&E performed appropriately, our analysis also
7 found several areas, where the companies did not perform well,
8 instances where they did not follow the processes identified
9 in their emergency-response plan and opportunities for
10 improvement.

11 On the operational side, the companies were
12 slow in identifying and managing the level of outside
13 resources needed to execute a timelier restoration. While the
14 companies were able to obtain a peak of two thousand line
15 workers to assist with the restoration effort, staff found the
16 companies lacked a clear process to determine the appropriate
17 crewing levels for the initial mutual-aid request, which
18 impacted response in the early stages and the companies failed
19 to consider crews from nearby municipalities, until the third
20 day of the storm response. This was a missed opportunity for
21 the companies to acquire additional resources earlier in the
22 restoration period.

23 Staff also concluded that RG&E did not perform
24 adequate damage assessment in the early stages of the storm
25 and lost valuable time during the first days of restoration,

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2 by verifying broken poles, rather than performing a holistic
3 review of their system. The failure to in -- to initiate
4 proper damage assessment resulted in the company having
5 insufficient visibility into field conditions to best
6 determine how to deploy crews.

7 RG&E also did a poor job in identifying
8 critical facilities impacted and communicating with Monroe
9 County, as to the priority of which critical facilities needed
10 to be restored first. Effective coordination did not occur
11 until Friday leading to frustration, inefficiencies and
12 delayed restoration of key facilities. Staff also concluded
13 that RG&E's restoration effort failed to give appropriate
14 consideration to affected communities served by smaller
15 circuits, such as the city of Rochester.

16 The companies also need to make improvements to
17 their wire-down procedures to ensure they are properly
18 prepared to handle the high volume of wires down during major
19 events.

20 With respect to communication, staff concluded
21 that the companies fell short of the Department's and the
22 public's expectation to provide timely, accurate and detailed
23 information during a power outage. In fact, the communication
24 tools used by the companies, which include press releases, its
25 website, social media and the customer-service call center

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2 lacked consistent and accurate updates on the restoration
3 efforts and estimated times of restoration, or ETRs.

4 ETRs are vital to customers who must rely on
5 this information for planning purposes during outage events
6 and today's customers expect the most up-to-date information
7 to be provided to them through various outlets. The companies
8 were slow to develop ETRs and failed to issue them within the
9 time periods defined in their emergency-response plan.
10 Certain locations had more than three quarters of the
11 customers restored, before an ETR was issued for those areas.

12 Staff further concluded that the process used
13 by the companies to communicate with their life-support-
14 equipment customers or LSE customers was deficient. Utilities
15 must maintain daily contact with LSE customers during an event
16 -- outage event, which is typically done through phone
17 conversations.

18 If the company is unable to make contact by
19 phone, an in-person visit is required. Utilities may make a
20 visit using company personnel or refer LSE customers each day
21 to an emergency-service agency. If an agency is used, the
22 utility needs to obtain the results of those referrals.
23 However, the companies failed to verify the outcomes of the
24 visits during this storm. Additionally, RG&E was reluctant
25 initially to provide the list of LSE customers, to an

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2 emergency-service agency.

3 Overall, staff's report reflects nearly thirty
4 recommendations to -- to remediate the shortcomings identified
5 in this event. Implementation of these recommendations should
6 result in better future performance. Staff also determined
7 that one or both of the companies did not follow seven areas
8 of its emergency plan, that include ETR development, LSE
9 referrals, damage assessment, wire-down response,
10 prioritization of restoration, call-center staffing and
11 updating call center messages.

12 I will now turn it over to Jane to discuss the
13 next steps.

14 MS. JANE CICERANI: Good afternoon. Good
15 afternoon, Chair Rhodes and the Commissioners.

16 The next step in the process that we recommend,
17 based on staff's findings are -- or investigation, is to issue
18 an order to show cause and that draft order that you have
19 before you consists of two parts.

20 One part addresses the possibility of a Public
21 Service Law Section 25 A Administrative Penalty, regarding the
22 apparent failures of the companies, NYSEG and RG&E, to follow
23 their Commission-approved emergency-response plans and it
24 requires the companies to show cause why such penalty action
25 should not be commenced. The steps after that would depend

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2 upon the company's responses.

3 The other part of the draft order is for the
4 companies to address the staff recommendations set forth in
5 the report, either accepting the recommendations and
6 explaining how they plan to implement them, or explaining why
7 they believe the recommendation shouldn't be implemented and
8 provide alternatives to address the problems identified. The
9 companies are encouraged in the draft report -- in the draft
10 order, to consult with staff in developing their responses to
11 the recommendations.

12 We expect that these recommendations would also
13 be included in the December Emergency Response Plan filings,
14 required by Public Service Law Section 6621, which plans would
15 then be SAPA'd and presented to the Commission for approval in
16 early 2018. The companies have thirty days from the date of
17 the order to respond to both parts. Thank you.

18 CHAIRMAN RHODES: Thank you, Jane.

19 Thank you, Christian.

20 I'm -- I am going to vote in favor of the
21 staff's recommendations. It's simply critically important
22 that utilities adhere to our rules and regulations,
23 specifically including, of course, Public Service Commission
24 approved emergency-response plans and especially as in this
25 case, when the safety of New Yorkers is at stake. Given the

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2 findings, I think it's right that the Commission now consider
3 the financial penalties on companies -- on the companies, for
4 their apparent failure to follow Commission-approved
5 emergency-response plans.

6 Commissioner Sayre?

7 COMMISSIONER SAYRE: I support this item and I
8 hope with this item, we can send a couple of key messages to
9 all utilities.

10 First, is to communicate, communicate,
11 communicate, with all customers especially those on life-
12 support equipment, but all customers who are out of service
13 need information. After a big storm, if it's going to take a
14 number of days, or even a couple of weeks to bring an area
15 back up, that may or may not be the best that the utility can
16 possibly do under the circumstances, but in any case, people
17 need to have an estimated time of restoration as soon as
18 possible, so that they know what to do.

19 My second message is to prepare, prepare,
20 prepare. Now, I'm only speaking as one Commissioner on this
21 point, but I'd like to urge the utilities when there's doubt,
22 to pre-stage more resources and call in-advance for more
23 mutual assistance from other utilities, before the storm hits.
24 If the storm blows elsewhere, that's okay with me. That's --
25 that's a form of insurance and in my view, some insurance is

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2 cheaper than the alternative, which is significantly-delayed
3 restoration, if the storm turns out to hit harder than
4 expected.

5 We've had a lot of problems with a lot of
6 storms in New York and I don't think it's going to be getting
7 any better in the future. So, I urge the utilities to take
8 these points to heart.

9 CHAIRMAN RHODES: Thank you.
10 Commissioner Burman?

11 COMMISSIONER BURMAN: Hurricane Sandy
12 reinforced the importance of reliability and resiliency in New
13 York. After Superstorm Sandy, the state amended Commission
14 statutes to address the electric emergency plans and to
15 increase our oversight and enforcement role with respect to
16 the plans.

17 In fact, the amended rules specified certain
18 subject areas to be included in the electric emergency plans.
19 The electric emergency plans always were included, but it was
20 the first time that the Commission was now adopting them and
21 also, were focused on certain newer subject areas and were
22 required, utilities now, to file them. They would then be
23 SAPA'd and the Commission would adopt them and approve them,
24 on or before December 15th of each year. They would be filed
25 and then the Commission reviews and approves the plan.

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2 So that, actually now is coming up. I look at
3 this. I'm not pre-judging. This is a staff report. It's an
4 order to show cause that we are issuing and then the company
5 will be responding to, but it does lead to the next phase,
6 which as -- as Jane indicated, may lead to penalty action, or
7 not. But it really leads to -- me to the critical issue of
8 how to incorporate into our emergency plans and into the
9 utility-emergency plans what lessons can be learned.

10 This is the first storm that rises to the level
11 of a storm, after Superstorm Sandy that required this type of
12 review and so for us, it's not just NYSEG and National Grid,
13 who are subjected to this review, but it's for all of the
14 utilities, which they do annually, even now for all of the
15 utilities to take a look at this report and also to work and
16 see, you know, what -- what may be needing to be updated in
17 their plans. Not only is it just from this lessons, that --
18 lessons learning that there may be, but also from other
19 impacted areas from Hurricane Harvey, Hurricane Irma, as well,
20 that we may be able to take some lessons learning and -- and
21 see.

22 I don't want us to prejudge. However, I do
23 think that some key issues, in terms of communication,
24 obviously is -- it -- it -- seems to be the single most
25 important aspect of something that needs to be improved, so we

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2 should look at that. But to the extent that the plans
3 themselves are supposed to be live, working documents, that
4 help tell a story so that it's before, during, and after that
5 we need to make sure we understand and have robust emergency
6 plans that work and then after the fact look at to implement
7 and make corrective changes as needed. Each event will be
8 different and so we need to make -- take that into account and
9 I look forward to those plans being issued and then reviewed,
10 SAPA'd and then coming before us for approval and as amended
11 as needed.

12 CHAIRMAN RHODES: Thank you.

13 Commissioner Alesi?

14 COMMISSIONER ALESI: I guess I will be
15 succinct, but very blunt about this.

16 I think that the Department report outlined in
17 numerous ways, the company's failure and I'm going to support
18 the effort here. I think that I will also look forward to the
19 company's response on this.

20 I'll be supporting it.

21 CHAIRMAN RHODES: Thank you.

22 So with that, we proceed to call for a vote on
23 Item 301. My vote is in favor of the recommendation to direct
24 NYSEG and RG&E, to address the recommendations in staff's
25 report and show cause why the Commission should not commence

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2 an administrative penalty action as described.

3 Commissioner, Sayre, how do you vote?

4 COMMISSIONER SAYRE: Aye.

5 CHAIRMAN RHODES: Commissioner Burman?

6 COMMISSIONER BURMAN: Yes.

7 CHAIRMAN RHODES: Commissioner Alesi?

8 COMMISSIONER ALESI: Aye.

9 CHAIRMAN RHODES: The item is approved and the
10 recommendation is adopted.

11 We now move to the fifth item for discussion,
12 Item 302, Case 15-E-0302, as it relates to the phase two
13 implementation plan of the Clean Energy Standard, presented by
14 Tina Palmero, Deputy Director of Clean Energy. Tom Rienzo,
15 Chief Clean Energy Programs and Tony Belsito, Senior Counsel,
16 are available for questions.

17 CHAIRMAN RHODES: Tina, please begin.

18 MS. PALMERO: Okay. Thank you, Chair Rhodes
19 and good afternoon Commissioners.

20 Item 302 before you, recommends that the
21 Commission approve the Clean Energy Standard, Phase Two,
22 Implementation Plan proposed by staff and NYSERDA, filed in
23 May. The plan has five primary components.

24 First, it documents staff's review of the 2018
25 through 2021 annual targets for Load Serving Entities, or LSEs

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2 and proposes some revisions to the targets, consistent with
3 clarifications that have been made by the Commission, after
4 the CES August framework order was issued.

5 Second, the plan establishes protocols for an
6 annual divergence test which, if the test results fall outside
7 of prescribed ranges, it may trigger an interim review of the
8 annual targets by the Commission.

9 Third, the proposal establishes a new procedure
10 for the sale of Tier One RECS by NYSERDA beginning with the
11 2018 compliance period.

12 Fourth, the proposal establishes the method to
13 calculate the alternative compliance payment or ACP for 2018.

14 And finally, the plan proposes and solicits
15 comments on some additional design options regarding NYSERDA's
16 annual tier one procurements.

17 The Phase Two Implementation Plan proposal was
18 noticed under SAPA and comments were filed individually, or
19 jointly, representing the views of about twenty parties in
20 this proceeding. While staff is not recommending any
21 substantive changes to the phase-two plan, based on those
22 comments, it is recommending that the Commission require some
23 follow up to address comments on a few issues.

24 First with respect to the LSE mandated targets,
25 while no party specifically questioned the method for

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2 calculating the targets, some parties requested that the
3 targets be projected out through 2030, to provide sufficient
4 lead time for development of renewable projects and for other
5 market participants to be able plan well in advance.

6 Staff does not see the need to project targets
7 out to 2030 at this time because undoubtedly targets set that
8 far in advance, will need to be adjusted in the future. But
9 staff does recognize that sufficient lead time is required for
10 all market participants to plan well in advance and therefore
11 recommends that the Commission require staff and NYSERDA to
12 provide a rolling trajectory of no less than three years for
13 the LSE mandated percentage targets.

14 NYSERDA's tier one procurement targets should
15 also be required on a three-year rolling basis.

16 There were also comments that recommended
17 creating additional regulatory policies around some of the
18 input assumptions used to calculate the LSE mandated targets,
19 to ensure that those assumptions are either tracked or
20 enforced. While some of those recommendations are outside of
21 the scope of the phase two proposal, tracking the success, or
22 the accuracy of the assumptions used to calculate the -- the
23 targets are important and these will be reviewed at a minimum,
24 in the triennial review process, as already set forth by the
25 Commission.

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2 However, in reporting progress on the growth of
3 renewable energy consumed in this state, staff is recommending
4 that NYSERDA post on its website, the method for calculating
5 the fuel mix, which is tracked through the New York Generation
6 Attribute Tracking System or NYGATS. This will provide the
7 transparency in accounting for the historic renewable-energy
8 baseline. That's one of the input assumptions for creating
9 the targets. It will also provide transparency with respect
10 to the achievements of the mandated targets and also, activity
11 in the voluntary market, for measuring progress towards the
12 overall Renewable Energy Standard, fifty by '30 goal.

13 With respect to the Alternative Compliance
14 Payment, or the ACP, most comments on this topic opposed using
15 any ACP funds as a backstop to pay nuclear generators, as part
16 of the Zero Emission Credit Program or the ZEC Program. There
17 was also concern that any collected ACP funds held at NYSERDA,
18 should not just sit in an account to offset an expense, which
19 may not occur, or may not occur at the magnitude of the
20 accumulated funds.

21 To address these comments, staff is first
22 proposing that ACPs that are collected, should be used to
23 offset the cost of achieving the renewable-energy goals, which
24 are distinct and separate from the ZEC Program goals. Also,
25 staff recommends that if cumulative -- if there's a cumulative

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2 surplus of ACP payments that is more than twenty-five percent
3 of NYSERDA's contractual payment obligations to renewable
4 generators of the current year, NYSERDA will need to propose a
5 use for the excess portion of those funds, that is in the
6 rate-payer interest which will, you know, help offset the cost
7 of the Renewable Energy Standard Program.

8 Finally, with respect to NYSERDA's solicitation
9 design, the phase-two proposal asked for comments on the
10 aggregation of discrete, but like facilities, into a single
11 bid in response to NYSERDA's tier-one procurements. The
12 proposal also asks for comments on co-located facilities of
13 different technologies into a single bid.

14 Comments supported both of these arrangements.
15 Therefore, staff is recommending that procurement design
16 details be developed by staff and NYSERDA, for Commission
17 consideration to accommodate those types of arrangements,
18 prior to the release of a solicitation in 2019.

19 There were no additional issues raised in
20 comments that staff believed warranted changes to the phase-
21 two proposal. Therefore, staff recommends it be approved and
22 that a final plan be filed, no later than thirty days of the
23 issuance of an order. Approval of the item today will enable
24 NYSERDA to meet its December 1 deadline for publishing certain
25 renewable-energy standard information required for the 2018

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2 compliance year, including the LSE mandated compliance
3 targets, the projected ACP price and the scheduled dates for
4 the 2018 tier-one solicitation.

5 Thank you.

6 CHAIRMAN RHODES: Thank you, Tina.

7 I'm going to support this item.

8 It takes the next steps and sets out the
9 procedures and methods and fund-management rules for NYSERDA,
10 to implement the next phase of the Clean Energy Standard and
11 including, importantly in my view, providing additional
12 rolling future visibility for the annual renewable energy
13 standard targets for '18 through '21.

14 Commissioner Sayre?

15 COMMISSIONER SAYRE: I concur with the Chair.

16 CHAIRMAN RHODES: Commissioner Burman?

17 COMMISSIONER BURMAN: I have a couple of
18 questions.

19 MR. AGRESTA: Mr. Chairman, while we wait,
20 could we clarify, Commissioner Sayre, you're saying you voted
21 yes?

22 COMMISSIONER SAYRE: Yes.

23 MR. AGRESTA: Okay.

24 CHAIRMAN RHODES: He hasn't voted yet.

25 MR. AGRESTA: I'm -- I'm -- I'm sorry.

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2 He used the word concur, which is what's
3 throwing me off.

4 COMMISSIONER SAYRE: My apology, Mr. Agresta.

5 No, no. I concur with --

6 COMMISSIONER BURMAN: Come to the dark side.

7 COMMISSIONER SAYRE: -- the Chair's remarks.

8 COMMISSIONER BURMAN: He got worried.

9 It says on page twenty, for example, NYSERDA
10 may propose to use these surplus funds to reduce the REC price
11 for subsequent quarterly REC sale.

12 Do we know when they may propose that? Are we
13 giving them a timeline to propose that?

14 MS. PALMERO: That was just an example of what
15 could be done with any surplus funds that may become available
16 with the ACPs. We -- first of all, we don't -- we don't
17 expect there to be a lot of ACP payments, at least in the near
18 term because we're trying to match the amount of RECs that
19 will be available to the LSE obligation, but if there is a
20 fund sitting there, then NYSERDA will -- will need to propose
21 what it would do with the excess. So, they would have to
22 propose that and that would be for comment and then Commission
23 determination.

24 That was just an example.

25 COMMISSIONER BURMAN: Uh-huh.

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2 I don't like the fuzziness of it in the order.

3 MS. PALMERO: As -- as an example where it says
4 for example, NYSERDA may propose to use these surplus funds to
5 reduce the REC price? You didn't like that example?

6 COMMISSIONER BURMAN: No.

7 I like -- it's fine to have it as an example,
8 but since we said it, I think that if it's something that they
9 may propose, I'm wondering if we should be giving them some
10 firmness, in terms of when this may -- they're thinking of
11 proposing it, obviously there's something that's there, that
12 when that comes --.

13 MR. BELSITO: I -- I -- I think the -- the
14 reason we're not directing them or requesting a -- a specific
15 proposal, or even a -- a timeframe for a proposal, is as Tina
16 said, there's -- we're not sure if there will be a fund of
17 money. We'll -- we're not sure when that fund of money will
18 become substantial enough to require a propose -- proposal --
19 a proposal and we're not sure of the magnitude of what those
20 funds would be.

21 So, I think depending on the size of the funds,
22 what the -- what an appropriate proposal would be, would
23 probably change.

24 COMMISSIONER BURMAN: So, what's the analysis
25 that's happening to determine all of those factors? Who's --

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2 how's -- what's the calculations that are going on? Who's
3 involved in that?

4 MS. PALMERO: So, the -- the ACP funds, if --
5 if there are any will be collected by NYSERDA and will be
6 accounted for, so we will know what those collections are --
7 what --

8 COMMISSIONER BURMAN: Uh-huh.

9 MS. PALMERO: -- the ACP collections are. If -
10 - as we're proposing, if there is a surplus of funds over
11 twenty-five percent of what NYSERDA needs to -- to pay the
12 generators -- the renewable generators, then they will say
13 okay, we've got the surplus funds, we propose to use them in -
14 - in -- for rate-payer interest, we propose to use them in
15 this way.

16 COMMISSIONER BURMAN: Right.

17 MS. PALMERO: And at that time when they
18 propose it, that will either be in an implementation plan, a
19 separate petition filing for -- to go out to comment and then
20 the Commission will -- will decide.

21 You know the -- the -- the order -- the
22 framework order said, you know, ACP funds should be used to
23 help reduce the cost of the program. So, how -- how that's
24 done, I think it's going to really depend on a lot of factors
25 --

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2 COMMISSIONER BURMAN: But --

3 MS. PALMERO: -- what's going on at the time.

4 COMMISSIONER BURMAN: -- my concern is always
5 that there are times where it seems like we hold onto money
6 for a long time and that it doesn't seem like we then act and
7 then I want to make sure that if -- that -- that there is a
8 trigger that happens for decision-making purposes.

9 MR. BELSITO: The -- the twenty-five percent
10 would be the trigger for a proposal from NYSERDA and the onus
11 would be on staff to make sure to coordinate with NYSERDA to
12 make sure that proposal gets in and, you know, essentially --.

13 COMMISSIONER BURMAN: But then it could sit.
14 It doesn't -- then there's no trigger, in terms of then the
15 Commission -- right?

16 MR. BELSITO: I -- it would be staff's
17 responsibility to make sure that there was an item after the
18 proposal, prepared in a timely manner, similar to most
19 proposals that come in, either from NYSERDA or other parts.

20 COMMISSIONER BURMAN: And then the Commission
21 should act timely.

22 MR. BELSITO: That's up to you guys.

23 CHAIRMAN RHODES: I'm nodding.

24 COMMISSIONER BURMAN: All right. That was a
25 big hint.

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2 Okay. Thanks for hearing that.

3 CHAIRMAN RHODES: Commissioner Alesi?

4 COMMISSIONER ALESI: I concur with Commissioner
5 Sayre.

6 CHAIRMAN RHODES: In a non-voting manner.

7 Okay.

8 With that, we proceed to calling for a vote on
9 Item 302 -- sorry.

10 With that, we proceed to calling for a vote,
11 with the mic on, for Item 302.

12 My vote is in favor of the recommendation to
13 approve the phase-two implementation-plan proposal for the
14 Clean Energy Standard as described.

15 Commissioner Sayre, how do you vote?

16 COMMISSIONER SAYRE: Aye.

17 CHAIRMAN RHODES: Commissioner Burman?

18 COMMISSIONER BURMAN: I'm going to be
19 abstaining.

20 I don't think that this order is detailed
21 enough and there are other items that are still weighing on
22 the impact of this, that affect this decision -- many other
23 decisions that have to be. However, I do understand that this
24 is in many ways trying to facilitate some finality in certain
25 decisions, but the order itself is -- like the repowering

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2 issue and others, still is leaving holes for decision making,
3 that I'd like to see a lot more finality, including the state
4 energy plan and other things that we need to address more
5 holistically. So, I'm going to be abstaining from voting.

6 CHAIRMAN RHODES: Thank you.

7 Commissioner Alesi?

8 COMMISSIONER ALESI: I vote yes.

9 CHAIRMAN RHODES: The item is carried and --
10 the item is approved, excuse me and the recommendation is
11 adopted.

12 We move to the sixth item for discussion, Item
13 303, Cases 16-E-0710 et al, as they relate to LED Street
14 Lighting Tariff amendments by New York State Electric and Gas
15 Corporation and Rochester Gas and Electric Corporation
16 presented by Peggie Neville, Deputy Director Office of Clean
17 Energy. Peggie, please begin.

18 MS. NEVILLE: Good afternoon, Chair Rhodes and
19 Commissioners. Today I will be presenting on Item 303,
20 revised electric-tariff filing, for both the New York State
21 Electric and Gas Corporation and Rochester Gas and Electric
22 Corporation, to offer company owned, company maintained LED
23 street-lighting tariffs.

24 Many municipalities around the state have
25 expressed interest in pursuing LED street-lighting conversions

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2 for the economic and environmental benefits they offer, over
3 standard street-lighting equipment. As you know,
4 municipalities can negotiate the purchase of their
5 streetlights with their utility, in order to pursue LED
6 conversions.

7 However, for many municipalities, particularly
8 smaller municipalities, purchasing their street-lighting
9 assets and taking on the operations and maintenance
10 responsibilities, is not a viable option.

11 Staff is excited to bring this item before you
12 today as it represents the final installment of work the staff
13 team has undertaken over the last two years, with regard to
14 company-owned, company-maintained LED street-lighting tariffs.

15 Staff recommends approving the tariff filings
16 with modifications as detailed in the draft order before you.
17 In doing so, NYSEG and RG&E will join Central Hudson, Orange
18 and Rockland and National Grid in providing LED options that
19 better meet the needs of interested municipalities.

20 As with the other items the Commission has
21 previously approved, this item recognizes that in addition to
22 providing the LED tariffs, municipalities may also benefit
23 from access to financing and technical assistance.

24 With regard to access to financing, the item
25 before you includes the option for NYSEG and RG&E to finance

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2 the undepreciated book value of the existing street-lighting
3 assets, allowing municipalities who are interested in this
4 option, to pay over time with the savings resulting from the
5 LED conversion. We also note that the New York Green Bank has
6 stated in their 2017/18 business plan, that it expects to
7 proactively engage with municipalities and utilities, to
8 determine any financial solutions that they may be also able
9 to support.

10 On the technical-assistance side, NYSERDA
11 currently provides technical assistance in this area, that
12 consists of the availability of an LED street-lighting
13 toolkit, which includes case studies, fact sheets, and step by
14 step guides. They also assist municipalities with evaluating
15 various options to LED conversions and are partnering with the
16 Lighting Research Center, to potentially offer additional
17 trainings and informational resources.

18 This concludes my remarks and I'm happy to
19 answer any additional questions.

20 CHAIRMAN RHODES: Thank you, Peggie.

21 I am planning to support this item.

22 New York state's policy has repeatedly
23 championed municipal government efficiency and the encouraging
24 of municipalities to have greater -- to take greater control
25 over their energy usage. Implementing LED street-lighting

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2 options can -- can do much to support these twin goals, as
3 well as the state's achievement of its own clean energy goals.

4 NYSEG and RG&E are encouraged to continue to
5 look for additional ways to help improve the customer's
6 energy-efficiency opportunities. Commissioner Sayre?

7 COMMISSIONER SAYRE: I see this as a great news
8 item. As the Chair just said, LED streetlights help
9 municipalities save energy and tax dollars at the same time.
10 So, I commend staff and Peggie in particular, for getting this
11 program rolled out. It was again, a lot of work. I think
12 it's a wonderful result.

13 CHAIRMAN RHODES: Commissioner Burman?

14 COMMISSIONER BURMAN: Thank you.

15 I think that was very comprehensive. I'm not
16 going to be voting with the majority on this item. I will be
17 concurring.

18 My concern is, is that we have been doing these
19 in silos and my concern is also that it has been a little
20 chunky, or clunky -- chunky and clunky really, in our state-
21 energy policy as it relates to LED street lighting and we've
22 become a little bit overzealous in the advocacy of pushing LED
23 street lighting, rather than being -- allowing municipalities
24 to have clear, informed decision-making opportunities on their
25 energy-efficiency portfolio, as it relates to one of the

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2 options being street lighting and LED and working with the
3 utilities in a more grass-roots perspective.

4 And while I do think that the technical
5 assistance that can be utilized from NYSERDA is very
6 beneficial, I do think we need to be very careful that we
7 don't become too overly aggressive in pushing it from a --
8 over policy objective, in the sense that they may not need all
9 that we are pushing upon them and that there are many
10 different aspects of it, that have significant challenges to
11 it and municipalities need to have real, clear understanding
12 of what their options are.

13 And so I know that NYSERDA had done a few years
14 ago a very comprehensive analysis on street lighting options
15 and I do think it's, you know, might be beneficial to look at
16 updating that, but also working with not only the legislature
17 on, you know, the different aspects that are out there, but
18 also with the relevant associations that are out there, to
19 help make sure that it's one voice and also working with the
20 different utilities and some of the challenges and -- and
21 opportunities and also taking a look at some of the different
22 things and confusion that is out there. Not all the
23 municipalities will want to own their streetlights. Not all
24 municipalities are fully understanding all of that's out
25 there, which is why it's very important that we're very clear

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2 and some of the upgrades, while it may be appropriate and
3 while there may be some funding that's available, the long-
4 term implications need to be carefully weighed and looked at.

5 So, I am very supportive. I think it's very
6 helpful, but I really want to make sure that we are very, very
7 careful in our approach, so that we are truly doing what's
8 right for the -- the -- New -- New York on this issue, for the
9 short and long term.

10 So, thank you.

11 CHAIRMAN RHODES: Thank you very much.

12 Commissioner Alesi?

13 COMMISSIONER ALESI: Nothing to add.

14 Thank you.

15 CHAIRMAN RHODES: With that, I move to vote on
16 this item, Item 303.

17 My vote is in favor of the recommendation to
18 approve the tariff amendments, with modifications, as
19 described.

20 Commissioner Sayre, how do you vote?

21 COMMISSIONER SAYRE: Yes.

22 CHAIRMAN RHODES: Commissioner Burman?

23 COMMISSIONER BURMAN: I concur.

24 CHAIRMAN RHODES: Commissioner Alesi?

25 COMMISSIONER ALESI: Yes.

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2 CHAIRMAN RHODES: The item is approved and the
3 recommendation is adopted.

4 We will now move to the consent agenda.

5 Do any of my fellow Commissioners wish to
6 recuse from voting on, or comment on any item on the consent
7 agenda?

8 COMMISSIONER SAYRE: No.

9 CHAIRMAN RHODES: No?

10 Commissioner Alesi?

11 With that, I move to call for a vote. My vote
12 is in favor of the recommendations on the consent agenda.

13 Commissioner Sayre, how do you vote?

14 COMMISSIONER SAYRE: Aye.

15 CHAIRMAN RHODES: Commissioner Burman?

16 COMMISSIONER BURMAN: Aye.

17 CHAIRMAN RHODES: Commissioner Alesi?

18 COMMISSIONER ALESI: Aye.

19 CHAIRMAN RHODES: The items are approved and
20 the recommendations are adopted.

21 I am going to inject one more observation if I
22 may, before I turn to you Secretary Burgess.

23 I would like all of us who care about these
24 issues, to recognize that yesterday, November 15th, was
25 Utility Scam Awareness Day. Many electric, water, and

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2 natural-gas customers throughout the country, are being
3 targeted by scams -- by imposter-utility scams each day.
4 These scammers typically use phone, in person, and online
5 tactics to do so. Yesterday, as I said, the PSC, along with
6 our major electric and gas utilities, participated in a
7 Utility Scam Awareness Day, a national event to help raise
8 awareness and educate customers about scams.

9 Preventing utility scams is not a one-day
10 effort. The PSC and our utility partners will continue to
11 help spread awareness of the suspicious behaviors and the
12 evolving tactics with scammers used to target customers.

13 It's important for -- that customers call their
14 utilities directly to check on the status of their accounts,
15 if they are ever unsure of authenticity of a call, or identity
16 of a service worker, or if they suspect any fraudulent service
17 activity. Let's stay alert. Thank you.

18 (Off the record discussion)

19 CHAIRMAN RHODES: Secretary Burgess, is there
20 anything further to come before us today?

21 MS. BURGESS: There's nothing further to come
22 before you today and the next Commission meeting is December
23 14th and the location has been changed to Albany, rather than
24 in New York city.

25 CHAIRMAN RHODES: Thank you.

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2 So, we're going to adjourn the meeting, but I
3 want to do one out-of-meeting bit of business as well.

4 I think we're all aware -- I hope all of us in
5 this room are aware that the Department -- of the Department's
6 and Commission's focus on the value of distributed-energy
7 resources to set out clearly how to calculate the value stack,
8 the instrument we use to compensate these new energy resources
9 as appropriate and this is a major milestone and a major first
10 step that creates more accurate and value-reflective pricing,
11 to spur development of the projects that are most valuable to
12 the grid. This is where I start getting embarrassing.

13 So on a staff level, this work has been led by
14 Scott Weiner, our Deputy for Markets and Innovation. And on
15 Tuesday, this week, Scott and his project-leader team were
16 presented with an Innovation Award for the National
17 Association of Regulatory Utility Commissioners, NARUC. In
18 particular, this innovation award cites and recognizes the
19 work of Scott, along with our Director of Market and
20 Regulatory Economics, Warren Myers, our Deputy Director for
21 Market Structure, Marco Padula, and our Assistant Counsel, Ted
22 Kelly.

23 So on behalf of the Commission, I would like to
24 personally congratulate Scott, Warren, Marco and Ted, as well
25 as the other staff members on the team for the long and that

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2 is objectively true, and fruitful, also true, hours that they
3 have spent on this and on so many other important REV
4 endeavors.

5 New York is fortunate -- New Yorkers are
6 fortunate to have such expert public servants.

7 Thank you.

8 (The meeting adjourned.)

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2 STATE OF NEW YORK

3 I, JANET AXTON, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and
5 place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription
7 consisting of pages 1 through 71, is a true record
8 of all proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 24th day of November,
11 2017.

12

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14 JANET AXTON, Reporter

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