

Public Service Commission Meeting - 12-14-2017

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, December 14, 2017  
10:30 a.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 (On the record 10:30 a.m.)

3 CHAIR RHODES: Good morning all. I'd like  
4 to call this session of the Public Service Commission to  
5 order.

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

8 SECRETARY BURGESS: Good morning, Chair and  
9 Commissioners. There are no changes to the final agenda.

10 CHAIR RHODES: Thank you. With that let's  
11 proceed right to the first item for discussion which is  
12 Item 201, Case 12-M-0476 et al, which is the petition of  
13 utility expense reductions, petition for waiver of the  
14 Commission's order adopting a prohibition on service to  
15 low-income customers by energy service companies presented  
16 by Bruce Alch, chief retail access and economic  
17 development.

18 Tom Dwyer, assistant counsel is available  
19 for questions.

20 Bruce, please begin.

21 MR. ALCH: Good morning, Chairman Rhodes  
22 and Commissioners. This morning I'm going to be  
23 discussing a petition for waiver by an ESCO utility  
24 expense reduction for the -- of the Commission's December  
25 2016 order. In summary, the December 2016 order directed

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2           a prohibition on ESCO enrollments and contract renewals  
3           for customers that participate in utility low-income  
4           assistance programs. We refer to these customers as  
5           assistant program participants or APPs.

6           The December order also explains that an --  
7           any ESCO that believes that they guarantee that APPs will  
8           pay no more than they would otherwise to the default  
9           utility could petition the Commission for a waiver of the  
10          December order by demonstrating, one, the ability to  
11          ensure that customers will pay no more than they would  
12          have paid to the utility. And, two, an appropriate  
13          reporting to verify and demonstrate compliance with these  
14          assurances.

15          Petitions were received from twelve ESCOs  
16          prior to the January 16th order -- January 16th filing  
17          deadline that was established in the December order and  
18          each of the petitions were SAPA'd. Cautionary comments on  
19          the petitions were received from the utility intervention  
20          unit of the State's Division of Consumer Protection, the  
21          City of New York, the Public Utility Law Project and the  
22          New York Attorney General's Office.

23          One applicant withdrew its petition and the  
24          Commission has otherwise ruled on the other ten petitions  
25          for waiver, approving four and denying six. As explained

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2           during prior presentations on the waiver petitions,  
3           because this process and the requisite demonstration was  
4           essentially new territory for each of these applicants the  
5           initially-filed petitions were each deficient in various  
6           aspects and required clarification.

7                        It's there -- therefore requested  
8           additional information from each petitioner and when  
9           necessary had discussions with the ESCOs during our review  
10          of the individual petitions and associated supporting  
11          materials. Utility expense reductions petition and  
12          clarified proposal was unique in that in addition to  
13          meeting the primary concern that gas and electric come in  
14          -- commodity service be provided at a cost no greater than  
15          the default utility on an all-in billed basis, it also  
16          proposed to offer its electric APP customers, one hundred  
17          percent renewable energy product for all of their load.

18                       Utility expense reduction further committed  
19          to begin transitioning all of its existing APP customers  
20          to this product immediately if approved. Utility expense  
21          reduction was ultimately able to demonstrate its  
22          commitment and technical ability to provide and report on  
23          its products, including the ability to provide its  
24          electric customers with a hundred percent renewable  
25          product that is compliant with the Commission's

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2   environmental disclosure program at a total bill cost that  
3   will be no greater than the default utility.

4           Staff is therefore recommending that the  
5   Commission issue a waiver to utility expense reduction to  
6   allow it to serve low-income electric and gas customers,  
7   and the draft order also requires semi-annual reporting on  
8   the status of its products to these APP customers.  
9   Reports should include the number of customers served for  
10   each commodity in each default utility service area, the  
11   monthly amounts billed and the alternative amounts that  
12   the relevant utility would have charged, the amounts of  
13   any credits issued to meet the price performance guarantee  
14   and a demonstration that the electric load commitment was  
15   met with a hundred percent EDP compliant renewable energy.

16           Finally, while the draft order grants  
17   utility expense reductions request for a waiver, we  
18   believe it is appropriate for the Commission to place a  
19   twenty-four month time limit on the waiver. During that  
20   time staff will monitor the ESCO's compliance with the  
21   December '16 order requirements and the ESCO will also be  
22   able to petition for a waiver -- extension of the waiver  
23   prior to its expiration.

24           That concludes my presentation. I'll  
25   answer any questions you have.

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2 CHAIR RHODES: Thank you, Bruce. In  
3 December 2016, last year, the Commission issued an order  
4 prohibiting ESCO service to customers who are participants  
5 in utility low-income assistance programs. And the  
6 Commission at that time provided that any ESCO that could  
7 guarantee or provide guaranteed savings to those customers  
8 could petition the Commission for a waiver.

9 And UER, in this case, I believe has made  
10 the requisite demonstration which means that it is  
11 positioned to well serve customers who will benefit from  
12 those services. And it has convincingly demonstrated that  
13 it is well positioned to serve those customers.

14 I am going to vote to approve this petition  
15 authorizing the company to serve low-income customers.

16 Commissioner Sayre?

17 COMMISSIONER SAYRE: I also support this  
18 item. It's pretty well settled now, how we will rule on  
19 these petitions. I support the item as well as, of  
20 course, the underlying order that requires ESCOs to  
21 provide savings if they're going to serve low-income  
22 customers.

23 This appears to be a -- a win-win situation  
24 and if customers can benefit from this service and the  
25 ESCO can attract them that's good.

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2 CHAIR RHODES: Thank you. Commissioner  
3 Burman.

4 COMMISSIONER BURMAN: Thank you. I'd like  
5 to caution us that I do believe that how we handle things  
6 going forward is very important. And from a global  
7 perspective right now we have reached settlement or we've  
8 reached conclusion on twelve of the items. One has been  
9 withdrawn so we've dealt with eleven of the petitions. So  
10 that means that we'd be deciding today if this is approved  
11 to have granted five of the petitions and denied six of  
12 them.

13 Out of the six denials a few of them have  
14 petitioned for rehearing. So those are still pending and  
15 will come before us. We also will be handling in the CCAs  
16 issues with low-income customers and how we will be  
17 handling the same issues outside of petitions but in a  
18 more global perspective CCAs and low-income customers in  
19 the same guaranteed saving requirements that are be --  
20 that will all be in them.

21 My concern really lies in and the reason  
22 I've voted no on all of these items is that I am concerned  
23 about doing these individually in a -- in standalone  
24 petitions and would rather see a more collaborative  
25 process that gets to a more global solution in a more

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2           standardized way. Understanding that we're going to have  
3           to be very diligent in looking at our most vulnerable  
4           customers and low-income customers and working diligently  
5           with the ESCOs and the utilities on an individual basis as  
6           working through some of those challenges in identifying  
7           the low-income customers. And making sure that the  
8           protections are there.

9                        However, as we still have those pending  
10          petitions for rehearing and as there still is the ESCO  
11          hearing and some of the bigger issues may impact the low-  
12          income customers and all customers in general, I still am  
13          uncomfortable in having done these in what I see as a  
14          siloed process.

15                      So I am going to vote no, but I am -- I do  
16          understand that I am in the minority on this. But I would  
17          like to caution us that as we move forward we really  
18          should be looking at a better, longer-term strategy in how  
19          we can morph this into a more cohesive process that gets  
20          to a better process not only for businesses and utilities  
21          but really for the customers to fully understand what is  
22          available to them and the choices that they may have.

23                      And also to understand exactly what this  
24          means as it applies to Community Choice Aggregation  
25          because we aren't looking at those in a petition process.



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2 And I am concerned about that. So I will be voting no on  
3 this item.

4 CHAIR RHODES: Thank you, Commissioner  
5 Burman.

6 Commissioner Alesi.

7 COMMISSIONER ALESI: Good morning everyone.  
8 Yes, I'm satisfied with this recommendation as long as it  
9 includes a time limit and I'll be voting yes on it.

10 CHAIR RHODES: Thank you very much. So we  
11 will proceed to call for a vote on this Item 201. My vote  
12 is in favor of the recommendation to approve utility  
13 expense reduction, LLC's request for waiver to serve low-  
14 income customers as described. Commissioner Sayre, how do  
15 you vote?

16 COMMISSIONER SAYRE: Aye.

17 CHAIR RHODES: Commissioner Burman, how do  
18 you vote?

19 COMMISSIONER BURMAN: No.

20 CHAIR RHODES: Commissioner Alesi, how do  
21 you --?

22 COMMISSIONER ALESI: Yes.

23 CHAIR RHODES: The item is approved and the  
24 recommendation is adopted. Thank you.

25 So we will move to the second item for

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2   discussion which is Item 202, Case 14-M-0224 which is the  
3   Community Choice Aggregation data access fees proposal  
4   presented by Ted Kelly, assistant counsel. Peter McGowan,  
5   chief policy advisor is available for questions.

6           Ted, you may begin when you're ready.

7           MR. KELLY: Good morning, Chair Rhodes and  
8   Commissioners.

9           Item 202 is the order -- is a proposed  
10   order establishing Community Choice Aggregation data  
11   access fees. This order responds to a directive that  
12   started in the generic CCA implementation order which  
13   allowed the proposal of CCAs state wide. In that order  
14   the Commission identified the need for three types of data  
15   to implement CCA programs.

16           The first type is aggregated customer usage  
17   data in the municipalities to support procurement. The  
18   second type is lists of customer names and addresses to --  
19   to support the mailing of opt-out notices. And the final  
20   is the customer specific information that the ESCO will  
21   need to enroll participating customers as well as the  
22   traditional data that flows between ESCOs and utilities  
23   using electronic data interchange.

24           In the generic CCA implementation order  
25   Commission also recognize that developing and providing

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2   aggregated data and customer lists would impose costs on  
3   utilities. And that to the extent that only a subset of  
4   the customers in the utility territory would be CCA  
5   participants, it would be appropriate to recover the costs  
6   from that subset of customers rather than from all rate  
7   payers. For that reason the Commission directed the  
8   utilities to propose data tariff fees. The utilities did  
9   so.

10                   Subsequent to the filing of those tariffs,  
11   the Commission and staff considered whether the need for  
12   aggregated data could be at least partially filled in a  
13   more generic matter by the Utility Energy Registry under  
14   development by NYSERDA. I will therefore briefly describe  
15   the Utility Energy Registry.

16                   It is intended to be an online, publicly  
17   accessible database that includes aggregated data  
18   regarding, among other things, energy consumption broken  
19   down by municipality and by categories of customer  
20   including residential, small commercial and other. The  
21   Utility Energy Registry will serve a variety of purposes  
22   including local energy planning and development and also  
23   has the potential to fill the need for aggregated data for  
24   CCA programs and therefore reduce the need for  
25   individualized, customized requests to the utilities.

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2 The Utility Energy Registry had a comment  
3 period support on it and it was supported by all parties  
4 who participated. The proposed order explains that while  
5 the Commission supports full implementation of the Utility  
6 Energy Registry, further process is needed to ensure that  
7 the Utility Energy Registry is as useful and as fully  
8 populated as possible specifically regarding the  
9 appropriate privacy standards and aggregation practices.

10 Therefore, the Utility Energy Registry is  
11 not being implemented at this time and instead that  
12 further process is being undertaken.

13 Staff reviewed the utility fee proposals  
14 regarding the CCA data and requested and received  
15 additional information on the cost that the utility would  
16 incur in developing and providing data to the CCAs.  
17 Because the cost to automate aggregate -- aggregated load  
18 data will benefit both CCAs and the development of the  
19 Utility Energy Registry a portion of the automated costs  
20 are being assigned to the general body of ratepayers while  
21 the other portion is assigned specifically to the CCA data  
22 fees.

23 In addition, the costs related to the uses  
24 that are only for CCAs, in particular, the customer  
25 address lists are part of the data fees. An appendix is

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2   attached to the proposed item that includes the per  
3   customer cost by each utility. Utility by utility costs  
4   were relatively similar to each other to promote  
5   consistency and simplicity for CCAs statewide. The  
6   proposed item recommends a standard per customer fee of  
7   eighty cents per customer for all utilities.

8           The eighty cent fee will be back loaded  
9   with sixteen cents due when the request for aggregated  
10   data is made and the remaining sixty-four cents due if and  
11   when the CCA has entered into a contract with an ESCO and  
12   is prepared to start enrolling customers. This will  
13   ensure that the fee does not act as a barrier to  
14   municipalities by requiring them to fund the cost before  
15   enlisting private partners.

16           Staff believes the proposed fee which will  
17   apply to all CCAs is reasonable and will facilitate the  
18   CCA implementation without unfairly imposing costs on  
19   nonparticipating ratepayers. The fees being established  
20   today will be in effect until there is further action by  
21   the Commission. We're available for any questions. Thank  
22   you.

23           CHAIR RHODES: Thank you, Ted.

24           Community Choice Aggregation is being  
25   developed throughout the state. And through the greater

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2   bargaining power enabled by the CCA model, communities are  
3   enabled to work with their energy supplier to procure  
4   resources that better serve their local -- their citizens  
5   local energy goals.

6           This order provides a fair and uniform  
7   approach to an essential point of enabling CCAs to go  
8   forward. An approach on data fees will accelerate the  
9   opportunity for communities who wish to establish a CCA,  
10   and I am going to vote to support this item.

11           Commissioner Sayre?

12           COMMISSIONER SAYRE: This is another step  
13   forward for REV. I'd be happy to see the CCA market take  
14   off, but it's market and not a mandate. And it's  
15   complicated. This item fairly allocates the costs of CCAs  
16   to those who benefit, and at the same time, it protects  
17   consumers' data privacy. Those are my two big concerns  
18   and I think this item satisfies them. So I look forward  
19   to seeing the market play out.

20           CHAIR RHODES: Thank you, Commissioner  
21   Burman.

22           COMMISSIONER BURMAN: Thank you. I -- I  
23   actually have a couple of questions. First, I know there  
24   is in this order a lot of REV-isms. But I think it really  
25   gets to two really core issues. Really just data access

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2     fees and then utility energy registry. So really we're  
3     really just dealing with those two core issues. So  
4     there's a lot in there that in some ways are -- is  
5     extraneous but I think is utilized to explain why we're  
6     getting to either the data access fee, what the -- maybe  
7     some of the rationale was behind that. And the same with  
8     the utility registry.

9                    But both of the -- the reason I say that is  
10    some of those REV-isms were really pre the Chair and --  
11    and Commissioner Alesi on here. And -- and some of them  
12    were things that maybe I hadn't voted with the majority  
13    on. So being that -- being that what it is I needed to  
14    really parse out what was really some ways if it was a  
15    court order would have been dicta for lack of a better  
16    analogy and really just get to the heart of what we were  
17    doing.

18                   So once I got through that I just wanted to  
19    explain that that's really sort of the core issue, right.  
20    So being that what it is, when you get to the data sharing  
21    fees and the data-sharing issue, issue of data sharing  
22    really is a -- has been a sticking point of CCA  
23    development process all along. And really it's been  
24    probably an arduous journey for many. And it's sort of  
25    been a fight between folks who have felt that they needed

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2 aggregated data with enough granularity to be able to use  
3 it to seek out a competitive bid, to seek out, you know,  
4 what exactly they needed to be able to utilize it. And  
5 whether or not to participate in the market.

6 And the utilities on the other hand were  
7 very concerned about it from proprietary perspective. And  
8 then consumers from a privacy issue. And so all of those  
9 things together created quite a bit of issues and  
10 continued to create quite a bit of concerns and issues.  
11 And then what does that mean? And that's sort of where  
12 the thrust of a lot of the policy issues come in.

13 And so while it may seem very cut and dry,  
14 there's a lot that goes behind that that really requires a  
15 lot of detailed analysis. And so I think that is very  
16 important. And I recognize and appreciate the  
17 thoughtfulness that goes into that. So I do think that  
18 there also is a very steep learning curve for  
19 municipalities on this issue.

20 This is just one issue in a whole host of  
21 issues where we get into community-choice aggregation.  
22 And it is very, very important that we fully understand  
23 that and fully understand the dynamic. And fully  
24 understand a lot of the threshold issues and the  
25 challenges from that.



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2 And fully understand that they don't  
3 necessarily have the resources in addressing those issues  
4 or fully understanding what that means. So what do we do,  
5 how do we figure out the right fee and work through some  
6 of those challenges is still really a struggle for -- for  
7 me. And when I look at this I -- I do -- I am still a  
8 little concerned and would like a little more  
9 clarification on the how there was an -- the analysis in  
10 the proportionate share. And you can go through that a  
11 little bit in the -- and -- and maybe delve into a little  
12 bit about that.

13 MR. KELLY: Sure. Certainly, just get  
14 myself to the right part of the document. So it was  
15 something where, you know, we -- we went through kind of a  
16 -- a fairly detailed set of information exchanges with the  
17 utilities primarily led by our very able accounting audits  
18 and finance staff. And when we took a look at it we took  
19 a look at what portions of it involved the aggregated data  
20 versus what portions of it involved the customer lists.

21 And then of the portion that involved the  
22 aggregated data we did our best to estimate what portions  
23 of that would be necessary no matter what for the utility  
24 energy registry versus what part -- portions could  
25 potentially be attributable to customized CCA requests.

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2 And so that was really how we came to assigning a -- a  
3 certain share of the aggregated portion to the general  
4 rate base for the utility energy registry and the rest of  
5 the CCA customer fee.

6 COMMISSIONER BURMAN: Okay. So there's --  
7 there's a given level of estimate -- estimates in terms of  
8 what belongs in the utility energy registry and what  
9 belongs in the other category, correct?

10 Is there a determination that later it will  
11 get figured out or are we just doing the share and it's  
12 sort of set in stone then? Or is there some wiggle room  
13 later?

14 MR. KELLY: So, you know, as I said, these  
15 fees are -- are in place until the Commission takes any  
16 further action, potentially changes them. So if as, you  
17 know, as the utility energy registry develops and when the  
18 Commission fully implements that and if there are further  
19 developments, the Commission certainly has the option to  
20 take a look back at this and -- and determine whether that  
21 changes anything about what portion should be applied to  
22 what. And therefore to update the cost for, you know,  
23 CCAs moving forward after that new Commission order.

24 COMMISSIONER BURMAN: Okay. I think that's  
25 where my -- my concern and confusion is. I can fully

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2    understand applying a data access fee to what's concrete  
3    now and apportioning it especially as it goes to  
4    portioning it to those folks who will be part of the CCA  
5    Those folks who are embracing that. My concern gets into  
6    the order when it goes into the UER and apportioning some  
7    portion of that share to all ratepayers.

8                   And that is where I have a concern. And  
9    can you full -- can you explain a little bit that aspect  
10   of it and why if we haven't addressed yet the UER we're  
11   identifying -- I think it's on page -- page 21? We talk  
12   about a portion of the cost of generating aggregated data  
13   and populating the UER will be allocated to all  
14   ratepayers.

15                   MR. KELLY: Peter, do you want to speak to  
16   that maybe?

17                   MR. MCGOWAN: Sure. Since the comments on  
18   the UER and the Commission's urging of the development of  
19   the UER and the comments have broadly supported the U --  
20   UER it appears that the UER is something that will  
21   hopefully relatively soon come into fruition. And it --  
22   given that apportioning a certain amount of cost to the  
23   UER seems a reasonable step.

24                   COMMISSIONER BURMAN: Okay. I guess --  
25   this is where I have difficulty with it. We haven't yet

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2           addressed what the UER is going to fully look like. The  
3           UER has been a work in progress since 2012, is that  
4           correct?

5                   MR. MCGOWAN: Fifteen.

6                   COMMISSIONER BURMAN: Okay. 2015 when DOE  
7           gave us a grant?

8                   MR. MCGOWAN: I don't know about that.

9                   MR. KELLY: I believe -- I don't know all  
10          the details. I believe NYSERDA received some -- some sort  
11          of grant. I don't --.

12                  COMMISSIONER BURMAN: NYSERDA received a  
13          grant I believe in 2015, 2016 from DOE. It was a grant  
14          with three other outside the state. I think Maryland,  
15          Washington and Minnesota I believe to establish a utility  
16          energy registry. I don't know necessarily whether there  
17          was any report, if there's been any activity on that. But  
18          I do believe that it's an ongoing grant and that it was  
19          looking at working with NYSERDA as well as these other  
20          partners in terms of establishing a utility energy  
21          registry.

22                  That's been ongoing. It's been I think a  
23          very good ongoing work product and it's been something  
24          that we've been working through. So my issue is looking  
25          at this we have an ongoing docket. We're looking at

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2   different things with the utility energy registry where in  
3   looking at incorporating opportunities in what it means  
4   for the data that's needed and what it may look at.

5           So I'm just trying to understand if this is  
6   broader what we may or may not be doing and what that  
7   means, you know, for all ratepayers. And whether or not  
8   it's appropriate to apply this from a fee perspective.

9           Maybe -- maybe this isn't the order to be  
10   saying that the Commission supports -- I mean, we could  
11   say we -- we think we support establishing the UER and we  
12   may consider allocating to all ratepayers, but why if we  
13   don't know what exactly what the UER is going to look like  
14   would we lock ourselves into allocating to all ratepayers?

15           MR. MCGOWAN: I think we do have a pretty  
16   good sense of what the UER will look like. Staff has been  
17   working with all of the parties who have expressed an  
18   interest in the development of the UER. All of the  
19   parties support the development of the UER and the  
20   Commission has previously urged the development and the  
21   implementation of the UER. So we have made a good deal of  
22   progress. We have one issue that we want to continue to  
23   explore to make the UER as good as we can make it. But I  
24   think many things point in the direction of successfully  
25   achieving the implementation of the UER.

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2 COMMISSIONER BURMAN: Okay. These are all  
3 the parties in the UER case?

4 MR. MCGOWAN: Yes.

5 COMMISSIONER BURMAN: Okay. I'm -- I'm  
6 just obviously concerned that this order seems to be  
7 locking us into a future item that we haven't before us  
8 and that it -- I'm not really sure that that's an  
9 appropriate issue. It's not really appropriate to be  
10 locking us into something.

11 MR. MCGOWAN: Well, I don't think it locks  
12 you in. Obviously the UER has to be finally brought back  
13 to the Commission and the Commission will have to review  
14 the final recommendations and can either accept or not  
15 accept. And if it doesn't accept it and the UER is not  
16 implemented then the Commission will be free to reevaluate  
17 the -- the apportionment issues.

18 COMMISSIONER BURMAN: I think also it says  
19 that because eventual access to the UER will benefit  
20 ratepayers generally through community based energy  
21 planning efforts to achieve statewide clean energy goals  
22 and increase consumer awareness of consumption practices  
23 and REV related opportunities to consume energy more  
24 efficiently, a portion of the cost of generating  
25 aggregated data and populating the UER will be allocated

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2   to all ratepayers. And a portion will be covered --  
3   recovered through the CCA fees as described below.

4           My concern is is that is a very broad  
5   rationale to allocate to all ratepayers that essentially  
6   to achieve statewide clean energy goals and increase  
7   consumer awareness of consumption practices and REV  
8   related opportunities to consume energy more efficiency  
9   we're basically allocating something to all ratepayers.

10           And I do believe that if we're doing that  
11   while it may in this case be a -- what we consider a  
12   nominal amount, if we take this rationale and apply it to  
13   something that may have a lot more dollars to it and we do  
14   that in maybe something else, and then something else and  
15   then something else that can have a real wide-ranging  
16   effect.

17           And we should be very careful in that broad  
18   brush and really understand what the rationale is. And so  
19   that this very general, broad rationale here applying to  
20   all ratepayers should be more thought through. And  
21   especially since if it's applying to the UER which is a  
22   item that we're going to be looking at later and we don't  
23   have all of the fine details with it.

24           And yet while there are some parties who  
25   seem to be on board with staff it's not yet before the

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2 Commission, not all the parties I'm sure include  
3 interested ratepayers or ratepayer associations.

4 And so I'd like to make sure that we don't  
5 seem to be indicating how we would be deciding something.  
6 I am much more open to not locking myself in now on how --  
7 I'll be deciding that later because I want -- really want  
8 to evaluate that much more carefully because that concerns  
9 me.

10 So I'm not going to vote for this order  
11 because of that issue. I do think it's appropriate that  
12 we look more holistically on that. But I -- I appreciate  
13 where we're going. I do think that it's important and I  
14 do think we should be very careful on all of these issues.  
15 So I will be voting no on this item.

16 CHAIR RHODES: Thank you, Commissioner  
17 Burman.

18 Commissioner Alesi.

19 COMMISSIONER ALESI: Thank you, Mr.  
20 Chairman. Just briefly from my perspective, I think this  
21 is a solid outcome and no doubt that it's the result of  
22 some significant effort. And so I will be supporting the  
23 recommendation.

24 CHAIR RHODES: Thank you. With that we now  
25 proceed to call for a vote or I proceed to call for a vote



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2 on Item 202.

3 My vote is in favor of the recommendation  
4 to approve the data access fees proposal with  
5 modifications as described.

6 Commissioner Sayre, how do you vote?

7 COMMISSIONER SAYRE: Aye.

8 CHAIR RHODES: Commissioner Burman?

9 COMMISSIONER BURMAN: No.

10 CHAIR RHODES: Commissioner Alesi?

11 COMMISSIONER ALESI: I vote yes.

12 CHAIR RHODES: Thank you. The item is  
13 approved and the recommendation is adopted.

14 We move now to Item 301, Case 17-E-0526  
15 which is the petition of Consolidated Edison to move a  
16 room air conditioning program to Rider L and continue  
17 connected devices pilots with modification. Presented by  
18 Robert Cully, utility engineering specialist two. Marco  
19 Padula, deputy director of market structure is available  
20 for questions.

21 Rob, please begin.

22 MR. CULLY: Good morning, Chair Rhodes and  
23 Commissioners. As the Chair just described, Item 301 is a  
24 draft order addressing the filing by Consolidated Edison  
25 Company of New York, Inc. referred to as Con Edison or the

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2   Company -- seeking approval of tariff mod -- amendments  
3   related to its residential and small commercial demand  
4   response programs.

5           Con Edison currently operates two  
6   residential and small commercial demand response programs.  
7   The first of which is the direct load control program or  
8   DLC program under Rider L. And the second is the  
9   connected devices pilot. The DLC program under Rider L  
10   allows customers to enroll smart thermostats controlling  
11   central air conditioning units and Con Edison's demand  
12   response program allowing Con Edison to cycle compressors  
13   and modify temperature set points during events.

14           In return, Con Edison pays customers a one-  
15   time enrollment incentive and an ongoing annual incentive  
16   payment for continuing to participate in the DLC program.  
17   Incentive payments under the DLC program are bounded by  
18   requiring Con Edison to maintain a passing benefit cost  
19   analysis test.

20           The connected devices pilot is a program  
21   designed to allow Con Edison to test new Internet of  
22   things controllable devices, demonstrate the effectiveness  
23   of those technologies and run pilot scale programs to see  
24   how the market responds. The main component of the  
25   connected devices pilot program is the Smart AC Kit. A

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2       smart plug which connects room air conditioner units,  
3       those that can be seen in apartment windows throughout New  
4       York City and allows those units to be remotely  
5       controllable by both the customer and Con Edison.

6           Con Edison is also currently testing  
7       several other technologies such as room air conditions  
8       with integrated communications and control devices and  
9       communication devices to control packaged terminal air  
10      conditioning units frequently seen in hotels as well as  
11      ductless mini-split heat pumps. The connected devices  
12      pilot program is currently subject to an annual budget of  
13      four million dollars.

14           In its petition, Con Edison proposed to  
15      graduate the Smart AC Kit program from a pilot into Rider  
16      L, make several modifications to Rider L as a whole and  
17      continue the connected devices pilot program with a three-  
18      year budget.

19           The draft Commission order, if adopted,  
20      would accept Con Edison's proposals regarding the Smart AC  
21      Kit and modifications to Rider L as proposed. However,  
22      the three-year budget requested by the Company for the  
23      connected devices pilot program would be modified.

24           So first, graduating the Smart AC Kit into  
25      Rider L, allowing Con Edison to provide the Smart AC Kit

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2    programs through Rider L would allow the company to reach  
3    and engage with a significant amount of untapped load  
4    reduction potential. Con Edison will offer participants  
5    annual incentives for setting up their enrolled control  
6    devices, per event payments for fully participating in an  
7    event and an end of year bonus for fully participating in  
8    all events.

9                        There are approximately seven million room  
10   air conditioners in the Company's service territory.  
11   However, under the CDP program, that is the Connected  
12   Devices Pilot, only twenty-one thousand of those units are  
13   currently enrolled in Con Edison's demand response  
14   program. With the Smart AC Kit under Rider L Con Edison's  
15   expect -- Con Edison expects to roughly double its  
16   enrollment in the Smart AC Kit program during 2018 and  
17   expects the program to grow by roughly fifty percent each  
18   year for the following two years.

19                      Regarding changes to Rider L overall, Con  
20   Ed -- Con Edison expects -- proposes to first be able to  
21   call test events under Rider L similar to its commercial  
22   demand response programs under Rider T.

23                      Second, to allow a tenants living in  
24   service classification Eight, Twelve and Thirteen  
25   buildings as well as tenants living in New York City

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2   Housing Authority or NYCHA buildings to participate in  
3   Rider L.

4                   Test events are a common feature of demand  
5   response programs allowing utilities to test participant  
6   response to those demand response events. Currently Con  
7   Edison is allowed to call test events in its Rider T  
8   programs as well as the connected devices pilot program  
9   but not Rider L.

10                   Allowing Con Edison to perform test events  
11   under Rider L will put Rider L on the same footing as  
12   those other demand response programs and give Con Edison  
13   more insight as to how customers will respond to actual  
14   events.

15                   Service classification eight, twelve and  
16   thirteen buildings are generally master metered or  
17   redistribution customers, whose individual tenants are not  
18   specifically Con Edison customers and may not have a meter  
19   attached to their individual units. Similarly, tenants  
20   living in NYCHA housing are not specifically Con Edison  
21   customers and also may not have their own meter. Con  
22   Edison estimates there -- there are approximately four  
23   thousand five hundred -- I'm sorry, four hundred and fifty  
24   thousand residential units in these buildings.

25                   This represents a significant source of

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2           untapped potential load relief which Con Edison is not  
3           currently able to reach. While the draft order allows Con  
4           Edison to offer Rider L to these tenants, it also  
5           recognizes that there is a potential for double payments  
6           to be made to SC eight, twelve and thirteen customers  
7           participating in Rider T during coincident Rider L events.

8                         We anticipate that this impact will be  
9           minimal while there is still relatively low penetration of  
10          the Smart AC Kit program. Therefore, this draft order  
11          directs Con Edison to study the issue during 2018 and  
12          report its findings in the 2018 annual report with  
13          associated tariff modifications if the issue is found to  
14          be significant.

15                        Regarding the connected devices pilot  
16          program budget, in its petition Con Edison proposed to  
17          continue the CDP program after the Smart AC Kit program  
18          graduates to Rider L with a twelve million dollar budget  
19          to be spent over three years. Con Edison stated that the  
20          twelve million dollar budget would allow it to continue  
21          its existing efforts under the CDP program as well as to  
22          pilot up to four new technologies which it has not  
23          identified yet.

24                        While the draft order approves a three year  
25          budget for the CDP program, which will give the Company

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2 flexibility to expend funds to maximize program  
3 effectiveness, the budget would be set at 7.5 million.

4 This 7.5 million dollar three year budget  
5 should allow Con Edison to continue ramping up its current  
6 technologies and provide funding for one additional new  
7 technology to be developed under the CDP program.

8 This concludes my presentation and we are  
9 happy to address any questions that you may have.

10 CHAIR RHODES: Thank you, Rob. The way I  
11 see it we now -- we currently have twenty-one thousand  
12 electric customers in New York City that participate in  
13 Con Ed's Smart AC programs. And we have the potential for  
14 millions more to take control of their room air  
15 conditioning equipment and provide benefits to the system  
16 and earn financial rewards of 25 to 95 dollars per.

17 It's a simple solution. Simple to me. I  
18 didn't have to build it. But it involves installing a Wi-  
19 Fi condenser or smart plug to room air conditioner. It's  
20 a drop-in solution. And with this order the Commission  
21 would be encouraging greater innovation especially  
22 innovation that is cost effective, that is now proven, and  
23 that is easy. And it will lead to reductions in energy  
24 demand and reduction in cost for our energy system. I'm  
25 going to vote for this item. Commissioner Sayre?

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2 COMMISSIONER SAYRE: This item like so many  
3 others relates directly to REV for me. Rider L and the  
4 connected devices pilot program are designed for peak  
5 shaving.

6 Peak shaving means more efficient use of  
7 the energy network assets of New York State and the  
8 improvement of network efficiency is one of REV's key  
9 goals. I'm therefore very pleased to see these programs  
10 moving forward.

11 CHAIR RHODES: Commissioner Burman.

12 COMMISSIONER BURMAN: Thank you. This has  
13 been demand response and these issues have been with us  
14 for very long. Actually, this program started out in 2009  
15 and was pre REV.

16 And actually has really shown a great deal  
17 of progression and Con Ed has been -- should be commended  
18 for the work that it's done in really being very flexible  
19 in working with its customers and working with the  
20 Commission in changing the program to be more workable and  
21 looking at expand -- expansions when appropriate.

22 I've been a proponent of modifications when  
23 it makes sense and I am -- think this is appropriate. I  
24 do have a couple of concerns that I just want to look at  
25 here. It -- on the NYPA issue and the NYPA customers and



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2   now expanding this to the NYPA customers. And I -- I do  
3   think it is appropriate for us to look at especially the  
4   NYCHA customers and identifying mass to meter customers  
5   and those customers that wouldn't normally benefit from  
6   this. But can you explain to me now from an  
7   accountability perspective now that it's including NYPA  
8   how does that work with the Commission now that we're  
9   allowing this?

10           MR. CULLY: So from a -- a cost recovery  
11   perspective at the moment NYPA customers do not pay the  
12   monthly adjustment clause surcharge which the -- these  
13   programs are recovered through. However, we anticipate  
14   that the impact of any cost shifts from NYPA to Con Edison  
15   customers to be minimal while participation and  
16   penetration of these kits is low in the NYPA buildings.

17           The DLM program cost recovery from NYPA is  
18   included. And a Con Edison petition currently under  
19   consideration that's in Case 14-E-0423 and staff expects  
20   to have a recommendation for the Commission to consider in  
21   that case sometime during the first quarter of 2018. Was  
22   that what you were asking for, Commissioner?

23           COMMISSIONER BURMAN: Uh-huh. Yeah -- yes.  
24   Somewhat. But I think it goes a little deeper. Page 12  
25   of the order talks about the cost recovery. I am not

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2     comfortable with that language. I'm not comfortable with  
3     the language because where it talks about regarding cost  
4     recovery and it goes into detail, I do think we are  
5     appropriately looking at what it means from a cost  
6     recovery perspective.

7           I do think we're looking at what it means  
8     from limited cost shift from NYPA customers to Con Ed  
9     customers. And I do think it is going to be addressing a  
10    core issue about cost recovery from NYPA customers. We  
11    have been challenged over the years for what it means when  
12    NYPA customers are not part of our programs. And we've  
13    had petitions at times from NYPA wanting to have their  
14    customers part of our programs.

15           At times we've denied them. At times they  
16    have outside of the Commission, LIPA too, has decided to  
17    adopt without Commission input -- full Commission input  
18    what the Commission has done. And it may or may not be  
19    appropriate. The Commission doesn't necessarily weigh in.  
20    My concern comes into from the perspective that here this  
21    order is rightfully so, saying the NYPA customers, the  
22    NYCHA customers should be participating in the demand  
23    response.

24           They're Con Ed customers. It is addressing  
25    a critical need. It's appropriate. I think it's great.

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2     I think this is wonderful. I think we should include it.

3     To the extent that there is a cost-recovery issue we need

4     to address it. My issue gets into the fact that we are

5     going to be looking at this issue down the road. We're

6     going to have to address it. This language seems to, one,

7     be teeing it up for a resolution that may be a little bit

8     more global and seems to make it so that it's going to

9     applying in a way to other things.

10                   To the extent that I want to be very clear

11     that all of these issues need to be fully and carefully

12     thought through and how it means not only in this

13     particular piece but in all of the different aspects with

14     cost recovery. But the other larger issue is an

15     accountability perspective.

16                   To the extent that NYPA comes under the

17     umbrella of the Commission as a whole when we are allowing

18     them into our programs or being part of it what's the

19     accountability that the Commission has or NYPA has and

20     that we as a Commission as a whole should be involved in.

21                   What's the accountability and the

22     transparency and some of the tracking mechanisms that we

23     should be involved in with the programs, the -- the

24     efficiencies of those programs? The collaborative

25     processes, the things that I don't necessarily as a

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2       commissioner who sits on the Commission might not  
3       necessarily be involved in because I don't oversee as a  
4       commissioner that.

5                       But once it's here now I think that we do  
6       have an obligation to be a part of. Not necessarily be  
7       micromanaging but we do need to be accountable to, you  
8       know, making sure that it's working right and coordinating  
9       in a way that is effective and appropriate and good for  
10      all ratepayers and taxpayers.

11                      So I just am raising those issues because  
12      we're looking at that. And as it hits the cost recovery  
13      issue but on the more global issue, you know, I think we  
14      need to look at that. But this issue is hitting a bigger  
15      issue that we're going to be looking at in a pending case,  
16      and I just want to be cognizant of that issue.

17                      As to the -- so that's it on the NYPA  
18      issue. I do know that there's a study issue on page 11 of  
19      this. The pending cost recovery issues we have to  
20      address. Accountability issue I've already addressed.  
21      The technology issues, here I am little confused by the  
22      discussion on that there are going to be the introduction  
23      of additional -- one additional new technology and that  
24      Con Ed will be working with staff on that.

25                      Can you explain a little bit more what that

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2       means? There's going to be four new -- there's going to  
3       be four technologies and one additional surprise  
4       technology.

5                   MR. CULLY: So we did not feel comfortable  
6       with allowing Con Edison to or rather we did not feel  
7       comfortable giving Con Edison the requested 12 million  
8       dollars for four technologies that we did not know about.  
9       We thought that the 7.5 million dollars, given that it's a  
10      three year budget and we expect to see continuing  
11      innovation out of the CDP program was reasonable to  
12      continue their existing efforts. Those being for the  
13      package terminal air conditioners, the PTAC units and the  
14      ductless mini-splits.

15                   But there's also a -- a number of other  
16      controllable technologies that Con Edison is currently  
17      scoping out. For example, communications standards  
18      potentially being able to -- with a simple chip turn any -  
19      - any device in a home with this communications port into  
20      a controllable device. It's one of those programs that  
21      we've discussed with Con Edison and is kind of coming down  
22      the pipeline. But hasn't specifically been included in  
23      the CBP yet.

24                   So we're -- we're I believe we want to give  
25      Con Edison the room to propose one new technology as part

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2   of this three-year budget. But we don't want to give them  
3   the whole scope of the four new technologies that they  
4   requested.

5                   COMMISSIONER BURMAN: I am a little  
6   concerned though that we're going to be overly  
7   prescriptive and that in some ways we are going to be  
8   hamstringing them in their technology. And that this may  
9   wind up actually not -- doing the actual opposite of  
10  allowing timely innovative technologies to come to market  
11  in a way that, you know, regulators are very good at  
12  slowing down the process at times.

13                   So to the extent that -- to the extent  
14  that, you know, we need to look at how we handle approving  
15  movement and budgets in innovation and technologies, I do  
16  think that's where, you know, appropriate budgeting in R  
17  and D and innovation should go. But that, you know,  
18  approving in silo one particular technology they actually  
19  do the actual opposite in getting out -- appropriate  
20  technologies out the door.

21                   MR. CULLY: I -- I would just like to  
22  mention that there's nothing in this petition that would  
23  not allow Con Edison to petition for additional cost  
24  recovery under the CDP program if it can bring forward  
25  some -- some new proposals in the future. And, in fact,

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2    Con Edison is not shy about requesting those sort of  
3    program modifications.  It's -- we've addressed many of  
4    those type of petitions over the years.

5                    COMMISSIONER BURMAN:  Okay.  Good.  I do  
6    also want to commend you because I do think that you have  
7    been very diligent in understanding all of the different  
8    riders and I've been -- spent some time with you in  
9    talking about, you know, the -- the sort of wonkiness of  
10   the -- the language and the technicalities in the Rider T  
11   and L and the SCs and all the different things.

12                   And I've been very impressed with your  
13   technical expertise and I thank you for, you know, your  
14   time this last week on the different issues.  And I am  
15   going to be voting in concurrence for this item.  My  
16   hesitation really comes from the issues that I raised and  
17   I do have a concern and I would like to see, you know,  
18   going forward that we focus on those issues.  But I do  
19   believe strongly that there is a good pathway here, so  
20   thank you.

21                   CHAIR RHODES:  Thank you, Commissioner  
22   Burman.

23                   Commissioner Alesi?

24                   COMMISSIONER ALESI:  Thank you, Mr. Chair.  
25   I think time will tell on the 7.5 million figure.  It's a

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2           relatively short pilot program. That's the nature of  
3           pilot programs. We find out fairly quickly how successful  
4           they are. But I -- I find it an exciting program all the  
5           way around. First of all, the -- the growth projections  
6           for this pilot program are intriguing to me.

7                        Secondly, I know there are many other  
8           things in it but secondly very important to me is the fact  
9           that they are expanding the program to small commercial --  
10          commercial customers too. So I find that to be appealing  
11          as well. I'm going to support the issue.

12                      CHAIR RHODES: Thank you very much. I'll  
13          now proceed to call for a vote on Item 301. My vote is in  
14          favor of the recommendation to approve the proposal filed  
15          by Consolidated Edison related to the Smart AC Kit program  
16          and Rider L and authorizes the Company's connected device  
17          program with a three year budget of 7.5 million dollars as  
18          described.

19                      Commissioner Sayre, how do you vote?

20                      COMMISSIONER SAYRE: Aye.

21                      CHAIR RHODES: Commissioner Burman?

22                      COMMISSIONER BURMAN: I concur.

23                      CHAIR RHODES: Commissioner Alesi?

24                      COMMISSIONER ALESI: Yes.

25                      CHAIR RHODES: Thank you. The item is



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2 approved and the recommendation is adopted.

3 We now -- we'll move to the consent agenda.

4 Do any of my fellow commissioners wish to recuse from

5 voting on or wish to comment on any items on the consent

6 agenda?

7 Commissioner Sayre?

8 COMMISSIONER SAYRE: No.

9 CHAIR RHODES: Commissioner Burman?

10 COMMISSIONER BURMAN: No.

11 CHAIR RHODES: Commissioner Alesi?

12 COMMISSIONER ALESI: No.

13 CHAIR RHODES: I will now proceed to call

14 for a vote on the consent agenda.

15 My vote is in favor of the recommendations

16 on the consent agenda. Commissioner Sayre?

17 COMMISSIONER SAYRE: Aye.

18 CHAIR RHODES: Commissioner Burman?

19 COMMISSIONER BURMAN: Aye.

20 CHAIR RHODES: Commissioner Alesi?

21 COMMISSIONER ALESI: Yes.

22 CHAIR RHODES: Thank you. The items are

23 approved and the recommendations are adopted.

24 Secretary Burgess, is there anything

25 further to come before us today?

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2 SECRETARY BURGESS: There's nothing more to  
3 come before us today on the regular agenda. The next  
4 Commission meeting is January 18th.

5 CHAIR RHODES: Okay. So now I'm going to  
6 exercise some Chairman's -- Chair, sorry, prerogative.  
7 The first is we're here in winter and I want to remind  
8 everybody, just go on the record, seeking to remind  
9 consumers about staying safe. Safe lighting, avoiding  
10 scammers and calling if you need help with energy costs  
11 that could be an issue as the weather gets cold and we  
12 have winter weather alerts.

13 So I -- I encourage that. And I also want  
14 to go on record as encouraging the utilities to stay  
15 focused on their most vulnerable customers again as we go  
16 into the winter season. I also want to take stock of the  
17 year. This is my first year as chair and as I reviewed  
18 what we've done it's kind of a good list. So I want to  
19 put that into the record as well.

20 So in January Commission announced the  
21 approval of a Con Ed rate case that included much greater  
22 energy efficiency, Smart Grid technologies and other money  
23 saving alternatives that would be available to an  
24 increasing number of customers.

25 Also that same month Governor Cuomo

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2           announced the closure of Indian Point which led to an  
3           announcement and a task force headed in February -- an  
4           announcement in February and a task force formed in  
5           February headed by the Department of Public Service to  
6           work closely with communities involved to make sure that  
7           they had what they needed going forward.

8                       That the employees had what they needed  
9           going forward. And also, of course, the Commission took  
10          care and the Department took care to worry about the  
11          impact of that on the reliability of the energy system.

12                      Also in February a hundred and fifty-three  
13          million dollar settlement stemming from our investigation  
14          of the East Harlem gas explosion in 2014 and Governor  
15          Cuomo announced the expansion of the first ever Energy  
16          Affordability Act which provides nearly two million low-  
17          income New Yorkers with direct energy cost relief each  
18          year.

19                      In March we initiated the process. We --  
20          we approved an order enacting a new compensation structure  
21          to more accurately and efficiently and fairly value  
22          distributed energy resources across the state.

23                      In May we took actions to advance the  
24          energy savings goals of REV to allow in New York large  
25          commercial batteries in New York City.

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2 In June we got an important annual review  
3 of the utility performance on some key areas that are very  
4 important to customers. Most notably electric reliability  
5 and gas safety and electric safety. And we determined  
6 that the New York State utilities are -- are performing at  
7 a satisfactory level. I'm going to skip the next item.

8 I -- I came on the job in June as well.

9 In July we announced a new area code, eight  
10 three eight, coming out of the five one eight area code.  
11 We also expanded and extended Con Ed's BQDM, Brooklyn  
12 Queens Demand Management Project in a mode where we didn't  
13 add dollars but we added impact which is, of course, is a  
14 good outcome.

15 In August we directed Con Ed to take  
16 significant and immediate actions to improve the subway  
17 systems, the MTAs power reliability and to prevent future  
18 service failures for New York City and New York City  
19 subway riders. And we approved an important innovative  
20 solar project in New York that generated clean energy  
21 dedicated exclusively to low-income customers, a project  
22 undertaken by Con Ed.

23 In September we continued our  
24 implementation of the value of Distributed Energy  
25 Resources which we had started in March. And the

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2   Commission approved the amount of implementation of the  
3   new compensation system. And the Commission also approved  
4   a 13 million dollar settlement agreement with Charter  
5   Communications after that company had failed to build out  
6   its cable network as required in its merger agreement.

7           In October the PSC approved the -- an  
8   implementation plan to allow a number of municipalities to  
9   engage in CCA, Community -- Community Choice Aggregation  
10   Initiatives. We talked about the data plan -- the data  
11   access associated with that today.

12           And in October the PSC also enacted the  
13   first consumer protection standards for robust -- for a  
14   robust distributed energy resource market in New York.

15           In November the PSC approved NYSEG's and  
16   RG&E's plan to offer company owned light -- LED street  
17   lighting options for municipal customers completing the --  
18   the scope across the entire state. And the Commission  
19   also improved Orange and Rockland utilities plan to roll  
20   out AMI.

21           And we did some business today as well. So  
22   it's been -- it has been a productive year.

23           Now I get to do one of the things I love to  
24   do best, to put someone on the spot who deserves to be on  
25   the spot. I have a resolution to read out, and if the

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2   Commission agrees we will vote on that resolution.

3           Resolution of the Public Service Commission  
4   of the State of New York whereas Tina Palmero has served  
5   the Department of Public Service, the Public Service  
6   Commission and the Citizens of the State of New York with  
7   great distinction since February 8th, 1988; whereas Ms.  
8   Palmero having first been appointed as an associate  
9   transmission facilities analyst served the Department in a  
10   variety of roles including environmental analyst, chief  
11   utility programs, chief utility environmental, operations  
12   and compliance and currently a special assistant.

13           And whereas through Ms. Palmero's expertise  
14   and leadership throughout her three decades of service,  
15   especially in the renewable portfolio standard, the large  
16   scale renewable initiative and the clean energy standard  
17   and the implementation of the -- the state's New York Sun  
18   Initiative, Ms. Palmero has provided guidance to the  
19   Commission and achieved tremendous impact for the citizens  
20   of New York in aligning the energy and environmental  
21   policies for the benefit all of those New York.

22           Ms. -- whereas Ms. Palmero has led -- has  
23   lead and supporting roles in a long list of projects and  
24   initiatives including the Article Seven facility siting,  
25   the Article Ten electric generating facility siting,

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2    Section Sixty Eight, generating and distribution  
3    facilities and the State Environmental Quality Review Act  
4    Administration.

5                   And whereas Mr. Palmero's expertise was  
6    brought to bear in other areas including staffing for the  
7    Energy Efficiency and Renewable Energy Committee of the  
8    National Association of Regulatory Commissioners,  
9    assisting with the Regional and Greenhouse Gas Initiative  
10   and speaking in other forums where she thoughtfully and  
11   wisely explained and distilled Commission policies in an  
12   understandable manner.   Quite a trick.

13                   Whereas Ms. Palmero worked with her  
14   colleagues tirelessly in the office and in the field from  
15   the furthest ends of the vast Empire State to the heart of  
16   New York City and has earned the admiration and respect of  
17   Department of Public Service and Public Service Commission  
18   in addition to the stakeholders who participate in the  
19   Department proceedings.

20                   And whereas Ms. Palmero's technical  
21   expertise, thoughtful analysis calm -- calm demeanor have  
22   been brought to bear in an untold number of meetings,  
23   briefings and Commission sessions during her tenure, all  
24   to the great benefit of those who have had the very good  
25   fortune of working with Ms. Palmero.

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2 And whereas Ms. Palmero will have more time  
3 to spend with her family and friends and to pursue her  
4 passions which include traveling, hiking, biking and  
5 saving the gorillas in Africa, it is therefore resolved  
6 that the New York State Public Service Commission  
7 expresses its deepest appreciation to Tina Palmero for her  
8 leadership in the Department of Public Service and her  
9 faithful service to the citizens of the State of New York  
10 as demonstrated by her unwavering commitment to the  
11 mission of the Commission to ensure safe, secure and  
12 reliable access to gas -- electric, gas, steam,  
13 telecommunications and water services for all New York's  
14 residential and business consumers.

15 May I put that to the vote of the  
16 Commission?

17 COMMISSIONER SAYRE: Yes.

18 CHAIR RHODES: Commissioner Alesi?

19 COMMISSIONER ALESI: Yes, of course.

20 CHAIR RHODES: It's unanimous, it's great  
21 and she's blushing. And now I'd like to invite my fellow  
22 commissioners if they'd like to say a few words.

23 COMMISSIONER SAYRE: I would. I'm  
24 extremely sorry to see Tina go and I wish we could  
25 convince her to stay. Tina has been a great expert,



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2 analyst, teacher including explaining a number of various  
3 esoteric concepts and mechanisms to me personally. And a  
4 leader in her time here. And she's highly respected  
5 outside by all stakeholders as well as inside the  
6 Department.

7 Tina, you've been smart, tireless, fair and  
8 effective in your time here and I wish you the very best.

9 CHAIR RHODES: Commissioner Burman.

10 COMMISSIONER BURMAN: When I came as a  
11 staffer in the '90s one of the first people I met was  
12 Tina. And I was very nervous because Tina was someone who  
13 was very well respected, had a lot of street cred both in  
14 the Commission and outside the Commission in New York and  
15 nationally.

16 One of the first things Tina did was asked  
17 me about, you know, what I like to do outside of the  
18 Commission. Started talking to me about where I wanted  
19 to, you know, be and just really sort of engaged me a  
20 little bit on a personal level and a professional level.  
21 Told me about this group called WICE -- MICE -- WICE and  
22 told me about getting involved in the Women and  
23 Communication in Energy.

24 Really, Tina became one of the women that  
25 was really an informal mentor to me. Remember seeing her

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2    as a -- a staffer presenting at session and thinking, oh  
3    my God I would never want to have to present to  
4    commissioners. They ask really tough questions and she  
5    seemed so calm and cool and collected and really in all of  
6    -- in all the settings that I've seen Tina in I think  
7    that's what I most respected about her was that she always  
8    was just very calm and thoughtful. And very honest and  
9    reflected. And would give me food for thought. And made  
10   me want to do a better job. And always asked me about my  
11   family afterwards too.

12                   And I felt -- I really feel a very strong  
13   personal loss because we are losing someone with many,  
14   many, many years of experience. You can't really replace  
15   that and you can't replace just the breadth and the  
16   knowledge like that. And just all the different things  
17   that she has been a part of. The negotiations, the  
18   different substantive things. And also her willingness to  
19   connect and to bring along younger people.

20                   For me personally as a female she reached  
21   out to me, and I don't know she and others helped me push  
22   myself. And I appreciate that immensely. So I thank you,  
23   Tina, because you made a difference in my life. And I  
24   will miss you. And this Commission will miss you. And  
25   you've had a -- you've had an impact personally and

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2 professionally, so thanks.

3 CHAIR RHODES: Commissioner Alesi?

4 COMMISSIONER ALESI: Yes, I was just  
5 thinking I've only been here six months so it's very hard  
6 not to be sentimental, Tina. In any event, in -- in those  
7 few short months I -- I have grown to respect your hard  
8 work and I'm very happy for you in your new life whatever  
9 it brings to you. But while I'm still here and you're out  
10 enjoying yourself and all of the others that are still  
11 here, I'm sure we'll always see trademarks of the things  
12 that you've done on behalf of the people in the state.  
13 And I just say thank you for that and enjoy your life.  
14 Good luck.

15 MS. PALMERO: Thank you very much.

16 CHAIR RHODES: So with that it's the  
17 holiday season. I wish all of -- all of you -- all New  
18 Yorkers a very happy holiday season. Stay -- stay safe,  
19 stay warm and enjoy the holidays. We are adjourned.

20 (Off the record 11:48 a.m.)

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2   STATE OF NEW YORK

3   I, JEFFERY ALLEN, do hereby certify that the foregoing was  
4   reported by me, in the cause, at the time and place, as  
5   stated in the caption hereto, at Page 1 hereof; that the  
6   foregoing typewritten transcription consisting of pages 1  
7   through 51, is a true record of all proceedings had at the  
8   hearing.

9                                 IN WITNESS WHEREOF, I have hereunto  
10   subscribed my name, this the 21st day of December, 2017.

11

12

13   Jeffery Allen, Reporter

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