

Public Service Commission Meeting  
June 13, 2019

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TRANSCRIPT OF THE  
PUBLIC SERVICE COMMISSION  
COMMISSION MEETING

THURSDAY, JUNE 13, 2019

90 CHURCH STREET  
BOROUGH OF MANHATTAN

10:54 a.m.

Reported By:

Nicole Ellis

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HEARING CONVENED AT 10:54 a.m.  
PRESENT:  
JOHN B. RHODES, CHAIR  
DIANE X. BURMAN, COMMISSIONER  
GREGG C. SAYRE, COMMISSIONER  
JAMES S. ALESİ, COMMISSIONER

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2 CHAIRMAN RHODES: Thank you all  
3 for coming. I call this session of the  
4 Public Service Commission to order.

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

7 SECRETARY BURGESS: Good morning,  
8 Chair and commissioners. There are no  
9 changes to this morning's agenda.

10 CHAIRMAN RHODES: Thank you.

11 With that, we will move to our  
12 regular discussion agenda.

13 Today we will have four  
14 informational items on electric and gas  
15 utility performance related to safety,  
16 reliability, and customer service in 2018.

17 Tammy Mitchell, director of the  
18 Office of Electric, Gas and Water will  
19 begin with an overview of these items  
20 which will be followed by presentations  
21 for each.

22 MS. MITCHELL: Good morning,  
23 Chair Rhodes and commissioners.

24 As you said, the four items today  
25 will provide the Department's report on

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electric and gas utility safety, electric reliability, and customer service performance in New York State for 2018.

As we all know, provision of safe and adequate service is a basic obligation of the electric and gas utilities, and ensuring adequate performance in those areas is a cornerstone of utility regulation.

Utilities are compensated in rates to provide safe and adequate service to customers. As part of the Department's oversight, we monitor how well utilities are meeting this obligation.

Last month we discussed with you how well electric utilities have prepared to provide reliable service for the upcoming summer. Today we'll look back and discuss how well utilities performed last year with respect to safety, reliability, and customer service.

The reports today will discuss utility performance and comparisons to certain established performance metrics.

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However, I should note that the establishment and monitoring of performance measures is only one element in the regulatory toolkit to ensure safe and adequate service.

To begin with, utilities are provided adequate revenues, typically in the context of rate cases, to invest in delivery infrastructure to provide safe and adequate service to customers.

Second, to ensure that utilities do not cut corners in providing quality service, there are financial consequences if utilities provide service at a level below the threshold service quality metric established in rate cases.

Collectively, the regulated electric and gas utilities can pay several hundred million dollars in financial consequences if they fail to meet performance expectations.

You will hear today that there are a few instances where utilities fail to meet certain performance metrics for

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2018 and as a consequence will be assessed a negative revenue adjustment.

In addition to subjecting the utilities to financial consequences if they fail to meet any metric, staff works with the utilities to determine and address the causes of any declining performance in service quality.

In limited instances, utilities have the opportunity to earn kinds of revenue adjustments for meetings stretch goals in certain performance areas.

Third, staff does its own audits of utility performance to assess whether utilities are meeting the safe and adequate service expectations.

New York's electric and gas utility service is amongst the best nationally and overall the utilities are meeting most of the performance metrics. The fact that the utilities do not meet every target is not a significant concern as these targets are developed with the intention of making them fair but also

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2 tough.

3 Based on staff's review, I don't  
4 see any significant adverse trends related  
5 to safety, reliability or customer service  
6 performance. However, that being said, we  
7 are always striving to do better; not only  
8 in terms of seeking better utility  
9 performance, but also ensuring that the  
10 utilities address any concerns or  
11 inadequate performance.

12 So in order to apprise you on how  
13 well New York State electric and gas  
14 utilities did last year on performance, we  
15 have four presentations today.

16 Jeffrey Kline from the Office of  
17 Electric, Gas and Water will start off  
18 with providing an assessment of gas  
19 utilities in providing safe service;  
20 followed by Benjamin Dunton of the same  
21 office who will discuss electric safety  
22 performance; followed by Mary Ferrer of  
23 the same office who will discuss electric  
24 reliability performance; and finally Sonny  
25 Moze from the Office of Consumer Services

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2 will provide a report on customer service  
3 performance.

4 And before they begin, I would  
5 like to thank each of the presenters as  
6 well as other staff that commit  
7 significant time and effort throughout the  
8 year to ensure utilities provide New  
9 Yorkers safe and reliable electric and gas  
10 service as well as good customer service.

11 CHAIRMAN RHODES: Thank you.

12 So that takes us to the first  
13 item for discussion, Item 101, Case  
14 19-G-0298, which is the 2018 Pipeline  
15 Safety Performance Measures Report  
16 presented by Jeffrey Kline.

17 Cindy McCarran, deputy director  
18 for gas and water is available for  
19 questions.

20 Jeffrey, please begin.

21 MR. KLINE: Thank you and good  
22 morning, Chair and commissioners.

23 Item 101 is the 2018 Pipeline  
24 Safety Performance Measures Report, it's  
25 for informational purposes only and



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evaluates the areas that are critical to pipeline safety. These areas include damage prevention, emergency response, leak management, and non-compliances identified through staff's audit process.

Overall, the data indicates that performance has substantially improved for the local distribution companies, or LDCs for short, across the state over the 16-year period staff has been reporting performance to the Commission.

This report is intended to serve as a management tool by allowing staff to analyze trends, identify areas in need of improvement, and to provide LDCs with feedback on a timely basis.

The first measure, damage prevention, gauges the success of LDCs in minimizing damage to buried natural gas facilities caused by excavation. The black bar represents the 2018 statewide performance, with the gray bars representing successive years' performance starting in 2008 leading up of the 2018

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2 black bar.

3 For this measure, damages are  
4 normalized relative to 1,000 one-call  
5 notifications or one-call tickets.  
6 Decreasing numbers reflect improving  
7 performance as fewer damages per 1,000  
8 tickets.

9 The purpose of reporting damages  
10 per 1,000 tickets is to normalize the data  
11 from year to year by removing or reducing  
12 the impact of differences in level of  
13 excavation activities from year to year.

14 During the most recent  
15 operational audit of utility data  
16 reporting conducted by Overland  
17 Consulting, it was discovered that there  
18 was an inconsistency in reporting related  
19 to this measure. Some utilities were  
20 counting refresh marks at an active job  
21 site as new individual tickets placed with  
22 the one-call centers.

23 Beginning with the report in  
24 2018, that inconsistency has been  
25 corrected. So it appears that damage

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2 prevention performance across the State  
3 significantly declined in 2018. Since the  
4 refresh tickets are included in previous  
5 performance, the statewide performance  
6 results, the 2018 performance is not  
7 comparable to previous years.

8 If these refresh tickets are  
9 included, the statewide performance  
10 improved from 1.60 damages per 1,000  
11 notification tickets to 1.58 in 2018. To  
12 make it a year-to-year comparison, we need  
13 to look at the total number of damages and  
14 not the total number of damages per 1,000  
15 one-call tickets.

16 In 2017 there were a total number  
17 of 1,562 damages. In 2018 there were a  
18 total of 1,595 damages or an increase of  
19 33 from 2017. We'd also like to report  
20 that due to new legislation requiring  
21 training on damage prevention for  
22 excavators, the one-call center reports  
23 significant increases in notifications and  
24 the number of excavator personnel trained  
25 in 2019. We expect this to result in

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2 reduced damages going forward.

3 This chart shows trend analysis  
4 including a linear regression and  
5 predicted forecasting models that were  
6 performed on the damage data. The chart  
7 on the left displays a linear regression  
8 model based on the ten years of total  
9 damage data. The rolling average line,  
10 shown in green, shows the total number of  
11 -- shows that the 2018 total damage is  
12 below the ten-year average. And the trend  
13 line, shown in red, shows a relatively  
14 flat and slightly declining trend in the  
15 overall number of damages.

16 A predictive analysis, based on  
17 the ten-year prior data, was done and is  
18 shown on the chart on the right. The blue  
19 line is the actual damages for each year  
20 with the forecast trend shown in red,  
21 along with the upper shown in purple and  
22 lower shown in green, limits displayed on  
23 the chart.

24 We see that an increase of 33 in  
25 total damages is within what would have

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been expected based on a flat and slightly declining total damage trend line. As stated earlier, staff will closely monitor during 2019 to assure that this increasing trend -- this increase in damages does not become a trend.

The second measure, emergency response, reflects the LDC's ability to respond properly to reports of leak, odor, and by emergency notifications by examining the percentage of reports that were responded to within various response time intervals. The performance measure contains three specific response goals. Respond to 75 percent of emergency reports within 30 minutes, 90 percent within 45 minutes, and 95 within 60 minutes.

National Grid Long Island was the only LDC that failed to meet the 30-minute standard. All other LDCs met or surpassed the 30-minute, 45-minute and 60-minute standards.

In general, LDCs have continued to use technology, such as

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2 goal-positioning systems, to quickly  
3 identify the most appropriate employee to  
4 respond to leak, odor or emergency  
5 reports, and have continued to position or  
6 add personnel in certain geographical  
7 areas during times of the day that have  
8 historically high volumes of emergency  
9 notifications.

10 In addition, the Commission has  
11 begun to incorporate positive revenue  
12 adjustments within respective LDC rate  
13 proposals to encourage further  
14 improvement.

15 The third measure, leak  
16 management, examines the LDC's performance  
17 in effectively reducing leak inventories  
18 and keeping potentially hazardous leaks to  
19 a minimum. This report examines each of  
20 the LDCs total leak backlog. Total leak  
21 backlogs include potentially hazardous  
22 leaks which have a prescribed repair  
23 timeframe, and nonhazardous leaks which do  
24 not have prescribed repair timeframes.

25 Pursuant to the regulations,

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2 nonhazardous leaks require reevaluation  
3 during the next leakage survey to ensure  
4 that public safety hazard has not  
5 developed. While nonhazardous leaks are  
6 not expected to become a safety concern,  
7 nonhazardous leaks represent the  
8 overwhelming majority of the total leak  
9 backlog and LDCs should work to eliminate  
10 these known leaks on their system as it  
11 reduces lost gas, maintenance costs, and  
12 the total number of odor calls and  
13 emergency reports.

14 Additionally, methane leakage has  
15 become an environmental concern and  
16 persistent odor can negatively impact  
17 public awareness efforts for leaks  
18 requiring repair.

19 The end of the calendar year  
20 generally coincides with the beginning of  
21 the frost season and as a risk mitigation  
22 measure, it is required that LDCs reduce  
23 their backlogs as low as possible prior to  
24 that.

25 During this timeframe there is a

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greater chance of natural gas migration into buildings because natural gas cannot vent as readily through the soil to atmosphere due to the blanket of frost.

In general, LDCs have demonstrated improvement in these measures over the past several years. The total year-end leak backlog improved significantly, approximately 50 percent over the past ten years, and 10 percent over the past year. Specifically, leak backlogs have gone from 26,638 in 2008 to 14,879 in 2017 and finally to 1,381 in 2018.

The year-end backlog for potentially hazardous leaks has improved significantly, going from 66 in 2017 to 32 in 2018 and is down 97.2 percent when compared to the 1,154 reported in 2003.

The fourth measure, noncompliance identified by staff, LDCs are being evaluated on their compliance with the Commission's minimum pipeline safety regulations. This measure looks at



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2 noncompliance issues as identified by  
3 staff during audits and investigation of  
4 the LDCs.

5 Each year staff conducts  
6 statistically-based audits and  
7 investigations of the LDCs to determine  
8 their compliance. Each noncompliance  
9 identified represents an area where an LDC  
10 failed to meet the minimum requirements as  
11 prescribed. The data for this measure  
12 varies greatly from year to year, which is  
13 due in part to staff's multiyear audit  
14 cycle. These audits and investigations of  
15 pipeline safety regulations occur on  
16 varying frequencies determined by the risk  
17 each regulation poses to public safety.

18 The regulations are identified as  
19 "high risk" in which an audit is conducted  
20 annually or "other risk" which is  
21 evaluated on a two-, three-, four- or  
22 five-year basis, not to exceed five years.

23 In 2018, non-compliances were  
24 identified in all 11 of the major LDCs  
25 operating service territories, with

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2 improvements having been realized in each  
3 of the previous four calendar years.

4 This improvement is due in part  
5 to the negative revenue adjustments which  
6 have been incorporated into most of the  
7 LDCs respective rate plans. Regardless of  
8 the efforts made thus far, the goal of  
9 each LDC should be -- should remain to be  
10 the complete elimination of all  
11 non-compliances with the pipeline safety  
12 regulations.

13 As LDCs continue their education  
14 public outreach efforts, adopt better  
15 practices in responding to leak, odor and  
16 emergency notifications, and work to  
17 remove leak-prone infrastructure, staff  
18 expects further performance improvements  
19 will occur.

20 Thank you, Chair Rhodes and  
21 commissioners. This concludes my  
22 presentation of the 2018 Pipeline Safety  
23 Performance Measures Report. I would be  
24 happy to answer any questions.

25 CHAIRMAN RHODES: Thank you.

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I'll make some broad comments that are going to apply to all these information reports and then make some specific comments.

I find that we have -- we are demonstrating good oversight here with useful tracking of metrics that matter and with good consideration of how appropriately to improve practices and processes.

As Tammy said, we're setting fair and tough targets, that sounds right to me. The trends, generally, are encouraging and particularly the trends with respect to the most safety sensitive topics are encouraging.

The overall performance is also encouraging. There are exceptions. Those exceptions are not encouraging and need to be, and will be, the occasion for serious focus and improvement.

The financial consequences that we attached to this performance are an important and useful tool. It's very

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2 clearcut language that really forces an  
3 important message which I want to  
4 re-reinforce in as clear language that I  
5 can come up with, which is that these  
6 performance metrics, and especially the  
7 safety performance metrics, are a central  
8 obligation and we will absolutely hold  
9 everyone involved as accountable as we can  
10 for their performance.

11 On this gas pipe and safety  
12 topic, I think that this is generally good  
13 performance. I think it's widespread  
14 improvement, which is encouraging.  
15 There's noncompliance or falling short in  
16 many, many areas, let's get that fixed.  
17 But I encourage the direction we're  
18 heading.

19 Commissioner Sayre.

20 COMMISSIONER SAYRE: This report  
21 shows good, solid work effort and  
22 continued attention by staff.

23 All I have to say on this one is  
24 keep it up. This is basic regulatory  
25 blocking and from my viewpoint you're

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2 doing it well.

3 CHAIRMAN RHODES: Commissioner  
4 Burman.

5 COMMISSIONER BURMAN: For those  
6 who are on the webcast, if someone could  
7 identify in the room to say it's working  
8 now would be great. It's going in and  
9 out, there's background interference.

10 For the record, I don't handle  
11 the telecommunications network here.

12 Okay, great. So we're back.

13 I think what I want to say is  
14 ditto what Chair Rhodes and Commissioner  
15 Sayre said for those of you who weren't  
16 able to hear it, they said --

17 (Mic cuts out.)

18 COMMISSIONER BURMAN: I think  
19 we're all good now.

20 So as we were saying for those  
21 who are on the webcast, we're sorry about  
22 the interference that was there. We think  
23 we have it back up and running.

24 Chair Rhodes and Commissioner  
25 Sayre spoke very eloquently about the need

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to be laser focused on looking at how we can continue to improve and where we may have some issues we need to focus on that, but continuous improvement is one that's very, very important.

I will point out a couple of things.

One is that the focus on the leaks has been one that's very important and performance in effectively maintaining leak inventories and keeping potentially hazardous leaks to a minimum is very important. We've seen some great improvements and strides in that and the LDCs have been working very hard to eliminate their leaks in the aging infrastructure from their distribution systems through leak-prone pipe replacements, specifically with new material to decrease the number of leaks is very, very important.

And we have made, as a commission, we have talked and have had a number of proceedings where we have

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addressed it and have codified in our orders the importance of the continuation of the leak-prone pipe replacement and meeting targets and doing so in a cost effective way.

And I want to point that out because I do think that staff and utilities should be commended for that, but to the extent that we should not see any decrease in that focused accelerated replacements and our targets or something that the Commission itself weighed in on numerous times and is one that we need to be very focused on.

The other issue that I want to raise is in terms of Dig Safety. We've talked about it here in the context of the gas pipeline, but it is not just for those who are focused in the gas world. Dig Safety is everybody's responsibility and Dig Safely is one that we need to be very focused on.

We do identify annually through this report mechanism how we're doing in

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the pipeline safety space from the gas perspective, but it is something that we do need to look at and also make sure that we are very much focused on how to increase positively the trends we're seeing in our Dig Safely programs and working with a number of stakeholders.

I am very cognizant of the fact that we also need to work with stakeholders, not just utilities and customers and our two call centers, but other external stakeholders that can help like FMSA in looking at ways that we can improve and also have staff -- especially the ones that are tied to the federal grants that this revolves around -- look very closely about how we can even embrace even more things that have been there that we want to see from an innovation perspective and technology improvements to the Dig Safely.

I also am cognizant of the fact that we are in the midst of pipeline safety reauthorization focus, that's



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something that's very important. And I look forward to that happening so that we can be focused on that and continue on the trend that we've done.

Workforce development and training around many of our different mandates and voluntary programs that we do is very important so we need to be cognizant of the fact that we need to, while we're looking at what we're doing to the extent that we have an ability to incentivize that, I think we should be very cognizant of that.

Our state has been a leader in the issues of pipeline safety, not just with the focus on penalties but also on positive incentives that can be done to improve and to continue to improve. So I look forward to working with everyone on those issues, it's very important. Thank you.

CHAIRMAN RHODES: Thank you.

Commissioner Alesi.

COMMISSIONER ALESI: My

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2 compliments on a good effort and good  
3 result. And I'll probably be making the  
4 same comments after all the reports so  
5 thank you for this one.

6 CHAIRMAN RHODES: Thank you.

7 So with that, I will take us to  
8 the second item for discussion which is  
9 Item 301, Case 19-E-0246 which is the 2018  
10 Electrical Safety Standards Performance  
11 Report presented by Benjamin Dunton, our  
12 Assistant Operations Specialist IV.

13 Tammy Mitchell is available for  
14 questions.

15 MR. DUNTON: Good morning, Chair  
16 and commissioners. Today I will provide  
17 an overview of electrical safety standards  
18 and utilities compliance for 2018. This  
19 is informational only.

20 I will start with some background  
21 information on the electric safety  
22 standards. The original electric safety  
23 standards were adopted by the Commission  
24 in January of 2005.

25 The standards included stray

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voltage testing and visual inspection of all electric facilities on an annual basis, and the adoption of the National Electrical Safety Code, NESC, as the minimum standard for utility construction, maintenance, and operations.

The overall goal of the safety standards is to safeguard the public from exposure to stray voltage and to identify and mitigate any potential harmful conditions before safety hazards and/or reliability deficiencies develop.

New York's electric safety standards continue to have some of the more stringent requirements when compared to other states across the nation. 2018 marked the 14th year for the electric safety standards, or the fourth year of a third five-year cycle.

The utilities are required to test their underground system and streetlight facilities on an annual basis, while manually testing their overhead distribution and transmission facilities

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2 on a five-year cycle.

3 With regards to testing,  
4 inspectors carry a pen-like device that  
5 glows when voltage is detected; 4.5 volts  
6 is the pen's calibrated threshold as that  
7 is the voltage limit where the potential  
8 for injury becomes concerning; however,  
9 the pens do signal for lower voltages.  
10 Once voltage is detected, the facility is  
11 then tested with a meter to record actual  
12 voltage readings.

13 All voltage findings of one volt  
14 or more are required to be recorded and  
15 mitigated. In total, there were 396  
16 voltage findings for manual stray voltage  
17 testing of one volt or more, or  
18 approximately .04 percent of the roughly  
19 one million facilities tested in 2018.

20 This graph shows the historical  
21 findings for manual stray voltage testing  
22 going back two years. The red section  
23 shows the one volt and 4.4 volts, and the  
24 green shows the findings that are 4.5 and  
25 greater.

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In 2018, the total number of stray voltage findings roughly stayed the same at the 4.5-volt level; however, the one-volt level saw an increase mainly attributed to a rise in findings on Central Hudson's transmission grounding system. Staff continues to review this with the company.

Streetlights continue to be the largest facilities grouping with stray voltage findings. For example, in 2018 out of the total 396 findings, streetlights accounted for 182. On a positive note, streetlight findings are down in 2018 from the 231 findings in 2017.

As part of the electric safety standards, the utilities are required to test all publicly accessible streetlights. If an issue is found with a streetlight that the utility does not own, they are required to make the condition safe; it's ultimately the municipality that owns the street lights responsibility to repair the issue.

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Mobile stray voltage testing was added to the safety standards in 2011 and require 12 mobile surveys in New York City; two mobile surveys in Buffalo; and one mobile survey in Yonkers, White Plains, New Rochelle, Albany, Niagara Falls, and Rochester each year. These locations were selected due to their population density, 50,000 or more, and the number stray voltage findings in each city.

Again, any voltage findings of one volt or more is reported and mitigated. In 2018 there were approximately 9,380 voltage findings in the three utility service territories where mobile stray voltage is required, which is down from approximately 10,500 findings in 2017.

This graph presents the total number of stray voltage findings across the state using the mobile testing units for the last two years. Blue represents Con Edison finding, green represents National Grid findings, and purple on the

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top represents Rochester Gas & Electric findings. Con Edison makes up the majority of the mobile stray voltage findings based largely on the number of scans completed and the size of its underground system.

Per the electric safety standards, the utilities are required to complete visual inspections on 20 percent of their facilities each year so that 100 percent of the utility's transmission and distribution facilities will be inspected at least once every five years.

Through Con Ed's last rate case, 16-E-0060, the Commission approved a pilot enhancement program for structure inspection and repair programs which allocates efforts and funds toward decreasing the repair backlog while incorporating more robust inspection efforts. Through this pilot, Con Ed's visual inspection requirements were revised to 17 percent in the first year, 35 percent by the end of the second year,

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2 54 percent by the end of the third year,  
3 and 73 percent by the end of the fourth  
4 year and 100 percent by the end of the  
5 fifth year.

6 Since 2018 was the fourth year of  
7 the third five-year cycle, Con Edison was  
8 to have completed inspections on  
9 73 percent and all other utilities were to  
10 have completed inspections on 80 percent  
11 of their facilities by year's end.

12 This graph shows the inspection  
13 breakdown and completion level for each of  
14 the six investor-owned utilities at the  
15 end of 2018. All the companies passed  
16 their required commission compliance from  
17 2018.

18 That completes my presentation.  
19 I can now answer any questions you may  
20 have. Thank you.

21 CHAIRMAN RHODES: Thank you,  
22 Benjamin. I'll keep my general remarks as  
23 still valid and again the trend is good,  
24 the overall performance is good.

25 For the utilities that are called



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2 out in this, let's pay attention to  
3 Central Hudson. We have to have these  
4 issues addressed.

5 Commissioner Sayre.

6 COMMISSIONER SAYRE: Same  
7 comments. Keep up the good focus and good  
8 work.

9 CHAIRMAN RHODES: Commissioner  
10 Burman.

11 COMMISSIONER BURMAN: Thank you.

12 I just have a couple comments and  
13 actually a question.

14 So 2018 was the fourth year of  
15 the third five-year cycle. So we would be  
16 looking then to go into the fourth  
17 five-year cycle for 2020; is that correct?  
18 Is that how --

19 MR. DUNTON: I think 2020 would  
20 be the fifth year of the cycle 'cause it's  
21 a five-year cycle is -- next year would be  
22 the last year.

23 COMMISSIONER BURMAN: Isn't that  
24 the sixth of the five-year if 2018 is the  
25 fourth year?

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2 MR. DUNTON: You're correct.

3 So the year that we're in right  
4 now, 'cause this is on 2018. So next year  
5 when we look at 2019 that will be the  
6 fifth and then 2020 will be the first year  
7 of the fourth cycle.

8 COMMISSIONER BURMAN: So the  
9 reason I'm asking is that means then we  
10 should be looking at for next year a more  
11 in depth discussion on what that cycle may  
12 look like and having some engagement on  
13 some of the lessons that we've learned and  
14 maybe what we'll be putting in or out of  
15 that new cycle.

16 So some -- any changes that may  
17 be needed to be made or staying the same,  
18 that might be an appropriate time for  
19 conversation before we sort of gear up for  
20 that. So that's sort of a point for me, I  
21 think that's very important to look at and  
22 what that may mean from a change  
23 perspective or staying the same.

24 One of the things that I do note  
25 is the streetlighting and the stray voltage.

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2 And I do recognize the positiveness on  
3 that streetlight finding, stray voltage  
4 are down in 2018, but they're still  
5 something that we need to be very  
6 cognizant off because streetlight stray  
7 voltage is still an issue.

8 One of the questions I have is  
9 why are the findings down? What have we  
10 found that has made that helpful?

11 MR. DUNTON: I think a large part  
12 is people are more aware as they do  
13 construction. We were finding before  
14 where a lot of construction would cause  
15 stray voltage issues, but now they are  
16 becoming more aware and they are starting  
17 -- the mitigation is down.

18 COMMISSIONER BURMAN: Okay. So  
19 it is something for me, I do know that we  
20 raised this before about the importance  
21 for us as a commission also in making sure  
22 that when we're looking at approving the  
23 streetlights, that we're cognizant on this  
24 issue as well and making sure that's part  
25 of the education that goes into folks'

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2 understanding of their obligations and the  
3 maintenance of the streetlights, but also  
4 all the relevant stakeholders that may be  
5 engaged on that.

6 I am also wondering, I know that  
7 we've seen significant increase in  
8 streetlight proceedings that have come  
9 before us. So for me it's also when we  
10 look to our metrics and our reporting to  
11 see with those findings going forward how  
12 many of them are -- have been transferred  
13 and how many of them are owned by the  
14 utilities? So that there may be some  
15 ability to assess some of the root causes  
16 from that as well and making sure that we  
17 take a -- so I wanted to recognize that.

18 I do think it's important. I  
19 appreciate this and I look forward to the  
20 continuing focus on the issues that are  
21 here. It's critically important in  
22 looking at the trends. Thank you.

23 CHAIRMAN RHODES: Commissioner  
24 Alesi.

25 COMMISSIONER ALESI: I have

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2 nothing to add.

3 CHAIRMAN RHODES: Thank you very  
4 much.

5 With that we will move to the  
6 third item for discussion, Item 302, Case  
7 19-E-0169 which is the 2018 electric  
8 reliability performance report presented  
9 by Mary Ferrer and Tammy Mitchell is  
10 available for questions.

11 MS. FERRER: Good morning, Chair  
12 Rhodes and commissioners. Today I will be  
13 providing you with an overview of New  
14 York's electric utilities reliability  
15 performance for 2018. The information  
16 presented is mostly on a statewide basis.  
17 Staff's written report provides individual  
18 reviews for each of the major electric  
19 utilities.

20 Each year staff performs a  
21 detailed analysis of electric reliability  
22 performance. Tools we use to monitor  
23 service reliability are monthly  
24 interruption data and reliability  
25 performance mechanisms, or RPMs.

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Electric utilities are required to submit detailed monthly interruption data that staff uses to calculate the frequency and duration of interruptions.

To gauge reliability performance, staff evaluates two key components; the frequency of service interruptions and the average duration of interruptions.

Frequency is influenced by factors such as system design, capital investment, maintenance practices, and weather. Decisions made by utilities today, however, can take several years before being fully reflected in the frequency measure.

Duration, on the other hand, is affected by workforce levels, management of the workforce, and geography. Policy changes can have a more immediate effect on duration. We review the data with and without major storms.

A major storm is defined as any storm which causes interruptions of at least ten percent of customers in an

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operating area or if the interruptions last longer than 24 hours.

By reviewing the data both with and without major storms we can trend and compare data over time. For example, the data excluding major storms can help evaluate the overall effectiveness of a maintenance or inspection program or the primary driver within a cause code so corrective actions can be implemented.

This aids in achieving a balance between interruptions under the utility's control such as equipment failures and those where the utility's control is more limited.

As can be seen on this chart, calendar year 2018 had more customer hours of interruption when including major storms than calendar year 2017. Calendar year 2018 ranks third in customer hours of interruption in the last 20 years following Hurricane Irene and Tropical Storm Lee in 2011 and Hurricane Sandy in 2012.

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The state experienced 36 events in 2018 that qualified as major storms. During these events, staff monitored and documented utility restoration and communication activities. There were also many minor storms that did not meet the major storm exclusion.

The five largest storms that occurred between March 2nd and May 20th accounted for most of the change in performance.

Staff investigates and reports on major storm activities separately since frequency and duration metrics do not tell the whole story. Staff's oversight of utilities during storms may include storm preparation, active monitoring of impacts, communications, system restoration, and post-storm investigation for events lasting longer than three days or if it is determined an investigation is needed.

During the five storm events between March 2nd and May 20th staff monitored, observed, and documented



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impacts utility preparations, restoration, and communication activities. Because of the extended length of restoration and deficiencies observed during the five events, staff began a separate investigation process.

Staff's investigation report resulted in over 90 recommendations detailing actions to be taken by the utilities to improve future storm preparation and restoration performance. Orders to show cause were also issued that included potential storm-related financial penalties for failing to comply with emergency plans.

In addition, emergency plans are reviewed by staff and approved by the Commission each year.

To address the significant impact major storms are having on New York's utility systems and utility customers, the Department recently established the Office of Resilience and Emergency Preparedness. The new office will be dedicated to

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ensuring that the state's utilities are prepared for and respond appropriately to major storms and other emergency events.

This graph presents frequency performance for the last five years statewide, excluding major storms. Because Con Edison's networks are less prone to interruption than overhead systems, Con Ed's data can skew the overall statistics.

As a result, we evaluate the statewide measures, including and excluding Con Edison's data.

The figure shows, for utilities other than Con Edison, customers on average experienced just over one interruption in 2018 excluding major storms. This is slightly more frequent than last year and the five-year average.

Statewide, including Con Edison, customers experience .64 interruptions per year or were interrupted, on average, one time every 18 months. Again, this is slightly more frequent than last year and the five-year average again.

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The major causes for interruptions, excluding major storms, were equipment failures and tree contacts. To reduce the frequency of interruptions, the utilities invest in many capital projects, inspections, and maintenance activities.

Several companies have been successful in reducing tree-related interruptions in recent years. For example, PSEG Long Island improved its tree trimming program by increasing the clearance between vegetation and overhead wires and increasing the removal of hazard trees. The chart shows the positive effects PSEG Long Island's program has had in 2017 and 2018.

Central Hudson and National Grid both implemented Emerald Ash danger tree removal programs in 2017. The chart shows improvements in 2018 for both companies.

In March, Orange & Rockland began implementation of its Ash tree mitigation program.

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Staff expects these programs will continue to have a positive impact on reliability in the coming years.

This graph presents duration performance for the last five years on a statewide basis, excluding major storms, again showing performance with and without Con Ed.

The overall statewide interruption duration was one hour and 57 minutes, this is about 4.8 minutes longer than 2017 and 4.2 minutes longer than the statewide five-year average.

The utilities claim this decline is due to minor storms that did not meet the major storm exclusion.

Reliability performance mechanisms, or RPMs, are established in each rate case. The RPMs include company-wide targets for frequency of duration. Electric utilities are subject to negative revenue adjustments for failing to meet the RPM target.

In addition, if a utility fails

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to meet an RPM target, issues are identified and corrective action plans are developed to prevent the problem from reoccurring.

In 2018, NYSEG met its frequency target; however, NYSEG's duration performance of 2.17 hours was above the RPM target of 2.08 hours. As a result, NYSEG will be subject to a negative revenue adjustment of \$3.5 million for not meeting the RPM target.

NYSEG filed two corrective action plans to address its three-year decline in overall service reliability. On August 31st, 2018, NYSEG filed a self-assessment report identifying plans to improve reliability.

NYSEG presented a more detailed plan in its May 20th, 2019 rate case filing. This plan focuses on three programs; enhanced vegetation management, hardening of the existing infrastructure, and automation. In the meantime, NYSEG has completed various distribution

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reliability projects such as reconductoring, installing reclosures, and fault indicators.

In 2018, Central Hudson did not meet its RPM target for frequency resulting in a negative revenue adjustment of approximately \$2 million. However, Central Hudson's duration performance was its ten-year best.

Central Hudson identified a unique event as the driver of its poor frequency performance. On July 12th, a transmission line opened while a portion of the system was being operated radially due to the line rebuild. This transmission system event interrupted all circuits out of five substations and over 21,000 customers.

To reduce the impact of substation and transmission-related outages, Central Hudson is taking risk mitigation steps on planned work. This includes alternative work methods such as live line techniques, scheduling longer

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2 workdays, ensuring all prep work is  
3 completed before the planned outage  
4 begins, and ensuring the optimal crew  
5 structure to fit the task.

6 In addition, Central Hudson  
7 formed a reliability improvements team in  
8 2018 to review reliability trends, develop  
9 solutions, and lead implementations of  
10 large-scale system reliability  
11 improvements.

12 Finally, the other utilities all  
13 met both their frequency and duration RPM  
14 targets in 2018; therefore, no revenue  
15 adjustments were necessary.

16 Thank you. That concludes my  
17 presentation. We would be happy to answer  
18 your questions.

19 CHAIRMAN RHODES: Thank you.

20 Again, very thorough report.  
21 It's good to note that most utilities met  
22 their targets. It's important to note  
23 that two didn't, and they're focus and  
24 their attention.

25 The trend lines of slightly more

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frequent are not comforting. It's certainly enough to warrant focus and attention. Nature did it or many unusual circumstances may be valid explanations. We still the high expectation for performance even with that valid explanation.

So I appreciate the continued attention of the staff and I appreciate that utilities seem to be doing the right kind of work identifying and attacking root causes, that's encouraging. What will really be encouraging is better performance.

Commissioner Sayre.

COMMISSIONER SAYRE: And I repeat my earlier comments; keep up the good focus and good work and don't let the pressure off.

CHAIRMAN RHODES: Commissioner Burman.

COMMISSIONER BURMAN: Thank you.

Ditto to what Chair Rhodes and Commissioner Sayre had to say.



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2 I do want to point out that the  
3 focuses on here on the major causes of  
4 interruption; equipment failure, tree  
5 contacts, and accidents depending on what  
6 utility you're in the jurisdiction how  
7 much it is effected.

8 I'm just curious for the  
9 accidents that's, primarily motor vehicle  
10 accidents; is that correct?

11 MS. MITCHELL: That's a large  
12 portion of them. Also included in that is  
13 animal contacts as well. And there are  
14 mitigation efforts that utilities do try  
15 to take, but unfortunately we are seeing a  
16 lot of increase in MVAs.

17 COMMISSIONER BURMAN: When there  
18 is a motor vehicle accident with the  
19 utility, how does that work in terms of  
20 our engagement with the police or others  
21 with that? Is that something also that --  
22 I mean, I know we focus on that but is  
23 that something from the a reporting  
24 mechanism we also look at?

25 MS. MITCHELL: So the utilities,

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as part of their required reporting, do report motor vehicle accidents to us that involve utility infrastructure, particularly if there's an entrapment involved in that.

But with respect to trying to address it, I know some of the utilities will work with the municipalities and look at maybe the location of poles, particularly if they are hit more than once.

COMMISSIONER BURMAN: I guess that's what I was getting at. That and how many of those are from distracted driving.

MS. MITCHELL: I suspect a large number.

COMMISSIONER BURMAN: Vegetative management and what we're doing is really important, as well. And the training that we need to do in that, not just in terms of -- before it used to be about trimming the trees and working with the customers in that regard, and those are still very

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important, but also the examination of the trees and determining whether or not there's a need to remove them even if they look healthy and working through that. And some utilities -- some areas are hit harder on that.

And so to the extent that we are also looking at the innovative programs that we're doing, utilities are doing, and engaging with the community on those issues to try to identify that, I think is really important. And again customer education as well as the significant issue.

I do want to point out that I did note that when -- in this report on our slides when we all talk about the all statewide utilities, we did include in that PSEG Long Island. I think it's really important that in all of our reporting, even for those items that the Commission may not oversee, to the extent that having the information incorporated is helpful especially when we're looking

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at trends and working together. And even just noting here that where we needed to, we excluded Con Ed but we showcased that very clearly. And I think we should be looking at doing that on a going-forward basis for all of our reporting even if it's to explain sometimes it may not be an apples to oranges comparison, it is important.

So I think we should look at that. So thank you very much.

CHAIRMAN RHODES: Thank you, Commissioner.

Commissioner Alesi.

COMMISSIONER ALESI: I concur with the wise but succinctly (indecipherable) Commissioner Sayre. Thank you.

CHAIRMAN RHODES: For the record, Commissioners Rhodes and Burman are also wise and succinct.

Thank you. And with that, we will move to the fourth item for discussion, Case 19-M-0307 which is the

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2 2018 utilities service quality report  
3 presented by Sonny Moze, Utility Consumer  
4 Program Specialist IV. Aric Rider, Chief  
5 Consumer Advocacy, is available for  
6 questions.

7 Sonny, please begin.

8 MR. MOZE: Thank you, Chair  
9 Rhodes, and good morning commissioners.

10 This item summarizes the large  
11 New York State electric and natural gas  
12 utilities performance for 2018 on measures  
13 of customer service quality.

14 While safety and reliability  
15 ability are paramount, the quality of  
16 customer service remains very important to  
17 customers. The measure of studies  
18 currently include two types: Study of key  
19 performance indicators reported by all the  
20 large utilities and audited by staff,  
21 which we recently revised and updated by  
22 the Commission; and customer service  
23 quality performance mechanisms provided by  
24 utility and include negative revenue  
25 adjustments for unsatisfactory customer

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2 service performance.

3 As shown on the chart, the data  
4 provided by each utility in each monthly  
5 performance indicator report allows staff  
6 to track customer service performance.

7 The performance indicators are, as shown  
8 on the chart: PSC complaint rate,  
9 (indecipherable) measures of customer  
10 satisfaction, the rate of appointments  
11 kept, call answer rate that is the  
12 percentage of calls answered within  
13 30 seconds, the number of bills needing  
14 adjustment due to utility error, the  
15 number of bills issued based on estimated  
16 meter readings, and terminations and  
17 uncollectible expense.

18 What we have here are the  
19 customer service performance mechanisms  
20 that are established in each utilities  
21 rate case, and the checks on the chart  
22 reflect the metrics that are available  
23 with the respect of the utilities.

24 Customer service performance.  
25 Quality performance mechanisms help to

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align shareholder and ratepayer interests by providing potential earning consequences to shareholders that reflect the quality of service due to the customers.

Every major gas and electric utility in New York State has these mechanisms in place. For all large utilities, the customer service quality performance mechanism contains targets for PSC complaint rates and measures of customer satisfaction.

Both PSC complaint rates and customer service are broad measures of customer service that capture service quality across all facets of utility operations. Some also include targets for other more specific measures of utility performance. In most cases, these more specific measures were included to address identified deficiencies.

We are pleased to report that for the most part the electric and gas utilities met or exceeded the standards of

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1 performance on measures of customer  
2 service established within their  
3 individual service quality performance  
4 mechanisms for 2018, except for Orange &  
5 Rockland who failed to meet this target on  
6 call answer rate of 30 seconds.  
7

8 Orange & Rockland's performance  
9 on the call answer rate average 20 percent  
10 compared to the target level of  
11 57.5 percent for 2018. As a result,  
12 Orange & Rockland incurred negative  
13 revenue adjustments of \$300,000 for  
14 electric and \$150,000 for gas for a total  
15 of \$450,000.

16 More concerning is that Orange &  
17 Rockland's monthly performance on this  
18 metric continues to be below its target in  
19 2019. Staff is working with Orange &  
20 Rockland to determine the best means to  
21 improve its performance in this area.

22 Pursuant to Orange & Rockland's  
23 rate plan, negative revenue adjustments  
24 related to those performance deficits  
25 totaling \$450,000 will be deferred for the



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benefit of customers in Orange & Rockland's next based rate cases and no commission action is required now.

When staff inquired about its performance, Orange & Rockland stated that the higher than normal call volumes, which was related to customer inquiries concerning credit and bill payment, solar buildings, high bills, AMI smart meters, were the main reasons for its failure to meet the call answer rate within the 30 seconds target during the 2018 reporting period.

Orange & Rockland stated that they have taken a number of mitigating actions to improve its performance on this metric, such as hiring full-time and part-time additional customer representatives; coaching customer service representatives more regularly; and providing talking points on several topics for customer service representatives to use when assisting customers.

Aside from these deficits at

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2 Orange & Rockland, utility customer  
3 service performance has still made  
4 improvements over the last several years,  
5 and this trend continued in calendar year  
6 2018. For example, Central Hudson  
7 improved its performance for getting  
8 appointments kept from its 2017 level.  
9 Con Edison improved its performance on  
10 calls answered by a representative within  
11 30 seconds from its 2017 level. And  
12 similarly has no escalated complaints for  
13 2018 calendar year.

14 Also for 2018, PSEG Long Island  
15 reported that it met its target for  
16 customer satisfaction under the operation  
17 services agreement with the Long Island  
18 Power Authority with certain metrics set  
19 to measure the company's performance  
20 against established goals for both  
21 residential and nonresidential customers.

22 Since PSEG Long Island's service  
23 quality targets were established under the  
24 operation services agreement with the Long  
25 Island Power Authority and not under usual

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proceedings, staff does not have detailed information regarding this performance on service qualities.

In addition to service quality performance mechanisms, most of the utilities have financial incentives to reduce the levels of termination and uncollectible expense each year. The following utilities achieved the targets for production and residential termination and/or uncollectible expense: Central Hudson, Con Edison, KEDNY and KEDLI, and Niagara Mohawk, NYSEG and St. Lawrence.

All financial incentives are deferred under each utilities respective rate plan and no commission action is required at this time.

In summary, the service quality performance mechanisms currently in place at the large utilities in New York State established strong standards of performance and put significant amounts of shareholder earnings at risk for nonperformance.

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Overall, the service quality performance mechanisms implemented by the Commission, coupled with staff's ongoing monitoring, appear to have an effective and encouraging utilities to make customer service a corporate priority and providing criteria for ensuring that the quality of customer service remains at high level.

Staff will continue to monitor customer service quality provided by utilities to ensure the fair and appropriate treatment of utility costs across state. And we will continue to promote performance-based rate mechanism strategies related to customer service quality as alternates to traditional cost of service regulations.

This completes my presentation on the energy utilities customer service report for 2018. And may I take this opportunity to acknowledge and thank Kayla Whittaker of the Office of Consumer Services for her hard work in conducting audits on all 2018 performance indicator

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2 reports and contribution to this session  
3 item.

4 I'll be glad to answer any questions.

5 CHAIRMAN RHODES: Thank you,  
6 Sonny, and thank you for closing with that  
7 very nice acknowledgment.

8 This is the right kind of  
9 oversight on service quality, it's a broad  
10 and appropriate range of topics that are  
11 covered. It's good that the news is  
12 generally good. But when we use phrases  
13 like "for the most part," it means we're  
14 paying attention to the other parts. When  
15 we use phrases like "more concerning"  
16 because the trend is not going in the  
17 right direction, we really need to pay  
18 attention.

19 I appreciate that O&R is  
20 responding to the evidence, and I will  
21 appreciate even more when performance  
22 improves to the standards that the New  
23 Yorker's expect.

24 Commissioner Sayre.

25 COMMISSIONER SAYRE: I reiterate

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2 my earlier remarks, but I've got something  
3 more down in the weeds to say about this  
4 one that could arguably be applied to the  
5 other items.

6 I'd like to suggest a staff and  
7 my fellow commissioners, that if a utility  
8 consistently fails or fails by a wide  
9 margin to meet a metric, we should be  
10 making sure the next available rate case  
11 that the negative revenue adjustment is  
12 targeted to that utility's particular  
13 situation and that utility's particular  
14 cost in a way that compliance becomes  
15 cheaper than failure; otherwise, I have a  
16 concern that we risk that the utility will  
17 fail once again and make more excuses and  
18 pay the adjustment rather than provide the  
19 level of service that we expect.

20 CHAIRMAN RHODES: Thank you.

21 Commissioner Burman.

22 COMMISSIONER BURMAN: Thanks,  
23 Commissioner Sayre, I appreciate your wise  
24 words. And I think that we will be  
25 looking at that, at least figuring out how

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to do that.

I think it is important when we go into a rate case also there's a lot of different attributes that go in it in terms of calculations, deferred costs, negative revenue adjustments, positive ones. And we really should be able to also have a lot of those factors in layman's terms as well so that it's flagging them in a way that is helpful to others that might not be as in the weeds on that.

And identify that and see what we're doing to improve performance, continue to continually work with folks, especially when we have positive metrics, as we see in some, where its been positive, we should do that. And where it's not, we should be making sure that we are directing the appropriate dollars to improving that.

The only thing I that would like to point out other than the fact that Sonny and I and Tammy bonded this morning and went over his testimony as we were

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making our way here, is that I do think it's important that we have more meat on the bones in terms of the call answers and the 30 seconds, and looking at what that means and how that is actually continuing to be improved, and where it's not, and what are we doing rooting out some of the root causes.

I think the utilities do point out some issues in terms of why they are -- it's taking longer to answer the call and to the extent that we are also incorporating that, especially if it means that they need more workforce. And also what some of the challenges are that are coming, not just from if you're getting calls, not just on high bills, but there's a laundry list of things, solar questions, AMI questions, media questions.

So to the extent that we're also identifying and verifying that information and then what we can do to help facilitate, I think is important in a way that will help us, especially as we look



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2 toward the rate cases.

3 So thanks.

4 CHAIRMAN RHODES: Thank you.

5 Commissioner Alesi.

6 COMMISSIONER ALESI: Thank you,  
7 Mr. Chairman. We have seen the efforts  
8 that you collectively have put into these  
9 four reports. And I should say, as I said  
10 at the outset, I would probably apply my  
11 comments to each of them with little  
12 variations.

13 But suffice it to say, it does  
14 not escape me or any of us here that these  
15 come easily, that there's a tremendous  
16 amount of effort, a tremendous amount of  
17 professionalism, a tremendous amount of  
18 wisdom and knowledge that goes into these  
19 and we appreciate all of that.

20 These are useful tools not only  
21 for you in your daily work but for the  
22 Commission here and our efforts to oversee  
23 not only what you do, what the utilities  
24 do, and to serve the public.

25 Thank you very much.

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2 CHAIRMAN RHODES: This is my  
3 fourth mic. But thank you for your  
4 patience with my mic cutting in and out.

5 We will now move to the consent  
6 agenda.

7 Do any commissioners wish to  
8 comment on or recuse from voting on any  
9 items on the consent agenda?

10 Commissioner Sayre.

11 COMMISSIONER SAYRE: No.

12 CHAIRMAN RHODES: Commissioner  
13 Burman.

14 COMMISSIONER BURMAN: I have a  
15 couple of items that I want to comment on  
16 and ask a question.

17 So on items 261, 262, 263, 264  
18 and 267, these all relate to ESCOs. For  
19 261, 262, 263 and 264 there were -- there  
20 are no customers involved, so from my  
21 perspective just looking at it I think  
22 it's important to identify that we are  
23 looking at potential violations of the  
24 uniform business practices and really  
25 relating to filings that haven't come and

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there are no customers there.

Two of them we have voluntarily  
-- the wording is "voluntarily  
discontinued practicing in the state"  
because they failed to report to us, the  
other two are orders to show cause that  
we're looking at, but again there are no  
customers involved.

I do think it's important for us  
to be mindful, as we move forward, that we  
do have an outstanding pending ESCOs  
proceedings and that we do need to have  
some regulatory certainty on addressing  
those external ESCOs on matters unrelated  
to these.

On item 267, it is an order to  
show cause, there are customers involved,  
and I look forward to the ESCO responding  
to this, but I also want to make sure that  
we have, just like we've raised this in  
other venues as relating to orders to show  
causes, I'd like to make sure that we are  
engaged in knowing what the responses are  
rather than having something come before

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2 us to the extent that it's just telling us  
3 how something got settled or didn't. I  
4 really do want to understand whether it's  
5 in -- from an ESCO, from the utility, if  
6 there's an order to show cause. We, as  
7 the Commission, should be privy to the  
8 information related to what their response  
9 is to be able to identify the  
10 appropriateness of it after the fact.

11 So I look forward to that and I  
12 look forward to, at some point in the not  
13 too distant future, having some kind of  
14 information on the pending ESCO matters  
15 and where -- what the Commission is going  
16 to be doing on that, I think is very  
17 important.

18 On item 364, I will be  
19 concurring. On item 370, this is  
20 something that I do point out because it  
21 is one that focused on the need to have  
22 this because of an inadvertent omission in  
23 the calculations for the rate case. I do  
24 point that out we should not have  
25 inadvertent omissions and we should be

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2 looking at making sure in our rate cases  
3 that we are working towards that so this  
4 type of thing does not need to come before  
5 us and gets incorporated in there.

6 I do realize that that's a lot on  
7 everyone's plate, but we need to be very  
8 mindful of that. And to the extent that I  
9 am recognizing that resources are limited  
10 and we have less staff than we did  
11 beforehand, we really do need to have all  
12 hands on deck for our rate cases and  
13 really focusing on that. So it is  
14 something that I am mindful of.

15 I also -- to the extent that when  
16 we're looking at comments that when we get  
17 proceedings that come before us and I see  
18 that a SAPA was issued and there were  
19 no comments that came in, that doesn't  
20 necessarily mean that nobody had any  
21 thoughts on it, it just may be that they  
22 weren't focused on knowing that this  
23 proceeding was out there. And so I do  
24 think that in this case the reason I can  
25 concur in it is because we do have a

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2 customer education after the fact;  
3 however, I would have liked to have seen  
4 that beforehand in reaching out to those  
5 100 or so, little over 100, 119 customers.

6 In item 461, this is an American  
7 Water, it appears it is a confirming order  
8 of the one commissioner order that was  
9 done on an emergency basis.

10 I want to note the comments I had  
11 whether you confirmed the order were still  
12 true for me today in terms of the process  
13 and the SAPA. And to me the reason I feel  
14 comfortable concurring is because I do  
15 understand that the larger issues that are  
16 out there will be coming before us in  
17 another venue, and that includes the  
18 independent monitors report.

19 I do believe that we had talked  
20 about that quarterly report the end of  
21 March, with the customer billing issue in  
22 particular, and we were looking at a  
23 report that comes in April. Could you --  
24 I think Mr. Sipos, if you could comment on  
25 that, that would be helpful.

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2 MR. SIPOS: Yes. Good morning,  
3 Commissioner Burman.

4 In connection with the consent  
5 order from last year, the independent  
6 monitors that work on the customer billing  
7 aspects should be completed by the end of  
8 June. And I would anticipate that the  
9 monitors will meet that June timeline and  
10 that the final report on the billing  
11 aspects will be available for the  
12 Commission -- for commission review at the  
13 July session, and also that there could be  
14 an informational presentation by staff on  
15 New York American Water for the  
16 commissioners at that session.

17 COMMISSIONER BURMAN: Thank you,  
18 I look forward to that. I know that staff  
19 has been working diligently on these  
20 issues so I want to thank you for that.

21 The only other thing that I  
22 really want to say on the consent agenda  
23 item is I do want to flag, again, the  
24 streetlighting matters that we are doing.  
25 We do have a number of them, there are a

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2 number of different issues that arise.

3 And while our -- the Commission itself is  
4 limited to more of a ministerial role in  
5 this, for me globally these issues are  
6 very important, especially as it relates  
7 later to other issues, not only stray  
8 voltage as we heard earlier but just in  
9 terms of how that works, engagement.

10 And I do want to flag, as I  
11 flagged before, I am concerned about a lot  
12 of the different roles that NYPA pays in  
13 the streetlighting and I want to make sure  
14 that we are fully engaged, even though  
15 NYPA is not regulated by us on this, to  
16 the extent that there's a lot of market  
17 issues and to the extent that that is, for  
18 me, making sure that we are engaged and  
19 understanding. There's a lot of dollars  
20 that are going out there to help  
21 incentivize communities. And I want to  
22 make sure that, one, they are not filing  
23 thinking that it's not a one size fits  
24 all, but also the utilities have a number  
25 of different issues that they need to



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address that needs to be done, especially from a reliability perspective and a safety perspective. And to the extent that we are engaged in a way that takes care of all those issues.

But also I do think it's important that we have a clear understanding of the amount of dollars that are going, especially as to -- from the state on all of these efforts. I know there was recently a large contract for over 200,000 in one particular community, and I just want to make sure that we are not chilling potential markets for others that may be better suited to do that rather than from NYPA they just are in the financing lane versus the broker lane and I think it's something that we should be mindful of and make sure that we are looking at that and whether or not it is effective from an implements perspective but also from a cost perspective. Thank you.

CHAIRMAN RHODES: Thank you very

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2 much.

3 Commissioner Alesi.

4 COMMISSIONER ALESI: I have  
5 nothing to add.

6 CHAIRMAN RHODES: Thank you.

7 With that, we will proceed to a  
8 vote.

9 My vote is in favor of the  
10 recommendations on the consent agenda.

11 Commissioner Sayre, how do you  
12 vote?

13 COMMISSIONER SAYRE: Aye.

14 CHAIRMAN RHODES: Commissioner  
15 Burman?

16 COMMISSIONER BURMAN: I vote yes  
17 except for where I identified I'd be  
18 concurring.

19 COMMISSIONER ALESI: I vote aye.

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

23 SECRETARY BURGESS: Can I just  
24 confirm, Commissioner Burman, did you only  
25 concur on item 364?

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COMMISSIONER BURMAN: No. I  
concurred on items 267, 364, 461 and 370.

SECRETARY BURGESS: Thank you.

CHAIRMAN RHODES: Thank you,  
Secretary Burgess.

The items are approved and the  
recommendations are adopted.

Secretary Burgess, do you have  
anything further to bring before us today?

SECRETARY BURGESS: I have  
nothing further to bring before you today.

CHAIRMAN RHODES: But I do.

So many of you may be aware that  
the New York Senate is considering new  
commissioner nominations for action  
possibly still this month. And without  
prejudging, in any way, that Senate  
consideration, this does mean that there  
is a chance that this will be the last  
session at which we enjoy Gregg Sayre  
participating as a commissioner.

So we want to share our  
appreciation for Gregg, a terrific  
colleague and terrific commissioner and

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he's going to sit there and take it. And we're going to show this appreciation in the form of a resolution.

So the resolution of the New York State Public Service Commission for Commissioner Gregg C. Sayre; whereas, Gregg C. Sayre served the Public Service Commission and the citizens of the State of New York with great distinction as commissioner since July 9, 2012, and as interim chair from March 9, 2017 until June 21, 2017;

And whereas, Commissioner Sayre brought to here his extensive knowledge in telecommunications and the utility regulatory law emanating from his prior experience as associate general counsel of Frontier Communications Corporation and as an attorney in the rates division for Pennsylvania Public Utility Commission Law Bureau to the great benefit of the Department of Public Service, Public Service Commission and the citizens of the State of New York;

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And whereas, Commissioner Sayre most capably represented the interests of the Public Service Commission and the citizens of the State of New York on several federal boards which he was appointed by the Federal Communications Commission, including the Federal State Joint Board on Universal Service, Broadband Deployment Advisor Committee, and two of the last committees working groups;

And whereas, Commissioner Sayre willingly shared his expertise and wisdom on an untold number of panels at conferences, including those convened by the Mid-Atlantic Conference of Regulatory Utilities Commissioners, and the National Association of Regulatory Utilities Commissioners;

And whereas, Commissioner Sayre earned the deep respect, admiration, and affection, truly, of the staff of the Department of Public Service because of his eagerness and desire to thoughtfully

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engage on thorny issues, always open to listening to all perspectives with a view of finding resolutions that would benefit all New Yorkers;

And whereas, Commissioner Sayre has been a champion and an ardent supporter of all staff in the Department of Public Service providing guidance and support, taking time to connect with department employees, always expressing his deep appreciation publicly and privately for staff's work and his kindness and good humor will be missed;

And whereas, Commissioner Sayre will have time to spend with his wife Susan, his children, and his adorable grandchildren.

It is resolved that the New York State Public Service Commission expresses the deepest appreciation and great gratitude to Commissioner Gregg C. Sayre for dedicated leadership to the New York State Public Service Commission and his faithful service to the citizens of the

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State of New York as demonstrated by his unwavering commitment to the mission of the Commission to ensure safe, secure, and reliable access to electric, gas, steam, telecommunications, and water services for all of New York's residential and business consumers.

Do my fellow commissioners want to share any thoughts?

COMMISSIONER BURMAN: Thank you.

So when I first joined Commissioner Sayre on the Commission in 2013, we had a getting to know you meeting. One of the things that I learned was that he was an avid Dungeons & Dragons computer game player. Now I confess computer games to me are lost on me, so he could have said some other Dungeons & Dragons type game, but essentially we talked about warlocks and wizards and my takeaway was Dungeons & Dragons. So from my limited knowledge, that was what I looked at.

Now I actually pictured him one

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day showing up at session in full wizard gear and for a brief time when he was interim chair he did threaten me that he would do so.

So why do I mention this? For me, it really is important to understand where people are coming from and to understand the realm that they are in. And one of the things is when I looked back, I just recently found a 2001 dissertation that Commissioner Sayre wrote when he was getting his masters of science in information technology. I actually did try to contact the professor who granted your thesis and approved it, but none of them were able to get back to me.

But it was on regulatory distortions of the local exchange telecommunications infrastructure. And it really was fascinating because throughout his thesis and this dissertation, he really did use Dungeons & Dragons terms. And so it really was incorporated in there. He talked about policy decisions



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2 are often driven by mips (phonetic). He  
3 talked about slaying folks, and he went  
4 through it even talking about the  
5 Kingsbury Commitment.

6 And so from my perspective, it  
7 made me focus a lot -- and there's also  
8 even some death spiral issues in there as  
9 well. Which really brings up for me is, I  
10 think the Commissioner's philosophy as a  
11 regulator can best be summed up in  
12 Dungeons & Dragons terms and that's kind  
13 of cool.

14 So I just want to talk a little  
15 about some of the things that I see that  
16 are really good takeaways and I think  
17 really helps to relate to real life.

18 One of the principles is know who  
19 you are. Always bring and stay within your  
20 character trait. You have to declare your  
21 character and what you intend to be and  
22 you have to be true to that.

23 Commissioner Sayre was always  
24 someone who was comfortable in who he was  
25 and he didn't shy away from that. And for

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me, you always knew what you were getting which was a very honest and straightforward person.

The other thing is you can only carry and collect so much treasurer and don't get bogged down by that. Now he would usually say that to me when I was coming into a Commission session with a lot of books and other things. But it really is true, he was someone who was comfortable just being and not worrying about racking up all the treasures.

The other perspective is everyone has a purpose. And for me he was very focused on making sure that staff knew that they were appreciated, working through that every stakeholder, whether it was someone that was approaching him at a public statement hearing or elsewhere, everyone was treated with respect and everyone had a purpose and a point to share and he was willing to listen.

The other is that while you can focus on slaying and parlaying and all of

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1  
2 the different things, really the way to  
3 success is collaboration and that's key.  
4 And he was very focused on that. For me,  
5 when I look at it I really kind of think  
6 of Dungeons & Dragons as really the  
7 ultimate it's not about the winners or  
8 losers, even though it does seem a bit  
9 focused on becoming the Dungeon leader,  
10 but the way it works is that your  
11 characters have to go through a series of  
12 events that unfold the story that's going  
13 to happen. And there are always going to  
14 be changes along the way. The story can  
15 quickly spin into a direction you choose  
16 to take, you didn't choose to take, and  
17 you have to be ready to be focused on  
18 dealing with all of those things, and how  
19 your character responds to it drives the  
20 game.

21 And so many times you're not  
22 always given options and you have to  
23 choose your adventure. Commissioner Sayre  
24 was always one who was up for an  
25 adventure. And so now I look at it, and

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2 I say, I think really the most important  
3 aspect of where he comes is that there is  
4 no end to the game, he is now going to be  
5 on his new adventure and he will be  
6 focused on continuing that adventure and  
7 continuing the story. And I look forward  
8 to hearing about that as we move forward.

9 So thank you so much for your  
10 life lessons and Dungeons & Dragons will  
11 always -- I always think of you as that.  
12 So thank you.

13 CHAIRMAN RHODES: Commissioner  
14 Alesi.

15 COMMISSIONER ALESI: Thank you,  
16 Chairman.

17 Well many you have may not know  
18 that Gregg and I come from the same town,  
19 and we, after having some familiar  
20 conversation, discovered that we have some  
21 mutual friends and even some mutual  
22 interests, although we won't be sharing  
23 them here.

24 Gregg, I hope that when we get  
25 home we have a chance to convene with those

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2 new interests and have a chance to pursue  
3 them. But we have shared some interesting  
4 stories and even last night when we shared  
5 a meal together part of our conversation  
6 was Gregg's ancestors. They go -- his  
7 family goes way back to out east on the  
8 Island and I was impressed that he told me  
9 back to the 1600s, if I'm not mistaken.  
10 And I remarked that they just missed the  
11 Mayflower, and he agreed with me.

12 And I didn't tell you then  
13 because I didn't really want to one up  
14 you, but my family actually arrived by the  
15 Mayflower, it's true, Mayflower Moving  
16 Company.

17 So you know this could be a  
18 gloomy day, I thought I come out with a  
19 weather report, it's rainy, it's gloomy,  
20 overcast. And I thought, no, that  
21 wouldn't work.

22 I thought I could do Casey at the  
23 Bat, you know, "no joy in Mudville."

24 But there is a very bright and  
25 sunny side to all of this because of what

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2 you have given, not just the Department  
3 and Commission, but the people of our  
4 state with your other associations and  
5 affiliations, what you've given to the  
6 people all across the country.

7 So there will be always be sunny  
8 smiles when we think of you and they'll  
9 always be, at least as I recall, an  
10 abundance of pleasure knowing you. Always  
11 such an incredible knowledge and always  
12 such a grasp of the issues.

13 So thinking about all of that and  
14 your impending departure that you'll always  
15 be someone that everyone here will  
16 remember for everything you've done. And  
17 at least in my mind, you'll always be a  
18 permanent member of the Public Service  
19 Commission.

20 Thank you for all you've done,  
21 Gregg.

22 CHAIRMAN RHODES: Gregg.

23 COMMISSIONER SAYRE: I want to  
24 take the opportunity to respond.

25 As the Chair said, it looks like

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my holdover term may be about to expire when my successor joins the Commission, not sure when that will happen, but since it's probably going to be before the July session this may be my swan song.

I've been honored to have seven years serving with the Commission and it's been an enjoyable experience, it's been a learning experience. In my view, there is not a better agency than the Department of Public Service. I've been surrounded by smart, hardworking, friendly, and very helpful people. I learned something every day that I spent with staff.

I've had the chance to shape policy on all sorts of difficult issues, like REV, clean energy, our low-income programs. And sometimes it's hard to figure out where the public interest lies among all the often competing goals that we have for utility service including safety, and affordability, and reliability, and security, and innovation, and a clean environment.

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When I had the opportunity to lead the agency for a brief period of time, that was also a wonderful experience even if it started on the very same day as the major wind storm in western New York on March 2nd years ago.

It's been a great seven years, I hope I've had the opportunity to help make the agency a little bit better. And I hope that working with you I've helped make the state maybe more than just a little bit better.

So I thank you all for the opportunity and for your support. It's been a pleasure to serve the 20 million people of New York with you.

(Applause.)

CHAIRMAN RHODES: Here it is as read, every word was meant. It's really a treat to work with you.

On that high note, we are adjourned.

(Time noted: 12:34 p.m.)



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C E R T I F I C A T E

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF QUEENS            )

I, NICOLE ELLIS, a Notary Public for and within  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter, and that the within  
transcript is a true record of such proceedings.

I further certify that I am not related to any  
of the parties to this action by blood or by  
marriage and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 20th day of June 2019.

*Nicole Ellis*

\_\_\_\_\_  
NICOLE ELLIS

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