

1 Monthly Meeting - 6-14-18

2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION

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9 MEETING OF THE PUBLIC SERVICE COMMISSION

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12
13 Thursday, June 14, 2018
14 10:35 a.m.
15 Three Empire State Plaza
16 Agency Building 3, 19th Floor
17 Albany, New York

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21 COMMISSIONERS:

22 JOHN B. RHODES, Chair
23 GREGG C. SAYRE
24 DIANE X. BURMAN
25 JAMES S. ALESI

1 Monthly Meeting - 6-14-18

2 CHAIRMAN RHODES: With apologies for being
3 a little bit behind time, let's call this session of the
4 Public Service Commission to order.

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

7 SECRETARY BURGESS: Good morning Chair and
8 Commissioners.

9 There's one change to the agenda. Item
10 372, which is Case 18-E-0130, in the matter of Energy
11 Storage Deployment Program. That item has been pulled.

12 CHAIRMAN RHODES: Thank you.

13 Before we begin -- before we begin with
14 the regular agenda, I'd like to remember that it's Flag
15 Day and so, can we do the Pledge of Allegiance?

16 FROM THE FLOOR: I pledge allegiance to
17 the flag of the United States of America and to the
18 republic, for which it stands, one nation, under God,
19 indivisible with liberty and justice for all.

20 CHAIRMAN RHODES: Thank you.

21 Let's proceed to the regular agenda and
22 begin with the informational items.

23 The first four items this morning, are a
24 series of reports on energy, utility safety, reliability
25 and service quality performance, in 2017. Mike Worden,

1 Monthly Meeting - 6-14-18

2 Director of Office of Electric, Gas, and Water will begin
3 with an overview of these items, which will be followed
4 by presentations for each.

5 These four items are informational items
6 and no vote will be taken.

7 Mike, please begin.

8 MR. WORDEN: Good morning, Chair Rhodes,
9 Commissioners.

10 I would note right at the outset, that
11 this year has been consumed by significant storm events,
12 which as you know, we're investigating. We have a lot of
13 effort going into that investigation, but at the same
14 time, there's a lot of other work that's taking place
15 that I think is a very good story and that's what you're
16 going to hear about today.

17 You're going to hear about gas safety from
18 Mike Pasinella, electric safety from Ben Dunton, electric
19 reliability from Mary Ferrer, and consumer service from
20 Sonny Moze.

21 I think in each of these areas, we're
22 showing some of the day to day activities that take
23 place, to make sure consumers in New York State get safe,
24 reliable and good communication associated with their
25 service and those are important things. And a lot of the

1 Monthly Meeting - 6-14-18

2 work that we're doing today, is really behind the scenes
3 and you really don't see it in the headlines of the
4 newspapers, et cetera, but it's very important in the
5 work we do to provide safe and reliable service.

6 So without further ado, I'm going to turn
7 this over to Mike Pasinella, to do the gas-safety
8 briefing.

9 Thank you.

10 MR. PASINELLA: Thank you, Michael.

11 Good morning Chair Rhodes, Commissioners.

12 Item 101 is the 2017 Pipeline Safety
13 Performance Measures Report. It is for informational
14 only and evaluates areas that are critical to pipeline
15 safety. These areas include damage prevention,
16 emergency-response times, leak management and
17 noncompliances as identified through staff's audit
18 process.

19 Overall, the data indicates that
20 performance has substantially improved for the local-
21 distribution companies, or LDCs for short. Across the
22 state over the 15-year period, staff has been reporting
23 performance to the Commission. This report is intended
24 to serve as a management tool, by allowing staff to
25 analyze trends, identify areas in need of improvement and

1 Monthly Meeting - 6-14-18

2 to provide LDCs with feedback on a timely basis.

3 Next slide, please?

4 For damage prevention, this measure gauges
5 the success of LDCs, in minimizing damage to buried
6 natural-gas facilities caused by excavation activities.
7 The measure is further broken down into four components.
8 Mismarks, company and company-contractor error, third-
9 party excavation error, and no-calls, or an excavator's
10 failure to provide notice of the -- of their intent to
11 excavate to the one-call notification system.

12 The total damage-prevention measure
13 improves significantly, approximately 23 percent, during
14 2017. This was due in part to an increase of
15 approximately a 113,000 total one-call tickets.

16 Another contributing factor to this
17 improvement, was New York City implementing its white-
18 lining requirements, whereby excavators can be penalized
19 for requesting areas to be marked, where no work is
20 occurring.

21 For example, if a contractor was replacing
22 trees in various locations on the same street, the
23 contractor would now provide notice for each of the
24 locations, rather than a single one-call ticket, to avoid
25 penalty. In comparison to 2016, the total number of

1 Monthly Meeting - 6-14-18

2 damages in 2017, remained relatively constant.

3 Also, all four components improved in
4 performance during 2017, with damages due to third-party
5 error, 20 percent and no-call damages, 15 percent,
6 showing the greatest improvement. Damages due to
7 mismarks, 7 percent and company and company-contractor
8 error, 2 percent, also showed moderate improvements.

9 In addition to our work with both one-call
10 centers, staff works closely with the LDCs and issues
11 field citations, to excavators where appropriate. The
12 combination of staff's field presence and the LDCs
13 alerting us to damages, has resulted in enhanced
14 enforcement of the pipeline-safety regulations.

15 Next slide.

16 For the second measure, emergency-response
17 times, it reflects the LDC's ability to respond promptly
18 to reports of leak, odor and emergency notifications, by
19 examining the percentage of reports that were responded
20 to, within various response time intervals. There are
21 three specific emergency-response intervals.

22 Respond to 75 percent of reports within 30
23 minutes, 90 percent within 45 minutes, and 95 percent,
24 within 60 minutes. LDC performance for each of the
25 response time intervals improved in 2017.

1 Monthly Meeting - 6-14-18

2 For the fourth consecutive year, the total
3 number of reports having been received by the LDCs was
4 higher than in recent years. These volumes can largely
5 be attributed to greater public awareness, which has been
6 elevated in recent years, due to notable incidents and
7 the LDC's efforts to enhance their respective public-
8 awareness programs.

9 Next slide, please.

10 For the third measure, leak management, it
11 examines LDC's performance, in effectively reducing leak
12 inventories and keeping potentially-hazardous leaks to a
13 minimum. Potentially-hazardous leaks, type one, two A
14 and two, include any leak that requires repair, pursuant
15 to the regulations.

16 This report also examines the LDC's total
17 leak backlog. Total leak backlogs include type three
18 leaks, which do not have a prescribed repair timeframe
19 and are by definition considered to be nonhazardous.
20 Type three leaks also require reevaluation during the
21 next required leakage survey, or annually, whichever is
22 sooner, to ensure that a public-safety hazard has not
23 developed.

24 While type three leaks are not expected to
25 become a safety concern, LDCs should work to eliminate

1 Monthly Meeting - 6-14-18

2 these known leaks on their systems because it reduces
3 lost gas, maintenance costs, the total number of
4 emergency reports, is an environmental concern and the
5 persistent odor can negatively impact public-awareness
6 efforts.

7 In general, all LDCs have demonstrated
8 improvement in these measures, over the past several
9 years. The overall, year-end, 2017 backlog declined
10 slightly when compared to 2016 and has improved
11 approximately 40 percent, when compared to 2013.

12 For total leak backlogs, the overall year-
13 end 2017 backlog improved by 2344 leaks. Approximately
14 14 percent from year-end 2016, and has also improved 40
15 percent, when compared to 2013.

16 Next slide, please.

17 For the final measure, LDCs are being
18 evaluated on their compliance, with the Commission's
19 minimum pipeline-safety regulations. This measure looks
20 at noncompliance issues, as identified by staff, during
21 audits of the LDCs. Each year, staff conducts
22 statistically-based audits, inspections and
23 investigations of the LDCs, to determine their compliance
24 with the pipeline-safety regulations. Each noncompliance
25 identified, represents an area where the LDC failed to

1 Monthly Meeting - 6-14-18

2 meet these minimum requirements as prescribed.

3 The data varies greatly from year to year,
4 which is due in part to staff's five-year audit cycle.
5 These audits of the pipeline-safety regulations occur on
6 varying frequencies determined by the risk, that the
7 regulation audited, poses to public safety.

8 The regulations are identified either as
9 high-risk, in which an audit is conducted annually or
10 other risk, which is evaluated on a two, three, four, or
11 five-year frequency, not to exceed five years.

12 In 2017, non-compliances were identified
13 in all eleven of the major LDC's operating-service
14 territories, with improvements having been realized in
15 each of the previous three calendar years. This is due
16 also in part to the mechanisms that have been
17 incorporated into most of the LDC's respective rate
18 plans, which attach an associated regulatory liability
19 for the non-compliances identified.

20 Moving forward, each LDC should continue
21 to strive for the complete elimination of all non-
22 compliances. As an aside, during the Pipeline and
23 Hazardous Materials Safety Administration's most recent
24 audit of the Department's Hazardous Liquid and Natural
25 Gas Pipeline Safety Programs, evaluation scores of a

1 Monthly Meeting - 6-14-18
2 hundred percent were earned by the pipeline safety
3 section. Also, the Pipeline Safety Section's Damage
4 Prevention Program was given the highest ranking
5 possible.

6 Next slide, please.

7 As LDCs continue their outreach efforts,
8 adopt better practices in responding to leak, odor and
9 emergency notifications and work to replace leak-prone
10 infrastructure, staff expects further improvements will
11 occur. This report will be transmitted to an executive-
12 level operating officer of each of the respective LDCs.
13 Thank you, Chair Rhodes, Commissioners.

14 This concludes my presentation of the 2017
15 Pipeline Safety Performance Measures Report. I would be
16 happy to answer any questions.

17 CHAIRMAN RHODES: Thank you, Mike.

18 I'll begin with concurring with Mike
19 Worden's opening remarks, that these reports in general
20 are good news for New Yorkers. Of all of the information
21 items, we're going to discuss today, this one has some of
22 the highest consequence -- this topic has some of the
23 highest consequences for the safety and protection of New
24 Yorkers and I'm -- I'm very gratified to hear that and
25 realize that we have -- New York has the very-highest

1 Monthly Meeting - 6-14-18
2 standards with respect to gas safety and that our
3 utilities are measuring up and are showing steady
4 improvement. So this is good news indeed.

5 Thanks very much.

6 Commissioner Sayre?

7 COMMISSIONER SAYRE: I'm pleased to see
8 that staff continues to monitor the utilities very
9 carefully in this respect and keeps them toeing the line.
10 They know they have to comply. They know they'll be in
11 trouble, if they don't and that's a good role for staff
12 to take. Good work.

13 CHAIRMAN RHODES: Thank you.

14 Commissioner Burman?

15 COMMISSIONER BURMAN: Thank you very much.

16 It's a pleasure for me to work with the
17 gas-safety folks and I think that our safety issues are
18 paramount and good work and I continue to look forward to
19 our continued diligence in this area. And I know that
20 all of us and the stakeholders, have safety as our top
21 priority.

22 CHAIRMAN RHODES: Thank you.

23 Commissioner Alesi?

24 COMMISSIONER ALESI: Thank you very much.

25 It's -- this is critical information.

1 Monthly Meeting - 6-14-18

2 Well-done. And I think it underscores the
3 professionalism of all the people in the Department.
4 Thank you.

5 CHAIRMAN RHODES: With that, we'll move on
6 to the -- the next informational item. Mike, shall I
7 introduce it or -- I'll introduce it.

8 So, the second informational item is Item
9 301, Case 18-E-0279, which is the 2017 Electric Safety
10 Standards Performance Report, presented by Benjamin
11 Dunton, Power Systems Operations Specialist Four.

12 Ben, please begin.

13 MR. BENJAMIN DUNTON: Good morning, Chair
14 and Commissioners. Today, I will provide an overview of
15 the electric-safety standards and the utilities
16 compliance, for 2017.

17 Next slide, please.

18 I will start with some background
19 information on the electric-safety standards. The
20 original electric-safety standards were adopted by the
21 Commission, in January of 2005. The standards included
22 stray-voltage testing and visual inspection of all
23 electric facilities, on an annual basis and the adoption
24 of the National Electric Safety Code, or N.E.S.C., as the
25 minimum standard for utility construction, maintenance

1 Monthly Meeting - 6-14-18

2 and operations.

3 The overall goal of the safety standards
4 is to safeguard the public from exposure to stray voltage
5 and to identify and mitigate any potentially-harmful
6 conditions, before safety hazards and/or reliability
7 deficiencies develop. New York's electric-safety
8 standards continue to have some of the most stringent
9 requirements when compared to other states across the
10 nation. 2017 marked the thirteenth year for the
11 electric-safety standards, or the third year of the third
12 five-year cycle.

13 Next slide, please.

14 Utilities are required to test their
15 underground system and street-light facilities on an
16 annual basis, while manually testing their overhead
17 distribution and transmission facilities, on a five-year
18 cycle. Voltage findings of one volt or more, are
19 required to be recorded and mitigated.

20 In total, there were 364 voltage findings
21 of one volt or more, or approximately .03 percent of the
22 roughly one-million facilities tested in 2017. This
23 graph shows the historical findings for manual stray-
24 voltage testing, going back two years. The red sections
25 show the findings between one volt and 4.4 volts and the

1 Monthly Meeting - 6-14-18

2 green sections show the findings that were 4.5 volts or
3 greater.

4 The 2017 total number of stray-voltage
5 testing findings continues a downward trend, from 2016
6 and 2015. Street lights continue to be the largest
7 facility grouping with stray-voltage findings.

8 For example, in 2017, out of the total 364
9 findings, street lights accounted for 231. As part of
10 the safety standards, the utilities are required to test
11 all publicly-accessible street lights. If an issue is
12 found with a street light that the utility does not own,
13 they are required to make the condition safe. It is
14 ultimately the municipality that owns the street lights,
15 responsibility to repair the issue.

16 Next slide, please.

17 Mobile stray-voltage testing was added to
18 the safety standards in 2011 and required eleven mobile
19 surveys in New York City, two mobile surveys in Buffalo,
20 and one mobile survey in Yonkers, White Plains, New
21 Rochelle, Albany, Niagara Falls and Rochester each year.
22 These locations were selected due to their population
23 density, fifty thousand or more and the number of stray-
24 voltage findings in each city.

25 Again, any voltage finding or one volt or

1 Monthly Meeting - 6-14-18

2 more, is reported and mitigated. In 2017, there were
3 approximately 10,500 voltage findings in the three
4 utility-service territories, where mobile stray-voltage
5 testing is required.

6 This graph presents the total number of
7 stray-voltage findings across the state, using the mobile
8 stray-testing units for the last two years. Blue
9 represents Con Edison findings, green represents National
10 Grid findings and purple represents Rochester Gas and
11 Electric findings.

12 Con Edison makes up the majority of the
13 mobile stray-voltage findings, based largely on the
14 number of scans completed and the size of their
15 underground system.

16 Next slide, please.

17 Per the electric-safe -- safety standards,
18 the utilities are required to complete visual inspections
19 of 20 percent of their facilities each year, so that a
20 hundred percent of the utility's transmission and
21 distribution facilities will be inspected, at least once
22 every five years.

23 Since 2017 was the third year of the third
24 five-year cycle, all of the utilities were to have
25 completed inspections on 60 percent of their facilities,

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Monthly Meeting - 6-14-18

by year's end. This graph shows the inspection breakdown and completion level for each of the six investor-owned utilities, at the end of 2017. As represented here, all six completed the 60 percent requirement.

Next slide, please.

That completes my presentation. I can now answer any questions you may have.

Thank you very much.

CHAIRMAN RHODES: Thank you, Ben.

Once again, I think this report is good news for New York. Again, it's a safety topic, so it commands our utmost attention. It's the highest standard we need to pay attention to and it's -- it's another one where New York state has the very-highest standards and it's another one, where it's very good to see that with encouragement and oversight from the staff, we have utilities that are measuring up and are generally improving.

Thank you.

Commissioner Sayre?

COMMISSIONER SAYRE: And my comments are the same as with gas safety. Good work and keep at it.

CHAIRMAN RHODES: Thank you.

Commissioner Burman?

1 Monthly Meeting - 6-14-18

2 COMMISSIONER BURMAN: Ditto.

3 CHAIRMAN RHODES: Commissioner Alesi?

4 COMMISSIONER ALESI: I'd say the same.

5 CHAIRMAN RHODES: All right. Well, it's a
6 -- it's a completely-deserved consensus.

7 Thank you very much.

8 We'll move to the third item for
9 discussion, informational item. This is item 302, Case
10 18-E-0153, which is the 2 -- 2017 Electric Reliability
11 Performance Report, presented by Mary Ferrer, Utility
12 Engineer Three.

13 Mary, please begin.

14 MS. MARY FERRER: Good morning, Chair
15 Rhodes, Commissioners. Today, I will be providing an
16 overview of New York's Electric Utilities Reliability
17 Performance, for 2017. The information presented is
18 mostly on a statewide basis. Staff's written report
19 provides individual reviews for the major-electric
20 utilities.

21 Each year, staff performs a detailed
22 analysis of electric-reliability performance. Two tools
23 we use to monitor service reliability are monthly-
24 interruption data, reliability-performance mechanisms or
25 R.P.M.s.

1 Monthly Meeting - 6-14-18

2 Next slide, please.

3 Electric utilities are required to submit
4 detailed monthly-interruption data, that staff uses to
5 calculate the frequency and duration of interruptions.
6 We review the data with and without major storms.

7 A major storm is defined as any storm,
8 which causes in -- interruptions of at least ten percent
9 of customers, in an operating area, or if the
10 interruption lasts 24 hours or more. Recently, New York
11 experienced significant major-storm events, which we
12 haven't seen since Sandy. By reviewing the data, both
13 with and without major storms, we can trend and compare
14 the data over time. This aids in achieving a balance
15 between interruptions under the utilities' control, such
16 as equipment failures and those where the utilities'
17 control is more limited.

18 R.P.M.s are established in each rate case.
19 The R.P.M.s include company-wide targets for frequency
20 and duration. Electric utilities are subject to
21 negative-revenue adjustments for failing to meet R.P.M.
22 targets.

23 To gauge reliability performance, staff
24 evaluates two key components. The frequency of service
25 interruptions and the average duration of interruptions.

1 Monthly Meeting - 6-14-18

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

7 Duration, on the other hand, is affected
8 by work-force levels, management of the work force and
9 geography. Policy changes can have a more immediate
10 effect, on duration.

11 Next slide, please.

12 This graph presents frequency performance
13 for the last five years statewide, excluding major
14 storms. Because Con Edison's networks are less-prone to
15 interruptions than overhead systems, Con Edison's data
16 can skew the overall statistics.

17 As a result, we evaluate statewide
18 measures, including and excluding Con Edison's data. The
19 figure shows the utilities, other than Con Ed, customers
20 on average, experienced one interruption in 2017. This
21 is slightly above the five-year average.

22 Statewide including Con Ed, customers
23 experience .62 interruptions per year, or were
24 interrupted once every nineteen months. This is
25 consistent with the state five-year average.

1 Monthly Meeting - 6-14-18

2 Next slide, please.

3 Roughly one-third of outages statewide in
4 2017, were due to tree contacts. As shown in the chart,
5 the frequency of tree-related interruptions is trending
6 up for Central Hudson, NYSEG, and National Grid. The
7 largest contributors to tree-related interruptions were
8 limbs and trees from outside the clearance zone, falling,
9 due to failure, disease or weather conditions, resulting
10 in damage to electric infrastructure.

11 Several companies have started to take
12 proactive measures in recent years to address this trend.
13 For example, Central Hudson and National Grid have both
14 developed and implemented Emerald Ash Borer Danger Tree
15 Removal Programs. It's a mouthful.

16 CHAIRMAN RHODES: That's a nasty one.

17 MS. FERRER: PSEG Long Island has improved
18 its tree-trimming programs over recent years, increasing
19 the clearance between vegetation and overhead wires and
20 increasing the removal of danger trees. Its first four-
21 year cycle of enhanced tree trimming was completed in
22 2017 and showed positive effects on reliabilities.

23 Next slide, please.

24 Oh. You got it. Sorry.

25 The graph presents duration for the last

1 Monthly Meeting - 6-14-18

2 five years, on a statewide basis, excluding major storms,
3 again showing performance with and without Con Edison.

4 The overall statewide interruption duration was one hour
5 and 52 minutes, meaning electric service was available to
6 customers over 99 percent of the time. This is about one
7 minute longer than 2016 and generally consistent with the
8 five-year average.

9 Next slide, please.

10 Calendar year 2017 had almost twice as
11 many customer hours of interruption, when including major
12 storms, than 2016. The March 2017 windstorm accounted
13 for most of the change in performance.

14 Combined, the electric utilities
15 experienced 11 percent more storms in 2017 than 2016.
16 Interruptions associated with major storms in 2017, also
17 increased substantially over 2016.

18 The weather events dominating the
19 headlines recently, indicate weather patterns are
20 producing more frequent and powerful events. Given the
21 number of significant weather events, we have already
22 incurred in 2017, such as Winter Storm Riley, Winter
23 Storm Quinn and the May 15th tornadoes, we expect the
24 customer hours of interruption, including major storms,
25 to be higher next year.

1 Monthly Meeting - 6-14-18

2 Finally, all utilities met their frequency
3 and duration R.P.M. targets in 2017. Therefore, no
4 revenue adjustments were necessary. That concludes my
5 presentation. I'd be happy to answer questions.

6 CHAIRMAN RHODES: Okay. Thank you, Mary.

7 MS. FERRER: Uh-huh.

8 CHAIRMAN RHODES: Reliability obviously
9 goes to the heart of what New Yorkers expect from their
10 utility-electric service providers and we know that we
11 need to assess reliability under ordinary circumstances
12 and I'm pleased to see that this report shows that we do
13 a pretty good job of holding the utilities to in a --
14 very-good standards on that -- on that count.

15 As Mike noted -- Mike Worden, we also need
16 to separately pay attention to extraordinary
17 circumstances namely the storms. We've certainly had
18 quite a spate of very severe events this year. You
19 mentioned them, Mary and we will separately be dealing
20 with how to ensure utilities are appropriately preparing
21 for and responding to those kind of events.

22 Thank you.

23 Commissioner Sayre?

24 COMMISSIONER SAYRE: The way Americans
25 live and work these days, compared to when I was growing

1 Monthly Meeting - 6-14-18

2 up in a small town, is very different and very-much-more
3 dependent on reliable-electric -- electrical supply, than
4 it used to be.

5 It -- when I was growing up, it really
6 didn't matter that -- if we had a wind storm, the power
7 would go out for a few hours a few times a month. It
8 really matters now.

9 I'm glad to see that we are holding the
10 utilities to tight standards and once again, I say thank
11 you, good work and keep it up.

12 CHAIRMAN RHODES: Thank you.

13 Commissioner Burman?

14 COMMISSIONER BURMAN: Ditto.

15 CHAIRMAN RHODES: I -- I hesitate.

16 Commissioner Alesi?

17 COMMISSIONER ALESI: I know that
18 Commissioner Sayre recently celebrated a birthday, so I
19 think I'll leave it at that, as far as when he was
20 growing up.

21 CHAIRMAN RHODES: Okay. Thank you.

22 So, with that, we'll move to the fourth
23 item for discussion, the informational item. This is
24 Item 201, Case 18-M-0267, which is a 2017 Energy Utility
25 Service Quality Report, presented by Sonny Moze, Utility

1 Monthly Meeting - 6-14-18

2 Consumer Program Specialist Four.

3 Marty Insogna, Chief Consumer Advocacy is
4 available for questions.

5 Sonny, please begin.

6 MR. SONNY MOZE: Thank you, Chair Rhodes
7 and good morning, Commissioners.

8 This item sum -- excuse me. This item
9 summarizes the electric and natural-gas utilities
10 performance for 2017, on measures of customer-service
11 quality.

12 While safety and reliability are
13 paramount, the quality of customer service remains very
14 important to customers. The measures of service quality
15 include two different types. Standardized, key-
16 performance indicators reported by all the utilities,
17 which were recently revised and updated by the Commission
18 and customer service performance incentives, which vary
19 by utility and include negative-revenue adjustments for
20 unsatisfactory customer-service performance.

21 Next slide.

22 The data provided by each utility, in each
23 monthly-performance indicator reports allows staff to
24 track customer-service performance, as reflected on the
25 chart. The performance indicators are P.S.A.-complaint

1 Monthly Meeting - 6-14-18

2 rate, survey-based measures of customer satisfaction, the
3 rate of appointments kept, call-answer rate, the
4 percentage of calls answered within thirty seconds, the
5 number of bills needing adjust -- adjustment due to
6 company error and the number of bills issued based on
7 estimated meter readings.

8 Next.

9 As reflected on the chart, those are the
10 performance incentives that have been established in each
11 of the utilities' cases. And the checkmarks basically
12 represent those area, that are applicable to each of the
13 utilities.

14 Customer-service performance incentives
15 help to align shareholder and rate-payer interests, by
16 providing potential earning consequences to shareholders
17 that reflect the quality of service to utility customers.
18 Every major gas and electric company in New York State,
19 has these mechanisms in place.

20 For all utilities, the customer-service
21 performance incentive mechanisms contain targets for
22 P.S.E compliant rates and survey measures of customer
23 satisfaction. Both P.S.E.-compliant rates and customer
24 surveys are broad measures of customer service, that
25 capture service quality across all facets of utility

1 Monthly Meeting - 6-14-18

2 operations. Some also include targets, for other, more-
3 specific measures of utility performance. In most cases,
4 these more specific measures were included to address and
5 identify a deficiency.

6 Next slide.

7 We are pleased to report that for the most
8 part, the electric and gas utilities met, or exceeded the
9 standards for performance on the measures of customer
10 service established within their individual customer-
11 service performance mechanisms for 2017, except for
12 Rochester Gas and Electric Corporation, which failed to
13 meet these targets on call answered in 30 seconds and
14 estimated bills. Pursuant to the company's rate plan,
15 negative-revenue adjustment relating to those performance
16 deficits, totaling 525,000 dollars, are automatically
17 deferred for the benefit of customers and no commission
18 action is required now.

19 Regarding estimated bills, RG&E states
20 that it outsources the meter-reading function and the
21 vendor that performs meter reads for the company, has
22 experienced high turnover in the last several months.
23 RG&E states that it has worked with a vendor, to create a
24 remediation plan. It also states that it knows that
25 improvement in recent results and expresses confidence,

1 Monthly Meeting - 6-14-18

2 that results will continue to improve.

3 Regarding call-answer rate, RG&E states
4 that higher than normal representative attrition and
5 higher-call volumes were the most -- the root causes of
6 the performance deficits.

7 In addition, the company employs a vendor
8 for some calls and each vendor's call-answer rate
9 performance was also below targeted level. RG&E states
10 that it has sought to improve performance by backfilling
11 representative positions, continuing efforts to link
12 NYSEG and RG&E call centers, to more efficiently use
13 staff -- staffing at both call centers, implementing
14 customer self -- self-service options, to decrease
15 incoming-call volumes and implementing vendor-process
16 improvements.

17 Regardless of whether activities are
18 performed by utility employees or a vendor, the company
19 remains responsible for ensuring the performance of
20 targets, that -- that targets are met.

21 Aside from this deficit at RG&E, utility
22 customer-service performance has steadily improved over
23 the last several years and this trend continued in
24 calendar year 2017. For example, Central Hudson and
25 NYSEG improved performance in customer satisfaction, from

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Monthly Meeting - 6-14-18

2016 levels and National Fuel Gas and St. Lawrence Gas had no escalated complaint, for all of calendar year, 2017.

Also, for 2017, PSEG Long Island reported that it met its targets for customer satisfaction under the Operation's Agreement, with the Long Island Power Authority. In addition, Keyspan Delivery New York and Keyspan Delivery Long Island, Orange and Rockland, and St. Lawrence Gas, each achieved positive revenue adjustment for reducing customer termination and all uncollectibles.

All of these positive and negative revenue adjustments are automatically deferred, under each utility's respective rate plan and no Commission action is required.

In summary, the customer-service performance incentives currently in place, are that utilities in New York State establish strong-standards for performance and put significant-amounts of shareholder earnings at rates for non-performance.

Overall, the customer-service performance incentives implemented by the Commission, coupled with staff's ongoing monitoring efforts appear to have been effective in encouraging companies to make customer

1 Monthly Meeting - 6-14-18

2 service a corporate priority and providing criteria for
3 ensuring that the quality of customer service remains at
4 high levels. Staff will continue to monitor customer-
5 service-quality performance provided by utilities to
6 ensure the fair and appropriate treatment of utility
7 customers across the state and we will continue to
8 promote performance-based rate-making strategies relating
9 to customer-service quality, as alternatives to
10 traditional cost of service regulation.

11 This completes my presentation on the
12 Energy Utilities Customer Service Performance Report for
13 2017. I'll be glad to answer any questions.

14 CHAIRMAN RHODES: Thank you, Sonny.

15 This report addresses the ways in which
16 customers most meaningfully and concretely interact with
17 utilities and utilities most meaningfully and concretely
18 interact with customers. So, this is a real -- a real
19 measurement and again, I'm pleased that it's generally
20 good news for the most part, for New Yorkers and that the
21 utilities are generally stepping up to -- to the
22 standards we expect them to hold and that we are
23 evidently doing the right kind of job of overseeing and
24 ensuring that they do so.

25 Thank you.

1 Monthly Meeting - 6-14-18

2 Commissioner Sayre?

3 COMMISSIONER SAYRE: Utility service, just
4 like any other service in business, is all about the
5 customer and it should be. I think the utilities
6 understand that. I think staff understands that, very
7 well indeed.

8 As the energy industry becomes more
9 competitive and as REV develops, we may be changing our
10 mode of regulation some. We may be relying less on rate
11 of return and more on incentives to utilities. I don't
12 see ever letting go of customer-service incentives.

13 I think we're doing a good job here. I
14 think our utilities are performing better than the
15 unregulated companies that I tend to call, from time to
16 time and I think we should keep it up.

17 CHAIRMAN RHODES: Thank you.

18 Commissioner Burman?

19 COMMISSIONER BURMAN: Everything --
20 everything stated, I think brings the importance of
21 customer and the continued focus on that, which is at the
22 core of what we do.

23 Thank you for all that staff does. The
24 Department works really hard at customer service and I
25 thank all of you.

1 Monthly Meeting - 6-14-18

2 CHAIRMAN RHODES: Thank you.

3 Commissioner Alesi?

4 COMMISSIONER ALESI: Thank you, Chairman.

5 By ensuring these -- this quality
6 performance that we're measuring and keeping people up to
7 certain standards, we're helping to improve the quality
8 of life of what's called the customers and those are the
9 people, our everyday neighbors. But also, point out,
10 too, how important maintaining and improving these
11 standards is, for local businesses -- businesses in our
12 state, for commerce in our state.

13 So, thank you for this very-good report,
14 all four of these reports in fact. They do all good
15 things for people in our state and businesses in our
16 state, as well.

17 CHAIRMAN RHODES: Thank you.

18 With that, we will move to the fifth item
19 for discussion, which is Item 202 and cases 17-E-0459, et
20 al, which is the Central Hudson Electric and Gas Rate
21 Plan, presented by Administrative Law Judge Michelle
22 Phillips.

23 Administrative Law Judge Erica Bergen,
24 Mike Rieder, Chief of Gas -- Chief Gas, Water Rates and
25 Supply and Jeff Hogan, Deputy Director of Management and

1 Monthly Meeting - 6-14-18

2 Operations Audit, are available for questions.

3 CHAIRMAN RHODES: We'll let them join us.

4 (Off the record discussion)

5 CHAIRMAN RHODES: Judge Phillips, please
6 begin.

7 A.L.J. PHILLIPS: Good morning -- Good
8 morning, Chair and Commissioners.

9 You have before you a draft order,
10 establishing a multi-year rate plan for Central Hudson
11 Gas and Electric Corporation. The proposed multi-year
12 rate plan is based on the terms of a joint proposal,
13 terms that were developed by numerous active parties.

14 These numerous signatories have diverse
15 and sometimes competing interests. The J.P.'s terms are
16 intended to resolve all issues in the Central Hudson
17 Electric and Gas cases.

18 Before turning to the three-year plan
19 that's outlined in the draft order, I will briefly
20 discuss the procedural history of these rate cases.

21 On July 28th, 2017, Central Hudson filed a
22 one-year rate plan, designed to establish new rates, as
23 of July 1st, 2018. In its initial submission, the
24 company sought to increase its electric-delivery
25 revenues, by approximately 63.4 million dollars and

1 Monthly Meeting - 6-14-18

2 increase its gas-delivery revenues by approximately 22.2
3 million dollars. Central Hudson also requested a 9.5
4 percent, overall return on equity and an equity ratio of
5 50 percent.

6 Public Statement Hearings were noticed in
7 September and were conducted in October. Public comments
8 were received at the six Public Statement Hearings and by
9 email and regular mail.

10 In November 2017, several active parties,
11 including the Department of Public Service trial staff,
12 filed testimony and exhibits, responding in whole or in
13 part to Central Hudson's filing. In its November filing,
14 DPS trial staff proposed a one-year litigated rate plan
15 recommending, among other things, an electric-revenue
16 increase of 27.8 million dollars, a gas-revenue increase
17 of 7.6 million dollars, an overall return on equity of
18 8.3 percent and an equity ratio of 48 percent.

19 Staff's recommended revenue increases
20 included the impact of collecting energy-efficiency
21 related costs through base rate -- base rates, as opposed
22 to through a surcharge.

23 Settlement negotiations were noticed in
24 December and ensued thereafter. On April 18th, 2018, the
25 joint proposal was filed. No party opposes the joint

1 Monthly Meeting - 6-14-18

2 proposal.

3 The draft order adopts terms of the joint
4 proposal and establishes a three-year rate plan, with
5 electric-delivery revenue increases of 19.7 million
6 dollars, in rate year one, 18.6 million dollars in rate
7 year two, and 25.1 million dollars in rate year three.

8 It would also establish gas-delivery
9 revenue increases of 6.7 million dollars, in rate year
10 one, 6.7 million dollars in rate year two and 8.2 million
11 dollars in rate year three. These rates are intended to
12 capture 100 percent of the benefits of the Tax Act for
13 rate payers and also to collect the energy-efficiency
14 costs in base rates, as was proposed by the DPS. trial
15 staff.

16 The common equity ratio would be 48
17 percent in rate year one, 49 percent in rate year two and
18 50 percent in rate year three. The allowed return on
19 common equity would be 8.8 percent, with any actual
20 earnings that exceed 9.3 percent, shared with rate
21 payers.

22 There were many public commenters and
23 several parties that called for the reduction of the
24 electric-customer charge and the gas-minimum charge. The
25 proposed rate plan provides that such charges will be

1 Monthly Meeting - 6-14-18

2 reduced each rate year. Public commenters and parties
3 expressed concerns about affordability. The proposed
4 rate plan responds to such concerns, by providing for
5 certain low-income provisions, including, but not limited
6 to, discounts for customers who are eligible for the Home
7 Energy Assistance Program and continuation of the Arrears
8 Forgiveness Program, in rate years one and two.

9 As part of its litigated case, the company
10 had proposed to construct an integrated, centralized and
11 modern facility, dedicated to providing hands-on scenario
12 based learning and indoor/outdoor electric and gas
13 training. Public commenters and DPS trial staff
14 expressed concerns about the cost, scope and timeline of
15 this proposal. The proposed rate plan resolves and
16 balances such concerns, by establishing a process that
17 allows the company to begin to work on this facility and
18 by limiting the funds that are air-mark -- ear-marked for
19 this facility during the rate plan, to five million
20 dollars. Moreover, this five-million-dollar amount is
21 not reflected in rates, until rate years two and three.

22 The proposed rate plan addresses the
23 importance of reliable service by, among other things,
24 providing for the continuation of electric service annual
25 metrics, for system average interruption frequency or

1 Monthly Meeting - 6-14-18

2 SAIF and customer average interruption duration or CAID.

3 Failure to achieve targets associated with
4 these metrics, could subject the company to potential
5 negative-revenue adjustments of up to 4.1 million dollars
6 in total.

7 The proposed rate plan also promotes
8 various gas safety initiatives, such as continuing the
9 program to replace leak-prone pipe and adding new safety
10 programs, aimed at residential methane detection and
11 first-responder training. New customer service
12 initiatives including the elimination of fees associated
13 with credit and debit-card payments and payments at walk-
14 in locations and a new mechanism, designed to encourage
15 the company to reduce residential-service terminations
16 are part of the proposed rate plan.

17 The proposed plan also would establish
18 more stringent targets for existing customer-service
19 quality-performance mechanisms, including the customer-
20 satisfaction index and the PSC complaint rate.

21 The final rate plate con -- rate plan
22 component that I will highlight is the inclusion of
23 various earning-adjustment mechanisms. These mechanisms
24 are designed to encourage improvements in energy
25 efficiency, development of distributed-energy resources

1 Monthly Meeting - 6-14-18

2 and the use of cleaner technologies.

3 In setting utility rates, the Commission's
4 task is to ensure that the utility provides safe and
5 adequate service, at just and reasonable rates. When
6 reviewing a joint proposal, the Commission must
7 determine, among other things, whether the rate plan
8 presented by the J.P.'s signatories meets the standards
9 and achieves a reasonable balance among the protection of
10 rate payers, fairness to investors and the utilities
11 long-term viability.

12 Based on the evidence provided in this
13 proceeding and with this standard in mind, we recommend
14 approval of this rate plan, as set forth in the draft
15 order.

16 This concludes my presentation and we are
17 available for questions.

18 CHAIRMAN RHODES: Thank you, Michelle.

19 This is -- this -- this is a good plan.
20 It provides funding for technology upgrades. It provides
21 funding for expanded tree trimming, which we're reminding
22 is a good thing. It provides funding for the
23 continuation and enhancement of existing gas and public-
24 safety programs and it's a progressive plan, that is
25 endorsed with complete stakeholder support, environmental

1 Monthly Meeting - 6-14-18

2 groups, large-business groups, largest city in the region
3 and achieves a nation-leading affordability policy that's
4 -- meaningfully lowers bills for most low-income and
5 vulnerable households.

6 Now, not only is the plan better than --
7 meaningfully better than the proposal submitted by the
8 utility, it also advances the state's climate agenda, it
9 advances the state's energy agenda with expanded energy-
10 efficiency investments and funding of non-wire
11 alternatives and other cleaner, more resilient energy
12 initiatives.

13 I -- I'm going to conclude this -- it does
14 meet the standard of -- of safe reliable and just and
15 reasonable and thank the staff and all for -- for the
16 work that got us here. I will be voting in favor.

17 Commissioner Sayre?

18 COMMISSIONER SAYRE: As I think most of
19 you know, I -- I'm a fan of broad multi-year settlements.
20 I'm extremely impressed with this one and in particular,
21 the fact that it has no opposition.

22 The reason I'm a fan of broad settlements,
23 is that I think they reduce costs for the benefit of rate
24 payers, they offer opportunities to -- to bring in
25 programs, that advance the state's goals that would be

1 Monthly Meeting - 6-14-18

2 otherwise hard to order in the context of a rate case and
3 I think they're more likely to track the public interest
4 more closely than a fully litigated case, where the
5 Commission has to do all the balancing.

6 It's not that I'm too lazy to want to do
7 the balancing of each issue on an issue-by-issue basis
8 and figure out what's important and what's not important,
9 but I believe that the parties who are close to the
10 issues, are likely to have a better view than I do, about
11 what issues are really critical and what issues are less
12 important.

13 Of course, we have to review every
14 settlement to determine whether it meets our tests of
15 being balanced and fair and just and reasonable and in
16 the public interest. I think this one clearly passes the
17 test and I'm happy to support it.

18 CHAIRMAN RHODES: Thank you.

19 Commissioner Burman?

20 COMMISSIONER BURMAN: Thank you.

21 My position is different from the Chair
22 and Commissioner Sayre. I will be voting no, for this
23 item.

24 I have carefully weighed the issues. I
25 think that the joint proposal and the folks that worked

1 Monthly Meeting - 6-14-18

2 on it, worked very hard. I think the company put forward
3 a solid proposal. I think the parties worked together to
4 make significant concessions and I take what they did,
5 thinking that it is something that they believe is fair
6 and balanced.

7 However, I am concerned that we have
8 gotten complacent in our role at the Commission and I
9 have raised this issue before, when we're looking at
10 joint proposals and what is it that we holistically are
11 doing in our rate cases.

12 We have -- since I've been on the
13 Commission in 2013, we have at times, modified
14 significantly, the joint proposals. We should not modify
15 joint proposals significantly, without carefully
16 evaluating why we're doing that.

17 I'm going to go into -- in some detail,
18 some of the specific issues and why on balance, weighing
19 all the different interests, why the scales were tipped
20 for me, that it is a clear no vote.

21 I understand that there are many good
22 things in here. I also feel very strongly that again,
23 the company is a very-solid company, the company has a
24 lot of good customer engagement and is moving forward in
25 a positive direction. But on whole, I am very concerned

1 Monthly Meeting - 6-14-18

2 about the direction of our rate cases and in particular,
3 the aspects in here. Looking at some of the aspects -- I
4 just want to go down the list. As to the focus on the
5 low income, that is a major driver in the rate increase.
6 I -- as I -- I had initially voted no on the generic
7 proceeding on the low-income matter. However, it was a
8 decision that the majority made and I think that with
9 that, it gave us some certainty, going into the rate
10 cases, on what the framework was and that helped the
11 folks in the settlement discussions, understanding what
12 was needed to look at. They had some specific revenue
13 items, as well as some specific information, on what the
14 core policy focus was of the Commission, as it concerned
15 the low-income folks and that clearly showed through in
16 the low-income proposal that came out in the joint
17 proposal.

18 But then, when we get into other items, it
19 is not so clear, when we have -- for me, looking at the
20 non-pipes alternatives, I am concerned that in the joint
21 proposal, there was a decision to ask the company to put
22 forward non-pipes alternatives. I'm not opposed to that.
23 I think it's a fair question on what is the appropriate
24 balance, for non-pipes alternatives, but we have a -- a
25 proceeding -- that -- that Con Ed proceeding, with non-

1 Monthly Meeting - 6-14-18

2 pipes alternatives that we'll be decided.

3 We also have already decided the NYSEG
4 non-pipes alternatives. And in that case, which I voted
5 for, there were very-clear metrics that were in place on
6 that, on why we were saying, in that situation, on that
7 case-by-case situation, it was appropriate.

8 But we also identified it as a pilot
9 program and I read through not only the order, but I read
10 through the transcript and we identified in the
11 transcript, that the program was innovative to provide
12 service in the general area, needed an alternative way to
13 deliver that service outside of establishing a pipeline.
14 But we also recognized that it was a pilot program and we
15 needed to look at how this might apply in other
16 applications and it was something for us to learn from
17 and from that simple standpoint, one of the Commissioners
18 was swayed to vote for it. I was swayed by the different
19 metrics in it and I identified that at session, as well.

20 For me, holistically, in the joint
21 proposal, while I think it's something that we should
22 consider, I think is a very significant policy
23 consideration, it's something that the Commission needs
24 to embrace and to look at and to understand exactly what
25 is it, from a policy perspective, we are doing and

1 Monthly Meeting - 6-14-18

2 exactly from a reliability perspective what does this
3 mean and really give more framework and more information,
4 so that it is not that we're deciding this out of -- in a
5 silo in the rate case and not giving any metrics and not
6 clearly setting forth some criteria and boundaries
7 because I think that is very important.

8 Our role and our principal responsibility
9 in rate cases, is to provide the company that we regulate
10 with revenues necessary to provide safe and reliable
11 service, at just and reasonable rates. We have to look
12 at balancing the interests of all the stakeholders and
13 many times, these range in demands, their wants and needs
14 are contradictory in nature and we have to balance that
15 and look at what is just and what is reasonable and
16 what's in the public interest.

17 So for me, I'm concerned that while we
18 still have one pilot program that we're reviewing and
19 looking at and making some assessments on, while we have
20 another proceeding that we'll be deciding, we still have
21 to grapple with what is it from a non-pipes alternative
22 perspective that is important to us. What are the
23 boundaries that we need to look at and how -- how
24 carefully are we going forward on that, rather than just
25 giving what I think is unclear guidance to this company

1 Monthly Meeting - 6-14-18

2 and potentially then sending unclear guidance to others
3 in other rate cases and settlement discussions that you
4 can have, you know, as sort of an open-ended non-pipes
5 alternatives on the table, without clearly going and
6 doing the drill down that's necessary. And to me, that's
7 important.

8 I'm very focused on that does our
9 regulatory framework in these rate cases, do they hope to
10 facilitate the safe and reliable service that we need and
11 are our decisions providing that certainty and clarity
12 and consistency in the path forward?

13 For me, the challenge and the goal of New
14 York State Energy Policy is to balance reliability,
15 environmental sustainability and the cost of energy
16 supply, to meet the needs and demands of consumers and to
17 support the growth of our state's economy. And I am
18 worried that this order itself, does not go far enough
19 and we should have taken the opportunity seen in the
20 joint proposal, to clearly identify what our boundaries
21 were in the joint -- in the non-pipes alternatives and
22 make sure that we were looking at it from a safety and
23 reliability and systems' perspective.

24 And that's our job. That's what we need
25 to do when we have a joint proposal that comes to us,

1 Monthly Meeting - 6-14-18

2 that has good ideas, that has put forward that it's not
3 yes, I know we're going to be looking at that later, but
4 it shouldn't be a later thing.

5 To me, at the core of it, is the
6 reliability and the resiliency and we should identify it
7 now, so that we're not later dealing with it in silos.
8 What happens if they -- if everywhere, we're looking at a
9 number of different non-pipes alternatives and silos? We
10 need to look at it more holistically, look at the whole
11 system and address it and see what we need for the
12 reliability of the system.

13 The issue for me, on the non-pipes
14 alternatives, is that it is -- it is a very-important
15 issue. It's potentially divisive and it's important to
16 reliability and resiliency and this is impactful to
17 customers and it deserves more of a comprehensive
18 investigation and discussion and should be dealt with, as
19 part of a larger effort on the part of the Commission
20 itself.

21 The next -- the next aspect for me, is the
22 training center. I very much believe that training and
23 work-force training is very, very important. I think
24 that the training center and I -- I looked through, I
25 looked at the transcript -- the hearing transcript, I

1 Monthly Meeting - 6-14-18

2 looked at the testimony that was submitted and I do
3 believe that the training center is appropriate and I am
4 thankful that we are focusing on the training center.

5 But that -- and in this case, in the
6 order, we identified some clear parameters in making sure
7 that we're identifying -- that focuses on core gas-safety
8 training, as well as other training, but core training
9 and looking at helping to make sure that we're doing all
10 we can on that aspect and giving the tools to the
11 company. And that if there are a need for future monies,
12 that they will come forward for that.

13 But signature in here, that is a positive,
14 is also that this would be done and -- and while the
15 company will be working with staff on the plans -- the
16 implementation plan for that training center that staff
17 has clear, explicit direction to work in consultation
18 with the Commissioners at the direction of the Chair.
19 And that is significant to me and I -- as a positive, in
20 -- in the rate plan.

21 The other issue for me is the REV demo
22 becoming permanent. I very much have been focused on
23 looking at and examining our REV demos and for each
24 company, it -- it's important that we have some
25 evaluation and drill down, on what are we learning from

1 Monthly Meeting - 6-14-18

2 the REV demo, how much money is being spent in the REV
3 demos, how much money is being spent outside of the REV
4 demos that help to support the REV demos, what are the
5 lessons that are being learned and how are they helping
6 for -- being utilized in others -- in -- in other
7 companies and do they transcend and what is that
8 transition from a REV demo to a permanent program. For
9 me, I think it's inappropriate to be in a joint proposal
10 to become made a permanent program, without first
11 evaluating it.

12 Now, to be put forward in that is fine.
13 However, we, as a Commission, should have done -- should
14 be doing more of our due diligence, in -- and I do think
15 it's something that we can look forward to, in that we
16 should be carefully evaluating more holistically all of
17 the REV demos in some fashion, whether it's on a -- a,
18 you know, company-by-company perspective, when rate cases
19 come forward and looking and seeing and then evaluating
20 them.

21 But there needs to be some mechanism.
22 There needs to be some way of us really having a clear
23 road map, on exactly what is the next step. Are there
24 any mechanisms that we need to make some changes to the
25 processes, is there any mechanisms that we need to make

1 Monthly Meeting - 6-14-18

2 changes to from a revenue perspective and are there any
3 mechanisms that some of these REV demos need to go away.

4 To the extent that the business case is
5 that it should succeed, I'm supportive of that. I do
6 think the business case was made.

7 But I think from a policy perspective, it
8 is concerning to me that this is the first time we're
9 making a REV demo permanent in the rate case, without
10 carefully evaluating REV demos, in general and exactly
11 what we're doing and what some of the parameters are.

12 Much has changed in the REV demo world and
13 the REV world ,since we first started the REV process.
14 And so, I am concerned that we're still following the
15 same -- or utilities are still following the same old
16 guidelines.

17 However, even the REV demo processes and
18 substance has changed dramatically with other players
19 involved, REV Connect and other different mechanisms and
20 I think it's important that the Commission itself be
21 formally engaged in the process, in a way that sends out
22 some more guidance and policy direction that would be
23 helpful, not necessarily to slow down the process, but to
24 help give specific, concrete guidance and evaluation and
25 also potentially address any issues that may be there,

1 Monthly Meeting - 6-14-18
2 that have arisen from policy perspective, are -- are
3 concerning to me that -- that it -- that's -- that's how
4 we're -- made this permanent.

5 From my perspective, the other issue that
6 is really, I think the -- the single issue that made it
7 go from potentially I could vote yes, to this was a
8 definite no, is the geothermal-rate credit. This is the
9 first time that there has been a rate credit like this in
10 a rate plan.

11 The geothermal rate credit is connected to
12 the NYSERDA Geothermal Program. That program came about
13 after the geothermal-tax credit was vetoed and there's
14 been, for me, some clunkiness in terms of the geothermal
15 focus. We've had it in -- we've had it in some rate
16 cases. We've had it where we've talked about it and in
17 some fashion not necessarily making sense, where the --
18 it falls, but it does fall into a rate case. So, it's
19 not inappropriate, per se because it happens to be
20 natural that in every rate case now, geothermal is in
21 there.

22 For me, what concerned me is that this was
23 the first rate case where it would really be precedent-
24 setting to have a rate credit -- a specific rate credit,
25 in a -- in -- in a rate case. And I noted that and then

1 Monthly Meeting - 6-14-18

2 when I looked at the comments in support, it also had the
3 same language that this was precedent-setting and so it
4 confirmed for me, my concern about what did that mean in
5 it being precedent-setting and whether or not we needed
6 to look at that, more holistically.

7 We always say that we're fuel-neutral,
8 fuel-agnostic, technology-neutral, technology -- tech --
9 technology-agnostic. Here we would not be and there's no
10 explanation to me why, except that it was agreed to in
11 the joint proposal.

12 And in fact, in the joint proposal and in
13 the order, it says that we will be looking at this to go
14 away, in some fashion, after it's decided where it's
15 already being looked at in veter. So, for me, what that
16 means, is that we have made an exception to the rule,
17 which is that if we're addressing something, somewhere
18 else and in a fuel-agnostic, technology-agnostic way, we
19 are already sort of skewing the results of that ongoing
20 proceeding, by saying for this and for this particular
21 one, this is where our position is at this time.

22 And I'm not sure that I'm comfortable
23 doing that, especially since in other cases we have moved
24 on addressing issues by -- or we have not moved on
25 addressing issues, by saying well, since this might be a

1 Monthly Meeting - 6-14-18

2 good issue, we're -- we're addressing it in -- somewhere
3 else, we're going to move it to that area and we'll get
4 back to you.

5 So for me, this issue was enough of an
6 issue for me, that I think -- the precedent-setting about
7 it, made it enough that I needed to -- to say we need to
8 stop and carefully look. Are we going to have this as an
9 exception and why are we picking this.

10 Because if not, what we're really saying
11 to folks, is that we are not neutral and we are picking
12 winners and losers and we're -- we're potentially
13 creating a problem in future rate cases, where others
14 will come with their pet issue and it may be well and it
15 may be sound, but we have to look more globally and we
16 have to see, does it fit because it's not just the folks
17 in the joint proposal. It's not just those stake holders
18 that are important to us. It is the entire foot print
19 and entire rate payers that we have to look at.

20 And we also need to look at what does this
21 mean from a precedent-setting perspective, for all other
22 rate cases and all others. And so for me, this one was
23 one that I did not feel from a -- a philosophical
24 perspective and really at my core, as a regulator, that
25 this was one that I could say I'm -- I can let it go

1 Monthly Meeting - 6-14-18

2 because I think it is so significant to the slippery
3 slope, that it caused me to say no.

4 Then there are other issues -- again,
5 across the board, I think that the joint proposal is one
6 that I think folks worked really hard on. It's, you
7 know, we've gone and we've -- we've, you know, taken our
8 pencils and we've done -- done a really good job, but it
9 didn't go enough and it caused me concern because again,
10 my focus is on the certainty and the signals that we're
11 sending.

12 And the language -- in 2015 in Central
13 Hudson, in that rate-case order, there was language in
14 there, that talked about that there was a recognition
15 that there were ongoing REV proceedings and so, to the
16 extent that those REV proceedings would be something we
17 would be looking at and to the extent that some -- any of
18 those costs that we'd be looking at might need to be
19 deferred or dealt with in another way and we -- we put
20 that language in there. Minor language, but enough to --
21 language to let folks know we recognize that we were in
22 this again clunky position, where we were moving forward
23 on a REV -- we were moving forward on a REV -- on a rate
24 case, while we were starting up this REV proceeding and
25 rate-design issues, et cetera.

1 Monthly Meeting - 6-14-18

2 Now, here we are, three years later and
3 the language in this rate-case order has, you know, on
4 the sort of place holder for future REV proceedings, has
5 gotten longer and a little bit more uncertain and a lot
6 clunkier. And that's what concerns me.

7 We used similar language, if not identical
8 language in the last rate case and I did raise it at that
9 time, as well, my concern. My concern is by keeping open
10 a rate proceeding in a way that says we recognize that
11 there are other proceedings that may have cost
12 implications and therefore, we may need to look at this
13 and so, we're letting you know, that's good, we're giving
14 people the heads up, but I also worry it's the chicken
15 and the egg perspective.

16 At what point do we need to say, well, we
17 need to put some parameters around that. We may need to
18 not just have people who are in the room in those
19 settlement discussions, saying okay, we're going to agree
20 to this. All those other issues, we're going to kick
21 over there because they're -- we'll deal with that later.

22 And that later becomes a difficult issue,
23 whether you never get to it, or whether then, the people
24 who are agreeing, or the issues that you're agreeing to,
25 might not have been agreed to, as specifically, get

1 Monthly Meeting - 6-14-18

2 opened up in a different way, or padded on, or added on
3 costs. It concerns me.

4 Folks need certainty. Folks need clarity
5 and I just want to make sure that our language, where we
6 are keeping open the REV for future REV proceedings, has
7 more drill-down on what exactly we're saying and what
8 does it mean when we're talking about, that it -- that
9 we're opening it up and keeping it -- the rate case open,
10 as it relates to the future REV proceedings because that
11 is something that for me, means that we have a lack of
12 clarity and a lack of certainty on.

13 And it's not about getting to it and then
14 looking at how to do it and defer it later. It's about -
15 - it's -- for me, it's about needing to have more
16 certainty now, when we're deciding this rate case, about
17 what the boundaries may be for the future REV proceedings
18 and that disconnect is very discerning.

19 I just need water. I'm sorry.

20 COMMISSIONER BURMAN: The other issue that
21 I have with the REV-proceeding language is as it concerns
22 the next path forward on REV proceedings, which is the
23 DCIPs.

24 The DCIPs are due -- or they were due June
25 30th and I do believe that they've been extended to July.

1 Monthly Meeting - 6-14-18

2 I'm not sure the exact date.

3 The DCIPs came out of a Commission order,
4 where the utilities were told that -- in the Commission
5 order, that they were to file a initial joint DCIP and
6 then there were to be supplemental, individual DCIPs.
7 And then every two years -- if I'm correct, every two
8 years, they were to file these DCIPs.

9 And to me the DCIPs, along with the
10 B.C.A.s, along with a lot of other things, but let's
11 stick primarily to this, the DCIPs are really significant
12 documents. And while there are no specific costs,
13 expressly in there, what happens and the planning that
14 happens, in those DCIPs can have significant costs and
15 significant policy objectives.

16 My concern with the -- with the plans, is
17 that again, as to the future REV proceedings, we need to
18 have some clarity around that. I do know that there was
19 a staff-guidance document that was issued in May. I -- I
20 -- I -- I've not looked carefully at it. It's a staff
21 guidance. It's not the Commission directive.

22 It does open us up to some clarity, in
23 terms of looking at some of the things that may be
24 outside of the order itself and if there are some things
25 that need to have further clarity. So, I'll leave that

1 Monthly Meeting - 6-14-18

2 for another day on our discussions on the future REV
3 proceedings. But it's things like that and the clarity
4 that I think leaves folks -- leaves me concerned, when we
5 have it in a rate case, without some further conversation
6 and drill down.

7 But overall, one of the things that I look
8 at, is the distinction between old rate-case orders and
9 new rate-case orders and just on a pure language basis.

10 I do believe that the same quality work is
11 going into it. I know that our finance staff does the
12 same sharpening of the pencils and does the same, you
13 know, top-quality working through the different issues.

14 But the difficulty for me is that it
15 doesn't come across in an order the same way, so that you
16 have to look beyond the four corners of the order, to
17 clearly see that road map where there might have been
18 more meat on the bones before. And so, just in terms of
19 -- even if you look from the 2015 order to now, there's -
20 - and then the one before that, there does seem to be a
21 direction, of less is more.

22 Now, for someone who is long-winded
23 talking, it's difficult, so I get that. But I just want
24 to be, again, cognizant of the fact that we still need to
25 have -- in our rate cases, we still need to be very

1 Monthly Meeting - 6-14-18

2 cognizant of what the Commission itself is focused on and
3 what the Commission itself is sending a message to and
4 the linkage between the resiliency and the reliability
5 and our overall objective of making sure that we're
6 providing consumers with safe and reliable utility
7 service at reasonable rates, with the least adverse
8 effect upon the environment and ensuring that that's
9 true.

10 And so, for me, I'd like to see more of
11 that and more of our bread and butter, core services and
12 systems reliability and resiliency, coming out, rather
13 than some of what I think is focused on, more other side-
14 policy objectives and making sure that we are laser-
15 focused on those issues and also looking at the last-rate
16 case and seeing what fell off of that -- fell out of that
17 order, that isn't in this order and explaining the
18 distinction. So, when we go to non-pipes alternatives,
19 but in the 2015-rate case we had a focus on the natural-
20 gas expansion, I want to understand that linkage and that
21 gets to, for me, again, the policy objectives of what
22 we're doing and looking at it, more holistically.

23 So overall, I think everyone -- I know
24 everyone worked really, really hard. I know that it is a
25 solid joint proposal that was put forward. I was pleased

1 Monthly Meeting - 6-14-18

2 to see that there was wide support.

3 However, I think the fail is on now the
4 Commission, in needing to do more and also, to take a
5 step back before folks go into the next settlement
6 discussions and say what is it -- like with the low-
7 income program, what is it that we need to identify, as
8 the things that are most important. Is it -- or
9 afterwards what is the signal that we need to send and
10 the drill down that we need to have and clearly identify
11 that.

12 And also, who isn't in the room in those
13 settlement discussions, that we need to also be mindful
14 of. What are some of the issues that aren't in there,
15 that, you know, might have fallen away?

16 Again, U.I.U., in their papers, stated
17 that there were significant concessions. That's a good
18 thing, but I also want to know what were some of those
19 concessions that we might need to also take a look at,
20 what are some things that we need to also make sure that
21 we're clearly identifying are our priorities, as a whole,
22 as the Commission.

23 So, I'll be voting no and I thank you.

24 CHAIRMAN RHODES: Thank you, Commissioner
25 Burman, for that very thoughtful set of comments.

1 Monthly Meeting - 6-14-18

2 Sorry. Thank you, Commissioner Burman,
3 for that very thoughtful set of comments.

4 Commissioner Alesi?

5 COMMISSIONER ALESI: Thank you, Mr.
6 Chairman.

7 Well, I think there are times when we can
8 benefit from litigating aspects like this. For instance,
9 there's a certain level of creativity that comes from
10 this approach. I think it works well with the Reforming
11 the Energy Vision. There was a solid approach to HEAP, a
12 solid approach to maintenance, solid approach to
13 education and I think the timeframe that comes from an
14 approach like this, it's a -- it's short enough so that
15 we can implement those things that are mutually
16 beneficial, as far as the aspects of the agreement, but
17 also short enough, so that we can learn from any
18 miscalculations we make.

19 So, I favor this approach in this
20 particular instance and I'll be supporting it.

21 CHAIRMAN RHODES: Thank you very much.

22 So, we will now move to call for a vote.

23 My vote is in favor of the recommendation
24 to adopt a three-year rate plan for electric and gas
25 service. Commissioner Sayre, how do you vote?

1 Monthly Meeting - 6-14-18

2 COMMISSIONER SAYRE: Aye.

3 CHAIRMAN RHODES: Commissioner Burman, how
4 do you vote?

5 COMMISSIONER BURMAN: No.

6 CHAIRMAN RHODES: Commissioner Alesi, how
7 do you vote?

8 COMMISSIONER ALESI: Yes.

9 CHAIRMAN RHODES: The items are approved
10 and the recommendations are adopted.

11 We will now move to the consent agenda.

12 MR. AGRESTA: Chair Rhodes, can I be heard
13 for a moment on the consent agenda?

14 CHAIRMAN RHODES: Please.

15 MR. AGRESTA: Item 562, which is the
16 Charter Build-Out Order, it was discovered a few minutes
17 ago, that there's an inadvertent inclusion of some
18 numbers that were filed on a confidential basis. They're
19 not confidential from the Commission, but what we would
20 like to do is rewrite a sentence or two, that doesn't
21 change the result, but would avoid disclosure of the
22 confidential information.

23 So, I have a rewrite that I would like to
24 hand out to the Commissioners if, that's okay?

25 CHAIRMAN RHODES: Please do so.

1 Monthly Meeting - 6-14-18

2 Thank you.

3 CHAIRMAN RHODES: I will confirm that my
4 own reading is that this change is textual in nature,
5 just as the chamber counsel described and does not
6 substantively change the result.

7 I see concurrence among the Commission
8 with that judgement, so with that, we will now move to
9 the consent agenda.

10 Do any Commissioners wish to comment on,
11 or recuse from voting on any items on the consent agenda?

12 COMMISSIONER BURMAN: I just want to
13 comment on Item 373, which is the offshore wind, that
14 we're just voting on the final G.E.I.S. and not on the
15 underlying matters that will come before us. And
16 therefore, I am okay with voting for it at this time.

17 CHAIRMAN RHODES: Thank you very much.

18 Any other comments?

19 We will now proceed to a vote on the
20 consent agenda. My -- I'm sorry. Yeah. My vote is in
21 favor of the recommendations on the consent agenda, with
22 the modification to Item 562, as discussed. Commissioner
23 Sayre, how do you vote?

24 COMMISSIONER SAYRE: Aye.

25 CHAIRMAN RHODES: Commissioner Burman, how

1 Monthly Meeting - 6-14-18

2 do you vote?

3 COMMISSIONER BURMAN: Aye.

4 CHAIRMAN RHODES: Commissioner Sayre --
5 Commissioner Alesi, how do you vote?

6 COMMISSIONER ALESI: Aye.

7 CHAIRMAN RHODES: The items are approved
8 and the recommendations are adopted.

9 Secretary Burgess, is there any further --
10 anything further to come before us today?

11 SECRETARY BURGESS: There's nothing
12 further on the agenda, to come before you today.

13 CHAIRMAN RHODES: Thank you.

14 SECRETARY BURGESS: There was one more
15 matter to come before you.

16 CHAIRMAN RHODES: There is one more
17 matter, before we adjourn.

18 So, we have a colleague who is retiring
19 and I would like to read and propose a resolution of the
20 Public Service Commission of the State of New York.

21 Whereas Sorelle Leslie Brauth, there you
22 are, has served the citizens of the state of New York
23 with great distinction since February 13, 1981, which
24 began her work in the Division of Budget and included
25 positions in her -- in the Education Department and the

1 Monthly Meeting - 6-14-18

2 Office of the Attorney General and whereas Ms. Brauth
3 joined the Department of Public Service on July 7, 2003,
4 as Director of Financial Administration and as capably
5 and with a high-degree of professionalism and dedication,
6 adeptly served the Department in several roles, including
7 currently as Director of Administration and whereas Ms.
8 Brauth has brought her expertise, knowledge and boundless
9 energy, to the important task of managing all
10 administrative operations of the Department, both within
11 the Department and with other state agencies, including
12 an untold number of budget negotiations advocating for
13 the Department with a myriad of staffing issues and
14 tirelessly coordinating technology issues with O.I.T.S. -
15 - this is real labor here.

16 Whereas Ms. Brauth has been an ardent
17 supporter of all Department staff, a caring and
18 conscientious leader of the Office of Administration and
19 especially, a champion for support staff in the
20 Department, providing opportunities and training to learn
21 and grow professionally and as a team, always mindful of
22 the Department's important mission of service to all New
23 Yorkers and whereas Ms. Brauth modeled the best and
24 dedicated service -- public servant, the qualities of
25 respect, integrity and service with a touch of good

1 Monthly Meeting - 6-14-18

2 humor, to all who have had the very-good fortune of
3 working with her and whereas Ms. -- whereas Ms. Brauth
4 will now have more time to spend with her family,
5 including her fiancé, Robert, her children and her
6 parents and her many friends and to pursue her passions,
7 including community service and award-winning theater
8 performance, it is resolved that the State of -- that the
9 New York State Public Service Commission, expresses its
10 deepest appreciation and gratitude to Sorelle Leslie
11 Brauth for her leadership in the Department of Public
12 Service and her faithful service to the citizens of the
13 state of New York, as demonstrated by her unwavering
14 commitment to the Commission of -- to the mission of the
15 Commission, to ensure safe, secure, and reliable access,
16 to all electric, gas, steam, telecommunications and water
17 services, for all of New York's residential and business
18 customers.

19 That's -- that's the -- that's the
20 resolution and -- and that's a good note, with which to
21 adjourn.

22 Thank you very much.

23 (The meeting adjourned.)

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Monthly Meeting - 6-14-18

STATE OF NEW YORK

I, HANNAH ALLEN, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 65, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 21st day of June, 2018.

HANNAH ALLEN, Reporter

A	
A.L.J	32:7
a.m	1:13
ability	6:17
access	64:15
accounted	14:9 21:12
achieve	36:3
achieved	28:10
achieves	37:9 38:3
achieving	18:14
Act	34:12
action	26:18 28:15
active	32:13 33:10
activities	3:22 5:6 27:17
actual	34:19
added	14:17 54:2
adding	36:9
addition	6:9 27:7 28:8
address	20:12 26:4 45:11 48:25
addresses	29:15 35:22
addressing	50:17,24,25 51:2
adeptly	63:6
adequate	37:5
adjourn	62:17 64:21
adjourned	64:23
adjust	25:5
adjustment	25:5 26:15 28:11
adjustments	18:21 22:4 24:19 28:14 36:5
Administration	63:4,7,18
Administration's	9:23
administrative	31:21,23 63:10
ado	4:6
adopt	10:8 59:24
adopted	12:20 60:10 62:8
adoption	12:23
adopts	34:3
advance	38:25
advances	38:8,9
adverse	57:7
Advocacy	24:3
advocating	63:12
affordability	35:3 38:3
agencies	63:11
Agency	1:14
agenda	2:6,9,14,21 38:8,9 60:11 60:13 61:9,11,20,21 62:12
ago	60:17
agree	53:19
agreed	50:10 53:25
agreeing	53:24,24
agreement	28:7 59:16
AGRESTA	60:12,15
aids	18:14
aimed	36:10
air-mark	35:18
al	31:20
Albany	1:15 14:21
alerting	6:13
Alesi	1:24 11:23,24 17:3,4 23:16,17 31:3,4 59:4,5 60:6,8 62:5,6
align	25:15
allegiance	2:15,16
ALLEN	65:3,13
allowed	34:18
allowing	4:24
allows	24:23 35:17
alternative	42:12 43:21
alternatives	29:9 38:11 41:20 41:22,24 42:2,4 44:5,21 45:9 45:14 57:18
America	2:17
Americans	22:24
amount	35:20
analysis	17:22
analyze	4:25
and/or	13:6
annual	12:23 13:16 35:24
annually	7:21 9:9
answer	10:16 16:8 22:5 29:13
answered	25:4 26:13
apologies	2:2
appear	28:24
applicable	25:12
applications	42:16
apply	42:15
appointments	25:3
appreciation	64:10
approach	59:10,11,12,12,14,19
appropriate	6:11 29:6 41:23 42:7 46:3
appropriately	22:20
approval	37:14
approved	60:9 62:7
approximately	5:13,15 8:11,13 13:21 15:3 32:25 33:2
April	33:24
ardent	63:16

area 8:25 11:19 18:9 25:12
 42:12 51:3
areas 3:21 4:14,15,25 5:19
aren't 58:14
arisen 49:2
Arrears 35:7
Ash 20:14
aside 9:22 27:21
aspect 45:21 46:10
aspects 41:3,3 59:8,16
assess 22:11
assessments 43:19
Assistance 35:7
associated 3:24 9:18 21:16 36:3
 36:12
attach 9:18
attention 16:13,14 22:16
Attorney 63:2
attributed 7:5
attrition 27:4
audit 4:17 9:4,9,24 32:2
audited 9:7
audits 8:21,22 9:5
Authority 28:8
automatically 26:16 28:14
available 21:5 24:4 32:2 37:17
average 18:25 19:20,21,25 21:8
 35:25 36:2
avoid 5:24 60:21
award-winning 64:7
awareness 7:5,8
Aye 60:2 61:24 62:3,6

B

B 1:22
B.C.A.s 55:10
back 13:24 51:4 58:5
backfilling 27:10
background 12:18
backlog 7:17 8:9,13
backlogs 7:17 8:12
balance 18:14 37:9 40:18 41:24
 43:14 44:14
balanced 39:15 40:6
balances 35:16
balancing 39:5,7 43:12
base 33:21 34:14
based 15:13 25:6 32:12 35:12
 37:12
basically 25:11

basis 5:2 12:23 13:16 17:18
 21:2 39:7 56:9 60:18
bate 33:21
becoming 46:22
began 62:24
believe 39:9 40:5 45:22 46:3
 54:25 56:10
Ben 3:18 12:12 16:10
beneficial 59:16
benefit 26:17 38:23 59:8
benefits 34:12
Benjamin 12:10,13
Bergen 31:23
best 63:23
better 10:8 30:14 38:6,7 39:10
beyond 56:16
bills 25:5,6 26:14,19 38:4
birthday 23:18
bit 2:3 53:5
Blue 15:8
board 52:5
bones 56:18
Borer 20:14
boundaries 43:6,23 44:20 54:17
boundless 63:8
Brauth 62:21 63:2,8,16,23 64:3
 64:11
bread 57:11
breakdown 16:2
briefing 4:8
briefly 32:19
bring 38:24
brings 30:20
broad 25:24 38:19,22
broken 5:7
brought 63:8
budget 62:24 63:12
Buffalo 14:19
Build-Out 60:16
Building 1:14
Burgess 2:5,7 62:9,11,14
buried 5:5
Burman 1:23 11:14,15 16:25 17:2
 23:13,14 30:18,19 39:19,20
 54:20 58:25 59:2 60:3,5 61:12
 61:25 62:3
business 30:4 48:4,6 64:17
businesses 31:11,11,15
butter 57:11

C	
C 1:23	60:3, 6, 9, 14, 25 61:3, 17, 25
CAID 36:2	62:4, 7, 13, 16
calculate 18:5	challenge 44:13
calendar 9:15 21:10 27:24 28:3	chamber 61:5
call 2:3 26:13 27:12, 13 30:15	champion 63:19
59:22	change 2:9 21:13 60:21 61:4, 6
call-answer 25:3 27:3, 8	changed 48:12, 18
called 31:8 34:23	changes 2:5 19:9 47:24 48:2
calls 25:4 27:8	changing 30:9
capably 63:4	charge 34:24, 24
capital 19:3	charges 34:25
caption 65:5	chart 20:4 24:25 25:9
capture 25:25 34:12	Charter 60:16
carefully 11:9 39:24 40:15	checkmarks 25:11
43:24 47:16 48:10 51:8 55:20	chicken 53:14
caring 63:17	Chief 24:3 31:24, 24
case 2:10 12:9 17:9 18:18 23:24	children 64:5
35:9 39:2, 4 42:4 43:5 46:5	circumstances 22:11, 17
48:4, 6, 9 49:18, 20, 23, 25 52:24	citations 6:11
53:8 54:9, 16 56:5 57:16, 19	citizens 62:22 64:12
case-by-case 42:7	city 5:17 14:19, 24 38:2
cases 25:11 26:3 31:19 32:17, 20	clarity 44:11 54:4, 12 55:18, 22
40:11 41:2, 10 43:9 44:3, 9	55:25 56:3
47:18 49:16 50:23 51:13, 22	cleaner 37:2 38:11
56:25	clear 40:20 41:19 46:6, 17 47:22
cause 65:4	clearance 20:8, 19
caused 5:6 52:3, 9	clearly 39:16 41:15 43:6 44:5
causes 18:8 27:5	44:20 56:17 58:10, 21
celebrated 23:18	climate 38:8
center 45:22, 24 46:3, 4, 16	close 39:9
centers 6:10 27:12, 13	closely 6:10 39:4
Central 20:6, 13 27:24 31:20	clunkier 53:6
32:10, 16, 21 33:3, 13 52:12	clunkiness 49:14
centralized 35:10	clunky 52:22
certain 31:7 35:5 59:9	Code 12:24
certainly 22:17	cognizant 56:24 57:2
certainty 41:9 44:11 52:10 54:4	colleague 62:18
54:12, 16	collect 34:13
certify 65:3	collecting 33:20
cetera 4:4 52:25	combination 6:12
Chair 1:22 2:7 3:8 4:11 10:13	Combined 21:14
12:13 17:14 24:6 32:8 39:21	come 46:12 47:19 51:14 56:15
46:18 60:12	61:15 62:10, 12, 15
Chairman 2:2, 12, 20 10:17 11:13	comes 44:25 59:9, 13
11:22 12:5 16:10, 24 17:3, 5	comfortable 50:22
20:16 22:6, 8 23:12, 15, 21	coming 57:12
29:14 30:17 31:2, 4, 17 32:3, 5	commands 16:13
37:18 39:18 58:24 59:6, 21	comment 61:10, 13
	commenters 34:22 35:2, 13
	comments 16:22 33:7 50:2 58:25

59:3 61:18	components 5:7 6:3 18:24
commerce 31:12	comprehensive 45:17
commission 1:2,9 2:4 4:23 12:21	con 15:9,12 19:14,15,18,19,22
24:17 26:17 28:15,23 37:6	21:3 36:21 41:25
39:5 40:8,13 41:14 42:23	concern 7:25 8:4 50:4 52:9 53:9
45:19 47:13 48:20 55:3,4,21	53:9 55:16
57:2,3 58:4,22 60:19 61:7	concerned 40:7,25 41:14,20
62:20 64:9,14,15	43:17 48:14 49:22 56:4
Commission's 8:18 37:3	concerning 48:8 49:3
Commissioner 11:6,7,14,15,23,24	concerns 35:3,4,14,16 53:6 54:3
16:21,22,25 17:2,3,4 22:23,24	54:21
23:13,14,16,17,18 30:2,3,18	concessions 40:4 58:17,19
30:19 31:3,4 38:17,18 39:19	conclude 38:13
39:20,22 54:20 58:24 59:2,4,5	concludes 10:14 22:4 37:16
59:25 60:2,3,5,6,8 61:12,22	concrete 48:24
61:24,25 62:3,4,5,6	concretely 29:16,17
Commissioners 1:21 2:8 3:9 4:11	concurrence 61:7
10:13 12:14 17:15 24:7 32:8	concurring 10:18
42:17 46:18 60:24 61:10	condition 14:13
commitment 64:14	conditions 13:6 20:9
common 34:16,19	conducted 9:9 33:7
communication 3:24	conducts 8:21
community 64:7	confidence 26:25
companies 4:21 20:11 28:25	confidential 60:18,19,22
30:15 47:7	confirm 61:3
company 5:8 6:7 25:6,18 26:21	confirmed 50:4
27:7,18 32:24 35:9,17 36:4,15	Connect 48:19
40:2,23,23,23 41:21 43:9,25	connected 49:11
46:11,15,24	conscientious 63:18
company-by-company 47:18	consecutive 7:2
company-contractor 5:8 6:7	consensus 17:6
company-wide 18:19	consent 60:11,13 61:9,11,20,21
company's 26:14	consequence 10:22
compare 18:13	consequences 10:23 25:16
compared 8:10,11,15 13:9 22:25	consider 42:22
comparison 5:25	consideration 42:23
competing 32:15	considered 7:19
competitive 30:9	consistency 44:12
complacent 40:8	consistent 19:25 21:7
complaint 28:3 36:20	consisting 65:6
complete 9:21 15:18 37:25	constant 6:2
completed 15:14,25 16:5 20:21	construct 35:10
completely-deserved 17:6	construction 12:25
completes 16:7 29:11	consultation 46:17
completion 16:3	consumed 3:11
compliance 8:18,23 12:16	consumer 3:19 24:2,3
compliances 9:22	consumers 3:23 44:16 57:6
compliant 25:22	contacts 20:4
comply 11:10	contain 25:21
component 36:22	context 39:2

continuation 35:7,24 37:23	danger 20:14,20
continue 9:20 10:7 11:18 13:8 14:6 27:2 29:4,7	data 4:19 9:3 17:24 18:4,6,12 18:14 19:15,18 24:22
continued 11:19 27:23 30:21	date 55:2
continues 11:8 14:5	day 2:15 3:22,22 56:2 65:10
continuing 27:11 36:8	days 22:25
contractor 5:21,23	DCIP 55:5
contradictory 43:14	DCIPs 54:23,24 55:3,6,8,9,11,14
contributing 5:16	deal 53:21
contributors 20:7	dealing 22:19 45:7
control 18:15,17	dealt 45:18 52:19
conversation 56:5	debit-card 36:13
coordinating 63:14	December 33:24
core 30:22 41:14 45:5 46:7,8 51:24 57:11	decided 42:2,3 50:14
corners 56:16	deciding 43:4,20 54:16
corporate 29:2	decision 41:8,21
Corporation 26:12 32:11	decisions 19:4 44:11
correct 55:7	declined 8:9
cost 29:10 35:14 44:15 53:11	decrease 27:14
costs 8:3 33:21 34:14 38:23 52:18 54:3 55:12,14	dedicated 35:11 63:24
counsel 61:5	dedication 63:5
count 22:14	deepest 64:10
coupled 28:23	defer 54:14
course 39:13	deferred 26:17 28:14 52:19
create 26:23	deficiencies 13:7
creating 51:13	deficiency 26:5
creativity 59:9	deficit 27:21
credit 36:13 49:8,9,11,13,24,24	deficits 26:16 27:6
criteria 29:2 43:6	defined 18:7
critical 4:14 11:25 39:11	definite 49:8
currently 28:18 63:7	definition 7:19
customer 21:11,24 24:13,18 25:2 25:22,23,24 26:9 27:14,25 28:6,11,25 29:3,12 30:5,21,24 36:2,11 40:24	deliver 42:13
customer- 26:10 29:4 36:19	Delivery 28:8,9
customer-service 24:10,20,24 25:14,20 27:22 28:17,22 29:9 30:12 36:18	demands 43:13 44:16
customers 18:9 19:19,22 21:6 24:14 25:17 26:17 29:7,16,18 31:8 35:6 45:17 64:18	demo 46:21 47:2,8 48:9,12,17
cycle 9:4 13:12,18 15:24 20:21	demonstrated 8:7 64:13
	demos 46:23 47:3,4,4,17 48:3,10
	density 14:23
	Department 12:3 30:24 33:11 62:25 63:3,6,10,11,13,17,20 64:11
	Department's 9:24 63:22
	dependent 23:3
	Deployment 2:11
	Deputy 31:25
	described 61:5
	deserves 45:17
	design 19:3
	designed 32:22 36:14,24
	detail 40:17
D	
damage 4:15 5:4,5 10:3 20:10	
damage-prevention 5:12	
damages 6:2,4,5,6,13	

detailed 17:21 18:4
detection 36:10
determine 8:23 37:7 39:14
determined 9:6
develop 13:7
developed 7:23 20:14 32:13
development 36:25
develops 30:9
DIANE 1:23
didn't 23:6 52:9
different 23:2 24:15 39:21
 40:19 42:18 45:9 48:19 54:2
 56:13
difficult 53:22 56:23
difficulty 56:14
diligence 11:19 47:14
direction 40:25 41:2 46:17,18
 48:22 56:21
directive 55:21
Director 3:2 31:25 63:4,7
discerning 54:18
disclosure 60:21
disconnect 54:18
discounts 35:6
discovered 60:16
discuss 10:21 32:20
discussed 61:22
discussion 17:9 23:23 31:19
 32:4 45:18
discussions 41:11 44:3 53:19
 56:2 58:6,13
disease 20:9
distinction 56:8 57:18 62:23
distributed-energy 36:25
distribution 4:21 13:17 15:21
Ditto 17:2 23:14
diverse 32:14
Division 62:24
divisive 45:15
document 55:19
documents 55:12
doesn't 56:15 60:20
doing 4:2 29:23 30:13 40:11,16
 42:25 44:6 46:9 47:14 48:11
 50:23 57:22
dollars 26:16 32:25 33:3,16,17
 34:6,6,7,9,10,11 35:20 36:5
dominating 21:18
don't 4:3 11:11 30:11
downward 14:5

DPS 33:14 34:14 35:13
draft 32:9,19 34:3 37:14
dramatically 48:18
drill 44:6 46:25 56:6 58:10
drill-down 54:7
driver 41:5
due 5:14 6:4,6 7:6 9:4,15 14:22
 20:4,9 25:5 47:14 54:24,24
Dunton 3:18 12:11,13
duration 18:5,20,25 19:7,10
 20:25 21:4 22:3 36:2

E

ear-marked 35:18
earned 10:2
earning 25:16
earning-adjustment 36:23
earnings 28:21 34:20
economy 44:17
Ed 19:19,22 41:25
Edison 15:9,12 21:3
Edison's 19:14,15,18
education 59:13 62:25
effect 19:10 57:8
effective 28:25
effectively 7:11
effects 20:22
efficiency 36:25 38:10
efficiently 27:12
effort 3:13 45:19
efforts 7:7 8:6 10:7 27:11
 28:24
egg 53:15
either 9:8
electric 3:2,18,18 12:9,23,24
 15:11 17:10,16 18:3,20 20:10
 21:5,14 24:9 25:18 26:8,12
 31:20 32:11,17 35:12,24 59:24
 64:16
electric-customer 34:24
electric-delivery 32:24 34:5
electric-reliability 17:22
electric-revenue 33:15
electric-safe 15:17
electric-safety 12:15,19,20
 13:7,11
electrical 23:3
elevated 7:6
eleven 9:13 14:18
eligible 35:6

eliminate 7:25	evaluating 40:16 47:11,16,19 48:10
elimination 9:21 36:12	evaluation 9:25 46:25 48:24
email 33:9	events 3:11 18:11 21:18,20,21 22:18,21
embrace 42:24	everyday 31:9
Emerald 20:14	evidence 37:12
emergency 6:18 8:4 10:9	evidently 29:23
emergency-response 4:16 6:16,21	exact 55:2
Empire 1:14	exactly 42:24 43:2 47:23 48:10 54:7
employees 27:18	examines 7:11,16
employs 27:7	examining 6:19 46:23
encourage 36:14,24	example 5:21 14:8 20:13 27:24
encouragement 16:17	excavate 5:11
encouraging 28:25	excavation 5:6,9
endorsed 37:25	excavator's 5:9
energy 2:10,24 23:24 29:12 30:8 35:7 36:24 38:9,11 44:14,15 59:11 63:9	excavators 5:18 6:11
energy- 38:9	exceed 9:11 34:20
energy-efficiency 33:20 34:13	exceeded 26:8
enforcement 6:14	exception 50:16 51:9
engaged 48:21	excluding 19:13,18 21:2
engagement 40:24	excuse 24:8
Engineer 17:12	executive- 10:11
enhance 7:7	exhibits 33:12
enhanced 6:13 20:21	existing 36:18 37:23
enhancement 37:23	expanded 37:21 38:9
ensued 33:24	expansion 57:20
ensure 7:22 22:20 29:6 37:4 64:15	expect 21:23 22:9 29:22
ensuring 27:19 29:3,24 31:5 57:8	expected 7:24
entire 51:18,19	expects 10:10
environment 57:8	experience 19:23
environmental 8:4 37:25 44:15	experienced 18:11 19:20 21:15 26:22
equipment 18:16	expertise 63:8
equity 33:4,4,17,18 34:16,19	explaining 57:17
Erica 31:23	explanation 50:10
error 5:8,9 6:5,8 25:6	explicit 46:17
escalated 28:3	exposure 13:4
especially 50:23 63:19	expressed 35:3,14
establish 28:19 32:22 34:8 36:17	expresses 26:25 64:9
established 18:18 25:10 26:10	expressly 55:13
establishes 34:4	extended 54:25
establishing 32:10 35:16 42:13	extent 48:4 52:16,17
estimated 25:7 26:14,19	extraordinary 22:16
et 4:4 31:19 52:25	extremely 38:20
evaluate 19:17	
evaluated 8:18 9:10	F
evaluates 4:14 18:24	facets 25:25
	facilitate 44:10

facilities 5:6 12:23 13:15,17 13:22 15:19,21,25	35:19
facility 14:7 35:11,17,19	five-million-dollar 35:20
fact 31:14 38:21 50:12 56:24	five-year 9:4,11 13:12,17 15:24 19:21,25 21:8
factor 5:16	flag 2:14,17
factors 19:2	Floor 1:14 2:16
fail 58:3	focus 30:21 41:4,14 49:15 52:10 57:19
failed 8:25 26:12	focused 44:8 46:22 57:2,13,15
failing 18:21	focuses 46:7
failure 5:10 20:9 36:3	focusing 46:4
failures 18:16	folks 11:17 39:25 41:11,15 51:11,16 52:6,21 54:4,4 56:4 58:5
fair 29:6 39:15 40:5 41:23	followed 3:3
fairness 37:10	following 48:14,15
faithful 64:12	foot 51:18
fall 49:18	force 19:8
fallen 58:15	foregoing 65:3,6
falling 20:8	Forgiveness 35:8
falls 14:21 49:18	formally 48:21
family 64:4	forth 37:14 43:6
fan 38:19,22	fortune 64:2
far 23:19 44:18 59:16	forward 9:20 11:18 40:2,24 41:22 43:24 44:12 45:2 46:12 47:12,15,19 52:22,23 54:22 57:25
fashion 47:17 49:17 50:14	found 14:12
favor 38:16 59:19,23 61:21	four 2:23 3:5 5:7 6:3 9:10 12:11 24:2 31:14 56:16
February 62:23	four- 20:20
feedback 5:2	fourth 7:2 23:22
feel 40:22 51:23	framework 41:10 43:3 44:9
fees 36:12	frequencies 9:6
fell 57:16,16	frequency 9:11 18:5,19,24 19:2 19:6,12 20:5 22:2 35:25
Ferrer 3:19 17:11,14 20:17 22:7	frequent 21:20
fiancé 64:5	friends 64:6
field 6:11,12	Fuel 28:2
fifth 31:18	fuel-agnostic 50:8,18
fifty 14:23	fuel-neutral 50:7
figure 19:19 39:8	fully 19:5 39:4
file 55:5,8	function 26:20
filed 32:21 33:12,25 60:18	funding 37:20,21,22 38:10
filing 33:13,13	funds 35:18
final 2:6 8:17 36:21 61:14	further 4:6 5:7 10:10 55:25 56:5 62:9,10,12
Finally 22:2	future 46:11 51:13 53:4 54:6,10 54:17 55:17 56:2
finance 56:11	
Financial 63:4	
finding 14:25	
findings 13:18,20,23,25 14:2,5 14:7,9,24 15:3,7,9,10,11,13	
fine 47:12	
first 2:23 20:20 47:10 48:8,13 49:9,23	
first-responder 36:11	
fit 51:16	
five 9:11 15:22 19:13 21:2	

G

G.E.I.S 61:14
gas 3:2,17 8:3 9:25 11:2 15:10
 16:23 25:18 26:8,12 28:2,2,10
 31:20,24,24 32:11,17 35:12
 36:8 37:23 57:20 59:24 64:16
gas-delivery 33:2 34:8
gas-minimum 34:24
gas-revenue 33:16
gas-safety 4:7 11:17 46:7
gauge 18:23
gauges 5:4
general 8:7 10:19 42:12 48:10
 63:2
generally 16:18 21:7 29:19,21
generic 41:6
geography 19:9
geothermal 49:11,12,14,20
geothermal-rate 49:8
geothermal-tax 49:13
getting 54:13
give 43:3 48:24
given 10:4 21:20
giving 43:5,25 46:10 53:13
glad 23:9 29:13
globally 51:15
go 23:7 30:12 40:17 41:4 44:18
 48:3 49:7 50:13 51:25 52:9
 57:18 58:5
goal 13:3 44:13
goals 38:25
God 2:18
goes 22:9
going 3:13,16,17 4:6 10:21
 13:24 38:13 40:17 41:9 43:24
 44:5 45:3 51:3,8 53:19,20
 56:11
good 2:7 3:8,15,24 4:11 10:20
 11:4,11,12,18 12:13 16:11,16
 16:23 17:14 22:13 23:11 24:7
 29:20 30:13 31:14 32:7,7
 37:19,22 40:21,24 45:2 51:2
 52:8 53:13 58:17 63:25 64:20
gotten 40:8 53:5
graph 13:23 15:6 16:2 19:12
 20:25
grapple 43:21
gratified 10:24
gratitude 64:10

great 62:23
greater 7:5 14:3
greatest 6:6
greatly 9:3
green 14:2 15:9
GREGG 1:23
Grid 15:10 20:6,13
grouping 14:7
groups 38:2,2
grow 63:21
growing 22:25 23:5,20
growth 44:17
guidance 43:25 44:2 48:22,24
 55:21
guidelines 48:16

H

hand 19:7 60:24
hands-on 35:11
HANNAH 65:3,13
happens 45:8 49:19 55:13,14
happy 10:16 22:5 39:17
hard 30:24 39:2 40:2 52:6 57:24
haven' t 18:12
hazard 7:22
Hazardous 9:23,24
hazards 13:6
headlines 4:3 21:19
heads 53:14
HEAP 59:11
hear 3:16,17 10:24
heard 60:12
hearing 45:25 65:8
Hearings 33:6,8
heart 22:9
help 25:15 47:4 48:24
helped 41:10
helpful 48:23
helping 31:7 46:9 47:5
hereof 65:5
hereto 65:5
hereunto 65:9
hesitate 23:15
high 26:22 29:4
high-degree 63:5
high-risk 9:9
higher 7:4 21:25 27:4
higher-call 27:5
highest 10:4,22,23 16:13
highlight 36:22

historical 13:23	improve 27:2,10 31:7
history 32:20	improved 4:20 6:3,25 8:10,13,14 20:17 27:22,25
Hogan 31:25	improvement 4:25 5:17 6:6 8:8 11:4 26:25
hold 29:22	improvements 6:8 9:14 10:10 27:16 36:24
holder 53:4	improves 5:13
holders 51:17	improving 16:19 31:10
holding 22:13 23:9	inadvertent 60:17
holistically 40:10 42:20 45:10 47:16 50:6 57:22	inappropriate 47:9 49:19
Home 35:6	incentive 25:21
hope 44:9	incentives 24:18 25:10,14 28:18 28:23 30:11,12
hour 21:4	incidents 7:6
hours 18:10 21:11,24 23:7	include 4:15 7:14,17 18:19 24:15,19 26:2
households 38:5	included 12:21 26:4 33:20 62:24
Hudson 20:6,13 27:24 31:20 32:10,16,21 33:3 52:13	including 19:18,22 21:11,24 33:11 35:5 36:12,19 63:6,11 64:5,7
Hudson's 33:13	inclusion 36:22 60:17
humor 64:2	income 41:5 58:7
hundred 10:2 15:20	incoming-call 27:15
I	
I'd 2:14 17:4 22:5 57:10	incorporated 9:17
I'll 10:18 12:7 23:19 29:13 55:25 58:23 59:20	increase 5:14 32:24 33:2,16,16 41:5
I'm 4:6 10:24,24 11:7 22:12 23:9 29:19 38:13,19,20,22 39:6 40:17 43:17 44:8 48:5 50:22,22 54:19 55:2,7 61:20	increased 21:17
I've 40:12 55:20	increases 33:19 34:5,9
ideas 45:2	increasing 20:18,20
identical 53:7	incurred 21:22
identified 4:17 8:20,25 9:8,12 9:19 42:8,10,19 46:6	index 36:20
identify 4:25 13:5 26:5 44:20 45:6 58:7,10	indicate 21:19
identifying 46:7 58:21	indicates 4:19
immediate 19:9	indicator 24:23
impact 8:5 33:20	indicators 24:16,25
impactful 45:16	individual 17:19 26:10 55:6
implement 59:15	indivisible 2:19
implementation 46:16	indoor/outdoor 35:12
implemented 20:14 28:23	industry 30:8
implementing 5:17 27:13,15	influenced 19:2
implications 53:12	information 10:20 11:25 12:19 17:17 41:13 43:3 60:22
importance 30:20 35:23	informational 2:22 3:5 4:13 12:6,8 17:9 23:23
important 3:25 4:4 24:14 31:10 39:8,8,12 43:7,22 44:7 45:15 45:23 46:24 48:20 51:18 58:8 63:9,22	infrastructure 10:10 20:10
impressed 38:20	initial 32:23 55:5
	initially 41:6
	initiatives 36:8,12 38:12
	innovative 42:11

Insogna 24:3	items 2:22,23 3:3,5,5 10:21 41:13,18 60:9 61:11 62:7
inspected 15:21	
inspection 12:22 16:2	
inspections 8:22 15:18,25	
instance 59:8,20	
integrated 35:10	
integrity 63:25	
intended 4:23 32:16 34:11	
intent 5:10	
interact 29:16,18	
interest 39:3,16 43:16	
interests 25:15 32:15 40:19 43:12	
interrupted 19:24	
interruption 17:24 18:10 19:20 21:4,11,24 35:25 36:2	
interruptions 18:5,8,15,25,25 19:15,23 20:5,7 21:16	
intervals 6:20,21,25	
introduce 12:7,7	
inventories 7:12	
investigating 3:12	
investigation 3:13 45:18	
investigations 8:23	
investment 19:3	
investments 38:10	
investor-owned 16:3	
investors 37:10	
involved 48:19	
Island 20:17 28:5,7,9	
isn't 57:17 58:12	
issue 14:11,15 39:7 40:9 45:13 45:15 46:21 49:5,6 51:2,5,6 51:14 53:22 54:20	
issue-by-issue 39:7	
issued 25:6 55:19	
issues 6:10 8:20 11:17 32:16 39:10,11,11,24 40:18 48:25 50:24,25 52:4,25 53:20,24 56:13 57:15 58:14 63:13,14	
it's 2:14 4:4 11:16,25 16:12,13 16:14,16,16 17:5 20:15 29:19 37:24 39:6 41:23 42:21,23 45:2,15 46:24 47:9,15,17 48:20 49:18 50:14,14 51:16,17 52:6 53:14 54:13,14,15,15 55:20,21 56:3,23 59:14	
item 2:9,11 4:12 12:6,8,8 17:8 17:9,9 23:23,23,24 24:8,8 31:18,19 39:23 60:15 61:13,22	
	J
	J. P 32:15 37:8
	JAMES 1:24
	January 12:21
	Jeff 31:25
	job 22:13 29:23 30:13 44:24 52:8
	JOHN 1:22
	join 32:3
	joined 63:3
	joint 32:12 33:25,25 34:3 37:6 39:25 40:10,14,15 41:16,20 42:20 44:20,21,25 47:9 50:11 50:12 51:17 52:5 55:5 57:25
	Judge 31:21,23 32:5
	judgement 61:8
	July 32:21,23 54:25 63:3
	June 1:13 54:24 65:10
	justice 2:19
	K
	keep 16:23 23:11 30:16
	keeping 7:12 31:6 53:9 54:6,9
	keeps 11:9
	kept 25:3
	key 18:24
	key- 24:15
	Keyspan 28:8,9
	kick 53:20
	kind 22:21 29:23
	know 3:12 11:10,10,19 22:10 23:17 38:19 44:4 45:3 47:18 52:7,7,21 53:3,13 55:18 56:11 56:13 57:23,24 58:15,18
	knowledge 63:8
	known 8:2
	knows 26:24
	L
	labor 63:15
	lack 54:11,12
	language 50:3 52:12,13,20,20,21 53:3,7,8 54:5,21 56:9
	large-business 38:2
	largely 7:4 15:13
	larger 45:19
	largest 14:6 20:7 38:2

laser- 57:14	Long 20:17 28:5,7,9
last-rate 57:15	long-term 37:11
lasts 18:10	long-winded 56:22
Law 31:21,23	longer 21:7 53:5
Lawrence 28:2,10	look 11:18 41:12 42:15,24 43:11 43:15,23 45:10,10 47:15 50:6 51:8,15,19,20 53:12 56:7,16 56:19 58:19
lazy 39:6	looked 45:24,25 46:2 50:2,15 55:20
LDC 6:24 8:25 9:20	looking 40:9 41:3,19 43:19 44:22 45:3,8 46:9,23 47:19 50:13 52:17,18 54:14 55:23 57:15,22
LDC's 6:17 7:7,11,16 9:13,17	looks 8:19
LDCs 4:21 5:2,5 6:10,12 7:3,25 8:7,17,21,23 10:7,12	losers 51:12
leader 63:18	lost 8:3
leadership 64:11	lot 3:12,14,25 40:24 53:5 55:10
leak 4:16 6:18 7:10,11,14,17,17 8:12 10:8	low 41:5
leak-prone 10:9 36:9	low- 58:6
leakage 7:21	low-income 35:5 38:4 41:7,15,16
leaks 7:12,13,18,20,24 8:2,13	lowers 38:4
learn 42:16 59:17 63:20	
learned 47:5	M
learning 35:12 46:25	mail 33:9
leave 23:19 55:25	maintaining 31:10
leaves 56:4,4	maintenance 8:3 12:25 19:3 59:12
Leslie 62:21 64:10	major 9:13 18:6,7,13 19:13 21:2 21:11,16,24 25:18 41:5
less-prone 19:14	major-electric 17:19
lessons 47:5	major-storm 18:11
let's 2:3,21 55:10	majority 15:12 41:8
letting 30:12 53:13	making 43:19 46:6 48:9 49:17 57:5,14
level 10:12 16:3 27:9 59:9	management 4:16,24 7:10 19:8 31:25
levels 19:8 28:2 29:4	managing 63:9
liability 9:18	manual 13:23
liberty 2:19	manually 13:16
life 31:8	map 47:23 56:17
light 14:12	March 21:12
lights 14:6,9,11,14	marked 5:19 13:10
limbs 20:8	Marty 24:3
limited 18:17 35:5	Mary 3:19 17:11,13,14 22:6,19
limiting 35:18	Materials 9:23
line 11:9	matter 2:10 23:6 41:7 62:15,17
lining 5:18	matters 23:8 61:15
link 27:11	mean 43:3 50:4 51:21 54:8
linkage 57:4,20	meaning 21:5
Liquid 9:24	
list 41:4	
litigated 33:14 35:9 39:4	
litigating 59:8	
little 2:3 53:5	
live 22:25	
local 31:11	
local- 4:20	
locations 5:22,24 14:22 36:14	

meaningfully 29:16,17 38:4,7	mismarks 5:8 6:7
means 50:16 54:11	mission 63:22 64:14
measure 5:4,7,12 6:16 7:10 8:17 8:19	mitigate 13:5
measurement 29:19	mitigated 13:19 15:2
measures 4:13 8:8 10:15 19:6,18 20:12 24:10,14 25:2,22,24 26:3,4,9	mobile 14:17,18,19,20 15:4,7,13
measuring 11:3 16:18 31:6	mode 30:10
meat 56:18	modeled 63:23
mechanism 36:14 47:21	moderate 6:8
mechanisms 9:16 17:24 25:19,21 26:11 36:19,23,23 47:24,25 48:3,19	modern 35:11
meet 9:2 18:21 26:13 38:14 44:16	modification 61:22
meeting 1:1,9 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1,23 65:1	modified 40:13
meets 37:8 39:14	modify 40:14
mentioned 22:19	moment 60:13
message 57:3	money 47:2,3
met 22:2 26:8 27:20 28:6	monies 46:11
meter 25:7 26:21	monitor 11:8 17:23 29:4
meter-reading 26:20	monitoring 28:24
methane 36:10	month 23:7
metrics 35:25 36:4 42:5,19 43:5	monthly- 17:23
Michael 4:10	Monthly 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1
Michelle 31:21 37:18	monthly-interruption 18:4
Mike 2:25 3:7,18 4:7 10:17,18 12:6 22:15,15 31:24	monthly-performance 24:23
million 32:25 33:3,16,17 34:5,6 34:7,9,10,10 35:19 36:5	months 19:24 26:22
mind 37:13	more- 26:2
mindful 58:13 63:21	morning 2:7,23 3:8 4:11 12:13 17:14 24:7 32:7,8
minimizing 5:5	mouthful 20:15
minimum 7:13 8:19 9:2 12:25	move 12:5 17:8 23:22 31:18 51:3 59:22 60:11 61:8
Minor 52:20	moved 50:23,24
minute 21:7	moving 9:20 40:24 52:22,23
minutes 6:23,23,24 21:5 60:16	Moze 3:20 23:25 24:6
miscalculations 59:18	multi-year 32:10,11 38:19
	municipality 14:14
	mutually 59:15
	myriad 63:13
	<hr/> N <hr/>
	N.E.S.C 12:24
	name 65:10

nasty 20:16
nation 2:18 13:10
nation-leading 38:3
National 12:24 15:9 20:6,13
 28:2
natural 9:24 49:20
natural- 57:19
natural-gas 5:6 24:9
nature 43:14 61:4
necessarily 48:23 49:17
necessary 22:4 43:10 44:6
need 4:25 16:14 22:11,15 43:23
 44:10,24 45:10,11 46:11 47:24
 47:25 48:3 51:7,20 52:18
 53:12,16,17,17 54:4,4,19
 55:17,25 56:24,25 58:7,9,10
 58:13,19,20
needed 41:12 42:12,15 50:5 51:7
needing 25:5 54:15 58:4
needs 42:23 43:13 44:16 47:21
 47:22
negative 28:13
negative-revenue 18:21 24:19
 26:15 36:5
negatively 8:5
negotiations 33:23 63:12
neighbors 31:9
networks 19:14
neutral 51:11
never 53:23
new 1:2,15 3:23 5:17 10:20,23
 10:25 13:7 14:19,20 16:12,15
 17:16 18:10 22:9 25:18 28:8
 28:19 29:20 32:22 36:9,11,14
 44:13 56:9 62:20,22 63:22
 64:9,13,17 65:2
news 10:20 11:4 16:12 29:20
newspapers 4:4
Niagara 14:21
nineteen 19:24
no-call 6:5
no-calls 5:9
non- 9:21 41:25
non-compliances 9:12,19
non-performance 28:21
non-pipes 41:20,22,24 42:4
 43:21 44:4,21 45:9,13 57:18
non-wire 38:10
noncompliance 8:20,24
noncompliances 4:17

nonhazardous 7:19
normal 27:4
notable 7:6
note 3:10 64:20
noted 22:15 49:25
notice 5:10,23
noticed 33:6,23
notification 5:11
notifications 6:18 10:9
November 33:10,13
number 5:25 7:3 8:3 14:4,23
 15:6,14 21:21 25:5,6 45:9
 63:12
numbers 60:18
numerous 32:13,14
NYSEG 20:6 27:12,25 42:3
NYSERDA 49:12

O

O. I. T. S 63:14
objective 57:5
objectives 55:15 57:14,21
obviously 22:8
occur 9:5 10:11
occurring 5:20
October 33:7
odor 6:18 8:5 10:8
offer 38:24
Office 3:2 63:2,18
officer 10:12
offshore 61:13
Oh 20:24
okay 22:6 23:21 53:19 60:24
 61:16
old 48:15 56:8
once 15:21 16:11 19:24 23:10
one-call 5:11,15,24 6:9
one-million 13:22
one-third 20:3
one-year 32:22 33:14
ongoing 28:24 50:19 52:15
open 53:9 54:6,9 55:22
open-ended 44:4
opened 54:2
opening 10:19 54:9
operating 10:12 18:9
operating-service 9:13
Operation's 28:7
operations 12:11 13:2 26:2 32:2
 63:10

<p>opportunities 38:24 63:20 opportunity 44:19 opposed 33:21 41:22 opposes 33:25 opposition 38:21 options 27:14 Orange 28:9 order 2:4 32:9,19 34:3 37:15 39:2 42:9 44:18 46:6 50:13 52:13 53:3 55:3,5,24 56:15,16 56:19 57:17,17 60:16 orders 56:8,9 ordinary 22:11 original 12:20 outages 20:3 outlined 32:19 outreach 10:7 outset 3:10 outside 20:8 42:13 47:3 55:24 outsources 26:20 overall 4:19 8:9,12 13:3 19:16 21:4 28:22 33:4,17 56:7 57:5 57:23 overhead 13:16 19:15 20:19 overseeing 29:23 oversight 16:17 overview 3:3 12:14 17:16 owns 14:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P.S.A.-complaint 24:25 P.S.E 25:22 P.S.E.-compliant 25:23 padded 54:2 Page 65:5 pages 65:6 papers 58:16 parameters 46:6 48:11 53:17 paramount 11:18 24:13 parents 64:6 part 5:14 9:4,16 14:9 26:8 29:20 33:13 35:9 36:16 45:19 45:19 particular 38:20 41:2 50:20 59:20 parties 32:13 33:10 34:23 35:2 39:9 40:3 party 5:9 33:25 Pasinella 3:18 4:7,10 passes 39:16</p>	<p>passions 64:6 path 44:12 54:22 patterns 21:19 pay 16:14 22:16 payers 34:13,21 37:10 38:24 51:19 payments 36:13,13 penalized 5:18 penalty 5:25 pencils 52:8 56:12 people 12:3 31:6,9,15 53:14,18 53:23 percent 5:13 6:5,5,7,8,22,23,23 8:11,14,15 10:2 13:21 15:19 15:20,25 16:5 18:8 21:6,15 33:4,5,18,18 34:12,17,17,18 34:19,20 percentage 6:19 25:4 performance 2:25 4:13,20,23 6:4 6:24 7:11 10:15 12:10 17:11 17:17,22 18:23 19:12 21:3,13 24:10,16,18,20,24,25 25:10,14 25:21 26:3,9,11,15 27:6,9,10 27:19,22,25 28:18,20,22 29:5 29:12 31:6 64:8 performance-based 29:8 performed 27:18 performing 30:14 performs 17:21 26:21 period 4:22 permanent 46:22 47:8,10 48:9 49:4 persistent 8:5 perspective 42:25 43:2,22 44:23 47:18 48:2,7 49:2,5 51:21,24 53:15 pet 51:14 Phillips 31:22 32:5,7 philosophical 51:23 picking 51:9,11 pilot 42:8,14 43:18 pipe 36:9 pipeline 4:12,14 9:22,25 10:2,3 10:15 42:13 pipeline-safety 6:14 8:19,24 9:5 pipes 42:2 place 3:14,23 25:19 28:18 42:5 53:4 65:4 Plains 14:20</p>
--	--

<p>plan 26:14,24 28:15 31:21 32:10 32:12,18,22 33:14 34:4,25 35:4,15,19,22 36:7,16,17,21 37:7,14,19,24 38:6 46:16,20 49:10 59:24</p> <p>planning 55:13</p> <p>plans 9:18 46:15 55:16</p> <p>plate 36:21</p> <p>players 48:18</p> <p>Plaza 1:14</p> <p>please 3:7 5:3 7:9 8:16 10:6 12:12,17 13:13 14:16 15:16 16:6 17:13 18:2 19:11 20:2,23 21:9 24:5 32:5 60:14,25</p> <p>pleased 11:7 22:12 26:7 29:19 57:25</p> <p>pleasure 11:16</p> <p>pledge 2:15,16</p> <p>point 31:9 53:16</p> <p>policy 19:9 38:3 41:14 42:22,25 44:14 48:7,22 49:2 55:15 57:14,21</p> <p>population 14:22</p> <p>poses 9:7</p> <p>position 39:21 50:21 52:22</p> <p>positions 27:11 62:25</p> <p>positive 20:22 28:10,13 40:25 46:13,19</p> <p>possible 10:5</p> <p>potential 25:16 36:4</p> <p>potentially 44:2 45:15 48:25 49:7 51:12</p> <p>potentially-harmful 13:5</p> <p>potentially-hazardous 7:12,13</p> <p>power 12:11 23:6 28:7</p> <p>powerful 21:20</p> <p>practices 10:8 19:4</p> <p>precedent- 49:23</p> <p>precedent-setting 50:3,5 51:6 51:21</p> <p>preparing 22:20</p> <p>prescribed 7:18 9:2</p> <p>presence 6:12</p> <p>presentation 10:14 16:7 22:5 29:11 37:16</p> <p>presentations 3:4</p> <p>presented 12:10 17:11,17 23:25 31:21 37:8</p> <p>presents 15:6 19:12 20:25</p> <p>pretty 22:13</p>	<p>prevention 4:15 5:4 10:4</p> <p>previous 9:15</p> <p>primarily 55:11</p> <p>principal 43:8</p> <p>print 51:18</p> <p>priorities 58:21</p> <p>priority 11:21 29:2</p> <p>proactive 20:12</p> <p>problem 51:13</p> <p>procedural 32:20</p> <p>proceed 2:21 61:19</p> <p>proceeding 37:13 41:7,25,25 43:20 50:20 52:24 53:10</p> <p>proceedings 52:15,16 53:4,11 54:6,10,17,22 55:17 56:3 65:7</p> <p>process 4:18 35:16 48:13,21,23</p> <p>processes 47:25 48:17</p> <p>producing 21:20</p> <p>professionalism 12:3 63:5</p> <p>professionally 63:21</p> <p>program 2:11 10:4 24:2 35:7,8 36:9 42:9,11,14 43:18 47:8,10 49:12,12 58:7</p> <p>programs 7:8 9:25 20:15,18 36:10 37:24 38:25</p> <p>progressive 37:24</p> <p>promote 29:8</p> <p>promotes 36:7</p> <p>promptly 6:17</p> <p>proposal 32:12 33:25 34:2,4 35:15 37:6 38:7 39:25 40:3 41:16,17,21 42:21 44:20,25 47:9 50:11,12 51:17 52:5 57:25</p> <p>proposals 40:10,14,15</p> <p>propose 62:19</p> <p>proposed 32:11 33:14 34:14,25 35:3,10,15,22 36:7,16,17</p> <p>protection 10:23 37:9</p> <p>provide 4:5 5:2,10,23 12:14 42:11 43:9,10</p> <p>provided 24:22 29:5 37:12</p> <p>providers 22:10</p> <p>provides 17:19 34:25 37:4,20,20 37:22</p> <p>providing 17:15 25:16 29:2 35:4 35:11,24 44:11 57:6 63:20</p> <p>provisions 35:5</p> <p>PSC 36:20</p> <p>PSEG 20:17 28:5</p>
--	---

public 1:2,9 2:4 7:5 9:7 13:4
33:6,7,8,11 34:22 35:2,13
39:3,16 43:16 62:20 63:3,24
64:9,11
public- 7:7 37:23
public-awareness 8:5
public-safety 7:22
publicly-accessible 14:11
pulled 2:11
pure 56:9
purple 15:10
pursuant 7:14 26:14
pursue 64:6
put 28:20 40:2 41:21 45:2 47:12
52:19 53:17 57:25

Q

qualities 63:24
quality 2:25 23:25 24:11,13,14
25:17,25 29:3,9 31:5,7 56:10
quality-performance 36:19
question 41:23
questions 10:16 16:8 22:5 24:4
29:13 32:2 37:17
Quinn 21:23
quite 22:18

R

R.P.M 18:21 22:3
R.P.M.s 17:25 18:18,19
raise 53:8
raised 40:9
range 43:13
ranking 10:4
rate 9:17 18:18 25:2,3,3 26:14
27:3,8 28:15 30:10 31:20
32:10,12,20,22 33:14,21 34:4
34:6,6,7,9,10,11,13,17,17,18
34:20,25 35:2,4,8,15,19,21,22
36:7,16,20,21,21 37:7,10,14
38:23 39:2 40:11 41:2,5,9
43:5,9 44:3,9 46:20 47:18
48:9 49:9,10,11,15,18,20,23
49:24,24,25 51:13,19,22 52:23
53:8,10 54:9,16 56:5,25 59:24
rate-case 52:13 53:3 56:8,9
rate-design 52:25
rate-making 29:8
rate-payer 25:15
rates 25:22,23 28:21 31:24

32:22 33:21 34:11,14 35:21
37:3,5 43:11 57:7
ratio 33:4,18 34:16
read 42:9,9 62:19
reading 61:4
readings 25:7
reads 26:21
real 29:18,18 63:15
realize 10:25
realized 9:14
really 4:2,3 23:5,8 30:24 39:11
43:3 47:22 49:6,23 51:10,24
52:6,8 55:11 57:24,24
reason 38:22
reasonable 37:5,9 38:15 39:15
43:11,15 57:7
received 7:3 33:8
recognition 52:14
recognize 52:21 53:10
recognized 42:14
recommend 37:13
recommendation 59:23
recommendations 60:10 61:21
62:8
recommended 33:19
recommending 33:15
record 32:4 65:7
recorded 13:19
recuse 61:11
red 13:24
reduce 36:15 38:23
reduced 35:2
reduces 8:2
reducing 7:11 28:11
reduction 34:23
reevaluation 7:20
reflect 25:17
reflected 19:6 24:24 25:9 35:21
reflects 6:17
Reforming 59:10
Regarding 26:19 27:3
Regardless 27:17
region 38:2
regular 2:14,21 33:9
regulate 43:9
regulation 9:7 29:10 30:10
regulations 6:14 7:15 8:19,24
9:5,8
regulator 51:24
regulatory 9:18 44:9

<p> related 33:21 relates 54:10 relating 26:15 29:8 relatively 6:2 reliabilities 20:22 reliability 2:24 3:19 13:6 17:10,16,23 18:23 22:8,11 24:12 43:2 44:14,23 45:6,12 45:16 57:4,12 reliability-performance 17:24 reliable 3:24 4:5 35:23 38:14 43:10 44:10 57:6 64:15 reliable-electric 23:3 relying 30:10 remained 6:2 remains 24:13 27:19 29:3 remarks 10:19 remediation 26:24 remember 2:14 reminding 37:21 removal 20:15,20 repair 7:14,18 14:15 replace 10:9 36:9 replacing 5:21 report 4:13,23 7:16 10:11,15 12:10 16:11 17:11,18 22:12 23:25 26:7 29:12,15 31:13 reported 15:2 24:16 28:5 65:4 Reporter 65:13 reporting 4:22 reports 2:24 6:18,19,22 7:3 8:4 10:19 24:23 31:14 represent 25:12 representative 27:4,11 represented 16:4 represents 8:25 15:9,9,10 republic 2:18 requested 33:3 requesting 5:19 require 7:20 required 7:21 13:14,19 14:10,13 14:18 15:5,18 18:3 26:18 28:16 requirement 16:5 requirements 5:18 9:2 13:9 requires 7:14 residential 36:10 64:17 residential-service 36:15 resiliency 45:6,16 57:4,12 resilient 38:11 </p>	<p> resolution 62:19 64:20 resolve 32:16 resolved 64:8 resolves 35:15 resources 36:25 respect 11:2,9 63:25 respective 7:7 9:17 10:12 28:15 respond 6:17,22 responded 6:19 responding 10:8 22:21 33:12 responds 35:4 response 6:20,25 responsibility 14:15 43:8 responsible 27:19 result 19:17 60:21 61:6 resulted 6:13 resulting 20:9 results 26:25 27:2 50:19 retiring 62:18 return 30:11 33:4,17 34:18 REV 30:9 46:21,23 47:2,2,3,4,8 47:17 48:3,9,10,12,13,13,17 48:19 52:15,16,23,23,24 53:4 54:6,6,10,17,22 55:17 56:2 REV-proceeding 54:21 revenue 22:4 28:10,13 33:19 34:5,9 41:12 48:2 revenues 32:25 33:2 43:10 review 18:6 39:13 reviewing 18:12 37:6 43:18 reviews 17:19 revised 24:17 rewrite 60:20,23 RG&E 26:19,23 27:3,9,12,21 Rhodes 1:22 2:2,12,20 3:8 4:11 10:13,17 11:13,22 12:5 16:10 16:24 17:3,5,15 20:16 22:6,8 23:12,15,21 24:6 29:14 30:17 31:2,17 32:3,5 37:18 39:18 58:24 59:21 60:3,6,9,12,14,25 61:3,17,25 62:4,7,13,16 Rieder 31:24 right 3:10 17:5 29:23 Riley 21:22 risk 9:6,10 road 47:23 56:17 Robert 64:5 Rochelle 14:21 Rochester 14:21 15:10 26:12 Rockland 28:9 </p>
---	---

role 11:11 40:8 43:8
roles 63:6
room 53:18 58:12
root 27:5
roughly 13:22 20:3
rule 50:16

S

s 1:24 32:15 37:8
safe 3:23 4:5 14:13 37:4 38:14
 43:10 44:10 57:6 64:15
safeguard 13:4
safety 2:24 3:17,18 4:12,15
 7:25 9:7,23,25 10:2,3,15,23
 11:2,17,20 12:9,24 13:3,6
 14:10,18 15:17 16:12,23 24:12
 36:8,9 37:24 44:22
SAIF 36:2
Sandy 18:12
satisfaction 25:2,23 27:25 28:6
 36:20
saying 42:6 50:20,25 51:10
 53:19 54:7
Sayre 1:23 11:6,7 16:21,22
 22:23,24 23:18 30:2,3 38:17
 38:18 39:22 59:25 60:2 61:23
 61:24 62:4
says 50:13 53:10
scales 40:19
scans 15:14
scenario 35:11
scenes 4:2
scope 35:14
scores 9:25
second 6:16 12:8
seconds 25:4 26:13
Secretary 2:5,7 62:9,11,14
section 10:3
Section's 10:3
sections 13:24 14:2
secure 64:15
see 4:3 11:7 16:16 22:12 23:9
 30:12 45:11 51:16 56:17 57:10
 58:2 61:7
seeing 47:19 57:16
seen 18:12 44:19
selected 14:22
self 27:14
self-service 27:14
send 58:9

sending 44:2 52:11 57:3
sends 48:21
sense 49:17
sentence 60:20
separately 22:16,19
September 33:7
series 2:24
servant 63:24
serve 4:24
served 62:22 63:6
service 1:2,9 2:4,25 3:19,25
 4:5 17:23 18:24 21:5 22:10
 23:25 24:13,14,18 25:17,24,25
 26:10,11 29:2,3,10,12 30:3,4
 30:24 33:11 35:23,24 36:11
 37:5 42:12,13 43:11 44:10
 57:7 59:25 62:20 63:3,22,24
 63:25 64:7,9,12,12
service-quality 29:5
services 57:11 64:17
session 2:3 42:19
set 37:14 58:25 59:3
setting 37:3 43:6 49:24
settlement 33:23 39:14 41:11
 44:3 53:19 58:5,13
settlements 38:19,22
severe 22:18
shared 34:20
shareholder 25:15 28:21
shareholders 25:16
sharpening 56:12
short 4:21 59:14,17
shouldn't 45:4
show 13:25 14:2
showed 6:8 20:22 41:15
showing 3:22 6:6 11:3 21:3
shown 20:4
shows 13:23 16:2 19:19 22:12
side- 57:13
signal 58:9
signals 52:10
signatories 32:14 37:8
signature 46:13
significant 3:11 18:11 21:21
 40:4 42:22 46:19 52:2 55:11
 55:14,15 58:17
significant-amounts 28:20
significantly 5:13 40:14,15
silo 43:5
silos 45:7,9

<p>similar 53:7 simple 42:17 single 5:24 49:6 situation 42:6,7 six 16:3,5 33:8 size 15:14 skew 19:16 skewing 50:19 slide 5:3 6:15 7:9 8:16 10:6 12:17 13:13 14:16 15:16 16:6 18:2 19:11 20:2,23 21:9 24:21 26:6 slightly 8:10 19:21 slippery 52:2 slope 52:3 slow 48:23 small 23:2 solid 40:3 57:25 59:11,12,12 Sonny 3:20 23:25 24:5,6 29:14 sooner 7:22 Sorelle 62:21 64:10 sorry 20:24 54:19 59:2 61:20 sort 44:4 50:19 53:4 sought 27:10 32:24 sound 51:15 spate 22:18 Specialist 12:11 24:2 specific 6:21 26:3,4 40:18 41:12,13 48:24 49:24 55:12 specifically 53:25 spend 64:4 spent 47:2,3 St 28:2,10 staff 4:22,24 6:10 8:20,21 10:10 11:8,11 16:17 17:21 18:4,23 24:23 27:13 29:4 30:6 30:23 33:11,14 34:15 35:13 38:15 46:15,16 55:20 56:11 63:17,19 staff-guidance 55:19 staff's 4:17 6:12 9:4 17:18 28:24 33:19 staffing 27:13 63:13 stake 51:17 stakeholder 37:25 stakeholders 11:20 43:12 standard 12:25 16:13 37:13 38:14 Standardized 24:15 standards 11:2 12:10,15,19,20</p>	<p>12:21 13:3,8,11 14:10,18 15:17 16:15 22:14 23:10 26:9 29:22 31:7,11 37:8 standpoint 42:17 stands 2:18 start 12:18 started 20:11 48:13 starting 52:24 state 1:2,14 3:23 4:22 15:7 16:15 19:25 25:18 28:19 29:7 31:12,12,15,16 44:14 62:20,22 63:11 64:8,9,13 65:2 state's 38:8,9,25 44:17 stated 30:20 58:16 65:5 Statement 33:6,8 states 2:17 13:9 26:19,23,24 27:3,9 statewide 17:18 19:13,17,22 20:3 21:2,4 statistically-based 8:22 statistics 19:16 steadily 27:22 steady 11:3 steam 64:16 step 47:23 58:5 stepping 29:21 stick 55:11 stop 51:8 Storage 2:11 storm 3:11 18:7,7 21:22,23 23:6 storms 18:6,13 19:14 21:2,12,15 21:16,24 22:17 story 3:15 strategies 29:8 stray 13:4 stray- 13:23 14:23 stray-testing 15:8 stray-voltage 12:22 14:4,7,17 15:4,7,13 street 5:22 14:6,9,11,12,14 street-light 13:15 stringent 13:8 36:18 strive 9:21 strong-standards 28:19 strongly 40:22 subject 18:20 36:4 submission 32:23 submit 18:3 submitted 38:7 46:2 subscribed 65:10</p>
---	--

substance 48:18
substantially 4:20 21:17
substantively 61:6
succeed 48:5
success 5:5
sum 24:8
summarizes 24:9
summary 28:17
supplemental 55:6
supply 23:3 31:25 44:16
support 37:25 39:17 44:17 47:4
 50:2 58:2 63:19
supporter 63:17
supporting 59:20
supportive 48:5
surcharge 33:22
sure 3:23 44:22 46:6,9 50:22
 54:5 55:2 57:5,14 58:20
survey 7:21 14:20 25:22
survey-based 25:2
surveys 14:19,19 25:24
sustainability 44:15
swayed 42:18,18
system 5:11 13:15 15:15 19:3
 35:25 45:11,12
systems 8:2 12:11 19:15 57:12
systems' 44:23

T

table 44:5
take 3:22 11:12 19:5 20:11 40:4
 58:4,19
taken 3:6 44:19 52:7
talked 49:16 52:14
talking 54:8 56:23
targeted 27:9
targets 18:19,22 22:3 25:21
 26:2,13 27:20,20 28:6 36:3,18
task 37:4 63:9
Tax 34:12
team 63:21
tech 50:8
technologies 37:2
technology 37:20 50:8 63:14
technology-agnostic 50:9,18
technology-neutral 50:8
telecommunications 64:16
ten 18:8
tend 30:15
termination 28:11

terminations 36:15
terms 32:12,13,15 34:3 49:14
 55:23 56:18
territories 9:14 15:4
test 13:14 14:10 39:17
tested 13:22
testimony 33:12 46:2
testing 12:22 13:16,24 14:5,17
 15:5
tests 39:14
textual 61:4
thank 2:12,20 4:9,10 10:13,17
 11:13,15,22,24 12:4 16:9,10
 16:20,24 17:7 22:6,22 23:10
 23:12,21 24:6 29:14,25 30:17
 30:23,25 31:2,4,13,17 37:18
 38:15 39:18,20 58:23,24 59:2
 59:5,21 61:2,17 62:13 64:22
thankful 46:4
Thanks 11:5
that's 3:14,15 11:11 20:16
 32:19 44:6,6,24,24 49:3 53:6
 53:13 57:8 58:17 60:24 64:19
 64:20
theater 64:7
there's 2:9 3:14 49:13 50:9
 56:19 59:9 60:17 62:11
they'll 11:10
they're 39:3 53:21 60:18
they've 54:25
thing 37:22 45:4 58:18
things 3:25 31:15 33:15 35:23
 37:7 40:22 55:10,23,24 56:3,7
 58:8,20 59:15
think 3:15,21 11:17 12:2 16:11
 23:19 30:5,6,13,14,16,20
 38:18,23 39:3,16,25 40:2,3
 41:8,23 42:21,22 43:7,25
 45:23 47:9,14 48:6,7,20 49:6
 51:6 52:2,5,6 56:4 57:13,23
 58:3 59:7,10,13
thinking 40:5
third 7:10 13:11,11 15:23,23
 17:8
third- 5:8
third-party 6:4
thirteenth 13:10
thirty 25:4
thoughtful 58:25 59:3
thousand 14:23

three 1:14 6:21 7:17,20,24 9:10 9:15 15:3 17:12 34:7,11,18 35:21 53:2	trending 20:5
three-year 32:18 34:4 59:24	trends 4:25
Thursday 1:13	trial 33:11,14 34:14 35:13
ticket 5:24	trimming 20:21 37:21
tickets 5:15	trouble 11:11
tight 23:10	true 57:9 65:7
time 2:3 3:14 6:20,25 18:14 21:6 30:15,16 48:8 49:9 50:21 53:9 61:16 64:4 65:4	turn 4:6
timeframe 7:18 59:13	turning 32:18
timeline 35:14	turnover 26:22
timely 5:2	twice 21:10
times 4:16 6:17 23:7 40:13 43:13 59:7	two 7:13,14 9:10 13:24 14:19 15:8 17:22 18:24 24:15 34:7 34:10,17 35:8,21 55:7,7 60:20
tipped 40:19	type 7:13,17,20,24
tirelessly 63:14	types 24:15
today 3:16 4:2 10:21 12:14 17:15 19:5 62:10,12	typewritten 65:6
toeing 11:9	
told 55:4	<hr/> U <hr/>
tool 4:24	U. I. U 58:16
tools 17:22 46:10	Uh-huh 22:7
top 11:20	ultimately 14:14
top-quality 56:13	uncertain 53:5
topic 10:22 16:12	unclear 43:25 44:2
tornadoes 21:23	uncollectibles 28:12
total 5:12,15,25 7:2,16,17 8:3 8:12 13:20 14:4,8 15:6 36:6	underground 13:15 15:15
totaling 26:16	underlying 61:15
touch 63:25	underscores 12:2
town 23:2	understand 30:6 40:21 42:24 57:20
track 24:24 39:3	understanding 41:11
traditional 29:10	understands 30:6
training 35:13 36:11 45:22,22 45:23,24 46:3,4,8,8,8,16 63:20	United 2:17
transcend 47:7	units 15:8
transcript 42:10,11 45:25,25	unregulated 30:15
transcription 65:6	unsatisfactory 24:20
transition 47:8	untold 63:12
transmission 13:17 15:20	unwavering 64:13
transmitted 10:11	updated 24:17
treatment 29:6	upgrades 37:20
tree 20:4,14,21 37:21	use 17:23 27:12 37:2
tree-related 20:5,7	uses 18:4
tree-trimming 20:18	utilities 11:3,8 12:15 13:14 14:10 15:18,24 16:4,18 17:16 17:20 18:3,15,16,20 19:4,19 21:14 22:2,13,20 23:10 24:9 24:16 25:11,13,20 26:8 28:19 29:5,12,17,17,21 30:5,11,14 37:10 48:15 55:4
trees 5:22 20:8,20	utility 2:24 12:25 14:12 17:11 23:24,25 24:19,22 25:17,25
trend 14:5 18:13 20:12 27:23	

26:3 27:18,21 29:6 30:3 37:3 37:4 38:8 57:6	ways 29:15
utility-electric 22:10	we'll 42:2
utility-service 15:4	we're 51:2,12
utility's 15:20 28:15	we'd 52:18
utilized 47:6	we'll 12:5 17:8 23:22 32:3 43:20 51:3 53:21
utmost 16:13	we're 3:12,21 4:2 10:21 30:13 31:6,7 37:21 40:9,16 43:4,18 45:3,7,8 46:7,9 48:8,11,14 49:4 50:7,17 51:2,3,10,12 52:10 53:13,13,19,20 54:7,8,9 54:16 57:5,22 58:21 61:14
<hr/> V <hr/>	we've 22:17 49:15,15,16,16 52:7 52:7,7,8
varies 9:3	weather 19:4 20:9 21:18,19,21
various 5:22 6:20 36:8,23	weighed 39:24
vary 24:18	weighing 40:18
varying 9:6	Well-done 12:2
vegetation 20:19	what's 39:8,8 43:16
vendor 26:21,23 27:7,18	WHEREOF 65:9
vendor-process 27:15	whichever 7:21
vendor's 27:8	white- 5:17
very-clear 42:5	White 14:20
very-good 22:14 31:13 64:2	wide 58:2
very-highest 10:25 16:15	wind 23:6 61:13
very-important 45:14	windstorm 21:12
very-much-more 23:2	winners 51:12
very-solid 40:23	Winter 21:22,22
veter 50:15	wires 20:19
vetoed 49:13	wish 61:10
viability 37:11	WITNESS 65:9
view 39:10	Worden 2:25 3:8 22:15
Vision 59:11	Worden's 10:19
visual 12:22 15:18	work 3:14 4:2,5 5:19 6:9 7:25 10:9 11:12,16,18 16:23 19:8 22:25 23:11 35:17 38:16 46:17 56:10 62:24
volt 13:18,21,25 14:25	work-force 19:8 45:23
voltage 13:4,18,20,24 14:24,25 15:3	worked 26:23 39:25 40:2,3 52:6 57:24
volts 13:25 14:2	working 46:15 56:13 64:3
volumes 7:4 27:5,15	works 6:10 30:24 59:10
vote 3:6 40:20 42:18 49:7 59:22 59:23,25 60:4,7 61:19,20,23 62:2,5	world 48:12,13
voted 41:6 42:4	worried 44:18
voting 38:16 39:22 58:23 61:11 61:14,16	worry 53:14
vulnerable 38:5	written 17:18
<hr/> W <hr/>	<hr/> X <hr/>
walk- 36:13	X 1:23
want 39:6 41:4 54:5 56:23 57:20 58:18 61:12	
wants 43:13	
water 3:2 31:24 54:19 64:16	
way 22:24 42:12 47:22 48:21 50:18 52:19 53:10 54:2 56:15	

Y	
Yeah 61:20	19.7 34:5
year 3:11 7:2 8:21 9:3,3 13:10	1981 62:23
13:11 14:21 15:19,23 17:21	19th 1:14
19:23 20:21 21:10,25 22:18	1st 32:23
27:24 28:3 34:6,7,7,9,10,11	<hr/> 2 <hr/>
34:17,17,18 35:2	2 6:8 17:10
year- 8:12	20 6:5 15:19
year-end 8:9,14	2003 63:3
year's 16:2	2005 12:21
years 7:4,6 8:9 9:11,15 13:24	201 23:24
15:8,22 19:5,13 20:12,18 21:2	2011 14:18
27:23 35:8,21 53:2 55:7,8	2013 8:11,15 40:13
Yonkers 14:20	2015 14:6 52:12 56:19
York 1:2,15 3:23 5:17 10:25	2015-rate 57:19
14:19 16:12,15 18:10 25:18	2016 5:25 8:10,14 14:5 21:7,12
28:8,19 44:14 62:20,22 64:9	21:15,17 28:2
64:13 65:2	2017 2:25 4:12 5:14 6:2,4,25
York's 13:7 17:16 64:17	8:9,13 9:12 10:14 12:9,16
Yorkers 10:20,24 22:9 29:20	13:10,22 14:4,8 15:2,23 16:4
63:23	17:10,17 19:20 20:4,22 21:10
you're 3:15,17 53:24	21:12,15,16,22 22:3 23:24
<hr/> Z <hr/>	24:10 26:11 27:24 28:4,5
zone 20:8	29:13 32:21 33:10
<hr/> 0 <hr/>	2018 1:13 32:23 33:24 65:10
03 13:21	202 31:19
<hr/> 1 <hr/>	21st 65:10
1 65:5,6	22.2 33:2
10,500 15:3	23 5:13
10:35 1:13	231 14:9
100 34:12	2344 8:13
101 4:12	24 18:10
11 21:15	25.1 34:7
113,000 5:15	27.8 33:16
13 62:23	28th 32:21
14 1:13 8:14	<hr/> 3 <hr/>
15 6:5	3 1:14
15-year 4:22	30 6:22 26:13
15th 21:23	301 12:9
17-E-0459 31:19	302 17:9
18-E-0130 2:10	30th 54:25
18-E-0153 17:10	364 13:20 14:8
18-E-0279 12:9	372 2:10
18-M-0267 23:24	373 61:13
18.6 34:6	<hr/> 4 <hr/>
18th 33:24	4.1 36:5
	4.4 13:25
	4.5 14:2

40 8:11, 14
45 6:23
48 33:18 34:16
49 34:17

5

50 33:5 34:18
52 21:5
525,000 26:16
562 60:15 61:22

6

6-14-18 1:1 2:1 3:1 4:1 5:1 6:1
 7:1 8:1 9:1 10:1 11:1 12:1
 13:1 14:1 15:1 16:1 17:1 18:1
 19:1 20:1 21:1 22:1 23:1 24:1
 25:1 26:1 27:1 28:1 29:1 30:1
 31:1 32:1 33:1 34:1 35:1 36:1
 37:1 38:1 39:1 40:1 41:1 42:1
 43:1 44:1 45:1 46:1 47:1 48:1
 49:1 50:1 51:1 52:1 53:1 54:1
 55:1 56:1 57:1 58:1 59:1 60:1
 61:1 62:1 63:1 64:1 65:1
6.7 34:9, 10
60 6:24 15:25 16:5
62 19:23
63.4 32:25
65 65:7

7

7 6:7 63:3
7.6 33:17
75 6:22

8

8.2 34:10
8.3 33:18
8.8 34:19

9

9.3 34:20
9.5 33:3
90 6:23
95 6:23
99 21:6