

1 Monthly meeting - PSC Commission - 3-17-2016

2
3 STATE OF NEW YORK
4 PUBLIC SERVICE COMMISSION

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7 MEETING OF THE PUBLIC SERVICE COMMISSION

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9
10 Thursday, March 17, 2016
11 10:30 a.m.
12 Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

13 COMMISSIONERS

14 AUDREY ZIBELMAN, Chair
15 GREGG C. SAYRE

16 PATRICIA L. ACAMPORA
17 DIANE X. BURMAN
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2 (The meeting commenced at 10:32 a.m.)

3 CHAIR ZIBELMAN: Good morning, everyone.

4 I'd like to call this session of the Public
5 Service Commission to order. First of all, happy St.
6 Patrick's Day and it's nice to see all the green. And for
7 those of us who forgot, it's -- we can have our cups or
8 something we can use.

9 (Off-the-record discussion)

10 CHAIR ZIBELMAN: Anyway, we will -- Secretary
11 Burgess is there any changes to the final agenda?

12 SECRETARY BURGESS: Good morning, Chair and
13 Commissioners.

14 There's no changes to the agenda this
15 morning.

16 CHAIR ZIBELMAN: Okay. We're -- we have two
17 items for discussion today.

18 The first item is Item 202, as it relates to
19 Con -- Con Edison's advanced metering infrastructure business
20 plan. Mike Worden, Deputy Director of Electric, is going to
21 be presenting it. And I believe we have Nicola Jones and Raj
22 Addepalli available, as well.

23 And so, Mike, please -- please proceed.

24 MR. WORDEN: Okay. Thank you very much.

25 Good morning, Chair Zibelman and

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2 Commissioners.

3 Item 202 addresses Con Edison's AMI business
4 plan that was filed with the secretary on November 15th, 2016
5 (sic). In the 2015 Rate Plan Extension Order, in case 15-E-
6 0050 that you issued on June 19th, 2015, you approved 68
7 million dollars in funding for foundational work, for an AMI
8 system in Con Edison's service territory.

9 That work was largely no-regrets work and
10 includes items such as meter data asset management and core
11 communication design. That work is now underway in 2016.

12 The Commission also ordered Con Edison to
13 work with the parties on a full AMI business plan. This was
14 a key request of the parties to the J.P. that was ultimately
15 approved by you in the extension order.

16 Con Edison did so. They sought to engage
17 stakeholders in a collaborative process in developing the
18 business plan. They also studied other AMI deployments in
19 the country over the last decade for lessons learned and
20 incorporated some of those lessons into their AMI business
21 plan.

22 The item before you today recommends that you
23 approve a full rollout of AMI throughout Con Edison's service
24 territory. AMI will contribute to the modernization of the
25 Company's electric and gas distribution systems, creating

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2 substantial operational savings and efficiencies, as well as
3 increased visibility and control of its system.

4 The quantified benefits exceed the cost and
5 there are substantial unquantified benefits that are
6 available. Significantly, the deployment and use of AMI, in
7 the Company's electric and gas businesses will transform the
8 relationship between the Company and its customers.

9 AMI is an important and valuable contribution
10 to enabling the Company to facilitate customer access through
11 products and services provided by third parties. AMI can
12 empower customers to come -- become more active in their
13 energy usage by providing them with information to assist in
14 the management of their usage, which will allow them, in
15 turn, to better manage their energy costs.

16 Con Edison's business plan contemplates
17 installing AMI for all of its 3.4 million electric and 1.2
18 million gas customers, over the next 6 years. Again, the
19 first year, the year that we're in, is a foundational year
20 that's going on. According to Con Edison, over the 20-year
21 life of the AMI system, there will be a net benefit of over a
22 billion dollars in net present value.

23 Con Edison articulates the benefits of AMI in the
24 following ways. They have a high-level summary of benefits
25 for the Company and customers, cost reductions to their

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2 operations, and unquantified benefits that they believe will
3 be achieved.

4 The parties to this proceeding, almost
5 universally, want AMI As -- as I mentioned earlier, that was
6 a strong point they wanted in the J.P., to continue this
7 discussion of a full rollout. The parties to the case
8 include the City of New York, PACE, Environmental Defense
9 Fund, the Association for Energy Affordability, Incorporated,
10 UIU, the MTA, NYECC, and -- and a group -- an Alliance
11 between the Advanced Energy Economy Institute, Alliance for
12 Clean Energy, and New England Clean Energy Council. So,
13 collectively there -- there were a group of parties. And
14 finally, a -- a -- an important additional party was Mission
15 Data.

16 Several parties stated that Con Edison's
17 analysis understates the value of AMI So that's consistent
18 with -- with the Company's finding that the BCA -- the formal
19 BCA understated the value of AMI The parties also had some
20 other comments that I'll address later in the Staff analysis
21 and recommendations.

22 So in our -- in analysis and recommendations,
23 we looked at 4 different categories. We looked at economics,
24 engineering and implementation, customer engagement, and AMI
25 metrics.

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2 So starting with economics, as I said
3 earlier, the -- the Company's BCA shows that the AMI program
4 is -- is clearly beneficial. There's approximately 1 billion
5 in net present value. The numbers, when you look at actual
6 numbers over the 20 years, are pretty staggering, but when
7 you bring it back to net present value, still it's a -- a
8 considerable savings.

9 But we think that to -- in order to ensure
10 that the net benefits are realized, we recommend a cap on the
11 CapEx budget that the Company's going to use over the life of
12 the rollout. So the -- over the 6-year period of the
13 remainder of the rollout, there will be a cap on
14 expenditures.

15 Nevertheless, the Company's plan, which was
16 filed last November, was done before the order that you
17 issued in January, with a new BCA framework. So we recommend
18 that the Company update their B -- BCA to use the new model
19 framework.

20 Turning to implementation and engineering,
21 Commissioner Acampora, you may recall back in the -- roughly
22 2008 and '09 timeframe, I don't believe any of the other
23 Commissioners were here at that time, but we struggled
24 mightily with the question about --.

25 CHAIR ZIBELMAN: We were around. We just

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2 weren't --

3 MR. WORDEN: That's not dating you.

4 CHAIR ZIBELMAN: -- with you.

5 MR. WORDEN: That's -- that's only 5 years
6 ago -- or six years ago, so it's not that bad.

7 But you remember we struggled with the
8 question of AMI Do we do pilots? Do we do a full rollout?
9 What do we do? You know, we had some concerns that the --
10 the idea of a full rollout, it was still in its infancy. So
11 I -- I think the lessons learned from the era, process really
12 did show there were some lessons to be learned. So it turns
13 out there were some valuable lessons.

14 Con Edison did in-depth reviews of AMI at 6
15 companies. They covered a wide swath throughout the U.S. and
16 -- and 1 company in Canada as well.

17 Among other things, they found that earlier -
18 - early customer engagement was critical. You probably all
19 read about some of the issues that took place in California.
20 A -- a lot of that came back to customer engagement. So that
21 was an issue that was identified that the Company brought
22 back.

23 The other issue that was identified that --
24 that's kind of a key issue is communication, so I'm going to
25 talk about communications a little bit more as we go forward.

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2 We -- we looked at what the Company did, but we also did our
3 own analysis. We've had a number of conversations with the
4 people from the Department of Energy. The DOE folks also
5 arranged for us to have a number of conversations with
6 experts around the country on this issue.

7 And -- and they also said that this
8 communications was a -- a significant lesson to be learned
9 from them early engagements. So that's something that we
10 feel like it's being taken advantage of here that we probably
11 wouldn't have if we'd gone forward in 2009.

12 They also pointed out that, you know,
13 sometimes we talk about -- and in the filing it talks about
14 AMI communications, but this is really more than an AMI
15 communications systems. So it's important to -- to note that
16 the communication is almost its own bucket because much of
17 this work would have to be done regardless of whether we go
18 forward with an AMI system. So that's a -- an important
19 distinction.

20 We also spoke to the experts about
21 obsolescence. You know, we batted that question around. And
22 they -- they, once again, came back to the question of
23 communications. They felt like, to -- to the extent any
24 obsolescence was going to be there, it would be on a
25 communications system. But it's -- it's like a circular

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2 thing. You come back to the fact that you -- you still need
3 to have communications systems in place in order to run your
4 business. So that's -- that's where that ended up.

5 So we're comfortable with where the Company's
6 at now and the lessons that have been learned over the past 6
7 -- 7 years, that it's a good time to actually move forward
8 with -- with AMI

9 We also looked hard at how the Company will
10 address cyber security. We're -- we're satisfied. We do
11 feel that Con Edison is near the leading edge in utilities
12 across the country, in terms of cyber security. But you
13 know, when you attach all these meters, you're -- you're
14 raising additional concerns and so it's an area we need to
15 continue to be vigilant about and we plan to do so as well.

16 We also recommend that the rollout proceed as
17 outlined in the Company's AMI business plan. And that is
18 essentially a rollout by geographic area for the Company's
19 service territory. There are several parties that wanted the
20 -- to roll out by specific customer areas. We would note
21 that large customers already have interval metering, so they
22 already have some element of this kind of stuff.

23 The -- the benefit of rolling it out by
24 geographic area reduces the cost significantly in terms of
25 just the -- the pure, you know, going out to a place, putting

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2 in a meter, and coming back. You know, if you do selective
3 areas first, and then go back and do more areas, you're going
4 to have significantly more truck rolls, so -- and the
5 emissions that go along with that.

6 Additionally, the mesh system that goes along
7 with this really has to be rolled out in a -- in an area in
8 order to work properly. So you can't have a onesie-twosie
9 here and there, all over the place. That's not going to
10 work. You'd have to have a different communication for that.
11 So geographic is the most efficient and most cost-effective
12 way to go forward.

13 I'd like to turn now to customer engagement.
14 We believe there are some opportunities to enhance customer
15 engagement to get more benefits out of AMI. So the foundation
16 for moving forward is -- is on a -- a lot of these
17 operational benefits. But ultimately, to maximize the
18 benefit, we need to get more customers engaged. They need to
19 -- ConEd of needs to fully engage a broader spectrum of
20 stakeholders to -- to develop a comprehensive customer
21 engagement plan.

22 So to date, the -- the parties I mentioned
23 were the ones that have provided the most input. So Con
24 Edison really needs to go out. Also, they need to talk to
25 ESCO. They need to talk to third-party providers and this

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2 different sector to get, you know, a broader input as to how
3 to make this customer engagement work.

4 And in order to improve efficiency to the
5 fullest, it also is important that customers, both customers
6 -- consumers, themselves, and the third parties who they're
7 working with, our customers at the DSC, are part of this
8 equation. So it just needs to be a much broader stakeholder
9 process than we do so far.

10 Finally, the Company and stakeholders need to
11 more fully address important issues such as data access and
12 data privacy. To this point, we believe the Company should
13 use Green Button Connect My Data as its model for enabling
14 customers to provide routine usage data to third-party
15 providers unless it can identify a better solution.

16 So at this -- at this time, what's going on
17 in the industry, we're not aware of a better solution. But
18 obviously, if -- if the Company can come -- come up with a
19 better option, we certainly would want to be open to that.

20 Furthermore, as part of the Company's review
21 and its customer-engagement process, we recommend that they
22 consider various time-variant pricing pilots that it might
23 offer to test innovative ideas for ratemaking. So again, not
24 just Con Ed thinking by itself, but discussing with
25 stakeholders, ideas to bring some of these pilots to -- to us

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2 for your consideration.

3 So regarding AMI metrics, so at the end of
4 the day, this is a significant undertaking by the Company.
5 And so likewise, we think it's going to have a significant
6 impact on how they do business and how its customers manage
7 their utility bills. And because of that, we think it's
8 important that the Company has metrics to monitor how they're
9 doing and, if necessary, to make changes to its plans as they
10 go forward.

11 Therefore, we recommend that you direct Con
12 Edison to propose suitable metrics in its current rate
13 proceeding. We think that's the proper forum for
14 stakeholders to engage in such an analysis.

15 In the Draft Order before you, we've offered
16 some ideas that Con Edison and stakeholders can consider as
17 part of development of these metrics. So in summary, the
18 item before you today recommends that you approve Con
19 Edison's business plan, subject to the changes I have
20 discussed.

21 And I'm going to sum up now the ordering
22 clauses that you're -- you're going to be asked to approve.
23 First, you would approve Con Edison AMI business plan subject
24 to the conditions within the order, including a cap on total
25 capital expenditures over the implementation period.

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2 Second, you would require the Company to
3 file, within 30 days, an update to its AMI benefit cost
4 analysis, using the Commission's new BCA framework.

5 Third, you would require the Company, within
6 20 days, to file supplemental testimony -- testimony, in its
7 current electric and gas rate proceedings, proposing metrics
8 for the Commission to use to measure the success of AMI

9 And I'm going to go back just for a second
10 before I go to the fourth clause. I -- I do want to point
11 out this is electric and gas. I didn't mention that earlier,
12 but it is -- well, I did mention it, but it is electric and
13 gas. It's not just electric.

14 So finally, we would require, by July 29th, a
15 compliance filing of a full customer engagement plan, formal
16 data access and privacy policies, Green Button Connect My
17 Data implementation or an alternative, one or more pilot
18 projects, and further tariff amendments proposing a solution
19 or solutions for customers who wish to opt out of the use of
20 AMI meters.

21 That completes my presentation. We're happy
22 to answer any questions that you have.

23 CHAIR ZIBELMAN: Thanks, Michael.

24 Before I move to comments, I have actually a
25 couple of questions. You -- you talked about the fact that

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2 metrics can be rolled into the rate case. I would guess that
3 the rate -- the -- if -- to the extent there are pilots or
4 rate design proposals, that could also be considered as part
5 of the rate case?

6 I don't know? Michael, Kim, Raj, Nicola?

7 MR. ADDEPALLI: Yes.

8 MR. WORDEN: Yes.

9 CHAIR ZIBELMAN: There's lots of head
10 nodding. It's like bobbleheads across the table.

11 Okay. Good.

12 With that, are there any other questions
13 before we move to comments? Because I have some comments,
14 but I want to make sure we get our questions out of the way.

15 Hearing none, let me -- I'll begin.

16 First of all, Michael, nice presentation.

17 And I -- and I agree with you that, you know, we -- while we
18 were not here in the 2007, '08, '09 timeframe, there's a lot
19 of debate around smart metering. I know it was a matter in
20 front of this Commission. And the Commission at that time
21 determined that it might be premature because of the -- it --
22 newness of the technology, the uncertainty of benefits, and
23 that absent -- I think, in fact, a stimulus fund grant that
24 was a determination of the -- of the Commission.

25 I think that clearly that decision was right

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2 at that time because we've learned an awful lot, through the
3 stimulus funds and the experiences of other utilities, around
4 how -- the -- both the advantages and the risks of a smart --
5 advanced metering infrastructure deployment. And so now
6 we're in a -- really, a good spot.

7 And one of the things that I note -- the
8 order notes that the penetration rate of advanced metering in
9 the United States is now at about 43 percent. So this is, by
10 far, you know, a -- we -- we're not at the bleeding edge of -
11 - of these technologies.

12 And I also had the benefit of hearing from
13 the DOE, both in the MBT discussion or discussions relative
14 to the DSIPs and then independent discussions that, you know,
15 I've had. And my -- my discussions with people at the DOE
16 have continued to reaffirm that, one, is the technology has
17 certainly matured. The issues in terms of the communication
18 infrastructure, particularly the communications to -- into
19 the home are where we would expect, under our REV scenario,
20 to be -- actually reside with ESCOs and third parties, the
21 connection with the HAN devices.

22 So the hubs will be in the home. And what
23 the -- and what we would expect, in this order, the meters to
24 do is to provide interoperability and communications
25 infrastructure. So anything that someone wants to do

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2 innovative in the home can be -- basically through a third
3 party, can work with Con Ed to get value to the customers.
4 And that was part of the early concerns is that those were
5 the aspects of the metering, as -- as Mike mentioned, that
6 were the most innovative, where we expect to see the most
7 change, and putting that outside of that metering
8 infrastructure means the meters, themselves, can be more
9 stable.

10 So that's, I think, a -- a good thing about
11 this approach. I think the -- I'd also note that their --
12 Con Ed is using a -- a Zigbee architecture, which has become
13 the standard architecture.

14 So all those things that were sort of the
15 early pain points have been resolved and -- which makes this
16 a lot more certain in terms of an engineering design and
17 capability. And I think we should feel good about the fact
18 that the Commission, in the 2008-2009 timeframe, said good
19 idea, but maybe not quite ready. And I think now -- now we
20 are ready.

21 The other things that I -- I think that the
22 order does is it identifies, in my mind, the 5 areas that are
23 going to be most important as -- as we proceed. I said 4
24 buckets, but there are actually 5.

25 One is in terms of the engineering and I --

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2 and cyber security. And I think we can make quick note that
3 Con Ed is -- is an exceptionally good engineering company.
4 They are probably leading the -- the rest of the country, or
5 certainly one of the leading utilities on cyber security.
6 And I have a great deal of confidence, when we review their
7 plan, that they have addressed the Commission's concerns and
8 have a very thoughtful approach towards the rollout and --
9 and towards how to integrate these resources.

10 The third area, which is obviously of great
11 importance to us, is customer engagement. So the issue to
12 me, as we move forward, and this is a -- the issue we're --
13 we're dealing with in REV, excuse me, in general, is -- the
14 question is that -- one is -- is that customers need to have
15 access to information. They need to -- and -- and as we move
16 forward into the REV environment, where we're seeing more and
17 more devices that can -- that can be managed and -- and react
18 to prices, there needs to be an understanding to customers
19 about that opportunity, and there needs to be access to the
20 information that they could use themselves, or they can make
21 advantage to -- to third parties, so that they can look at
22 ways to manage their costs.

23 The other piece is -- is certainly privacy
24 and then is -- is pricing. And so while it's very critical
25 that we get the engineering right, that we have a thoughtful

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2 approach to managing costs, it's equally important that we
3 start addressing the issues of energy literacy and that
4 really does start with getting access to information and then
5 educating customers of how they can use that information and
6 then pricing it so that they can get real value.

7 And the fact is -- is that while I think, you
8 know, Con Ed has done an exceptionally great job on the
9 engineering, we still do need work. And I think that the --
10 the stakeholder process is going to be very important.

11 Certainly, you know, across the country, we
12 were looking at things, like time-of-use pricing as a value,
13 that once customers are able to manage against a time-of-use
14 price that's terrific and they have an opportunity to save
15 money. I know that my fellow Commissioner Sayre has a lot of
16 interest in that. I'm sure he'll speak to it. But I think
17 that all of that needs to be part of the rollout.

18 What we want this to be is more than just a
19 good engineering experience. We really want it to be a good
20 customer experience. And we want the customers to understand
21 it's not that they're getting meters; it's they're getting
22 services and opportunities that are going to allow them to
23 save money and get value out of the investment that they're
24 doing.

25 So -- and the other piece is -- is that it

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2 actually then starts this new model that we don't expect the
3 utilities just to go out alone and -- and do this. We want
4 them to bring the third parties in who are offering these
5 values so that the -- that becomes part and parcel of the
6 delivery of the product. It's not -- is the delivery of the
7 services with third parties.

8 And so I -- you know, while we talk about it
9 as a -- you know, a compliance element, to me it's more than
10 that. It's really sort of that's the ready, set, now we're
11 going. And we want to go with these third parties, hand in
12 hand.

13 The other piece is metrics. You know,
14 measuring, as this Commission has said repeatedly, we can't -
15 - you know, we can't value anything we can't measure. We
16 need to have the metrics. I think putting them in the rate
17 case is very important.

18 One of the things that people have had
19 concerns about with advanced metering is the cost. That's
20 why I think having a cost cap is important because this is
21 going to be -- create the discipline that we need to manage
22 the cost for customers.

23 The other piece of value that -- that is --
24 the order represents and I -- or it reflects and I -- one of
25 the reasons I'm -- you know, I think is important is that

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2 we're also looking for Con Ed to beat its own estimates. So
3 if it can work with third parties and find technology
4 solutions that are even better than it anticipated, or
5 services that are better than it anticipated and that
6 actually reduces the costs of the advanced metering to
7 ratepayers and provides really shared savings values, much
8 like we did with BDQM, we want the Company to explore that
9 because that is the way we're trying to do business is let's
10 bring the third parties and let's look for additional value,
11 not just what we could have thought of on our own.

12 So for all of that, I think that the -- this
13 is the -- the program is great. I'm appreciative of the fact
14 that Con Ed has been working with third parties. I think
15 we've really moved this along. Certainly Green Button
16 Connect is a great technology. That's been something very
17 important to the retail community, to get that out there at
18 the same time.

19 And -- and the other point that I would make
20 is we are going to be addressing the DSIPs and other types of
21 things that we'll be looking for, going forward. The order
22 also contemplates, as -- as the Commission looks at how we
23 can increase value through REV-type investments or through
24 any type of investment, we would expect Con Ed to roll this
25 into its plan, going forward, and -- which I think we'll all

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2 get smarter as we do these things.

3 So with that, I'm prepared to support the
4 order.

5 Any further comments?

6 Commissioner Acampora?

7 We can just go down the line.

8 COMMISSIONER ACAMPORA: Well, I think the
9 chair covered just about every base that was important. And
10 I do remember going back to some of the various rate cases we
11 had and public statement hearings around the state, when
12 people were very concerned about AMI because they just felt
13 they didn't have enough information.

14 And just as, you know, timing -- it's all
15 about timing in life, now that we're in the REV valley,
16 marching forward, I think that the timing on this is probably
17 a good time. And I really appreciate the effort that Con Ed
18 has done and really working very hard on this because I know
19 that other states and other companies throughout the country
20 are really going to be looking at this and taking a hard look
21 at -- at what we're doing.

22 So today's a -- I think an important day.
23 And of course, as usual, if we need to come back and make
24 some changes during the process, we'll be back doing that
25 again. So I think this is a good effort and I'm going to be

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2 voting in favor of it.

3 CHAIR ZIBELMAN: Commissioner -- Commissioner
4 Sayre?

5 COMMISSIONER SAYRE: Up until now, I've been
6 a skeptic about whether the benefits of smart meters exceed
7 the costs. In this case, the Company has made a good
8 showing, based on operational savings. And Staff did a very
9 good job indeed, of kicking the tires of the Company's
10 analysis and making sure it's accurate.

11 However, what moved me to agree with this
12 item was not the operational savings, but the future benefits
13 to all customers that will be accomplished when customers and
14 third parties start using the data that come out of these
15 meters.

16 I'd like to express my strong hope that the
17 Company and stakeholders, working with Staff, will find a way
18 through a number of statutory and operational issues to set
19 up a large-scale REV demonstration pilot of time-of-use
20 pricing, which of course requires smart meters to be
21 installed first.

22 I think we're very likely to find, in such a
23 pilot, that this kind of pricing, just on its own, not on any
24 kind of mandatory basis, but possibly on an opt-out basis,
25 will advance several of the goals of Governor Cuomo's and the

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2 Commission's energy policy, including, in particular, energy
3 conservation and peak shaving.

4 There are a lot of very smart people working
5 on this proceeding. I hope you can make this happen.

6 CHAIR ZIBELMAN: Thank you.

7 Commissioner Burman?

8 COMMISSIONER BURMAN: Thank you.

9 And I appreciated all of the comments that my
10 fellow Commissioners said and highlighted because I think all
11 of these issues are very important.

12 When we started our REV proceeding, there was
13 a recognition that fundamental changes may be required in how
14 we regulate utilities if the REV objectives are to be
15 achieved. And today is really an inflection point on where
16 we are and what is next.

17 And so going with that, I think that Con Ed
18 has -- with the relevant stakeholders in the process, have
19 done a very good job at laying out their business plan and
20 seeking the Commission's approval to go forward. I'm
21 heartened that we will be incorporating, in the rate plan,
22 how we will be looking at the metrics, as well as other
23 issues that may come up.

24 So I think it's important for the folks who
25 are undertaking the rate plan and -- and going forward with a

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2 -- a lot of the proceedings and the outreach that will be
3 happening on the rate plan to make sure that this aspect of
4 what we're looking at with AMI is very clear and transparent
5 and that we're -- we're gathering information on what maybe
6 some of the confusion might be, as well as what the concerns
7 might be, so that it could help not only us, but Con Ed and
8 its customers, ultimately, to take advantage of AMI

9 When I look at the draft order, I do just
10 want to make a couple of observations. In the -- the fact
11 that we're looking at the Green Button Connect, now this is -
12 - you know, this is somewhat troubling to me, only to the
13 extent that we have an ongoing proceeding that is looking at
14 Green Button Connect and other data and privacy issues.

15 So I just want to make it clear that we're
16 not selecting Green Button Connect as the -- the -- the
17 vehicle, the -- the technology that should be utilized.
18 Rather, we're recognizing that Con Ed is already doing, in
19 some fashion, the Green Button Program. And so that Con Ed
20 would be looking at what makes most sense for the rollout.

21 And we're not really in the business of
22 picking winners or losers in -- in -- in that aspect. And
23 that to the extent that some of the issues that will come
24 out, or -- or still to be come out and resolved in the
25 ongoing data DER privacy issues proceeding may, in fact,

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2 affect what we're doing as it applies to the Con Ed AMI
3 proceeding.

4 So Con Ed should be very cognizant of that
5 and folks should be understanding that it's not a one size
6 fits all. You know, what might work for Con Ed would not
7 necessarily work for Central Hudson, which has a much smaller
8 customer base, or National Grid, which already has -- you
9 know, and is doing some other aspects outside of AMI and --
10 and using other processes and even working with NYSERDA on
11 some aspects.

12 So that it's important that the take-away
13 today is not that we are saying Green Button Connect is the
14 vehicle that's to be used and we're not saying that it's not
15 the vehicle to be used.

16 And to the extent that there are also
17 concerns or -- or discussions surrounding the use of data and
18 the -- the use of it with third-party providers and what fees
19 may or may not be charged on that, that's something that
20 folks should be cognizant of that we're looking at in other
21 proceedings. And so to the extent that when we focus on
22 those proceedings and have them before us, we should make
23 sure that it's, you know, all sort of lining up and that
24 we're not sort of forgetting something as it applies in Con
25 Ed's rollout.

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2 I am very happy that we are going to be
3 looking at further benefit-cost analysis and metrics and
4 making sure that we're doing all we can to maximize the
5 resources.

6 To the extent that Con Ed will be working
7 with ESCOs, or DER providers, or other third-party providers,
8 I think it's very important that we make sure that folks are
9 clear on all aspects of what that means, how that works with
10 our rules and our regulations, and also how they can take
11 advantage of, you know, working with Con Ed.

12 Again, we don't pick winners or losers and --
13 but to the extent that, as we've seen in the REV demo
14 projects, people have, you know, had -- had some difficulty
15 in how to access and take advantage of the economic
16 opportunities that may be out there. And I know that NYSERDA
17 put out an RFP on the REV Connect Program to help with that.
18 So I -- I just -- really just want to highlight that.

19 Those are all good things and positive
20 because I think that what -- what we're doing is trying to
21 look at some of the pressure points and some of the things
22 that have come up since we've started to roll out some of the
23 REV initiatives and then taking ownership on making sure that
24 we are helping to make it better and more robust, I think is
25 always important.

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2 So, you know, with that, I -- I -- I -- I am
3 just very focused also on the aspects of meter readers and
4 making sure that we are also looking at when we may need to
5 switch in terms of, you know, what folks are doing, that we
6 make sure that Con Ed is looking at the overall workforce and
7 how to help in any training that may be necessary.

8 And again, we're not mandating anything on
9 that, but it is important for us. And I know Con Ed is laser
10 focused on their workforce and opportunities that may be
11 available.

12 So with that, I will be concurring, with the
13 caveats that I talked about, in terms of making sure that we
14 are focused on looking at benchmarks and, again, back to the
15 rate case for some of the finer details, especially the
16 metrics aspect of it.

17 So thank you.

18 CHAIR ZIBELMAN: Commissioner Burman -- and I
19 don't -- I'm not -- I want to be really clear about this
20 because I think the order speaks for itself and I -- and I
21 don't know if you meant to suggest this, but the order does
22 adopt Green Button Connect as the protocol that Con Ed will
23 use to provide data to customers.

24 And we do it -- and at least I'm comfortable
25 that in seeing, reviewing the information and reviewing, you

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2 know, the -- seeing also the information we've gotten in
3 other technical conferences that the Green Button Connect
4 protocol is -- is considered, right now, the standard
5 protocol of best in class. And while certainly we expect
6 evolution in these types of technologies, as well, right now
7 it is the one that -- that we are selecting.

8 So I don't think it's fair to say we're not -
9 - the order is approving Green Button Connect protocol as
10 part of the AMI rollout and it is putting its -- we're
11 putting our thumb on the scale that we want that. We're
12 allowing, however, recognition that these protocols may
13 change, that there may be better ones that come on board and
14 that, therefore, we don't want to preclude better ideas. But
15 at this point, it's -- it's -- I don't think we are being
16 technology agnostic. We are saying we should use that.

17 If I'm wrong in that interpretation, I'll ask
18 counsel or someone to --

19 COMMISSIONER BURMAN: Well --

20 CHAIR ZIBELMAN: -- correct me.

21 COMMISSIONER BURMAN: -- no. Thank you.

22 And I will clarify because that's exactly why
23 I'm concurring and not voting with the majority. For me,
24 what I -- Con Ed already has basic Green Button and the My
25 Connect feature was recommended by Con Ed. But the order

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2 does recognize that it will not be the only vehicle.

3 And so if there are other modes of data
4 discovery that become available, we should consider it and we
5 should ask Con Ed to look at those alternatives.

6 And there's an expectation that other
7 vehicles for data sharing will be explored. And because we
8 have an ongoing proceeding that is looking at the Green
9 Button Connect Program, it's important for me to make it
10 clear that that is something that I look at, again, as what
11 it means for that proceeding and then other utilities.

12 And also, you know, especially some of the --
13 it's not necessarily just the Green Button Connect, but it's
14 the -- are we looking at an involuntary code of conduct, are
15 we looking at it with fees for privacy, data sharing. All of
16 those different aspects in there need to be fleshed out.

17 So all I am suggesting is that I -- I look
18 forward to that ongoing proceeding and the drill-down on some
19 of those issues that may come up and that will be worked out.
20 So yes, the order is clear. And I hope that I was clear in
21 my concurrence and what I flag as something to make sure that
22 we are looking at, as it rolls out in other proceedings, and
23 then as those issues may get resolved in those proceedings,
24 how does it affect what we're doing in -- in Con Ed with the
25 AMI

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2 And I think that -- I know that Con Ed is a
3 party to those proceedings and is very cognizant of making
4 sure that what it does is complementary and the rollout
5 should be smooth. And I don't know that this is making it an
6 issue; it's just flagging, for me, what's important and
7 clarifying it.

8 So I think in a sense, we're on the same
9 page, which is why I have the concurrence.

10 CHAIR ZIBELMAN: Okay. I appreciate your
11 clarification. I just wanted to -- didn't want people to say
12 are they approving it or not. And I think we're -- we're --
13 we're on the same page.

14 I just want to -- so again, I think this --
15 we can move forward. I wanted to stress the point that, you
16 know, the -- one of the things that the Commission sees in
17 this -- this program is the fact that we anticipated Con Ed
18 to be able to deliver not only on the 1 billion dollars of
19 value that -- that it identifies, but that, as many have
20 said, that that may be even -- that appears to be a
21 conservative number and that we're looking forward, frankly,
22 to getting even more value for consumers as -- as we go on.

23 So with that, let me move to a vote.

24 All those in favor of the recommendation to
25 approve the Advanced Metering Infrastructure Business Plan,

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2 subject to the cap, as well as other conditions, please
3 indicate by saying aye.

4 COMMISSIONER SAYRE: Aye.

5 COMMISSIONER ACAMPORA: Aye.

6 COMMISSIONER BURMAN: And I concur in -- with
7 my comments that were made at session.

8 CHAIR ZIBELMAN: Okay. And hearing, then, no
9 opposition with -- the recommendations are adopted.

10 Our next item is Item 501, which is the
11 Matter of Adequacy of Verizon New York's Retail Service
12 Quality Processes and Programs. That's going to be presented
13 by Karen Geduldig, who is our Director of Office of
14 Telecommunications.

15 I've had the pleasure, since Karen has been
16 here, to be -- work with her on may proceedings, but this is
17 the first time we've had a chance to have her appear in front
18 of us.

19 So please proceed, Karen.

20 MS. GEDULDIG: Thank you. And good morning.
21 Good morning, Chair Zibelman and Commissioners Acampora,
22 Sayre, and Burman.

23 This morning I am presenting a proposed
24 Commission Order initiating an investigation and inquiry into
25 the quality of Verizon's copper wire line telephone service.

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2 The Commission has authority to initiate such an
3 investigation or inquiry, pursuant to Public Service Law
4 Section 96, Subsection 1, which authorizes the Commission to,
5 on its own motion, investigate or make inquiry in a manner to
6 be determined by it as to any act or act done or omitted to
7 be done by any telephone corporation.

8 The proposed inquiry into the service quality
9 of Verizon's copper wire line voice service is based upon
10 circumstances that have revealed themselves in several ways.
11 The first set of circumstances derive from Verizon's 2010
12 Service Quality Improvement Plan, or the SQIP, the current
13 regulatory plan that Verizon is subject to.

14 As set forth in the SQIP, the Commission
15 retains authority to enforce its longstanding service quality
16 metrics, for a sub set of Verizon copper wire line customers,
17 its core customers. Core customers are those such as
18 consumers without an available alternate -- alternative voice
19 service, who cannot effectively protect themselves in the
20 face of poor service quality. For this reason, regulatory
21 oversight in the form of Commission enforcement of service
22 quality standards serves to protect the interest of core
23 customers.

24 To the contrary, non-core customers have a
25 choice when it comes to wire line service providers and they

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2 can effectively respond to poor service by switching
3 providers or voting with their feet. Moreover, at the time
4 of SQIP, the Commission determined that Verizon had an added
5 incentive to retain its existing copper wire line customers,
6 to compete with growing Voice over IP and wireless
7 competition.

8 To this end, Verizon made capital investments
9 to deploy fiber to the premises and it's for these reasons,
10 choice and competition, that the Commission, through the
11 SQIP, suspended enforcement authority over the quality of
12 service for non-core customers and allowed Verizon to focus
13 on the quality of service for core customers.

14 Today, Verizon largely meets service quality
15 metrics for its core customers, as is required by the skip --
16 SQIP. For non-core customers, however, there is a different
17 story. While service quality for non-core customers
18 continues to trend upward, 5 years later it continues to fall
19 below the Commission's service quality standards.

20 This indicates that while Commission
21 enforcement authority is providing Verizon with an incentive
22 to meet service quality metrics, competition and choice is
23 not.

24 Another set of circumstances derives from
25 Staff's factual assessment of telecommunication services,

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2 which was completed as part of the Department's study on the
3 state of telecommunications in New York. In the factual
4 assessment, Staff acknowledged that Verizon has been steadily
5 losing copper wire line customers. However, according to the
6 factual assessment, the losses have slowed, despite the
7 existence of competitive services, such as Voice over IP and
8 wireless. This indicates that where non-core customers have
9 a choice, they may not be exercising it, even in the face of
10 service quality that does not meet Commission standards.

11 Meanwhile, Verizon has since publicly
12 indicated that it no longer plans to expand its fiber network
13 beyond areas where it currently serves and, as was heard at
14 the public statement hearings held as part of the study of
15 telecommunications in New York, customers are expressing
16 dissatisfaction with their Verizon copper service. Some
17 consumers are demanding FiOS, while others have questions
18 about it.

19 Today, we are left with approximately 2.7
20 million Verizon customers relying on an aging copper network,
21 which, for most of those customers, is not meeting Commission
22 standards. Many customers can switch, but are not, either
23 because they don't know that they can, don't believe an
24 equivalent service is available, or don't have the
25 information they need to make an informed decision.

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2 These circumstances, actions, and inactions
3 perhaps of Verizon, serve as the record upon which the
4 Commission can take action designed to ensure the continued
5 access to critical and state-of-the-art telecommunication
6 services for all New Yorkers. And this further inquiry and
7 investigation is such an action.

8 This investigation will serve to establish a
9 record basis for the Commission to determine whether and, if
10 so, how to oversee the service quality of Verizon's copper
11 wire line service, going forward. This inquiry and
12 investigation, which starts -- which starts with requests for
13 data and information of Verizon and will be managed by -- and
14 overseen by an administrative law judge will provide a venue
15 through which parties can produce facts and data to ensure
16 that any further action is based on an objective record.

17 This concludes my presentation regarding the
18 draft order initiating Case 16-C-0122, a proceeding on motion
19 of the Commission to investigate and make inquiry into the
20 adequacy of Verizon New York Inc.'s retail service quality
21 processes and programs.

22 CHAIR ZIBELMAN: Thank you, Karen. Well
23 done. You would think you'd done this before.

24 Are there any questions for Ms. Geduldig?

25 Hearing none, I -- I agree that we need to

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2 take this step. We -- the Commission, when we looked at
3 these issues previously, did divide the world into core and
4 non-core with a -- truly a full expectation that non-core
5 customers would protect their own interest by look --
6 switching to other choices and we -- we would have a
7 transition -- technology transition.

8 I think we are at an inflection point,
9 somewhat, in thinking about the fact that as we move from
10 copper -- potentially move, I would say, from copper to non-
11 copper services, we need to have a plan to think about what
12 we do with customers who are currently on the copper network,
13 who are not satisfied with their services, and whose needs
14 are not being met -- or may not being met.

15 And so part of for me, is -- is that in
16 looking at the information we received and the
17 telecommunications analysis, where we saw that -- that the
18 abandonment of line services for wireless services and
19 certainly the issues that we've heard about, about people's
20 interest in broadband and then the concerns that -- that
21 many, many people have addressed about their feelings, that
22 they're not getting good service on copper, it is time for us
23 to do a deeper dive, get a better understanding.

24 This is the type of information, I think, is
25 really impossible to do just by written comments, having an

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2 evidentiary proceeding, where we can get the questions, get
3 the facts, and then direct potential policy changes based on
4 a factual record that has been contested and where we have
5 experts who are able to provide information, will be very
6 important to the Commission, as we think about our next step.

7 So I am very supportive of going forward with
8 this proceeding and intend to vote in favor of it.

9 Any other further comments?

10 Mr. -- Commissioner Sayre, would you like to
11 begin?

12 COMMISSIONER SAYRE: Although fewer and fewer
13 people are using regulated landline phone service, we have a
14 statutory duty to ensure reasonable and adequate service and
15 practices for customers who choose to remain on the network.

16 When the Commission adopted the current
17 Verizon service quality improvement plan, in 2010, it was
18 expected, as Ms. Geduldig has said, that competition would
19 provide the necessary impetus to maintain service quality for
20 non-core customers, primarily those customers who have a
21 landline telephone service alternative, typically from cable
22 TV companies.

23 Over the last 5-plus years, the percentage of
24 non-core customers has grown to approximately 94 percent of
25 Verizon's remaining landline telephone customers. We've

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2 received both anecdotal evidence of poor service for non-core
3 customers in our public statement hearings and statistical
4 evidence of Verizon's failure to meet some of our service
5 standard targets for non-core customers.

6 We also note Verizon's decision to stop
7 expanding its -- it's FiOS fiber-based service any further
8 than its existing commitments. So we can't count on fiber to
9 solve problems of deficiencies in copper service in further
10 areas. And this also leads me to conclude that copper isn't
11 going away very soon. So in my opinion, we've got to make
12 sure that the 94 percent are not left behind.

13 A non-core customer's decision to stay with
14 Verizon, rather than go with a competitor, can be made for
15 any number of reasons. We have no basis for the Commission
16 to second-guess the customer's decision. It follows for me
17 then that as long as we regulate the service, we need to
18 uphold our statutory duty to protect all classes of
19 customers.

20 This item does not make any final
21 determination at this time about Verizon's service quality.
22 What we're looking to get is solid, on-the-record information
23 that will let us determine what, if anything, we need to do
24 to ensure that all of Verizon's regulated customers, both
25 core and non-core, receive adequate telephone service.

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2 CHAIR ZIBELMAN: Thank you.

3 Commissioner Acampora?

4 COMMISSIONER ACAMPORA: I said I hate for
5 this to be redundant, as of last session, but amen to this
6 again, something that I've been really interested in because,
7 again, I've had the time here and we started out with SIP,
8 the Service Improvement Plan, and then we went to SQIP.

9 And I think our Staff did a very good job
10 with the telecom study. And of course, that was taken on the
11 road for public statement hearings. And in every corner of
12 the state, we've heard the same concerns registered with us.
13 And so we do have a statutory obligation to look in this
14 matter.

15 As Commission Sayre said, copper is not going
16 away that fast. There are still people who depend upon it.
17 And so we've heard from customers. We've also heard from
18 people who have to do the repairs on these copper lines. And
19 so there -- there really is -- it is the time now to look
20 into this. We have service quality standards. And if we
21 ignore the standards that we've set, we really are not doing
22 our job.

23 So the time, again, has come. This is very,
24 very important and I support this wholeheartedly.

25 And thank you, Karen, very much for a

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2 excellent presentation.

3 CHAIR ZIBELMAN: Thank you.

4 Commissioner Burman?

5 COMMISSIONER BURMAN: Thank you.

6 Verizon is the largest incumbent traditional-
7 local exchange carrier in New York. There's no dispute that
8 Verizon has lost, over the years, wire line customers. But
9 currently there are about 2.7 million customers, as Karen
10 said, relying on its copper network and many of these
11 customers have a choice to go to other service providers, but
12 do not do so.

13 You listed out 3, sort of, negatives of why
14 they may not do so. But it may also be that there are some
15 customers who are just generally satisfied and happy. It is,
16 as Commissioner Sayre said, not for us to look into, you
17 know, why a customer chooses to stay, except to the extent
18 that we make sure that there is quality service being
19 provided.

20 Traditionally, we have several avenues that
21 we use to evaluate Verizon's service and performance. First,
22 every quarter, Staff presents at session, the Quarterly
23 Verizon Service Quality Reports. This report informs us on
24 Verizon's service quality broadly and more specifically on
25 their performance under the Verizon Service Quality

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2 Improvement Plan.

3 In fact, such a report was presented last
4 month and did not indicate any significant issues, and
5 informed the Commission that Staff would continue to work
6 with Verizon and other stakeholders.

7 The Service Quality Improvement Plan was
8 adopted by the Commission in December 2010. The premise
9 underlying that plan was to focus on the regulatory attention
10 on protecting customers who lack competitive choice, or have
11 special needs warranting additional regulatory protections.

12 Another key tool that the Commission has long
13 used of the network's ability to deliver reliable telephone
14 service is the customer trouble report rate. This measures
15 the frequency of network problems identified by customers.

16 We've also looked at service quality issues
17 when we're deciding property tax refunds and sales of
18 building assets to Verizon. And there we have, at times,
19 asked Verizon to spend certain portion of the monies to
20 address service quality issues. In fact, we did that in 2
21 items, last session.

22 I'm also mindful that we have an ongoing
23 Department of Public Service Telecommunication's Study
24 proceeding underway. And many of the key issues that this
25 new proceeding seeks to investigate are at the essence of

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2 that ongoing proceeding. Verizon has been an active, full
3 participant in that proceeding, as well as other proceedings
4 around service quality.

5 Verizon has shared publicly it has invested
6 more than 22.2 billion dollars in its wire line network in
7 New York, since 2000. And that number may even be more now.
8 In fact, Verizon shared that in 2014, alone, it invested over
9 1 billion on the network.

10 The record to establish the need for the
11 commencement of this proceeding is largely based, but not
12 only based on statements made at public statement hearings,
13 telecom community forums and conferences that showcased
14 dissatisfaction from some with Verizon service and
15 performance.

16 Because that evidence is from an ongoing
17 proceeding and one where the evidence submitted has not yet
18 been properly weighted, evaluated, or finalized by Staff, I
19 am hesitant to rely on that as the basis for initiating such
20 proceeding.

21 I believe Verizon would strongly disagree
22 with any accusations that have been made, not at this
23 Commission session right now, that have been made at some of
24 these hearings, that it does not care about its customers and
25 is worried that misinterpretations and erroneous data

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2 analysis is unfairly painting Verizon as the problem.

3 Verizon has, in fact, in the very same
4 telecom study proceeding, put forth its own evidence to
5 suggest that there needs to be a series of regulatory reforms
6 to promote innovation and investment.

7 As I said, I don't want to prejudice my
8 opinion on the evidence that may come in from that ongoing
9 proceeding. However, Staff has also laid out other
10 independent data to showcase the need to understand why
11 certain Verizon non-core customers are not exercising choice
12 to leave the copper network, what efforts Verizon is making
13 to retain these customers, and what efforts Verizon is making
14 to ensure the continued viability of the copper network.

15 I think the core drill-down is on the
16 viability of the copper network and the viability of
17 telecommunications in general and how we can look at that and
18 make some analysis and do our due diligence under a statutory
19 obligation to improve the network and improve the
20 telecommunications arena.

21 In fact, looking, again, back at the evidence
22 outside of the record in the telecom study, in September of
23 2015, at a Commission seven -- session, Chief Legal Advisor
24 Peter McGowan reported on this very issue and the Staff's
25 focus was at the direction of the chair that was being

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2 undertaken. At that time, such activities were directly tied
3 to the telecom study and that made sense then.

4 I look at the challenges that are presented
5 in this changing telecom landscape and do want us to work
6 with Verizon, in partnership with the other stakeholders, to
7 understand what the right balance is, to invest in the copper
8 network, or to formulate effective alternatives and
9 transition opportunities that could be beneficial to Verizon,
10 its employees, its customers, and New York in general.

11 While Verizon and other stakeholders have
12 had, at times, passionate disagreements, at the very core I
13 believe we can find the right pathways if folks, in good
14 faith, embrace this partnership to figure out what the proper
15 next steps are.

16 But before we do that, Staff is letting us
17 know that they're essentially asking for an ability to drill
18 down more specifically, to issues related to Verizon,
19 separate and apart from the ongoing telecom study proceeding.
20 I appreciate their willingness to formally ask and I
21 appreciate that they see that the Commission is the right
22 vehicle to help give them the opportunity to set the course
23 of the direction that we need to go in.

24 So therefore, I will be concurring in limited
25 fashion with some caveats. I do not view this proceeding as

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2 an indictment against Verizon, but rather an opportunity for
3 all parties to come together in good faith to work on the
4 specific issues at hand. There needs to be focus on ensuring
5 we're not pursuing the same thing in ongoing separate
6 proceedings that make it redundant, or conflict, or get us
7 bogged down with vicious bureaucratic cycle of irrelevancy.

8 We -- and we do not come with preconceived
9 ideas on what is wrong or what is right and what needs to be
10 fixed, such that we lose focus on the real task at hand to
11 get us to a better place. So I will concur in limited
12 fashion.

13 CHAIR ZIBELMAN: Any further comments?

14 I just want to make sure that it's -- again,
15 this is both my opinion and -- but I also think it's clearly
16 reflected in the order.

17 The -- the reason we're pursuing this is not
18 largely based on comments received at public hearings.
19 Certainly, I -- when we have these public statement hearings
20 to hear from the public -- and I think we -- we heard from
21 many, many members of the public about their concerns about
22 service quality and that's a relevant factor because we
23 wouldn't have these hearings if we didn't think they were
24 important to our -- to our policy and decision-making
25 process.

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2 So -- but I want to make it absolutely clear
3 that as pointed out by my fellow Commissioners, Commissioner
4 Sayre and his comments, that the fact of the matter is -- is
5 as we sit here today, 94 percent of Verizon's remaining
6 network customers are what we would consider non-core and
7 that, secondarily, the evidence we have is that the service
8 quality for these customers is just not meeting our standards
9 in the state.

10 And so we -- you know, while the presumption
11 going in, in 2010, which in telephone age was like eons ago,
12 was that these customers would walk, they're not walking.
13 And we have an obligation to make sure that their needs are
14 being met.

15 I also want to make it very clear in my mind
16 that this -- this isn't separate and apart from the telecom
17 investigation we're doing. It's actually a critical piece
18 because I don't think we could do a good job of figuring out
19 where we were in the inflection point on where we need to go
20 with telecom regulation in this state unless we really had a
21 better understanding of what is happening with these
22 customers and whether or not their needs are, in fact, being
23 met, or if we have to change our standards, or something
24 else.

25 And so I look at this, and I don't think any

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2 one of us would disagree that this is not an indictment on
3 Verizon at this stage. It's the opening of an investigation,
4 using a process, in this case evidentiary process, to get
5 information that we didn't think we could get very well
6 otherwise, to -- in order to we -- make an informed decision.
7 So I think we're all in agreement on -- on that point.

8 But I want to make it, you know, abundantly
9 clear, this was not a reaction to public statements alone,
10 although that is quite relevant. This is also because of
11 information we've -- we've found in our own investigation and
12 the Commission is doing this because we believe that it's a -
13 - it's an essential step to -- for us to make the record, to
14 make the decisions that -- that we need to make on the behalf
15 of consumers.

16 So with that clarification, I'm just going to
17 move to a vote.

18 And I -- I didn't take that -- your comment
19 otherwise. I just wanted to make sure that --

20 COMMISSIONER BURMAN: No. I'm --

21 CHAIR ZIBELMAN: -- that you were --.

22 COMMISSIONER BURMAN: -- glad you clarified
23 and I --

24 CHAIR ZIBELMAN: Yeah.

25 COMMISSIONER BURMAN: -- think we're on the

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2 same page, that it's --

3 CHAIR ZIBELMAN: Yeah.

4 COMMISSIONER BURMAN: -- it's to complement
5 and it's to work towards a better goal --

6 CHAIR ZIBELMAN: Yeah.

7 COMMISSIONER BURMAN: -- and it's something
8 that we're doing, but that folks should come to it in good
9 faith --

10 CHAIR ZIBELMAN: Right.

11 COMMISSIONER BURMAN: -- and work together.

12 CHAIR ZIBELMAN: Right.

13 With that, all those in favor of Item 501,
14 which is the Matter of the Adequacy of Verizon New York's
15 Retail Service Quality processes and Programs, please
16 indicate by saying aye, in favor of a recommendation to
17 initiate a proceeding.

18 I read the wrong sentence. Please indicate
19 by saying aye.

20 COMMISSIONER ACAMPORA: Aye.

21 COMMISSIONER SAYRE: Aye.

22 COMMISSIONER BURMAN: And I concur in limited
23 fashion, based on my comments at session.

24 CHAIR ZIBELMAN: Okay. So hearing no
25 opposition, the recommendations are adopted.

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2 We're now going to move to the consent
3 agenda.

4 CHAIR ZIBELMAN: Are there any comments on
5 any matters in the consent agenda?

6 COMMISSIONER BURMAN: I have comments on 6
7 items that will be separate statements from -- from the
8 items.

9 CHAIR ZIBELMAN: Okay.

10 COMMISSIONER BURMAN: Do you want me to read
11 them now?

12 CHAIR ZIBELMAN: Sure.

13 COMMISSIONER BURMAN: Okay. I'm actually
14 going to go backwards because Item 561 is, I think, one of my
15 favorite items that we've ever done, or that I've personally
16 ever done at session, not because it's, you know, the biggest
17 issue out there, but clearly helps a community. And I'm just
18 -- I see it as, you know, sort of -- somewhat of our -- the
19 core of why I'm a Commissioner here and just knowing that
20 this items adds value.

21 And so I enthusiastically concur on this
22 item, the Chevrah Hatzalah Volunteer Ambulance Corporation is
23 considered one of the largest all-volunteer ambulance
24 services in the United States, which got its start in New
25 York City in 1965.

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2 And just as a point of reference, in 1965, my
3 older sister was born March 17th, in New York City, at -- and
4 they got stuck in the St. Patrick's Day Parade and an
5 ambulance -- not this one, but an ambulance had to help them
6 get through so she could be born in the City. So it's almost
7 -- this item has like spoke to me right away.

8 We're fortunate that this company remains an
9 active and dedicated volunteer force primarily in the New
10 York City area. Not only is it an emergency medical service
11 provider, but it's also qualified to provide specialized
12 services to citizens with religious restrictions and other
13 requirements. For example, it provides very necessary
14 specialized services to Holocaust survivors.

15 For many in the communities they serve, this
16 company and the emergency services they provide are truly
17 essential. Accordingly, by granting a limited waiver, due to
18 the unique circumstances of this provider and the communities
19 it services and allowing unblocked caller I.D. information
20 for calls to its emergency services telephone number, we're
21 ensuring the benefits to public health and safety are truly
22 realized. We have accomplished a regulatory mitzvah, which
23 is a good deed.

24 Item 162, I concur on this item, which is
25 approving amendments to the tariff filing by Con Edison

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2 Company of New York, to revise Rider H, non-residential
3 distributed generation contained in PSC number 9 gas. Here,
4 I am cognizant that we need to carefully evaluate the
5 potential impacts of expanding the definition of specified
6 location beyond NYU Hospital Center, accordingly, is
7 appropriate to direct Con Edison to undertake an analysis on
8 the impact if the definition is expanded throughout the
9 tariff.

10 We further desire such analytical results in
11 time to address it in the ongoing rate case. Such
12 deliberative measured approach ensures we don't move blindly
13 forward, beyond this particular situation until we carefully
14 evaluate the impacts to avoid any unintended consequences and
15 it bears noting that such directive for proper analysis has a
16 time sensitivity so that we can properly seek to have such
17 information to address in the ongoing rate case. I very much
18 support and appreciate this targeted, deliberative, but time-
19 sensitive approach.

20 Item 163, NFG, as reflected -- I concur on
21 this item. Here, I am cognizant that this tariff filing was
22 made in full compliance with the prior underlying May 15th,
23 2015, Commission order, which I voted in the affirmative on.
24 That order, among other things, extended National Fuel Gas
25 distribution corporations distributed -- distribute --

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2 distribution generation and natural gas vehicle programs to
3 March 31st, 2018.

4 Such programs have, since March 6, 2006, been
5 approved for 3-year intervals. This item before us today
6 does not concern any further program date extensions, but it
7 does provide for third-party financing in lieu of the
8 utility.

9 This order helps to satisfy the financing
10 compliance requirement, which we direct to be undertaken in
11 the prior May 2015 order. However, I feel it's important for
12 me to expressly reflect, in this March 2016 order, even if it
13 is noted just in my concurrence, that these programs end on
14 March 31st, 2018, unless further extended.

15 Interested persons or entities in these
16 programs and third-party financing opportunities should not
17 have to look beyond the 4 corners of this specific order, to
18 -- to see that. Accordingly, I offer my concurrence to
19 ensure express notice of the 3-year program end date.

20 Item 362, I concur on this item. In the
21 underlying June 2015 order, adopting dynamic load management
22 filings with modifications, I concurred in part and dissented
23 in part. My dissent was focused, among other things, on my
24 concerns with mandating utilities to implement so quickly
25 such programs for the summer 2015 capability period,

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2 especially as we were already looking to make changes to such
3 programs for 2016 and beyond.

4 I do look forward to the formal review of the
5 2015 demand response programs and the ongoing work that, in
6 the June 2015 order, we envisioned happening to help the
7 programs evolve and improve in the coming years. The June
8 2015 order did not actually apply to Con Edison, as it had --
9 already had implemented and develop -- developed
10 distribution-level demand response programs that were in
11 place for both the 2014 and 2015 summer capability periods.

12 At this -- as this petition of energy
13 technology savings seeks a waiver of certain of Con Edison's
14 tariff provisions, my concurrence does not conflict with my
15 dissent in part as to the other utilities' 2015 programs.

16 Item 365, the emergency electric review
17 plans, I concur on this item. I am cognizant of the
18 importance of approving the 2015 electric emergency response
19 plans. Historically, electric emergency plans have been in
20 place for a long time. What happened in 2013 was that we
21 looked even harder at the plans, from the lessons that were
22 learned from Hurricane Sandy, as well as Tropical Lee and
23 Hurricane Irene.

24 In 2013, the significant change was that, for
25 the first time, the Commission itself would not just be

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2 reviewing the plans, but actually approving the plans and
3 certifying these plans are appropriate and filing the -- with
4 -- them with our Homeland Security office.

5 The diligence, vigilance, and the continued
6 working to improve and refine the plans are very important.
7 One aspect that I am particularly supportive of and is
8 reflective not only in the plans, but this order itself,
9 relates to the procedures that define the very important
10 process to follow, to contact affected LSE, life-sustaining
11 equipment, customers daily, during outage events. All of the
12 utilities shall personally contact each LSE customer within
13 24 hours of electric emergency and then shall continue to do
14 so daily until service is restored.

15 The language is unambiguous in what we deem
16 direct contact to be. That is personal contact between a
17 company representative and the affected LSE customer. This
18 population is a vulnerable population and thus the plans are
19 recognized but -- that by specifying the voicemail, email, or
20 messages left on answering machines are not direct contact.
21 These procedures do contain alternative contact methods for
22 such customers and processes for obtaining status updates
23 when customer communications have failed and even procedures
24 if direct contact is unsuccessful or impractical during an
25 event.

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2 Thus, the plans make clear, the diligent,
3 hard work that all involved in this review put into such
4 refinements from our last approval of the plans in 2015. I
5 want to impress upon the need for Staff, utilities, and other
6 stakeholders to continue to engage to help ensure these
7 emergency plans are effective tools, so that the electric
8 utilities are prepared to respond promptly and safely to a
9 storm or emergency event.

10 Item 375, I going -- I am going to be
11 abstaining from voting at this time. In 1999, New York first
12 adopted uniform interconnection standards. Since that time,
13 the standard interconnection requirements, SIR, have been
14 amended several times.

15 In 2009, there were significant revisions
16 made to the SIR. Thereafter, there was some minor revisions
17 to reflect changes to the net metering laws that took place.
18 In March 2013, more amendments were made to the SIR to help
19 expedite the interconnection application and review process
20 and to align with changes made to the net metering laws in
21 2012.

22 And in February 2014, we had even more
23 amendments to again reflect updates, net metering, and remote
24 net metering laws, under New York State Public Service Law
25 Section 66-J and 66-I.

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2 The most recent SIR amendments were in July
3 2015. Understanding this dynamic and ever-changing
4 amendments to reflect current law ensure seamless expedited
5 process and provide a more ordered streamlined robust system,
6 it would seem, at first blush, correct to make these changes
7 today. In fact, I wholly embrace many of the concepts and
8 understand the driver seeking such immediate changes we have
9 heard loudly from interested parties about the real need to
10 have the SIR process and technical rules kept up to date with
11 the heavy, increased volume of Internet -- connection
12 requests.

13 I believe that the order here attempts, in
14 full, good faith, to make such interim modifications to the
15 SIR. But I am mindful of the realization that, like other
16 prior orders that I have raised caution and, in some cases,
17 disagreed in part or in whole with the majority's approach,
18 this, too, is one that I can't vote with the majority at this
19 time.

20 We need to more holistically look at and
21 analyze with more deliberative thought about unintended
22 consequences and really drill down to understand all of the
23 pieces directly and indirectly related to the SIR that make
24 up the energy world we're confronted with now and into the
25 future. That does not mean to wait and not take action. In

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2 fact, I very much personally struggle with what are the
3 necessary interim actions that must be taken while we
4 collaborate further.

5 In fact, this order may be the right interim
6 step, but I'm not convinced from the record that it is. In
7 fact, there is no dispute that our work is not done. We all
8 realistically understand additional work is needed and
9 improvement efforts will be significant.

10 I'm not convinced that enhancing and speeding
11 up the interconnection process via this order today is
12 justified at this time. I need more careful discussions
13 around what ultimately is the right balance, including a
14 detailed technical analysis of the applications pending and
15 those that will come and -- and how we will handle these on
16 the system.

17 I desire to understand more holistically how
18 we are substantively addressing the outstanding net metering
19 and other interconnection issues, including concerns of the
20 ability to successfully transition to full achievement of our
21 very laudable REV goals. Here, I side with abstaining on
22 this item at this time, which is generally consistent with my
23 previous public positions conveyed during our Commission
24 sessions.

25 So in conclusion, I very much appreciate that

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2 we're at a critical juncture and I look forward to the
3 important next steps at hand. So my abstaining from voting
4 is that I'm upset with the order. It's just that I feel it's
5 important to reflect what I'm concerned with.

6 Thank you.

7 CHAIR ZIBELMAN: Any further comments on the
8 consent?

9 COMMISSIONER ACAMPORA: Well, now that we're
10 going to go down the list, let's go down the list. Okay.

11 On Item 162, I -- I think it's reasonable for
12 Con Ed to provide the relief that was requested by NYU
13 Medical Center.

14 And on Item 163, the third-party financing,
15 again, it allows a third party to recover their investment at
16 a reasonable return. So I will be voting in favor of that.

17 On Item 362, it is unfair that we allow for
18 this one company, and I won't mention a name, when others
19 have complied with Con Edison.

20 And on Item 365, the emergency plan review of
21 electric, we have this every year. It's really important
22 that this gets done. Staff finds errors. Staff tells the
23 companies what they need to fix. And then the companies have
24 a certain amount of time in which they come back.

25 And this plan is important in so many ways

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2 because it goes to so many different levels of government.
3 And as we know, we've had more severe storms in the past. So
4 getting this implemented and -- and -- and getting it done
5 fast and -- and making those fixes that the companies need to
6 do is -- is really important.

7 And on the SIR, I mean this is an important
8 component that fits in with REV. What we're talking about is
9 improving pricing and also letting more connections take
10 place. And I think that this is, you know, forward thinking.
11 We know we're working on net metering and -- and people are
12 looking at that. But again, we have to constantly go back
13 and tweak so many of the various matters that come before us
14 in order to be moving forward in a -- in a positive way.

15 And on the last one, which Commission Burman
16 says is her favorite, I just will say Mazel Tov to that one.

17 CHAIR ZIBELMAN: Commissioner Sayre?

18 So first of all, thank you and -- first --
19 and a couple of things, I -- I did -- as long as we're
20 talking about these items I want to bring up, which is, you
21 know, one of the things that the consent items do is they
22 really reflect upon the level of -- of intensity of the work
23 that the Staff does, much of which is unseen by many of us
24 because these orders come through and the work gets done.

25 The emergency orders are certainly one. It

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2 was something that was started with the Commission several
3 years ago. There was clearly a learning curve that has gone
4 on, as both the utilities and the Staff have continued to
5 look at what works, what doesn't, and how do we fix it. And
6 what we're seeing in these orders, which were -- used to be
7 very big matters that we had to spend a lot of time talking
8 about is that we've learned so much, we're able to do this,
9 and it's not -- I would say it's not far from routine, but
10 it's become part of the fabric of how we manage and regulate
11 utilities in this state.

12 And I, you know, constantly am always
13 remarking upon how much our Staff does. And this is one area
14 that I -- I'm very much appreciative of.

15 On the SIRs, we have a -- a number of ongoing
16 activities that we are doing in this state to integrate
17 distributed energy resources better and to improve the way
18 the system is designed, operated, and -- and utilities
19 interact with customers. I would say that the matter before
20 us today, which increases the size from 2 megawatts to 5
21 megawatts, to make it easier for -- for people to integrate
22 in with utilities and then streamlines processes is really
23 part of an ongoing and is going to continue to be an ongoing
24 activity, where utilities work with providers.

25 We identify how to make the process better,

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2 easier, simpler, because by doing that we actually reduce the
3 cost of development for the providers, which of course then
4 reduces the cost to consumers.

5 So by and large, I -- you know, I see these
6 as -- to me, a -- sort of a -- a -- far from an idea of
7 we're, you know, something bureaucratic or simple, but really
8 the way we want to conduct business. We -- we find problems,
9 we develop solutions, we resolve the problems and move on to
10 the next set of problems. And that's -- that's what this is
11 about.

12 I -- I -- I respectfully disagree that we
13 should wait and get it all done. I think we should -- we
14 need to solve the problems as they are presented to us so
15 that people can move on with business and continue to unpeel
16 that onion because, you know, as we all know, we'll never get
17 to perfection because the technology's going to continue to
18 change and we're going to continue to learn.

19 But it's so important that, as a regulatory
20 agency, we operate in a very deliberative, but also an
21 expedient manner, so that we can resolve issues and -- and
22 continue to improve.

23 So I -- I disagree with the idea of just
24 waiting. I think we have to help make sure that, you know,
25 certainly we look at unintended consequences at any time.

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2 But when it's in these type of instances, we have parties on
3 both side of the aisle, identifying a problem and coming up
4 with solutions, I think it is important that we act and
5 demonstrate our willingness to help continue to work with
6 parties as -- as we move forward.

7 So with that, I'm --.

8 COMMISSIONER BURMAN: And -- and I just want
9 to comment and clarify.

10 I'm not suggesting waiting to decide all
11 aspects. My concerns are just that -- and again, I think
12 that this interim step might be the right step. However, to
13 the extent that we need to make sure that we fit all the
14 pieces and understand all the pieces and do a real drill-
15 down, especially on the net metering issues and outstanding
16 items that are out there, and especially as the volume of
17 interconnection applications increase and will increase, we
18 need to take pause and make sure that we fully understand.

19 So I do understand that, especially since
20 this SIR started in 1999 and has consistently had amendments
21 and refinements as necessary and as needed, this is not
22 necessarily a bad thing, this is a good thing, but that also
23 I want to take pause to make sure that we are looking very
24 carefully at some of the large hanging fruit that are out
25 there, that we need to make sure that we rectify in a timely

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2 fashion, so that it does fit and we don't get too far down
3 the road with amendments that aren't now, even, you know,
4 making sense because of what we did or didn't do after today.

5 CHAIR ZIBELMAN: Okay. And --

6 COMMISSIONER BURMAN: So thank you.

7 CHAIR ZIBELMAN: -- I --.

8 COMMISSIONER BURMAN: I think we're on the
9 same page.

10 CHAIR ZIBELMAN: All right. But I -- I -- I
11 just do want to note, to me, the issue of pricing is
12 different than the issue of access. And -- and -- and in
13 this case we're dealing with access.

14 With that, I'm going to move to vote.

15 All those in favor of the consent agenda,
16 please indicate by saying aye.

17 COMMISSIONER ACAMPORA: Aye.

18 COMMISSIONER SAYRE: Aye.

19 CHAIR ZIBELMAN: Opposed?

20 There being --

21 COMMISSIONER BURMAN: I -- I reflect my
22 comments on the six different items.

23 CHAIR ZIBELMAN: -- there being no
24 opposition, the recommendations are adopted.

25 Okay. So before he runs out of this room

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2 because he says oh, my gosh, I got to get out of here --.

3 MR. VAN RYN: It's lunchtime.

4 CHAIR ZIBELMAN: It's not lunchtime.

5 UNIDENTIFIED SPEAKER: For a senior --

6 MR. VAN RYN: I never --

7 UNIDENTIFIED SPEAKER: -- it is.

8 MR. VAN RYN: -- miss lunch.

9 CHAIR ZIBELMAN: Oh, yes. Maybe we're
10 getting in to senior time.

11 UNIDENTIFIED SPEAKER: Senior time.

12 MR. VAN RYN: Woah.

13 CHAIR ZIBELMAN: Yeah. Lunch before noon,
14 dinner before six.

15 So we have a resolution. Len Van Ryn, who is
16 one of our clearly most gifted attorneys and one of our most
17 pleasant people, clearly the opposite of bureaucratic
18 viciousness, although he's a very good attorney, is going to
19 be retiring from the state. And we are going to be
20 celebrating Len in his entirety next week, but today I do
21 have a resolution for the -- the Commission. And we will be
22 giving it to you, but in the interest of Len being able to
23 get to his lunch, we'll give a -- an abbreviated view.

24 So the resolution does say that as -- whereas
25 Len Van Ryn has served the citizens of the state of New York,

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2 as an Assistant Counsel and Managing Eternity (sic) of the
3 New York State Department of Public Service from 1984 until
4 2016 -- and then goes on to describe Len's significant
5 contributions, particularly in the areas of electric industry
6 restructuring and his personal contributions to the
7 Department and his colleagues.

8 And what it doesn't do -- say, which I really
9 wish it would say, but they wouldn't let me draft this, is he
10 also has an uncanny resemblance to -- to David Letterman when
11 he smiles, and is -- is -- truly has been in pursuit of
12 trying to streamline regulation, if we would just let him.

13 It is therefore resolved that the New York
14 State Public Service Commission expresses its gratitude and
15 deepest appreciation to Leonard Van Ryn, for his dedicated
16 and faithful service to the people of the State of New York
17 as demonstrated by his long career and accomplishments as an
18 advocate of the public interest and his commitment to the
19 mission of the Commission to ensure safe, reliable, cost-
20 effective public service for all New York consumers.

21 So Len, thank you.

22 MR. VAN RYN: Thank you.

23 CHAIR ZIBELMAN: You're welcome to make any
24 comments.

25 UNIDENTIFIED SPEAKER: No -- no -- no -- no --

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2 - no.

3 MR. VAN RYN: I would just like to say it's
4 been a great 32 years, and do I get a piece of paper?

5 CHAIR ZIBELMAN: Yes, you do. There you are.

6 MR. VAN RYN: Thank you very much. I've so
7 enjoyed working for the Commission.

8 CHAIR ZIBELMAN: And we are going to miss you
9 greatly. Thank you.

10 And I see this angel of lawyers are sitting
11 in the back rows.

12 COMMISSIONER ACAMPORA: I'd just like to add,
13 Len, I always say we thank you, the people of the State of
14 New York thank you, even though they don't know you, for all
15 that you've done over the years, on behalf of New York State
16 residents and hope that you get to collect a lot of checks so
17 that you can go spend it on early birds.

18 COMMISSIONER BURMAN: So when I first started
19 in the Commission, when I was a staffer, my first two weeks
20 on the job, I sat next to Len while we were briefing the
21 Commissioners. And I was not aware that he was the father of
22 the Wallkill Presumption and I attempted to explain what the
23 Wallkill Presumption is. He stopped, went no, you're
24 completely wrong, you don't know what you're talking about.
25 And then that was -- that was how we sort of bonded.

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2 When I first started as a Commissioner, I
3 made it a point that every time there was a Wallkill
4 Presumption item on session, that I would ask for a briefing
5 just so I could hear Len explain it in the way that I never
6 was able to explain it. And it actually brought joy to me
7 when he'd come up because of his infectious laugh. And also,
8 no matter how many times he explained it to me, he continued
9 to smile. And if I asked a question, he'd say, even as a
10 Commissioner, no, you're wrong, you don't understand it.

11 COMMISSIONER SAYRE: Well, I was going to
12 reserve this to the luncheon, but I can't resist.

13 Nobody ever gets the upper hand with Len.
14 Don't even try. I was once bragging about how my original
15 Sayre ancestor was an illegal immigrant to New York in the
16 1630s, when he, with a bunch of intrepid settlers, chartered
17 a boat in Massachusetts and -- and came to settle on Long
18 Island, which at that point was Dutch territory. And I
19 finished my little story and Len looked at me and smiled and
20 said yeah, it was my ancestors who ran your ancestor off of
21 our territory. He was right.

22 CHAIR ZIBELMAN: That's great.

23 All right. So more to come on this. Len, we
24 are deeply going to miss you, but we wish you all the best.
25 Very much.

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2 Thank you, all.

3 And with this, is anything left in front of
4 us today?

5 SECRETARY BURGESS: Nothing left for today.
6 The next Commission session is April 20th, with a change in
7 date (sic). It'll be starting at eleven a.m., rather than
8 ten thirty.

9 CHAIR ZIBELMAN: And Happy St. Patrick's Day
10 and everybody, please stay safe.

11 Thank you.

12 (The meeting concluded at 12:00 p.m.)

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STATE OF NEW YORK

I, MARIA SCHIPS, 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 68, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 24th day of March, 2016.

Maria Schips, Reporter

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