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PUBLIC SERVICE COMMISSION

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Regular Meeting of the Public Service Commission

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5

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6

10:30 a.m.

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Three Empire State Plaza

8

Agency Building 3, 19th Floor

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Albany, New York

COMMISSIONERS:

10 AUDREY ZIBELMAN, Chair

DIANE X. BURMAN

11 GREGG C. SAYRE

PATRICIA L. ACAMPORA

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1 (On the record 10:30 A.M.)

2 CHAIR ZIBELMAN: Okay. I would
3 like to bring the Public Service Commission meeting
4 to order. Secretary Burgess, were there any
5 changes to the agenda today?

6 SECRETARY BURGESS: Good morning,
7 Chair and Commissioners. There's one change to the
8 agenda. Item 161, Case 10-G-0622, which is the
9 Appeal by Greater Binghamton Development, LLC of
10 the informal decision rendered in favor of New York
11 State Electric Gas Corp. is over.

12 CHAIR ZIBELMAN: Thank you. So
13 our first item for discussion today is Item 301
14 which is Case 15-E-0126. It's Central Hudson's
15 Tariff on public street and highway lighting to
16 move towards LED lighting and Michael Rieder who's
17 the utility supervisor in the Office of Electric
18 Gas and Water will be presenting. And Kevin Manz,
19 who -- who is also a utility supervisor will be
20 here as well for questions.

21 Michael, I believe you're
22 beginning.

23 MR. RIEDER: Yes, I am.

24 CHAIR ZIBELMAN: Welcome.

25 MR. RIEDER: Thank you. Good

1 morning, Chair Zibelman, good morning,
2 Commissioners. Item 301 addresses a tariff filing
3 made by Central Hudson Gas and Electric Corporation
4 to offer new company owned and maintained LED
5 street lighting options to its municipal customers.
6 By way of background, Central Hudson currently
7 offers energy only service to street lighting
8 customers who own and maintain their own street
9 lighting facilities.

10 Typically, for a municipality
11 that wishes to take advantage of LED street
12 lighting, the municipality would have to purchase
13 from Central Hudson the existing street lighting
14 facilities in its locality, purchase new LED
15 lighting facilities then replace existing street
16 lights with the LED street lights and then take
17 energy only service from the Company.

18 Item 301 addresses a new option
19 for municipal customers in Central Hudson service
20 territory. Instead of having to purchase, replace
21 and then maintain their street lights,
22 municipalities will now have the option to take LED
23 street lighting service from the Company and
24 receive the benefits that LED lighting technology
25 provides. The main benefits are in the form of

1 reduced energy consumption and energy bill savings.

2 According to a NYSERDA report
3 issued late last year, LED street lights may use 45
4 to 75 percent less energy than existing high
5 pressure sodium lights. The report went on to
6 state that savings may even be greater when LED
7 street lights are replacing mercury vapor or
8 incandescent fixtures. In this case, if all of
9 Central Hudson's street lighting fixtures were
10 replaced by LED lights, total annual customer bill
11 savings are estimated to be approximately 1.3
12 million dollars.

13 As you know, LED lighting
14 technology continues to advance and manufacturers'
15 prices continue to come down. By doing its
16 homework early on in this process, Central Hudson
17 was able to secure prices for LED lighting that
18 translate into fixture charges that are -- that are
19 in the same range as or in most cases lower than
20 its current inventory of street lighting fixtures.
21 Coupled with the energy savings LED lights provide,
22 each of the four fixtures that the Company is
23 proposing to offer will result in annual savings
24 for customers when compared to their current
25 lighting fixtures.

1 In addition to offering LED
2 lighting options that will provide customers with
3 annual savings, the item before you addresses the
4 conversion rate of changing out fixtures with LED
5 fixtures. Under its current tariff, Central Hudson
6 is required to replace no more than five percent of
7 its Company owned lights in any municipality in any
8 year. At this rate, full conversion to LED
9 lighting would take twenty years.

10 The Company is now proposing a
11 substantial increase to its existing conversion
12 rate. Specifically, the Company is proposing to
13 replace on an annual basis no less than ten percent
14 of the Company owned fixtures in any municipality
15 and no less than twenty percent in its entire
16 service territory. Several municipalities
17 commented on the Company's filing and recommend a
18 slightly more aggressive annual conversion rate of
19 no less than fifteen percent in any given
20 municipality and no less than twenty-five percent
21 in the Company's service territory.

22 Because of the benefits, the
23 Company's LED options will afford customers the
24 item before you adopts the slightly more aggressive
25 conversion rate of no less than fifteen percent and

1 no less than twenty-five percent. In effect, all
2 municipalities in Central Hudson service territory
3 could have company owned and maintained LED
4 fixtures within four years. Of course, that
5 assumes a hundred percent adoption rate.

6 Staff believes the benefits of
7 LED lighting support this potentially aggressive
8 conversion rate. Of course, a municipality may
9 request that less than fifteen percent of its
10 street lights be replaced or the total requested
11 LED conversions may result in less than twenty-five
12 percent of the Company street lights. Therefore,
13 this item also directs the Company to clarify its
14 tariff language to allow for such occurrences.

15 With the change out of existing
16 street lighting assets, there is the issue of
17 recovering the undepreciated value of the existing
18 assets. The Company's total undepreciated value of
19 its street light -- street lighting assets is
20 roughly three million dollars. Staff determined
21 that if the Company's entire stock of street lights
22 were replaced with LED lights, the associated
23 savings of the new LED fixtures would offset the
24 unappreciated value in just over two and a half
25 years.

1 That means that on average a
2 municipal customer would see a pay back from
3 changing over to LED lighting in less than three
4 years. Because of this short payback period, staff
5 recommends that the undepreciated value of the
6 Company's current assets not be socialized among
7 all Central Hudson's customers but rather be the
8 responsibility of the requesting customer.

9 It is important to understand
10 that the circumstances that exist in this case and
11 for Central Hudson may not exist at the other New
12 York State utilities. Therefore, staff believes
13 that the issue of cost recovery of undepreciated
14 assets be considered in future proceedings on a
15 case by case basis. With the approval of Item 301,
16 Central Hudson will be the first New York State
17 utility to offer Company owned and maintained LED
18 street lighting options that will provide both
19 energy and bill savings for its customers.

20 In addition to Central Hudson,
21 staff has been working with the other New York
22 State utilities to address the two most significant
23 barriers to offering economic LED lighting options.
24 The first being the initial capital investment of
25 LED technology, which as I mentioned earlier,

1 continues to come down. And the second being the
2 undepreciated value of the existing assets.

3 In the joint proposal recently
4 filed in the Orange and Rockland rate case, O&R
5 committed to reexamine the cost of its existing LED
6 options and offer additional LED street lighting
7 options. In the ongoing NYSEG and RG&E rate cases
8 which are currently in the discovery phase of the
9 proceeding, staff is analyzing the Company's
10 proposal to provide Company owned and maintained
11 LED options.

12 As for National Grid, staff and
13 the Company will be meeting by months end to
14 further discuss National Grid's efforts to develop
15 cost effective LED options for its customers. Con
16 Edison is unique in the sense that it does not own
17 any street lighting infrastructure, thus its street
18 lighting customers take energy only service and are
19 free to install LED lighting technology if they so
20 choose.

21 So in recap, in the coming
22 months, staff will continue to work with the
23 utilities and other parties, such as the Green
24 Bank, in various Commission proceedings to develop
25 solutions that overcome the barriers we have

1 experienced that inhibit the adoption of widespread
2 LED street lighting on a statewide basis.

3 In closing, Item 301 presents a
4 win for customers in the form of lower electric
5 bills, a win for the Company in the form of
6 providing new services that are desired by its
7 customers, and a win for the environment in the
8 form of reduced energy consumption. Kevin and I
9 will now be happy to answer any questions that you
10 have.

11 CHAIR ZIBELMAN: Thanks, Michael
12 nice job and well said. So it's hard to sort of
13 add to this. From my perspective I -- you know, I
14 think this is a great thing. I'm really
15 appreciative of Central Hudson of stepping forward
16 and offering this -- this option. You know,
17 clearly there's the issue in terms of conversion to
18 LED lighting that's hard -- it's hard to argue
19 against it.

20 I know that generally when you
21 look at municipalities that have saved or converted
22 to LED it's on the order of sixty percent savings
23 in their street lighting bill which tends to be one
24 of the highest bills for municipalities.

25 So not only is this a great

1 benefit to municipalities as rate payers it's great
2 benefit to the tax payers in the municipalities who
3 end up paying those -- for those energy bills
4 through taxes. So it's hard to find anything wrong
5 with looking for ways to save people money and
6 reduce the carbon footprint, so I am very
7 appreciative of us having this in front of us.

8 I also know that the issue of
9 conversion to LED lighting is an issue and a lot of
10 concern to a lot of municipalities in that the
11 barriers have been around the capital outlay that's
12 been required as well as the additional cost of the
13 LED lights. It appears that through good
14 procurement we've been able to tackle one of those
15 issues and now we have lights that are comparable
16 or even cheaper than traditional lighting.

17 The next issue really is a
18 depreciation issue that's as you note in Central
19 Hudson's issue -- case, that's not really an issue.
20 And that the municipalities who enter into this
21 program are going to be able to realize savings I
22 think it's within a two and a half year period
23 which is -- which is fantastic and is achievable
24 for most.

25 One of the things that you've

1 identified both -- both in briefings and today is
2 the fact that we really would like to see this
3 across the state. And there are a number of cities
4 who are anxious to get this in, and I'm -- and I'm
5 glad that we're looking at it in Orange and
6 Rockland and NYSEG and -- and working with Grid. I
7 think to the extent that the issue is -- does
8 become a question of how to handle the
9 undepreciated assets, there are ways that we can
10 address it and I will be very much looking forward
11 to hearing back from staff on the mechanisms that
12 you think can be put into place so that we can get
13 all the cities in the state who want -- who want to
14 convert to LED an opportunity to do it in a way
15 that's -- that's affordable to them.

16 So I'm very pleased to move on
17 Central Hudson. I think, you know, we need to
18 continue the good work. I know that staff worked
19 hard with the Company and that NYSERDA was also
20 involved in this and that we'll continue also to
21 work with NYSERDA as this technology changes to
22 make sure we stay current on the opportunities. So
23 with that, I'm prepared to vote on the item. And
24 would like to know if anyone has any further
25 questions or comments.

1 COMMISSIONER SAYRE: Just a brief
2 comment. This is a very good thing and a good news
3 item, and I hope that all cities in the state will
4 start looking at this option. And at the risk of
5 flooding the utilities with calls, I think if
6 they're interested in moving forward they ought to
7 contact the utilities. And to the extent that
8 progress is not being made, we have staff that can
9 knock heads together and make proposals to the
10 Commission and make this happen which is the thing
11 that should happen. So I commend staff for -- for
12 a great result in this case, and look forward to a
13 number of additional ones.

14 CHAIR ZIBELMAN: Thank you.
15 Commissioner Burman?

16 COMMISSIONER BURMAN: Thank you.
17 I'm very supportive of this item. Happy for
18 Central Hudson in terms of what they've done and
19 the outreach that they've done with their community
20 on -- on this issue. It -- it is for me a -- a
21 good news item as well. When I look at it, we've
22 been talking -- and street lighting is not
23 necessarily, you know, on everyone's mind, but it's
24 a very important issue to address and to tackle.
25 Not only for the safety reason of having quality

1 working street lights but because it can be an item
2 that significantly reduces the energy costs.

3 And we've been talking about this
4 in -- in the state and the nation for many years.
5 I do want to also commend NYSERDA. In December
6 2014 they issued a very comprehensive report and
7 then they updated it in January of 2015. And I
8 think for me when I look at it, I look at this as
9 an opportunity. You know, other states have done
10 it in -- in some fashion and are still going
11 through the challenges.

12 And what we have here is we have
13 a significant number of street lights in New York.
14 I think the highest across the country. So when I
15 look to that in terms of what we're doing, it's
16 very important that we do tackle this holistically
17 and collaboratively so that we make sure that we
18 don't do it in isolation. And so appreciated both
19 Kevin and Michael talking about the specific
20 utilities and what the outreach is.

21 I think it's also very important
22 that we make sure that we do stakeholder outreach
23 and engagement. I know D.E.C. has some dedicated
24 staff dealing with street lighting issues. NYSERDA
25 does. Obviously, we have a LED street lighting

1 team here. We have a number of pending petitions
2 that address street lighting and we should also
3 make sure that the petitioners are aware of what we
4 are or aren't doing.

5 And to the extent that we look at
6 it and provide the different options -- and I just
7 want to read one thing that -- that I think from
8 all of what was in the NYSERDA report really honed
9 in for me is on page twenty. And I won't read the
10 whole page, it said, the barriers to the street
11 lighting energy efficiency opportunity are
12 regulatory, technical and financial. Each barrier
13 will require a specific approach to be addressed
14 successfully.

15 Of these barriers, the most
16 significant is the regulatory barrier, the lack of
17 rate tariffs or financially attractive rates for
18 LED street lighting, especially with utility-owned
19 street lights. For many jurisdictions in New York
20 State, these regulatory barriers must be addressed
21 before the jurisdiction will face the technical and
22 financial barriers.

23 And that for me is exactly what
24 we're trying to do, and I look forward to sort of
25 the next steps. The one question I do have is, in

1 terms of making sure that we are on the same page
2 from a process perspective. You talked about O&R.
3 You talked about NYSEG in the rate case. And when
4 we look to National Grid what -- just -- can you
5 clarify for me what the process is for that?

6 MR. RIEDER: We would expect that
7 to be the same process that was employed here with
8 Central Hudson, the company would make a tariff
9 filing --

10 COMMISSIONER BURMAN: Okay.

11 MR. RIEDER: -- that would be
12 SAPA'd and we would receive public comment on that
13 and then there would be a Commission decision.

14 COMMISSIONER BURMAN: Okay. It
15 will be important also I think just like with the
16 way Central Hudson approached it. They had a lot
17 of outreach with the specific municipalities to
18 make sure that the variety of options because it
19 isn't a one size fits all. And so that's important
20 to me that we make sure we do that as well. But I
21 appreciate all the work that is being done and the
22 future work that will be done. And it looks like
23 we're trying to right now tackle the regulatory and
24 also understand that there are technical and
25 financial barriers too that are part of the mix and

1 I look forward to that. Thanks.

2 CHAIR ZIBELMAN: Thank you.

3 Commissioner Acampora.

4 COMMISSIONER ACAMPORA: Well, all
5 good news is always good. And I think, here again,
6 we're taking another step and Central Hudson has
7 jumped into the 21st century. As we know,
8 consumers have a lot of questions as if when they
9 walk into Home Depot they see all these different
10 lights and they're not quite sure of which is the
11 best one for them.

12 So the street lighting issue also
13 points to an area where people will understand a
14 little bit more about some of the new technology
15 that is available to them. Now usually in
16 municipalities, a lot of them particularly on Long
17 Island, they create street lighting districts. I'm
18 wondering a lot of times with that comes federal
19 money. So how can possibly federal money help some
20 of this along in -- in these municipalities?

21 MR. RIEDER: I think the --
22 that's a good question. Back in 2010 we had
23 federal money from the -- the ARRA, American
24 Reinvestment Recovery Act, and that went to
25 certain -- or some municipalities that wanted to

1 upgrade their lighting to LED lighting so that they
2 were -- those finances or that money was assisting
3 them in and that money was actually purchasing the
4 street lighting facilities from the utility and
5 then being able to convert. So that -- it would be
6 an opportunity in that regard.

7 COMMISSIONER ACAMPORA: Okay.
8 That's -- that's a good thing. I'm prepared to
9 vote on this item. Again, as something that's
10 positive and appreciate all the work that the staff
11 has done and look forward to more of these cases as
12 I'm sure they will be coming in the next year.
13 Thank you.

14 CHAIR ZIBELMAN: I think to
15 follow up Commissioner Acampora's comment would be
16 great because we do know that while Central Hudson
17 is -- is in a good position relative to the
18 undepreciated asset base, that's not going to be
19 the same for other utilities. So to the extent, we
20 can look at both federal funding as well as a state
21 program. We should do everything we can to get as
22 many utilities as quick -- or municipalities as
23 quickly as we can on to these programs.

24 So it would be good to follow up
25 and see what else might be available. So I'm glad

1 you raise that. With that, with no further
2 comments, why don't we move to a vote. So all
3 those in favor of the recommendations to authorize
4 Central Hudson Gas and Electric Corporation to
5 adopt the additional LED lighting options with
6 modifications as described by Mr. Rieder, please
7 indicate by saying aye.

8 COMMISSIONERS: Aye.

9 COMMISSIONER BURMAN: And I'm
10 concurring. I'm very much in support and focused
11 on addressing the regulatory barriers as quickly as
12 we can.

13 CHAIR ZIBELMAN: Thank you. So
14 I'm going to accept that as all in favor. And
15 they're being no opposition, the recommendations
16 are adopted. Thank you.

17 Thank you. Great job, Kevin.
18 Mike knows that he did a great job but Kevin was
19 really good.

20 Okay. The next item up is Item
21 302 which is Case 14-E-0270 and it's the petition
22 regarding the Ginna Nuclear Power Plant to examine
23 a proposal for continuing operation. It's actually
24 to examine the petition for a temporary rate
25 surcharge. And today we're going to have Doris

1 Stout who is our director of accounting, audits and
2 finance is going to introduce the item and
3 Administrative Law Judge Ashley Moreno will be
4 presenting the details. Doris, please begin.
5 Thank you. Welcome, both of you.

6 MS. STOUT: Good morning, Chair
7 Zibelman and Commissioners. The question before
8 the Commission today in Item 302 is whether or not
9 to institute a temporary rate surcharge for RG&E to
10 begin recovering the costs associated with its
11 reliability support services agreement or RSSA
12 between itself and the RE Ginna Power Plant, LLC or
13 Ginna.

14 The Commission isn't often faced
15 with having to make a decision to institute
16 temporary rates. The last I recall was Niagara
17 Mohawk in 1996. The standards to do so are very
18 high and we don't have -- and we don't take a
19 request of this nature lightly. The Commission
20 doesn't tend to allow temporary rates unless it is
21 faced with some extraordinary circumstances. For
22 example, when a utility cannot access capital
23 markets to raise funds, to make investments in its
24 systems and maintain safe and reliable service.

25 In this case, we are faced with

1 some very extraordinary circumstances. If the
2 Commission does nothing, the costs associated with
3 the RSSA if later approved could build to the point
4 of potentially being more than a twenty percent
5 increase in delivery rates, reflecting recovery of
6 both the base costs of the RSSA plus the deferred
7 collection amounts or the compression effect.

8 In this case, RG&E requests to
9 immediately institute a surcharge to begin to
10 offset these costs, address compression and to
11 improve its cash flow. However, RG&E has more than
12 a hundred and fifty million dollars in credits
13 which it owes its rate payers that other parties
14 want to use to offset these costs. And this
15 balance of credits could be higher depending on how
16 credits are addressed in the rate filing.

17 Using too many of the available
18 credits could adversely affect the Company's credit
19 metrics. The long-term reliability solution for
20 the Rochester area will eventually add an estimated
21 5.2 percent to delivery rates. Therefore, to
22 balance all of the party's interests, begin
23 providing cash flow relief to RG&E, moderate the
24 rate shock and smooth rate impacts for customers in
25 the long run, we are recommending that a temporary

1 surcharge be set at a level equal to the estimated
2 cost of the reliability solution in the long run.

3 I'm going to turn it over now to
4 Judge Moreno to go through some more details of the
5 case record.

6 A.L.J. MORENO: Thank you, Doris.
7 Thank you. So I'm going to give a little bit of a
8 background and put this in -- in context as well.
9 In November I found that Ginna is needed for
10 reliability and stated that it may not cease
11 operations. And you also instructed RG&E to
12 negotiate that RSSA. RG&E submitted the signed
13 RSSA and petitioned for its approval in February.

14 The RSSA is drafted as effective
15 April 1st, 2015 and would conclude September 30th,
16 2018. During the term of the RSSA, RG&E plans to
17 undertake several capital projects including the
18 Ginna Retirement Transmission Alternative or GRTA
19 to address constraints on the system. Review of
20 the RSSA is currently undergoing review in this
21 docket. In June RG&A -- RG&E filed a petition for
22 temporary rates citing mounting costs owed to Ginna
23 pursuant to the RSSA and its concern about the
24 impacts on -- on rates to its customers if those
25 costs were later collected over a shorter period of

1 time. The compression effect as Doris mentioned.

2 In consideration of the petition,
3 an evidentiary hearing was held on July 2nd and
4 parties submitted briefs arguing their positions.
5 The record reflects estimates of amounts that RG&E
6 would owe Ginna pursuant to the terms of the RSSA,
7 and if no decision is reached prior to December
8 31st, 2015 that amount may reach 56.9 million
9 dollars.

10 As Doris describes, the
11 recommendation before you today represents a
12 balance between the needs of customers and the
13 company. Advisory staff recommends the institution
14 of a temporary rate surcharge beginning on
15 September 1st but at a lower monetary level than
16 what was proposed by RG&E. The draft order
17 recommends adoption of staff's proposal to set a
18 temporary rate surcharge at the amount equal to the
19 estimated first full year revenue requirement for
20 the GRTA project designed to address RG&E's system
21 constraints.

22 The surcharge would allow RG&E to
23 begin to collect costs associated with the
24 reliability support provided by Ginna but would
25 also set the surcharge at a lower fixed amount that

1 would temper both rate shock and volatility to
2 customers. Advisory staff believes that it is
3 appropriate to set the surcharge at the cost level
4 associated with the GRTA because it represents the
5 long term reliability solution if the Ginna
6 facility were no longer operational.

7 However, while the surcharge
8 would begin to collect some of the costs associated
9 with the proposed RSSA, setting the surcharge at
10 the GRTA level would not address all costs. The
11 surcharge addresses costs that on a going-forward
12 basis but would not address costs incurred through
13 August 31st nor the difference between the costs
14 proposed in the RSSA and the GRTA level.

15 The draft order before you takes
16 no action on those costs today, however, there is
17 language in the draft order that acknowledges that
18 RG&E has a significant amount -- significant amount
19 of customer credits on its books that may be
20 applied to offset those credits. Those are the
21 credits that Doris mentioned earlier that are at a
22 level above a 150 million dollars.

23 Such application would be
24 appropriate in this instance since customer credits
25 represent a one-time benefit to customers and the

1 RSSA represents a one-time cost. In sum, advisory
2 staff recommends establishing a temporary rate
3 surcharge at the estimated first full-year revenue
4 requirement level for the GRTA. We believe that
5 this recommendation balances the interests of RG&E
6 and its customers by allowing RG&E to commence
7 collection of funds to pay for the reliability
8 services to the Rochester area while protecting
9 customers by setting the temporary rate surcharge
10 at a lower and stable rate that avoids both rate
11 shock and volatility. It also bears reminder that
12 the surcharge would be subject to refunds. That
13 concludes my presentation and we're happy to answer
14 any questions you might have.

15 CHAIR ZIBELMAN: Thank you both
16 Doris and -- and Ashley. You know, obviously for
17 this Commission and the reason we agreed to allow
18 RG&E to enter into the RSSA last year was because
19 reliability is -- is paramount. And I think at
20 this point beyond any -- you know, anyone's
21 consideration that the plant will be needed, and
22 based on studies in 2015 and again in 2018 and that
23 because it's a nuclear power plant it certainly
24 can't be moth-balled and brought back. And so we
25 need the plant for the duration in order to

1 maintain the reliability of the system.

2 So this does present the
3 Commission with a challenge because none of us like
4 to increase rates to consumers. But at the same
5 time, we have obviously the obligation to be
6 compensatory for utilities who have now and in the
7 case of RG&E, has to pay the contract for Ginna
8 during the pendency of its building its
9 transmission alternative to GRTA fondly known as
10 "Greta" in Agency Three which I think has a nice
11 humanizing effect on transmission.

12 That -- so I -- you know, so I
13 think that what the staff has proposed here today
14 is -- is really an elegant solution to a difficult
15 issue as Doris pointed out. And I -- you know, I
16 asked her to give us that reference. This is very
17 unusual for this -- the -- the Commission to put in
18 temporary rates. And it is an unusual situation
19 because we don't want to be in the position when we
20 know that RG&E has a contractual obligation to have
21 the compression effect and start -- you know, on
22 top of the cost itself start collecting investor
23 interest charges which actually then increases the
24 burden to consumers.

25 And I think, you know, so my --

1 when I reviewed the recommendation, I thought it
2 made a huge amount of sense to say, well, let's set
3 the level of the surcharge at the expected level of
4 the transmission replacement because that's a cost
5 we know will be a long-term cost for the Company to
6 incur. And that we do then have the credits as we
7 need them in the future to deal with the delta
8 between that level and the full RSSA amount

9 So it -- while it does not go as
10 far as some of the -- the commenters want, I think
11 it -- it sets the fair level of assuring, which is
12 our concerns, avoiding rate shock and avoiding
13 volatile rates. Making it compensatory for the
14 Company using some of the credits and then
15 potentially some others will be saved for the
16 utilities' rate case. And so for that I -- I think
17 it's a great solution for a challenging issue. And
18 I intend to vote for it. So thank you.

19 I have no further questions or
20 comments. Does anyone else have anything to say?
21 Commissioner Sayre?

22 COMMISSIONER SAYRE: I would echo
23 the Chair's comments entirely. This isn't a
24 question of whether nuclear is good or bad. It's
25 not even a question of whether the RSSA is just,

1 fair and -- and reasonable. It's simply a question
2 of how to spread out the impact of the RSSA if we
3 approve it to avoid the rate shock on one hand and
4 the potential damage to the utilities cash flow and
5 credit standing on the other hand.

6 If we approve it, we'll have some
7 money in the bank toward its cost. If we
8 disapprove it, these rates are subject to refund.
9 So this is exactly the kind of balance that as a
10 Commission we're charged to make in the public
11 interest by statute. And I support the balance
12 that has been struck here in -- in this proposed
13 order.

14 CHAIR ZIBELMAN: Commissioner
15 Burman?

16 COMMISSIONER BURMAN: I just have
17 two questions. The first is what's the next step
18 in the process?

19 A.L.J. MORENO: As part --.

20 COMMISSIONER BURMAN: Assuming we
21 approve this here today.

22 A.L.J. MORENO: Okay. There are
23 requirements in the order for the Company to
24 provide the outstanding balance as to August 31st
25 as far as the surcharge goes. And to file the

1 appropriate tariff leaves to begin to correct -- to
2 collect the -- the surcharge amount if you were to
3 approve it. It's -- are you also asking for the
4 next steps in the -- the merits of the RSSA?

5 COMMISSIONER BURMAN: Yes.

6 A.L.J. MORENO: In that case
7 right now we do not have a schedule for moving
8 forward to have staff and intervener testimony
9 filed for an evidentiary hearing. But those would
10 be the next steps in the -- the process to consider
11 that and to build the record to bring before you.

12 COMMISSIONER BURMAN: Okay. And
13 when we talk about -- and this I think is a
14 question for Doris, when we talk about customer
15 refunds, we're not talking about customers actually
16 getting, you know, a check or a credit on their
17 bill per se.

18 A.L.J. MORENO: That's correct.
19 So -- I'm sorry, Doris.

20 MS. STOUT: That's okay.

21 A.L.J. MORENO: So the next
22 opportunity if -- if ultimately the Commission
23 makes a different determination when the RSSA is
24 considered when it comes back to you, you would
25 have the opportunity at that point to determine how

1 to pass it back to customers or it could be done in
2 the context of the rate case and, Doris, if you
3 have anything to add as well to that?

4 MS. STOUT: That's a good answer.

5 COMMISSIONER BURMAN: And it's
6 during that process that would be also people would
7 be able to submit their comments on -- on how they
8 determine they think that we should do that?

9 A.L.J. MORENO: They certainly
10 could. I would anticipate probably that members of
11 the public may not necessarily have a -- a specific
12 comment, so that could certainly be welcome to make
13 as probably parties more than individual customers
14 would -- would make recommendations on that front.

15 COMMISSIONER BURMAN: Okay.
16 Great. Thank you. No more questions. I am going
17 to have a concurring statement.

18 CHAIR ZIBELMAN: Do you want to
19 make that now?

20 COMMISSIONER BURMAN: I think I
21 would move for the vote.

22 CHAIR ZIBELMAN: Okay.
23 Commissioner Acampora?

24 COMMISSIONER ACAMPORA: I don't
25 have any questions, but I agree with what's been

1 said. Always trying to find the right balance is
2 never easy and this specific case, as Doris said,
3 you haven't seen one like this in a very long time.
4 Hope we don't see one again in another very long
5 time. But, again, as the Chair stated, it's a
6 matter of being fair. And so I think we've come to
7 a very fair order here and reliability is, as the
8 Chair said again, paramount to our responsibility
9 as a Commission. So I will be voting in favor of
10 this matter.

11 CHAIR ZIBELMAN: Before I call
12 the vote, I -- I did want to note another piece
13 which is -- we've stated this a few times and I --
14 I'd like to state this again for the -- for the
15 record. I mean, this situation we're in is because
16 of the -- a power plant that is unable to sustain
17 its rev -- its basically its business in the market
18 because of the way prices have moderated in the
19 wholesale market. And one of the things that the
20 staff is working on with the utilities and I think
21 it's going to be just incumbent upon us to look at,
22 is where these situations may arise in the future,
23 so that we can avoid -- I don't think anyone likes
24 these contracts where, in fact, you know, we can't
25 afford to allow a generation plant who might want

1 to retire, to retire because we need it for
2 reliability. And while that's not been a -- a
3 historically an issue, it's become an issue for us.
4 And I think the fact that we are looking to tackle
5 this with the resource planning only tells me need
6 to again redouble our efforts and make sure
7 we're -- we're thinking about that and looking at
8 the -- the transmission system moving forward so
9 that we're not forcing consumers to essentially pay
10 these payments if, in fact, there was a more
11 economical transmission solution.

12 So I -- I think it's unfortunate
13 we're in this situation, but we, again, as I said
14 before, I believe that we're doing it within the
15 most pragmatic and -- and fair way and look, you
16 know, we'll have to wait till the next stage which
17 I believe in addition to the processes, this is
18 under negotiations in Washington at the FERC. And
19 so we'll see this contract, at the completion of
20 those negotiations and when the process is back in
21 front of us. In the meantime, this is, a way I
22 think of avoiding additional costs in the future.

23 With that I'm ready to -- to
24 vote, so all those in favor of the petition to
25 approve the establishment of a temporary surcharge

1 for Rochester Gas and Electric for collection of
2 revenues subject to refund to offset potential
3 costs of the reliability support services agreement
4 between RG&E and the Ginna Power Plant, if the RSSA
5 is ultimately approved by the Commission as
6 described, please indicate by saying aye.

7 COMMISSIONERS: Aye.

8 COMMISSIONER BURMAN: And I'm
9 agreeing in a concurring statement, Ginna Nuclear
10 Power Plant is an important asset in our state's
11 generation fleet and positively contributes to our
12 overall state grid reliability. In fact, the New
13 York State ISO found it was currently needed for
14 reliability, and if we do not act on this petition
15 today, compression costs will continue to accrue
16 which may exacerbate the problem. Therefore we
17 must continue to move forward in order to resolve
18 the remaining issues.

19 The -- this is a unique situation
20 and the future landscape is still uncertain
21 especially at the federal level. So I am very
22 focused on what this means going forward and the
23 next steps on this. Thank you.

24 CHAIR ZIBELMAN: I believe most
25 of that is also summarized in the order, so I'm

1 going to accept that as a concurrence in agreement.
2 So all those -- hearing no opposition, there being
3 no opposition, recommendations are adopted.

4 Thank you. Thanks also to the
5 team. I know that's been working on this and both
6 here and in the -- at 888 in Washington. I'm going
7 to move to the consent agenda. Do any of the
8 Commissioners wish to recuse or abstain from any
9 matters on the consent agenda?

10 Are there any comments or
11 questions on the consent agenda? All those in
12 favor of the recommendations in the consent agenda,
13 please indicate by saying aye.

14 COMMISSIONERS: Aye.

15 CHAIR ZIBELMAN: Opposed?
16 Hearing no opposition, there being none, the
17 recommendations are adopted.

18 Secretary Burgess, is there
19 anything else before us today?

20 SECRETARY BURGESS: Nothing else
21 before you today. The next Commission meeting is
22 September 15th. I'm sorry, September 17th in
23 Albany.

24 CHAIR ZIBELMAN: Thank you. And
25 I'm wishing everyone a good rest

1 of your summer. Thank you.

2 (Off the record 11:10 a.m.)

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1 STATE OF NEW YORK
I, Kirsten Lemire, do hereby certify that the foregoing
2 was reported by me, in the cause, at the time and place,
as stated in the caption hereto, at Page 1 hereof; that
3 the foregoing typewritten transcription consisting of
pages 1 through 33, is a true record of all proceedings
4 had at the hearing.

IN WITNESS WHEREOF, I have hereunto
5 subscribed my name, this the 20th day of August, 2015.

6
Kirsten Lemire, Reporter

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A	
able 4:17 10:14,21 17:5 29:7	26:8 28:2
abstain 33:8	amounts 20:7 22:5
acampora 1:11 16:3,4 17:7 29:23 29:24	analyzing 8:9
acamporas 17:15	annual 4:10,23 5:3,13,18
accept 18:14 33:1	answer 9:9 24:13 29:4
access 19:22	anticipate 29:10
accounting 19:1	anxious 11:4
accrue 32:15	anyones 24:20
achievable 10:23	appeal 2:9
acknowledges 23:17	appears 10:13
act 16:24 32:14	application 23:23
action 23:16	applied 23:20
add 9:13 20:20 29:3	appreciate 15:21 17:10
addition 5:1 7:20 31:17	appreciated 13:18
additional 8:6 10:12 12:13 18:5 31:22	appreciative 9:15 10:7
address 7:22 11:10 12:24 14:2 20:10 21:19 22:20 23:10,12	approach 14:13
addressed 14:13,20 20:16	approached 15:16
addresses 3:2,18 5:3 23:11	appropriate 23:3,24 28:1
addressing 18:11	approval 7:15 21:13
administrative 19:3	approve 27:3,6,21 28:3 31:25
adopt 18:5	approved 20:3 32:5
adopted 18:16 33:3,17	approximately 4:11
adoption 6:5 9:1 22:17	april 21:15
adopts 5:24	area 16:13 20:20 24:8
advance 4:14	arent 14:4
advantage 3:11	argue 9:18
adversely 20:18	arguing 22:4
advisory 22:13 23:2 24:1	arra 16:23
affect 20:18	ashley 19:3 24:16
afford 5:23 30:25	asked 25:16
affordable 11:15	asking 28:3
agency 1:7 25:10	asset 17:18 32:10
agenda 2:5,8 33:7,9,11,12	assets 6:16,18,19 7:6,14 8:2 11:9
aggressive 5:18,24 6:7	assisting 17:2
agree 29:25	associated 6:22 19:10 20:2 22:23 23:4,8
agreed 24:17	assumes 6:5
agreeing 32:9	assuming 27:20
agreement 19:11 32:3 33:1	assuring 26:11
albany 1:7 33:23	attractive 14:17
allow 6:14 19:20 22:22 24:17 30:25	audits 19:1
allowing 24:6	audrey 1:10
alternative 21:18 25:9	august 1:5 23:13 27:24 35:5
american 16:23	authorize 18:3
amount 22:8,18,25 23:18,18 26:2	available 16:15 17:25 20:17
	average 7:1
	avoid 27:3 30:23
	avoiding 26:12,12 31:22
	avoids 24:10

aware 14:3	calls 12:5
aye 18:7,8 32:6,7 33:13,14	cant 24:24 30:24
<hr/> B <hr/>	
back 7:2 11:11 16:22 24:24 28:24 29:1 31:20	capital 7:24 10:11 19:22 21:17
background 3:6 21:8	caption 35:2
bad 26:24	carbon 10:6
balance 20:15,22 22:12 27:9,11 27:24 30:1	case 2:8,14 4:8 7:10,15,15 8:4 10:19 12:12 15:3 18:21 19:25 20:8 21:5 25:7 26:16 28:6 29:2 30:2
balances 24:5	cases 4:19 8:7 17:11
bank 8:24 27:7	cash 20:11,23 27:4
barrier 14:12,16	cause 35:2
barriers 7:23 8:25 10:11 14:10 14:15,20,22 15:25 18:11	cease 21:10
base 17:18 20:6	central 2:14 3:3,6,13,19 4:9,16 5:5 6:2 7:7,11,16,20 9:15 10:18 11:17 12:18 15:8,16 16:6 17:16 18:4
based 24:22	century 16:7
basically 30:17	certain 16:25
basis 5:13 7:15 9:2 23:12	certainly 24:23 29:9,12
bears 24:11	certify 35:1
beginning 2:22 22:14	chair 1:10 2:2,7,12,24 3:1 9:11 12:14 16:2 17:14 18:13 19:6 24:15 27:14 29:18,22 30:5,8 30:11 32:24 33:15,24
believe 2:21 24:4 31:14,17 32:24	chairs 26:23
believes 6:6 7:12 23:2	challenge 25:3
benefit 10:1,2 23:25	challenges 13:11
benefits 3:24,25 5:22 6:6	challenging 26:17
best 16:11	change 2:7 6:15
beyond 24:20	changes 2:5 11:21
bill 4:1,10 7:19 9:23 28:17	changing 5:4 7:3
bills 9:5,24 10:3	charged 27:10
binghamton 2:9	charges 4:18 25:23
bit 16:14 21:7	cheaper 10:16
books 23:19	check 28:16
brief 12:1	choose 8:20
briefings 11:1	circumstances 7:10 19:21 20:1
briefs 22:4	cities 11:3,13 12:3
bring 2:3 28:11	citing 21:22
brought 24:24	clarify 6:13 15:5
build 20:3 28:11	clearly 9:17
building 1:7 25:8	closing 9:3
burden 25:24	collaboratively 13:17
burgess 2:4,6 33:18,20	collect 22:23 23:8 28:2
burman 1:10 12:15,16 15:10,14 18:9 27:15,16,20 28:5,12 29:5 29:15,20 32:8	collected 21:25
business 30:17	collecting 25:22
<hr/> C <hr/>	
c 1:11 13:23	collection 20:7 24:7 32:1
call 30:11	come 4:15 8:1 30:6
	comes 16:18 28:24

coming 8:21 17:12	context 21:8 29:2
commence 24:6	continue 4:15 8:22 11:18,20 32:15,17
commend 12:11 13:5	continues 4:14 8:1
comment 12:2 15:12 17:15 29:12	continuing 18:23
commented 5:17	contract 25:7 31:19
commenters 26:10	contracts 30:24
comments 11:25 18:2 26:20,23 29:7 33:10	contractual 25:20
commission 1:1,3 2:3 8:24 12:10 15:13 19:8,14,19 20:2 24:17 25:3,17 27:10 28:22 30:9 32:5 33:21	contributes 32:11
commissioner 12:1,15,16 15:10 15:14 16:3,4 17:7,15 18:9 26:21,22 27:14,16,20 28:5,12 29:5,15,20,23,24 32:8	conversion 5:4,8,11,18,25 6:8 9:17 10:9
commissioners 1:9 2:7 3:2 19:7 32:7 33:8,14	conversions 6:11
committed 8:5	convert 11:14 17:5
commmissioners 18:8	converted 9:21
community 12:19	corp 2:11
company 3:4,17,23 4:22 5:7,10 5:12,14 6:3,12,13 7:17 8:10 8:13 9:5 11:19 15:8 22:13 26:5,14 27:23	corporation 3:3 18:4
companys 5:17,21,23 6:18,21 7:6 8:9 20:18	correct 28:1,18
comparable 10:15	cost 7:13 8:5,15 10:12 21:2 23:3 24:1 25:22 26:4,5 27:7
compared 4:24	costs 13:2 19:10 20:2,6,10,14 21:22,25 22:23 23:8,10,11,12 23:13,16 31:22 32:3,15
compensatory 25:6 26:13	country 13:14
completion 31:19	coupled 4:21
comprehensive 13:6	course 6:4,8
compression 20:7,10 22:1 25:21 32:15	create 16:17
con 8:15	credit 20:18 27:5 28:16
concern 10:10 21:23	credits 20:12,15,16,18 23:19,20 23:21,24 26:6,14
concerns 26:12	current 4:20,24 5:5 7:6 11:22
conclude 21:15	currently 3:6 8:8 21:20 32:13
concludes 24:13	customer 4:10 7:2,8 23:19,24 28:14
concurrence 33:1	customers 3:5,8,19 4:24 5:2,23 7:7,19 8:15,18 9:4,7 20:24 21:24 22:12 23:2,25 24:6,9 28:15 29:1,13
concurring 18:10 29:17 32:9	
consent 33:7,9,11,12	D
consider 28:10	d 13:23
consideration 22:2 24:21	damage 27:4
considered 7:14 28:24	day 35:5
consisting 35:3	deal 26:7
constraints 21:19 22:21	dealing 13:24
consumers 16:8 25:4,24 31:9	december 13:5 22:7
consumption 4:1 9:8	decision 2:10 15:13 19:15 22:7
contact 12:7	dedicated 13:23
	deferred 20:6
	delivery 20:5,21
	delta 26:7

depending 20:15	effective 8:15 21:14	
depot 16:9	efficiency 14:11	
depreciation 10:18	efforts 8:14 31:6	
described 18:6 32:6	electric 2:11,17 3:3 9:4 18:4 32:1	
describes 22:10	elegant 25:14	
designed 22:20	empire 1:6	
desired 9:6	employed 15:7	
details 19:4 21:4	energy 3:7,17 4:1,1,4,21 7:19 8:18 9:8 10:3 13:2 14:11	
determination 28:23	engagement 13:23	
determine 28:25 29:8	enter 10:20 24:18	
determined 6:20	entire 5:15 6:21	
develop 8:14,24	entirely 26:23	
development 2:9	environment 9:7	
diane 1:10	equal 21:1 22:18	
difference 23:13	es 22:20	
different 14:6 16:9 28:23	especially 14:18 32:21	
difficult 25:14	essentially 31:9	
director 19:1	establishing 24:2	
directs 6:13	establishment 31:25	
disapprove 27:8	estimated 4:11 20:20 21:1 22:19 24:3	
discovery 8:8	estimates 22:5	
discuss 8:14	eventually 20:20	
discussion 2:13	everyones 12:23	
districts 16:17	evidentiary 22:3 28:9	
docket 21:21	exacerbate 32:16	
doesnt 19:20	exactly 14:23 27:9	
doing 4:15 13:15 14:4 31:14	examine 18:22,24	
dollars 4:12 6:20 20:12 22:9 23:22	example 19:22	
dont 13:18 18:2 19:18,18 25:19 29:24 30:4,23	exist 7:10,11	
doris 18:25 19:4 21:6 22:1,10 23:21 24:16 25:15 28:14,19 29:2 30:2	existing 3:13,15 4:4 5:11 6:15 6:17 8:2,5	
draft 22:16 23:15,17	expect 15:6	
drafted 21:14	expected 26:3	
duration 24:25	experienced 9:1	
<hr/> E <hr/>		
e 8:7 13:23 19:9 20:8,11,23 21:11,12,16,21 22:5,16,22 23:18 24:5,6,18 25:7,20 32:4	extent 11:7 12:7 14:5 17:19	
earlier 7:25 23:21	extraordinary 19:21 20:1	
early 4:16	<hr/> F <hr/>	
easy 30:2	face 14:21	
echo 26:22	faced 19:14,21,25	
economic 7:23	facilities 3:9,14,15 17:4	
economical 31:11	facility 23:6	
edison 8:16	fact 11:2 30:24 31:4,10 32:12	
effect 6:1 20:7 22:1 25:11,21	fair 26:11 27:1 30:6,7 31:15	
	fantastic 10:23	
	far 26:10 27:25	
	fashion 13:10	

<p>favor 2:10 18:3,14 30:9 31:24 33:12</p> <p>february 21:13</p> <p>federal 16:18,19,23 17:20 32:21</p> <p>ferc 31:18</p> <p>fifteen 5:19,25 6:9</p> <p>fifty 20:12</p> <p>file 27:25</p> <p>filed 8:4 21:21 28:9</p> <p>filing 3:2 5:17 15:9 20:16</p> <p>finance 19:2</p> <p>finances 17:2</p> <p>financial 14:12,22 15:25</p> <p>financially 14:17</p> <p>find 10:4 30:1</p> <p>first 2:13 7:16,24 22:19 24:3 27:17</p> <p>fits 15:19</p> <p>five 5:6</p> <p>fixed 22:25</p> <p>fixture 4:18</p> <p>fixtures 4:8,9,20,22,25 5:4,5 5:14 6:4,23</p> <p>fleet 32:11</p> <p>flooding 12:5</p> <p>floor 1:7</p> <p>flow 20:11,23 27:4</p> <p>focused 18:10 32:22</p> <p>follow 17:15,24</p> <p>fondly 25:9</p> <p>footprint 10:6</p> <p>forcing 31:9</p> <p>foregoing 35:1,3</p> <p>form 3:25 9:4,5,8</p> <p>forward 9:15 11:10 12:6,12 14:24 16:1 17:11 28:8 31:8 32:17,22</p> <p>found 21:9 32:13</p> <p>four 4:22 6:4</p> <p>free 8:19</p> <p>front 10:7 29:14 31:21</p> <p>full 5:8 22:19 26:8</p> <p>fullyear 24:3</p> <p>funding 17:20</p> <p>funds 19:23 24:7</p> <p>further 8:14 11:24 18:1 26:19</p> <p>future 7:14 15:22 26:7 30:22 31:22 32:20</p> <hr/> <p style="text-align: center;">G</p>	<p>gas 2:11,18 3:3 18:4 32:1</p> <p>generally 9:20</p> <p>generation 30:25 32:11</p> <p>getting 28:16</p> <p>ginna 18:22 19:12,13 21:9,18,22 22:6,24 23:5 25:7 32:4,9</p> <p>give 21:7 25:16</p> <p>given 5:19</p> <p>glad 11:5 17:25</p> <p>go 21:4 26:9</p> <p>goes 27:25</p> <p>going 10:21 13:10 17:18 18:14 18:25 19:2 21:3,7 29:16 30:21 32:22 33:1,6</p> <p>goingforward 23:11</p> <p>good 2:6,25 3:1 10:13 11:18 12:2,2,21 16:5,5,22 17:8,17 17:24 18:19 19:6 26:24 29:4 33:25</p> <p>great 9:14,25 10:1 12:12 17:16 18:17,18 26:17 29:16</p> <p>greater 2:9 4:6</p> <p>green 8:23</p> <p>gregg 1:11</p> <p>greta 25:10</p> <p>grid 8:12 11:6 15:4 32:12</p> <p>grids 8:14</p> <p>grta 21:18 22:20 23:4,10,14 24:4 25:9</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 6:24 10:22</p> <p>hand 27:3,5</p> <p>handle 11:8</p> <p>happen 12:10,11</p> <p>happy 9:9 12:17 24:13</p> <p>hard 9:12,18,18 10:4 11:19</p> <p>havent 30:3</p> <p>heads 12:9</p> <p>hearing 11:11 22:3 28:9 33:2,16 35:4</p> <p>held 22:3</p> <p>help 16:19</p> <p>hereof 35:2</p> <p>hereto 35:2</p> <p>hereunto 35:4</p> <p>high 4:4 19:18</p> <p>higher 20:15</p> <p>highest 9:24 13:14</p> <p>highway 2:15</p>
---	--

historically 31:3
holistically 13:16
home 16:9
homework 4:16
honed 14:8
hope 12:3 30:4
hudson 3:3,6,13,19 4:16 5:5 6:2
 7:11,16,20 9:15 11:17 12:18
 15:8,16 16:6 17:16 18:4
hudsons 2:14 4:9 7:7 10:19
huge 26:2
humanizing 25:11
hundred 6:5 20:12

I

id 30:14
identified 11:1
im 9:14 11:4,4,16,23 12:17
 16:17 17:8,12,25 18:9,10,14
 21:3,7 28:19 31:23 32:8,25
 33:6,22,25
immediately 20:9
impact 27:2
impacts 20:24 21:24
important 7:9 12:24 13:16,21
 15:15,19 32:10
improve 20:11
incandescent 4:8
including 21:17
increase 5:11 20:5 25:4
increases 25:23
incumbent 30:21
incur 26:6
incurred 23:12
indicate 18:7 32:6 33:13
individual 29:13
informal 2:10
infrastructure 8:17
inhibit 9:1
initial 7:24
install 8:19
instance 23:24
institute 19:9,15 20:9
institution 22:13
instructed 21:11
intend 26:18
interest 25:23 27:11
interested 12:6
interests 20:22 24:5
intervener 28:8

introduce 19:2
inventory 4:20
investment 7:24
investments 19:23
investor 25:22
involved 11:20
island 16:17
isnt 15:19 19:14 26:23
iso 32:13
isolation 13:18
issue 6:16 7:13 9:17 10:8,9,17
 10:18,19,19 11:7 12:20,24
 16:12 25:15 26:17 31:3,3
issued 4:3 13:6
issues 10:15 13:24 32:18
item 2:8,13,13 3:2,18 5:3,24
 6:13 7:15 9:3 11:23 12:3,17
 12:21 13:1 17:9 18:20,20 19:2
 19:8

J

j 21:6 27:19,22 28:6,18,21 29:9
january 13:7
job 9:12 18:17,18
joint 8:3
judge 19:3 21:4
july 22:3
jumped 16:7
june 21:21
jurisdiction 14:21
jurisdictions 14:19

K

kevin 2:18 9:8 13:19 18:17,18
kind 27:9
kirsten 35:1,6
knock 12:9
know 4:13 9:13,16,20 10:8 11:17
 11:18,24 12:23 13:9,23 16:7
 17:16 24:16,20 25:12,15,20,21
 25:25 26:5 28:16 30:24 31:16
 33:5
known 25:9
knows 18:18

L

l 11:11 21:6 27:19,22 28:6,18,21
 29:9
lack 14:16
landscape 32:20

<p>language 6:14 23:17 late 4:3 law 19:3 leaves 28:1 led 2:16 3:4,11,14,16,22,24 4:3 4:6,10,13,17,21 5:1,4,8,23 6:3,7,11,22,23 7:3,17,23,25 8:5,6,11,15,19 9:2,18,22 10:9 10:13 11:14 13:25 14:18 17:1 18:5 lemire 35:1,6 level 21:1 22:15 23:3,10,14,22 24:4 26:3,3,8,11 32:21 light 6:19 lighting 2:15,16 3:5,7,9,12,13 3:15,23,24 4:9,13,17,20,25 5:2,9 6:7,16,19 7:3,18,23 8:6 8:17,18,19 9:2,18,23 10:9,16 12:22 13:24,25 14:2,11,18 16:12,17 17:1,1,4 18:5 lightly 19:19 lights 3:16,16,21 4:3,5,7,10,21 5:7 6:10,12,21,22 10:13,15 13:1,13 14:19 16:10 likes 30:23 little 16:14 21:7 llc 2:9 19:12 locality 3:14 long 16:16 20:25 21:2 23:5 30:3 30:4 longer 23:6 longterm 20:19 26:5 look 9:21 12:12,21 13:8,8,15 14:5,24 15:4 16:1 17:11,20 30:21 31:15 looking 10:5 11:5,10 12:4 31:4 31:7 looks 15:22 lot 10:9,10 15:16 16:8,16,18 lower 4:19 9:4 22:15,25 24:10</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>m 1:6 2:1 34:2 main 3:25 maintain 3:8,21 19:24 25:1 maintained 3:4 6:3 7:17 8:10 making 15:1 26:13 manufacturers 4:14 manz 2:18 market 30:17,19</p>	<p>markets 19:23 matter 30:6,10 matters 33:9 mean 30:15 means 7:1 32:22 mechanisms 11:11 meeting 1:3 2:3 8:13 33:21 members 29:10 mentioned 7:25 22:1 23:21 mercury 4:7 merits 28:4 metrics 20:19 michael 2:16,21 9:11 13:19 mike 18:18 million 4:12 6:20 20:12 22:8 23:22 mind 12:23 mix 15:25 moderate 20:23 moderated 30:18 modifications 18:6 mohawk 19:17 monetary 22:15 money 10:5 16:19,19,23 17:3 27:7 monry 17:2 months 8:13,22 moreno 19:3 21:4,6 27:19,22 28:6,18,21 29:9 morning 2:6 3:1,1 19:6 mothballed 24:24 mounting 21:22 move 2:16 11:16 18:2 29:21 32:17 33:7 moving 12:6 28:7 31:8 municipal 3:5,19 7:2 municipalities 3:22 5:16 6:2 9:21,24 10:1,2,10,20 15:17 16:16,20,25 17:22 municipality 3:10,12 5:7,14,20 6:8</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 35:5 nation 13:4 national 8:12,14 15:4 nature 19:19 necessarily 12:23 29:11 need 11:17 24:25 26:7 31:1,5 needed 21:9 24:21 32:13</p>
---	---

needs 22:12
negotiate 21:12
negotiations 31:18,20
never 30:2
new 1:1,7 2:10 3:4,14,18 6:23
 7:11,16,21 9:6 13:13 14:19
 16:14 32:12 35:1
news 12:2,21 16:5
niagara 19:16
nice 9:12 25:10
note 10:18 30:12
november 21:9
nuclear 18:22 24:23 26:24 32:9
number 11:3 12:13 13:13 14:1
nyseg 8:7 11:6 15:3
nyserda 4:2 11:19,21 13:5,24
 14:8

O

o 8:4 15:2
obligation 25:5,20
obviously 13:25 24:16 25:5
occurrences 6:14
offer 3:4 4:23 7:17 8:6
offering 5:1 7:23 9:16
offers 3:7
office 2:17
offset 6:23 20:10,14 23:20 32:2
okay 2:2 15:10,14 17:7 18:20
 27:22 28:12,20 29:15,22
ones 12:13
onetime 23:25 24:1
ongoing 8:7
operation 18:23
operational 23:6
operations 21:11
opportunities 11:22
opportunity 11:14 13:9 14:11
 17:6 28:22,25
opposed 33:15
opposition 18:15 33:2,3,16
option 3:18,22 9:16 12:4
options 3:5 5:2,23 7:18,23 8:6
 8:7,11,15 14:6 15:18 18:5
orange 8:4 11:5
order 2:4 9:22 22:16 23:15,17
 24:25 27:13,23 30:7 32:17,25
ought 12:6
outlay 10:11
outreach 12:19 13:20,22 15:17

outstanding 27:24
overall 32:12
overcome 8:25
owe 22:6
owed 21:22
owes 20:13
owned 3:4 5:7,14 6:3 7:17 8:10

P

page 14:9,10 15:1 35:2
pages 35:3
paramount 24:19 30:8
part 15:25 27:19
particia 1:11
particularly 16:16
parties 8:23 20:13 22:4 29:13
partys 20:22
pass 29:1
pay 7:2 24:7 25:7 31:9
payback 7:4
payers 10:1,2 20:13
paying 10:3
payments 31:10
pendency 25:8
pending 14:1
people 10:5 16:13 29:6
percent 4:4 5:6,13,15,19,20,25
 6:1,5,9,12 9:22 20:4,21
period 7:4 10:22 21:25
perspective 9:13 15:2
petition 18:21,24 21:21 22:2
 31:24 32:14
petitioned 21:13
petitioners 14:3
petitions 14:1
phase 8:8
piece 30:12
place 11:12 35:2
planning 31:5
plans 21:16
plant 18:22 19:12 24:21,23,25
 30:16,25 32:4,10
plaza 1:6
please 18:6 19:4 32:6 33:13
pleased 11:16
plus 20:6
point 20:3 24:20 28:25
pointed 25:15
points 16:13
position 17:17 25:19

positions 22:4
positive 17:10
positively 32:11
possibly 16:19
potential 27:4 32:2
potentially 6:7 20:4 26:15
power 18:22 19:12 24:23 30:16
 32:4,10
pragmatic 31:15
prepared 11:23 17:8
present 25:2
presentation 24:13
presenting 2:18 19:4
presents 9:3
pressure 4:5
prices 4:15,17 30:18
prior 22:7
probably 29:10,13
problem 32:16
proceeding 8:9
proceedings 7:14 8:24 35:3
process 4:16 15:2,5,7 27:18
 28:10 29:6 31:20
processes 31:17
procurement 10:14
program 10:21 17:21
programs 17:23
progress 12:8
project 22:20
projects 21:17
proposal 8:3,10 18:23 22:17
proposals 12:9
proposed 22:16 23:9,14 25:13
 27:12
proposing 4:23 5:10,12
protecting 24:8
provide 4:21 5:2 7:18 8:10 14:6
 27:24
provided 22:24
provides 3:25
providing 9:6 20:23
public 1:1,3 2:3,15 15:12 27:10
 29:11
purchase 3:12,14,20
purchasing 17:3
pursuant 21:23 22:6
put 11:12 21:8 25:17

Q

quality 12:25

question 11:8 14:25 16:22 19:7
 26:24,25 27:1 28:14
questions 2:20 9:9 11:25 16:8
 24:14 26:19 27:17 29:16,25
 33:11
quick 17:22
quickly 17:23 18:11
quite 16:10

R

r 8:4 15:2
raise 18:1 19:23
range 4:19
rate 5:4,8,12,18,25 6:5,8 8:4,7
 10:1 14:17 15:3 18:24 19:9
 20:13,16,24,24 22:14,18 23:1
 24:2,9,10,10 26:12,16 27:3
 29:2
rates 14:17 19:16,20 20:5,21
 21:22,24 25:4,18 26:13 27:8
reach 22:8
reached 22:7
read 14:7,9
ready 31:23
realize 10:21
really 9:14 10:17,19 11:2 14:8
 18:19 25:14
reason 12:25 24:17
reasonable 27:1
recall 19:16
recap 8:21
receive 3:24 15:12
recommend 5:17
recommendation 22:11 24:5 26:1
recommendations 18:3,15 29:14
 33:3,12,17
recommending 20:25
recommends 7:5 22:13,17 24:2
record 2:1 21:5 22:5 28:11
 30:15 34:2 35:3
recovering 6:17 19:10
recovery 7:13 16:24 20:5
recuse 33:8
redouble 31:6
reduce 10:6
reduced 4:1 9:8
reduces 13:2
reexamine 8:5
reference 25:16
reflecting 20:5

reflects 22:5
refund 27:8 32:2
refunds 24:12 28:15
regard 17:6
regarding 18:22
regular 1:3
regulatory 14:12,16,20 15:23
 18:11
reinvestment 16:24
relative 17:17
reliability 19:11 20:19 21:2,10
 22:24 23:5 24:7,19 25:1 30:7
 31:2 32:3,12,14
reliable 19:24
relief 20:23
remaining 32:18
reminder 24:11
rendered 2:10
replace 3:15,20 5:6,13
replaced 4:10 6:10,22
replacement 26:4
replacing 4:7
report 4:2,5 13:6 14:8
reported 35:2
reporter 35:6
represent 23:25
represents 22:11 23:4 24:1
request 6:9 19:19
requested 6:10
requesting 7:8
requests 20:8
require 14:13
required 5:6 10:12
requirement 22:19 24:4
requirements 27:23
resolve 32:17
resource 31:5
responsibility 7:8 30:8
rest 33:25
result 4:23 6:11 12:12
retire 31:1,1
retirement 21:18
rev 30:17
revenue 22:19 24:3
revenues 32:2
review 21:19,20
reviewed 26:1
rg 8:7 19:9 20:8,11,23 21:11,12
 21:16,21,21 22:5,16,20,22
 23:18 24:5,6,18 25:7,20 32:4

rieder 2:16,23,25 15:6,11 16:21
 18:6
right 15:23 28:7 30:1
risk 12:4
rochester 20:20 24:8 32:1
rockland 8:4 11:6
roughly 6:20
rssa 19:11 20:3,6 21:12,13,14
 21:16,20,23 22:6 23:9,14 24:1
 24:18 26:8,25 27:2 28:4,23
 32:4
run 20:25 21:2

S

safe 19:24
safety 12:25
sapad 15:12
save 10:5
saved 9:21 26:15
savings 4:1,6,11,21,23 5:3 6:23
 7:19 9:22 10:21
saying 18:7 32:6 33:13
sayre 1:11 12:1 26:21,22
schedule 28:7
se 28:17
second 8:1
secretary 2:4,6 33:18,20
secure 4:17
see 7:2 11:2 16:9 17:25 30:4
 31:19
seen 30:3
sense 8:16 26:2
september 21:15 22:15 33:22,22
service 1:1,3 2:3 3:7,17,19,23
 5:16,21 6:2 8:18 19:24
services 9:6 19:11 24:8 32:3
set 21:1 22:17,25 23:3 26:2
sets 26:11
setting 23:9 24:9
shock 20:24 23:1 24:11 26:12
 27:3
short 7:4
shorter 21:25
signed 21:12
significant 7:22 13:13 14:16
 23:18,18
significantly 13:2
simply 27:1
situation 25:18 30:15 31:13
 32:19

situations 30:22	submitted 21:12 22:4
sixty 9:22	subscribed 35:5
size 15:19	substantial 5:11
slightly 5:18,24	successfully 14:14
smooth 20:24	sum 24:1
socialized 7:6	summarized 32:25
sodium 4:5	summer 34:1
solution 20:19 21:2 23:5 25:14 26:17 31:11	supervisor 2:17,19
solutions 8:25	support 6:7 18:10 19:11 22:24 27:11 32:3
sorry 28:19 33:22	supportive 12:17
sort 9:12 14:24	surcharge 18:25 19:9 20:9 21:1 22:14,18,22,25 23:3,7,9,11 24:3,9,12 26:3 27:25 28:2 31:25
specific 13:19 14:13 15:17 29:11 30:2	sure 11:22 13:17,22 14:3 15:1 15:18,20 16:10 17:12 31:6
specifically 5:12	sustain 30:16
spread 27:2	system 21:19 22:20 25:1 31:8
stable 24:10	systems 19:24
staff 6:6,20 7:4,12,21 8:9,12 8:22 11:11,18 12:8,11 13:24 17:10 22:13 23:2 24:2 25:13 28:8 30:20	
staffs 22:17	
stage 31:16	
stakeholder 13:22	
standards 19:17	
standing 27:5	
start 12:4 25:21,22	
state 1:1,6 2:11 4:6 7:12,16,22 11:3,13 12:3 13:4 14:20 17:20 30:14 32:12,13 35:1	
stated 21:10 30:5,13 35:2	
statement 29:17 32:9	
states 13:9 32:10	
statewide 9:2	
statute 27:11	
stay 11:22	
step 16:6 27:17	
stepping 9:15	
steps 14:25 28:4,10 32:23	
stock 6:21	
stout 19:1,6 28:20 29:4	
street 2:15 3:5,7,8,11,13,15,16 3:21,23 4:3,7,9,20 6:10,12,16 6:19,19,21 7:18 8:6,17,17 9:2 9:23 12:22 13:1,13,24,25 14:2 14:10,18,19 16:12,17 17:4	
struck 27:12	
studies 24:22	
subject 24:12 27:8 32:2	
submit 29:7	
	T
	tackle 10:14 12:24 13:16 15:23 31:4
	take 3:11,16,22 5:9 8:18 19:18
	takes 23:15
	talk 28:13,14
	talked 15:2,3
	talking 12:22 13:3,19 28:15
	tariff 2:15 3:2 5:5 6:14 15:8 28:1
	tariffs 14:17
	tax 10:2
	taxes 10:4
	team 14:1 33:5
	technical 14:12,21 15:24
	technology 3:24 4:14 7:25 8:19 11:21 16:14
	tells 31:5
	temper 23:1
	temporary 18:24 19:9,16,20 20:25 21:22 22:14,18 24:2,9 25:18 31:25
	ten 5:13
	tend 19:20
	tends 9:23
	term 21:16 23:5
	terms 9:17 12:18 13:15 15:1 22:6
	territory 3:20 5:16,21 6:2

testimony 28:8
thank 2:12,25 12:14,16 16:2
 17:13 18:13,16,17 19:5 21:6,7
 24:15 26:18 29:16 32:23 33:4
 33:24 34:1
thanks 9:11 16:1 33:4
thats 9:18 10:11,18,19 11:15,15
 15:19 16:22 17:8,8,9,18 26:4
 28:18,20 29:4 31:2 33:5
theres 2:7 9:17
theyre 12:6 16:10 18:15
theyve 12:18,19
thing 9:14 12:2,10 14:7 17:8
things 10:25 30:19
think 9:14 10:22 11:7,12,17
 12:5 13:8,14,21 14:7 15:15
 16:5,21 17:14 24:19 25:10,13
 25:25 26:10,16 28:13 29:8,20
 30:6,20,23 31:4,12,22
thinking 31:7
thought 26:1
three 1:6 6:20 7:3 25:10
thursday 1:5
till 31:16
time 22:1 25:5 30:3,5 35:2
times 16:18 30:13
today 2:5,13 11:1 18:25 19:8
 22:11 23:16 25:13 27:21 32:15
 33:19,21
top 25:22
total 4:10 6:10,18
traditional 10:16
transcription 35:3
translate 4:18
transmission 21:18 25:9,11 26:4
 31:8,11
true 35:3
trying 14:24 15:23 30:1
turn 21:3
twenty 5:9,15 14:9 20:4
twentyfive 5:20 6:1,11
two 6:24 7:22 10:22 27:17
typewritten 35:3
typically 3:10

U

ultimately 28:22 32:5
unable 30:16
unappreciated 6:24
uncertain 32:20

undepreciated 6:17,18 7:5,13
 8:2 11:9 17:18
undergoing 21:20
understand 7:9 15:24 16:13
undertake 21:17
unfortunate 31:12
unique 8:16 32:19
unusual 25:17,18
updated 13:7
upgrade 17:1
use 4:3 20:14
usually 16:15
utilities 7:12,22 8:23 12:5,7
 13:20 17:19,22 25:6 26:16
 27:4 30:20
utility 2:17,19 7:17 17:4 19:22
utilityowned 14:18

V

value 6:17,18,24 7:5 8:2
vapor 4:7
variety 15:18
various 8:24
volatile 26:13
volatility 23:1 24:11
vote 11:23 17:9 18:2 26:18
 29:21 30:12 31:24
voting 30:9

W

wait 31:16
walk 16:9
want 11:13,13 13:5 14:7 20:14
 25:19 26:10 29:18 30:12,25
wanted 16:25
washington 31:18 33:6
water 2:18
way 3:6 11:14 15:16 30:18 31:15
 31:21
ways 10:5 11:9
welcome 2:24 19:5 29:12
went 4:5 16:24
weve 10:14 12:21 13:3 30:6,13
whats 27:17 29:25
whereof 35:4
wholesale 30:19
whos 2:16
widespread 9:1
win 9:4,5,7
wish 33:8

wishes 3:11	2010 16:22
wishing 33:25	2014 13:6
witness 35:4	2015 1:5 13:7 21:15 22:8 24:22
wondering 16:18	35:5
wont 14:9	2018 21:16 24:22
work 8:22 11:18,21 15:21,22	20th 35:5
17:10	21st 16:7
worked 11:18	2nd 22:3
working 7:21 11:6 13:1 30:20	
33:5	<hr/> 3 <hr/>
wrong 10:4	3 1:7 4:11
<hr/> X <hr/>	30 1:6 2:1
x 1:10	301 2:13 3:2,18 7:15 9:3
<hr/> Y <hr/>	302 18:21 19:8
year 4:3 5:8 10:22 17:12 22:19	30th 21:15
24:18	31st 22:8 23:13 27:24
years 5:9 6:4,25 7:4 13:4	33 35:3
york 1:1,7 2:10 7:12,16,21	<hr/> 4 <hr/>
13:13 14:19 32:13 35:1	45 4:3
youre 2:21	<hr/> 5 <hr/>
youve 10:25	5 20:21
<hr/> Z <hr/>	56 22:8
zibelman 1:10 2:2,12,24 3:1	<hr/> 6 <hr/>
9:11 12:14 16:2 17:14 18:13	<hr/> 7 <hr/>
19:7 24:15 27:14 29:18,22	75 4:4
30:11 32:24 33:15,24	<hr/> 8 <hr/>
<hr/> 0 <hr/>	888 33:6
<hr/> 1 <hr/>	<hr/> 9 <hr/>
1 4:11 35:2,3	9 22:8
10 1:6 2:1 34:2	
10g0622 2:8	
11 34:2	
13 1:5	
14e0270 18:21	
150 23:22	
15e0126 2:14	
15th 33:22	
161 2:8	
17th 33:22	
1996 19:17	
19th 1:7	
1st 21:15 22:15	
<hr/> 2 <hr/>	
2 20:21	