

PSC Monthly Meeting - 9-17-2015

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, September 17, 2015
10:30 a.m.
Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

COMMISSIONERS

AUDREY ZIBELMAN, Chair
GREGG C. SAYRE
PATRICIA L. ACAMPORA
DIANE X. BURMAN

1 PSC Monthly Meeting - 9-17-2015

2 CHAIR ZIBELMAN: I'd like to call the
3 Public Service Commission to order.

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

6 SECRETARY BURGESS: Good morning, Chair,
7 Commissioners.

8 There's no change to the agenda this
9 morning.

10 CHAIR ZIBELMAN: Okay. Before we start the
11 meeting, I do want to take a -- a moment.

12 This week, we heard of the sad passing of a
13 former service -- Public Service Commissioner, *Neil
14 Galvin (phonetic spelling), who passed away on September
15 15th, this week. Commissioner Galvin retired from the --
16 came to the Commission actually and served from 1999 to
17 2006. I did not obviously have the pleasure of serving
18 with him or knowing him, but have heard from many people
19 that he was an exceptional person and it's -- came to us
20 like after two, high -- high -- I think he retired, I
21 think, from two private sector jobs and while he was here,
22 he did a number of very important things, including
23 approving the R.P.S. and also served as the treasurer from
24 -- for Macruc.

25 So we're certainly very, very saddened to

1 PSC Monthly Meeting - 9-17-2015
2 hear about his death, but of course, you know, we're
3 pleased to hear that he did have such a great opportunity
4 to celebrate life. He was married to his wife Sandra for
5 almost sixty years. We share our condolences with her and
6 with that, I know that Commissioner Burman and
7 Commissioner Acampora might -- had -- had indicated they
8 might want to say something.

9 Commissioner Acampora, did you want to
10 start?

11 COMMISSIONER ACAMPORA: Sure

12 I had the opportunity to serve with Neil
13 and as some people may have tagged him as an old-school
14 type of person, Neil was a real gentleman. He was a self-
15 made man, as you had said, in the private sector. He also
16 served in another capacity in our state and he was very
17 kind to me when I came here. We had a number of lunches
18 together and he really did care about the people of our
19 state and he really understood our role as Commissioners,
20 in getting that balancing act of -- with making sure that
21 the industry side is taken care of, but the consumer side
22 is also important.

23 And I can remember one time we had a
24 session, where he said I'm going to have to vote no
25 because I went to the Public Statement Hearing and he said

1 PSC Monthly Meeting - 9-17-2015

2 I listened to all the concerns of the people that came.

3 And he said I really would be a hypocrite if I sat there

4 and I listened to them and I came here and voted the

5 opposite way. He was a very principled man.

6 And I also had the pleasure of working with

7 his daughter Kim, in the Assembly when I was there and

8 Neil was really a patriarch of the Galvin family. I know

9 he was very proud of all of his children and certainly

10 most proud of his partner in life, Sandra.

11 So, to the Galvin family, I give them my

12 sincere sympathy and know that they have wonderful

13 memories of Neil, that he is only a memory away and may he

14 rest in peace.

15 CHAIR ZIBELMAN: Thank you.

16 Commissioner Burman?

17 COMMISSIONER BURMAN: Neil is blessed to

18 have lived a long and productive life of eighty-two years.

19 He was an exemplary citizen of our nation in general and a

20 valued contributor to his community in particular.

21 He also lived for his family. Sandra, his

22 wife, his five children, his seven grandchildren and his

23 one great grandson. His family was everything to him.

24 I knew Neil when he was a Commissioner and

25 I was a young staffer, who was lucky enough to work

1 PSC Monthly Meeting - 9-17-2015

2 directly with him, one on one. He had few rules in my
3 working with him, but he was very clear on the rules that
4 he did have.

5 He wanted the substantive information he
6 needed to decide how to vote on an item, in a straight-
7 forward, unbiased, accurate way, without any drama,
8 puffery or spin. Drama was hard for me.

9 Perhaps his greatest legacy is that he gave
10 us all positive, long-lasting memories and life lessons to
11 emulate. I am confident in saying without fear of anyone
12 contradicting me, that there is no one who knew Neil, who
13 was not the better for it.

14 Since his passing, these are some of the
15 comments I have heard from my diverse sector of people.
16 He was always concerned about the customer. He had a very
17 practical way of looking at cutting through issues and he
18 had absolutely no patience with bureaucracy. He hated the
19 use of acronyms, thought it'd distance us from the real
20 world. He cared about the little guy and the impact long
21 and short-term, of Commission decisions.

22 Wow, what a great guy. He was a class act,
23 a true rags to riches type of person. His value system
24 was pure and whole. It always revolved around his family.
25 This is really sad news. He was one of the great guys,

1 PSC Monthly Meeting - 9-17-2015

2 huge loss. We need more Neil's in New York.

3 He was a dedicated public servant, who
4 always strove to provide for the consumer interest. He
5 was particularly involved in streamlining the water
6 industry and establishing a regulatory scheme for water
7 utilities that was not burdensome -- burdensome for either
8 the small company, or the staff, or the department.

9 Neil brought a businessmen's sense of what
10 would work and what wouldn't. He had a healthy
11 skepticism, that often worked in the ratepayer's favor and
12 kept us all grounded in reality. He was committed to
13 fighting juvenile diabetes, brilliant business mind and
14 never forgot his roots. Loved his family like no other.

15 There were so many more comments that I've
16 heard, but it's clear to me from this sampling, that we
17 can all be proud to have known a man such as Neil, who
18 exemplified the essence of human worthiness. He was truly
19 a blessing to his family, a credit to his friends and an
20 incredible asset to his community.

21 Neil, thank you for the impact and
22 difference you made in my life and in so many others.

23 CHAIR ZIBELMAN: That was very lovely.

24 Thank you both of you. I think that's --
25 that's wonderful.

1 PSC Monthly Meeting - 9-17-2015

2 Does anyone on staff want to say anything?

3 I don't want to put people on the spot.

4 I know that there are a lot of people here
5 who knew -- who knew Neil and I'm sure that are conveying
6 their best wishes and condolences to his family.

7 We will -- Secretary Burgess, maybe what we
8 -- I'd like us to do is to take a -- this transcript and -
9 - and send it to his family. Commissioner Sayre also
10 didn't have an opportunity to know him. So, I don't know
11 what -- also, don't want to put you on the spot, but I
12 don't want to omit you.

13 COMMISSIONER SAYRE: I really didn't have a
14 chance to interact with Commissioner Galvin, but
15 everything that I've heard from everyone who worked for
16 him, with him and he knew him, has been highly positive
17 and I'm sorry for -- for my loss in -- in not getting the
18 chance to know him better.

19 CHAIR ZIBELMAN: So -- so thank you and it
20 sounds like we could use more Neils in the world today.

21 Well, we will -- we'll move on, but we will
22 -- I would like -- I think that would be a nice thing to
23 do is to send this to his family.

24 We will then turn to the agenda.

25 We only have one item on the regular --

1 PSC Monthly Meeting - 9-17-2015

2 regular agenda today and it's item number 501, which is in
3 the matter of quality of service provided by Verizon New
4 York. And typically, on these -- we get these quarterly
5 reports. They're not for decision, they're really just an
6 outcome report, but as we are all painfully aware, there's
7 -- is substantial concern that we're hearing at our Public
8 Statement Hearings on the telecom study, concerning the
9 quality of telecommunication service in New York and I --
10 because -- I wanted -- I asked Peter, who is our acting
11 director of the telecom unit, to really take a look at
12 this report and give us more of a detail of his sense of
13 what things are -- what, you know, what is actually
14 happening and some steps that I've asked staff to take as
15 a result of a lot of the concerns that we've heard at the
16 Public Statement Hearings, but also our own concerns, as
17 we're looking at this information and thought it would be
18 good to take a couple minutes and -- and hear about that.

19 So, Peter, could you go through it?

20 MR. MCGOWAN: Yes, gladly.

21 Good morning and in honor of Neil, I will
22 endeavor to use no acronyms this morning.

23 So, this is an information item that does
24 periodically come to the Commission and it's a report on
25 Verizon. It's a quarterly report on Verizon's service

1 PSC Monthly Meeting - 9-17-2015
2 quality. It reports on Verizon's service quality, broadly
3 and then more specifically, on their performance under the
4 Verizon Service Quality Improvement Plan.

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

11 So, let me begin with the performance
12 results broadly and then move to the more specific results
13 under the Service Quality Improvement Plan.

14 As you know, Verizon is the largest
15 incumbent traditional local-exchange carrier in New York,
16 serving approximately three million access lines, from
17 approximately five hundred and forty central offices.
18 This number is about forty percent of the access lines
19 that Verizon serviced ten years ago, due to migration to
20 competitive alternatives. For the past twelve months,
21 ending June 2015, Verizon lost roughly ten percent or over
22 three hundred thousand additional access lines.

23 A key measure that the Commission has long
24 used of the network's ability to deliver reliable
25 telephone service, is the Customer Trouble Report Rate,

1 PSC Monthly Meeting - 9-17-2015

2 C.T.R.R. This measures the frequency of network problems,
3 identified by customers.

4 The customer -- the Commission's Customer
5 Trouble Report Rate Service Standards Measure two
6 criteria. One is a broad gage of the network's
7 performance and that is the percent of all central offices
8 achieving three dot three reports -- trouble reports per
9 hundred access lines, with 85 percent being the standard.

10 The second measure of Customer Trouble
11 Report Rate, focuses on individual offices and tracks the
12 number of individual central offices achieving a five dot
13 five reports per hundred access lines. Central offices
14 serving more rural areas or areas with seasonal
15 populations, tend to experience more problems under this
16 individual central office measure. Staff focuses its
17 attention on this measure, on central offices experiencing
18 service inquiry reports, which means an individual central
19 office has missed the threshold for three out of five
20 months, which tends to indicate a chronic, more
21 fundamental problem.

22 So now, let me just review the results that
23 we've been seeing on these measures.

24 As to the broad Customer Trouble Report
25 measure, in the second quarter of 2015, the -- and that's

1 PSC Monthly Meeting - 9-17-2015
2 a month -- that's done on a monthly basis, so the -- this
3 is a monthly standard. Missed -- Verizon missed the 85
4 percent standard in one of the months in the second
5 quarter and the report shows that they're -- the linear
6 regression line indicates an improving trend over the
7 selected period, but this line is sensitive to the choice
8 of periods that are being covered.

9 The telecommunication study, which was
10 recently issued by the department, presents the results
11 for the Customer Trouble Report Rate, on a twelve-month
12 rolling average basis and that shows that Verizon's
13 results are gradually worsening since January 2009. And
14 it's troubling to note that Verizon's overall performance
15 on this broad 85 percent standard, experienced a number of
16 repeat failures for service inquiry reports, during the
17 last two years. It didn't experience any of those in the
18 second quarter, but it has experienced a number of them
19 over the last two years.

20 With respect to the second criteria, on
21 individual central offices, seven central offices
22 experienced eight service inquiry reports for chronic
23 problems. We expect Verizon to employ proactive cable
24 maintenance and proactive preventative maintenance
25 programs, to remediate and address the problems

1 PSC Monthly Meeting - 9-17-2015

2 experienced by these offices.

3 This is an improvement over prior years,
4 since the Commission heightened its focus on these problem
5 offices and -- and -- and called for Verizon to develop
6 and implement a -- a remediation plan. Verizon is now
7 completing its implement -- implementation of the targeted
8 Customer Trouble Report Remediation Plan.

9 Three of the central offices that filed a
10 service inquiry report in the second quarter, are in the
11 midst of being remediated, but their remediation efforts
12 were not completed, as of the second quarter. We expect
13 positive results in the next report.

14 Now turning to the more specific plan, the
15 -- the Service Quality Improvement Plan, the key focus of
16 that plan is the company's performance in timely repairing
17 out-of-service and service-affecting conditions. All five
18 areas met the threshold, in each month of the second
19 quarter of 2015.

20 So, let me just step back and make a couple
21 of broader observations.

22 While Verizon is meeting the Service
23 Quality Improvement Plan thresholds, staff continues to
24 evaluate more-broadly, whether Verizon is dedicating
25 sufficient effort and attention to the millions of non-

1 PSC Monthly Meeting - 9-17-2015
2 core customers, who continue to rely on the copper
3 network. In particular, staff is assessing the company's
4 performance more-broadly and the strength of Verizon's
5 interest in and commitment to competing vigorously, to
6 retain customers on its copper network.

7 At nearly every Public Statement Hearing
8 that we conducted over the past several months, in
9 connection with the telecommunications study, numerous
10 concerns and problems were brought to our attention, by
11 customers being served by Verizon's copper network. Staff
12 is looking at Verizon's Service Quality Performance and
13 investments in its copper network and associated
14 maintenance activities on the copper network, as well as
15 its efforts to migrate customers to its FIOS network.
16 Staff will be seeking additional information from Verizon,
17 to develop additional information to evaluate these
18 issues.

19 Thank you.

20 CHAIR ZIBELMAN: Thank you.

21 You know, well I -- obviously, the
22 telecommunication report is not in front of us today and
23 we are going to be moving ahead on the next steps with
24 that, but getting this additional information as we
25 determine what additional processes and -- and facts we

1 PSC Monthly Meeting - 9-17-2015

2 need, I think is -- is very important.

3 Any questions or comments from any of the
4 other Commissioners?

5 Commissioner Sayre?

6 COMMISSIONER SAYRE: The picture I get
7 about service quality from this report, not so good, but
8 not horribly bad, is as Chair Zibelman said and as you
9 said, Peter, really different from what we heard in the
10 Public Statement Hearings on the telecom study proceeding,
11 where we heard about service quality declining. Part of
12 the difference may be that some of the results that we
13 required to be reported only apply, as you said, to core
14 customers, who now take under six percent of Verizon's
15 total remaining regulated customer access lines and
16 another part of the difference may be we're likely to hear
17 from the people who have experienced bad service, more
18 than from the people who experience good service and the -
19 - and we do have a measure that -- that covers all
20 customers, both core and noncore and the Customer Trouble
21 Report Rate.

22 I really don't know what the truth of the
23 matter is, whether service is good or service is bad and
24 we're going to need to reconcile those views in the
25 telecom study proceeding. I'm very pleased that staff is

1 PSC Monthly Meeting - 9-17-2015

2 involved in these matters.

3 Thank you.

4 CHAIR ZIBELMAN: They have our attention,
5 but I don't know what to do with it, so I guess we'll move
6 on.

7 Commissioner Acampora, do you have any
8 comments?

9 COMMISSIONER ACAMPORA: All right. We're
10 having a fire drill.

11 (Off-the-record fire drill)

12 CHAIR ZIBELMAN: Commissioner Acampora
13 we'll hopefully be here when you get back and if you have
14 any comments, we can take them then unless there's
15 something -- I guess you need to leave.

16 Can you hear me?

17 COMMISSIONER ACAMPORA: That's fine.

18 CHAIR ZIBELMAN: Yeah.

19 So, Commissioner Burman, do you want to --?

20 COMMISSIONER BURMAN: I don't -- I just --
21 thank you.

22 I look forward to reading the report and
23 the continuing dialogue with stakeholders and thank you.

24 CHAIR ZIBELMAN: Did you -- Commissioner
25 Acampora, did you want to say something?

1 PSC Monthly Meeting - 9-17-2015

2 COMMISSIONER ACAMPORA: No. I -- I agree
3 that all of us have attended several of the Public
4 Statement Hearings and so I'm waiting for the finalized
5 report, I think it is going to be very important, as we
6 try to solve the problems that are involved and have been
7 continuously ongoing for the past several years.

8 So, I think I'll just reserve my comments
9 and wait for the final report and hopefully we can get to
10 a place where we can come up with a plan that will make
11 everyone happy.

12 CHAIR ZIBELMAN: Great.

13 Thank -- thank you.

14 So, just so you can get out of here, let me
15 let -- we'll move to the consent agenda.

16 Do any of the Commissioners want to recuse
17 or abstain from any of the items on the consent agenda?

18 Hearing none, any -- all those in favor of
19 the recommendation to consent agenda, please indicate by
20 saying aye?

21 COMMISSIONER SAYRE: Aye.

22 COMMISSIONER BURMAN: Aye.

23 COMMISSIONER ACAMPORA: Aye.

24 CHAIR ZIBELMAN: Opposed?

25 Hearing no opposition, there being none,

1 PSC Monthly Meeting - 9-17-2015

2 the recommendations are adopted.

3 Secretary Burgess is there anything else in
4 front of us today?

5 MS. BURGESS: There's nothing else before
6 you today. The next Commission Meeting is October 15th,
7 at ten-thirty.

8 CHAIR ZIBELMAN: Okay. Thank you.

9 (The meeting concluded.)

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1 PSC Monthly Meeting - 9-17-2015

2 STATE OF NEW YORK

3 I, Kristen Lemire, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 17, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 23rd day of September,
11 2015.

12

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14 Kirsten Lemire, Reporter

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A	
ability 9:24	blessed 4:17
absolutely 5:18	blessing 6:19
abstain 16:17	brilliant 6:13
acampora 1:14 3:7,9,11 15:7,9 15:12,17,25 16:2,23	broad 10:6,24 11:15
access 9:16,18,22 10:9,13 14:15	broader 12:21
accurate 5:7	broadly 9:2,12
achieving 10:8,12	brought 6:9 13:10
acronyms 5:19 8:22	building 1:10
act 3:20 5:22	burdensome 6:7,7
acting 8:10	bureaucracy 5:18
activities 13:14	burgess 2:4,6 7:7 17:3,5
additional 9:9,22 13:16,17,24 13:25	burman 1:14 3:6 4:16,17 15:19 15:20 16:22
address 11:25	business 6:13
adopted 9:6 17:2	businessmen 6:9
agency 1:10	
agenda 2:5,8 7:24 8:2 16:15,17 16:19	C
ago 9:19	c 1:13 10:2
agree 16:2	cable 11:23
ahead 13:23	call 2:2
albany 1:11	called 12:5
alternatives 9:20	capacity 3:16
apply 14:13	caption 18:5
approving 2:23	care 3:18,21
approximately 9:16,17	cared 5:20
areas 10:14,14 12:18	carrier 9:15
asked 8:10,14	cause 18:4
assembly 4:7	celebrate 3:4
assessing 13:3	central 9:17 10:7,12,13,16,17 10:18 11:21,21 12:9
asset 6:20	certainly 2:25 4:9
associated 13:13	certify 18:3
attended 16:3	chair 1:13 2:2,6,10 4:15 6:23 7:19 13:20 14:8 15:4,12,18,24 16:12,24 17:8
attention 9:7 10:17 12:25 13:10 15:4	chance 7:14,18
audrey 1:13	change 2:8
average 11:12	changes 2:4
aware 8:6	children 4:9,22
aye 16:20,21,22,23	choice 9:8 11:7
	chronic 10:20 11:22
B	citizen 4:19
back 12:20 15:13	class 5:22
bad 14:8,17,23	clear 5:3 6:16
balancing 3:20	come 8:24 16:10
basis 11:2,12	comments 5:15 6:15 14:3 15:8,14 16:8
best 7:6	commisioner 3:11
better 5:13 7:18	commission 1:4,6 2:3,16 5:21 8:24 9:6,23 10:4 12:4 17:6

commissioner 2:13,15 3:6,7,9
 4:16,17,24 7:9,13,14 14:5,6
 15:7,9,12,17,19,20,24 16:2,21
 16:22,23
commissioners 1:12 2:7 3:19
 14:4 16:16
commitment 13:5
committed 6:12
community 4:20 6:20
company 6:8 12:16 13:3
competing 13:5
competitive 9:8,20
completed 12:12
completing 12:7
concern 8:7
concerned 5:16
concerning 8:8
concerns 4:2 8:15,16 13:10
concluded 17:9
conditions 12:17
condolences 3:5 7:6
conducted 13:8
confident 5:11
connection 13:9
consent 16:15,17,19
consisting 18:6
consumer 3:21 6:4
continue 13:2
continues 12:23
continuing 15:23
continuously 16:7
contradicting 5:12
contributor 4:20
conveying 7:5
copper 13:2,6,11,13,14
core 13:2 14:13,20
couple 8:18 12:20
course 3:2
covered 11:8
covers 14:19
credit 6:19
criteria 10:6 11:20
customer 5:16 9:25 10:4,4,10,24
 11:11 12:8 14:15,20
customers 9:8 10:3 13:2,6,11,15
 14:14,20
cutting 5:17

D

d 2:2 5:19 7:8

daughter 4:7
day 18:10
death 3:2
december 9:6
decide 5:6
decision 8:5
decisions 5:21
declining 14:11
dedicated 6:3
dedicating 12:24
deliver 9:24
department 6:8 11:10
detail 8:12
determine 13:25
develop 12:5 13:17
diabetes 6:13
dialogue 15:23
diane 1:14
didn 7:10,13 11:17
difference 6:22 14:12,16
different 14:9
directly 5:2
director 8:11
distance 5:19
diverse 5:15
don 7:3,10,11,12 14:22 15:5,20
dot 10:8,12
drama 5:7,8
drill 15:10,11
due 9:19

E

effort 12:25
efforts 12:11 13:15
eight 11:22
eightytwo 4:18
either 6:7
empire 1:10
employ 11:23
emulate 5:11
endeavor 8:22
essence 6:18
establishing 6:6
evaluate 12:24 13:17
exceptional 2:19
exemplary 4:19
exemplified 6:18
expect 11:23 12:12
experience 10:15 11:17 14:18
experienced 11:15,18,22 12:2

14:17 experiencing 10:17	guess 15:5, 15 guy 5:20, 22 guys 5:25
F	H
facts 13:25 failures 11:16 family 4:8, 11, 21, 23 5:24 6:14 6:19 7:6, 9, 23 favor 6:11 16:18 fear 5:11 fighting 6:13 filed 12:9 final 2:5 16:9 finalized 16:4 fine 15:17 fios 13:15 fire 15:10, 11 five 4:22 9:17 10:12, 13, 19 12:17 floor 1:10 focus 9:7 12:4, 15 focuses 10:11, 16 foregoing 18:3, 6 forgot 6:14 former 2:13 forty 9:17, 18 forward 5:7 15:22 frequency 10:2 friends 6:19 front 13:22 17:4 fundamental 10:21	happening 8:14 happy 16:11 hard 5:8 hated 5:18 healthy 6:10 hear 3:2, 3 8:18 14:16 15:16 heard 2:12, 18 5:15 6:16 7:15 8:15 14:9, 11 hearing 3:25 8:7 13:7 16:18, 25 18:8 hearings 8:8, 16 14:10 16:4 heightened 12:4 hereof 18:5 hereto 18:5 hereunto 18:9 high 2:20, 20 highly 7:16 honor 8:21 hopefully 15:13 16:9 horribly 14:8 huge 6:2 human 6:18 hundred 9:17, 22 10:9, 13 hypocrite 4:3
G	I
gage 10:6 galvin 2:14, 15 4:8, 11 7:14 general 4:19 gentleman 3:14 getting 3:20 7:17 13:24 give 4:11 8:12 gladly 8:20 go 8:19 going 3:24 13:23 14:24 16:5 good 2:6 8:18, 21 14:7, 18, 23 gradually 11:13 grandchildren 4:22 grandson 4:23 great 3:3 4:23 5:22, 25 16:12 greatest 5:9 gregg 1:13 grounded 6:12	identified 10:3 impact 5:20 6:21 implement 12:6, 7 implementation 12:7 important 2:22 3:22 14:2 16:5 improvement 9:4, 5, 13 12:3, 15, 23 improving 11:6 including 2:22 incredible 6:20 incumbent 9:15 indicate 10:20 16:19 indicated 3:7 indicates 11:6 individual 10:11, 12, 16, 18 11:21 industry 3:21 6:6 information 5:5 8:17, 23 13:16 13:17, 24 inquiry 10:18 11:16, 22 12:10 interact 7:14

interest 6:4 13:5	loved 6:14
investments 13:13	lovely 6:23
involved 6:5 15:2 16:6	lucky 4:25
issued 11:10	lunches 3:17
issues 5:17 13:18	
item 5:6 7:25 8:2,23	
items 16:17	
	M
J	m 1:9 3:24 7:5,17 14:25 16:4
january 11:13	macruc 2:24
jobs 2:21	maintenance 11:24,24 13:14
june 9:21	making 3:20
juvenile 6:13	man 3:15 4:5 6:17
	married 3:4
	matter 8:3 14:23
	matters 15:2
K	mcgowan 8:20
kept 6:12	means 10:18
key 9:23 12:15	measure 9:23 10:5,10,16,17,25 14:19
kim 4:7	measures 10:2,23
kind 3:17	meeting 1:1,6 2:1,11 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1,22 13:1 14:1 15:1 16:1 17:1,6,9 18:1
kirsten 18:14	memories 4:13 5:10
knew 4:24 5:12 7:5,5,16	memory 4:13
know 3:2,6 4:8,12 7:4,10,10,18 8:13 9:14 13:21 14:22 15:5	met 12:18
knowing 2:18	midst 12:11
known 6:17	migrate 13:15
kristen 18:3	migration 9:19
	million 9:16
	millions 12:25
L	mind 6:13
l 1:14	minutes 8:18
lack 9:8	missed 10:19 11:3,3
largest 9:14	moment 2:11
leave 15:15	month 11:2 12:18
legacy 5:9	monthly 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1,2,3 12:1 13:1 14:1 15:1 16:1 17:1 18:1
lemire 18:3,14	months 9:20 10:20 11:4 13:8
lessons 5:10	morebroadly 12:24 13:4
life 3:4 4:10,18 5:10 6:22	morning 2:6,9 8:21,22
line 11:6,7	move 7:21 9:12 15:5 16:15
linear 11:5	moving 13:23
lines 9:16,18,22 10:9,13 14:15	
listened 4:2,4	N
little 5:20	name 18:10
lived 4:18,21	nation 4:19
localexchange 9:15	nearly 13:7
long 4:18 5:20 9:23	
longlasting 5:10	
look 8:11 15:22	
looking 5:17 8:17 13:12	
loss 6:2 7:17	
lost 9:21	
lot 7:4 8:15	

need 6:2 14:2,24 15:15
needed 5:6
needs 9:9
neil 2:13 3:12,14 4:8,13,17,24
 5:12 6:2,9,17,21 7:5 8:21
neils 7:20
network 9:24 10:2,6 13:3,6,11
 13:13,14,15
never 6:14
new 1:3,11 6:2 8:3,9 9:15 18:2
news 5:25
nice 7:22
non 12:25
noncore 14:20
note 11:14
number 2:22 3:17 8:2 9:18 10:12
 11:15,18
numerous 13:9

O

observations 12:21
obviously 2:17 13:21
october 17:6
office 10:16,19
offices 9:17 10:7,11,12,13,17
 11:21,21 12:2,5,9
offtherecord 15:11
okay 2:10 17:8
oldschool 3:13
omit 7:12
ongoing 16:7
opportunity 3:3,12 7:10
opposed 16:24
opposite 4:5
opposition 16:25
order 2:3
outcome 8:6
outofservice 12:17
overall 11:14

P

p 2:23
page 18:5
pages 18:7
painfully 8:6
part 14:11,16
particular 4:20 13:3
particularly 6:5
partner 4:10
passed 2:14

passing 2:12 5:14
patience 5:18
patriarch 4:8
patricia 1:14
peace 4:14
people 2:18 3:13,18 4:2 5:15
 7:3,4 14:17,18
percent 9:18,21 10:7,9 11:4,15
 14:14
performance 9:3,11 10:7 11:14
 12:16 13:4,12
period 11:7
periodically 8:24
periods 11:8
person 2:19 3:14 5:23
peter 8:10,19 14:9
phonetic 2:14
picture 14:6
place 16:10 18:4
plan 9:4,5,7,13 12:6,8,14,15,16
 12:23 16:10
plaza 1:10
please 16:19
pleased 3:3 14:25
pleasure 2:17 4:6
populations 10:15
positive 5:10 7:16 12:13
practical 5:17
premise 9:6
presents 11:10
preventative 11:24
principled 4:5
prior 12:3
private 2:21 3:15
proactive 11:23,24
problem 10:21 12:4
problems 10:2,15 11:23,25 13:10
 16:6
proceeding 14:10,25
proceedings 18:7
processes 13:25
productive 4:18
programs 11:25
protecting 9:8
protections 9:10
proud 4:9,10 6:17
provide 6:4
provided 8:3
psc 1:1 2:1 3:1 4:1 5:1 6:1 7:1
 8:1 9:1 10:1 11:1 12:1 13:1

14:1 15:1 16:1 17:1 18:1 public 1:4,6 2:3,13 3:25 6:3 8:7,16 13:7 14:10 16:3 puffery 5:8 pure 5:24 put 7:3,11	required 14:13 reserve 16:8 respect 11:20 rest 4:14 result 8:15 results 9:12,12 10:22 11:10,13 12:13 14:12 retain 13:6 retired 2:15,20 review 10:22 revolved 5:24 riches 5:23 right 15:9 role 3:19 rolling 11:12 roots 6:14 roughly 9:21 rules 5:2,3 rural 10:14
<hr/> Q <hr/>	<hr/> S <hr/>
quality 8:3,9 9:2,2,4,5,13 12:15,23 13:12 14:7,11 quarter 10:25 11:5,18 12:10,12 12:19 quarterly 8:4,25 questions 14:3	s 2:8,19,23 6:2,9,11,16,24,25 8:2,6,24,25,25 9:2,24 10:4,6 10:25 11:2,12,14,14 12:16 13:3,4,11,12 14:14 15:14,17 17:5 sad 2:12 5:25 saddened 2:25 sampling 6:16 sandra 3:4 4:10,21 sat 4:3 saying 5:11 16:20 sayre 1:13 7:9,13 14:5,6 16:21 scheme 6:6 seasonal 10:14 second 10:10,25 11:4,18,20 12:10,12,18 secretary 2:4,6 7:7 17:3 sector 2:21 3:15 5:15 seeing 10:23 seeking 13:16 selected 11:7 self 3:14 send 7:9,23 sense 6:9 8:12 sensitive 11:7 september 1:9 2:14 18:10 servant 6:3 serve 3:12 served 2:16,23 3:16 13:11
<hr/> R <hr/>	
r 2:23 10:2,2 rags 5:23 rate 9:25 10:5,11 11:11 14:21 ratepayer 6:11 reading 15:22 real 3:14 5:19 reality 6:12 really 3:18,19 4:3,8 5:25 7:13 8:5,11 14:9,22 recommendation 16:19 recommendations 17:2 reconcile 14:24 record 18:7 recuse 16:16 regression 11:6 regular 7:25 8:2 regulated 14:15 regulatory 6:6 9:7,9 reliable 9:24 rely 13:2 remaining 14:15 remediate 11:25 remediated 12:11 remediation 12:6,8,11 remember 3:23 repairing 12:16 repeat 11:16 report 8:6,12,24,25 9:25 10:5 10:11,24 11:5,11 12:8,10,13 13:22 14:7,21 15:22 16:5,9 reported 14:13 18:4 reporter 18:14 reports 8:5 9:2 10:8,8,13,18 11:16,22	

service 1:4, 6 2:3, 13, 13 8:3, 9
 8:25 9:2, 4, 5, 13, 25 10:5, 18
 11:16, 22 12:10, 15, 22 13:12
 14:7, 11, 17, 18, 23, 23
serviceaffecting 12:17
serviced 9:19
serving 2:17 9:16 10:14
session 3:24
seven 4:22 11:21
share 3:5
shortterm 5:21
shows 11:5, 12
side 3:21, 21
sincere 4:12
six 14:14
sixty 3:5
skepticism 6:11
small 6:8
solve 16:6
sorry 7:17
sounds 7:20
special 9:9
specific 9:12 12:14
specifically 9:3
spelling 2:14
spin 5:8
spot 7:3, 11
staff 6:8 7:2 8:14 10:16 12:23
 13:3, 11, 16 14:25
staffer 4:25
stakeholders 15:23
standard 10:9 11:3, 4, 15
standards 10:5
start 2:10 3:10
state 1:3, 10 3:16, 19 18:2
stated 18:5
statement 3:25 8:8, 16 13:7
 14:10 16:4
step 12:20
steps 8:14 13:23
straight 5:6
streamlining 6:5
strength 13:4
strove 6:4
study 8:8 11:9 13:9 14:10, 25
subscribed 18:10
substantial 8:7
substantive 5:5
sufficient 12:25
sure 3:11, 20 7:5

sympathy 4:12
system 5:23

T

t 6:10 7:3, 10, 10, 11, 12, 13 10:2
 11:17 14:22 15:5, 20
tagged 3:13
take 2:11 7:8 8:11, 14, 18 14:14
 15:14
taken 3:21
targeted 12:7
telecom 8:8, 11 14:10, 25
telecommunication 8:9 11:9
 13:22
telecommunications 13:9
telephone 9:25
ten 9:19, 21
tend 10:15
tends 10:20
tenthirty 17:7
thank 4:15 6:21, 24 7:19 13:19
 13:20 15:3, 21, 23 16:13, 13
 17:8
thing 7:22
things 2:22 8:13
think 2:20, 21 6:24 7:22 14:2
 16:5, 8
thought 5:19 8:17
thousand 9:22
three 1:10 9:16, 22 10:8, 8, 19
 12:9
threshold 10:19 12:18
thresholds 12:23
thursday 1:9
time 3:23 18:4
timely 12:16
today 7:20 8:2 13:22 17:4, 6
total 14:15
tracks 10:11
traditional 9:15
transcript 7:8
transcription 18:6
treasurer 2:23
trend 11:6
trouble 9:25 10:5, 8, 10, 24 11:11
 12:8 14:20
troubling 11:14
true 5:23 18:7
truly 6:18
truth 14:22

try 16:6	worthiness 6:18
turn 7:24	wouldn 6:10
turning 12:14	wow 5:22
twelve 9:20	
twelvemonth 11:11	X
two 2:20,21 10:5 11:17,19	x 1:14
type 3:14 5:23	
typewritten 18:6	Y
typically 8:4	
U	yeah 15:18
unbiased 5:7	years 3:5 4:18 9:19 11:17,19
underlying 9:7	12:3 16:7
understood 3:19	york 1:3,11 6:2 8:4,9 9:15 18:2
unit 8:11	young 4:25
use 5:19 7:20 8:22	
utilities 6:7	Z
	zibelman 1:13 2:2,10 4:15 6:23
V	7:19 13:20 14:8 15:4,12,18,24
value 5:23	16:12,24 17:8
valued 4:20	0
verizon 8:3,25,25 9:2,4,14,19	
9:21 11:3,12,14,23 12:5,6,22	1
12:24 13:4,11,12,16 14:14	1 18:5,7
views 14:24	10 1:9
vigorously 13:5	15th 2:15 17:6
vote 3:24 5:6	17 1:9 18:7
voted 4:4	1999 2:16
	19th 1:10
W	
wait 16:9	2
waiting 16:4	2006 2:17
want 2:11 3:8,9 7:2,3,11,12	2009 11:13
15:19,25 16:16	2010 9:6
wanted 5:5 8:10	2015 1:9 9:21 10:25 12:19 18:11
warranting 9:9	23rd 18:10
water 6:5,6	3
way 4:5 5:7,17	3 1:10
week 2:12,15	30 1:9
went 3:25	
whereof 18:9	4
wife 3:4 4:22	
wishes 7:6	5
witness 18:9	
wonderful 4:12 6:25	501 8:2
work 4:25 6:10	6
worked 6:11 7:15	
working 4:6 5:3	7
world 5:20 7:20	
worsening 11:13	8

85 10:9 11:3,15

9

9172015 1:1 2:1 3:1 4:1 5:1 6:1
7:1 8:1 9:1 10:1 11:1 12:1
13:1 14:1 15:1 16:1 17:1 18:1