

Monthly meeting - PSC Commission - 12-17-2015

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, December 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

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2 CHAIR ZIBELMAN: Good morning.

3 So, everybody is in their accustomed seats,  
4 so Happy Holidays to everyone. Welcome to the Commission.

5 I'm going to bring the public -- the meeting  
6 to order.

7 Secretary Burgess is there any change for the  
8 final agenda?

9 MS. BURGESS: Good morning, Chair and  
10 Commissioners.

11 There's one change to the agenda. Item 373,  
12 case 15-E-0569, which is a tariff filing by Central Hudson  
13 Gas and Electric Corporation to establish general  
14 information, Section 45, the Empire Zone Rate contained in  
15 PSC number 15. That matter is over.

16 CHAIR ZIBELMAN: Okay. Thank you.

17 Before we turn actually to the agenda today,  
18 I wanted to update my fellow Commissioners on the status of  
19 the Commission Compliance under Public Service Law, Section  
20 66N. If you'll recall, the Legislature asked us to do a  
21 study of net-metering and that is due to the Legislature  
22 tomorrow.

23 That study was actually underway with NYSERDA  
24 and staff worked with NYSERDA and an outside consultant, E-3  
25 and they have now prepared a report of -- on net-metering. I

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2           want to make it clear that while we've reviewed the report,  
3           we are going to be using it on our ongoing dockets concerning  
4           the valuation of distributed energy resources, including the  
5           docket where we're going to be looking at an interim result  
6           for valuation by the end of 2016.

7           So, we see this as another important aspect  
8           of the evidentiary record we're creating here and I just  
9           wanted to let you know that we are in compliance with the  
10          legislative mandate and we will be submitting that to them  
11          tomorrow and thank the work of the staff and NYSERDA and E-3  
12          on the preparation of the first -- that report.

13          So, let me -- we're going to turn to the  
14          regular agenda. We have three set -- three items for today.

15          The first item is 301 and that's the  
16          proceeding on the motion of the Commission to examine the  
17          alternative current -- alternating current transmission  
18          upgrades.

19          Paul Agresta, who is our Deputy General  
20          Counsel, will be presenting the staff's -- advisory staff's  
21          recommendations today. Raj Addepalli, Mike Worden, Leka  
22          Gjonaj -- why do I always do that? Andy Davis and Jim Austin  
23          are also here.

24          I'm going to let Paul start, so Paul, please  
25          begin.

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2 MR. AGRESTA: Thank you.

3 I'd like to begin the discussion by talking  
4 about the regulatory context.

5 Pursuant to the federalism principles of our  
6 system of our government, FERC, that's the Federal Energy  
7 Regulatory Commission, FERC and the state share the power to  
8 regulate bulk electric transmission facilities. FERC  
9 regulates the rates charged for the use of bulk electric  
10 transmission facilities under the federal power to regulate  
11 interstate commerce. FERC regulation includes deciding cost-  
12 allocation and cost-allowance issues.

13 In other words, if you build a powerline,  
14 FERC will tell you who and how much you can charge to pay --  
15 to get back your investment.

16 FERC does not want the New York ISO, the  
17 entity that operates the bulk electric transmission system in  
18 New York setting policy. Therefore, in some instances, FERC  
19 relies on the Public Service Commission to give it guidance  
20 about state policies.

21 States regulate land-use issues, including  
22 the siting of most major electric transmission facilities.  
23 If you want to build a powerline in New York, you need to  
24 prove to the Public Service Commission that the line should  
25 be built and it will be built in a manner that is

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2 environmentally compatible.

3 So, this federal-state interplay means that  
4 for any new major transmission facility to be built or  
5 operated, it may require both a federal approval as to cost  
6 recovery and state approvals as to siting and public policy.  
7 So, that -- the trick is to have both the federal and the  
8 state processes reach the same results. If FERC was to  
9 approve a line for cost recovery, but the Commission was to  
10 not approve the same line for environmental reasons, you  
11 wouldn't be able to build anything and the reverse, if the  
12 state was to approve something for environmental  
13 compatibility reasons and FERC was not -- would not give it  
14 cost recovery, again, you wouldn't be able to build anything.  
15 Okay.

16 So, today's decision relates primarily to the  
17 Commission's role as the public policy advisor to FERC. Yes,  
18 the Commission has a number of Public Service Article 7  
19 siting proceedings going on. We call them the AC  
20 Transmission Proceedings and the Commission has received a  
21 number of -- a considerable number of studies and comments in  
22 those proceedings and has compiled an impressive record of  
23 information that will contribute to today's decision.

24 But today's decision is whether the  
25 Commission is going to advise the New York ISO and FERC that

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2   there is a public policy transmission need for new  
3   transmission facilities to be built between upstate and  
4   downstate. All of these matters, the AC Transmission Siting  
5   Cases and the New York ISO/FERC Public Policy Decision are  
6   interrelated and accordingly, they're being heard on a common  
7   record.

8           Okay. So, many recent studies have  
9   highlighted need for the New York Transmission System to be  
10  upgraded to replace aging infrastructure and to increase  
11  transfer capability between upstate and downstate. So, let's  
12  talk about what that's all about.

13           What is the need for a new transmission  
14  facility? And let's go to slide -- the slides. The next  
15  one, right there. Okay.

16           This -- this slide shows that the southeast  
17  New York -- area of New York State is a load-pocket. That  
18  means that it has more demand for electricity than it has  
19  generation capacity to serve the load. So, to keep the  
20  lights on, power must be imported in to southeast New York.

21           Long Island has a small amount of excess  
22  capacity that can be imported, as shown on that slide there  
23  on the right. No, no, no. If you look on the right side of  
24  the slide, there's some excess capacity from Long Island that  
25  can go in to the load pocket. On the left side, you can see

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2           that the neighboring control area, the PJM System, also has  
3           some generating facilities that can serve New York except the  
4           PJM facilities can be controlled by PJM. So, if PJM needed  
5           the load, they can withhold it from the New York area.

6                        So, the remainder of the power that -- that  
7           is needed for the load pocket has to come from upstate New  
8           York. Southeast New York has demand greater than the local  
9           supply, but fortunately upstate New York has supply greater  
10          than its demand.

11                      Okay. And to give you an idea of the scope,  
12          upstate load-zones have an excess capacity of about seven  
13          thousand megawatts, whereas southeast New York has a  
14          deficiency of about two thousand megawatts and that's if  
15          every single plant is operating. In reality, the -- the  
16          amount of the deficit is greater than that.

17                      Any time any of the plants in southeast New  
18          York are not operating or we don't want them to operate  
19          because they're some old, dirty, clunker plants, even more  
20          demand is needed to bring in power from upstate New York.

21                      So, about two-thirds of the load is  
22          downstate, but only half of the generation in the state is  
23          downstate.

24                      So, the big question then becomes whether  
25          there is sufficient transmission capability to move the

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2           excess upstate power in to southeast New York where it's  
3           needed. When the power transfer is blocked because there is  
4           insufficient capacity on the transmission lines to handle the  
5           load, that blockage is called congestion.

6                       Now, the obvious analogy is to the crowded  
7           two-lane road that cannot handle the number of cars that want  
8           to pass. When there are too many cars, a traffic jam  
9           develops and additional traffic comes to a halt. What's  
10          needed, many have argued, is an energy highway with  
11          sufficient transmission lanes to handle all the traffic that  
12          wants to pass.

13                      So, let's go to the next slide.

14                      Thank you.

15                      There are two major transmission interfaces  
16          that control how much power can be transferred from upstate  
17          to downstate. The first one is called the UPNY-SENY  
18          Interface. That stands for -- or it electrically divides  
19          upstate New York from southeast New York and that's what's  
20          depicted on this slide here.

21                      It shows generally where the dividing line is  
22          and -- and it shows that there are two major paths for power  
23          to go from upstate to downstate. One is the New Scotland  
24          lead to Pleasant Valley Path and the other is the Marcy South  
25          Path. And there's a number of different transmission lines



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2    in those paths, but this is just sort of a general depiction.  
3    Okay.

4           Okay. Let's go to the next slide.

5           The second interface is called the Central  
6    East Interface. It electrically divides Central New York  
7    from Eastern New York and this -- this slide shows the  
8    general dividing line and the major power-flow paths on the  
9    existing bulk transmission system.

10           So, it's the same Marcy South line across to  
11    Central East as well as UPNY-SENY and then farther to the  
12    north, powerlines coming from the Marcy and Edict Substation  
13    areas cross in to New Scotland in Albany County. And those  
14    are the major path-flows. There are some smaller ones in --  
15    in-between, but those are the major path-flows.

16           Okay. So, the current transfer capability  
17    between upstate and downstate is about five thousand  
18    megawatts. That has resulted in congestion and over the last  
19    ten years, the historical average cost of congestion and this  
20    is a very limited definition of congestion, is about 365  
21    million dollars a year.

22           The 2019 forecast for congestion would be a  
23    cost of about 473 million dollars and the 2024 forecast for  
24    congestion would be about 562 million dollars.

25           That's -- that information is coming from the

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2           Brattle Report that was prepared as part of the trial-staff  
3           report in this case.

4                         In November of 2012, the Commission initiated  
5           the AC Transmission Proceedings to consider whether to  
6           address the persistent transmission congestion that exists at  
7           the Central East and UPNY-SENY Interfaces. The word  
8           congestion of course, is a simplification.

9                         In the November 2012 order instituting the AC  
10          Transmission Proceeding, the Commission explained that the  
11          transmission corridors that include the Central-East and  
12          UPNY-SENY Electrical Interfaces were persistently congested  
13          and contributing to higher-energy costs and reliability  
14          concerns.

15                        The Commission recognized in that order that  
16          upgrades to those sections of the transmission system could  
17          produce various benefits for New York, including enhancing  
18          system reliability, flexibility and efficiency, reducing  
19          environmental and health impacts, increasing diversity and  
20          supply, promoting job growth and the development of new  
21          efficient generation resources upstate and mitigating  
22          reliability problems that may arise with expected generator  
23          retirements.

24                        Now, those are -- that's a pretty broad range  
25          of benefits that the Commission identified.

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2 The Commission solicited proposals of  
3 projects that will increase the transfer capability through  
4 the congested transmission corridor, which it's said includes  
5 the Central-East and UPNY-SENY Interfaces by approximately  
6 one thousand megawatts.

7 Some of the parties in their comments before  
8 you are complaining that these proceedings have changed in  
9 focus from only congestion in the smaller sense of the word,  
10 to broader public policy considerations. Some have also  
11 complained that the focus has moved from the UPNY-SENY  
12 Interface to also include the Central-East Interface.

13 There is absolutely no foundation for either  
14 of those arguments.

15 The language I just described from the  
16 instituting order discusses a broad range of public policy  
17 considerations as being encompassed in the concept of  
18 congestion. In addition, the original order repeatedly  
19 mentions the Central-East Interface along with the UPNY-SENY  
20 Interface and it even includes a schematic map showing both  
21 the Central-East and the UPNY-SENY Interfaces.

22 So, I don't know what you could've done to  
23 make it more clear, but as part of today's decision, we are  
24 recommending that you reject those complaints.

25 The initial round of proposals received in

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2     response to the solicitation raised environmental siting  
3     concerns. The Commission then called for revised proposals  
4     that would better utilize existing rights-of-way and better  
5     match the scale of proposed transmission structures to be in  
6     keeping with existing facilities already in the landscape.

7                     And if we could go to the next slide, please?

8                     Now, on this slide, all the different colored  
9     lines are the different proposals that came in from the  
10    different Applicants. Twenty-two revised proposals were  
11    received from four entities. The four entities are North  
12    America Transmission, we call them NAT or NAT, the New York  
13    Transmission Owners, which is a group of our investor-owned  
14    utilities, Next Era Energy Transmission New York and  
15    Boundless Energy.

16                    Many of the revised proposals included  
17    significant revisions to address environmental compatibility  
18    issues. Thereafter, the Commission directed trial staff,  
19    with the assistance of the New York ISO to undertake a  
20    comparative evaluation of the project proposals. The  
21    comparative evaluation study required significant computer  
22    modeling of power-flows, electric-generation production-cost  
23    benefits and electric-generation capacity-cost benefits and  
24    it resulted in benefit-cost analyses. In addition, each  
25    project was analyzed as to its specific environmental

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2 impacts.

3 At the request of the Hudson Valley Smart  
4 Energy Coalition and others, the study also included an  
5 analysis of alternatives to our transmission facility, to  
6 address the issue of whether there were sufficient public  
7 need for a transmission solution, as a matter of public  
8 policy.

9 An initial result of that analysis was the  
10 Trial Staff Interim Report, dated July 6th, 2015, which  
11 addressed primarily the issues of environmental compatibility  
12 and beneficial electric system impacts on the Central-East  
13 and Upstate New York -- or the UPNY-SENY electrical  
14 interfaces.

15 On June 12, 2015, it had been announced in  
16 the press that the planned 720 megawatt CPV Valley Generation  
17 Facility had obtained its financing and would be proceeding  
18 to construction.

19 That facility has all of its regulatory  
20 approvals and is located in -- will be located in Orange  
21 County, New York, an area right in the middle of all of these  
22 areas that are under consideration. So, it would have an  
23 effect.

24 This significant change in the New York bulk-  
25 electric system required trial staff to update its power-flow

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2           production-cost benefit and capacity-cost benefit studies to  
3           reflect the change. Therefore, it was necessary for the  
4           project to be further studied, considering the effects of the  
5           planned 720 megawatt CPV Valley Generating Facility.

6                       Pending that revised analysis, trial staff  
7           issued the interim report of its findings and the parties to  
8           the AC Transmission Proceedings met in a technical conference  
9           to review the findings and exchange further information. The  
10          initial technical conference focused primarily on issues of  
11          environmental compatibility and cost. The Hudson Valley  
12          Smart Energy Coalition also presented its environmental  
13          compatibility findings at the technical conference.

14                      On September 22, 2015, trial staff issued its  
15          final report in a companion motion, recommending that the  
16          Commission find that there is a transmission need driven by  
17          public policy requirements for new 345 kV major electric  
18          transmission facilities to cross the Central-East and UPNY-  
19          SENY Interfaces to provide additional transmission capacity  
20          to move power from upstate to downstate.

21                      The trial staff report including a  
22          comprehensive, comparative analysis of the 22 project  
23          proposals, which was used to identify the best proposals in a  
24          winnowing process using relative environmental impact,  
25          electric system impact, benefit and cost data.

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2 Again, the parties to the AC Transmission  
3 Proceedings met in a technical conference, to review the  
4 findings and exchange further information.

5 The second technical conference focused  
6 primarily on issues of benefits, costs and overall need. The  
7 Hudson Valley Smart Energy Coalition also presented its peak-  
8 load and congestion forecast findings at the technical  
9 conference.

10 The trial staff report included a detailed  
11 benefits analysis, containing the following components. A  
12 MAPS Analysis, that's a computer program that simulates the  
13 electric system. A MAPS Analysis of production-cost savings.  
14 Additional production-cost savings, not captured in the MAPS  
15 model. ICap Analysis, that's a -- an analysis of the value  
16 of installed capacity.

17 Avoided transmission costs, reduced costs of  
18 meeting future renewable portfolio standard goals, tax  
19 receipts, that's the income the communities would get when  
20 you build a powerline in their community and it also looked  
21 at employment and economic activity, and none -- other non-  
22 quantified benefits and there's a big table of -- of what  
23 those are.

24 Advisory staff believes that the benefit cost  
25 analysis was conservative. The last two categories of

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2           benefits were not even monetized in the benefit cost  
3           calculations and the analysis also used conservative discount  
4           rates.

5                         Trial staff asked Brattle to discount costs  
6           and benefits over 45 years for the transmission projects,  
7           using a discount-rate assumption of 9.13 percent, based on  
8           the utility pretax weighted average cost of capital that it  
9           believes is appropriate for this type of analysis.

10                        Many economists would consider that -- even  
11           though staff think that's the right rate to use, many  
12           economists would view that as an extremely conservative  
13           assumption and would've used a discount rate assumption of  
14           5.6 percent, which would reflect utility after tax weighted  
15           average cost of capital. Brattle itself noted that it  
16           typically uses the lower rate.

17                        If trial staff had used the lower discount  
18           rate, the Brattle group estimates that the net-present value  
19           of most -- the Brattle group estimated that -- they did a  
20           sensitivity on this, that the net-present value of most  
21           portfolios would increase by 300 million to 700 million above  
22           the values already calculated.

23                        So, if you apply that to the transmission  
24           portfolios proposed by trial staff, which has a benefit-cost  
25           ratio of 1.22, a net-present value increase of 300 million



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2       would change the benefit-cost ratio up to 1.49 and if it was  
3       an increase of 700 million, the benefit-cost ratio would rise  
4       to 2.09.

5           Okay. So, so let's go to slide six.

6           Slide six shows the portfolio of projects  
7       that staff is recommending go forward and you'll notice that  
8       there's a lot less colored lines on this map and we've  
9       basically have winnowed things down to -- actually, these  
10      maps are very difficult to produce because the way you have  
11      to produce this map, based on what I was given, is you  
12      actually -- actually you have to color over all the other  
13      lines. You can't just delete them. You have to cover them  
14      over with gray lines so you can't see them.

15          Anyway, so we're -- we're down to a -- a -- a  
16      smaller group of things here. The trial staff recommendation  
17      would result in the addition of 939 megawatts of -- of --  
18      well, let's go to the next slide because it's easier to see.

19          This is more schematic of what's proposed.  
20      Okay. But it -- it shows you the different substations in  
21      the general areas.

22          The trial staff recommendation would result  
23      in the addition of 939 megawatts of increased transfer  
24      capability at UPNY-SENY and 375 megawatts of increased  
25      transfer capability at Central-East. That would augment

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2           transfer capability by about 20 percent over these  
3           interfaces.

4                       The Brattle Report estimates that the  
5           congestion savings, that's the small definition of congestion  
6           savings, would be about a 118 million dollars a year in 2019  
7           and a 156 million dollars a year in 2024 and that's just one  
8           small component of the benefits.

9                       So, the project is expected to reduce the  
10          narrow definition of congestion by a third or more.

11                      Now, if you look at this slide, you'll see  
12          that there are a number of applicants who put forth  
13          proposals. The closest proposal to doing the whole thing,  
14          which is Segment A and B together, was Project P-Eleven that  
15          was proposed by the New York TOs, but there were so many  
16          different projects proposed, if you -- if you look at the  
17          different segments of Project P-Eleven, one of the segments  
18          is Knickerbocker to Pleasant Valley.

19                      There were two other Applicants that had very  
20          similar projects and one of them had a project that was at a  
21          substantially lower cost than the -- than the cost that the  
22          TO was estimating for basically the same work. Similarly,  
23          for the two projects together, there was one Applicant who  
24          had a project that was somewhat similar, but again had much  
25          lower costs.

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2 Given those facts, staff recommended that  
3 rather than going forward and making a decision on the TO  
4 project at this time, that there be further competition  
5 before the ISO as to who should build these segments and to  
6 see whether we can get some more efficiencies out of  
7 everybody on the issue of cost.

8 In addition, the ISO process is very broad  
9 and allows for multiple submissions anyway. So, even if you  
10 only wanted to steer it towards one winner, the ISO would  
11 have to review all the other projects anyway.

12 So, if you look at this slide, per Segment A,  
13 we have the New York TOs and Next Era that have similar  
14 projects competing that for that segment.

15 For Segment B, we have NAT, the New York TOs  
16 and Next Era competing for that segment.

17 And -- and later on, I don't know if we're  
18 going to talk about it, but we're -- one of the  
19 recommendations in here is that the Commission requests those  
20 parties to submit their proposed solutions to the ISO. The  
21 tariff allows for that, in order to make sure that the ISO,  
22 when they do a solicitation, they don't want to do a  
23 solicitation and have nobody come to the party.

24 So, if you -- if you, as the Commission --  
25 the Public Service Commission recommend and request someone

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2           to submit their solution, they will be entitled to a recovery  
3           from the ISO, of their cost to prepare their application  
4           before the ISO. So, that gives them some measure of -- of  
5           comfort in going ahead and spending the money on doing the  
6           application. Parties that are not invited by you are at  
7           their own risk for their -- their costs.

8           Okay. So, the -- the recommendation's going  
9           to be that you ask the TOs and Next Era to submit Segment A,  
10          that you ask NAT, the TOs and Next Era to submit Segment B.  
11          And the parties are also free to submit both segments at the  
12          same time, submit them separately, any way they want to do  
13          it. Okay.

14          So, the idea of the competition is to put  
15          further downward pressure on rates -- or on costs rather. A  
16          couple of things about costs, the rate of return for these  
17          projects will be set by FERC pursuant to its Federal  
18          Regulatory Power over cost. That's not a Commission  
19          decision.

20          Some people have -- have complained to you  
21          that their rate is too high for the return that FERC allows.  
22          FERC allows an incentive return above the cost of capital to  
23          attract builders for projects.

24          And then in the category of no good deed goes  
25          unpunished, the Commission previously suggested that FERC

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2       establish an incentive for these projects that -- to help  
3       keep costs down, that twenty percent of their -- of any  
4       potential cost overruns be borne by the Applicant, rather  
5       than by the ratepayers to give the developer an incentive to  
6       keep cost overruns down.

7           Many of the parties have commented that the  
8       Commission wants to give them eighty percent of their cost  
9       overruns. That's -- that's what happens when you try to do  
10      something to keep costs down.

11          FERC's ordinary policy is to give a hundred  
12      percent of the cost overruns. What you were trying to do was  
13      set up an incentive that would keep the cost overruns to a  
14      minimum level, so I hope everybody understands that.

15          And in addition, to ensure fairness, the  
16      Commission will request the New York ISO to require bids from  
17      all of the Applicants under both scenarios. One, where they  
18      get a hundred percent of their costs, if there are overruns  
19      and the other where they have to bear the risk of twenty  
20      percent of the cost overruns.

21          By requiring everybody to put in both sets of  
22      bids, it'll be easier for the ISO to pick the appropriate  
23      winner. If they weren't -- if they didn't do that, it would  
24      become very difficult to choose which project was the winner.

25          Okay. So, let's see what the next slide is.

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2 Okay. As part of the review process of the  
3 projects, the -- the people doing the power-flow studies from  
4 the New York ISO and the New York ISO, identified that if --  
5 with CPV now in the database that was used, when you run all  
6 the power-flow numbers, if you were to build the new lines,  
7 there are some existing lines in Orange County that would  
8 present a constraint.

9 So, if you were to build the new lines, the  
10 ISO would force the new lines to be operated at a way that  
11 they are restricted and don't achieve their full purpose  
12 because there would be overloads that this line had shown on  
13 the map here, between the Schumacher and Sugarloaf  
14 Substation.

15 There's also a -- some -- some equipment at  
16 the Rock Tavern Substation that needs to be updated.

17 So, what has been recommended is that these  
18 additional upgrades that were identified as part of the --  
19 the process -- and that's normally what the ISO does. When  
20 somebody proposes a powerline, they do a system-impact study  
21 and they look to see what kind of problems it's going to  
22 cause in the line and if they identify something, they make  
23 the Applicant upgrade whatever needs to be upgraded and this  
24 is the same thing that's going on here.

25 So, as part of Segment B, if you could -- if

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2 you can go back one slide, if that's possible, John.

3 You'll see at the bottom of Segment B, the  
4 stuff in purple, those are the upgrades that are required in  
5 order to make everything so that it -- it reaches its maximum  
6 potential and so -- and the recommendation is that the  
7 Applicants work with the utility-company owners of those  
8 project -- of those facilities, so that the utilities will  
9 actually do those upgrades and just -- they'll be paid for by  
10 the developer of the transmission solution and then the  
11 developer will get cost-recovery of that through FERC.

12 Okay. Okay. So, you can go back.

13 Okay. All right. So, after the trial staff  
14 final report was issued, notices went out under the State  
15 Administrative Procedure Act and we did an additional notice  
16 requesting comments on trial staff's Public Policy  
17 Requirements recommendations, which brings us back to the New  
18 York ISO tariff process, which is the subject of today's  
19 decision.

20 The ISO open-access transmission tariff  
21 approved by FERC includes four transmission planning  
22 processes that can lead to FERC cost-recovery. Again, the  
23 whole purpose of their tariff is to provide a vehicle for  
24 people to pay for their projects.

25 So, the -- there's four processes in that

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2    tariff. The first is the local transmission planning  
3    process, which allows cost-recovery for local transmission  
4    needs identified by local transmission owners. That process  
5    is not under consideration here.

6           The second process is the reliability  
7    planning process. That includes a bulk-power system  
8    reliability needs assessment and a comprehensive reliability  
9    plan. That process is strictly limited to ensuring the  
10   minimum facilities necessary to keep the lights on. Issues  
11   like congestion and public policies are not considered in  
12   that process.

13           The facilities under consideration here do  
14   not qualify under the pure reliability silo. Although, if  
15   they are constructed, they will contribute towards better  
16   reliability and the New York ISO is not requiring new  
17   transmission under the reliability process. At least not  
18   related to this, yet the New York ISO remains a big supporter  
19   of building new transmission facilities for other purposes.

20           The third process is the Congestion  
21   Assessment and Resource Integration Study, or CARIS Process,  
22   which includes an economic assessment of congestion on New  
23   York bulk-power system. The CARIS Process is also strictly  
24   limited. The existing approach for identifying economic  
25   projects through the CARIS Process has not identified



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2 projects to be built, due its limited scope of benefits  
3 considered.

4           CARIS considers a narrow-range of benefits,  
5 focus -- focusing solely on base-case production-cost savings  
6 only, over a ten-year time horizon. Some other benefits,  
7 including reduced losses, capacity value, emission  
8 reductions, are calculated but they're not incorporated in to  
9 the CARIS benefit-cost analysis.

10           Again, the New York ISO is also not requiring  
11 new transmission facilities under the CARIS Process, yet the  
12 ISO -- and it's going to say, still wants to build  
13 transmission, if I can turn this page. The ISO remains a big  
14 supporter of building new transmission facilities for other  
15 purposes.

16           So finally, that brings us to the fourth  
17 process, which is the Public Policy Transmission Planning  
18 Process that considers public policy transmission needs, not  
19 being met by the other processes. So, this process was  
20 created by FERC to allow cost-recovery for transmission  
21 projects important to the states where the benefits are  
22 evaluated more broadly to include public policy concerns.

23           It's main importance is that it provides a  
24 vehicle for cost-recovery for the entity that constructs and  
25 operates a needed transmission solution.

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2 So a -- a public policy requirement is  
3 defined in the New York ISO tariff, as a federal or state law  
4 or regulation, including a Public Service Commission  
5 rulemaking order adopted after public notice and comment  
6 under State Law, which drives the need for transmission.

7 Under a New York State Law, such a rulemaking  
8 order by the Public Service Commission can be either of  
9 general, or particular applicability. That's true of all of  
10 what we call our soft rules.

11 Our hard rules are the ones that we codify in  
12 to the Code of Regulations, but most of the action the  
13 Commission regularly takes are considered soft rules. Okay.

14 The public policy transmission planning  
15 process has four steps. The first is identification of  
16 public policy transmission needs.

17 The second is the proposal of solutions to  
18 the identified needs.

19 The third is the evaluation of viability and  
20 sufficiency of proposed transmission and non-transmission  
21 solutions.

22 And the fourth is the evaluation and  
23 selection of the more-efficient or cost-effective public  
24 policy transmission project to satisfy a public policy  
25 transmission need.

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2 How many times can I say public policy?

3 Today's decision is part of the first main  
4 step. It constitutes the preliminary state public policy  
5 approval called for in the New York ISO tariff by the  
6 Commission identifying a public policy transmission need for  
7 which the New York ISO should solicit solutions.

8 Subsequent to the identification of a public  
9 policy transmission need, the ISO solicits proposed solutions  
10 and developers submit projects to satisfy the identified  
11 needs.

12 All submissions, regardless of project type  
13 are evaluated for the viability and sufficiency to meet the  
14 needs and upon a confirmation by the Public Service  
15 Commission that a need for transmission solutions still  
16 exists, the New York ISO then evaluates the proposed  
17 regulated projects that have satisfied the viability and  
18 sufficiency requirements and ranks them based on the quality  
19 of their satisfaction and numerous metrics.

20 Based on this evaluation, the ISO may select  
21 the more cost-efficient or cost-effective regular --  
22 regulated project to satisfy the need. A selected project is  
23 eligible for cost-recovery and cost-allocation under the New  
24 York ISO tariff in a manner to be determined by FERC.

25 And as described above, any selected public

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2           policy transmission project will likely also need separate  
3           state approvals of siting before it may be built or operated.

4                        So, advisory staff recommends that the  
5           Commission use its rule-making authority and find that it is  
6           the public policy of the state of New York and the Public  
7           Service Commission to reduce transmission congestion in a  
8           balanced and cost-effective manner that would be accomplished  
9           by the construction and operation of the portfolio of 345 kV  
10          transmission projects identified by the trial staff.

11                      Advisory staff also recommends that the  
12          Commission find that the 2015 State Energy Plan, in  
13          conjunction with Section 6-1041 of the Energy Law, which  
14          requires the State Energy Planning Board to adopt a state  
15          energy plan and Section 6-1045(b) of the Energy Law, which  
16          generally requires the Commission to make energy-related  
17          actions or decisions that are reasonably consistent with the  
18          policies and long-range energy planning objectives and  
19          strategies contained in the State Energy Plan, that they  
20          together constitute public policy requirements deriving the  
21          same transmission needs.

22                      The -- the projects under consideration here  
23          were identified as something necessary for the state in the  
24          State Energy Plan and the -- the Law of New York requires you  
25          to follow that plan, unless the plan is shown to be out of

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2 date.

3 So, that's a second basis for declaring a  
4 public policy need.

5 Overall, the project provides 1.2 billion  
6 dollars in -- or I'm sorry, 1.2 dollars in benefits for every  
7 dollar in cost. That's the cost-benefit ratio.

8 Reducing congestion includes many energy and  
9 environmental benefits, including reducing -- reducing  
10 production costs through congestion relief and reduce  
11 capacity resource costs, improving market competition while  
12 enhancing system reliability, flexibility and efficiency,  
13 improving preparedness for and mitigation of impacts of  
14 generator retirements, enhancing resiliency, storm-hardening  
15 and taking better advantage of existing fuel diversity,  
16 increasing diversity in supply, including additional  
17 renewable resources, promoting job growth and development of  
18 new efficient generation resources upstate and reducing  
19 environmental health impacts by eliminating less efficient  
20 electric generation.

21 These benefits will likely not be obtained  
22 any other way. The existing powerlines along these routes  
23 are slated for replacement in the near future. Advisory  
24 staff further advises that in rebuilding, it makes sense to  
25 do an upgrade in increased capacity so as to avoid building

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2   new powerlines in the future, especially new lines for which  
3   it would be necessary to open new rights of way in the Hudson  
4   Valley and elsewhere.

5           The Hudson Valley Smart Energy Coalition has  
6   not demonstrated that new transmission capacity is not  
7   needed. It argues that the combination of new gas plant  
8   fueled by low cost, natural gas and load reductions through  
9   extensive deployment of distributed energy resources will  
10   reduce prices through the region and consequently, with less  
11   need for imports from the west and north, will reduce  
12   congestion.

13           While new gas facilities will undoubtedly be  
14   part of the future energy landscape, that overall view is  
15   unrealistic. Having a strong transmission backbone that can  
16   respond to and balance a much-more diverse and dynamic fuel  
17   and usage mix is core to the Reforming the Energy Vision  
18   Plan.

19           The Chair could explain this much more  
20   eloquently than I'm going to, but there is no conflict with  
21   REV. Nothing in REV ever claimed that the bulk transmission  
22   system would not continue as the primary backbone of the  
23   electric system. REV will be vigorously pursued regardless  
24   of the outcome of these cases, but it does not eliminate the  
25   need for a robust transmission system for the next fifty

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2   years. The downstate region should not be denied the  
3   benefits of lower cost and renewable generation from upstate  
4   and it should not be asked to rely only on fossil fueled  
5   electric infrastructure.

6           So, I hope I said that right, Chair.

7           CHAIR ZIBELMAN: I'll have my chance.

8           MR. AGRESTA: Okay. Regarding the parties  
9   that are concerned that the facilities will increase  
10   production from coal plants, I note that today, the coal  
11   contribution to the state's energy mix is less than five  
12   percent of the total and it is not expected that coal will be  
13   a significant contributor to New York's energy portfolio in  
14   the future and that the very few remaining coal plants in New  
15   York, due to air emissions, will either be retired or  
16   repowered to use cleaner fuels, regardless of the outcome of  
17   these proceedings.

18           On the other hand, all of the wind farms  
19   built to-date in New York State have been built upstate. In  
20   the near future, that upstate trend will continue. They can  
21   only benefit from increased transmission capability between  
22   upstate and downstate.

23           So, now that we've talked about need, I want  
24   to spend a few minutes discussing environmental  
25   compatibility. The Commission has gone to great lengths to

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2 minimize any environmental impacts in these proceedings.

3 The location of Segment B of staff's  
4 recommended solution is no closer to the banks of the Hudson  
5 River than one and a half miles at any point and for half of  
6 its length, it's no closer than five miles. The topography  
7 is such that the facilities in question would not present  
8 significant visual impacts at locations on the Hudson River.

9 In addition, the facilities in question would  
10 not approach or cross the Hudson River. One of the great  
11 benefits of this winnowing process is that although there  
12 were very many proposals that had Hudson River crossings, as  
13 it turned out, a project that -- that does not require a  
14 crossing of the Hudson River was able to be chosen because  
15 there is an existing transmission line already crossing the  
16 Hudson that has excess capacity.

17 Advisory staff believes that the proposed  
18 segment B facilities would have absolutely no negative visual  
19 impact whatsoever on users of the -- users of the Hudson  
20 River itself. Furthermore, visual impacts on resources  
21 within the Hudson Valley Region will be minimized by using  
22 existing electric transmission corridors to replace existing  
23 facilities with new facilities.

24 Similarly, the routes that are on the Segment  
25 B chart avoid Olana, which is a -- a wonderful resource.



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2 They avoid the -- the Hyde Park facilities, the -- Franklin  
3 Roosevelt's house and grounds and Eleanor Roosevelt's  
4 facility. And they also avoid the Omega Institute, which is  
5 another facility that many parties were concerned about.

6 The proposal here is to replace existing  
7 towers on existing utility rights-of-way, with slightly  
8 higher towers and in most cases, two existing towers will be  
9 replaced by one new slightly higher tower. Many of these  
10 towers are slated to be replaced in the near future and given  
11 stricter standards on the minimum clearance between the  
12 ground and the low point of the conductors, the -- so that --  
13 what that means is the wires hanging in between the towers,  
14 at the low point of where the wire is hanging, the distance  
15 between that and the ground, that's called the clearance and  
16 the -- the rules on clearances have increased over time for  
17 greater safety purposes. So, if you were to go in and  
18 replace these old towers, you would have to raise them up a  
19 little bit to deal with that.

20 So, it's likely during the replacement  
21 process, they would need to raise the tower somewhat anyway.  
22 Increasing the voltage to 345, drives the need to raise the  
23 towers even a little bit more because the clearances are a  
24 little higher for a higher-voltage line.

25 But while the replacement work would be new,

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2     the existing towers have been in the landscape for decades.  
3     Advisory staff does not believe that the degree of  
4     incremental change is enough to adversely impact tourism in  
5     the Hudson Valley or elsewhere.

6           The existing towers in the Hudson Valley vary  
7     considerably, depending on where they are and how many other  
8     towers share the right-of-way. In the Hudson Valley, the  
9     existing towers that would be replaced range from eighty to  
10    eighty-five feet in height. Some of them share rights-of-way  
11    with other towers that are up to a hundred feet in height and  
12    where the hundred foot towers occur, the hundred foot towers  
13    would remain in place.

14           Where the only towers in the right-of-way do  
15    not exceed eighty-five feet, the New York TOs have proposed  
16    replacement steel mono-pole towers of ninety feet in height.

17           Where there are existing towers in the right-  
18    of-way of one hundred feet in height, the New York TOs have  
19    proposed to match -- the heights of the tower spans will be  
20    identical to what is already there.

21           So, let -- let's go to the next slide.

22           This is one of the TO cross-sections and it's  
23    hard to make out on this screen, but if you look in the  
24    background, there are two lattice towers that are sort of  
25    grayed out. Those towers would be removed and they would be

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2 replaced by this slightly taller mono-pole structure.

3 Let's go to the next one.

4 This is again, another TO cross-section. In  
5 here, the existing right-of-way has four existing lattice  
6 towers, as well as a gas main and a telecommunications line.  
7 The proposal would be to replace two of the lattice towers  
8 with one mono-pole structure.

9 Next Era has proposed a slightly different  
10 design. Next Era has proposed concrete mono-pole structures.

11 You can go to the next slide.

12 Okay. That are a hundred and five feet in  
13 height, so they're a little higher than the TO structures and  
14 if you look on this slide very closely, you can see there's a  
15 grayed-out transmission tower on the right, that is being  
16 replaced by a -- a -- a single pole that's made out of  
17 concrete.

18 There are no towers proposed for the Hudson  
19 Valley that are higher than the hundred and five foot tower  
20 shown on this diagram.

21 Okay. Let's go to the next slide.

22 And then NAT has a very different design.  
23 They're proposing a steel, horizontal structure supported by  
24 two poles, that is eighty feet in height. The way that they  
25 get their structure to work is that they spread out the wires

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2 horizontally rather than vertically, so it results in a much  
3 wider structure, but a lower structure.

4           Okay. Now, the tower heights will be  
5 determined in the Article 7 cases, after the Part B filings  
6 are made, but I just wanted you to see that the incremental  
7 impacts, while they may be important to the people who live  
8 near the line, they are not something that's going to  
9 regionally affect the character of the Hudson Valley.

10           And our process is very robust and will  
11 involve staff going out in the field and looking at each  
12 individual location to decide what's the best thing to do and  
13 -- and hopefully we'll be able to minimize the height, even  
14 more than is shown on the current schematics.

15           There are another -- a number of other  
16 details that are contained in the draft order that I'm not  
17 going to review. You've all been briefed on them and I think  
18 I've been talking long enough.

19           In summary, advisory staff has proposed a  
20 series of criteria and studies that should be considered or  
21 undertaken by the New York ISO when it considers solutions.  
22 Among the things the criteria attempt to accomplish --  
23 accomplish is to steer the New York ISO towards selecting a  
24 transmission solution that would be environmentally  
25 compatible.

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2 In addition, advisory staff is recommending  
3 that you ask the Applicants to withdraw from further  
4 consideration, any routes and segments that were not  
5 identified as likely to contribute to an ultimate solution.

6 Based on the comments, withdrawal of those  
7 segments would be greatly appreciated by the effected  
8 communities.

9 And Raj, is there anything you'd like to add  
10 before we take questions?

11 MR. ADDEPALLI: Nothing more. You've done a  
12 great job.

13 MR. AGRESTA: Thank you.

14 So, that concludes my presentation thankfully  
15 and we stand ready to take your questions and hopefully,  
16 you'll get to hear from someone other than me when you ask  
17 them.

18 Thank you.

19 CHAIR ZIBELMAN: Paul, thank you very much.

20 I understand that after this proceeding, Raj  
21 and Mike have an honorary PE Degree that they want to offer  
22 to you.

23 MR. AGRESTA: Does that -- does that come  
24 with a salary?

25 CHAIR ZIBELMAN: That's up to them.

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2 I thought that would be an additional so  
3 thank you very much.

4 And first of all, before I take, you know,  
5 any questions for -- from the Commissioners, I did want to  
6 note my appreciation for what I know has been an extensive  
7 amount of work done by our trial staff, as well as our  
8 advisory staff in reviewing this. Looking at 22 different  
9 transmission projects and just evaluating each one and  
10 ascertaining the cost and benefits of each one is a -- a  
11 tremendous amount of work effort that has -- was done  
12 actually in a very short amount of time.

13 There are -- there are transmission lines I  
14 know elsewhere in this -- in this country, single lines, that  
15 took fifteen years to get to this point, so I -- I do  
16 congratulate you.

17 I also want to note my appreciation to the  
18 New York ISO and know that they were incredibly helpful.  
19 They were -- stood ready to do the studies that we asked them  
20 to do and we're always very appreciative of their expert  
21 support of -- of our work as well as the work, of course, of  
22 Brattle, our -- our expert here.

23 And then I also want to note my appreciation  
24 for all the developers who came in, both in terms of their  
25 original projects, but also their willingness to respond when

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2 we asked them to revise their projects to meet our  
3 environmental needs and I know that is also a considerable  
4 amount of work. And so, I, you know, I think that from that  
5 perspective and then the stakeholders who were involved in  
6 this proceeding, I think we had, you know, and as this has  
7 been the largest proceeding that the PSC has ever conducted,  
8 there has been approximately over two million dollars in  
9 intervenor funding that I believe has been provided and the  
10 record in front of us is extraordinarily robust, impressive,  
11 as Paul said and we know that that's because of a lot of work  
12 of a lot of people who are thinking very hard about how to do  
13 things the right way for New York.

14 So, without anything more, I think we all  
15 should all feel very good that the decision process that  
16 we're embarked upon is one that has been improved by the  
17 amount of contribution by so many people.

18 Before I go to my comments, I just had a  
19 couple questions and clarifications. I'm going to ask my,  
20 you know, fellow Commissioner if you have any questions. I  
21 think we've all been briefed extensively. I know we've all  
22 read the record. I know we've met with staff and so mine are  
23 just really sort of minor, but I just want to make sure that  
24 we -- we pick up on a few points that I -- I believe are  
25 important.

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2 One is you -- you mentioned this, but I think  
3 it's important to note that the 1.2 benefit cost analysis  
4 that you identified could -- was the -- on some -- by some  
5 testimony on the conservative end, even in our own analysis  
6 and that by some analysis these recommendations, it could be  
7 two to three -- two dollars per every dollar spent, which  
8 would be a -- a more significant benefit-cost analysis so it  
9 really does go in to your assumptions. Right? I assume  
10 that's correct?

11 MR. AGRESTA: That's correct.

12 CHAIR ZIBELMAN: The -- the -- the other is  
13 on terms of congestion. I know you used a figure of about a  
14 half a million, but I also know the record on some testimony  
15 shows that there could be up to a billion dollars of  
16 congestion, based on gas prices or changes in prices.

17 I think, Raj, you probably want to --.

18 MR. ADDEPALLI: Correct, Commissioner. It's  
19 a function of gas prices and clearly could be a -- an order  
20 of magnitude higher.

21 CHAIR ZIBELMAN: Okay. And then lastly the  
22 -- on this issue of what's -- what we're about ready to do --  
23 actually another point, which is the -- under the public  
24 policy analysis and you mentioned this, I just want to make  
25 it abundantly clear, is that the -- the -- the three



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2       proposals that we are asking to be submitted to the ISO by  
3       definition then will be allowed to -- for cost-recovery  
4       through the -- in the ISO process.

5           Nothing in our order today precludes anyone  
6       when the ISO asks for proposals, to come in with another  
7       proposal. What we're doing in our order, is simply saying  
8       these are the ones that we are asking to go in, so we're  
9       telling these developers, please submit and we're -- and as a  
10      result of our requests, they're entitled to cost recovery.

11           We can't control the ISO process in that  
12      sense.

13           MR. AGRESTA: That's correct.

14           And they could also propose non-transmission  
15      solutions as well.

16           CHAIR ZIBELMAN: Right.

17           So, that -- so this is a further iteration  
18      and I thought you did a very nice job explaining the  
19      difference between cost recovery and our requirement, which  
20      is need.

21           And then the other is, I notice on the map  
22      with the CPV line that's near the town of Wallkill. Is that  
23      where the Wallkill presumption comes from?

24           MR. AGRESTA: Yes.

25           CHAIR ZIBELMAN: I always wondered where we

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2 got that from.

3 Thank you.

4 So, let me -- that's the end -- I had --  
5 those are my questions. I do have comments, but does anyone  
6 else have any questions or clarification you'd like from Paul  
7 or any of the staff?

8 MS. ACAMPORA: Could you just take us through  
9 the timeline possibly, Raj, on this and how long this would  
10 be? And how does that run also with the hydropower line that  
11 will be coming down and what difference and impact does that  
12 also make on the ability to get more power downstate?

13 MR. ADDEPALLI: In terms of your first  
14 question on the timeline, as Paul said there are a few more  
15 steps in this process. The first is once you declare that  
16 there's a public policy need for these transmission lines,  
17 the New York ISO has to solicit proposals under their tariff  
18 and they have to give sixty days for the Applicants to submit  
19 proposals. And once the proposals are received, which could  
20 be just these three or more, the New York ISO has to conduct  
21 an analysis pursuant to its tariff. While we are laying out,  
22 excuse me, some criteria and expectations on the analysis,  
23 they have to follow their tariff in -- in complying with the  
24 -- the analysis that they have to do.

25 We are hoping most of these steps would be

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2     done by the second quarter of next year, 2016, and those that  
3     have been winnowed down and -- or on the -- the one winning  
4     bidder or two, probably will pursue the Article 7 process in  
5     front of this Commission and optimistically, if they can file  
6     their Article -- remaining Article 7 Part B by the end of  
7     2016 with this Commission, then this Commission has to pass  
8     judgement on the Article 7 and we hope that would happen in  
9     2017.

10                   And once that happens, the construction of  
11     the project, could take anywhere between two to three years,  
12     depending on -- there are a lot of other parameters that need  
13     to be considered in that they have to take some outages, how  
14     to schedule them with the ISO and -- and other reliability  
15     considerations.

16                   So in a scenario that I'd like to see, 2019  
17     in-service date if possible.

18                   The second question on the hydropower, I --  
19     I'm presuming you're referring to the Champlain-Hudson Power  
20     Express. They have most of the permits that they need.  
21     Clearly, they -- they can move forward independent of this  
22     effort and they -- they need clearly their own construction  
23     time.

24                   Does this project affect the economics of the  
25     other one? It would. How much it does would depend on what

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2   our assumption methodology are, but we believe there's room  
3   for both. There's enough need downstate to -- to help to  
4   meet these needs both -- for both the projects in my view.

5           MS. ACAMPORA: Okay.

6           MR. ADDEPALLI: Especially in light of our  
7   clean energy goals that we are also looking for.

8           MS. ACAMPORA: Yeah.

9           CHAIR ZIBELMAN: So, and Raj, just to -- on  
10  the Article 7, you know, we do have with the -- well, the new  
11  rules that we've put in place for transmission lines to stay  
12  in right-of-way, that we have an expedited transmission  
13  process and this is probably to Paul and Kim as well. And  
14  while I -- I know these -- these -- this particular project  
15  preceded those rule changes, just to be clear, there's  
16  nothing that prevents us in the existing Article 7 procedure,  
17  to have an expedited process simply because it's warranted by  
18  the facts and we're able to get to a conclusion quickly.

19          MR. AGRESTA: That's right.

20          You -- we -- we have a very extensive record  
21  built, which would give a head start for anyone in the  
22  Article 7 process. The -- the remaining Part B information  
23  is primarily construction drawings that are detailed where  
24  you'll be looking at the location by location tower height --  
25  tower locations and spans, things like that.

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2 CHAIR ZIBELMAN: So, that's one of the  
3 reasons Mr. Addepalli is optimistic that 2019 is a in-service  
4 date?

5 MS. ACAMPORA: Yeah. I just want to talk  
6 about the towers for a minute.

7 I've been asking for years about what's new  
8 with poles and -- and looking at some of these drawings,  
9 particularly this last one is quite interesting. So, I'd be  
10 interested regardless of -- of where we're going, to get more  
11 information about what's new with the look on -- on some of  
12 these things and maybe the Commissioners might want to go on  
13 a field trip and look at some of those places, once we had an  
14 understanding of what the alternatives were and how that  
15 again, might impact the area. So, I -- I'd be very  
16 interested in that.

17 MR. ADDEPALLI: Definitely we will take you  
18 on a tour, Commissioner.

19 MS. ACAMPORA: Okay.

20 CHAIR ZIBELMAN: Do one at a time though.

21 Any other questions or comments?

22 I mean, I -- yeah. I'm going to allow for  
23 comments. I was just -- any questions for -- okay. Let me -  
24 - so if -- if you will, let me -- let me just start and, you  
25 know, we -- we are as an -- and Paul, you've done such a

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2   great job, but I -- I do think that, you know, for me it's --  
3   it's important to stress why -- why I believe that the  
4   advisory staff recommendation to submit this to the ISO for  
5   public policy determination is the correct answer.

6           We are really looking at the fact and I think  
7   this is undisputed that we have aging transmission and that  
8   transmission was going to have to be refurbished. As -- as  
9   you note, two-thirds of the load in the state is located  
10   downstate. Only one-half of the generation is there and  
11   there's a lot of aging generation plants.

12           There's no question that we need transmission  
13   from upstate to downstate in the light -- just to maintain  
14   basic reliability in the city. I think the ISO Report in  
15   itself identifies, there could be many hours in a year,  
16   particularly if you have an outage of an old plant, that you  
17   simply would have a hard time maintaining reliability in New  
18   York City, keeping the lights on. So, we absolutely need  
19   transmission.

20           So, the next question then is as long as we  
21   have to refurbish those lines, should we be looking at an  
22   upgrade and should we -- we be looking at increased transfer  
23   capability.

24           The Commission several years ago, when it  
25   looked at this issue, made the determination at that time,

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2   that because of the level of congestion that they were seeing  
3   on the system, potential environmental -- positive  
4   environmental effects, the positive -- the potential  
5   reliability concerns as well as the economic value that could  
6   be incurred by increasing transfer capability and using old -  
7   - existing upstate plants to meet the needs of downstate, all  
8   of it made sense to take a look at increasing the transfer  
9   capability, since we were going to have to do work on the  
10  lines anyway and I think in our order, we looked at and said  
11  we would like to get around a thousand megawatts and I think  
12  these projects approximate and actually are -- go above a  
13  thousand megawatts of transfer capability.

14                   From my perspective, as I looked at the  
15  record and -- and I'm -- I think that the Commission was  
16  spot-on and that that's why this is in really the public  
17  interest and -- and it adheres to our public policy. And  
18  there's a number -- number of reasons I'm saying this.

19                   One is reliability. There's no question, as  
20  we electrify and we look in more -- we're more and more  
21  dependent on this, but also just in basically the -- the  
22  system topology we have, we need to have robust transmission  
23  to maintain system reliability.

24                   We have -- we know that from our storms, we  
25  know that from our system, we know that from the 2003

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2 blackout. We need transmission that's in an essential  
3 vehicle of the power -- of the power system as a whole.

4 The second is congestion. I mean, there's no  
5 -- that when you take a look at the history of this market  
6 and we look at the projections, we are looking in the order  
7 of between a half a billion and as I noted it could go up to  
8 a billion dollars a year. That's a billion dollars more than  
9 people are paying for electricity downstate than they need to  
10 pay for because we have upstate plants that are available to  
11 provide resources to them at a cheaper price. It makes no  
12 economic sense for the state to have plants sit idle,  
13 particularly plants that we know are just having financial  
14 stress, while we have needs downstate. And so that, to me,  
15 just -- it just makes perfect sense as the economic  
16 regulator.

17 The other point is -- as we noted, is -- is  
18 that if you looked at the study and -- and I think staff was  
19 deliberately conservative so they wouldn't be charged with  
20 being unduly biased, you're looking at one to two dollars of  
21 benefit for every dollar we invest in transmission.

22 It's one of the best investments we can make  
23 today because it allows us to use existing asset and helps us  
24 both attract and retain jobs in regions of the state where we  
25 want it, plus maintain those units.



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2 So, all that to me, you know, says -- makes  
3 sense. Then you add in to it that we're looking at a -- at a  
4 retirement potentially of Indian Point and that when that  
5 plant retires, what we need is to make sure we again, have  
6 transmission that's going to be able to move power from the  
7 north and the west down to the south. It just improves  
8 reliability. It improves the flexibility of our being able  
9 to retire that plant by putting transmission there.

10 So, that's important, as well as the fact is  
11 -- is it improves the Hudson River, since now that we  
12 wouldn't have an operating nuclear plant on the Hudson, as  
13 well as safety.

14 Then you add in to it diversity. It's very  
15 important for New York as we move forward, that we are able  
16 to integrate a lot more wind generation, a lot more solar  
17 generation and even increase hydro generation in to the  
18 system, in order to meet the clean energy mandate.

19 All of those resources are located far from  
20 load. You need transmission to be able to move it. I, you  
21 know, as you both know, I came from the mid-west, even though  
22 I don't sound like I came from the mid-west, but one thing  
23 that folks learned in the mid-west and the west, if you're  
24 going to have massive amounts of trend -- of wind, you need  
25 to have transmission to move it to load because the best wind

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2 resources are not where people live and so it's important to  
3 have it, whether we're talking about off-shore wind or on-  
4 shore wind or solar.

5           More importantly, and this is really  
6 important to me, is -- is that -- is in terms of REV and as  
7 -- as Paul noted because I've been hammering stuff on this  
8 issue, you -- you need transmission if we move to the kind of  
9 network we want to have. We want to have a clean energy  
10 network, which has a lot more intermittent power. We want to  
11 have a network that has a lot of demand-based resources that  
12 can operate very quickly and very dynamically against load  
13 circumstances to help balance those resources.

14           In order for REV to work, in order for us to  
15 have a grid that we can optimize both behind the meter and in  
16 front of the meter, we need to have a transmission grid that  
17 is flexible and strong.

18           So rather than actually reduce the need for  
19 transmission, the ability to have a much more efficient  
20 system actually increases the need for that transmission  
21 because again, it's one of the most efficient in --  
22 investments we can make in order to get there.

23           So, for those reasons, I would say that  
24 clearly we're on the right path.

25           Then the other issue is competition. Now, I

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2     know historically, when we needed to build transmission, we  
3     would go to our local utilities and we would say build it.  
4     In this case, the Commission did something very different and  
5     very innovative by saying well, let's get the best  
6     opportunities in and has opened it up for competition.

7           I think it's really important and I'm pleased  
8     that we have three projects going to the ISO to maintain that  
9     competition.

10           Now, coming from the industry, on all sides  
11     of this industry, there's nothing like having someone else  
12     sitting at your shoulder with another alternative, to get you  
13     to sharpen the pencils and think smarter and what the  
14     Commission obviously wants is the best solution.

15           So, maintaining that, having the ISO look at  
16     that and -- and -- and do it on an apples to apples basis, I  
17     think is the right thing to do.

18           So, for -- those are all the public policy  
19     reasons why I believe it's important that we pursue this  
20     alternative.

21           Now, the next question is, is really what the  
22     other point that I think we focused on, the Commission, in  
23     its proceeding, as you noted, is that we are terribly  
24     concerned about local land impacts. Now, we -- we understand  
25     the -- the impairment that building transmission has on

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2           property. That's one of the reasons that the Commission  
3           asked the developers to go back, sharpen their pencils, get  
4           out there sort of most-ingenuous thinking and come back with  
5           proposals that would include -- would -- would stay in  
6           existing right-of-way.

7                         It's very important to us not to use more  
8           land than necessary, not to impair some of these -- the New  
9           York landmarks and to make it least impactful, that we can,  
10          while meeting the needs of the public. I am -- I think that  
11          the fact that we now have three projects that stay in  
12          existing right-of-way and that while I know that there has to  
13          be increased poles -- pole height, I -- I -- I think that as  
14          Paul mentioned, that if we refurbish the land because there  
15          are new requirements to -- proposed by the -- by NERC, in  
16          terms of clearance requirements, that the poles would've had  
17          to increase anyway.

18                        And as I understand, because of some of the  
19          designs of looking at mono-poles, we're actually -- maybe  
20          help being able to reduce some of the towers. So, for that  
21          -- and I -- and I think our Article 7 and as you know, our  
22          staff will be on it, to make sure that we're not doing any  
23          more than necessary.

24                        I think that we've met our goal of being able  
25          to say to the people that live in this area, we're just

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2       replacing existing towers with new towers. The idea of using  
3       these mono-pole towers, which have less impact, also have a  
4       benefit and we're going to continue to do everything we can  
5       to reduce the visual impact, while meeting the needs of the  
6       system.

7           So, I feel very positive about this. I know  
8       that nobody likes to have -- be the -- to see infrastructure  
9       where it's not necessary, but this is essential. I think we  
10      all recognize that we need to have reliable electricity. We  
11      want clean electricity. We want cost-effective electricity.

12           It makes no sense not to use the assets we  
13      have in the northern and western part of the state. It makes  
14      no sense to prevent us from building wind because we don't  
15      have the transmission to move it from where it's developed to  
16      where it is.

17           So, to me, this is sort of not only the right  
18      thing from a public policy perspective, but an essential  
19      thing for the public policy perspective and it -- and it's  
20      our roles of ensuring reliability, ensuring economic outcomes  
21      and ensuring that we are in a position to implement the State  
22      energy plan. I don't see that we have any other decision  
23      that we can make. So, for -- I'll be -- for all those  
24      reasons, I'm going to vote to support the staff's decision --  
25      recommendation.

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2 I got it almost right. It's hard. Paul's so  
3 persuasive.

4 MR. AGRESTA: I know.

5 CHAIR ZIBELMAN: Thank -- so that's mine.

6 Any further comments?

7 Gregg?

8 MR. SAYRE: To me, this case involves a  
9 fairly straightforward choice. Either we take steps to  
10 relieve the congestion that keeps low cost and increasingly  
11 clean power upstate from flowing downstate, congestion that's  
12 been a problem for decades or we leave the congestion in  
13 place and hope that market forces, which may or may not work,  
14 lead to the construction of additional new pipelines and  
15 additional new natural gas generating plants in the downstate  
16 area.

17 After a tremendous amount of work by staff  
18 and the parties, we have before us a transmission solution  
19 that has -- is -- has been said a couple of times here, it  
20 has very low impact because it uses existing rights-of-way  
21 where there are existing powerlines that are going to have to  
22 be refurbished anyway because they're coming to the end of  
23 their physical, useful lives.

24 I am comfortable that the proposal before us  
25 to rebuild the existing lines is better for the state in

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2   terms of the public interest, from the point of view of  
3   costs, reduced greenhouse gas emissions, resiliency,  
4   reliability, fuel diversity, economic development and all the  
5   other reasons that are listed in the proposed order. So, I  
6   too will be voting in support.

7           CHAIR ZIBELMAN: Thank you.

8           Diane?

9           MS. BURGESS: Thank you.

10           First of all, Paul, I want to thank you for  
11   putting up with me recently and I appreciate that this is --  
12   has been a difficult journey for many folks internally and  
13   externally.

14           It is sheer enormous obligation of us as  
15   regulators, to make sure that we look very carefully and --  
16   and look at the record and operate on the facts and the  
17   evidence.

18           John Adams said facts are stubborn things and  
19   whatever may be our wishes or inclinations or the dictates of  
20   our passions, they cannot alter the state of facts and  
21   evidence.

22           And for me, going through this, this is not a  
23   disconnection, you know, from REV. This is an  
24   interconnection between the energy highway and the REV  
25   initiatives.

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2 This is not a anti-renewables. Actually, it  
3 embraces it. It says that if we are to achieve our REV  
4 initiatives, whatever fuel source we're using, we need to  
5 make sure that we have the backbone systems in place to make  
6 sure that they are existing.

7 You know, this is not discounting that there  
8 will be other fuel sources that will be in the mix and that  
9 will come before us.

10 You know, natural gas is clearly going to be  
11 part of a component of New York's energy future, as well as  
12 many other fuels and we have to look at that and make sure  
13 that we're balancing all of these different opportunities and  
14 the challenges that they present and make sure that we're  
15 doing it in a balanced and fair and responsible way.

16 When I look at this and I look at the facts  
17 and the evidence, I see that our existing energy system is  
18 aging and it's enormous and we need to fix and upgrade our  
19 infrastructure. And we have an opportunity with the  
20 challenges that are presented, to do that.

21 For me, I think this is a good example -- a  
22 great example of why we need to evaluate and value  
23 transmission in our overall planning, to ensure an adaptable,  
24 affordable, reliable and environmentally friendly energy  
25 future.



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2 We are not today, deciding the siting issues.

3 We are not today, deciding any other issue, other than this  
4 proceeding and what goes forward to the ISO for the public  
5 policy transmission requirement, which they will do a robust  
6 process like they're doing already in the Western New York  
7 public policy transmission requirement process, that's  
8 already under way.

9 Then it will come back to us and we need to  
10 expeditiously address that -- responsibly, expeditiously  
11 address that. Just like when it's over at the ISO, the  
12 process is a robust one. It's an engaging one, but it -- it  
13 also is focused on an expeditious process.

14 Thomas Edison said vision without execution  
15 is hallucination. I think that's very apropos and it goes  
16 in-line with what Vaclav Havel has said and I think -- this  
17 is really, for me, crystallizes it, vision is not enough. It  
18 must be combined with venture. It is not enough to stare up  
19 the steps, we must step up the stairs.

20 That's what we're doing now. I'd like to say  
21 let's run responsibly up those stairs and make sure that we  
22 actually have execution.

23 So, thank you.

24 CHAIR ZIBELMAN: Thank you, Commissioner.

25 MS. ACAMPORA: Well, everybody has said a lot

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2   of good things and I think I'm the only one that has been  
3   here through this whole proceeding. It's taken a long time  
4   and I hope that it doesn't take much longer.

5           New York really needs to lead the way here.  
6   If you talk to any energy experts, they will all tell you the  
7   grid in our country is old. You need to have a healthy grid,  
8   regardless of the renewable energy that's out there.

9           And New York is a big state and fortunately,  
10  there are capabilities in upstate that are not downstate and  
11  we really need to be able to have a system that can move the  
12  energy where it needs to be. And so this really fits in with  
13  what the administration wants to do in our state.

14          And I think one -- to me, one of the most  
15  important things, besides the reliability and the things that  
16  we deal with here, is economic development. If we don't have  
17  the power, no companies are going to want to stay here and  
18  they're certainly not going to want to come here if we don't  
19  have a reliable system.

20          So, this is really important and I mentioned  
21  the Hydro Quebec project only because I think that this will  
22  also enhance what we're trying to do here. It's clean, it  
23  will really be an aid to downstate.

24          And you know, as I've said before, yeah New  
25  York is a big state and there shouldn't be an upstate-

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2 downstate mentality.

3 This is one state, let's do the best for our  
4 state and when everything is running right, there will be  
5 benefits to all, particularly in those areas that have  
6 suffered for years, if we have a robust transmission line.

7 So, I think this is great and I'm happy that  
8 I'm still here to be able to move it along.

9 CHAIR ZIBELMAN: And we are all really happy  
10 that you are here.

11 Before I take a vote, I do want to note that  
12 as Paul said, there are a number of projects that staff  
13 rejected, both for environmental impact and -- and cost  
14 impact. And I -- while we -- I don't think we can direct the  
15 developers not to propose them, I would hard -- we would -- I  
16 would request that you withdraw those projects because I know  
17 there's a lot of uncertainty and people would very much like  
18 to know that their properties are not going to be effected  
19 because you'll pursue the three projects that we've  
20 identified.

21 With that, let me move to a vote.

22 All those in favor of the -- proceeding on  
23 motion -- all those in favor of the recommendations to  
24 determine that there's a transmission need, develop -- driven  
25 by public policy requirements for a new 345 kV transmission

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2    facility crossing the Central-East and UPNY-SENY Interfaces,  
3    please indicate by saying aye.

4                   COMMISSIONERS:   Aye.

5                   CHAIR ZIBELMAN:   Opposed?

6                   Hearing no opposition, there being none, the  
7    recommendations are adopted.

8                   Thank you again and Paul, I hope you get some  
9    sleep.

10                  MR. AGRESTA:   Thank you.

11                  CHAIR ZIBELMAN:   We're going to go to the  
12   next item, which is 401.

13                  (Off-the-record discussion)

14                  CHAIR ZIBELMAN:   Before we begin, I do want  
15   to welcome Karen Geduklig, who is now -- who is our new  
16   Director of Telecom, who's sitting here, for those of you who  
17   were wondering who that lovely woman is sitting in the first  
18   row and we're very happy to have Karen.

19                  Karen has joined us from -- she's been  
20   working with the state in a number of roles, mostly recently  
21   from ITS and I noticed when the computer blipped I was  
22   absolutely certain it was Maggie, the Commissioner of ITS  
23   getting back at me, but fortunately it wasn't.

24                  So, welcome, Karen and we're very happy that  
25   you're here.   Peter's done a magnificent job and Peter is

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2 especially happy that you're here.

3 We're going to now turn to Item 401, which is  
4 case thirteen. It's a proceeding on the motion to examine  
5 the development of the long-term water supply source.

6 Peter McGowan who is Chief Policy Advisor  
7 will be presenting this. Tim Canty and Bruce Alch are also  
8 available for questions.

9 Tim and Bruce, welcome.

10 Peter?

11 MR. MCGOWAN: Good morning.

12 CHAIR ZIBELMAN: -- please begin.

13 MR. MCGOWAN: Thank you very much.

14 The draft order that you have before you is  
15 the culmination of an effort that was initiated as a result  
16 of a joint proposal that was connected to a 2006 United Water  
17 New York rate case. That joint proposal called for United  
18 Water, to develop a series of short, intermediate and long-  
19 term water supply projects, in the wake of a series of  
20 droughts and water supply failures in that region.

21 For the long-term project, United Water  
22 selected the desalination project in the Hudson River in 2007  
23 and sought permits from the Department of Environmental  
24 Conservation, beginning in January 2008.

25 In 2013, in light of new circumstances that

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2           emerged and before construction on the project was due to  
3           begin, the Commission initiated the -- the proceeding that  
4           we're now revisiting to reassess the need for the long-term  
5           water supply, serving the customers in Rockland and Orange  
6           Counties.

7                           In November of 2014, the Commission  
8           determined that based on new information and an updated  
9           demand forecast, that the need for the new major water supply  
10          project was delayed, but the Commission also found that there  
11          is still a need for additional long-term water supply. The  
12          demand forecast was impacted by the Great Recession and was  
13          driven by population growth and economic activity recovering  
14          from the recession.

15                          The forecast found -- or -- or showed that  
16          new supply may be needed by approximately 2020 and by 2035, a  
17          -- a total of approximately five million gallons per day may  
18          be needed, absent a -- a reduction in water usage in the  
19          territory.

20                          So, the Commission used the additional time  
21          to explore further alternatives to the desalination project.  
22          This order now addresses the alternative proposals that were  
23          submitted in response to the Commission's 2014 order. It  
24          also considers the need -- the ongoing need for the  
25          desalination project and it also considers renewed claims for

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2 a prudence proceeding.

3 The proposed decision today, charts a new  
4 path forward, based on changing dynamics of water supply and  
5 demand in United Waters service territory. These changes  
6 include the recession, consideration of new supply  
7 alternatives that were not available in the 2007/2008  
8 timeframe and importantly, a strong community interest in and  
9 commitment to conservation that have -- has emerged in the  
10 past few years.

11 The debate that has transpired in this  
12 proceeding has been spirited and I have been impressed by the  
13 dedication and the degree of effort that has been -- been put  
14 in to the case by the local communities through the -- in  
15 particular, through the taskforce. I think United Water --  
16 United Water is also to be commended for its diligence and  
17 willingness to constructively explore new approaches to  
18 address long-term needs for its customers.

19 So, the process that we followed here was  
20 essentially to get a feasibility report from the company and  
21 -- and parallel reports by the task force and then we put the  
22 -- well, all of those out for comment and we have received, I  
23 think it's certainly hundreds, but it's probably approaching  
24 two thousand comments. So, there has been a lot of interest  
25 in -- in this case.

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2 United Waters' assessment concludes that a  
3 combination of -- of the measures it evaluated could reduce  
4 consumption, through conservation efforts, by approximately  
5 one million gallons per day and through leak reduction  
6 efforts, another one million gallons per day, through  
7 enhanced metering and aggressive leak detection and  
8 remediation programs and an additional one million gallons  
9 per day, in new supply from new wells. United Water has used  
10 a conservative approach to estimating which -- to estimating,  
11 which is a reasonable thing to do for planning purposes.

12 Based on its assessment and assuming  
13 successful implementation, the company states that supply and  
14 demand will remain in balance for the next ten years.

15 At the same time, the company advises that  
16 these measures alone, may not be sufficient to meet the needs  
17 over the longer term. To address longer -- the longer-term  
18 needs, the company proposes to study and further explore  
19 several additional supply options, including interconnections  
20 with neighboring water systems, Suffern, Nyack for example  
21 and increase permit authority from existing wells in the  
22 Ramapo River Water Basin and related watershed issues.

23 The task force also submitted a report, which  
24 included a report by its consultant. The consultant's  
25 report, among other thing, assesses United Waters' leak-



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2 reduction efforts and compares them to national averages.

3 The consultant's report observes that the  
4 company's performance in minimizing water losses due to  
5 system leaks, makes it an outlier in terms of national  
6 averages.

7 Consultant's report estimates that two --  
8 between 2.5 and 3.5 million gallons per day in water lost to  
9 leakage may be recoverable. The consultant's report also  
10 estimates that up to 3.6 million of additional water savings  
11 could be achieved through customer-oriented conservation  
12 measures.

13 So, the basic outline of the company's  
14 proposal, which I just mentioned, has considerable support  
15 from the task force and other commenters in this proceeding.

16 While certain details are debated, there is a  
17 general consensus that conservation, leak detection and the  
18 exploration of small sources of new supply are measures that  
19 should be pursued as an alternative to the desalination  
20 project to -- to -- to address demand over the long term.

21 While commenters may have different views  
22 about how much water savings certain measures can achieve, no  
23 one disagrees on the appropriateness of the three-prong  
24 approach that United Water recommends.

25 So, in light of all of that, staff proposes

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2           that the Commission first find that the company's three-part  
3           proposal is reasonable and if pursued with alacrity, will  
4           meet the United Water customer needs over the next decade.

5                        Many commenters believe that greater  
6           conservation and recovery are possible. If the -- if the  
7           company's efforts in fact produce greater savings than is  
8           currently projected by the company, Rockland County consumers  
9           will benefit.

10                      Indeed, I'm sure we -- I know I am and I'm  
11           sure the Commission is hopeful that the combined efforts of  
12           United Water and Rockland County authorities will achieve  
13           this laudable goal and find a mutually supportive path to  
14           sustainability for the long term.

15                      It is also possible that the upper bounds of  
16           the estimated savings may not be achieved or that actual  
17           demand may rise faster than staff has forecast, thus  
18           consuming some or all of the savings won through  
19           conservation.

20                      To ensure that United Water continues to plan  
21           for the potential for longer-term needs beyond the next ten  
22           years, it's recommended that the Commission direct United  
23           Water to study and further explore several additional supply  
24           options, including interconnections with neighboring water  
25           systems and increased permit authority from existing well

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2 supplies and related watershed issues.

3 Although program details and full cost  
4 estimates for the alternatives have not been developed, they  
5 will be done so in the upcoming rate case.

6 The record developed thus far, indicates that  
7 the cost to sustain demand over the next decade should be  
8 less than the remaining costs to develop the first two phases  
9 of the desalination project, which would produce about five  
10 million gallons per day.

11 So, based on all of that, staff is  
12 recommending that the Commission determine that the  
13 desalination plant is no longer needed and should be  
14 abandoned.

15 The -- the order would direct the company to  
16 file a deferral petition to transfer the project costs from  
17 the current construction work in project accounts to  
18 miscellaneous deferred debit accounts. So, new approach,  
19 abandon the plant.

20 And then finally, a number of comments seek  
21 rehearing on the Commission's decision not to initiate a  
22 prudence proceeding, related to United Waters decision to  
23 select and develop the desalination project.

24 As the Commission noted in its November 2014  
25 order, United Water was pursuing the new major long-term

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2   supply project in furtherance of Commission orders, with  
3   directives that had milestones for certain dates for  
4   completion. While changing circumstances have led the  
5   Commission to explore new alternatives, they do not justify a  
6   prudence proceeding.

7                   Finally, I would just underscore that the  
8   alternative solution that we're embracing relies heavily on  
9   conservation and thus, the response of the people of Rockland  
10  County and the local governments of Rockland County, will  
11  need to be strong to embrace these new approaches and adopt  
12  and implement conservation.

13                   This will be critical to managing the future  
14  water supply in the area.

15                   Thank you.

16                   CHAIR ZIBELMAN: Thank you, Peter.

17                   I have no questions. I'll just a -- a -- a  
18  few comments.

19                   Well, actually one clarification. As of  
20  right now, we -- the Commission in its previous order,  
21  finding that there was no imprudence relative to the pursuit  
22  of the desal plant project, I think we've identified close to  
23  40 million dollars of expenses. That would go in to the  
24  deferral account?

25                   MR. MCGOWAN: Well, thus far in -- in the --

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2     in the surcharge case, the Commission has reviewed -- the  
3     Commission has reviewed and found that development expenses  
4     of like 39 million were reasonable, as of a certain time.

5           CHAIR ZIBELMAN: But -- and -- and I  
6     understand that staff is continuing to look at their  
7     additional expenses that would all -- they would also be  
8     entitled to recovery for?

9           MR. MCGOWAN: Yes and it's also likely that  
10    if there's an abandonment, that there will be certain tax  
11    implications that would also flow from that.

12          CHAIR ZIBELMAN: Now, we're -- we are  
13    expecting United Water to file a rate case in January, so I'm  
14    assuming that all of these costs then would be taken up in  
15    the rate case proceeding?

16          MR. MCGOWAN: Yes. I hope that's going to  
17    come in in February.

18          CHAIR ZIBELMAN: February, next year?

19          MR. MCGOWAN: Yeah.

20          CHAIR ZIBELMAN: Okay. All right. I -- I  
21    believe that this is the right route to take.

22                 First of all, I -- I join Peter in really  
23    applauding the work of the task force and other members in  
24    Rockland County.

25                 We often talk about consumer engagement.

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2   Largely, we talk about it in the electric context, but it's  
3   equally important in a water context and it -- it's  
4   absolutely true that this is a three-prong approach, one,  
5   conservation leak detection and then looking for new sources  
6   of supply. And like any other three-legged stool, if one of  
7   those legs doesn't work out the way we want it to, it becomes  
8   wobbly, so it's going to be very, very important that we are  
9   aggressive in the pursuit of conservation.

10                   I want to note my appreciation. I know that  
11   the company and the task force, as well as other members of  
12   the community, were -- were having a rocky road. It looks --  
13   I -- we've asked them to continue to work together.

14                   Our Executive Deputy, Judy Lee as well as  
15   Kevin Manz as well as Peter, as well as Bruce, have been  
16   engaged in these conversations and it -- from all sides, it  
17   looks like they're progressing and that the conservation plan  
18   -- final conservation plan, we hope to see with the rate  
19   case, will benefit from a lot of good discussion and a lot of  
20   good will that's been created as people have worked together  
21   and I think that makes -- certainly makes this Commission  
22   because our concern obviously is about adequacy of supply,  
23   feel better because we'll get better results that way.

24                   I also agree with the recommendation that the  
25   Commission not reconsider its decision on the issue of

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2     prudence. I think it was at -- abundantly clear that when  
3     the Commission, in the 2006/2007 time period, was looking at  
4     increase demand in the region and the concern about scarcity  
5     of water supply, it was appropriate and in fact, at our  
6     urging that the company came forward with the desal project  
7     and pursued it.

8           Clearly, it was a chance circumstance brought  
9     on by the recession and has -- and -- and now we have an  
10    opportunity with the -- again, the -- the activities that  
11    we're doing around conservation, leak detection and  
12    alternative source of supply, to get there.

13           But there is -- I think that from my view is  
14    -- is that we just need to again say that we will not explore  
15    prudence and will now start on the recovery process, on the  
16    expenses and be able to pursue conservation.

17           So with that, I intend to vote in favor of  
18    the recommendations to one, abandon the plant, two, look at  
19    the -- and to not -- not relook at the issue of prudence and  
20    three, to have Rockland County continue to pursue its three-  
21    prong efforts around maintaining adequacy of supply.

22           So, with that, any further comments,  
23    questions?

24           MS. ACAMPORA: Yeah.

25           Another trip down memory lane.

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2 CHAIR ZIBELMAN: But you're so young.

3 MS. ACAMPORA: Honestly. When this was  
4 started and I recall that the real impetus was the request  
5 from the locality, Rockland County, because they were really  
6 concerned that their water supply was going to run out and so  
7 we acted in what we felt, was the proper way and the company  
8 stepped up to also listen and look in to the desal plant.

9 Then going down the road, we've had public  
10 statement hearings in the county and people were so very much  
11 against it, but it was the first time that these various  
12 groups were willing to come together to work toward a  
13 solution. At least not a permanent solution, but something  
14 that would help and that's the use of conservation and I  
15 really think that the task force, all the wonderful people  
16 who have volunteered their time and talents, headed by  
17 Legislator Cornell, who Peter, I know you've worked with and  
18 Judy is working with and the company, the President, Dave  
19 Stanton, who stepped up to also put a interesting and  
20 interested face as someone from the company who was willing  
21 to roll up his sleeves and work with the task force also.

22 You know, all the years that I've been here,  
23 I've always talked about flexibility and here is another  
24 issue that we can come forward and say government is not  
25 inflexible. We have -- we're willing to be flexible, we're



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2     willing to work with the community and I think that these  
3     pose almost an exciting challenge because there are a lot of  
4     things that can be done and I think that the more people who  
5     get interested, will generate the functions of thinking about  
6     what can we do and it might come out that Rockland County and  
7     the local municipalities might actually become famous for  
8     thinking about new and innovative ideas on water  
9     conservation.

10           And of course, we all know that all water  
11     companies have to deal with the problems of leaks in their  
12     system and that was something we heard when we went to the  
13     public statement hearings, that they felt there was a lot of  
14     leakage going on that was not being fixed.

15           So, as we know, water is a very capital-  
16     intensive industry. This will all cause -- cost a lot of  
17     money and we'll deal with that in the rate case.

18           But I think this is the right thing to do for  
19     the people of the area and I really thank all of the people  
20     that worked on this, the company, the task force and -- and  
21     the staff that really has worked so hard to make sure that  
22     people could still keep working together to get something  
23     done for the good of all. So, I think this is great.

24           CHAIR ZIBELMAN: Thank you.

25           Mr. Sayre?

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2 MR. SAYRE: I would also like to commend the  
3 -- the task force and the company and staff for working out a  
4 joint solution to this problem. It's particularly heartening  
5 to see a community not just making objections to something it  
6 doesn't want, but actually working with the utility in coming  
7 up with a cost-effective and acceptable solution, an  
8 alternative to the problem.

9 But I must remind the company and the  
10 community that although we're putting an end to the desal  
11 plant project, there's work to be done by everybody. Both by  
12 the company on the demand side and by the community, to  
13 implement real conservation on -- on the demand side.

14 So, I -- I think you can do it, just please  
15 keep working together.

16 CHAIR ZIBELMAN: Thank you.

17 Commissioner Burman?

18 MS. BURMAN: Thank you.

19 Because I like the statement so much, I think  
20 it's applicable here. Vaclav Havel said vision is not  
21 enough, it must be combined with venture. It's not enough to  
22 stare up the steps, we must step up the stairs.

23 This really is an opportunity. There has  
24 been a lot of very passionate, spirited positions on both  
25 sides and folks now and have been coming together, the

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2   company and the -- company and the community, working  
3   together and these -- it's an opportunity.

4           There are three solutions that are being  
5   relevant to making sure that this vision gets done, which is  
6   the conservation, leak detection and the looking at new  
7   supplies.

8           We're going to be laser-focus because we  
9   ultimately care about safe, clean, reliable and affordable,  
10   so we need to be cognizant of the fact that we need to ensure  
11   that this collaborative effort truly is moving in a positive  
12   step and is working so that we're not putting at risk, the  
13   system.

14           So, for -- for us, it's a -- really a great  
15   day, I think, because we are now allowing the community and  
16   the utility to work together and take advantage of that  
17   opportunity.

18           So, I encourage folks to ensure that the  
19   spirited and passionate vision that they have brought forward  
20   to us is one that carries through in a thoughtful and  
21   productive way and I really applaud both sides in working  
22   through this. So, thank you.

23           CHAIR ZIBELMAN: Thank you.

24           And I think we all agree that what -- this is  
25   an opportunity to turn something that looked like a problem

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2    in to a -- a wonderful solution and we -- we're -- looking  
3    forward to -- to getting the plan.

4           With that, I'm going to take a vote.

5           All those in favor and -- I'm looking at the  
6    wrong note.

7           All those in favor of the recommendations to  
8    direct United Water New York to move forward with its  
9    proposal for accelerated leak detection, conservation,  
10   incremental new supply measures and to determine that the  
11   desalination plant is no longer needed as described, please  
12   indicate by saying aye.

13           COMMISSIONERS: Aye.

14           CHAIR ZIBELMAN: Opposed?

15           Hearing no opposition, there being none, the  
16   recommendations are adopted.

17           Thank you, Peter. I know you yourself and  
18   Bruce have put lots and lots of hours and hard thought in to  
19   this and congratulations on a successful resolution. And Tim  
20   as well.

21           So, we're going to turn to the next matter,  
22   speaking of capital and water plants. This is case 15-062.  
23   This is a recommendation by staff. It's to revise our  
24   existing Public Service Commission's 1994 acquisition  
25   incentive mechanism policy and Bruce Aloh, our Chief Utility

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2           Programs and Policy Development will be presenting this and  
3           Peter and Tim are going to be available for questions.

4                       Bruce, welcome and please begin.

5                       MR. ALCH: Well, good afternoon.

6                       Now, item 403 presents staff's -- item 403  
7           presents staff's recommendations to reform and clarify  
8           several Commission policies relating to the mechanisms for  
9           sustaining and ultimately valuing small water systems.

10                      Staff's objectives in recommending  
11           refinements to these mechanisms is to better harmonize these  
12           policies with their overarching goal of promoting small water  
13           system consolidations and thereby ensuring their long-term  
14           viability.

15                      As a brief background, the Commission first  
16           articulated its goal to consolidate New York's regulated  
17           water industry in the early 1990s. In 1994, the Commission  
18           also embraced non-traditional approaches to encourage the  
19           acquisition of non-viable water companies, including the  
20           recovery of acquisition premiums and rates when and where it  
21           is in the public interest. That policy is referred to as the  
22           Acquisition Incentive Mechanism or the AIM Policy.

23                      Since that time, almost 200 small water  
24           systems have transferred ownership. The majority of the  
25           system transfers went through their local municipalities and

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2   many of these municipal transfers were rather straightforward  
3   as the private system and local public utility were usually  
4   in close proximity and within the same taxing entity, so that  
5   little additional infrastructure or operational effort was  
6   required.

7           In several of those cases, the existing AIM  
8   Policy was very helpful to aid those municipalities gain a  
9   better understanding of the financial requirements associated  
10   with assuming ownership of previously regulated water  
11   systems.

12           Staff is concerned however, that the  
13   remaining 250 water systems that we regulate will present a  
14   greater challenge to our continued consolidation efforts for  
15   a number of reasons.

16           And here, I would note that a -- a 130 of the  
17   remaining two hundred and fifty systems have less than 50  
18   customers each.

19           Going forward, many of the municipalities  
20   that neighbor our remaining private systems, do not currently  
21   own or operate their own systems. In these situations, staff  
22   may need to assist the muni with respect to the requirements  
23   necessary to form a water district and to otherwise  
24   understand the requirements associated with owning and  
25   operating a water system.

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2 Further, some of our own policies which I'll  
3 discuss in a minute, were developed and implemented to ensure  
4 small water system technical and financial viability, which  
5 they have done. But they have also in some cases, provided  
6 the system owners with some perverse system evaluation  
7 signals.

8 That said, the basic physical system  
9 requirements necessary to reliably provide potable water, are  
10 very similar to those that we faced in the early 1990s. The  
11 health- and safety-related requirements flowing from our  
12 sister agency, the Department of Health, however, have  
13 increased dramatically in terms of complexity and their  
14 associated need for detailed record keeping.

15 Further, small system owners are now twenty-  
16 five years older and in many cases, less interested and  
17 aren't physically capable of maintaining the systems  
18 standards. Compounding these physical realities is a  
19 continuing need for accurate accounting, record-keeping and  
20 financial reporting, to effectuate the balance of increasing  
21 revenue requirements necessary to maintain safe and adequate  
22 service, while ensuring just and reasonable rates.

23 Taken together then, it is not surprising  
24 that several of our very small systems may not be viable from  
25 either a technical, financial or managerial basis, now or in

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2 the not too distant future.

3 To address these issues, the Commission has  
4 over the years, implemented policies to help nurse some of  
5 these systems along.

6 For example, many of these small systems are  
7 often unable to secure a traditional bank loan financing to  
8 fund the system improvements. As a consequence, the  
9 Commission has allowed the creation of more than 40 small  
10 water utility escrow accounts and these escrow accounts  
11 enable system owners to surcharge customers directly for the  
12 funds necessary to make those improvements.

13 This policy has customers effectively paying  
14 for system improvements directly as customer-contributed  
15 capital. Then when the owner tries to value the system for  
16 sale, however, he often mistakenly assumes these funds were  
17 utility value-added to system rate base. Going forward,  
18 staff recommends more stringent and limited use of escrow  
19 accounts and their related surcharges.

20 Similarly, the Commission has allowed another  
21 mechanism to keep fund -- owners financially incentivized to  
22 maintain their systems, after they have been fully  
23 depreciated.

24 More specifically, the Commission has allowed  
25 the use of operating cushions for return on the value of



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2   certain of the system O&M expense allowances, as a means by  
3   which to provide a stream of income to cover unforeseen  
4   events.

5           This system also achieved the short-term goal  
6   of incenting the owner to maintain the system, but when the  
7   owner ultimately tries to value the system for sale, he again  
8   often mistakenly views the value of the operating cushion  
9   income stream as a basis for developing a potential sales  
10  price.

11           Staff consequently recommends eliminating the  
12  use of operating cushions.

13           Now, of course, there are some exceptionally  
14  dedicated small system owners that have in fact used these  
15  policies effectively for the benefit of their customers, but  
16  they are the exception and the fact remains that their  
17  succession plans will most likely not produce similarly  
18  dedicated operations.

19           Staff also clarifies the methods by which  
20  purchase premiums can be evaluated and if necessary,  
21  reflected in the ongoing revenue requirements of the merged  
22  entities under the AIM Policy.

23           In summary, staff is recommending that this  
24  continuance of operating cushions, more limited and stringent  
25  use of surcharges and provides clarifications regarding the

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2 scope and application of the AIM Policy.

3 Staff recommends these mechanism  
4 modifications to more effectively facilitate our long-term  
5 goal of water system consolidations.

6 Finally, staff recommends that this report be  
7 issued publicly to solicit comments to the proposals from  
8 other interested parties.

9 That's it.

10 CHAIR ZIBELMAN: That's it.

11 MR. ALCH: Any --

12 CHAIR ZIBELMAN: Thank you.

13 MR. ALCH: -- questions?

14 UNIDENTIFIED SPEAKER: That's it.

15 CHAIR ZIBELMAN: That's it.

16 MR. ALCH: It's either I or --

17 CHAIR ZIBELMAN: That's it.

18 MR. ALCH: -- Peter will answer.

19 CHAIR ZIBELMAN: Thanks, Bruce.

20 So first of all, I -- I think that all of us  
21 would agree that it's -- it's very concerning when we have  
22 water systems, as you say, some of them as small, many of  
23 them with less than 50 customers and the challenges that we  
24 have in making sure that they're both able to raise and then  
25 deploy and then operate the capital necessary to keep water

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2     safe and -- and clean and that it is necessary for us to take  
3     a -- a look at this issue.

4           I know this is an approach that many of our  
5     neighboring states have looked at and a lot of the staff --  
6     your recommendations in terms of revisions of our policies  
7     have been used successfully in other states to support  
8     consolidation, which is really, from our perspective, is our  
9     role here is really to -- for the benefit of consumers. It  
10    just -- it's -- these are scale businesses and while -- and  
11    often times, in these smaller companies are created because  
12    there's a new development and that the few people who are  
13    operating them really aren't in the water business and we  
14    just need a -- an effective way to get these assets in the  
15    hands of someone who makes us their business and I think this  
16    -- that's what this process is about.

17           I'm also aware that a lot of the water  
18    companies left are water companies that are not adjacent to  
19    municipal water companies. So while we had some  
20    consolidation, these were companies that were adjacent to  
21    municipals water companies that acquired the neighboring  
22    companies that were really constituents of the  
23    municipalities. So what we have left are really the -- are  
24    the ones that need private capital to -- to be deployed and I  
25    -- I think this is a good way to go forward.

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2 Obviously, this is the beginning of the  
3 process, not the end. We're going to seek comments and the  
4 Commission will then take it up in the future and at that  
5 point, we'll make a decision. But applaud staff,  
6 appreciative of the work you've done. I know this is  
7 something that I think from the first days I was here, I was  
8 asking Doris what can we do, what can we do.

9 So thank you and I intend to support us  
10 moving forward with this.

11 Any further comments?

12 Commissioner Acampora?

13 MS. ACAMPORA: Pennsylvania's been very  
14 successful in what they've done. Are -- are you going to  
15 take a look at what they're doing?

16 MR. ALCH: We used a lot of their ideas in  
17 developing --

18 MS. ACAMPORA: Okay.

19 MR. ALCH: -- our --.

20 MS. ACAMPORA: Yeah. Because I think at one  
21 time, they had way over 300 and now they're down to maybe a  
22 dozen, so it's been very successful.

23 And as the Chair had said, when I first came  
24 here, that was one of the first things I said. This is going  
25 to keep me up at night. How do we get to reduce this number?

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2 I mean, at one time, it was over 500 we had and so --.

3 MR. ALCH: It was 450 in my tenure.

4 MS. ACAMPORA: Okay. So, we may -- we've  
5 made, you know, good steps, but there again, the  
6 municipalities are not going to always be there and so I  
7 think that this is a perfect move to again, get us in to the  
8 21st Century and come up with some good ideas.

9 As most people may or may not know, we deal  
10 with the rate cases and we have to also have our partners at  
11 the DEC and also the Department of Health and the Revolving  
12 Loan Fund that we also deal with. So, I think it's important  
13 that we take this step, so I'm glad that we're doing it.

14 Thank you.

15 CHAIR ZIBELMAN: Thank you.

16 Commissioner Burman?

17 MS. BURMAN: Thank you. Thank you very much.

18 I -- I do want to sort of give you my  
19 perspective and I am going to vote in favor of the item, but  
20 I do want to give you sort of my perspective on looking at  
21 this in a whole, you know, a holistic way.

22 Over -- over the years, companies have been  
23 actively acquiring several small water companies in New York.  
24 We went from, I think it was, 450 to 254 since the policy's  
25 been in place.

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2 This isn't a bad thing and in fact, such  
3 acquisitions may be helpful, not just to the acquiring  
4 company, but to the troubled, small water companies, their  
5 customers and to the impacted community.

6 Now, this policy has been in place since  
7 August 8th of 1994 and when we -- or -- or the Commission at  
8 that time, issued a statement of policy and acquisition  
9 incentive mechanisms for small water companies, it was to  
10 encourage the acquisition of smaller troubled water systems  
11 by larger systems and included a number of options to provide  
12 incentives for such acquisitions and looked at it on a case-  
13 by-case basis.

14 And this -- the stated policy of  
15 consolidating where appropriate, the industry had the goal of  
16 thereby achieving safe, adequate and reasonably priced water  
17 service for the long-term. Whatever energy system we're  
18 looking at and water is no different. We really need to look  
19 at safe, clean, reliable and affordable.

20 From -- from my perspective, I do think it's  
21 appropriate to review this policy and look at the landscape  
22 as to what's happening in this area and thus not be deciding  
23 such matters in a silo without the benefit of understanding  
24 the overall achievements, or -- or not achievements, of the  
25 policy objectives and active water systems.

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2 When we look at this though, we also need to  
3 take in mind when we look at other states. You know, New  
4 Jersey doesn't have a policy. They look at it on a case-by-  
5 case basis. That may not be a -- a -- an apples to oranges  
6 comparison because this policy has been being done on a case-  
7 by-case basis. In fact, there's only been one company that's  
8 taken advantage of it, so what we really need to look at is  
9 from the 450 to the 254, the ones that didn't take advantage  
10 of it, what did they see that was still beneficial and then  
11 what were the barriers for the other remaining 254 that  
12 didn't allow us to make the acquisition and maybe it's a  
13 determination that this was a sufficiently viable water  
14 system that doesn't need to be and the small water system is  
15 safe, clean, affordable and reliable and can continue on.

16 But we do need to look really at the -- the  
17 whole system that we're looking at because when we -- when we  
18 look at acquisitions, it really can be transferred to a  
19 government authority, transferred to non-jurisdictional  
20 entities such as a homeowners' association or a non-profit,  
21 transfer of a larger system to another large system, transfer  
22 of a small system to a larger system, interconnection to a  
23 regional facility perhaps, with the acquired utility still  
24 remaining jurisdictional and interconnection to a regional  
25 facility that has the utility now becoming non-

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2 jurisdictional.

3 So, we really need to make sure that what we  
4 do will reflect the opportunities for all of those different  
5 aspects and that we're looking at the policy as a whole, not  
6 just in what is our jurisdiction, but how this may effect  
7 positively or negatively any other systems that are there and  
8 then, you know, as to other states that we look to because  
9 there are not that many that have an AIM Policy.

10 In Pennsylvania that does have the policy, is  
11 the legislative, which is broader than just the Commission,  
12 so their focus has come from the legislative directive and  
13 then was able to fine-tune what worked in being consistent  
14 with the statewide policy for the jurisdictional focus that  
15 they had.

16 So, I think this is a really appropriate  
17 time. I think it's really kudos to Commissioner Acampora,  
18 who has been, you know, the go-to expert on water issues and  
19 I -- I value very much her focus and her working with the  
20 staff to make sure that we highlight what's necessary to take  
21 care of our water systems and embrace, you know, what -- what  
22 might be needed for the future. So, thank you.

23 CHAIR ZIBELMAN: Thank you.

24 So, all those in favor of the recommendation  
25 to initiate a proceeding to consider modification of the



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2           Commission's policy on an acquisition incentive mechanism for  
3           small water companies and invite comments on staff's proposed  
4           changes, please indicate by saying aye.

5                   COMMISSIONERS: Aye.

6                   CHAIR ZIBELMAN: Opposed?

7                   Hearing no opposition, the recommendations  
8           are adopted.

9                   Thank you, staff.

10                  I'm going to move to the consent agenda.

11                  Do any of the Commissioners wish to recuse or  
12           abstain from voting on any items in the consent agenda?

13                  MS. BURMAN: I will be -- I will be  
14           abstaining from items 261, 270, 271 and 372, as consistent  
15           with my voting record on items such as these.

16                  CHAIR ZIBELMAN: Okay. Any other abstentions  
17           or recusals?

18                  Okay. All those in favor of the  
19           recommendations on the consent agenda, please indicate by  
20           saying aye.

21                  COMMISSIONERS: Aye.

22                  CHAIR ZIBELMAN: Opposed?

23                  Hearing no oppositions, the recommendations  
24           are adopted.

25                  Secretary Burgess, is there anything more in

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2 front of us today?

3 MS. BURGESS: There's nothing more coming  
4 before you today. The next Commission Session is going to be  
5 January 21<sup>st</sup>, which is a change in date. It will not be on  
6 January 14<sup>th</sup> . In Albany.

7 CHAIR ZIBELMAN: Okay. So thank you all very  
8 much. These are the resilient ones who stay till the end.

9 And I wish everyone a very, very happy and  
10 safe holiday season.

11 (The meeting concluded.)

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2   STATE OF NEW YORK  
3   I, Howard Hubbard, 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 89, 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 24th day of December, 2015.

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Howard Hubbard, Reporter

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