

1 January 20, 2022 - Monthly meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, January 20, 2022

7 10:31 a.m. until 1:21 p.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 COMMISSIONERS:

12 RORY M. CHRISTIAN, Chair

13 DIANE X. BURMAN

14 JAMES S. ALESI

15 TRACEY A. EDWARDS

16 JOHN B. HOWARD

17 DAVID J. VALESKY

18 JOHN B. MAGGIORE

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2 (The meeting commenced at 10:31 a.m.)

3 CHAIRMAN CHRISTIAN: Good morning. I
4 call this session of the Public Service Commission to
5 order. Secretary Phillips, are there any changes to
6 the final agenda?

7 SECRETARY PHILLIPS: There are no
8 changes to the final agenda.

9 CHAIRMAN CHRISTIAN: Thank you,
10 Secretary Phillips. Before we begin, I would like to
11 note our arrangements for the session today.
12 Consistent with guidelines concerning social
13 distancing, and minimizing large gatherings and
14 recent legislative amendments to the Open Meetings
15 Law, we are conducting today's session by remote
16 means.

17 I would like to remind those who are
18 participating by phone to please mute their lines
19 except when they are speaking. The public will have
20 the opportunity to listen to the session on the
21 Department's webcast page. And we will also record
22 and transcribe the session as has been our normal
23 practice.

24 These arrangements have been reviewed
25 by our general counsel, and he has found that these

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2 meet the applicable legal requirements. They also
3 meet my own expectations of honoring the intent of
4 the Open Meeting Law while protecting the public
5 health of New Yorkers.

6 Before moving forward with the agenda,
7 I would like to conduct a roll call of Commissioners.
8 When I call your name, please confirm that you are
9 present. Commissioner Burman?

10 COMMISSIONER BURMAN: Here.

11 CHAIRMAN CHRISTIAN: Commissioner
12 Alesi?

13 COMMISSIONER ALESI: Here.

14 CHAIRMAN CHRISTIAN: Commissioner
15 Edwards?

16 COMMISSIONER EDWARDS: Here. Good
17 morning Chair.

18 CHAIRMAN CHRISTIAN: Good morning.
19 Commissioner Howard?

20 COMMISSIONER HOWARD: Here.

21 CHAIRMAN CHRISTIAN: Commissioner
22 Valesky?

23 COMMISSIONER VALESKY: Here.

24 CHAIRMAN CHRISTIAN: Commissioner
25 Maggiore?

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2 COMMISSIONER MAGGIORE: Here.

3 CHAIRMAN CHRISTIAN: Thank you. And
4 good morning to everyone. Let us begin by moving
5 forward to the regular agenda. We'll begin with item
6 number 201 case 20-E-0380, et al, as it relates to
7 the Niagara Mohawk Power Corporation doing business
8 as National Grid presented by Administrative Law
9 Judges, James Costello and Ashley Moreno, with Mary
10 Ann Sorrentino, the Chief Of Upstate Rates And
11 Tariffs.

12 Jeff Hogan, Director Office of
13 Accounting, Audit and Finance, and Cynthia McCarran,
14 Deputy Director, Safety and Reliability are available
15 for questions. Judge Costello, please begin. Thank
16 you.

17 A.L.J. COSTELLO: Good morning, Chair
18 Christian, and Commissioners. My name is James
19 Costello and I was assigned to preside over these
20 proceedings with Administrative Law Judge, Ashley
21 Moreno, who is with me here this morning. Before you
22 is a draft order that would establish electric and
23 gas delivery rate plans for a three-year period
24 beginning on July 1st, 2021, and continuing until
25 June 30th, 2024, for Niagara Mohawk Power Corporation

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2 doing business as National Grid, which I will refer
3 to as an NiMo.

4 The draft order generally would adopt
5 a joint proposal filed in these cases on September
6 27th, 2021. In the event NiMo does not file for
7 rates to be effective July 1st, 2024, the joint
8 proposal contains terms that also would apply in a
9 stay-out period, which would begin on July 1st, 2024,
10 and end on the earlier of either the effective date
11 of revised base rates for NiMo or March 31st, 2025.

12 I will now briefly provide you with
13 some background information and highlight certain
14 provisions in the joint proposal. On July 31st,
15 2020, NiMo commenced these proceedings requesting a
16 \$100.4 million increase in electric delivery revenues
17 and a \$41.8 million increase in gas delivery revenues
18 with a return on equity of 9.5 percent for a one-year
19 rate plan.

20 The company requested a 10 percent
21 return on equity if the proceedings resulted in a
22 three-year rate plan through settlement. In
23 testimony, Department of Public Service staff
24 initially recommended an electric base rate revenue
25 decrease of \$30.5 million and a gas base rate revenue

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2 decrease of \$7 million.

3 Staff also recommended an 8.7 percent
4 return on equity for a one year rate plan.

5 Settlement negotiations began in these cases in
6 December 2020, and culminated in the joint proposal
7 that was submitted on September 27th, 2021.

8 The joint proposal is signed by nine
9 parties, NiMo, Department of Public Service staff,
10 multiple interveners, New York Power Authority,
11 Direct Energy Services, Marathon Power, the New York
12 State Office of General Services, Wal-Mart and the
13 International Brotherhood of Electrical Workers Local
14 Union 97.

15 For electric delivery revenues, the
16 company's revenue requirements would increase by
17 approximately \$49.38 million in rate year one.
18 \$95.58 million in rate year two and \$109.82 million
19 in rate year three.

20 Gas delivery revenues would increase
21 by approximately \$12.52 million in rate year one.
22 \$29.8 million in rate year two and \$32.99 million in
23 rate year three. These proposed base rate increases
24 have been shaped in recognition of the financial
25 impacts from the COVID-19 pandemic.

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2 After adjustments to reflect rate
3 compression in rate year one offsets with deferred
4 credits and reductions in gross receipts tax
5 associated with the deferred credits. Annual total
6 revenues would increase by 1.4 percent for electric
7 and 1.8 percent for gas in rate year one.

8 And by 1.9 percent for electric and
9 gas in rate years two and three. Total electric
10 bills for typical residential customers using 600
11 kilowatts per month would increase by between 2.02
12 percent and 2.20 percent in rate year one. 1.98
13 percent and 2.12 percent in rate year two and 2.24
14 percent and 2.40 percent in rate year three depending
15 on the location of the customers within the company
16 service territory.

17 Total gas bills for typical
18 residential customers using 82 therms per month would
19 increase by 1.99 percent in rate year one, 3.13
20 percent in rate year two and 3.29 percent in rate
21 year three. The joint proposal allows a 9 percent
22 return on equity with a common equity ratio of 48
23 percent.

24 It includes an earning sharing
25 mechanism that is triggered if the company's actual

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2 return exceeds 9.5 percent in any rate year,
3 excluding certain discrete incentives and negative
4 and positive revenue adjustments.

5 The primary drivers of the revenue
6 requirement increases for both NiMo's electric and
7 gas operations are increases in net plant operations
8 and maintenance costs for new programs and
9 initiatives, incremental employees, energy efficiency
10 programs, service company rents, and pension and
11 other post-employment benefit costs.

12 Drivers, specific to the electric
13 business includes storm costs and vegetation
14 management costs. Also, there are gas safety and
15 infrastructure programs which are drivers to the gas
16 business revenue requirement.

17 Although some parties including the
18 public Utility Law Project in New York maintain that
19 further revenue decreases are warranted and point to
20 the projected increases in the commodity cost of gas.
21 Such costs are largely outside NiMo's control and are
22 not the subject of the Commissions' review of the
23 company's delivery rates.

24 Concerning the rate increases, the
25 joint proposal shapes NiMo's revenue increases in a

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2 way that provides immediate benefits to ratepayers,
3 who otherwise would experience higher rate increases
4 in rate year one, at a time when the economy is still
5 recovering from the COVID-19 pandemic.

6 To provide additional moderation of
7 the rate increases, almost 200 million in regulatory
8 liabilities will be applied for the benefit of
9 customers over the course of the three-year rate
10 plans. 145.9 million for electric customers and 53.5
11 million for gas customers.

12 The joint proposal also requires NiMo
13 to take various steps in furtherance of the State's
14 greenhouse gas reduction targets, and clean energy
15 priorities as stated in the Community Leadership and
16 Consumer Protection Act or the C.L.C.P.A.

17 Among other things, the joint proposal
18 requires NiMo to complete a C.L.C.P.A. study on or
19 before March 31st, 2023, evaluating its gas business
20 and how it may evolve to support the renewable energy
21 and emission reduction goals of the C.L.C.P.A. In
22 its next rate filing to describe in detail the
23 investments, programs, and initiatives to achieve the
24 objectives described in that C.L.C.P.A. study.

25 To undertake a study on the potential

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2 depreciation impacts of climate change laws and
3 policies including the C.L.C.P.A. on its gas assets.
4 To prioritize potential leak-prone pipe replacements
5 to non-pipe alternative projects in low income and
6 environmental justice communities.

7 To implement a non-pipe alternative
8 screening process and evaluate non-pipe alternatives,
9 as part of its capital planning process. To evaluate
10 where planned leak-prone pipe replacements could be
11 avoided by deploying shared geothermal loops or
12 individual heat pumps.

13 To discontinue activities associated
14 with gas expansion, eliminate heating oil to gas
15 conversion programs, gas marketing, and customer
16 conversion rebate incentives, and to operate its gas
17 distribution system with a goal of reducing billed
18 gas sales by one percent compared to forecasted
19 levels for rate years two and three, which would
20 effectively result in a net zero increase in billed
21 gas usage as compared to the level of gas usage
22 forecasted for rate year one.

23 The joint proposal also includes
24 funding for electric transmission and distribution
25 system investments that will help enable C.L.C.P.A.

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2 goals. Includes funding for programs that support
3 and expand adoption of electric vehicles across NiMo
4 service territory, and it includes significant
5 funding for energy efficiency programs.

6 In addition, the joint proposal does
7 not provide any funding for further work on the
8 Albany loop project. That project is a proposed
9 reliability project that consists of installation of
10 approximately 7.3 miles of gas mains to connect the
11 south end of the Albany gas transmission loop in the
12 Town of Bethlehem to the northeast end of the loop in
13 Troy, which would close an existing core shape loop.

14 NiMo agrees to withdraw its pending
15 Article 7 petition for the Albany loop project in
16 case 19-T-0069 and to explore non-pipe alternatives
17 that could meet the reliability need, projected for
18 the relevant Capital District portion of NiMo service
19 territory in the late 2020s.

20 The company agrees not to re-file an
21 Article 7 application for the Albany Loop Project
22 during the term of the rate plan, except where NiMo
23 determines that the project is needed to meet its
24 legal obligations to provide safe and reliable
25 service under Public Service Law Section 65 by

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2 addressing any exigent operating conditions.

3 The draft order also approves funding
4 for the implementation of NiMo's advanced metering
5 infrastructure, or A.M.I. program. The Commission
6 authorized implementation of the A.M.I. program in a
7 prior order issued in November 2020.

8 To address certain concerns raised by
9 Mission:data Coalition in these proceedings, the
10 draft order would direct NiMo to file a report in the
11 strategic use of energy related data proceeding in
12 case 20-M-0082 within 60 days of the issuance of the
13 Commission's order, detailing how it intends to
14 implement and use A.M.I. grid edge computing and
15 intelligence, allow customers to access their data
16 over their home area network.

17 Allow third parties authorized by
18 customers to access such data and otherwise address
19 the concerns raised by Mission:data. The draft order
20 also would grant a limited waiver of the Commission
21 sub-metering regulations, require NiMo to file
22 information to address an amendment to Public Service
23 Law Section 114-A regarding payment of membership
24 dues to entities engaged in legislative lobbying, and
25 resolve a pension settlement loss petition filed in

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2 case 19-M-0133.

3 Explained in detail in the draft
4 order, the joint proposal protects ratepayers,
5 maintains NiMo's ability to obtain capital at
6 reasonable rates, and enables NiMo to continue to
7 provide safe and reliable service to customers.

8 The joint proposal does so while
9 remaining consistent with the environmental, social,
10 and economic policies of the Commission and State,
11 including the C.L.C.P.A., and produces a result
12 consistent with and in many instances superior to the
13 range of potential outcomes that could be expected to
14 have been achieved in a fully litigated proceeding.

15 All interested parties had a full
16 opportunity to address the provisions of the joint
17 proposal, which is supported by nine parties with
18 diverse interests. As explained in the draft order,
19 although four parties have opposed the joint
20 proposal, the issues they raise largely are either
21 outside the scope of the issues in these matters,
22 have been decided previously, are under further
23 Commission review or request immediate action under
24 the C.L.C.P.A. that is not required by that statute.

25 Accordingly, we recommend that the

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2 Commission adopt the joint proposal, subject to the
3 additional reporting requirements related to A.M.I.
4 deployment, and payments to and information on
5 membership dues paid to legislative lobbying
6 entities, as I mentioned earlier, and as is detailed
7 in the draft order.

8 This concludes my presentation. And
9 we are now available for any questions you may have.

10 CHAIRMAN CHRISTIAN: Thank you, Judge
11 Costello for the presentation. This is Rory
12 Christian speaking for the record. I want to again
13 thank staff for engaging with a wide range of
14 stakeholders to bring forward this joint proposal,
15 from the record generated over the months of
16 discussion it's clear that this case truly represents
17 a compromise among all parties.

18 Nonetheless, through this rate case,
19 that has been successful in continuing efforts to
20 align the actions of State utilities with State
21 policy and advanced progress towards the outcomes --
22 towards outcomes better aligned with environmental
23 and social justice goals, while addressing many of
24 the concerns raised by various parties.

25 So Judge Costello, Judge Moreno, thank

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2 you for your hard work in bringing this forward. Do
3 any of the Commissioners have questions or comments?
4 We'll start with Commissioner Burman.

5 COMMISSIONER BURMAN: Thank you so
6 much. This is Commissioner Burman. I too appreciate
7 the hard work that all of the parties and staff and
8 the Administrative Law Judges did to get this to us
9 today. I do have a couple of questions, and maybe
10 some observations. The first question relates and
11 I'll start with sub-metering.

12 I'm just trying to understand a little
13 bit about the sub-metering provision that's in here,
14 allowing for National Grid to perhaps have a higher
15 rate while pending petition, sub-metering petition is
16 going forward. Can -- can someone just explain that
17 a little bit to me?

18 A.L.J. MORENO: Sure. This is Judge
19 Moreno. My understanding is that the 20 percent was
20 recommended so that only those entities that really
21 need to avail themselves of the sub-metering process
22 would avail themselves of it, and also to encourage
23 them to follow through with the process as well
24 through to the end and be responsive.

25 And I believe that Aric Rider may also

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2 be on the line and may -- may be able to enhance that
3 response as well.

4 MR. RIDER: Good morning, Commissioner
5 Burman. This is Aric Rider. I think A.L.J. Moreno
6 had it correct that staff had advocated for a 20
7 percent adder to the delivering rate as an inducement
8 for the petitioner to follow through on the
9 application for sub-metering while balancing, getting
10 service a little quicker to facilitate their
11 construction needs.

12 COMMISSIONER BURMAN: So I guess I --
13 my question is, clearly this is to help incentivize
14 the movement forward on sub-metering going forward.
15 And so the concern, I guess -- I guess, right now,
16 the current state is, you can't -- the petitioner
17 can't do this until they get approval for the
18 petition. Is that correct?

19 MR. RIDER: That's correct. This is
20 Aric Rider.

21 COMMISSIONER BURMAN: All right. So I
22 totally understand and I'm very supportive of the
23 change that's to encourage, you know, this movement.
24 I guess what I get confused by is giving National --
25 giving the utility the opportunity to increase the

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2 rate during the pending sub-metering application.
3 Can I just -- I'm confused by this temporary rate.

4 MR. RIDER: Commissioner Burman, this
5 is Aric Rider. Oftentimes, we have applicants that
6 file petitions that aren't necessarily complete. And
7 they require additional action from the petitioners
8 to make sure that all of the -- for example, customer
9 protections are in order.

10 And we -- we think it's an appropriate
11 balance to have a little bit higher of a rate to
12 ensure that those petitioners follow through and be
13 responsive to staff to actually, you know, provide a
14 recommendation to the Commission to allow sub-
15 metering ultimately.

16 COMMISSIONER BURMAN: And does the
17 utility by doing this change now, which by the way, I
18 think staff is right to seek to have movement here to
19 allow the sub-metering while the application is
20 pending. I guess for me, the question becomes, does
21 the company by us allowing them the option to provide
22 electric service at a higher temporary service rate
23 while it's pending.

24 Does that mean they will be providing
25 -- they will be using this higher temporary rate or

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2 they have the option, meaning, they can choose not
3 to.

4 MR. RIDER: The -- the -- the
5 applicant can choose to wait until the Commission
6 acts on the petition, or they can choose to take this
7 temporary service and National Grid would provide
8 that service. And --and then, you know, ultimately
9 the Commission would decide on the sub-metering
10 application.

11 Once that occurs, the rate would go
12 down to the -- the -- the applicable rate.

13 COMMISSIONER BURMAN: So the higher
14 temporary rate becomes mandatory if they choose it
15 then? So it's not that the company can decide to
16 keep it.

17 MR. RIDER: That's correct.

18 COMMISSIONER BURMAN: All right. I do
19 have some concern with that. I want to monitor this.
20 I think that if we were seeing that people were
21 filing these petitions to start the clock to be able
22 to get this and then we're not doing what they needed
23 to do, then I would -- I would support a higher
24 temporary rate because we don't want to encourage bad
25 actors as a way of, you know, getting around this.

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2 But frankly, I think the process
3 itself is pretty good. And I don't really see --I --
4 I think it's -- it's really, you know, kind of been
5 an ongoing process where petitions are filed, working
6 with staff and the company, getting the information
7 and then it's really been for the most part sub-
8 metering petitions have moved forward as
9 expeditiously as possible with the sub-metering
10 petitioner really pushing to get that petition
11 decided in a timely fashion.

12 So I just want to make sure that we
13 don't have unintended consequences where we actually
14 wind up having consistently higher temporary rates or
15 not. And then the petition lags because frankly,
16 it's on the bottom of the pile for the Commission's
17 staff to do and there's no -- it's -- it's -- it's
18 not necessarily problematic by delaying the petition
19 getting decided.

20 So I just want to watch this in a way
21 that makes sure that the good intentions behind this
22 are actually -- are actually coming to fruition
23 because the incentive for the sub-metering to go
24 forward for customers is important. Does that make
25 sense?

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2 MR. RIDER: It certainly does
3 Commissioner Burman. And I'll add to provide a
4 little more comfort for you. We were also working
5 with National Grid to provide better outreach and
6 education for these applicants to -- to make sure
7 that they fully understood the process, the process
8 of filing.

9 Process of what information to include
10 in the application in the SAPA -- the mandatory SAPA
11 process that has to occur. So with that, we're
12 hoping that this temporary rate would -- would rarely
13 be used, but in that circumstance where the applicant
14 needed permanent service to, for example, test
15 equipment, that there was a way for that applicant to
16 -- to actually get service and not delay the
17 construction process.

18 And -- and we will -- we will monitor
19 this to make sure that it's used properly. And we
20 understand, you know, the root cause of issues and if
21 -- if necessary, we'll -- we'll bring any necessary
22 changes back to the Commission.

23 COMMISSIONER BURMAN: Okay. Great.
24 That totally I think is very helpful. And I do
25 appreciate staffs' sort of leadership and helping to

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2 figure out a way to address this issue. And so the
3 monitoring is important to me, I appreciate that.
4 The other question I have is, and this I think is
5 directed to the A.L.J.s explain to me the concern
6 that Mission:data raised as to A.M.I.

7 A.L.J. MORENO: Sure. Our
8 Mission:data raises the concern about the technology
9 that's available on the A.M.I. meter that will be
10 used, there's a relatively new technology. The
11 concern that they have is that that technology
12 apparently has the capacity for creating sort of,
13 like apps.

14 Similar to what you might have on a
15 phone that could be developed. Their concern is that
16 there's not enough explanation or oversight in that
17 process, and that perhaps, Niagara Mohawk might be in
18 a position to give preference to itself over a D.E.R.
19 provider and are concerned that -- that the
20 Commission requires more oversight in that particular
21 area.

22 COMMISSIONER BURMAN: So I guess I am
23 -- I am sympathetic to Mission:data's concerns. But
24 I do think it is as -- as the order points out that
25 it's misplaced. You know, frankly, we approved

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2 A.M.I. We are now providing funding, and the path
3 forward, and the issues as to, you know, access to
4 the data.

5 First of all, been in a number of
6 different proceedings over and changes over the years
7 that I've been on the Commission, and it is something
8 that I think is helpful to look forward. But I think
9 getting this up and running, and then all those other
10 issues will be really important.

11 And in some ways, Mission:data is
12 raising important issues that will come, you know,
13 sort of later, but not at the expense of stopping
14 where we're going on this. So that's just kind of my
15 feeling. I don't know that Mission:data will be
16 satisfied.

17 But it is something that I think we
18 need to be mindful of looking at addressing their
19 concerns as the order talks about in other
20 proceedings as appropriate. And that I think that
21 we're mindful of -- of those issues. So thank you
22 for that.

23 The other issue I'm trying to
24 understand is the Albany Loop Project and the joint
25 proposals resolution on that. I guess I'm -- I'm --

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2 I'm a little concerned. And I just want a little
3 clarity on exactly what we're doing here through the
4 joint proposal.

5 A.L.J. MORENO: Sure, Commissioner.
6 This is Ashley Moreno again. So the -- the Albany
7 Loop, the joint proposals does a couple of things
8 with regards to the Albany Loop Project. As you
9 know, that's a pending Article 7 project and through
10 the settlement, Niagara Mohawk has agreed to withdraw
11 that project from consideration.

12 And the provisions of the joint
13 proposal would allow -- would authorize NiMo or NiMo
14 has committed rather, that they will not re-file that
15 project during the pendency of the rate plan unless
16 there's an exigent need for it.

17 And as the -- the record reflects
18 right now, in staff's testimony, they projected that
19 the -- reliability concern was not really there for
20 the project until winter 2027 to 2028. So in the
21 interim, Niagara Mohawk will be considering non-pipe
22 alternatives to that project.

23 The other things that the joint
24 proposal and the draft order would approve is to
25 allow for recovery of prudent costs incurred for the

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2 development of the project up through July 31st,
3 2021. But there will be no further costs included in
4 the rate plan with regard to the Albany Loop Project
5 beyond that.

6 So the parties here have -- NiMo here
7 has agreed to withdraw the Article 7 project, but in
8 no way does the joint proposal, or the draft order
9 make a substantive determination with regard to any
10 of the findings in the Article 7 process.

11 COMMISSIONER BURMAN: Thank -- thank
12 you for that clarity. I am left concerned. I don't
13 know in the history of rate cases, at least in my
14 tenure as both a staffer and now as a Commissioner,
15 where we have through a joint proposal canceled a
16 proceeding or an Article 7 proceeding in a -- in a
17 rate case like this. It concerns me.

18 Now, there are other ways of dealing
19 with this, which I think historically had been
20 cleaner and more helpful to the process, which is if
21 a utility decides to not move forward for whatever
22 reason on a pending proceeding an Article 7, they
23 would just pull it from their capital plan budget.

24 And, you know, therefore, you're not
25 seeking cost recovery in the rate case. But that the

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2 -- the pending proceeding is not canceled through a
3 joint proposal. Why does this matter? Effectively
4 we're doing the same thing. It matters to me because
5 I think that we wind up with unintended consequences.

6 In that the challenges once we open up
7 an Article 7 proceeding, or frankly any proceeding,
8 is there's a certain process, notice, parties are
9 participating or not. And this case -- this Article
10 7 was delayed and delayed and never came to the
11 Commission.

12 But even if we decided the Article 7
13 and let's say for argument's sake, we said yes,
14 there's a liability issue and the project can go
15 forward, the cost recovery would have gone into the
16 rate case. So to me, it's like in many ways, we're
17 actually now encouraging parties to other
18 proceedings, who want to either get it done or not,
19 you know, cancel the proceeding would potentially
20 sort of open up the door more for people to think
21 that the way to do it is this backdoor way of going
22 into a rate case. And, you know, trying to work it
23 through that.

24 I worry that that is sending a wrong
25 message and is trying to appease, and win sort of the

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2 -- you know, the -- the -- the -- the press release
3 of the day type of thing. In my estimation, this is
4 not helpful to the process. But it also could be
5 very chilling if we are not following the proper
6 process where substantive decisions get made in other
7 pending proceedings.

8 Here, the parties got -- the parties
9 who are opposed to the Article 7, for the most part,
10 got what they wanted, the proceeding is now
11 cancelled. Obviously, there's still I think, for at
12 least one party who is opposed to it, they're
13 opposed, because they want the order to essentially
14 say it's killed forever, right?

15 It's canceled, you can never bring
16 this. Frankly, that we can't do, legally, we can't
17 do that. We can't tell someone that they don't have
18 the right to bring a proceeding. And so the party
19 who's opposed, you know, isn't -- is still not
20 satisfied.

21 And I think it's because, frankly, the
22 way the joint proposal was done, it -- it makes it
23 seem like they have the right to -- to cancel pending
24 proceedings in the joint proposal negotiations. So I
25 just think it would have been better and more

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2 appropriate to be dealing with it in the way we've
3 done historically.

4 And frankly, I am concerned as it is a
5 reliability issue as it in Article 7, which has its
6 own very stringent, what the right processes for
7 communications, that it was dealt with through
8 settlement negotiations in the rate case, rather than
9 having us as the Commission look substantively at the
10 actual proceeding itself.

11 And, you know, let it be decided. And
12 even if we said, yes, they still would have had to
13 come back then for cost recovery anyway. Here, I
14 worry that what is -- you know, what we're saying is,
15 we don't have to worry about this because the utility
16 is saying there's not going to be a problem until
17 2027.

18 That doesn't make sense to me because
19 we're also asking them to hurry up to a lot of goals
20 that are set for 2027 and beyond. And so we're
21 basically pushing on one end, and saying, oh, we
22 don't care about this until you know, 2027 come back
23 with other things. And I just -- I worry that when -
24 - when and if we do have an issue this, you know,
25 reliability, now they're going to have to go through

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2 re-filing we are going to have to redo the SAPA.

3 We're going to have to redo all of the
4 different things. And frankly, I think if we were
5 really honest, we might have said, okay, utility has
6 removed this from the costs related to their capital
7 plan. So effectively, there's no need for this
8 Article 7, however, because we aren't necessarily --
9 we are seeing that 2027 there is an issue.

10 We're going to ask for a study to be
11 done that's looking at those reliability issues,
12 including monitoring. What happens, you know,
13 there's a lot of right now some, you know, big, you
14 know, good news on, you know, the chip plant and
15 other things that are coming in the area.

16 The -- you know, residential
17 developments, commercial developments, Saratoga,
18 Troy, all -- you know all these areas, and it's
19 important for us to get a handle on this because
20 failure to do the reliability loop -- Albany Loop
21 Project, we need to carefully understand what some of
22 those consequences are, even if we don't have an
23 issue to 2027.

24 What's the increased potential costs?
25 What's the reliability concerns? How many customers

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2 that may be interested in expanding aren't going to
3 because they're not going to have the access they
4 need, or they may not have the access they need. How
5 many customers that are right now in the queue
6 saying, hey, we may need this are going to get told
7 well, if you don't -- if you don't do it, we're going
8 to give away, you know, this capacity here to
9 somebody else.

10 And that I'm just -- I don't know, I
11 just wonder if anyone has any thoughts on that
12 because it truly concerns me that this seems more
13 trying to get a win for saying no to gas. And rather
14 than clearly looking at what some of the challenges
15 are and how it's a more proper process to deal with
16 it openly and honestly.

17 I don't know that's just kind of my
18 feeling. I don't know if anyone has any thoughts on
19 that. But I am left concerned by this.

20 CHIEF A.L.J. LECAKES: This is Daken
21 Lecakes, Chief Administrative Law Judge. And I will
22 just say that I do agree with the way you've
23 characterized the -- the process part of this and --
24 and what's going on in the past, compared to this
25 joint proposal. It was proper for the funding to --

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2 and the cost of the project to be considered as part
3 of the rate case.

4 And so it was proper for it to be in
5 the joint proposal in the sense that staff did take
6 issue with the costs that were included in the
7 company's original filing. Staff's testimony did
8 take issue with those. And so at that point, it is
9 similar to previous rate cases where a company has
10 had to make the decision as to whether to continue to
11 pursue the project or not.

12 I think what's different here is that
13 in the past, when that's happened, it's just been
14 left to the company then after the joint proposal has
15 been filed with the revenue requirement numbers and
16 the capital expenditures included in it, to decide
17 what to do with a pending petition whether to
18 withdraw it or to, you know, let it just linger there
19 and -- and until they make any final decisions.

20 Here the company made the additional
21 agreement to withdraw the petition. As for the legal
22 impact of that decision, and what happens, you're
23 right that a new petition would have to be re-SAPA'd
24 and, you know, put out for comment and the process
25 starting all over again. At the same time, that's

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2 not as much of a big deal.

3 What concerned me with some of the
4 opposition, as you pointed out to the -- to the joint
5 proposal on the fact that it allows the company to
6 come back in. In my legal opinion, I don't even know
7 that that needed to be put into the joint proposal
8 other than to make it clear to the parties because I
9 agree with you.

10 If the company believes that the
11 project is necessary for safe, and reliable, and
12 adequate service going forward, I think they have the
13 legal obligation to re-file the petition. And I
14 think that an agreement to not re-file it, even if
15 that information came to light would -- would be a
16 very difficult position for the company to maintain
17 and for the Commission to approve.

18 But as for, you know, the impact of
19 putting in the joint proposal, I don't know if it's a
20 huge deal for them to take that extra step and agree
21 to withdraw it here. It is a sign of, you know,
22 where we're at, with the considerations surrounding
23 natural gas right now and its future in New York.

24 But as far as the reliability impact
25 and concerns are with this, I'll defer to others in

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2 the Office of Gas and Water, if they have any
3 thoughts on that.

4 COMMISSIONER BURMAN: Thank you, I
5 appreciate it. I think your comments are helpful.
6 And -- you know, for me, it is important that
7 especially you know, when I look, we -- we need to be
8 very mindful when we have especially Article 7 and
9 reliability based projects that we are carefully
10 doing the analysis.

11 And looking at it and, you know, the -
12 - the -- it is something that for me, especially when
13 I look at the record in the Albany Loop Project,
14 there are a number of people, you know, obviously
15 there's opposition, but there's also a number of
16 people who are supportive, including multiple
17 interveners with caveats, that are also supporting
18 the joint proposal.

19 And that disconnect to me is something
20 that I think we need to be very mindful of and again,
21 especially as we look at potential economic
22 development projects being touted locally as well as
23 by the state, you know, on issues in this area, and
24 what that may mean. I will also say that there are
25 some towns who have on record been opposed to the

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2 Albany Loop Project, Town of Bethlehem is one of them
3 with many different new residential developments.

4 And many of those residential
5 developments, the new ones are using gas. So you
6 know, I think in some way there's a disconnect
7 between -- you know, saying they don't want it and
8 then wanting it for themselves. That's just
9 something we need to grapple with because I'm not
10 sure people fully understand what it means from not
11 having this reliability loop project, and what some
12 of the potential unintended consequences are.

13 So I'll stop talking on that issue. I
14 think that, you know, unless someone else has
15 anything else to say on it, I think this -- for me
16 has been helpful because I think the clarity on it is
17 important.

18 Ms. MCCARRAN: Commissioner Burman,
19 this is Cindy McCarran. I just want to chime in on
20 the reliability question. As you know, D.P.S. staff
21 meets annually with all of the gas utilities to
22 review their coming winter preparedness, and we
23 always do a five-year lookout. We've done that for
24 decades now.

25 So we will continue to do that. So we

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2 will continue to engage National Grid in the
3 conversation of, you know, their preparedness, and
4 certainly come back to the Commission as soon as
5 possible if we have any concerns.

6 COMMISSIONER BURMAN: Okay. That's --
7 that's really great. I appreciate it. And I -- I
8 will say though, I also do appreciate that the order
9 recognizes the need to engage with the stakeholders,
10 all of them, not just the ones who are supportive,
11 but those who are opposed. And I think that
12 collaboration in trying to address, you know,
13 concerns of stakeholders is -- is -- is important.

14 So for that I appreciate it. I really
15 have nothing else except to state that there is a
16 number of different takeaways related to studies.
17 This is something especially I will say, I think, the
18 appendix, that sections that are related to the
19 studies are really, really helpful.

20 In the joint proposal, I am very
21 mindful that we have a lot of studies work that's
22 been done. And that is being done, not just with
23 individual utilities, but overall. I'm still trying
24 to find a true independent and meaningful analysis on
25 reliability that also incorporates true and

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2 meaningful costs issues and who pays for those.

3 I do think that, looking at this, I
4 would like to also see how these studies are
5 progressing, as well as, how they're progressing in
6 other utilities like NYSEG, et cetera, that have also
7 been told through the rate cases to do certain
8 studies. I do think that it is hard to keep on top
9 of it.

10 And it's also hard to know, you know,
11 where the independent analysis is. And so for me,
12 it's also being mindful that we need to collaborate
13 more, and the Commission needs to be included more in
14 some of those endeavors, rather than waiting till the
15 bitter end, and being given you know, the -- the
16 study that works or doesn't work.

17 So for that, I -- I thank you. I do
18 want to say a special shout out to Jeff Hogan's job
19 because the financial information and the detail that
20 staff has done is always something that I've
21 sometimes take for granted and I just want to
22 recognize just how much I know that you're mindful of
23 the -- the cost issues and the financial
24 implications. So thank you.

25 MR. HOGAN: Commissioner Burman, this

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2 is Jeff Hogan. I like to say thank you for that and
3 the credit in this case goes to the entire team,
4 obviously. But Denise Gerbsch has shepherded this
5 for the past year and a half or so. And this may be
6 her swan song. She's been sticking around to make
7 sure she -- we see this through. And so A shout out
8 to her as well. Thank you.

9 COMMISSIONER BURMAN: Thank you.
10 Thank you, Chair.

11 CHAIRMAN CHRISTIAN: Thank you,
12 Commissioner. Commissioner Alesi.

13 COMMISSIONER ALESI: Thank you, Mr.
14 Chairman. I'm going to be supporting this. I
15 believe that the joint proposal provides for just and
16 reasonable rates in the best interests of the public
17 and are within the commission's guidelines for
18 settlement.

19 The proposal will allow for safe and
20 reliable service, it will enhance affordability
21 programs and foster economic development, as well as
22 promote investment in energy efficiency. And it will
23 certainly provide critical financial relief in
24 response to the devastating impact of the COVID
25 pandemic. And I will be supporting it.

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2 CHAIRMAN CHRISTIAN: Thank you
3 Commissioner Alesi. Commissioner Edwards.

4 COMMISSIONER EDWARDS: Yes. Good
5 morning. I just have one question and a couple of
6 comments. In the joint proposal, it says that this
7 will resolve a pension settlement loss petition. Has
8 it been resolved or is it to be resolved?

9 A.L.J. COSTELLO: That is resolved in
10 the joint proposal, so it's resolved as a -- as a
11 result of the order that would be issued.

12 COMMISSIONER EDWARDS: Okay. All
13 right. Thank you very much. You know, I will say
14 that, you know, number one, I will be supporting
15 this. I believe that, you know, any percentage
16 increase of cost, coming off the or in the middle of
17 the pandemic is challenging. But I believe that
18 Judge Moreno and Costello, you know, really did a
19 good job.

20 I think that, you know, the fact that
21 they are going to make some incremental add to the
22 employees in order to address their plan, like the
23 energy efficiency goals, the focus on gas safety, and
24 infrastructure. And in particular, the -- they are
25 continuing to address the greenhouse gas reductions.

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2 I share Commissioner Burman's concern.
3 I do think that there should be some follow-up
4 discussion around that, so that we can have more of a
5 comfort level. But at this time, I am prepared to
6 vote in favor of this proposal. Thank you very much.

7 CHAIRMAN CHRISTIAN: Thank you,
8 Commissioner Edwards. Commissioner Howard.

9 COMMISSIONER HOWARD: Yeah, I have a
10 couple of comments and one question. First a comment
11 on the process, you know, I've been on the Commission
12 a little over two years now, and I'm increasingly
13 impressed by our settlement process on these rate
14 cases. They are detailed. They are thorough.

15 I believe extraordinarily transparent,
16 and allow many parties of very divergent interests to
17 participate at a very high level and under the
18 referees of our two very accomplished A.L.J.s. So
19 would it were that we could do everything at this
20 level of scrutiny and transparency, but resource
21 doesn't always allow that.

22 But again, I think the broad agreement
23 on this order reflects well on our process. My
24 question -- one of my questions is to -- I don't know
25 which judge will make reference. In the filing one

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2 of the drivers and costs are property taxes, and this
3 staff knows this is my cause célèbre.

4 Could one of the judges explain the
5 property tax impacts in this case and how they relate
6 to revenue requirements?

7 A.L.J. MORENO: Commissioner Howard,
8 we certainly could. I think that it would probably
9 be more eloquently stated if we pass the buck,
10 actually to Denise Gerbsch who put together some of
11 the information for you, if she's able to provide
12 that answer on that, I know it would be more detailed
13 than what we could provide you.

14 COMMISSIONER HOWARD: Whatever you
15 think is best.

16 MS. GERBSCH: So, hi. This is Denise
17 Gerbsch with the Office of Accounting and Audit and
18 Finance. So with respect to the property tax expense
19 increases, and the -- and it is a driver, there is
20 primarily two reasons for the increase. And first,
21 as you know, generally and to a large extent,
22 property tax expense increases, tend to follow net
23 utility plant increases, due to the incremental
24 infrastructure that's placed into service.

25 Although there is somewhat of a lag

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2 between when the plant goes into service, to the
3 increase in property tax expenses go. But second,
4 another primary reason is that the impact -- there is
5 an impact due to the reduction in the economic
6 obsolescence factor that has been awarded to Niagara
7 Mo -- Mohawk from the New York State Office of Real
8 Property tax services through the years.

9 And so as the factor gets reduced, the
10 property taxes increase. We didn't really see any
11 increase -- dramatic increase in the actual property
12 tax rate. I'm not sure if that answers your
13 question, but those are the reas -- the primary
14 reason.

15 COMMISSIONER HOWARD: All right. So -
16 - but it was an action of ORBS that drove this
17 particular item.

18 MS. GERBSCH: Yes. For the reduction
19 and the economic obsolescence, yes.

20 COMMISSIONER HOWARD: Great. Well, it
21 sounds -- yeah, great, thank you for that. My last
22 is more of a comment and -- and I just want to
23 express my tremendous respect for the parties who
24 have opposed this settlement based on their basis of
25 affordability, you know, it's always a difficult

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2 case.

3 But here I think the parties have
4 struck a reasonable balance with a -- with generally
5 modest increases going forward, where it were, we
6 could have no increases. But later this year, the
7 Commission will decide a variety of non-delivery rate
8 cases, primarily dealing with the C.L.C.P.A. and
9 other de-carbonization projects.

10 And I hope, and I strongly encourage
11 those same parties who believe that many customers
12 are already having difficulty paying their utility
13 bills will participate very high level with these
14 things -- these cases and their advocacy on these
15 items going to pass into which I believe and some
16 early filings will have a much greater percentage
17 bill impact than this particular case.

18 Again, energy affordability is a
19 critical component of our deliberations. And they
20 need to be not just on our L.D.C. delivery cases. I
21 think they need to be spread on every action of this
22 Commission, as it relates to impact on customers.

23 And again, as we go through the
24 balance of our agenda of 2022, I'm really hoping that
25 the advocates will participate at very high level and

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2 remain consistent in their advocacy on behalf of
3 customers and particularly low income customers. So
4 with that -- but I will be supporting this -- this
5 settlement. Thank you, Mr. Chairman.

6 CHAIRMAN CHRISTIAN: Thank you,
7 Commissioner Howard. Commissioner Valesky.

8 COMMISSIONER VALESKY: Thank you,
9 Chair Christian. No questions, just a few quick
10 comments in support of the draft order and the joint
11 proposal. First of all, certainly to Judge Costello,
12 Judge Moreno, everyone on this call and those who are
13 not on this call who have had a role in -- in getting
14 us to where we are today. Thank you very, very much.

15 A lot of tremendous work has gone into
16 -- into this item and I'm very appreciative of that.
17 Second point just to follow up on Commissioner
18 Howard's final point, I was going to take a page out
19 of his book anyway. He has mentioned during previous
20 rate cases in reminding the public that what is under
21 our purview as a Commission are delivery rates.

22 And when we are in times of higher
23 commodity costs and -- and certainly that is as -- as
24 high as it has been in many, many years. That is not
25 what we are -- are considering today. And it's always

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2 important, I think, as Commissioner Howard often does
3 to -- to remind the public of that.

4 And third, and finally, I just want to
5 -- I was going to raise the Albany Loop Project as
6 well. I just want to say to both Commissioner Burman
7 and Chief Administrative Law Judge, Lecakes, I really
8 appreciate the dialogue that you had on -- on that
9 item.

10 And -- and without going through and
11 repeating what was already said, I do want to just
12 highlight the issue there from a process perspective,
13 more so than the reliability perspective, which I
14 think was -- was -- was well spoken to. And process
15 does matter. And again, I'm not an attorney. So I'm
16 not concerned from a legal perspective here.

17 But -- but -- but in this case an
18 Article 7 process that had -- that was already in
19 progress, whether that would have -- however, that
20 would have resolved itself, is important in and of
21 itself. And I would just remind everyone of that
22 fact.

23 And -- and as we look at rate cases
24 going -- going forward and -- and clearly there are
25 in this case, cost recovery issues that that are

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2 appropriate for us to -- to address in the rate case
3 itself that it can be a slippery slope to bringing in
4 other processes that are already underway, and
5 resolving them in one way, shape, or form through a
6 rate case.

7 So I think, again, going forward, I
8 just hope everyone has that at the forefront of their
9 minds. And I think -- I think that's important to
10 consider, again, because process does matter, rate
11 case process, as well as all other processes that --
12 that come before us. With that I do intend on
13 supporting the draft order. Thank you.

14 CHAIRMAN CHRISTIAN: Thank you,
15 Commissioner Valesky. Commissioner Maggiore.

16 COMMISSIONER MAGGIORE: Yes, thank
17 you, Chair Christian. I'd like to congratulate staff
18 for once again, methodically working out a complex
19 case with a diverse set of parties with different and
20 sometimes divergent interests, who nonetheless signed
21 on to this J.P. This case reflects a genuine --
22 reflects genuine compromises among signatory parties.

23 And what I believe to be a successful
24 -- several successful attempts to address many of the
25 legitimate concerns raised specifically having to do

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2 with both affordability and climate progress. As I
3 reviewed this case, I paid particular attention to
4 public comments raising concerns.

5 The majority of such comments
6 expressed concerns about affordability. Such
7 concerns are registered by individuals, advocacy
8 groups amongst others, and two state legislators who
9 represent what I believe to be the most economically
10 challenged part of Syracuse. We should not take such
11 concerns lightly.

12 And I don't think staff did take such
13 concerns lightly. I will note that the J.P. reflects
14 significantly reduced revenue over what Niagara
15 Mohawk initially proposed while maintaining revenue
16 sufficient to operate the system in a safe and
17 reliable manner, while advancing the state's climate
18 goals.

19 Add further note that some of the
20 concerns about affordability seem to me to be at odds
21 with concerns expressed that the rate case does not
22 move far and fast enough towards the conversion to
23 renewable energy sources.

24 To that end, however, I'm heartened by
25 the long list of measures designed for that purpose,

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2 which you heard during the formal presentation, And
3 I'm not going to repeat. And I would say that I
4 think Niagara Mohawks withdrawal from the Albany Loop
5 Proposal is significant and is a reasonable sign that
6 the project will not happen.

7 I do want to acknowledge two concerns
8 raised and ask a question about them. In E.D.F.
9 statement of neutrality, the group asserts that the
10 commission should take further action to "institute a
11 framework that will facilitate a credible assessment
12 of utility rate proposals consistent with the
13 C.L.C.P.A." Meanwhile, AGREE which is also neutral
14 on the case asserts that growth and subsequent rate
15 cases more robust C.L.C.P.A. analysis should be
16 required by both utilities initial filing and in
17 support of any proposed settlement."

18 While I believe that this rate case is
19 consistent with the C.L.C.P.A., I also think these
20 concerns are reasonable. Our response in part is
21 that the implementation of the C.L.C.P.A. is a work
22 in progress. So as we evolve our approach to rate
23 cases in this respect, I would like to request my --
24 my question as a request for a briefing from staff in
25 the near future to learn more about our preparations

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2 for the expected wave of rate cases, upcoming in
3 2022. Thank you, Chair Christian.

4 CHAIRMAN CHRISTIAN: Thank you,
5 Commissioner Maggiore. And I will add that that
6 briefing is in development and will be happening
7 soon.

8 COMMISSIONER MAGGIORE: Thank you.

9 CHAIRMAN CHRISTIAN: With that -- no
10 problem. And with that, let's turn to a vote. My
11 vote is in favor of the recommendation to adopt the
12 terms of the J.P. as discussed. Let's go to the
13 Commissioners. Commissioner Burman, how do you vote?

14 COMMISSIONER BURMAN: I concur.

15 CHAIRMAN CHRISTIAN: Thank you.
16 Commissioner Alesi, how do you vote?

17 COMMISSIONER ALESI: I vote yes.

18 CHAIRMAN CHRISTIAN: Thank you,
19 Commissioner Edwards, your vote please?

20 COMMISSIONER EDWARDS: I vote yes.

21 CHAIRMAN CHRISTIAN: Thank you.
22 Commissioner Howard, your vote?

23 COMMISSIONER HOWARD: I vote yes as
24 well.

25 CHAIRMAN CHRISTIAN: Thank you.

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2 Commissioner Valesky?

3 COMMISSIONER VALESKY: I vote yes.

4 CHAIRMAN CHRISTIAN: Commissioner
5 Maggiore?

6 COMMISSIONER MAGGIORE: I vote yes.

7 CHAIRMAN CHRISTIAN: And with that, we
8 have sufficient votes. The item is approved and the
9 recommendations are adopted. Thank you,

10 Commissioners. Let's continue with Item 301 case 20-
11 E-0197 related to the power grid study

12 recommendations. This will be presented by Bob

13 Rosenthal, our General Counsel. Elizabeth Grisaru,
14 Deputy Director Office of Electric Gas and Water.

15 John Garvey, Utility Supervisor.

16 Tammy Mitchell, Director of Office of Electric, Gas
17 and Water and Leka Gjonaj, forgive my pronunciation,

18 Chief of Electric Safety and Reliability are

19 available for questions. Bob, please begin.

20 MR. ROSENTHAL: Thank you,

21 Commissioner Christian, and good morning to other

22 Commissioners. So today's order on the power grid

23 study is the fourth order to focus on revising the

24 State's transmission and distribution system planning

25 procedures.

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2 It puts the Commission D.P.S. staff
3 and the utilities on a path to fully comply with the
4 directives of the Accelerated Renewable Energy Growth
5 Act or as I call it the Accelerated Renewables Act, a
6 statute that was enacted on April 3rd, 2020.

7 Section 7 of the Act includes four
8 specific directives that the Commission and others
9 have been addressing, since the Commission's issuance
10 of an initiating order at the May 2020, session. Let
11 me start by discussing the actions taken to address
12 these four directives. The first directive relates
13 to the power grid study.

14 Specifically the Accelerated
15 Renewables Act directed D.P.S. staff in consultation
16 with NYSERDA and other entities to prepare a power
17 grid study. Basically a blueprint for local and bulk
18 transmission planning to achieve C.L.C.P.A. mandates.
19 D.P.S. complied with this directive when it released
20 the power grid study in January of 2021.

21 Second, the Act required the
22 Commission to modify its existing local T&D planning
23 processes and address projects proposed by the
24 utilities under those processes, both for the purpose
25 of -- of facilitating compliance with C.L.C.P.A.

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2 mandates.

3 Utilities subsequently filed the
4 proposal in November of 2020 to comply with this
5 requirement, raising two types of projects labeled
6 phases one and two. The Commission has since issued
7 orders to address both phases. The Commission's
8 Phase One order issued on February 11th, 2021,
9 address traditional local T&D projects that also has
10 C.L.C.P.A. benefits.

11 The Commission determined that such
12 projects are to be prioritized in the context of
13 utility rate cases. It also authorizes the utilities
14 to file petitions related to Phase One projects
15 outside of the rate case project -- process.

16 And you should know that National Grid
17 and NYSEG have since filed such petitions, which are
18 going through the SAPA public comment process now and
19 should come before the Commission for consideration
20 in the next few months. In its order dated September
21 9th, 2021, the Commission reviewed the utilities --
22 the utilities' submission on the Phase Two process
23 and projects.

24 These two projects are those that have
25 C.L.C.P.A. benefits only i.e., they are not needed to

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2 maintain safety or reliability. The Commission
3 directed the utilities to among other things, provide
4 more details on the cost recovery mechanism for Phase
5 Two projects and develop a new coordinated planning
6 process that would coincide with the NYISO order 1000
7 process.

8 The third and fourth directives relate
9 to bulk transmission projects. With respect to the
10 third directive, the Act requires the Commission to
11 adopt procedures and requirements aimed at developing
12 bulk transmission investments found to be needed
13 expeditiously to achieve C.L.C.P.A. targets.

14 It also identifies NYPA as the entity
15 to undertake the projects given such a priority
16 project designation by the Commission. This matter
17 was addressed in an order issued by the Commission on
18 November 15th, 2020, where the Commission crafted
19 criteria it would consider in identifying a priority
20 transmission project.

21 Through the same order, the Commission
22 also granted a petition filed by NYPA designating the
23 Northern New York project as a priority transmission
24 project. That project which would increase by one
25 thousand megawatts, the deliverability of renewable

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2 energy from northeast New York to Central New York is
3 now going through the Article 7 siting process.

4 The fourth directive relates to
5 updating the existing bulk transmission processes to
6 focus on meeting C.L.C.P.A. mandates, which all would
7 be addressed through this order before you.
8 Specifically the order takes up the last of the
9 recommendations of the power grid study. Those
10 related to offshore wind transmission, bulk
11 transmission planning needs, and the concept of
12 renewable energy zones.

13 Let me summarize the proposed order
14 starting with the five offshore wind transmitted
15 relief proposals. First, the Power Grid Study
16 suggests that constructing an offshore grid network
17 may have significant advantages in terms of
18 operational flexibility, reliability, and ratepayer
19 benefits.

20 Under prior orders related to offshore
21 wind, the Commission required NYSERDA solicitation to
22 include direct or radial lines to the point of
23 interconnection. The problem with a single radial
24 line being attached to a project is that an outage
25 associated with the single line could result in the

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2 energy from the project not being deliverable.

3 With a mesh system by contrast,
4 projects would be connected to each other in the
5 ocean, from which a number of transmission lines
6 would then be interconnected to the onshore grid. So
7 if one line is down, the energy could be diverted to
8 another line and delivered to land.

9 The order before you would direct
10 D.P.S. staff to work with NYSERDA to study this
11 option, and evaluate the specific benefits, costs,
12 and challenges associated with a mesh system.
13 Second, and relatedly, the power grid study
14 recommends that NYSERDA modify its offshore wind
15 procurement requirements to include mesh-ready
16 designs.

17 Primarily because the cost of
18 modifying projects on the design fees is small in
19 comparison to the cost of a future retrofit. The
20 order concurs with this recommendation and directs
21 NYSERDA to require bids to include the mesh-ready
22 designs needed to support a potential future mesh
23 network.

24 Third, the power grid study highlights
25 the significant constraints that impact the possible

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2 undersea transmission cable routes into New York City
3 Harbor, including the anchorage areas and navigation
4 channels that occupy an area known as the Narrows.
5 The power grid study notes that coordinated State
6 planning for the use of this corridor into New York
7 City is critical.

8 The order recognizes this need and
9 would direct NYSERDA and staff to collaborate with
10 other New York State agencies to develop plans for
11 cable routing, and file a report on their progress on
12 this important issue no later than September 1 of
13 2022.

14 To address the same issue, the power
15 grid study also recommends the interconnections use
16 320 kilovolt direct current with D.C. cables to
17 maximize the capacity that can be carried through the
18 available corridors. By its nature, D.C.
19 transmission can carry more capacity than A.C.
20 transmission.

21 The proposed order recognizes this
22 advantage and would direct NYSERDA to require the use
23 of D.C. transmission as part of its future offshore
24 wind solicitations. Fourth, the power grid study
25 recommends careful planning for the onshore

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2 interconnection of offshore wind generation.

3 With respect to the six gigawatts of
4 offshore wind recommended to be interconnected into
5 New York City, the other three would go into Long
6 Island. The power grid study recognizes the real
7 estate constraints in New York City regarding where
8 to site the converter stations and substations that
9 are necessary to deliver that energy to link.

10 With NYSERDA expected to issue a new
11 offshore wind solicitation in the coming months, the
12 order acknowledges the need to send signals to
13 developers regarding the locations in New York City
14 to aim for. Relatedly the utility filing made in
15 November 2020 suggests that a project proposed by
16 Con-Edison that it calls the Con-Edison HUB would be
17 able to accommodate 3000 megawatts and maybe more of
18 capacity.

19 Given the recognized difficulty in
20 finding feasible and cost effective points of
21 interconnection in New York City, the HUB appears to
22 be a potential solution for the injection of energy
23 from offshore wind into the City. This order would
24 authorize Con-Edison to file a comprehensive petition
25 addressing the HUB.

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2 Fifth, and last among the offshore
3 wind points is a proposal to examine Commission
4 policies related to energy storage in light of the
5 key role it may play in integrating offshore wind
6 energy with the onshore grid. The order recognizes
7 that storage needs may evolve.

8 But the first consideration of policy
9 issues that the Commission's policy review process
10 which is scheduled to be undertaken in 2023. As an
11 interim measure, however, the order would authorize
12 NYSERDA to modify its offshore wind procurements
13 moving forward to award additional scoring credit for
14 energy storage facilities integrated into offshore
15 wind designs.

16 Next is bulk transmission planning.
17 The power grid study emphasizes the need to keep
18 ahead of emerging bulk system needs given the long
19 length of time it typically takes to plan, site, and
20 construct transmission facilities.

21 The draft order before you
22 acknowledges this concern and specifies that the
23 Commission will rely on the coordinated planning
24 process being developed under the Phase Two order to
25 anticipate local and bulk system needs.

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2 That process should allow the
3 Commission to foresee such needs and to invoke its
4 authority pursuant to the NYISO's existing order 1000
5 process to develop cost effective solutions, while at
6 the same time deploying its authorities under the
7 Public Service Law to ensure local transmission needs
8 are also met in a timely manner.

9 The Commission has invoked the Order
10 1000 process three times since its inception. And
11 the order before you contemplates that the Order 1000
12 process will continue to play a key role in meeting
13 C.L.C.P.A. policies.

14 With respect to renewable energy
15 zones, the power grid study suggests that the
16 Commission consider recognizing high value areas
17 around the State where there may be good renewable
18 generation potential, but a lack of available
19 transmission.

20 The proposed order acknowledges that
21 there are areas of the State with limited volt
22 electric infrastructure, but finds that their
23 potential as sources of cost effective renewable
24 generation is not yet clear.

25 The order focuses on areas where

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2 interest in renewable generation development is
3 already outgrowing the capability of the existing
4 system and states that the Commission would rely on
5 the more integrated system planning approaches
6 initiated through the Phase One and Phase Two local
7 T&D orders to address them rather than pursue the
8 creation of renewable energy zones.

9 So that would be put off for potential
10 review in the future. So finally, is the issue of
11 advanced technologies. That's an issue not addressed
12 in the Accelerated Renewables Act. But it was
13 addressed in the Commission's May 2020, initiating
14 order, where the Commission identified the need to
15 deploy advanced transmission technologies moving
16 forward.

17 However, the Commission has not yet
18 taken up the utilities proposal included in the
19 utility filing on this issue, including for a new
20 technology research consort -- consortium. The draft
21 order would adopt the idea and provides guidance on
22 the composition of the consortium, and how it should
23 prioritize research efforts.

24 The order would require the utilities
25 to file a research plan on this important issue in

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2 six months, and then a progress report within one
3 year. So that ends my presentation. But before, you
4 know, taking on your questions, I really want to
5 acknowledge that this has been an ongoing nonstop,
6 you know, year-and-a-half effort since the May 2020,
7 initiating order.

8 And I would, you know, specifically
9 want to call out Elizabeth Grisaru, John Garvey,
10 Zeryai Hagos, Mary Ann Sorrentino, Leka Gjonaj,
11 Lindsey Overton, Jalila Aissi, Dave Drexler, Tom
12 Dwyer and of course, Tammy Mitchell. So with that,
13 I'm prepared with others to answer any questions that
14 you may have.

15 CHAIRMAN CHRISTIAN: Thank you for
16 that presentation, Bob. The the various items you've
17 outlined in this order, the Commission will complete
18 the requirements established by the Accelerated
19 Renewable Energy Growth Act.

20 Adopt the recommendations initially
21 established in the power grid study, which was
22 released just a year ago and establish a variety of
23 options for enhancing the effectiveness of future
24 offshore wind installation and ultimately improved
25 the utility of the State's entire renewable energy

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2 portfolio.

3 Thank you for your hard work in
4 putting this together. And, you know, I look forward
5 to voting in favor of this item. Do any of the
6 Commissioners have any questions or comments?
7 Commissioner Burman?

8 COMMISSIONER BURMAN: Thank you. This
9 is Commissioner Burman. First of all, I appreciate
10 our Counsel Rosenthal calling out the staff who did a
11 lot of hard work on this. I know there is many
12 others as well and I appreciate all of that.

13 I do have a couple of questions. And
14 I guess I would say concerns. I don't want this to
15 come across as the skunk at the garden party and I do
16 hope that there's a recognition that really, for me,
17 it is understanding the path forward and where we're
18 going.

19 There has been a lot of lately good
20 news in the public on all that's happening in
21 offshore wind and in particular, as it relates to
22 things happening, potentially happening in New York.

23 And I think that's great, but I will
24 sort of caution that we aren't over the hump by any
25 stretch. And in fact, we're really at the starting

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2 gate. And we only just signed contracts, we still
3 have to do a lot of other things connected to
4 offshore wind directly and indirectly, we still have
5 to set up hubs, we have to look at siting, we have to
6 address the supply chain challenges, we have to look
7 at the huge curtailment challenges or issues,
8 especially, you know, in Long Island.

9 And I think we just have to take some
10 deep breaths and in some ways, slow down this rush to
11 have it all packaged perfectly, because I think it is
12 a bit messy. I think we have to be transparent about
13 that.

14 I think we have to understand that we
15 need to ensure we are doing careful, and appropriate,
16 reliable, independent, and meaningful analysis on all
17 of the different challenges and be open that the
18 solutions may require an all of the above type of
19 approach and how we prepare things together.

20 I am deeply concerned that we are not
21 being as open as we could be or as we should be as it
22 comes to the costs of all this. I care about costs,
23 I care about reliability, I care about
24 accountability.

25 And I think that we should take some

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2 time to look at how we can do better, but not better
3 just to check the box that we're being more
4 transparent, do better in understanding the
5 challenges, you know, now looking at incorporating
6 the mesh technology process into the -- the -- the
7 next phase looking at that as potential. It's
8 something I think we could take sort of time to
9 examine.

10 When we initially didn't include that.
11 Part of it was this -- in my opinion, part of it was
12 this rush to get out there, we were trying to beat
13 the clock with our bound. We were trying to -- we had
14 competitors from other States and we kind of headlong
15 -- we just rushed into it, understandably, because we
16 wanted to, you know, be the winner.

17 And -- and I -- I think that then had
18 drawbacks, in that we didn't do the proper reading,
19 and analysis, and studies. And we are now trying to
20 sort of rectify that. And I think that's a good
21 lesson learned and learning as we go forward.

22 I -- I recognize that, you know, at
23 least as I see it, New York City seems so much more
24 dependent on fossil fuels right now, especially with
25 the closure of Indian Point, that there is this sort

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2 of tension that we must be very mindful in ensuring
3 that we maintain reliability when we are approaching
4 all of these things.

5 The clean energy goals are great, but
6 if we shirk our responsibility in -- in trying to
7 appease everyone with this fever pitch to shut down
8 now, power plants, we are going to have huge
9 backlash. In my opinion, we need to do all of this
10 in a way that is recognizing what's able to be done,
11 where the technology is and where it is not.

12 And what we need to do, because the
13 value of a power plant as a backstop is important.
14 And it can't just be, you know, written away. And so
15 I think that for me, I want us to be a little bit
16 more mindful and inclusive of voices who may, you
17 know, we -- we try as a State to talk about how we
18 have this great collaborative stakeholder process.

19 But sometimes I feel that it is not
20 set up for successful collaboration, it's set up to
21 ensure that those who might have an opposite
22 viewpoint, those who might want to ensure more
23 independent analysis and also technical expertise,
24 engineering expertise, reliability analysis, that's
25 meaningful and reliable, gets shoved away, because it

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2 is seen as somehow raising those things that I think,
3 frankly, are what we need to raise so that we
4 maintain credibility.

5 And we also are mindful, again, of the
6 costs, who pays for those costs, reliability,
7 ensuring the lights are on, and accountability for
8 what we're doing. I think we lose credibility when
9 we try to say, you know, the costs of all this,
10 whatever all this is, is, you know, mere pennies or
11 less than a dollar.

12 I just think that we need to be
13 careful in not -- and making sure that we are,
14 frankly, talking about, I think those things that are
15 talked about quietly, the elephants in the room, it's
16 okay for us to acknowledge them and try to figure out
17 how to deal with some of that. We will lose
18 credibility if we do not sort of address those issues
19 head on.

20 And we will put ourselves and
21 ourselves meaning economic vitality and, you know, a
22 reliable grid at risk. I guess, for me, I'm trying
23 to understand and there's a lot in here. I do see,
24 kind of, as I read it that, you know, we've done a
25 lot on the local side.

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2 Phase one, stuff is, in some ways, you
3 know, pretty far along and now we're looking at the
4 Phase Two aspects and the bulk power. I do love that
5 we're looking at aligning our clean energy goals with
6 what's happening at the I.S.O. and Order 1,000
7 process.

8 I think that continuing to engage in a
9 meaningful way with the I.S.O. is really helpful.
10 I've read a number of times the power grid study. I
11 will say, just sort of as a kind of -- and I will --
12 each time I read it, I kind of learned something new
13 or I have a different takeaway.

14 I do think that there's a lot of
15 caveats in there. It's obviously an initial report.
16 I will say the acronyms list out a number of
17 different entities. There's an acronym chart. I
18 found it interesting that the P.S.C., while mentioned
19 71 times in the report, the P.S.C. is not in the
20 acronym chart.

21 And maybe because I'm a Commissioner
22 on the P.S.C., but what I recognize that is the
23 acronym chart actually hits upon sort of the
24 underlying question for me is, what is the role of
25 the Commission body in this process.

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2 Now, NYSERDA is mentioned a 165 times
3 throughout the report, LIPA is mentioned 299 times,
4 N.Y.P.A., I'm sure there'll be sad about this, only
5 20 times. The I.S.O. is, thankfully, mentioned 368
6 times, D.P.S. staff is mentioned 43 times. So in
7 total, the P.S.C. and D.P.S. is mentioned 114 times.

8 The report itself, under the statute,
9 is a report for the Commission to act. It actually
10 identifies that. And so for me, I do need to ask how
11 we, as the Commission body, can be more engaged in
12 these issues, not as a check-the-box gatekeepers but
13 as critical substantive policy makers, who really
14 have the responsibility when it comes to reliability
15 and resiliency.

16 And so I'm wondering if there's a way
17 for us to ensure that we are clearly articulating how
18 that all works, not just internally, but also
19 externally because I do see the order itself has a
20 lot of information but -- and it recognizes
21 rightfully so, that there are next steps.

22 In the conclusion section, it says the
23 Commission recognizes that advanced technologies may
24 play a critical role in meeting the State's goals at
25 reasonable cost and puts in place a mechanism to

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2 ensure well supported technologies are deployed.

3 The order -- the draft order
4 continues, we recognize that the work is not complete
5 and that these steps will lead to others. The
6 Commission will continue to take action to further
7 align T.& D. planning and investment with the State's
8 clean energy objectives.

9 I don't have a problem with any of
10 that, but it doesn't give me a comfort level on what
11 the plan is, what the process is, and the timeline
12 for some of that. And I don't want it to be that we
13 wait for the next orders to be reengaged by staff and
14 by the other interested entities, as if we are just
15 sort of at the tail end, rather than what I think
16 based on the statute as well as the report also
17 indicating that we do have a significant role.

18 So I don't know, Bob, if you have any
19 thoughts on that. But that is something that I'm
20 kind of trying to grapple with.

21 MR. ROSENTHAL: Sure. So I view the
22 Public Service Commission as being in charge of every
23 one of the processes or playing a significant role in
24 the Order 1000. And every single process that was
25 identified in the power grid -- in the Accelerated

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2 Renewables Act.

3 So if you look at that law, it's all,
4 other than the power grid study, which was something
5 directed -- a directive to D.P.S. staff. Everything
6 else in that law is a directive to the Public Service
7 Commission.

8 So really, every -- from my
9 perspective, all of the ultimate directives flow to
10 and from the Public Service Commission. And so I'll
11 go through them, the Phase One process, you're going
12 to see, I would imagine that there will be specific
13 projects that you will see that will be C.L.C.P.A.
14 based projects that also have reliability and safety
15 components to them.

16 You will see those in individual rate
17 cases. The petitions that I mentioned to you
18 previously are going through the public comment
19 process from N.Y.S.E.G. and National Grid. And those
20 are going to come to you for, you know,
21 consideration. They're not going to any other entity
22 or going to be reviewed by any other entity.

23 On Phase Two, to address your -- your
24 question. And we concur here with staff, it makes
25 little sense to rush through a process to select a

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2 project that never gets built. I'd find that to be
3 and I think we all would find that to be, you know,
4 very annoying prospect to spend time on something
5 that never happens.

6 And so we're going to take our time on
7 Phase Two, the utilities have filed a report in
8 December, on what the Phase Two process will look
9 like. But we expect that it's going to take all of
10 2022 to get the Phase Two process in line with the
11 NYISO 1000, the Order 1000 process and it may
12 require, you know, changes to the NYISO Order 1000
13 tariff that currently exists, that's going to be up
14 to them.

15 But that's something that is
16 comprehensive and we -- we think, obviously, it's
17 more important to get it right than it is to rush
18 through it, but at the end of the day, what you're
19 going to see as a Commission.

20 After that, first of all, you're going
21 to have to approve that process and there will be a
22 future Commission order on that. And second of all,
23 once the process is approved, you're going to see a
24 petition filed by the joint utilities for a multitude
25 of projects for consideration. You know, we may --

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2 you may not decide to approve all of those Phase Two
3 projects, but there's going to be a single petition,
4 there's going to be a single way to pay for these
5 projects, it's not going to be through the rate case,
6 process is spelled out in the September order on
7 Phase Two.

8 But ultimately, the Phase Two process
9 is a Commission initiated and created process where
10 it's up -- going to be up to the Commission in the
11 end to approve the specific projects that are going
12 to be sent through that process.

13 And then, finally, the bulk
14 transmission process, the priority transmission, you
15 know, projects, that is a Commission created process,
16 the Commission has issued criteria, as I noted, that
17 it has to examine to determine whether or not a
18 project that would be proposed by either staff or
19 NYPA, you know, should move forward.

20 And again, so that is -- is again, I
21 see the Commission being completely in charge of
22 approving and applying, you know, the criteria that
23 were already established. And then, finally, the
24 public policy transmission planning process that was
25 created pursuant to the NYISO Order 1000 tariff,

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2 that, you know, also includes a key role, nothing can
3 happen without the Commission policy decision.

4 And as I've discussed in prior
5 meetings, it's a biennial process. It's currently on
6 even years, where the NYISO solicits public policy
7 transmission, you know, projects or needs in -- in
8 August of each year, they then send the responses to
9 that solicitation to the Commission, which sends them
10 out for -- through the SAPA, you know, for public
11 comment.

12 And then, ultimately, the Commission
13 can act on any identified needs like an identified
14 need that it then -- that it then sends back to the
15 NYISO for solicitation of solutions.

16 The NYISO was currently going through,
17 you know, that process based on a March 2021 order
18 that the Commission issued, regarding a need that was
19 based on getting offshore wind, you know, off of the
20 island to access the rest of the State.

21 And for that, so that was a need that
22 was identified through a March 2021, order by the
23 Commission and is now going through the process.
24 Eventually, a project will be selected through that
25 process, it will need to go through Article 7, which

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2 is also a Commission process.

3 And so you will see, you know, you
4 will potentially see that project again as it comes
5 through Article 7. So I see and we see, particularly
6 through this process that we're in, you know, where
7 D.P.S. staff with the Commission's oversight and
8 direct -- direction are in charge of this entire
9 process, just so you know.

10 We do not feel like we are delegating
11 it out to any other entity. Of course, we definitely
12 need assistance from the NYISO with respect to both
13 it's -- it's expertise that it unquestionably has and
14 the process that that, you know, in the role of local
15 transmission process. And we often need that help
16 from NYSERDA, just given it's access to consultants
17 and others.

18 But it is -- it is responsible for
19 actually issuing the solicitations. And so we do
20 absolutely work closely with them through the
21 solicitation process. And -- and, for example, on
22 some of the recommendations that were in the -- in
23 the power grid study and that you would now have
24 before you, we unquestionably discuss those issues
25 with NYSERDA, because those were recommendations that

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2 were made in the power grid study.

3 And we, you know, had discussions
4 regarding whether or not you know, and how to take
5 those issues up in a Commission session.

6 COMMISSIONER BURMAN: Thank you.
7 That's really helpful. It's funny to me, who often
8 feels like an outsider in the Commission as a body,
9 as an outsider to much of what's happening, to see
10 more clearly, that and I think it needs to be
11 expressed more clearly, just the important role. And
12 again, it's that hurry up and get it done.

13 I think people need to kind of take a
14 step back and also recognize the role and really have
15 conversation on the role of the Commission as a body
16 in this because we are not just going for at least --
17 I don't believe we should check the box.

18 Initially, when I read the draft
19 order, I was concerned about the discussions on the
20 ConEd HUB. There's a lot of pages dedicated to what
21 a future petition should look like from ConEd on the
22 HUB.

23 I am concerned that it may be
24 misunderstood as that is the viable solution or the
25 solution that we're going to go with that may -- may

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2 chill other solutions from coming to the table. I --
3 I also recognize and I think this is where I came to
4 terms with it. There's a lot of comments devoted to
5 the ConEd HUB, and those who have concerns with it.
6 And I think many of those concerns are very -- are
7 valid.

8 The draft order tries to address
9 what's needed in the petition. The report goes into
10 quite a bit on a lot of -- the power grid study goes
11 into a lot of what's needed to be incorporated. And
12 so the draft order tries to address what a petition
13 should look like. It worried me a bit that we were
14 tripping into detailing what a good petition would
15 look like.

16 We don't generally do that. We may
17 tell someone, hey, you should file a petition, et
18 cetera. I don't necessarily think it's bad for us to
19 start looking at what is it that we need and setting
20 forth some parameters around that but we need to be
21 careful that we're not perceiving -- we're not being
22 perceived as pushing one over the other, or in this
23 case, ConEd through this petition does this seeming
24 to think well, we met all the requirements that were
25 asked for in this order. So therefore it should be

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2 approved.

3 I would caution that focus and I would
4 be much more kind of -- a much more sensitive to
5 folks understanding that this is -- is not us saying
6 we're good with -- with this. And this is what we're
7 going to go with, I don't know if you have any
8 thoughts on that, Bob?

9 MR. ROSENTHAL: Sure. So in the Phase
10 Two order that was issued in September, there were
11 identified areas of concern, we knew that there were
12 areas where there is a lot of renewable generation in
13 the NYSEG queue with not enough, you know, substation
14 capacity to address them and/or just bottlenecks in
15 the local transmission system. Like, we knew that
16 that's a problem.

17 For that reason, we directed, the
18 Commission directed NYSEG and National Grid in
19 Central Hudson, to address that issue. They were
20 directed to do that. That is not what was done here.

21 Here, ConEd was authorized. So the
22 direct -- the clause here is they were authorized to
23 file this petition. And so that was intentional, we
24 wanted to make clear that there are potentially other
25 solutions that other, you know, either the developers

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2 through the offshore wind process may have or that,
3 like, for example, may come up through the Order 1000
4 process.

5 So that I want to make that point
6 clear that we -- we understood it and that was,
7 that's an intentional distinction between directing
8 utilities to do something with respect to the areas
9 of concern, whereas here ConEd was authorized to do
10 something.

11 Additionally, while we identified all
12 of the issues, you know, the same sorts of issues
13 that we wanted to see in a petition and, you know,
14 the same issues here as -- as in the September order
15 with -- with respect to the area of concern, we added
16 a lot of other issues that go to this, you know, to
17 the pot -- potentiality, that a competitive solution
18 may be a better approach.

19 And so it is for those reasons that we
20 added the additional requirements. For example, we
21 want ConEd to be able to show that this really is the
22 most cost effective solution. And that's why those
23 sorts of things were added here, whereas, they were
24 not included with the areas of concern.

25 So we didn't see that as sort of, like

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2 laying out, you know, a route for ConEd to get
3 approval from the Commission. Rather, we saw this as
4 something that was fundamental, that they need to
5 show that this really is a cost effective solution,
6 and that there isn't something out that's better than
7 this.

8 And then, finally, the one thing that
9 is real and that is -- is very much a concern with
10 the group of folks that are working on implementing
11 the Accelerated Renewables Act and -- and, you know,
12 addressing the recommendations made in the power grid
13 study is New York City unquestionably, is probably
14 the most crowded area of the entire State and but
15 there is a need to get six gigawatts of offshore wind
16 into the City.

17 So we feel like we need to adopt the
18 all of the above approach. And that's why we thought
19 it was important to, you know, to address -- address
20 the project that was issued, you know, in the
21 November 2020, proposal made by ConEd through, you
22 know, the J.P filing that was made at that time.

23 COMMISSIONER BURMAN: Thank you.
24 We're all on the same page and that's very helpful.
25 I just wanted to make it kind of clear, publicly, you

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2 know, what this is and what it isn't and also
3 recognize the concerns raised by those on the ConEd
4 HUB are something that I think is important for us to
5 keep in mind, as well as the need for us to engage
6 with the I.S.O.

7 I do have one final kind of concern
8 that I want to raise at session today. Actually,
9 I've two, one is footnote 35, talks about that the
10 Commission understands that the offshore wind
11 developer is responsible for the costs associated
12 with the converter station and interconnection into
13 the ConEd HUB.

14 But nevertheless, we are asking for
15 this information to gain an understanding of whether
16 the HUB would make the interconnection cost
17 prohibitive. And so that's part of what this draft
18 order details asking for this further information.

19 I just want to flag footnote 35,
20 because I do think it's important that when we're
21 talking about costs, we ask for not just what's in
22 front of us or what's, you know, sort of under --
23 under us. But that we need to be responsible and
24 transparent on all of the different costs that are
25 out there that need to be considered, especially

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2 when, you know, we're -- we're looking at things that
3 are going to have significant price tags.

4 It's really important for us to have
5 a, you know, a fair understanding of that. So that -
6 - that's just one that, I support that, but I also
7 want to see that more transparently in other areas,
8 as well. And again, get back to, you know, sort of
9 instead of being cheerleader saying, hey, it's, you
10 know, less than a cup of coffee for X, you know, we
11 should be a little bit more honest about the process,
12 and the costs, and who pays for those costs.

13 But then, the final thing I have, is
14 that the question that relates to the joint utilities
15 and NYSERDA repurposing existing R&D budgets and
16 asking the joint utilities to file proposed research
17 plans, the budget for the necessary work, and any
18 deployment recommendations within six months, the
19 date of this order and a progress report within one
20 year of that.

21 And there's also a footnote asking
22 NYSERDA to consider whether any research funds can be
23 redirected or otherwise aligned with the Commission's
24 charge to the working group in this order.

25 I'm uncomfortable; I don't think the

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2 order is clear as it's looking for repurposing
3 budgets and starting up another working group and
4 consortium.

5 I'm uncomfortable that we don't have
6 enough facts and information. And I just want to
7 make clear that I'm expecting that this comes back to
8 the Commission for approval, is that -- is my
9 expectation correct?

10 MR. ROSENTHAL: So I want to --

11 MS. GRISARU: Rob, do you want me
12 speak?

13 MR. ROSENTHAL: Yeah, go -- go ahead.

14 MS. GRISARU: Can you hear me all
15 right?

16 COMMISSIONER BURMAN: Yes.

17 MS. GRISARU: Okay. Great. Yes,
18 Commissioner, I think that's the right expectation.
19 I think that particularly if there is repurposing or
20 redirection of the funding, the proposal to do that
21 would have to come back to the Commission.

22 So yes, I would -- I would expect you
23 and the other Commissioners to be looking at the work
24 plan proposal and any request to adjust the funds
25 pending any future funding.

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2 COMMISSIONER BURMAN: So one of the
3 things, thank you, that's helpful. One of the things
4 that I want to make sure, especially when we are --
5 I'm very uncomfortable with the amount of different
6 working groups and consortiums and processes that are
7 in place without a firm handling and understanding of
8 who they -- who's -- where they are, how they're --
9 what they're doing, who is picking the folks to be
10 involved in this and how we are making sure that we
11 are following, you know, the -- the right guidelines
12 for transparency and, you know, meeting with folks,
13 especially those that are involved either in -- going
14 to be a participant in a particular project or -- or
15 seeking, you know, something, are actually the ones
16 who are the authors of the solicitations.

17 So I would like to see much more
18 formal clarity, especially from the sister agencies,
19 including NYSERDA. Give us some more information on
20 how they are carefully ensuring transparency as well
21 as, you know, the proper sort of information coming
22 to them.

23 So that there -- there is not an
24 unintended consequence of, you know, writing a
25 solicitation for, you know, particular entity. I

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2 think that it's important for us to show, just, you
3 know, as clear as we can, the rules of the road and
4 the -- the proper and responsible process, in how we
5 are making sure that we are meaningfully setting up
6 these endeavors that are fair and -- and appropriate.

7 And so I just, it's something that
8 concerns me. Do we need -- we need to do better --
9 we need to have better accountability and tracking
10 and frankly, it may require a lot more time and
11 effort in the front end, but I think it shows, you
12 know, to all that we care about these issues and
13 that, you know, we're going to be making -- we're
14 going to be doing this in -- in the proper way so
15 that people feel the system is fair and balanced,
16 even if they don't ultimately win.

17 But to the extent that NYSERDA is also
18 looking for more money in repurposing, this is the
19 right time for them to bring these issues up. Not
20 just at the Commission but over at the budget process
21 too.

22 So I don't want to see sort of things,
23 you know, even if it's off budget or not, I don't
24 think it's inappropriate for us to be looking at much
25 more engagement on these issues in a way that shines

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2 some light on the different monies and the costs, and
3 all of these things.

4 And for me, in particular, seeing
5 another group here reminds me about, you know,
6 consisting of another working group, it's also about
7 we need to see much more clearly the different
8 consultants that are hired.

9 And perhaps, it's important for the
10 Commission as a body, who does as the act and the
11 report and -- articulated here, maybe we need to have
12 a little bit more oversight and involved in the
13 working plans and the selection of all the different
14 consultants and folks and -- and also we should know,
15 who is working on what.

16 So with that I appreciate letting me
17 speak on these issues. It's clearly a very important
18 next step and kudos to staff and everyone who has
19 really laser focused on this. And I can't underscore
20 enough the importance of costs, reliability, and
21 accountability. Thank you.

22 CHAIRMAN CHRISTIAN: Thank you,
23 Commissioner Burman. Commissioner Alesi.

24 COMMISSIONER ALESI: Thank you, Mr.
25 Chairman. First of all, Bob, you mentioned that this

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2 is a long term effort. And I applaud you and the
3 team for all of the input and expertise that went
4 into this, I have no specific comments on everything
5 that's in this report.

6 My comments are more conceptual, but I
7 hope that that they would have some bearing on the
8 process. Because as I look at where we are today and
9 what we have talked about, relative to offshore wind
10 and as I try to envision, numerous wind power sitting
11 on the ocean floor, transmission lines on the ocean
12 floor running through the Verrazzano- Narrows and
13 wherever else we can squeeze them and a new era of
14 stored energy, and transmission, and distribution.

15 I think of the specialized
16 construction crews, specialized maintenance crews,
17 the specialized equipment, including special ships,
18 not just one ship, but numerous, they will need ports
19 and docks and people that are operating those ports
20 and docks as well.

21 And I also throw in because this is a
22 huge undertaking, just as I described it, not just
23 the construction, but the maintenance at what cost,
24 what is the cost.

25 I take a step back and it reminds me

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2 of the first moonshot where success was difficult to
3 grasp. And this is difficult to grasp. So if we
4 look at the whole bundle here, but I believe that it
5 will get done.

6 And I believe that if everybody
7 involved in the process from beginning to end and
8 through the whole operational aspects, everyone was
9 involved. It has the kind of talent that the
10 Department staff and professionals had putting this
11 together.

12 I believe that that's a long way
13 towards getting this -- this process done. But I
14 also did mention earlier that what will this cost, at
15 what cost and as I was finishing my thoughts on this,
16 I -- I have to ask myself, what is the cost if we
17 don't, if we don't do this, what is the cost?

18 And I think the answer is obviously
19 very, very expensive if we don't do it. That's all I
20 have to say, thank you very much for an excellent
21 report and I appreciate your efforts, thank you.

22 CHAIRMAN CHRISTIAN: Thank you,
23 Commissioner Alesi. Commissioner Edwards?

24 COMMISSIONER EDWARDS: Yes, thank you.
25 I -- I've been thinking through this a lot, and my

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2 comments are really more on a general nature in terms
3 of the C.L.C.P.A., you know, specifically for the --
4 this particular one. We also went procurement, the
5 economic benefits of viability. My comments also
6 pertain to what's on the consent agenda 370, for the
7 expanded Solar for All.

8 I just want to make sure that when we
9 are focused on the cost, which I appreciate all of my
10 Commissioner's concerns, and fellow Commissioner's
11 concern, and I share them as well. We need to make
12 sure though, that we are also very deliberate in
13 ensuring that no one is left behind in these efforts.
14 Optional should not be an option.

15 So while we have to have a focused
16 discussion on costs, which we should, we also need to
17 have just as much emphasis on ensuring that all
18 underserved, all communities of color are included in
19 these efforts. Are we focused on community solar?
20 Are we making sure the talent which Commissioner
21 Alesi mentioned rightfully so is diverse? Are there
22 training opportunities for everyone? Are there
23 opportunities for women and minority-owned
24 businesses? Are we doing all of these efforts in a
25 cost effective and inclusive way?

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2 It should not ever get down to an
3 "or", it has to be an "and". So I want to make sure
4 that I lay that out as well because we need to make
5 sure that we are doing all of this, all of this for
6 every community. Thank you.

7 CHAIRMAN CHRISTIAN: Thank you,
8 Commissioner Edwards. Now, to Commissioner Howard.

9 COMMISSIONER HOWARD: Thank you, Mr.
10 Chairman. Bob, again, we've talked about this, maybe
11 countless hours over the last year or so. And I
12 appreciate all the work and a special shout out to
13 Liz who I think is, helps make this all
14 understandable to us mere mortals. You know, the
15 public -- and I would say the public and I would say
16 the media has focused a tremendous amount of
17 attention on renewable generation technology.

18 Offshore wind, community solar,
19 rooftop solar, large scale -- scale solar particularly
20 Upstate. However, I don't believe they focused
21 anywhere near and that is, on the issue of
22 transmission. The necessary component to make all of
23 these new generation assets work for the system that
24 will also ultimately allow decarbonization to be a
25 reality.

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2 And again, you know why? Because
3 those generation assets I think, are understandable,
4 attractive. However, the power lines never are.
5 They are, to that end, this study is going to show a
6 variety of things of the difficulties ahead of us on
7 many levels.

8 First of all, engineering. We're
9 talking about engineering that is new, certainly new
10 to North America, and certainly new to New York State
11 in terms of the level of investment in technologies
12 that we have not used before.

13 The second part is land use. You
14 know, land use is -- is the name of the game in
15 Downstate, New York. As Bob said, we don't have a
16 lot of it, and how we appropriately use land and
17 other aspects and near offshore properties will be of
18 tremendous concern, and quite honestly difficulty
19 with a host of regulatory overlays.

20 And the last is cost. You know, and I
21 know my colleagues have expounded a -- a great deal
22 on the issue of cost. And of course, there's two
23 parts of costs, how much it actually costs to do
24 these projects and do this. The second part is who
25 should pay? That last aspect is what has me

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2 completely overwhelmed with my concerns about how we
3 do this in an equitable way.

4 Everyone knows, and I think everyone
5 is, at least my colleagues and Commissioners all are
6 quite excited and understand about this move to
7 decarbonize system. What I am concerned about is
8 that we, as Commissioners, in regards to cost
9 allocations will be taking the role that I think
10 should be done by the executive and the State
11 legislature on the State level and the President and
12 the Congress on the -- on the Federal level.

13 We, going forward, and you've heard
14 this before, and you'll hear it, again, is this issue
15 of paying for these projects exclusively through our
16 energy bills, which I've been doing energy in New
17 York State for well over 30 years. And it's always
18 been the primary thing that's been cost to customers.
19 And our un-competitiveness as it relates to the rest
20 of the United States and world.

21 And as we clean up, if our
22 competitiveness continues to erode in that we are
23 charging folks all across the state for -- for
24 projects that may have some tangential benefit to
25 them, I have great concern. And to that end, the

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2 current state of the Build Back Better Legislation's
3 end in Congress should be a very chilling reminder to
4 New Yorkers is that without help from the Federal
5 Government, these projects become -- well, we will
6 know in the future, how if we can actually afford
7 them. And I'm increasingly concerned that we cannot.

8 And as far as the mesh grid for
9 offshore, this will be a -- not so much as a
10 technological challenge, because we can see the mass
11 grids in other parts of the world. But it will have
12 a tremendous amount of bureaucratic and regulatory
13 challenges, because by its very nature, to make the
14 mesh grid work along the New York -- well, the
15 northeast coast, we will need cooperation from our
16 neighboring states, as well as our neighboring ISOs
17 to -- how to make this work and how allocations of
18 funding and who pays should be considered.

19 And I believe, again, I will repeat
20 again, the Federal Government only has an
21 extraordinarily and primary role in help planning
22 these multi-state grids, but they also have an
23 absolute responsibility to help fund them as well.
24 Another aspect of this, and we'll get to cost is
25 we're talking about potentially many billions of

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2 dollars of new utility assets being constructed.

3 And that will trigger an un -- well,
4 not talked about but well-known windfall on real
5 property taxes to the localities in which these
6 assets may be in place. And I am particularly
7 concerned about those areas of the State that have a
8 Four Tier property tax system that, as we have seen
9 multiple times before, really can provide in a
10 tremendous disincentive, or to ratepayers, and -- and
11 it's something that I would hope as we go forward
12 that we try to find some room in this as we do our
13 costs analysis.

14 That we include the full costs of what
15 it may ultimately cost, who -- whoever pays, whether
16 it's taxpayers or ratepayers, the cost of real
17 property taxes at the end of this process. And
18 particularly, the issues surrounding the Con Ed HUB,
19 which we know will be many hundreds into the billions
20 of dollars, and that could trigger an enormous multi,
21 you know, many millions, well over \$100 million of
22 windfall potentially to the City of New York, for,
23 again, that will be paid by, depending on how we
24 allocate these costs, maybe directly if you're Con Ed
25 ratepayers and it's something that we need to always

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2 keep in our mind.

3 And to Commissioner Burman's comments,
4 you know, it is one of these things, it's that I
5 don't want to take this wrong, but our planning here
6 is well-thought out. And I think we have tried to
7 slay this dragon as best we can. But it would have
8 been far better for all New Yorkers had we can --
9 these issues transmission and system integration be
10 articulated at the front end of our desire to
11 decarbonize our system.

12 And -- but we will get there, but
13 again, I do praise you, Bob, for your -- the issue of
14 asking for patience, and real analysis here. Because
15 we're only going to do this -- well, hopefully once,
16 but we need to do it right and -- and make those
17 these decisions wisely. But again, I thank you for
18 your work on this. And I look forward to -- to
19 monitoring this as we go forward. Thank you.

20 CHAIRMAN CHRISTIAN: Thank you,
21 Commissioner Howard. Commissioner Valesky.

22 COMMISSIONER VALESKY: Bob, Liz, to
23 the entire team, thanks for all the great work. I
24 have no additional comments or questions beyond what
25 have already been shared by my other Commissioner

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2 colleagues. Thank you.

3 CHAIRMAN CHRISTIAN: Thank you,
4 Commissioner Maggiore.

5 COMMISSIONER MAGGIORE: Thank you,
6 Chair Christian. I also have no additional comments
7 other than to thank Bob and everyone who worked on
8 this report. Thank you very much.

9 CHAIRMAN CHRISTIAN: And thank you.
10 Again, this is Rory Christian. My vote is in favor
11 of the recommendation to adopt and implement the
12 actions outlined from the power grid study as
13 discussed. Commissioner Burman, how do you vote?

14 COMMISSIONER BURMAN: I concur.

15 CHAIRMAN CHRISTIAN: Commissioner
16 Alesi?

17 COMMISSIONER ALESI: I vote yes.

18 CHAIRMAN CHRISTIAN: Commissioner
19 Edwards.

20 COMMISSIONER EDWARDS: I vote yes.

21 CHAIRMAN CHRISTIAN: Commissioner
22 Howard?

23 COMMISSIONER HOWARD: Yes.

24 CHAIRMAN CHRISTIAN: Commissioner
25 Howard. Thank you. Sorry, Commissioner. Could you

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2 say that one more time, please?

3 COMMISSIONER HOWARD: Yes.

4 CHAIRMAN CHRISTIAN: Commissioner
5 Howard. Thank you. Commissioner Valesky.

6 COMMISSIONER VALESKY: I vote yes.

7 CHAIRMAN CHRISTIAN: Commissioner
8 Maggiore.

9 COMMISSIONER MAGGIORE: I vote yes.

10 CHAIRMAN CHRISTIAN: Thank you,
11 everyone. With that, we have sufficient votes, and
12 this item is approved, and the recommendation is
13 adopted. Thank you, everyone. We will now move to
14 the consent agenda. Do any Commissioners wish to
15 comment or recuse from voting on any of the items on
16 today's consent agenda? We'll start with
17 Commissioner Burman.

18 COMMISSIONER BURMAN: Thank you so
19 much. I do have a number of items I'd like to speak
20 on. Item 261, which is a draft order recommending
21 that the Commission approve a joint settlement
22 agreement with Green Light Networks resolving an open
23 enforcement action against them in this matter. I am
24 going to be concurring, but I am going to raise
25 concerns that I've raised before. I'm frankly not

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2 happy that I'm having to raise these issues again.

3 We approved before a joint proposal
4 settlement in Green Light with Frontier and RG&E.
5 That be to say that part of that settlement was also
6 focused on ensuring compliance and fixing any safety
7 issues. And I believe that there may be right now
8 100 percent compliance with having resolved or
9 remediated the issues. If not 100 percent, it's
10 pretty darn close to that. So I appreciate that.

11 My concern with this is that I am very
12 much in agreement with the resolution of this. What
13 I am not, and what I'm uncomfortable with is that,
14 just like what we did, and I had raised concerns
15 then, with RG&E and Frontier, when we settled, the
16 monies that were -- were a part of the settlement, in
17 this case, 2.5 million in an escrow account, is going
18 to the New York State broadband office. And there is
19 now a footnote that's referencing that the D.P.S.
20 staff will be working with Empire State Development
21 BPO office to enter into an M.O.U.

22 That doesn't satisfy me, though I
23 appreciate the footnote attempting to address the
24 issue. I spoke at at least two prior sessions on
25 this issue about the need for an M.O.U., that would

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2 be in place with D.P.S. and B.P.O. And I think the
3 M.O.U. is really, really important. We have a
4 responsibility to make sure that the funding, whether
5 it's from ratepayers or utility shareholders is done
6 in a way that the funding is invested wisely.

7 We -- we, as a Commission body, have
8 no oversight on Empire State Development and the
9 B.P.O. office. And while they do have a large
10 responsibility on, you know, making sure that the
11 broadband efforts of the State are done well. We at
12 the Commission and the D.P.S. are charged with the
13 responsibility of ensuring that our efforts as it
14 relates to broadband, but more importantly, as it
15 relates to the safety with those efforts, is done in
16 a way that is appropriate and safe.

17 And I think a better approach would
18 have been for us to retain control of how these funds
19 were dispersed. And after this order is out there,
20 the footnote saying you're going to enter into an
21 M.O.U. and what the M.O.U. is, doesn't necessarily
22 ever come back to the Commission. And how they may
23 or may not spend those funds are not something that
24 we can really weigh in on in any formal way.

25 And so I don't understand what the

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2 problem is in us having and retaining control over
3 those funds and making sure that it's invested
4 wisely. I appreciate that an M.O.U. would be entered
5 into, it should have already been done. It should be
6 for us to see, we should know exactly, and we should
7 have an ability to not just be a ministerial step in
8 their ability to -- to spend.

9 There have been challenges with Empire
10 State Development and broadband in general. And
11 therefore for me, I do believe that, you know, we
12 should responsibly ensure that we, as a Commission
13 when we are approving a settlement that we are seeing
14 it through from start to finish, and that includes
15 how the funds to settlement are specifically going to
16 be used to the extent that this winds up just being
17 more money for the B.P.O. office, even if they use it
18 in a way that ultimately, we think is fine.

19 It still means that we've given up
20 that control. If we see as we're working on our
21 broadband efforts here, that the settlement funds
22 that are there could be used to maximize the safety
23 as it relates to the broadband initiatives, to
24 maximize the issues surrounding education and
25 outreach to -- to folks who are interested in

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2 broadband. We should have that, you know,
3 jurisdictional oversight.

4 And so I think it's a failure, and I'm
5 concerned that despite having raised this, that we
6 entered into another joint proposal that did not take
7 into account my concern on us retaining more
8 oversight and control. What's to say that this isn't
9 used then for some other joint settlement where we
10 get a pot of money and decide, we won't give it to
11 the B.P.O. office. Okay. We're going to give it to,
12 you know, Empire State Development to use, you know,
13 for whatever, or to any other entity.

14 This is not anything that we should
15 not retain. Now, there are times when our keeping
16 the money by statute like the 753s goes right into
17 the general fund. That's something that could be
18 corrected legislatively. It's not something that we
19 can do. But we've entered into many different
20 settlements with utilities, where we enter into
21 monetary settlements, and then we have oversight over
22 the use of that.

23 Remote gas sensors is one that we've
24 done, remote, and there are many other things. So I
25 don't see why this was done in this way. It concerns

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2 me, it shouldn't happen again. And I would
3 appreciate that when folks are entering into this,
4 the questions get asked about ensuring the
5 jurisdictional oversight, and incorporate it much
6 more fully into not only the joint settlement, but
7 into the draft orders, and making it clear that we
8 are not just ministerial.

9 I look forward to though seeing the
10 M.O.U. as I have asked in the past for that and being
11 engaged, that M.O.U. should be done ASAP. And making
12 sure that we're not just -- we and the staff at
13 D.P.S. are not just ministerial. So that's on 261.
14 I will be concurring.

15 The other items on -- is items and I'm
16 going to do them in a group, 262 and 367. These are
17 land development extensions of the 5-year agreements
18 concerning builder development funds. We've gotten
19 several of these, we received these from developers,
20 primarily, in NYSEG and National Grid Service
21 territory. And we are -- we are allowing these
22 extensions.

23 It's basically understanding the
24 extension through no fault of the developer from
25 COVID and other things for us to allow this

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2 extension. However, I am concerned, and I've raised
3 this internally and also publicly about, you know,
4 what else, maybe -- maybe what else we might see.

5 I just saw today before session that
6 there was another one filed, and it concerns me,
7 because I want to make sure that we are reaching all
8 the folks, developers who need this extension and --
9 or have the opportunity for this extension. And I'd
10 like to make sure that it's not just those developers
11 that know that they can ask for the extension, but
12 that all of the folks who might, so I just raised
13 that because it does concern me.

14 The next items again, I'm going to
15 group, 263, 264 and 265. These are the ESCO low
16 income waivers. These items deal with approving an
17 extension of the waiver of the Commission's
18 prohibition on service to low income customers by
19 ESCOs for another two years. The waiver of these
20 ESCO low income prohibitions, I -- I support. I do
21 think -- I do note we do not have that many ESCOs in
22 this space.

23 And this is an area that we should be
24 looking at as it relates to low income customers, and
25 perhaps part of the difficulty is this 2-year waiver

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2 extension. This is the third waiver for these
3 entities. It may be appropriate to look at a
4 permanent waiver, obviously, with the right
5 accountability and working with staff to make sure
6 that folks are still complying.

7 I'm not sure that continuing to do 2-
8 year waivers is helpful. So we may need to look at,
9 are we at a point now, where we could, for those who
10 are engaged in this, you know, have a permanent
11 waiver, assuming that they're following all the right
12 protocols.

13 I -- I also, because this comes
14 through from the reset order, all of this. I have to
15 take a moment to kind of discuss what I am concerned
16 about. The reset order was back in 2019, December of
17 2019, where the Commission issued an order adopting
18 changes to the retail access energy market and
19 establishing further proceedings.

20 And the reset orders specifically
21 directed D.P.S. to convene, attract, to collaborate
22 with a number of different things. One of the things
23 that were to be considered was the development of
24 green grass -- green gas products that could
25 potentially be offered to customers by ESCOs in the

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2 future.

3 Then in January 25th of 2021, the
4 Commission issued a waiver order, and again, among
5 other things, authorized a limited 1-year waiver for
6 ESCOs that had marketed bundled natural gas and
7 carbon offset or renewable energy certificate
8 products, these green grass -- green gas products.
9 And so they could continue to offer those products to
10 customers who were purchasing them.

11 So it was a 1-year limited waiver. We
12 specifically said in the order, and I specifically
13 talked at session back in January 25th, 2021, about
14 this issue, this green grass (sic) product proposal,
15 this was supposed to be discussed in the Track II.
16 And reason we were giving the waiver was to minimize
17 customer disruption during the pendency of this Track
18 II.

19 Back in January of 2021, I raised
20 concerns that we were not delving into the green
21 grass -- green gas issues. And I was concerned that
22 it would get lost in Track II, and I wanted to make
23 sure that we were mindful of the importance of
24 substantively looking at this issue.

25 So what concerns me now is the waiver

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2 is about to expire January 25th of this year, and I
3 see in D.M.M. that many different entities have asked
4 for a extension of that waiver. And in fact, now I
5 see starting yesterday or maybe the day before that
6 people are asking for one Commissioner order because
7 on January of this year, January 5th, I believe, the
8 Secretary issued a letter that stated that the waiver
9 request will not be granted by the Secretary and
10 instead directs it to the Commission.

11 The Commission has the authority to
12 consider such requests. I don't understand that.
13 Because when you look at the January 2021 order,
14 Clause 7 is the same clause that's used pretty much
15 all the time for -- for reasonable extension requests
16 of timelines in the order. And it says in that
17 order, that the Secretary, in her sole discretion,
18 has the ability to extend any of the deadlines.

19 So for me, that's really the easiest
20 path is this extension. And especially since the
21 waiver was given to avoid customer disruption. If
22 it's not addressed before January 25th, and frankly,
23 it should be before -- it should even be earlier than
24 that. If we don't do that, it means that customers
25 while there is a pending petition for -- seeking, you

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2 know, a waiver, it becomes moot.

3 Customers are going to have to be
4 disrupted, go off the ESCO, back to the utility. And
5 I'm not really sure why this isn't having sort of
6 more look at, and we should have had it on the
7 session to address, to either say yes or no and look
8 at what we're doing and maybe have a fuller
9 understanding of what's happening in the Track II
10 order with not only the green gas issues, but any
11 other sort of lingering issues that was part of the
12 reset that we're supposed to be looking at in Track
13 II.

14 And that includes also looking at
15 what's happening on energy affordability issues as it
16 relates to ESCOs, as it relates to the C.C.A. and
17 other things that we should be sort of aware of. So
18 I flagged that I think it's an easy fix, just grant
19 the waiver for a limited fashion and brief us on
20 what's happening on the green gas, if not, you know,
21 I guess it's the One Commissioner Order.

22 But it doesn't need to, for my
23 opinion, the Clause 7 is -- is the way of handling
24 it. So I raise that because it's really important as
25 we're looking at these issues and customers so for

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2 what it's worth.

3 The next item is Item 370, which is
4 the Solar For All, I think it's well-intentioned.
5 This draft order, I will be voting no on. It's just
6 authorizing the expanded Solar For All program with
7 modifications. I am very concerned that we are not
8 addressing many of what I see as the underlying
9 issues related to it.

10 Equity concerns, what potentially, you
11 know, is being done that may or may not affect the
12 C.C.A.s. We basically are allowing NYSEDA to give
13 lip service to those folks who have raised concerns
14 as it relates to unintended consequences with the
15 C.C.A.s. And we say, well, you just misunderstand
16 the scale of the program. It's not a statewide
17 program, and don't worry, you can still do a C.C.A.

18 I just want to be more mindful of
19 really understanding the boots on the ground, what's
20 happening, and how we may be chilling a lot of the
21 different issues related to community energy issues,
22 and perhaps working with folks a little bit more to
23 kind of understand it, as far as I'm concerned, I --
24 I -- I think that we need to do a little bit more
25 work and the breadth of folks who from different

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2 areas who are raising concerns, gives me huge pause.

3 Moreover, there is a comment in here
4 about that there may be a potential impact on this
5 participation on other utility allowances for low
6 income customers under Federal law. And so we're
7 saying well, so NYSERDA, National Grid, go seek the
8 appropriate clarifications or waiver from U.S. HUD,
9 if needed and include in your implementation plan.

10 I support, if there are problems
11 regarding this, that are going to affect other --
12 other areas of participation. But I want to have a
13 more fuller understanding of what that is, and more
14 direct. This is what you need to do before I just
15 say, okay, we're going to good and it's -- we're
16 going to sort of allow this.

17 There's also a footnote in here that
18 talks about that that we recognize that, you know,
19 that some folks are asking for this to be a pilot
20 program, and we say we can't do that because of
21 equity concerns. Who do we pick to be, you know, in
22 part of that, it's kind of the nature of the pilot
23 programs, and I don't -- I think if we're going to
24 say that generally, we're going to have equity
25 concerns with all of them.

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2 And so we should be concerned, kind of
3 looking at it and making sure that we have successful
4 programs. And as for it being not a statewide
5 program. Well, this is a pretty big chunk of the
6 State. And it's something that we want to make sure
7 that we get right, and so for the folks that are not
8 affected or raising concern just because they're not
9 a part of National Grid's territory doesn't mean that
10 we shouldn't be taking in consideration if we apply
11 it across the board, so I'm going to be voting no on
12 that.

13 And then 563, which is the petition
14 for area code relief. I do think that I am voting in
15 favor of this. I do recognize that this is also
16 impacted in the need for speed, because of the 988
17 Suicide Prevention Crisis hotline, that tracks what's
18 happening with the F.C.C. And there's been some
19 State legislation, it's going to be a chapter
20 amendment that's being made public that will, you
21 know, focus on this.

22 But there are a number of other -- so
23 we need to be really -- we need to be focused on
24 making sure people are educated and have the
25 information, and to the extent that we are also being

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2 involved in the outreach on 988, even though it's
3 not, we're going to not -- we're not going to be the
4 lead agency, it is something that's really, really
5 important.

6 There are a number of other area codes
7 that will need to be involved in the implementation
8 of 988 because of the need for 10-digit dialing. And
9 so those won't come to us, this is my understanding.
10 Those won't come to us because there's not a -- I'm
11 forgetting the right wording right now, I apologize.

12 There is not a problem with the area
13 code running out, being given out. But there is an
14 issue with the implementation of 988. So they have
15 to go from 7 digit to 10 digit. Even though it's not
16 going to come to us as a petition, I do worry that
17 there will be some cause for concern.

18 And so I want to make sure that we are
19 properly engaging with the communities that will be
20 affected, even if it's to make sure that they're
21 aware and why it's different from a normal petition
22 that might come to us and also track it to make sure
23 that we have a smooth transition in this. So I just
24 flag that. Thank you very much. I appreciate and I
25 have no other comments.

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2 CHAIRMAN CHRISTIAN: Thank you,
3 Commissioner Burman. Commissioner Alesi.

4 COMMISSIONER ALESI: Thank you, Mr.
5 Chairman. I will be supporting the consent agenda
6 with the exception of Item 261, and I request to be
7 recused from voting on that issue.

8 CHAIRMAN CHRISTIAN: Confirmed. Thank
9 you, Commissioner. Commissioner Edwards.

10 COMMISSIONER EDWARDS: I have no
11 questions and comments other than what I mentioned on
12 Solar for All. Thank you.

13 CHAIRMAN CHRISTIAN: Great. Thank
14 you, Commissioner Edwards. Commissioner Howard?

15 COMMISSIONER HOWARD: Yes, thank you,
16 Mr. Chairman, several comments. First on item 261.
17 I -- I don't want folks to have -- understanding this
18 particular item, what -- what it ultimately was
19 about, it's about pole connections, the rules of the
20 road and an effective and constant monitoring of how
21 those are done by all the parties who are demanding
22 access to poles for internet connections.

23 And also, be aware that much of the
24 issue in Greenlight wasn't about places that were
25 underserved. These were places, locations that were

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2 already served, but were there to -- who clearly have
3 competitive interests that make it viable for a --
4 multiple wires on -- on poles. So I just wanted to
5 make that clear.

6 And then on the variety of ESCO
7 orders. I just, again, want to thank staff again, we
8 -- since my time on the Commission, I can't say
9 enough good things about particular -- our staff has
10 dealt with ESCOs going forward and again, I will be
11 supporting those. In regard to the item 370, the
12 amendments to the, you know, the New York Sun
13 program.

14 Again, I am very support -- I'm
15 supportive of this. But I think the real issues come
16 before when we need to go to the next step as we
17 expand the petition and -- and how we deal with that.
18 So since there is no new funding involved, I'll be
19 supporting it. So that's my comments. Thank you.

20 CHAIRMAN CHRISTIAN: Thank you,
21 Commissioner Howard. Commissioner Valesky?

22 COMMISSIONER VALESKY: I have no
23 comments on the -- the consent items.

24 CHAIRMAN CHRISTIAN: Thank you,
25 Commissioner. Commissioner Maggiore?

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2 COMMISSIONER MAGGIORE: Thank you,
3 Chair Christian. I'm going to abstain from two items
4 366 and 374. I'm not going to vote on those two.
5 And I do have comments on one other item, which is
6 372 the Village of Angelica, a minor rate case. And
7 I'd like to acknowledge that this rate case includes
8 a significant rate increase. I do think that the
9 rate increase is justifiable for several reasons.

10 First, the increased revenue is
11 intended to be used to address overload issues,
12 which is work that needs to be done. Second, the
13 village has not had a rate increase since the
14 Commission began regulating them more than 20 years
15 ago, which makes the present increase below the
16 rate of inflation.

17 Third, while high as a matter of
18 percentage, the average bill will increase from about
19 \$45.70 to about \$63.39 which is reasonable,
20 especially since the statewide average is around
21 \$100. Fourth, the item attracted no public comments
22 at all, which I interpret to mean it is not
23 especially controversial in Angelica.

24 Nonetheless, because as a percentage
25 matter, the residential rate will increase by over 35

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2 percent. I think it is worth noting why this makes
3 sense to me. Other than that, I have no additional
4 comments, so thank you very much.

5 CHAIRMAN CHRISTIAN: Thank you,
6 Commissioner. So with that, we'll bring a call to
7 vote. My vote is in favor of the recommendations of
8 the consent agenda. Commissioner Burman, how do you
9 vote?

10 COMMISSIONER BURMAN: I vote yes,
11 except to 261. I concur 263, 264 and 265 I concur,
12 and 370 I vote no.

13 CHAIRMAN CHRISTIAN: Thank you.
14 Commissioner Alesi?

15 COMMISSIONER ALESI: Thank you, Mr. --

16 CHAIRMAN CHRISTIAN: How do you vote?

17 COMMISSIONER ALESI: I vote yes on all
18 items with the exception of 261 I will recuse myself
19 on that item.

20 CHAIRMAN CHRISTIAN: Thank you,
21 Commissioner. Commissioner Edwards, how do you vote?

22 COMMISSIONER EDWARDS: I vote yes.

23 Thank you.

24 CHAIRMAN CHRISTIAN: Thank you.

25 Commissioner Howard, your vote please?

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2 COMMISSIONER HOWARD: I also vote yes.

3 Thank you.

4 CHAIRMAN CHRISTIAN: Thank you.

5 Commissioner Valesky, your vote?

6 COMMISSIONER VALESKY: I vote yes.

7 CHAIRMAN CHRISTIAN: And Commissioner

8 Maggiore?

9 COMMISSIONER MAGGIORE: Yes, I vote
10 yes on all items except for 366 and 374. I'm going
11 to abstain from voting on those two items.

12 CHAIRMAN CHRISTIAN: Thank you,
13 Commissioner. We have sufficient votes and the items
14 are approved and the -- the various concurrences and
15 abstentions are noted. Thank you, everyone. I have
16 a statement to make.

17 As called for in the 2021 Executive
18 Budget, the Public Service Commission has created the
19 Broadband Assessment Program, a program housed within
20 the Agency's office of telecommunications. The
21 program, whose work will be updated annually, will
22 release this spring New York's first ever, in-depth,
23 interactive broadband map, detailing the availability
24 and reliability of high-speed broadband
25 infrastructure statewide and it will be accompanied

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2 by a report.

3 Reviewed and verified research. And
4 with the help of internet service providers, the
5 interactive map will demonstrate not only those areas
6 meeting the State's definition of served, but most
7 importantly, where the unserved and underserved
8 broadband infrastructure areas remain across the
9 State. But we need your help.

10 In addition to science-based evidence,
11 we need to hear from consumers. As part of this
12 program, the agency has developed a consumer survey
13 to hear about your broadband experiences or lack
14 thereof. To take the survey online, please visit
15 empirestatebroadband, one word,
16 empirestatebroadband.com.

17 If you're unable to take the survey
18 online due to lack of connectivity, please call our
19 toll-free broadband assessment line at 1-855-NYBBMAP
20 or 1-855-692-2627. Furthermore, I'd like to add a
21 multi-agency initiative, led by the Department of
22 Public Service was announced recently by Governor
23 Hochul to encourage eligible New Yorkers to sign up
24 for the Federal Government's Affordable Connectivity
25 Program.

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2 Our recently launched an initiative
3 known as A.C.P., which provides discounts of up to
4 \$30 a month towards internet service for low-income
5 families. Since the Governor's announcement, this
6 agency has coordinated with other State agencies to
7 form the agency A.C.P. team. We've gathered and
8 distributed A.C.P. materials such as social media
9 P.S.A.'s, flyers, and fact sheets.

10 Our goal is to leverage existing State
11 agency resources and skills to ensure that as many
12 New Yorkers as possible are aware of the program and
13 can enroll in it. Given the importance of having
14 internet access, we would encourage all eligible New
15 Yorkers and their families to sign-up for the A.C.P.
16 by going to fcc.gov/ACP. Thank you for your time.

17 That said, Secretary Phillips, is
18 there anything further to come before us today?

19 SECRETARY PHILLIPS: There is nothing
20 further.

21 CHAIRMAN CHRISTIAN: Thank you. With
22 that, I adjourn today's session. Thank you,
23 everyone.

24 (The meeting concluded.)

25

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2 STATE OF NEW YORK

3 I, JANET WALLRAVIN, 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 115, 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 January, 2022.

11

12

13 JANET WALLRAVIN, Reporter

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