

1 10-13-2022 - NYS PSC Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, October 13, 2022

7 10:31 a.m. until 12:53 p.m.

8 Empire State Plaza

9 Agency Building 3, 19th Floor Boardroom

10 Albany, New York

11
12 COMMISSIONERS:

13 RORY M. CHRISTIAN, Chair

14 DIANE X. BURMAN

15 TRACEY A. EDWARDS

16 JAMES S. ALESI

17 JOHN B. HOWARD

18 DAVID J. VALESKY

19 JOHN B. MAGGIORE

20
21 MICHELLE L. PHILLIPS, Secretary

22

23

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2 (The meeting commenced at 10:31 a.m.)
3 CHAIR CHRISTIAN: Good morning
4 everyone. I call this session of the Public Service
5 Commission to order, Madam Secretary, are there any
6 changes to the final agenda?
7 SECRETARY PHILLIPS: There are no
8 changes to the final agenda.
9 CHAIR CHRISTIAN: Thank you. I will
10 conduct a roll call of the Commissioners, when I call
11 your name, please confirm that you are with us today.
12 Commissioner Burman.
13 COMMISSIONER BURMAN: Present.
14 CHAIR CHRISTIAN: Commissioner Alesi.
15 COMMISSIONER ALESI: Here.
16 CHAIR CHRISTIAN: Commissioner
17 Edwards.
18 COMMISSIONER EDWARDS: Here.
19 CHAIR CHRISTIAN: Commissioner Howard.
20 COMMISSIONER HOWARD: Here.
21 CHAIR CHRISTIAN: Commissioner
22 Valesky.
23 COMMISSIONER VALESKY: Here.
24 CHAIR CHRISTIAN: Commissioner
25 Maggiore.

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2 COMMISSIONER MAGGIORE: Here.

3 CHAIR CHRISTIAN: Thank you. I want
4 to first start with item 201, our first item for
5 discussion today, case 22-M-0247 related to the
6 report on electric and gas supply readiness for the
7 upcoming winter. Today's presentation will be
8 provided by Tammy Mitchell, Director of Office --
9 Director of the Office of Electric, Gas, and Water
10 with Dave Maioriello, Shahriar Chowdhury, Andrew
11 Timbrook and Maribel Rivera.

12 In addition, we'll have Chris Stolicky
13 and Paul Darmetko available for questions. Tammy,
14 please begin.

15 MS. MITCHELL: Thank you. Good
16 morning, Chair Christian, and Commissioners. Today
17 staff will be briefing you on the results of our
18 annual investigation into the readiness of the
19 State's natural gas and electric utilities for the
20 coming winter. I'll give you a brief overview of the
21 item and then turn it over to staff for the full
22 presentation.

23 Next slide please. The presentation
24 will consist of four components which will be
25 presented by various staff from the Office of

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2 Electric, Gas, and Water and the Office of Consumer
3 Services. First will be a report on the readiness of
4 the State's natural gas utilities, including
5 projected prices and a brief status update on the gas
6 planning proceeding which will be presented by Dave
7 Maioriello.

8 Second will be a report on the
9 readiness of the State's bulk electric system,
10 including staff's review of electric generators, on-
11 site storage, and replenishment plans for backup
12 fuels presented by Shahriar Chowdhury. The third
13 component will be the projection for electricity
14 supply bills, as well as the electric utilities'
15 hedging performance and portfolio in place for the
16 coming winter presented by Andrew Timbrook.

17 And the final component will be a
18 discussion of outreach efforts underway to inform and
19 assist utility customers during the upcoming winter
20 season, presented by Maribella -- Maribel Rivera.
21 Overall, staff's investigation found that both the
22 New York State natural gas and electric systems are
23 prepared to meet customer needs for the upcoming
24 winter.

25 With respect to expected prices this

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2 winter, as you will see later in the presentation,
3 prior to last year natural gas prices had remained
4 relatively low and stable over the past decade. Over
5 the past two years, natural gas commodity prices have
6 increased significantly, driven primarily by global
7 increased demand for natural gas.

8 As a result of surging gas supply
9 prices, both gas and electric commodity prices and
10 customer bills will be higher this winter compared to
11 last winter. These increased commodity prices are
12 not unique to New York State, but are in fact being
13 experienced nationally and globally. Both gas and
14 electric utilities have employed their hedging
15 practices in advance of the winter which will reduce
16 volatility of bills during the winter period.

17 However, because gas prices are rising
18 and the components that make up the hedges, such as
19 contracts and physical storage are more costly this
20 year, overall prices will be higher this winter
21 compared to last. I'll now turn it over to Dave
22 Maioriello.

23 MR. MAIORIELLO: Thank you, Tammy.
24 Thank you, Tammy. Next slide, please. Good morning,
25 Chair Christian, and Commissioners, I am Davide

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2 Maioriello and I serve as a utility engineering
3 specialist in the gas system planning and reliability
4 section with the Office of Electric, Gas, and Water.

5 I will brief you on the results of our
6 annual review into the readiness of the State's
7 natural gas utilities for the coming winter and the
8 status of long-term gas planning effort. Next slide,
9 please. Staff's review includes forecast, demand,
10 design weather conditions for this winter, in that
11 both the needed gas supply and capacity is in place
12 for expected firm customer requirements.

13 Now and over the winter heating
14 season, staff will continue to monitor supply
15 conditions for any issues that may arise including
16 price fluctuations and any pipeline disruptions that
17 may occur, along with performance of our local
18 distribution companies or L.D.C.s, demand response
19 customers including those that take interruptible
20 service.

21 Based upon our review regarding
22 natural gas supply readiness for the upcoming winter
23 season, staff concludes that the L.D.C.s serving New
24 York State will complete their contracting for
25 adequate natural gas supply, delivery capacity, and

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2 storage inventory to satisfy current firm customer
3 demands on the design winter conditions for this
4 winter.

5 Staff continues to communicate with
6 oil industry representatives, the New York State
7 Energy Research and Development Authority or NYSERDA,
8 and the L.D.C.s to ensure that interruptible --
9 interruptible customers have access to adequate
10 supplies of winter heating fuels. This includes
11 coordinating calls ahead of cold weather events.

12 Also, as directed by Chair Christian
13 in his recent letter, the L.D.C.s have been proactive
14 in ensuring interruptible customers are prepared by
15 enhancing communications with dual fuel customers in
16 alternate fuel inspections. Next slide, please.

17 As a way of background, each utility
18 has a unique mix of assets including pipeline
19 capacity, storage, and peaking contracts that are
20 necessary and used to serve a mix of firm customers
21 during designed day conditions and extreme cold
22 weather events.

23 Interruptible customers are those that
24 have the ability to stop natural gas usage during
25 periods of high demand are important providers of

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2 demand response service and reduce the amount of
3 pipeline capacity needed to serve the winter load.

4 Recent filings made by the L.D.C.s
5 focus on the use of demand site management, including
6 energy efficiency, demand response, and other non-
7 pipes alternatives to meet growing demand, especially
8 in areas where local governments seek to phase out
9 fossil fuels.

10 Even though every L.D.C. stated no
11 additional moratoria is expected in the near future,
12 we continue to monitor areas of the State where the
13 existing distribution system is constrained, which
14 includes New York City and the Capital District.
15 Next slide, please.

16 A gas customer's utility bill is
17 comprised of several components as listed here.
18 These components include the delivery charge or cost
19 of the pipeline infrastructure to deliver the gas.
20 The cost of gas supply is collected through the gas
21 adjustment charge, the gas supply, excuse me, the gas
22 supply charge represents approximately 54 percent of
23 the average Statewide bill for this coming winter.

24 It is important to note that L.D.C.s
25 do not earn a return on supply costs. The gas bill

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2 also consists of other surcharges and taxes. Next
3 slide, please.

4 As part of our -- of the annual
5 procurement planning for the upcoming winter, gas
6 L.D.C.s procure both natural gas supplies, and
7 pipeline capacity, as well as other contracts for
8 peaking, and C.N.G. supplies to meet the overall firm
9 customer demand. For this upcoming winter season,
10 the L.D.C.s are expecting gas prices to be
11 significantly higher than last year and similar to
12 prices experienced in 2008-2009.

13 Based on analysis from the -- from the
14 U.S. Energy Information Administration or E.I.A.,
15 there are multiple factors influencing domestic gas
16 market prices resulting in increases. World events,
17 energy system disrupt -- disruptions in Europe, and
18 the build out of L.N.G. export capacity from the U.S.
19 has increased demand and has put considerable price -
20 - price pressure on the U.S. natural gas market.

21 Additionally, increased reliance on
22 gas-fired electric generation instead of coal, across
23 the U.S. has also impacted gas markets, while the
24 country transitions to more renew -- to more
25 renewable solutions. Next slide, please.

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2 Flowing and hedged gas price forecasts
3 are both influenced by the trading on the New York
4 Mercantile Exchange or NYMEX and international
5 markets. This chart shows natural gas prices rel --
6 relatively low for over a decade and have increased
7 over the past two years. Next slide, please.

8 The L.D.C.s purchase gas supply --
9 purchase gas to supply their customers' winter needs
10 in three ways. This is represented by the pie chart
11 on this slide. The first is by physically filling
12 their natural gas storage facilities during the
13 summer when demand is low. The second way is by
14 financial hedging, which acts like an insurance
15 policy to protect against high volatility of the gas
16 price.

17 The third way is by purchasing at the
18 prevailing market price which fluctuates day to day
19 with market forces and is called flowing gas. This
20 year all three gas supply components are forecasted
21 to be higher than last year.

22 As seen in the slide, the forecast of
23 supply prices for the upcoming winter is \$7.05 per
24 dekatherm compared to the actual average price of
25 \$4.58 per dekatherm last winter. It is important to

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2 note that actual weather can have a significant
3 impact on supply prices. Next -- next slide, please.

4 For this winter season, we expect the
5 average residential customer's winter heating bill to
6 be about \$1,201, a 29 percent increase assuming
7 normal weather, but this varies by utility with the
8 individual L.D.C.s -- L -- L.D.C. bill impacts
9 typically ranging from a low of 20 percent to a high
10 of 43 percent.

11 This is higher than last winter due to
12 gas price increases discussed earlier and also in
13 part due to the fact that last winter was warmer
14 compared to typ -- typical weather. Additionally,
15 some of the L.D.C.s have increased delivery rates
16 since last winter in accordance with their most
17 recent approved rate agreements. Next slide, please.

18 This graph shows the relative heating
19 bills over the last 15 years. Bills for this winter
20 are forecast to be the highest customers have
21 experienced since the winter of 2008-2009. Next
22 slide, please. While today's briefing is focused on
23 the coming winter, I would like to briefly mention
24 the Department's gas planning case which has a long-
25 term focus.

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2 Last year, the Commission instituted a
3 generic proceeding to consider issues related to
4 natural gas utility planning processes. It
5 highlighted the declarations of moratoria by multiple
6 gas utilities due to capacity constraints and that
7 existing gas planning and operational practices have
8 not kept pace with recent developments.

9 It has also noted growing demands on
10 energy systems and that planning must be conducted in
11 a manner consistent with the Climate Leadership and
12 Community Protection Act, known as C.L. -- as the
13 C.L.C.P.A. On May 12th of this year, the L.D.C.s
14 were directed to file long-term plans on the stag --
15 staggered schedule and implement uniform moratoria
16 procedures.

17 The new, modern planning processes
18 will allow for extensive stakeholder input. The
19 Department will review and analyze L.D.C.s' long-term
20 plans separate from the annual winter preparedness
21 review. And staff is now in the process of preparing
22 for the first filing of an L.D.C. long-term plan.
23 Next slide, please.

24 In conclusion, staff's review
25 indicates that the L.D.C.s serving New York have

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2 secured adequate contracts for supplies of natural
3 gas to meet expected firm customer requirements this
4 coming winter. However, staff will continue the
5 traditional monitoring of supply, prices, and
6 interruptible customer compliance throughout the
7 winter, as well as the operations and on interstate
8 pipelines that could impact supply and report any
9 situations that require Commission attention.

10 Staff will continue to work with the
11 L.D.C.s and interested communities to find innovative
12 solutions to the challenges represented by demand
13 from natural gas and the implications of the
14 C.L.C.P.A. This concludes my portion of the
15 presentation and thank you for your time and
16 attention on these matters. I will be happy to take
17 questions after the panel is finished. Next slide,
18 please. I will now turn it over to Shahriar.

19 MR. CHOWDHURY: Thank you, Dave. Good
20 morning, Chair -- Chair Christian, and the
21 Commissioners, my name is Shahriar Chowdhury and I am
22 an assistant engineer in the Department's electric
23 safety and reliability section. I'm here today to
24 brief you on staff's review of the bulk electric
25 system preparedness for the upcoming 2022-2023 winter

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2 period.

3 At the outset, I'd like to say that
4 based upon our review, we conclude that bulk electric
5 systems prepared -- is prepared to reliably meet the
6 State's upcoming winter's electric demands. Next
7 slide, please. This chart shows the summer and
8 winter historic coincident peaks since the year 2000.
9 It also shows that New York State is a summer peaking
10 state and therefore has sufficient available
11 capability to meet loads well above those typically
12 experienced during the winter.

13 Last winter's actual electric peak
14 load was 23,235 megawatts. This was 2,503 megawatts
15 below the all-time winter peak of 25,738 megawatts
16 and this occurred during a prolonged cold spell
17 during the 20- -- 2013-2014 winter. Electric peak
18 forecast for the upcoming winter period is 23,893
19 megawatts. It's a little hard to see, but it's
20 there. Next slide, please.

21 This slide summarizes the resources
22 expected to be available to New York during the
23 winter. These resources include generation, demand
24 response resources called special case resources, and
25 purchases from outside of New York State. These

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2 resources are offset by expected unavailability or
3 outage of generation resources.

4 The NYISO expects to have 36,809
5 megawatts net capacity resources available during the
6 winter to serve the forecasted winter peak load,
7 which again is 23,893 megawatts. Once operating
8 reserves, which are resources available to meet
9 sudden system contingencies, are accounted for, there
10 remains a capacity margin of 10,296 megawatts.

11 In short, we have sufficient
12 capability to serve the forecasted load during the
13 upcoming winter. Next slide, please. A winter
14 coordination protocol is in place to facilitate
15 communication between State agencies and the NYISO in
16 circumstances where fuel supply for generating
17 facilities may be at risk or if a generator owner
18 needs a fuel specification waiver from the D.E.C. to
19 maintain reliability.

20 The State agencies involved are the
21 D.P.S., the D.E.C., NYSERDA, and D.O.T. As part of
22 staff's winter assessment, we reached out to major
23 generating facilities -- facility owners in southeast
24 New York who own about 12,000 megawatts of dual fuel
25 generation capability. The dual fuel capability

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2 enables generators to burn either natural gas or oil
3 depending on the situation, which can be driven by
4 economics or unavailability of one of the fuels.

5 Based on our assessment, we expect
6 these facilities will have adequate oil reserves for
7 the upcoming winter. We found that the owners are
8 continuing to implement lessons learned from past
9 winter experience including having adequate prewinter
10 on-site fuel reserves, having firm contacts with fuel
11 oil suppliers, conducting more aggressive
12 replenishment plans, and having more proactive winter
13 maintenance and facilities preparations.

14 Staff also met with the NYISO to
15 discuss these procedures and protocols for
16 maintaining electric reliability during the winter
17 period. We found that NYISO closely monitors
18 generator fuel levels and repress -- replenishment
19 plans by conducting weekly surveys with generator
20 owners. In the event that an extreme cold spell is
21 forecasted, the NYISO has the ability to conduct more
22 frequent surveys to determine if fuel availability
23 issues might arise.

24 In addition, the NYISO has
25 communications with interstate pipelines, local gas

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2 distribution companies, and neighboring I.S.O.s
3 during a period of tight electrical operating
4 conditions. That concludes my presentation, I will
5 now turn it over to Andy Timbrook, thank you for your
6 time. Next slide, please.

7 MR. TIMBROOK: Good morning, Chair
8 Christian, good morning Commissioners, my name is
9 Andrew Timbrook and I am a utility engineering
10 specialist in the Office of Electric, Gas, and Water
11 in the Upstate rates and tariffs section.

12 As Tammy mentioned, I'll be providing
13 you with information on how the utilities have
14 performed at reducing the electric supply price
15 volatility for their full-service residential
16 customers, talk a little about the statewide
17 portfolio that the utilities have in place this
18 winter, discuss how this winter's futures prices
19 compare to last winter's futures prices and actual
20 market prices, and finally provide you with an
21 estimate of what the Statewide average full-service
22 residential customer supply bill may look like this
23 coming winter compared to the last few years,
24 assuming we experienced normal weather.

25 Can I have the next slide, please?

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2 This graph shows the results of the utilities
3 electric supply price volatility and mitigation
4 efforts since December 2008. It compares the average
5 New York I.S.O. day-ahead market price volatility,
6 which is the red line with the volatility of the
7 utilities residential electric supply portfolios,
8 which is the blue line.

9 Each point represents the price
10 volatility over a 12-month period as measured by the
11 coefficient of variation. The high point you see on
12 the graph represents the volatility that was
13 experienced due to the 2014 polar vortex, which
14 resulted in a significant increase in market prices
15 and price volatility.

16 Even though customers benefited from
17 the hedges the utilities had in place, the bill
18 impacts that customers experienced were still high,
19 but not as high as they would have been absent the
20 utilities hedging efforts. As a result of the
21 lessons learned from the 2014 polar vortex, the
22 utilities modified certain aspects of their hedging
23 programs going forward.

24 These changes generally included
25 increasing the fixed price hedge level for the

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2 residential supply customers during the winter months
3 from about 55 percent to 70 percent on a Statewide
4 average basis, as well as maintaining multiple
5 portfolios to better hedge their customers located in
6 different regions of their service territories.

7 As you can see from the chart, the
8 utilities have continued to perform well at reducing
9 the portfolio volatility compared to the market.
10 Similar to the last few years, the utilities have
11 maintained on average a 70 percent fixed hedge level
12 for this coming winter, which they have entered into
13 over the last few years to mitigate market price
14 volatility.

15 As you may recall last winter, some of
16 Con Edison's full-service mass-market residential
17 customers experienced significant month to month bill
18 changes due to the way its end use supplier mechanism
19 was structured. Since then, the Commission approved
20 modifications to its mechanism.

21 CHAIR CHRISTIAN: One -- one moment,
22 please while we address that issue. I just want to
23 confirm that Commissioner Edwards and Commissioner
24 Maggiore are on the line.

25 COMMISSIONER MAGGIORE: Can you hear

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2 us?

3 CHAIR CHRISTIAN: We can hear you,
4 just wanted to make sure we're still connected, thank
5 you. Okay, please continue, Andrew.

6 MR. TIMBROOK: So since then, the
7 Commission approved modifications to its mechanism,
8 which better align its hedges with the market and
9 allow it to spread large reconciliations from prior
10 periods over more than just a single month.

11 These changes will further mitigate
12 month-to-month price swings for Con Edison's full-
13 service mass-market customers and better align Con
14 Edison's supply rate mechanism with the majority of
15 the other utilities in the State. Next slide,
16 please.

17 This slide is when we typically only
18 present in prepar -- preparation for the summer
19 season however, with significant increase in energy
20 market prices, we felt it is also relevant for the
21 winter season. The chart shows what the futures
22 prices were just prior to last winter based on
23 intercontinental exchange or ICE market clearing
24 prices which are displayed in green.

25 What last winter's actual NYISO prices

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2 turned out to be, in blue, and what the projected
3 prices are for this winter again, based on NYISO
4 futures, in red, for three NYISO zones in New York
5 City, Hudson Valley, and West or NYISO zone J., G.,
6 and A., respectively.

7 As you can see last winter's actual
8 prices turned out a lot higher -- a little higher
9 than what was expected which is mainly due to a cold
10 snap that occurred in January. This winter, the
11 futures prices are significantly higher than last
12 winter's actuals by almost 130 percent in some of the
13 zones.

14 As Dave explained earlier, this is
15 mainly due to the expectation of high generator fuel
16 prices as compared to last year. Customers that are
17 not full-service mass-market customers and do not
18 have a hedge supply portfolio are expected to see the
19 supply portions of their bills increase more in line
20 with these projected market price increases than
21 those customers who are protected by the utilities'
22 hedging programs. Next slide, please.

23 This slide compares the last several
24 years of the Statewide average full-service
25 residential winter supply bill assuming typical use

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2 in the winter months of 600 kilowatt hours per month
3 or 2400 total kilowatt hours over the entire winter
4 season from December through March, to what we
5 estimate the typical supply bill may be this winter -
6 - this winter season if we experience normal weather.

7 With the increase in supply costs from
8 last year, on average supply costs are expected to
9 represent about 50 percent of a typical full-service
10 residential customer's total bill, the rest of the
11 bill being delivery and surcharge related.

12 These non-supply portions of the bill
13 typically only change with customer use or when the
14 Commission approves changes in rates through various
15 proceedings. The supply portion of the bill is more
16 volatile and fluctuates with customer use, changes in
17 the NYISO market prices, as well as the utilities'
18 hedge portfolio compositions.

19 As you can see, at this point going
20 into the winter season, we project that on a
21 Statewide average basis the typical full-service
22 residential supply bill will be about 42 percent
23 higher than last winter, which is mainly due to
24 increasing generator fuel prices for the reasons Dave
25 discussed previously.

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2 Because this chart shows the Statewide
3 average supply bill, full- service residential
4 customers should expect their actual bills to differ
5 from what is shown here based on their actual energy
6 use, their location within the State, the utility
7 they are served by, as well as differences from
8 normal weather.

9 The purpose of this chart is to
10 provide what the trend has been, and to provide an
11 estimate of where supply costs are expected to head
12 this winter. If it is a mild winter, we would expect
13 the Statewide supply -- Statewide average supply bill
14 to be lower and if it is a colder than normal winter,
15 we would expect this -- the bill to be higher than
16 what is shown here, although still mitigated by the
17 utilities' hedges.

18 That said, the estimated supply
19 portion of the typical full- service mass-market
20 residential customer bill could range from an
21 increase of about 5 percent to approximately 70
22 percent based on current projections. As the prior
23 slide showed the western part of the

24 State is not expected to see supply
25 prices rise to the same magnitude as those NYISO

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2 zones in the East.

3 This trend is expected to carry on to
4 full-service mass-market residential supply bills as
5 well with customers in the West expected to see
6 supply prices increase below the average and
7 customers to the East being around or above the
8 average. But again, these are estimates and actuals
9 will likely vary.

10 In closing today, if we experience
11 normal weather, it is projected that the full-service
12 statewide residential supply bills this winter season
13 will be much higher than last winter. However, the
14 utilities have taken steps to mitigate supply price
15 spikes for their full-service mass-market residential
16 customers in the event the weather does turn cold, or
17 if other system conditions occur that would cause the
18 market price of electricity to spike, by maintaining
19 an approximately 70 percent fixed price hedge level
20 for this winter season.

21 That concludes my portion of the
22 presentation, we can go to the next slide and I will
23 turn it over to Maribel Rivera. Thank you.

24 MS. RIVERA: Thank you, Andrew. Can
25 you hear me? Good morning, Chair Christian, and good

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2 morning Commissioners, my name is Maribel Rivera, and
3 I am a manager in the Department's Consumer Outreach
4 and Education and Call Center sections in the Office
5 of Consumer Services.

6 This past few years New Yorkers have
7 dealt with significantly higher energy prices that
8 have increased their utility energy bills. As a
9 result both Department staff and the major electrical
10 and natural gas utilities have been proactively
11 communicating with consumers about the supply price
12 volatility and the impacts on energy bills, as well
13 as the information on available resources to assist
14 with those increased bills.

15 As discussed in the previous slides,
16 energy prices are likely to remain a concern for this
17 winter period, while this year -- while this year has
18 seen historic bill relief efforts provided to low-
19 income households. There are still vulnerable
20 consumers such as the elderly and households with low
21 to moderate income or L.M.I. consumers who need
22 information about managing their energy usage,
23 lowering their bills, and finding available
24 resources.

25 This report describes the outreach

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2 efforts by Department staff and New York State energy
3 utilities to provide consumers with information to
4 help them manage their energy usage during the 2022-
5 2023 winter season. Next slide, please.

6 Considering the impact of inflation,
7 current world events, and the forecast of winter
8 commodity prices, it is critical that the Department
9 and New York energy utilities pursue aggressive
10 winter preparedness campaigns, including promoting
11 the following key messages. Number one, that the
12 forecast price of energy and how market forces such
13 as supply and demand affect natural gas and electric
14 rates.

15 Two, ways that consumers can manage
16 their winter bills, including budget billing,
17 deferred payment agreements, and financial assistance
18 programs, such as the Home Energy Assistance Program,
19 known as HEAP or the Utility Administered Energy
20 Affordability Programs and the Electric and Natural
21 Bill -- Natural Gas Bill Relief Program.

22 Three, consumer protection rules that
23 protect households from service terminations during
24 cold weather, as well as resources available to
25 assist consumers faced with heat-related energy

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2 emergencies.

3 Four, promoting the availability of
4 energy efficiencies and weatherization programs, as
5 well as simple, affordable measures consumers can
6 take to stay warm and reduce energy use, which may
7 help to control their bills. And five, safety
8 information regarding natural gas, electricity,
9 carbon monoxide, and storm related service
10 interruptions.

11 First, I will explain the outreach and
12 education efforts that the Department staff will be
13 conducting, and then I will explain how Department
14 staff is working with utility companies to encourage
15 them to maintain robust and strong outreach and
16 education efforts prior to and during this winter
17 period. Next slide, please.

18 To reach utility consumers with these
19 important messages, Department staff will conduct a
20 winter outreach and education campaign using a
21 variety of tools. Department staff will use a
22 combination of multilingual winter publications,
23 event exhibits and presentations, virtual platforms
24 such as the Department's website and the social media
25 channels, and the partnerships with other state

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2 agencies, service organizations, and local
3 governments.

4 Specifically, we will distribute plain
5 language publications that highlight our core
6 messages. All winter campaign publications will be
7 available in English and Spanish and many will also
8 be available in Arabic, Bengali, Chinese, French,
9 Haitian Creole, Italian, Korean, Polish, Urdu, and
10 Yiddish.

11 Department staff distributes these
12 materials through our grassroots outreach programs
13 which includes in-person and virtual presentations to
14 our community groups and inter-agency forums, as well
15 as exhibits at public events such as at senior expos,
16 health fairs, and home shows.

17 Participation in these events provides
18 us with an invaluable opportunity for face-to-face
19 interactions with large numbers of consumers and
20 allow us to reach diverse and otherwise underserved
21 populations. Department staff will work with our
22 partner organizations to identify events and in
23 disadvantaged communities where we can share valuable
24 information to assist these consumers.

25 To further increase our efforts to

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2 reach New York State consumers and make our
3 information more accessible, Department staff
4 developed a dedicated winter page on the Ask P.S.C.
5 website with winter preparedness information, digital
6 copies of our Department publications, link to New
7 York State and Utility Assistance Program, as well as
8 energy efficiency and winter safety tips.

9 In addition, we will utilize the
10 Department's social media channels to promote these
11 messages throughout the winter months. Department
12 staff will post tips and sound bites on these
13 platforms and drive traffic to the Ask P.S.C. winter
14 page.

15 Lastly, we will provide training on
16 the winter outreach and education campaign to the
17 Department's call center staff, as they will be able
18 to help with consumers with information about winter
19 preparedness, energy assistance programs, energy
20 efficiencies, consumer protections, and low cost ways
21 to save on winter energy bills. Next slide, please.

22 To help us reach as many New Yorkers
23 as possible, Department staff partners with our
24 network of over 7,000 consumer leaders including
25 social service agencies, community organizations,

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2 libraries, and local government officials.

3 Department staff provides the consumer
4 leaders with access to all of our winter preparedness
5 information and invites them to partner with us in
6 educating their constituents about available
7 resources, ways to mitigate rising energy costs, bill
8 management options, financial assistance programs,
9 and measures to reduce energy consumption.

10 Department staff will also notify our
11 partners about the start of our winter campaign.
12 This notice will direct our partner community leaders
13 to the dedicated Ask P.S.C. winter page where they
14 will find digital copies of all of our publications
15 that may be downloaded and shared with their
16 constituents.

17 Department staff will also share a
18 flyer with a Q.R. code that directs users to our
19 webpage and can be posted in high traffic areas.
20 Lastly, the notice will inform our partners that
21 Department staff is available to provide
22 presentations upon request. To track the reach of
23 our messaging, Department staff will monitor the open
24 rate of our email campaign and follow up with the
25 community leaders that did not open our email.

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2 In addition to distributing
3 publications and educational materials, Department
4 staff will again host a one-stop-shopping workshop
5 for elected officials and interested consumer groups.
6 Last winter Department staff held five virtual
7 workshops with the other New York State agencies that
8 were attended by over 500 participants.

9 This year, Department staff will
10 conduct a combination of in-person and virtual
11 workshops and invite our partner agencies and local
12 officials to participate and achieve maximum
13 penetration of our joint messaging.

14 The in-person workshops are planned
15 for the early months of the winter season and will
16 focus on raising awareness of the financial
17 assistance programs such as Heat Utility
18 Administered, the Energy Affordability Programs, and
19 the Electric and Gas Bill Relief Program.

20 The reinforced winter messaging such -
21 - sorry, excuse me, the virtual workshops will be
22 held early next year during the colder months to
23 reinforce winter messaging such as emergency
24 assistance and continued energy measures.

25 To extend the reach of the workshops

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2 messaging, the Department staff will post a winter
3 workshop recording on the Ask P.S.C. winter page and
4 the Department's YouTube channel. Presentation
5 materials will be sent to attendees for use in their
6 own outreach programs. Next slide, please.

7 In addition to the Department's in-
8 house outreach program, Department staff is
9 encouraging utility companies to maintain strong
10 consumer education programs so that their customers
11 receive the information and assistance they need
12 during the coming winter months.

13 All major utility companies have
14 outreach and education plans to alert customers about
15 anticipated commodity prices, actions the companies
16 have taken to mitigate price spikes, and ways
17 consumers can conserve energy and manage energy bills
18 through the plane -- payment plans and financial
19 assistance programs.

20 The companies' plans also promote
21 enhanced messaging regarding their energy
22 affordability programs and the Electric and Gas Bill
23 Relief Program in order to maximize enrollment of
24 eligible customers. Excuse me. In response to the
25 higher energy costs during 2022, the utilities

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2 companies increased the frequency of messaging, and
3 broadened their outreach channels to raise awareness
4 of energy price forecasts, the factors which affect
5 supply pricing, and the impacts on customers' bills.

6 The companies will continue with their
7 enhanced outreach efforts in the upcoming winter
8 season. The utility companies are using a variety of
9 channels to reach their customers, including email
10 campaigns, text alerts, news releases, radio and paid
11 media ads, bill inserts, and bill envelope messaging,
12 postcards, newsletters, on-hold telephone messages,
13 point of sale messaging, and their, excuse me,
14 website features, YouTube videos, and social media
15 posting.

16 Some utilities alert customers about
17 their energy usage and offer tips, energy saving
18 actions that can help reduce their bills. The
19 utilities -- companies also work with municipal and
20 elected officials, partner with human service
21 organizations and community groups, and conducts
22 grassroots activities such as virtual and in-person
23 events and forums.

24 Lastly, the companies provide training
25 to their consumer advocates and call center staff on

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2 winter messaging and customer assistance. Department
3 staff organized a collaborative meeting for mid-
4 October to provide an opportunity for utilities to
5 share what they're doing to educate their customers
6 regarding the upcoming winter season and discuss best
7 practices.

8 In conclusion, the Office of Consumer
9 Services is pursuing a winter outreach and education
10 campaign designed to raise awareness of New York's
11 winter price supply, excuse me, winter supply and
12 demand outlook and price forecasts. The campaign
13 will ensure that consumers have access to information
14 about actions and programs that will help them manage
15 winter energy bills, use less energy, and stay warm.

16 Department staff will continue to
17 monitor the need for additional outreach and
18 education efforts during these uncertain times.
19 Department staff will work with utilities to make
20 modifications as needed throughout the winter season.
21 Next slide, please. I will now return our
22 presentation back to Tammy, thank you.

23 MS. MITCHELL: Thank you, Maribel.
24 Chair Christian and Commissioners, this concludes our
25 presentation on natural gas and electric utility

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2 winter preparedness and we're now available for any
3 questions you may have.

4 CHAIR CHRISTIAN: Thank you, Tammy and
5 thank you everyone for that presentation. I do have
6 a few questions, just want to amplify a few points,
7 and clarify a few things. Earlier in the
8 presentation, we were talking about the impact on gas
9 prices, I want to understand, would the current
10 increase in prices that we're experiencing on natural
11 gas, would that increase be lessened if we had
12 additional pipeline capacity in this region?

13 MR. STOLICKY: I'll take a stab at
14 that. To answer this question, we will need to
15 separate natural gas supply from natural gas pipeline
16 capacity. There is more than sufficient natural gas
17 supply in the Northeast, the issue is the lack of
18 pipeline capacity on the coldest days and the need to
19 purchase peaking supplies during those cold days.

20 There're really only about 60 days or
21 so in a typical year where prices will spike. The
22 current price situation is impacted by more than the
23 European situation as Dave mentioned earlier, and
24 then by any issue across the U.S. L.D.C.s purchase
25 extremely limited quantities of natural gas at the

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2 spot market prices due to hedging and because they
3 are the largest holders of pipeline capacity, are
4 relatively unscathed by volatile market prices.

5 Additional pipeline capacity would
6 have the effect of bringing down the spot market
7 price somewhat, but it's questionable how much value
8 that would provide on an annual basis. It would make
9 more natural gas available for electric generators in
10 the winter. But right now the State's current policy
11 is to move away from fossil fuel generation, so
12 building more pipelines would probably have limited
13 value.

14 CHAIR CHRISTIAN: Thank you for that.
15 As a follow-up, Ms. Rivera, you mentioned robust
16 outreach on the part of the utilities and that --
17 that's been a continuing -- a continuation of our
18 earlier requests this year, would -- would you say
19 all utilities are moving forward with similarly
20 aggressive outreach to customers to inform them of
21 the current pricing situation?

22 MS. RIVERA: Excuse me, all of the
23 major utilities have maintained the messaging that
24 began in February when the supplier's price first
25 occurred, the utilities have taken specific steps

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2 that include the following things. The bill
3 messaging, advising the price of commodity is still
4 high and due to market conditions, and offering
5 consumers payment options for handling their bills.

6 They're using their websites and their
7 social media posts in order to complete these
8 messaging. They, excuse me, are also using blast
9 emails to their consumers providing links to the
10 sites that will provide them with assistance to the
11 resources available. They're also issuing press
12 releases and those press releases are, you know,
13 being picked up by the news markets in relating the
14 information.

15 And they have also provided to us the
16 outreach plans that they're going to be doing for the
17 continued summer month, I'm sorry, winter months that
18 are coming and they have something planned for every
19 day and each one of them have something different
20 that they're offering. They have increased the
21 frequency of how often they're going out and sharing
22 the information about the supply volatility.

23 CHAIR CHRISTIAN: Uh-huh.

24 MS. RIVERA: These are the common
25 actions that are being taken by the utilities. But

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2 that's not the totality of all of their outreach
3 efforts. For example, one of the utilities is
4 engaging in the poverty simulation. They're doing
5 that in order to ensure that internally, their --
6 their staff is able to completely understand what
7 some of their consumers are going through.

8 Another utility is going back and
9 doing focus groups on the outreach that's being done
10 to ensure that the outreach that is being done is
11 tailored to meet the needs of the consumers that are
12 reading it. So they're doing -- taking great effort
13 to make sure that their -- that their consumers are
14 being made aware of what's happening with their
15 bills. And they are providing a lot of deferred
16 payment plans, a lot of financial assistance
17 programs. So yes, I believe that they're doing a
18 good job.

19 CHAIR CHRISTIAN: Okay, thank you.
20 And my -- my final question, you know, I've read a
21 number of reports about the situation in the E.U. and
22 some of them suggest that there are a number of
23 countries that actually may go without natural gas
24 this winter, and that those that retain access will
25 pay markedly higher prices, higher than what we're

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2 even experiencing here.

3 I -- I guess this question is to you,
4 Mr. Maioriello, do you believe -- well, based on the
5 forecast, and the information we have available, and
6 the preparations currently underway, do we run the
7 risk of being unable to provide natural gas to our
8 firm gas customers?

9 MR. MAIORIELLO: No, we are not. We -
10 - the -- New York is not at risk of ad -- inadequate
11 gas supplies to its firm customers.

12 CHAIR CHRISTIAN: Okay, thank you for
13 that. So I appreciate the presentation, you know, I
14 think back to a year ago, it's been one year since I
15 became chair and last year's presentation in many
16 ways is very similar to what we're receiving this
17 year, but there's some key differences. Though,
18 we're still focusing on pricing and we still focus on
19 availability of supply, this year we're facing some
20 serious inflationary pressures.

21 In fact, I've not had a chance to
22 review this morning's C.P.I., but I've seen and heard
23 that it has not been favorable and inflation is on
24 the rise. We also face recessionary fears and that
25 coupled with ever-increasing energy prices creates

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2 uncertainty and that leads to fear. Much of the
3 higher prices we're experiencing domestically and
4 also globally is being driven by that fear and
5 uncertainty.

6 Fear -- that it's unclear where the
7 energy that's needed to stay warm and power our homes
8 is going to come from. And this winter, according to
9 some reports I've read, you know, those countries in
10 Europe that will go without, they're already
11 resorting to using wood, coal, or other resources to
12 keep their homes warm and I'm happy to hear that we
13 will not face a similar situation here in New York.

14 And last month, as you mentioned, I
15 reached out to the utilities in New York State ask
16 that they continue to enhance their communications,
17 which thank you for your report, it seems that they
18 are continuing to go forward as requested, making
19 sure customers are aware of the need to both conserve
20 and reach out for help where it is available.

21 Now in addition to this continued
22 outreach to residential customers, I understand the
23 utilities are also working with power generators to
24 ensure that they have steps, adequate resources in
25 place, alternate fuels, in the event of a gas

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2 shortage.

3 Now in terms of next steps to further
4 reinforce our supply, the Department of Public
5 Service is working with NYSERDA and we'll be meeting
6 with the fuel industry leaders in New York to discuss
7 the current liquid fuels market and various
8 strategies to support building up regional
9 inventories in advance of this coming winter.

10 The goal was going to be to reinforce
11 existing lines of communication and to ensure our
12 ability to collaborate and respond as conditions
13 evolved throughout the season. Excuse me. So as we
14 continue our preparations to prepare for the winter
15 and ensure adequate supplies, I again want to remind
16 all New Yorkers of the various actions that can be
17 taken to help alleviate the impact of the high prices
18 we expect this winter.

19 Again, to whatever degree possible, we
20 should be as efficient in our energy use as possible.
21 Through NYSERDA, renters, homeowners can find a
22 litany of tips, tools, and programs to improve the
23 efficiency of their homes. And there's also a
24 variety of State funded programs available that can
25 provide resources where needed.

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2 Ms. Rivera mentioned the HEAP program
3 earlier, which provides up to \$976 a year for income-
4 eligible New Yorkers. And all the utilities, as you
5 mentioned, also have a variety of bill payment
6 options, everything from whether they call it balance
7 billing, budget billing, the concept is the same,
8 mitigate potential significant prices, spread it out
9 over several months to lessen the impact on a budget,
10 make it easier to navigate those costs.

11 So I'm encouraged by what we have in
12 place, I'm thankful for this presentation today. I
13 know we'll always need to be on our toes and do more.
14 But I appreciate you giving us the overview this
15 morning and highlighting how prepared we are for this
16 coming winter. So thank you for that. All right,
17 with that, Commissioner Burman.

18 COMMISSIONER BURMAN: Thank you so
19 much, I just want to acknowledge Shahriar, it's your
20 first time presenting so --

21 MR. CHOWDHURY: Thank you.

22 COMMISSIONER BURMAN: -- I appreciate
23 it. Congratulations for it.

24 MR. CHOWDHURY: Thank you.

25 COMMISSIONER BURMAN: I also want to

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2 take a moment to thank Maribel. We spent some time
3 together at the State fair and it was very nice at
4 the booth, at the Public Service Commission D.P.S.
5 booth. And it was very nice to watch you in action
6 talking to the public and folks that came by, a lot
7 of folks were very concerned about their energy bills
8 and you really -- it was really nice to see you in
9 action, talking to folks and walking through things
10 and you know, for me it was helpful to hear how it's
11 presented and the feedback in what you're hearing and
12 so I just want to thank you for that.

13 MS. RIVERA: Thank you.

14 COMMISSIONER BURMAN: I enjoyed being
15 there with you, so. I do want to sort of level set a
16 little bit. I am concerned about this winter, as I
17 am every winter and I guess as we look forward, to me
18 I can't disconnect the future winters from the
19 current winter.

20 And I'm always struck by sort of, from
21 my perspective, how we very much nuance us being set
22 and prepared for the winter, or caveats, are normal
23 weather you know, we don't get into sort of the
24 nitty-gritty about what it might mean for -- from the
25 environmental perspective to be set for this winter

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2 in terms of having to utilize oil and other things.

3 And we also don't necessarily talk
4 about the significant affordability issues in a real
5 sort of direct way and then the challenges of what
6 that means. I would like to ask Mr. Stolicky to
7 reread your ques -- your -- your answer to the
8 question on pipeline capacity, because I do think
9 that that is a very nuanced answer that we need to
10 sort of be careful that we're being as transparent as
11 possible.

12 MR. STOLICKY: So I think the question
13 was, from the Chair about the price of natural gas
14 versus building gas transmission capacity, and
15 whether adding capacity would help or how that would
16 impact gas prices. And what I tried to do is
17 separate natural gas supply from capacity. Because
18 there is more than sufficient natural gas supply in
19 the Northeast, the issue is the lack of pipeline
20 capacity on the coldest days of the year.

21 And on those coldest days of the year,
22 L.D.C.s will typically have to purchase peaking
23 supplies. There are only about 60 days or so in a
24 typical year where prices and spot-market prices will
25 spike and the current prices situation is impacted by

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2 more than the European situation than by any issue
3 across the U.S.

4 So New York L.D.C.s purchase extremely
5 limited quantities of natural gas at the spot-market
6 prices due to hedging, and because they are the
7 largest holders of pipeline capacity, they're
8 relatively unscathed by volatile market prices. So
9 additional pipeline capacity would have the effect of
10 bringing down the spot-market prices somewhat, but
11 it's questionable how much value that would provide
12 on an annual basis.

13 So with additional pipeline capacity,
14 it would make more natural gas available for electric
15 generators in the winter, but the State's current
16 plan is to move away from fossil fuel generation so
17 building more pipeline capacity would have limited
18 value.

19 COMMISSIONER BURMAN: I think that --
20 so I think -- first of all, I think the question was
21 a great one and I appreciate your answer. It is a
22 nuanced answer, though and I think we need to own
23 that we have a responsibility to understand the
24 nuances of that which we may, but I don't know that
25 the public necessarily understands that.

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2 I do think that it is important for us
3 to understand that the impacts that our policy
4 decisions have on reliability and coming up right to
5 the edge, and some of those constraint issues have to
6 be really looked at.

7 We see very much that there's a
8 reliance on -- increased reliance on natural gas for
9 winter electric generation, that's only grown, it's
10 going to -- our State's electric sys -- system is
11 expected to grow and shift to winter peaking so this
12 is going to have an additional impact on what we're
13 doing from the system load perspective.

14 So I guess I'd like to ask you taking
15 aside sort of the nuanced, right, which is really
16 because of our policies it seems, you know,
17 difficult. And again, I don't want to put words in
18 your mouth, that was the last sentence that really
19 struck me, that's a caveat, because it seems unlikely
20 for us to focus on the pipeline issues because of the
21 policies, it's a chicken and egg issue.

22 So I guess I'd like to ask, the
23 pipeline constraint issues, how much of a risk is
24 that and how much should we be looking at it in terms
25 of coming right up there and knowing that we're going

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2 to have some winter peaking issues and again,
3 caveats, not take away the caveats, not normal
4 weather, an event, what's our issue and what's our
5 backup in terms of looking and making sure that we're
6 covered?

7 MR. STOLICKY: So I think I'll try to
8 -- to -- to answer this from a capacity
9 constraints/system planning perspective. So going
10 back a couple of years ago, the Commission has issued
11 a gas planning proceeding that's designed to dive --
12 deep dive into long-term gas plans to make sure
13 supply and demand are in line long-term.

14 Along with that, it -- it's a large
15 stakeholder involved process where there will be an
16 educational component. So there -- there are a broad
17 group of people can have input into the process to
18 try to find a way to make sure that if demand is
19 increasing or decreasing, whichever way it goes, to
20 try to figure out how to meet that demand.

21 Now, along with that, we are looking
22 at different ways to meet demand. A lot of those are
23 non-pipeline alternatives through rate cases, that's
24 going to be an element of the gas plans. We also
25 know that under the C.L.C.P.A., there -- there's --

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2 there's an effort to reduce that gas demand. So all
3 those will be part of the conversation. Under the
4 long-term forecasts, the existing capacity coming
5 into the systems will be evaluated and that'll be
6 part of the discussion.

7 COMMISSIONER BURMAN: So the focus is
8 on the planning aspect?

9 MR. STOLICKY: Yes.

10 COMMISSIONER BURMAN: Okay. So last
11 year, we also talked about, and I went back and I
12 looked at the slides from last year to this year and
13 except for one slide, which I think was a great
14 additional slide on the average energy price
15 comparison winter season, for the most part, all the
16 slides while moved around a little bit and some
17 changes in terms of the numbers, they all are the
18 same which makes sense, right, because it's a
19 continual process and looking at it so I don't have
20 an issue with that.

21 But we were focused then on are gas
22 planning going to be helpful to us in the future.
23 And we've consistently, been here nine years, we
24 consistently talked about we're good this winter,
25 we're looking and when I asked about sort of the

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2 future issues yes, we're concerned, polar vortex, we
3 had a huge issue we've switched sort of a lot of
4 different policy issues and we keep coming back to
5 yes, we need to do planning.

6 We clearly need to change the status
7 quo and get under the hood so I think the gas
8 planning proceeding is a really important one if we
9 do it right. And we really are thoroughly analyzing
10 and reviewing and also thoroughly pushing back on
11 challenges to some of perhaps our, you know, need to
12 speed it up.

13 But understanding that we also need to
14 be careful in the ramifications when we move too fast
15 in an energy transition that is not carefully taking
16 into account reliability and resiliency issues that
17 come. But when we talk about that, and when we talk
18 about being prepared and being okay, we're not
19 necessarily saying that the affordability issue is
20 still good, right?

21 In fact, the affordability issue may
22 soar and get worse in some of what we're doing and
23 the status quo of baking it into, you know, a utility
24 rate case and having the ratepayers paid for it may
25 no longer be a viable way of doing things unless we

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2 look carefully at what that means.

3 So when we talk about things like non-
4 pipeline alternatives, Mr. Stolicky, you mentioned
5 that and those have largely been pilot efforts in our
6 rate proceedings, right. And we have various demand
7 reduction efforts that we do beyond their traditional
8 interruptible customer approach.

9 But by and large, those efforts seem
10 to have had lackluster results. Not necessarily will
11 we still have to do it, we still have to look at it.
12 We're continually trying to continuously improve and
13 figure out solutions. But it's not like we're saying
14 we do those; we're going to be good. In fact, we're
15 seeing, we do those, we may still not be good.

16 So for me, we're also -- have had
17 these different approaches without really the cold
18 winter weather testing us and without looking now at
19 the increased electric generation load and the -- the
20 switch to winter peaking. So I guess I would just
21 ask when we look at it and Davide, you talked about
22 that we weren't at risk for firm customers. What are
23 we at risk for?

24 That's what we should be sort of
25 making sure that the elephants in the room are front

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2 and center so that we can feel that we have been
3 honest and straightforward in what are our caveats
4 and what are our risks. That's really all I'm asking
5 for.

6 CHAIR CHRISTIAN: Thank you,
7 Commissioner Burman.

8 COMMISSIONER BURMAN: But I'm -- I'm
9 looking for an answer and then I have other stuff, I
10 mean I really am looking for an answer.

11 MR. ROSENTHAL: I know I'm the lawyer.
12 But as far as I can tell every single one of our
13 proceedings and -- and I think in -- in, you know,
14 outside of what we say at these public sessions, we
15 say them, you know, during a PowerPoint
16 presentations, during our outside presentations that
17 a lot of us make. The core mandate of the Commission
18 remains to ensure that the utilities provide safe and
19 adequate service at just and reasonable rates; that's
20 the core mandate. And I think it underlies
21 everything that we do.

22 COMMISSIONER BURMAN: Thank you, I
23 understand that, I'm asking and again, if staff
24 doesn't want to answer or feels they can't answer
25 right now I understand that, I don't mean to be

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2 difficult I just -- I feel it's incumbent upon me as
3 a regulator with the responsibility to at least say
4 what is the elephants in the room, I don't think it's
5 something that is -- is something that should be seen
6 as me being negative, it's -- it's a reality. I just
7 want folks to just be comfortable that we shared.

8 MR. SOLICKTY: Commissioner Burman,
9 the -- the presentation that staff just made, it is a
10 look at an annual review for preparedness and -- and
11 staff went through a detailed analysis and met with
12 all the L.D.C.s to go through a list of questions to
13 make sure they are prepared to meet their firm
14 customer obligation for the winter, so that includes
15 contractual arrangements, some hedging, make sure
16 they have enough capacity, make sure all the, you
17 know, all -- the Ts are dotted, make sure that they
18 can meet that -- that expected demand on a design
19 weather day. That's the key here so they -- based on
20 our analysis and the information we -- we received
21 from utilities; they are prepared to meet supply this
22 winter.

23 MS. MITCHELL: Let -- let me try here.
24 So we share your concerns. Affordability
25 particularly this year is a -- is a major concern

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2 with the prices that we're seeing again, not so much
3 related to capacity this year more what's happening
4 globally. I think what you're getting at is the
5 impact of capacity constraints and certainly as the
6 system becomes more capacity constrained we do become
7 more concerned about potential reliability impacts
8 and that's why we do the review that we do, we work
9 with the utilities, we're looking at it in the
10 planning proceeding.

11 But again we're -- we're focused on
12 the firm service customers if there is a major event,
13 if there is a long cold spell, then the utilities
14 have in place procedures to deal with that. We
15 talked about interrupting the generators. We have
16 interruptible customers and so the whole idea is that
17 the firm customers are the -- the last ones that will
18 become curtailed.

19 COMMISSIONER BURMAN: Okay. Thank
20 you. I'm going to move on, I do know that this is a
21 difficult issue. I do appreciate that you recognize
22 that my concerns are valid or somewhat valid and to
23 the extent that I personally believe I have a
24 responsibility to look at what the impacts are on our
25 decisions and to also to be honest on what that means

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2 because folks may not hear what we're saying in the
3 same way.

4 So some of the stuff in terms of
5 interruptibles, it means we have to look at what's
6 our oil and kerosene, what are the issues there, what
7 does it mean from an environmental perspective to
8 having to ask more interruptible customers to go off
9 gas, to go onto oil. So all those different things.
10 I think if you look back at all the different
11 transcripts that every winter and summer probably we
12 can just take all that and dump it here and say ditto
13 what she said last time. So I -- recognize that.

14 I do want to just kind of ask a
15 question and maybe that -- that I am confused. So
16 when -- if we can go up to slide number 5, if we can
17 put that up. Thank you to the gentleman in the back.
18 So on here, it says utilities have indicated -- it's
19 okay. Utilities have indicated that no new
20 moratorium on natural gas are imminent. What does it
21 mean when we say that in terms of imminent and what
22 are the changes that may happen that may make that no
23 longer -- that may actually increase that the -- the
24 need for more moratoriums.

25 MR. MAIORIELLO: Well, Commissioner

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2 Burman, we are relating near future to five -- above
3 five years or so look forward. But remember that
4 demand that changes customer demands as -- if that
5 changes obviously things can change, a major large
6 customer is an example that needs a significant
7 amount of gas. So it -- it's kind of a moving target
8 at times, but at this point in time there is no
9 moratoria expected in the near future. Is that
10 helpful?

11 COMMISSIONER BURMAN: Yeah, again, I
12 think we have a lot of nuanced stances which I
13 totally understand. I -- I just think for me when I
14 look at it, I also look at we're not in a static
15 situation, right, we're trying to bring on more
16 economic development projects, some of those
17 economics development projects even if we call them
18 green are going to require perhaps the need for gas
19 which means that we also have to look at what that
20 means and enable it.

21 We have to look at what that means in
22 terms of perhaps changes in status quo in helping to
23 ensure our infrastructure is ready for new
24 technologies that may come to help alleviate some of
25 that but also from an economic development

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2 perspective in what we want to do to bring folks
3 here.

4 I don't think that that analysis is --
5 is something that ever comes before me, but it is
6 something that I have asked that we are looking at
7 that in terms of when we're looking at system
8 planning. It would be helpful to kind of see it and
9 project out and have some of that planning in a way
10 that gives people a real framework of what that might
11 look like.

12 MR. MAIORIELLO: Just to add a little
13 more to my previous response. It -- the utilities do
14 look at system plans and they do pressure testing in
15 order to see where the weaknesses are in the system
16 and that go -- goes all the way to the city gates
17 where the gas comes into the system.

18 So -- so then again, those -- those
19 are based on forecast -- current forecast and
20 projections of -- of where those demands are -- are
21 coming from by for firmcustomers. That could also
22 change with a major customer that comes in, but the -
23 - all of the L.D.C.s do -- do testing on their
24 systems to look for weaknesses on their distribution
25 -- in their distribution.

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2 COMMISSIONER BURMAN: Yes, okay. So
3 then slide nine. Now I did raise this internally
4 that I was perhaps confused. This year's slide seems
5 to have different numbers, and perhaps I'm reading it
6 wrong, than what was there for last year for the
7 2021-'22 winter forecast for all of the numbers are
8 different.

9 So were these -- so when you look at
10 the 2021-'22 winter forecast and you look at those
11 numbers they don't match up to what the numbers were
12 last year when we presented it. So did we update
13 those after this?

14 MR. MAIORIELLO: All of the data there
15 comes from our L.D.C.s, yes it --.

16 COMMISSIONER BURMAN: Right, but --
17 but this is what was last year and the numbers are
18 different from that second --

19 MR. MAIORIELLO: They -- yes, they
20 were updated at -- last winter prior -- after the
21 presentation.

22 MR. STOLICKY: And that's because the
23 final winter planning occurs at the end of October
24 before the official winter season of November first,
25 so when we present in early October, it's the best

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2 information we have at that time.

3 COMMISSIONER BURMAN: Right. I guess
4 I am just going to point out when we have this and
5 it's the same every year when we look. I do believe
6 it should show that the same what was forecasted in
7 October and if there was a change to the forecast, I
8 don't mind a different column, but we should actually
9 be making sure that we're not comparing apples to
10 oranges because the winter forecast back last year
11 for 2021-'22 had the pricing across the board lower.

12 So when we're looking at these numbers
13 now and comparing it to the winter forecast projected
14 for this year, it's actually a bigger spread. So I -
15 - I just think from a transparency perspective, but
16 also for my own analysis, I just want to know apples
17 to apples comparison, October to October, and then if
18 we need to explain a difference in forecasting all of
19 that's fine.

20 I just thought maybe I read the
21 numbers wrong or the numbers on here somehow got --
22 got put there mistakenly. So again, I'm just
23 pointing out process improvement, and also for me for
24 my own understanding. I -- I did raise this
25 internally. Then I guess on -- and I'm going to ask

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2 the gentleman in the back, ten, slide ten.

3 Just the same thing, the -- the
4 numbers didn't necessarily match up though it was --
5 I guess what's struck me here when I looked at the
6 2020-21 actual bill, it was \$770 and so then we're
7 looking at the actual bill of '21-'22 to 934, so just
8 looking at sort of the -- the increase from '20-'21
9 to '21-'22 for an actual bill.

10 Do we have -- I mean, I guess I am
11 just concerned that while it seems here like it's --
12 it's a pretty big jump, right, so from 2020 it was
13 770, it was the actual bill and now we're looking at
14 a forecast of 1200, I -- I think that sort of struck
15 me as that's a big affordability issue, okay. But
16 again, same thing, it's just making sure that we're
17 consistent.

18 I'm going to move on, I'm just going
19 to talk from -- from sort of my heart which is that I
20 really want us to make sure that we're doing all we
21 can do from planning, and from actually drilling down
22 on the challenges, and identifying the risks that are
23 there, and identifying what we're doing to try to
24 address that. I think that when we look there -- we
25 have made a lot of process improvements, especially

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2 in the consumer realm, but we also need to
3 continually look at that and ask what else can we be
4 doing.

5 Last year we did -- after October, we
6 did send out -- the Chair sent out a letter to the
7 utilities, this year it was before, I thought that
8 was a good thing. For me I'd like to see that kind
9 of stuff now part of routine planning versus, you
10 know, doing it as a seeming sort of shot to the bow,
11 you know, we're going to do this in a way that can
12 help us. I am concerned again about this winter, but
13 I'm also concerned about fast forward and what that
14 means and really getting under the hood more on how
15 can we look at this.

16 I know the Chair mentioned the C.P.I.
17 came out and, you know, this morning, and we should
18 get under the hood a little bit about what that
19 means, and sort of make sure that we're challenging
20 ourselves to be part of the solution in a way that is
21 helpful. And again I just want to -- I can't
22 underscore enough that the issue of system resiliency
23 and affordability and how important both of those are
24 and as we enter the winter season the concerns that
25 are there and we can't keep relying on a warm winter

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2 to get us through, so thank you. Thank you, Chair.

3 CHAIR CHRISTIAN: Thank you,

4 Commissioner. Commissioner Alesi.

5 COMMISSIONER ALESI: Thank you, Mr.

6 Chairman. First of all, let me start by saying when

7 we're doing this by remote, we don't get to see any

8 of you people, we just get to see the people up on

9 the dais so give me a moment to just say it's nice to

10 see all of you live and in person again and to

11 reiterate what -- what I always try to stress is that

12 your work is very much appreciated.

13 So the 5 of you up here -- 6 of you

14 and the people that you've worked with to produce

15 this report, your efforts are very much appreciated.

16 And the -- but I want to -- I just pulled something

17 out of this so it's just something that strikes me

18 that the -- the report indicates significantly higher

19 prices as related to previous years. You highlighted

20 2009 when the in -- increases were a combination of

21 financial crisis and climate, 2014 it was mostly the

22 polar vortex and the -- this year relates primarily

23 to the cost of natural resources and the world

24 market.

25 And my -- my concern, my personal

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2 concern is that with all of these factors in mind, I
3 feel that our pursuit of cleaner energy might
4 justifiably, I'm going to stress, justifiably add to
5 increased costs in the very near future. And this
6 would likely be a significant part of educating
7 consumers and stretching the outreach that you're
8 responsible for in maybe a different way, because the
9 pursuing of the C.L.C.P.A. is going to require
10 different kinds of energy, distributing it, and
11 making consumers know that there will be associated
12 costs and letting them know before it happens that it
13 is coming because there is a new world of energy
14 around the corner, we all know that.

15 So my point simply is this, when we
16 look back over the last 20 years, as was portrayed
17 here in your production, that we should also have an
18 eye on the next 5 years when we're relating what we
19 think will be to the people that are going to pay the
20 bills because they will feel it and they will react.
21 So outreach is going to be very important and
22 outreach ahead of time would probably be the prudent
23 course of action. Thank you.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner. Commissioner Edwards.

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2 COMMISSIONER EDWARDS: Thank you very
3 much. I just want to echo what my colleagues have
4 said and just add a little bit more to it. So while
5 I appreciate all of the activity that is going to go
6 on to the low and middle-income consumers, the rate
7 of increase, as Commissioner Burman has said, over
8 the past years is large which means that the number
9 of households that are going to be struggling to pay
10 has also increased.

11 So while they may not fit into a low
12 and middle-income consumer, the household, the
13 average household of moderate income unless you are
14 affluent, you're going to struggle with paying 20
15 percent increases year over year.

16 So I would like to make sure that we
17 are getting more information from the utilities on
18 what it is that -- that they are going to do to help
19 those consumers that may not necessarily fall into
20 the bucket of low and middle income, so they may not
21 qualify for a program, but in fact as Commissioner
22 Alesi just said, you know, they are still going to
23 need some support and help.

24 So I would like to know more about
25 what specific support and help are the utilities

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2 going to provide in order to help households in -- in
3 New York. Thank you.

4 CHAIR CHRISTIAN: Thank you,
5 Commissioner. Commissioner Howard.

6 COMMISSIONER HOWARD: Thank you, Mr.
7 Chairman. I have a couple of questions. You brought
8 out in somewhat great detail, Tammy and whoever guy I
9 forget who actually did, about the regional
10 differences expected electric prices by region and
11 we've discussed earlier. That same calculus will
12 be true on the gas side as well. Is that correct?

13 MS. MITCHELL: That's correct. Do you
14 want the specific regional --?

15 COMMISSIONER HOWARD: Well, yeah --
16 yeah, I know it's very difficult, and look, I -- I am
17 very sympathetic to whenever we put a number which is
18 a -- an estimate which is a very sophisticated way to
19 say our best guess in terms of what the actual --
20 what consumers can expect in terms of price
21 increases. You know, in the past we have
22 overestimated what that could be and then we've
23 underestimated.

24 So just in terms of -- if you can go
25 from West to East what you think in terms of the

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2 relative increase in retail gas prices will be
3 delivered to consumers?

4 MR. MAIORIELLO: For -- Commissioner
5 Howard, for Downstate, the bill impact ranges from 20
6 to 25 percent. For Upstate to the -- and to the East
7 it's 29 to 41 percent and for Upstate into the west
8 it's 39 to 41 percent. Those are the ranges for
9 those --.

10 COMMISSIONER HOWARD: Those are, you
11 know, those are pretty big deltas and -- and I think,
12 you know, on a regional outreach basis, you know,
13 that -- that, you know, everything won't be the same
14 while we see particularly in the West on the electric
15 side, a relative moderation as compared to the rest
16 of the State, clearly your -- what you just indicated
17 on the natural gas side, they will experience
18 potentially a greater increase in delivered prices.

19 So I think, you know, while one will
20 balance off the other, I just think that that is
21 important particularly when we give Statewide numbers
22 there is somewhat -- well, they are not always
23 accurate in terms of where you actually live. The
24 other question and -- and I think could you just
25 elaborate on -- on the electric side, why is there

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2 this variation and for the gas side too, why is there
3 this variation between geographies in -- in New York.

4 MS. MITCHELL: Paul, do you want to
5 take that or do you want me to do it?

6 MR. DARMETKO: Yeah, I can try. So
7 the New York I.S.O. is the entity that really sets
8 the market price of energy in New York State and they
9 do so based on the generating units that need to run.
10 The western part of the State has a lot of
11 hydroelectric generation, it has nuclear generation,
12 it has gas generation, but less so than the Eastern
13 part of the State where gas prices tend to be higher
14 -- delivered gas prices tend to be higher even just
15 overall the fuel prices tend to be higher than the
16 West.

17 So when there is transmission
18 constraints on the system and energy can't flow
19 freely from the Western area of the State to the
20 Eastern area of the State, you get that price
21 separation.

22 COMMISSIONER HOWARD: Great, thank
23 you. It's just like your house in Bethlehem and your
24 cousin in Buffalo, you know, might be the customers
25 of the same company, but they see dramatic

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2 differences in their pricing and -- and I think it's
3 important to point out that -- that people should
4 know that.

5 My second question is, is the issue of
6 how we deal with -- how utilities deal with either on
7 informally or statutory based on winter cut-offs, can
8 somebody just go through what has traditionally been
9 of the issue of when utilities suspend cut-offs for
10 customers.

11 MS. RIVERA: Cut-off?

12 COMMISSIONER HOWARD: Yeah.

13 MS. RIVERA: I'm sorry, cutoffs -- I'm
14 sorry, can you elaborate?

15 COMMISSIONER HOWARD: Yeah, if -- if
16 the issue is traditionally -- while not necessarily
17 in statute, utilities have taken on individual
18 policies where they do not cut off customers during
19 the peak of the winter.

20 MR. RIVERA: Uh-huh.

21 COMMISSIONER HOWARD: And can you just
22 sort of explain how that works and -- and what is
23 informal and what is past practice and what maybe
24 statutory.

25 MS. RIVERA: So in past practices, the

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2 utilities have entered into an agreement with us that
3 during the winter months depending upon where they
4 are located in the State at a particular temperature
5 they will not turn off anybody whether they have the
6 ability to, you know, go and do it based on style --
7 based on regulations, but they will make a
8 conscientious decision to not go out in order to make
9 sure that life and security is -- is maintained.

10 So that agreement is being worked on
11 as we're speaking, like something should be rolled
12 out soon. There is also a period during the holidays
13 where there is no turnoffs and that's statutory. So
14 those are the things that will happen within the next
15 few weeks.

16 COMMISSIONER HOWARD: And for those
17 customers with special needs, you know, that -- that
18 this is the opportunity for them to reach out to the
19 utility and -- and indicate their -- their situation,
20 correct?

21 MS. RIVERA: The consumers with
22 special needs can reach out all of the year -- all
23 year round, so.

24 COMMISSIONER HOWARD: Right but -- but
25 it'd be particularly important to do it now.

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2 MS. RIVERA: Yes, absolutely. It is
3 also -- if there is a -- if there has been a consumer
4 that has been turned off there is a process called
5 winter as we're ramping up if that energy have been
6 turned off and it's necessary for life then they will
7 go back and turn it on irrespective of whether they
8 are still outstanding on monies due on the account.

9 COMMISSIONER HOWARD: With that being
10 said absent like last winter's moratorium, there is -
11 - there us still a risk that certain customers could
12 lose service during this winter. Is that correct?

13 MS. RIVERA: Yes, absolutely and the
14 staff and the call center is available until 7:30 to
15 make sure and have processes in place that if we need
16 to get our -- the -- the utility restore unit to
17 their -- to their homes that they can do it up until
18 7:30 in the evening and that is based on issuing an
19 order as of Commission order to let them know that
20 service needs to be turned on and it has to be done
21 within two hours of them calling in.

22 COMMISSIONER HOWARD: Thank you. I
23 also want to just reiterate, you know, get some
24 reality into what the low-income programs
25 particularly LIHEAP can do that you have to be a very

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2 modest income to qualify for these programs. And to
3 Commissioner Edwards' comment there were a lot of
4 people who were just on the bubble that will not
5 qualify for these programs but will be have -- and so
6 I think it's something that in terms of income
7 eligibility I know we don't set those necessarily,
8 those are from the federal government by and large,
9 but to the extent that any State resources or
10 whatever could be done increasing the size of that
11 pool is going to be desperately needed this winter.

12 MS. RIVERA: When consumers reach out
13 to our call center one of the things that we stress
14 is that they have -- consumers have an impact on how
15 much energy they're going to consume and if they can
16 take simple steps in order to be able to hopefully
17 reduce some of that usage.

18 We encourage them to, especially as
19 the winter prepares comes in is that, you know, take
20 steps in order to, you know, weatherize your home,
21 you know, take shorter showers. It's just a number
22 of different things that can be done in order to
23 reduce the consumption and that expectation as if
24 they has a certain amount of control over what the
25 bill is going to appear.

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2 We're also encouraging these same
3 consumers that, you know, there are payment options
4 that are available at the utility that maybe they
5 would have never used before because they never have
6 any need, but that the use of those are interest-
7 free, they will have no negative impact on their
8 credit income, you know, score so we are providing
9 them with as many resources that my -- you know, they
10 may have known about them peripherally, but they
11 never would have had an expectation that they would
12 have impacted their own lives.

13 But by bringing it to their attention,
14 letting them know that there is no stigma with it we
15 are finding that hopefully, that is going to be able
16 to turn the tide and have them have that
17 conversation. The utilities have also made it very
18 easy to do some of that deferred payment plan options
19 that they are done online, they can do it on their
20 I.V.R.s and they tend to be very easy to maintain.
21 So what -- again, that's what we're hoping that this
22 is going to be able to mitigate some of that.

23 COMMISSIONER HOWARD: Thank you. I
24 have a question regarding fuel oil supplies. A
25 couple of months ago, there was a very dire reports

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2 about just not having distillate available. Has that
3 changed, you know, from our observation and I know
4 we'll be going on -- ongoing discussions for
5 providers on that, but is -- has that changed the
6 liquidity of -- of liquid fuels in particular?

7 MR. STOLICKY: In our conversations
8 with various oil dealers, the consensus is that there
9 is plenty of oil supply, but what we've seen is that
10 a lot of interruptible customers were waiting for the
11 price to drop before they topped off their tanks.

12 COMMISSIONER HOWARD: Didn't happen.

13 MR. STOLICKY: They are working on it
14 and for the Chair's letter we -- we are -- we are
15 motivating the companies to -- to pay more attention
16 to this and encourage these customers to top off
17 sooner rather than later. According to the oil
18 dealers there is plenty of supply, the only time we
19 might have a concern is if the interruptible
20 customers do not top off like they are supposed to
21 and we get extreme cold weather early then there
22 might be a bit of a squeeze or a rush to top them off
23 shortly thereafter. That's what we're monitoring at
24 the moment.

25 COMMISSIONER HOWARD: Well, I -- I

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2 hope we also take special emphasis on those
3 interruptible customers to provide real human
4 services to folks pretty clear health care and a
5 variety of other things that they need to -- they
6 need to follow the rules.

7 MR. STOLICKY: Yes.

8 COMMISSIONER HOWARD: And because
9 falling back on standard service only exacerbates the
10 supply problem potentially by a lot, correct?

11 MR. STOLICKY: Correct.

12 COMMISSIONER HOWARD: Okay. Thank
13 you. We -- we've talked a lot today about what we
14 can do here at the Commission, and what we do to
15 customers, and what we are doing to incent utilities
16 to get through this very, very difficult time in New
17 York which mirrors the global situation, but the real
18 question is what can government do to reduce my
19 prices and I think the first place that I would look
20 at which is then rarely discussed is the issue of
21 local taxes on utilities and on energy.

22 You know, reducing taxes provides
23 immediate relief to customers and in the case of the
24 City of New York could be dramatic price reductions
25 are possible. And as I've reminded folks from this

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2 dais in the past, New York City fully takes 25 cents
3 of every consumer's dollar that they pay to Con Ed,
4 one quarter of your money goes to the city.

5 If the city -- and I am loathe to hear
6 any criticism from any member of the New York City
7 Government, the crying of the impact on consumers,
8 which will be real, without any tangible action that
9 they could do today to dramatically reduce customers'
10 bills. And again that -- I have not heard that once
11 in this discussion lately and particularly when we
12 have an ongoing rate case with the Consolidated
13 Edison Company this issue is not particularly from
14 those in the New York City Council and the State
15 legislature hasn't even been mentioned.

16 If they want to keep prices down, the
17 government can stop taking our money and in this
18 particular instance, so we're going to have real
19 suffering dealing with this high energy prices and I
20 -- I beg local governments to do this. And while a
21 limited number of municipalities that, you know, have
22 lower their prices, taxes on utilities and energy,
23 there is still plenty of room for governments across
24 the State of New York to take action.

25 And -- and I note that many counties

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2 in the State of New York took action to cap or reduce
3 motor fuel prices. No parallel action has been taken
4 on utility and energy taxes. My question is why?
5 It, you know, again I get the political reality of
6 lowering the price at the pump, would people need to
7 be reminded come January, it goes back up.

8 So again, I think it's something that
9 can be done and my hope is that if local governments
10 wouldn't do it then the State government who has
11 authorization to create this taxes on a local level
12 would take some action to do something and do it now
13 while we still can. And that is the most, in my
14 mind, action by government that can reduce people's
15 bills today and I just hope that it happens and with
16 that, thank you, Mr. Chairman, I turn it back to you.

17 CHAIR CHRISTIAN: Thank you,
18 Commissioner. Commissioner Valeski.

19 COMMISSIONER VALESKI: Thank you, Mr.
20 Chairman. I -- I don't have anything new to add
21 beyond what has already been raised by my colleagues.
22 I'll just say Tammy, to you and your entire team,
23 thank you for the presentation today, thank you for
24 the work that goes into this project each and every
25 year it's appreciated by all of us and the important

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2 lessons related to take away for all ratepayers going
3 forward. So thank you very much.

4 CHAIR CHRISTIAN: Thank you,
5 Commissioner, and Commissioner Maggiore.

6 COMMISSIONER MAGGIORE: Thank you.
7 Thank you for the excellent presentation. I -- I
8 find it to be very informative if -- if somber. Also
9 my colleagues have raised some excellent points and
10 asked some excellent questions that I'm not going to
11 reiterate what has already been said, but there are
12 two items that we've -- we've touched on that I would
13 like to clarify, not because I don't understand what
14 we're talking about. I think everybody in the room
15 does. But sometimes these discussions get reported
16 on and I think it's important that the public
17 understand what we're talking about.

18 First is when we're talking about the
19 European situation or the global situation, just to
20 be clear, we're talking about Russia's war against
21 Ukraine. That's -- that's what we're talking about,
22 right, and the impacts of that?

23 MS. MITCHELL: Yeah, so I think that's
24 one of the driving factors for the increase in supply
25 prices. We talked about increased global demand, as

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2 well.

3 COMMISSIONER MAGGIORE: Yeah. All
4 right. It -- it would -- increased global demand, is
5 that a follow-on factor to the war or are there are
6 other -- other factors contributing to the increased
7 global demand?

8 MS. MITCHELL: I -- I think there are
9 multiple factors driving here. Part of it is the --
10 the rebound of the economy from COVID.

11 COMMISSIONER MAGGIORE: Yeah, yeah,
12 right. Okay. Thank you. I'm -- I'm going to make
13 one point on that. But I also, you know, we're
14 talking about -- I think, you know, I think the whole
15 presentation was excellent. And I think you know,
16 not to single one out but on Maribel's part of the
17 presentation it's especially important for people to
18 -- to hear or understand.

19 And, you know, you mentioned
20 weatherization. And when we were talking about
21 weatherization, what are we talking about? Like,
22 what can an individual, say, a homeowner do or a
23 landlord do when we're talking about weatherization?

24 MS. RIVERA: Thank you for the
25 question. Consumers can seal their windows. They

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2 can provide -- make sure that the doorways are
3 sealed, that they have a barrier to letting leaks
4 come into the home. They can wrap their heaters and
5 their boilers in order to preserve the energy so that
6 it's not escaping. They can wrap their water pipes
7 with insulation. They -- if, you know, those are the
8 simple things that you can do pretty simple.

9 The other things that you can do is
10 you can also look at how to insulate the home. These
11 are the things that we again, share with the
12 consumers when they contact us. I just want to share
13 there's a -- one of the -- one of the utilities, they
14 now have an insulation weatherization package, that
15 if you get in touch with them, while packages are
16 available, that they will send you some to the home
17 and they will be able to wrap, at least four windows,
18 provide foam so that you can put around the doorways
19 and then the entrance.

20 So there are significant efforts being
21 made with the utilities where these resources are
22 available in order to be able to reduce the energy
23 leaving the home too. Once it's heated, you want it
24 to remain there.

25 MR. BERKLEY: And Commissioner, and

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2 Mr. Chairman, Commissioners, if I may add to that.
3 In addition to the measures that Ms. Rivera pointed
4 out, there are also programs at our sister State
5 agencies at New York State Homes and Community
6 Renewal and also at NYSEDA, the New York State
7 Energy Research and Development Authority. They both
8 provide a wide array of services that can be provided
9 to homeowners and to renters, to assist with lowering
10 their energy use on a -- on a yearly basis but are
11 especially effective during the winter.

12 COMMISSIONER MAGGIORE: And I think
13 that's so important that people understand that
14 because it -- it really does look like it's going to
15 be a challenging winter for almost everybody and
16 almost everybody in New York, but really in the
17 northern hemisphere and there, you know, the -- the
18 weatherization options are something that those who
19 have the ability to take advantage of them could
20 actually do to mitigate the impact of what we're
21 talking about today.

22 So -- so that's it. I just wanted to
23 underscore those two points. Again, thank you very
24 much for the excellent presentation.

25 CHAIR CHRISTIAN: Thank you,

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2 Commissioner. And thank you all. Great job today.
3 We'll now move on to our second item of discussion.
4 Item number 501. Case 22-C-0358. This relates to
5 the North American Numbering Plan Administration
6 NANPA Petition for relief for the 716 Numbering Plan
7 area.

8 Today's presentation will be provided
9 by Ruvain Kudan, Lauriann Mullen is also available
10 for questions. Ruvain, I understand this is your
11 first time so welcome and --

12 MR. KUDAN: Thank you very much.

13 CHAIR CHRISTIAN: -- and please begin.

14 MR. KUDAN: Thank you. Good morning
15 to the Chair Christian and Commissioners. Before the
16 Commission today is staff's recommendation in
17 response to the June 16th, 2022, petition by the
18 North American Numbering Plan Administrator or NANPA.

19 SECRETARY PHILLIPS: Excuse me, sorry,
20 please turn on your microphone.

21 MR. KUDAN: Oh, I didn't do that. Now
22 we're talking. Thank you very much. I appreciate
23 that. And thank you and good morning to Chair
24 Christian and the Commissioners. Before the
25 Commission today is staff's recommendation in

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2 response to the June 16th, 2022, petition by the
3 North American Numbering Plan Administrator or NANPA.

4 NANPA is a neutral third party
5 responsible for forecasting these various area codes
6 and initiating area code relief -- relief planning
7 among other things. In its petition NANPA advised
8 the Commission that its most recent forecast
9 indicates that the supply of telephone numbers in the
10 716 area code in the far Western region of the -- of
11 the State would exhaust in the second quarter of
12 2024.

13 Area code relief planning guidelines
14 require that where area code relief is needed and the
15 impacted area code has transitioned to 10 digit
16 dialing, an overlay relief option is the only relief
17 method that can be considered.

18 Accordingly, because 10-digit dialing
19 is currently in place in the 716-area code, the
20 relief options provided by NANPA are two overlays.
21 The first option is an all services overly. And the
22 second option is a boundary elimination with an
23 additional area code overlay option.

24 Let's take a look at the two options.
25 Under the first option, the all services overlay, a

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2 new area code would be superimposed over the same
3 geographic areas covered by the existing 716
4 footprint, resulting in two area codes serving the
5 region.

6 Under this option, all existing
7 customers with either landline or mobile service
8 would retain their current 10-digit telephone number,
9 and 10-digit dialing for all calls, whether local or
10 long distance would continue to be required.

11 Once 716 numbers are fully exhausted,
12 requests for new telephone numbers in the region
13 would be assigned to the new area code. The
14 implementation timeline for this option is nine
15 months. It is relatively simple to implement because
16 10-digit dialing, as I mentioned, is currently in
17 place. NANPA estimates the life of the new area code
18 under this option to be approximately 29 years.

19 Under the second option, the boundary
20 elimination with an additional area code overlay, the
21 716 area code would be merged with the adjacent 585
22 area code, creating one combined overlay area where
23 the two area codes would serve the region.

24 As with the first option, existing
25 customers, regardless of landline or mobile service

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2 would retain their current 10-digit telephone number
3 and 10 digit dialing for all codes would still be
4 required.

5 Under this option, once 716 and 585
6 numbering resources are fully exhausted, a new
7 overlay area code would be activated to serve the
8 region. The implementation timeline for this relief
9 option is 18 months. The timeline is longer than the
10 first option's timeline because the 585 area code
11 does not yet have 10-digit dialing in place.

12 Accordingly, the implementation plan
13 must include milestones to accommodate the dialing
14 change from 7-digit dialing to 10-digit dialing.
15 That means affording providers time to reconfigure
16 their networks and provide customer outreach and
17 education about changes to dialing patterns.

18 NANPA estimates that this option has a
19 projected life of approximately 17 years. NANPA also
20 advises in its petition that a jeopardy condition
21 exists for the 716 area code. It explains that prior
22 to submitting its petition, the 716 region had
23 experienced an increased level of demand for
24 numbering resources that caused the potential for the
25 forecasted demand for numbering resources to possibly

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2 exceed the known supply before relief could be
3 implemented. This is known as jeopardy.

4 As a result, pursuant to the area code
5 relief planning guidelines, a rationing system has
6 been put in place that limits the amount of numbering
7 resources that can be allocated -- allocated to
8 providers each month in order to prolong the supply
9 of numbering resources while relief is being
10 implemented.

11 The petition recommends that the
12 Commission approves the first option. The all
13 services overlay due to its longer relief lines
14 lifespan and increase simplicity -- simplicity to
15 implement. If approved, the New York
16 telecommunications industry will convene to form an
17 implementation committee and will select specific
18 milestone dates that will allow the new area code to
19 be fully implemented by no later than six months
20 prior to the projected second quarter of 2024 exhaust
21 date.

22 Staff analysis in this proceeding
23 included looking at what is driving the demand for
24 telephone numbers. We know that over the past two
25 decades, the demand for telephone numbers has been

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2 largely impacted by the proliferation of cell phones
3 and tablets.

4 In addition, and more recently, the
5 development of newer technologies and services has
6 also been at the forefront of what is driving the
7 demand. For instance, consumer use of interconnected
8 daily objects, often referred to as the Internet of
9 Things, demands the use of telephone numbers.

10 An example of this would be a
11 refrigerator that tells you remotely what you need to
12 pick up while you're at the grocery store. Other
13 technologies that require the use of telephone
14 numbers are in-home alarm systems, remote medical
15 monitoring devices and OnStar emergency service --
16 systems in vehicles. There is widespread use of
17 technologies that require the use of telephone
18 numbers at the municipal level as well.

19 For instance, there are parking meter
20 systems that offer payment options and space location
21 services which interface with end users via cell
22 phones. There are road traffic monitoring meters
23 that also use telephone numbers. All told, there is
24 a clear trend by society to integrate technology into
25 our daily lives, all of which drives the need for

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2 telephone numbers.

3 In conclusion, staff recommends that
4 the Commission approved NANPA's petition to establish
5 an all services area code overlay as the appropriate
6 means of providing numbering relief for the 716 area
7 code due to its longer relief lifespan and decreased
8 timeline to implement.

9 Also, because 716 is in the midst of
10 jeopardy procedures, providers in the region could
11 experience delays in meeting customer requests for
12 new services that could cause adverse economic and
13 safety impacts for customers in the 716 area code
14 region. Should any recover -- relief decision be
15 delayed, such as situation will be mitigated to the -
16 - to the greatest extent possible with the
17 Commission's decision on area code relief today.
18 This concludes my remarks. Thank you, and we're
19 available for questions.

20 CHAIR CHRISTIAN: Thank you, Mr.
21 Kudan, your refrigerator anecdote hit close to home
22 as I got a message from my fridge just yesterday.
23 Thank you for that. You know, when I first heard
24 that this petition was submitted earlier, you know, I
25 -- I was excited. I was excited to see that we had a

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2 need for new area code in the region. You know, and
3 though we classify this as area code relief, what
4 this really represents is a growing region, right.
5 Sign up more people, more businesses,
6 more activity, which is something we as all New
7 Yorkers should celebrate and be quite proud of, as
8 our State continues to grow. And as I understand it,
9 we can expect similar future area code needs in the
10 future in other parts of the State and also in
11 Western New York. So thank you for giving this
12 presentation today. Appreciate the level of detail
13 and the anecdote.

14 MR. KUDAN: Thank you very much.

15 CHAIR CHRISTIAN: All right. With
16 that, Commissioner Burman?

17 COMMISSIONER BURMAN: Thank you.
18 Ruvain, I can't believe it's your first time speaking
19 here.

20 MR. KUDAN: I'm glad I made it.

21 COMMISSIONER BURMAN: I just want to
22 go on record. I don't want my refrigerator
23 identifying what I normally eat. So thank you.
24 Great presentation. I have no comments.

25 CHAIR CHRISTIAN: Thank you,

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2 Commissioner. Commissioner Alesi?

3 COMMISSIONER ALESI: It's not -- as
4 long as it doesn't jeopardize the operations of the
5 Buffalo Bills and their continued success I'm fine
6 with that.

7 CHAIR CHRISTIAN: I have no comment to
8 that. Commissioner Edwards?

9 COMMISSIONER EDWARDS: No comments.
10 Welcome.

11 CHAIR CHRISTIAN: Thank you,
12 Commissioner. Commissioner Howard?

13 COMMISSIONER HOWARD: Yeah, I have
14 just one question. So the issue of 10-digit dialing
15 is inevitable for everybody everywhere. Is that --
16 is that going to be the case?

17 MR. KUDAN: Yes, indeed. Yes, indeed,
18 the -- really a lot of the area codes have already
19 been transitioned to 10-digit dialing because of the
20 -- the transition or the implementation of the 988
21 suicide and crisis hotline that was implemented.
22 Interestingly, the 585 area code is the only area
23 code in the State that doesn't have 10-digit dialing
24 at present.

25 So interesting enough too, that's the

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2 next area code according to the latest forecast that
3 will exhaust. That's supposed to occur in the third
4 quarter of 2026, according to the most recent
5 forecast. And then the whole state, once that
6 happens, will be -- will have 10-digit dialing.

7 COMMISSIONER HOWARD: Great. Thank
8 you very much.

9 CHAIR CHRISTIAN: All right. Thank
10 you, Commissioner. Commissioner Valeski?

11 COMMISSIONER VALESKI: No questions.
12 Thank you.

13 CHAIR CHRISTIAN: Thank you. And
14 Commissioner Maggiore?

15 COMMISSIONER MAGGIORE: Thank you. So
16 the -- the last presentation -- first of all, thank
17 you for a great presentation and welcome aboard.

18 MR. KUDAN: Thank you.

19 COMMISSIONER MAGGIORE: The last
20 presentation was sober, as I indicated. This -- this
21 is actually great news. And if you bear with me, I'm
22 going to just share my opinion as to why I think
23 that. This is really building on something that the
24 Chair said.

25 But back in January when we approved a

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2 new area code for Long Island, Chair Christian
3 explained that the new area code is necessary, "as a
4 result of a robust economy and strong demand". A
5 quote that is so self-evidently correct that the
6 Daily News borrowed it for its headline in reporting
7 the story.

8 Well, being a native Western New
9 Yorker who still holds a 716 area code, I can say
10 that the reason for what -- that the reason that
11 Western New York needs a new area code is the same.
12 I'm 53 years old and grew up in Buffalo. For the
13 first four full decades of my life, Erie County's
14 population shrank significantly from census to
15 census.

16 Buffalo was the brunt of late-night
17 comedians' monologues. Its economy was known for the
18 demise of manufacturing businesses such as Republic
19 Steel. Even its greatest natural asset, its
20 waterfront largely remained an unattractive
21 wasteland.

22 The 2020 census tells a different and
23 remarkable story. Population growth for the first
24 time in my more than half a century of life Buffalo's
25 resurgence continues. In February of this year, the

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2 Buffalo News reported quote, "Population growth adds
3 to the frenzy around the roaring housing market",
4 comprising two concepts, population growth, and a
5 frenzied housing market that would have been alien to
6 Western New Yorkers for decades.

7 A columnist for the New York Times
8 wrote in July in response to the horrific shooting
9 that appalled the nation that "Buffalo's other story
10 is told in redevelopment and growth". Last month,
11 the Buffalo News reported "unemployment remains at
12 modern-day lows across Buffalo Niagara."

13 And today, the lead editorial in the
14 Buffalo News is titled "Affirmation of success.
15 Influential outsiders are taking note of Buffalo's
16 surging entrepreneurial culture."

17 These developments didn't just happen.
18 Thanks to State and local leaders and more
19 importantly the energy and ingenuity of Western New
20 Yorkers, Buffalo's waterfront has come to life as an
21 attraction that draws more than a million visitors
22 per year.

23 The Buffalo Niagara Medical Campus
24 located in what is now known as East Buffalo, employs
25 1000s while synergizing research, commercialization,

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2 and treatment to improve both the region's economy
3 and medical science.

4 Reenergized cultural attractions such
5 as Frank Lloyd Wright's Darwin Martin House, the
6 largest theater district between New York and
7 Cleveland. The renowned Buffalo Philharmonic
8 Orchestra and the Albright-Knox Art Gallery currently
9 undergoing the largest renovation of a cultural
10 institution in Upstate New York have become
11 international destinations that were featured in
12 plenty of best of lists in the second half of the
13 last decade.

14 Even the site of the former Republic
15 Steel, which sat as a brownfield for years, is now
16 home to more than 1500 green energy industry jobs.
17 On top of that, Josh Allen the Bills quarterback left
18 the census, despite showing growth for the first
19 decade since the Johnson administration.

20 The news nevertheless reported in
21 April that the Census Bureau actually "Underestimated
22 Erie County's population between 2010 and 2020". But
23 what the census doesn't know the phone company does.
24 Western New York needs nope -- needs more phone
25 numbers for good reason. Thank you.

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2 CHAIR CHRISTIAN: Thank you,
3 Commissioner. So we're going to bring this item to a
4 vote. I think it might be a close one. My vote is
5 to establish an all services area code overlay for
6 the 716 Numbering Plan area as discussed.
7 Commissioner Burman, how do you vote?
8 COMMISSIONER BURMAN: Yes.
9 CHAIR CHRISTIAN: Thank you.
10 Commissioner Alesi?
11 COMMISSIONER ALESI: Yes.
12 CHAIR CHRISTIAN: Thank you.
13 Commissioner Edwards?
14 COMMISSIONER EDWARDS: I vote yes and
15 I want to thank Commissioner Maggiore for his
16 comments and history. That was great. Thank you.
17 CHAIR CHRISTIAN: Thank you.
18 Commissioner Howard?
19 COMMISSIONER HOWARD: Yes.
20 CHAIR CHRISTIAN: Commissioner
21 Valeski?
22 COMMISSIONER VALESKI: Yes.
23 CHAIR CHRISTIAN: And Commissioner
24 Maggiore?
25 COMMISSIONER MAGGIORE: Yes.

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2 CHAIR CHRISTIAN: Thank you. We have
3 sufficient votes. The item is approved. Thank you.

4 MR. KUDAN: Thank you so much.

5 CHAIR CHRISTIAN: All right. With
6 that we're now going to move to the consent agenda.
7 Do any Commissioners wish to comment on or recuse
8 from voting on any of the items on today's consent
9 agenda? I will begin with Commissioner Burman.

10 COMMISSIONER BURMAN: Thank you so
11 much. I have a few items. Item 161 I will be voting
12 for, but I did just want to explain my vote. Here
13 this draft order before us allows the utility to
14 modify its C.P.C.N. in order to provide natural gas
15 service to an R.N.G. production facility located on
16 an Upstate dairy farm.

17 The utility is going to receive and
18 transport R.N.G. produced by the R.N.G. facility
19 through a newly installed transmission line to the
20 utilities existing pipeline infrastructure.

21 I'm very supportive of this item
22 before us. Projects like these present true economic
23 development opportunities in the agriculture industry
24 as part of our clean energy transition, providing a
25 dual benefit to the critical sectors of the economy,

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2 both energy and waste. This item is a clear example
3 of the role R.N.G. can play in our decarbonization
4 efforts and will hopefully help to shape our clean
5 energy future.

6 I would like us to make sure that we
7 continually have dialogue with the dairy farm leaders
8 to make sure that we're doing all we can in helping
9 our agriculture industry as they are part of the
10 energy transition.

11 Item 163 is, excuse me, it's a -- it's
12 a draft order seeking to approve the utilities' firm
13 customer gas demand response programs. I am going to
14 be concurring. I do raise concerns though, because
15 we do need to look at what we're doing in this space
16 and make sure that it is carefully evaluated in a way
17 that we're showing results and keeping costs down.

18 Item 266, I am going to be concurring.
19 We had an August order where I concurred at that
20 time, which established a Contin -- Continuity
21 Funding Mechanism C.F.M. to provide ongoing funding
22 for incentives in the clean heat program until the
23 conclusion of the New Efficiency New York item
24 review. And after that order ConEd asked for
25 clarification on the procedures really revisions to

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2 the electric tariff to include the C.F.M. in the MAC.
3 I do believe this is something that
4 was overlooked, and I support putting it in there to
5 just clarify exactly what that -- what that meant. I
6 will say that I am looking forward to continuing
7 after -- after this August order we did have a order
8 establishing the New Energy Efficiency Planning
9 proceeding and I am looking forward to that as well.

10 On item 368, I -- I have really tossed
11 and turned on what to do on this item. And I really
12 think it's important that I explain my vote and why
13 I'm going to be voting no. This is an item that is
14 very important, I believe and it deals with our
15 interconnection a New York State standardized in-
16 connection requirements for new distributed
17 generators and energy storage systems.

18 And in July of 2021, the Public
19 Service Commission issued an order approving the cost
20 sharing mechanism and making other findings, looking
21 at new rules for how to share the cost of dis --
22 distribution system upgrades.

23 Now, after that order, based on the
24 work of a lot of folks, including the interconnection
25 policy working group, we realized that we needed to

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2 make modifications and clarifications.

3 So in April of 2022, we did have
4 before us an item where we did do those
5 modifications. And making modifications to the
6 standard interconnection agreement is something that
7 is routinely done as appropriate over the years in
8 looking at how to really process improve, system
9 improve. And the interconnection policy working
10 group has been a good vehicle, I believe, to work
11 through some of those challenges.

12 However, after our order in April, we
13 had several petitions. For folks who said, look we
14 know that we had, and again, I'm paraphrasing, and
15 dumbing it down for myself. We had, I know, we
16 agreed to these changes and the order we were help --
17 hopeful for, but we really don't think you really got
18 it that right at least as to us in our projects.

19 We really need more time and really,
20 the focus was on them wanting to have our -- us
21 reconsider and/or clarify that the deadlines that
22 were in the order could be extended so that they
23 wouldn't be essentially pushed out of the queue and
24 have to really frankly, start over, which really
25 means that the project is no longer going to be

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2 viable. Whether it was or wasn't viable, I think is
3 really sort of the heart of the question.

4 So they brought these petitions on
5 each one, you know, explained why they felt that the
6 deadline was too arbitrary, and were wishing for us
7 to do that.

8 The thing that I think struck me is
9 that our order now, our draft order before us really
10 didn't go into the viability of the projects and the
11 petitioners. And in its stead the draft order
12 declines to grant reconsideration or clarification of
13 the April '22 order. And basically says, you know,
14 there were extensive discussions of the deadlines and
15 refundability of the interconnection payments before
16 and after the petitions were filed.

17 So developers, you guys agreed to
18 this, and you didn't put forward any new information
19 or change in circumstances that warrants us to
20 reconsider or clarify the payment deadlines. So you
21 know, essentially, goodbye, good luck, and we're not
22 changing that.

23 For me, what's important is that we
24 actually take time, as I see it, to look back
25 substantively and try to figure out what is going on.

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2 I didn't feel that I got that from the draft order.
3 And then looking at the petitions themselves, they
4 tell a story to me, which is explaining what it means
5 for them if they put forward significant payments.

6 And -- and without necessarily, you
7 know, which would be nonrefundable. And they were
8 explaining, each one has a different issue, on why
9 the deadlines were not necessarily helpful because of
10 other things outside of their control. And each one
11 has a different story, working with municipalities,
12 working with the utility, working with the community
13 trying to get that.

14 And I understand that we had years
15 ago, huge numbers in the interconnection queue. And
16 we couldn't tell what was viable and what wasn't
17 viable. So that there was a lot that was in the
18 queue that needed to be cleaned up.

19 And we did, I think a good job of
20 getting through the queue, trying to flush out
21 through mechanisms like payments that would be put
22 up, like certain deadlines, things that needed to be
23 done to showcase that you were having a viable
24 project. And if you didn't do those things in the
25 time fashion and the way it was done, you would be

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2 kicked out of the queue.

3 And what that did was it helped flush
4 out what was really sort of, you know, placeholders
5 that didn't have any viability behind them. And
6 therefore, we helped to reduce the queue, and the
7 backlog, and move projects forward.

8 But here are some of these projects.
9 I've actually sort of wondered, are they viable?
10 One's in Staten Island, the company seemed to be well
11 established. And I wanted to know, so what is it
12 that they were good with this interconnection
13 agreement, you know, revision that came before us in
14 April. Everyone seemed happy.

15 And now, you know, the deadline has
16 passed and -- and they made a request to the
17 Secretary, before the deadline was past, saying,
18 based on ordering clauses, ordering clause nine is
19 the one that I'm most concerned with. Secretary has
20 sole discretion to extend the deadlines in the order.

21 And so therefore, we would like the
22 Secretary to extend the deadlines and explains the
23 reasons. And ordering -- the ordering clause is, at
24 least to me on its face, pretty unambiguous. It
25 gives sole discretion to the Secretary to extend any

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2 of the deadlines in the order.

3 Now I think I would have
4 misinterpreted that to be that the Secretary could
5 look at a petition for an extension of time. And
6 based on the ordering clause asked for an extension.
7 That didn't happen. Instead, it was determined that
8 that ordering clause was not relevant, because the
9 changes that were made to the interconnection
10 agreement were part of the tariff and therefore not
11 something that the Secretary could extend on her own.

12 And you'd have to come to the
13 Commission, and that meant you'd have to SAPA, and
14 that meant that by the time you SAPA'd it, and it got
15 to us, the deadline was passed, and you are now
16 pushed out of the queue.

17 I think that is a chicken and egg
18 issue. And I think that there is a good faith
19 argument to be made that technically, that may be
20 what we meant by that ordering clause, that it was
21 only for things that were not part of the tariff and
22 therefore, the Secretary didn't have sole discretion.

23 This has come up before in other
24 orders that we've had where there's been some
25 clarification and some discussion on what does it

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2 mean with that ordering clause whether we were giving
3 discretion to the Secretary. And I am in no way
4 saying that we should give further discretion to the
5 Secretary unless there is a conversation.

6 But as to this ordering clause, I take
7 pause. Because for me, the question is, if these are
8 viable projects, what are we determining as viable
9 projects and if we have the ordering clause and the
10 changes that then have to get made that that got made
11 in the tariff are done pursuant to the order.

12 I do think that that ordering clause,
13 if we wanted to, could be used as the extension of
14 the deadline can be extended. Because what we're
15 asking to be done is to extend what is in the order
16 saying we accept this and we're moving the deadline
17 is X.

18 Yes, I understand that it has to be
19 aligned with the tariff. But the tariff has to be
20 aligned with the order. And if we reconsider and
21 clarify our orders, it actually is something that our
22 -- our orders speak for themselves.

23 And if we choose to because it makes
24 sense from a substantive perspective, to reconsider
25 it, I do think that we can then say the tariff has to

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2 be changed and not that we're locked into our order
3 and inability to move because of the tariff. I just
4 think it's a chicken and egg. It concerns me. But
5 more concerning is, I want to make sure that we are
6 not interpreting the failure to meet the deadline as
7 the be all and end all for the non-viability of a
8 project.

9 And what I mean by that is, yes, we
10 have benchmarks that we're doing to try to ensure
11 that nonviable projects will not get through or be
12 held in the queue and others having to wait while it
13 moves forward, right. So this was one way of helping
14 to push the viability of projects and making sure
15 people are meeting their deadlines.

16 However, we have to put an asterisks
17 because in real life, we need to understand, are
18 their challenges to those deadlines that are in good
19 faith based on the developers trying or showcasing
20 that there are issues. And in fact, if we chill
21 those projects, are they actually chilling
22 potentially things like our energy storage projects
23 and other things that we actually want to do to the
24 benefit of the customers.

25 With all that being said, I went back

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2 and forth over this because I do believe very
3 strongly that the interconnection policy working
4 group has been effective. I do think it's important
5 to have clarity in the way that we are setting forth
6 certain metrics and targets and having a way of
7 getting rid of those projects that will not succeed
8 in a timely fashion.

9 However, because I feel strongly that
10 I'm not sure we got it, we -- we definitely needed to
11 make modifications from the July, 2021 order we may
12 need to have taken time to revisit a little bit more
13 clearly the April, 2022 order and look to just say,
14 is this actually what we want to do based on the
15 deadline itself being the thing that says, well,
16 there's there -- therefore, you're not actually
17 viable because others were able to meet the deadline,
18 but yours weren't -- you weren't, so therefore,
19 you're out.

20 And the reason I say that is because
21 maybe the reason that they were able -- unable to
22 meet their deadline versus someone else being able to
23 meet the deadline is because maybe they had a larger
24 project. Maybe there was more money at stake. Maybe
25 there was more community engagement that needed to be

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2 done. Maybe there were more challenges with the
3 utility and the different -- and the municipality and
4 other things.

5 And I want to make sure that we get
6 under the hood a little bit to make sure that we're
7 not arbitrarily kicking out a potential viable
8 project that we really need because when we kick them
9 out, we're effectively having it dead on -- on
10 arrival. And so that's really kind of where I come
11 from.

12 Though I do understand the other side
13 of this. And I do -- I do that -- and that is why I
14 struggled in where I would come out here. And so for
15 me, I want to thank staff who spent an enormous
16 amount of time with me in trying to make sure that I
17 fully understood and also then went back and forth on
18 what was the right decision. And where I land is for
19 me I'm going to be voting no on this item for the
20 reasons that I stated. And -- and that's where I am
21 on that.

22 On items 369 through 371, I'm going to
23 do that as them as a collective, no. I want to
24 explain my vote. So I also wrestled here with what
25 the right approach was. There's three items; two of

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2 them are declaratory rulings, and -- and therefore
3 did not have SAPAs.

4 One did have a SAPA and it is looking
5 at the transfer under Section 70. All three -- so
6 two of them, the two that are the declaratory
7 rulings, reference the one that was SAPA'd, the 371.
8 And reference that the -- the -- the item three wind
9 was looking at whether or not to make a policy change
10 in Section 70.

11 And in 371, we -- the draft order
12 adopts a process for the review of proposed transfers
13 of interconnection facilities and related assets from
14 lightly regulated entities to interconnection
15 utilities and -- and really sort of tries to get rid
16 of unnecessary process under the Public Service Law
17 Section 70 and says we don't really need to do this
18 aspect of it. And therefore, the policy going
19 forward is -- is a change, and then they approve
20 that.

21 I don't -- I want to make it clear
22 there is nothing legally insufficient with changing
23 the policy. For me, though, I've been consistent in
24 when we are changing policy and it's being done in a
25 single matter case. In this case, Three Wind, we

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2 need to and it's affecting other projects and other
3 things.

4 I do not think it's sufficient that we
5 rely on the fact that we're SAPAing it. And in doing
6 so we have clearly not been as transparent to others
7 because two things one, this SAPA didn't actually
8 expressly indicate we were changing policy.

9 And the second is, when people are
10 looking through the register and the SAPA process, if
11 they're not -- have any interest in Three Wind, or
12 whatever the project is, they may not actually get
13 under the hood in looking to see where they stand on
14 a policy change because they're not -- it's not there
15 for them. They can't see it.

16 And then to have the other two that
17 are declaratory rulings which therefore don't --
18 don't necessarily need SAPAs to then rely on the very
19 policy change that's being done in 371 at the same
20 session, just sat wrong with me. And so for me, it's
21 consistent with kind of where I am always where we're
22 looking at it and saying, did we give enough
23 transparency to this. I will say, I don't
24 necessarily think if we had followed all that, that I
25 would disagree with the policy change.

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2 However, because I do feel I did not
3 necessarily allow enough transparency to that, even
4 though it was legally sufficient to do it the way
5 it's done, I do just point out that that's why I'm
6 going to be voting no. Because I do think that at
7 other times there may be significant policy changes
8 that really need a fuller vetting. And so we
9 shouldn't just rely on this as the way that the
10 process is to do it in that fashion. Because it
11 could have significant implications elsewhere, if we
12 just did it this way even if it's legally sufficient.

13 All that being said, that's why I'm
14 voting no on those three items. And I have no
15 further comments. Thank you.

16 CHAIR CHRISTIAN: Thank you,
17 Commissioner. Commissioner Alesi?

18 COMMISSIONER ALESI: No comments. So
19 I'll be -- I'll be supporting the entire agenda.

20 CHAIR CHRISTIAN: All right. Thank
21 you. Commissioner Edwards?

22 COMMISSIONER EDWARDS: No comments.
23 Thank you.

24 CHAIR CHRISTIAN: Thank you.
25 Commissioner Howard?

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2 COMMISSIONER HOWARD: I just want to
3 make note I'll be voting no on Item 373.

4 CHAIR CHRISTIAN: Thank you,
5 Commissioner. Commissioner Valeski?

6 COMMISSIONER VALESKI: I'll just
7 highlight Item Number 161. And I'll be supporting it
8 for all the reasons that Commissioner Burman already
9 articulated and would hope that we'd have an
10 opportunity to -- to review similar petitions going
11 forward in regard to renewable natural gas projects.
12 Thank you.

13 CHAIR CHRISTIAN: Thank you. And
14 Commissioner Maggiore?

15 COMMISSIONER MAGGIORE: I have no
16 comments. Thank you.

17 CHAIR CHRISTIAN: Thank you. And I'll
18 bring us to call for a vote. My vote is in favor of
19 the recommendations on the Consent Agenda.
20 Commissioner Burman?

21 COMMISSIONER BURMAN: I vote yes
22 except for 163 and 266. I am concurring. And then
23 on 368, 369, 370 and 371 I'm a no. Thank you.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner. Commissioner Alesi -- oh, sorry. I

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2 lost track. You just voted now, right. Okay.
3 Great. Thank you, Commissioner Alesi, how do you
4 vote?
5 COMMISSIONER ALESI: Yes on all items.
6 CHAIR CHRISTIAN: Thank you.
7 Commissioner Edwards?
8 COMMISSIONER EDWARDS: Yes on all
9 items.
10 CHAIR CHRISTIAN: Commission Howard?
11 COMMISSION HOWARD: Yes on all items
12 except Item 373 where I am a no.
13 CHAIR CHRISTIAN: Perfect. Thank you.
14 Commissioner Valeski?
15 COMMISSIONER VALESKI: Yes on all
16 items.
17 CHAIR CHRISTIAN: Commissioner
18 Maggiore?
19 COMMISSIONER MAGGIORE: Yes on all
20 items.
21 CHAIR CHRISTIAN: Thank you very much.
22 We have sufficient votes. The items are approved.
23 And the recommendations are adopted. Thank you.
24 Madam Secretary, is there anything further to come
25 before us today?

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2 SECRETARY PHILLIPS: There's nothing
3 further today.

4 CHAIR CHRISTIAN: Okay, thank you.
5 Before we adjourn I'd just like to take a moment.
6 You know, thinking through the NANPA order and -- and
7 thinking about what this month is, this month is
8 Domestic Violence Awareness Month. You know, I
9 appreciated you highlighting the creation of the
10 suicide prevention -- sorry, the suicide prevention
11 crisis hotline.

12 And I also wanted to highlight the
13 existence of the domestic violence hotline for those
14 who are suffering and in need. And for reference
15 that number is 1-800-799-7233. And also take a
16 moment to reiterate the availability of the crisis
17 hotline, the suicide crisis hotline, which is 988
18 simple three-digit code.

19 So I encourage anyone in need, seek
20 help. And though we can't solve all problems at
21 least we can provide support. So with that, I want
22 to thank everyone and adjourn today's meeting. Thank
23 you all.

24 (The meeting adjourned at 12:53 p.m.)

25 STATE OF NEW YORK

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2 I, MONIQUE HINES, do hereby certify that the foregoing was
3 reported by me, in the cause, at the time and place, as
4 stated in the caption hereto, at Page 1 hereof; that the
5 foregoing typewritten transcription consisting of pages 1
6 through 111, is a true record of all proceedings had at
7 the hearing.

8 IN WITNESS WHEREOF, I have hereunto
9 subscribed my name, this the 17th day of October, 2022.

10

11

12 MONIQUE HINES, Reporter

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