

1 Monthly Meeting - 10-15-20

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4

5

6 MONTHLY MEETING OF THE

7 PUBLIC SERVICE COMMISSION

8 VIA WEBEX

9

10 Thursday, October 15, 2020

11 10:30 a.m. until 1:00 p.m.

12

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14

15 COMMISSIONERS:

16 JOHN B. RHODES, Chair

17 DIANE X. BURMAN

18 JAMES S. ALESI

19 TRACEY A. EDWARDS

20 JOHN B. HOWARD

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2 CHAIRMAN RHODES: Good morning. This  
3 is John Rhodes, Chair of the Public Service  
4 Commission, and I call this session of the Public  
5 Service Commission to order. Secretary Phillips, are  
6 there any changes to the final agenda?

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

9 CHAIRMAN RHODES: Thank you very much.  
10 Before we get started, I would like to note our  
11 arrangements for the session today, in line with the  
12 guidelines concerning social distancing and  
13 minimizing large gatherings, and in light of  
14 executive orders the standard provisions over the  
15 open meetings while on an emergency basis, we are  
16 conducting today's session remotely.

17 I would like to remind those of you  
18 who are participating by phone to please mute your  
19 lines except when you are speaking. The public will  
20 have the opportunity to listen to the session on the  
21 department's webcast page, and we will also record  
22 and transcribe the session as has been our practice.  
23 These arrangements have been reviewed by our general  
24 counsel, and he has found that these meet the  
25 requirements of the executive orders and also that

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2 they meet my own expectations of honoring the intent  
3 of the open meeting law to the maximum extent  
4 permitted by our duty to protect the public health of  
5 New Yorkers.

6 Before moving to the agenda, I would  
7 just like to do a roll call of our commissioners.  
8 Please confirm that you're with us when I call your  
9 name. Commissioner Diane Burman.

10 COMMISSIONER BURMAN: Yes, I'm here.

11 CHAIRMAN RHODES: Thank you,  
12 Commissioner Jim Alesia.

13 COMMISSIONER ALESIA: Hello, good  
14 morning. I am here.

15 CHAIRMAN RHODES: Thank you very much.  
16 Commissioner Tracey Edwards.

17 COMMISSIONER EDWARDS: I am here.  
18 Thank you.

19 CHAIRMAN RHODES: Thank you and  
20 Commissioner John Howard.

21 COMMISSIONER HOWARD: I am here as  
22 well Mr. Chairman.

23 CHAIRMAN RHODES: Excellent, thank you  
24 very much. So, with that, we will move into the  
25 agenda. The first item for discussion, which is an

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2 informational item, is item 202, case 20-M-0189,  
3 which is the report on New York State Electric and  
4 Gas Supply readiness for the upcoming winter  
5 presented by Tammy Mitchell, Director Office of  
6 Electric, Gas and Water; David Maioriello, Utility  
7 Engineering Specialist III; Richard Quimby, Power  
8 Systems Operation Specialist IV; Paul Darmetko,  
9 Utility Supervisor; and Joseph White, Utility  
10 Consumer Assistance Specialist II. Tammy, please  
11 begin.

12 MS. MITCHELL: Good morning Chair  
13 Rhodes and Commissioners. Today staff will be  
14 briefing you on the results of our review of the  
15 state's natural gas and electric utilities readiness  
16 for the upcoming winter. Next slide please. Thank  
17 you.

18 First, Dave Maioriello will brief you  
19 on the readiness of the state's natural gas utilities  
20 and then provide you with a projection of average  
21 natural gas bills for the coming winter. Richard  
22 Quimby will update you on the readiness of the bulk  
23 electric system followed by Paul Darmetko who will  
24 discuss the projections for electricity prices for  
25 the coming winter, and Joseph White will conclude the

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2 panel with the discussion of outreach efforts related  
3 to winter bills and safety. Overall, both natural  
4 gas and electric utilities are prepared to meet  
5 customer needs for the upcoming winter season.

6 I will now turn it over to Dave  
7 Maioriello to discuss the natural gas utilities  
8 supply projections and forecasted gas prices, Dave.

9 MR. MAIORIELLO: Next slide please.  
10 Good morning Chair Rhodes and Commissioners. I am  
11 David Maioriello, and I am a utility engineering  
12 specialist in the pipeline safety and reliability  
13 section of the office of electric gas and water. I  
14 will brief you on the results of our annual review as  
15 to the regimens of the state's natural gas utilities  
16 for the upcoming winter. Although each of us will  
17 provide more detail overall, the New York Gas  
18 Utilities ... Next slide please. Next slide please.  
19 Our state ... The LDC serving New York State has  
20 completed their contracting for adequate natural gas  
21 supply delivery capacity and storage inventory to  
22 satisfy current firm customer demands under designed  
23 winter conditions for this winter. Staff continues  
24 to coordinate with oil industry representatives in  
25 the New York State Energy and Research Development

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2 Authority or NYSERDA to ensure that customers have  
3 access to adequate supplies of winter heating fuels.  
4 Each utility has a unique mix of assets, including  
5 pipeline capacity storage as well as compressed and  
6 liquified natural gas used to serve a unique mix of  
7 customers. Interruptible customers are those that  
8 have the ability to stop natural gas usage during  
9 periods of high demand are important providers of  
10 demand response service and reduce the amount of  
11 pipeline capacity needed to serve winter loads.  
12 Recent filings made by LDCs in rate cases focused on  
13 the use of demand response and non-pipes alternatives  
14 including energy efficiency to meet growing demand,  
15 especially in areas where local governments seek to  
16 phase out dirtier heating fuels, such as fuel oil and  
17 propane. We continue to monitor some areas of the  
18 state where demand is growing at a faster pace and  
19 where the existing distribution system is becoming  
20 constrained, including New York City, Westchester,  
21 and the Capital District. Next slide please. Next  
22 slide please, one more. Thank you. The LDCs  
23 purchase gas to supply their customers' winter needs  
24 in three ways and this is represented by the pie  
25 chart on this slide. The first way is by filling

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2 their natural gas storage facilities during the  
3 summer when demand is low. The second way is by  
4 hedging, which acts like an insurance policy to  
5 guarantee the volatility of gas -- the gas price  
6 will not be too high. The third way is by purchasing  
7 at the prevailing market price, which fluctuates with  
8 market forces and is called flowing gas. Despite a  
9 drop in the price of storage gas, both flowing gas  
10 and hedge gas are forecasted to be slightly higher  
11 than last year. The price of natural gas is  
12 influenced by many factors with weather being chief  
13 among them. Next slide please. Flowing and hedge  
14 gas forecasts are both influenced by NYMEX future  
15 trading. Despite historically low gas prices this  
16 year, traders anticipate higher costs -- costs this  
17 winter. This chart indicates that despite the  
18 increased forecasted prices are well within the price  
19 range over the last five years. Next slide please.  
20 This winter, we expect the average residential  
21 customer's winter heating bill to be about \$793.00  
22 and this is assuming normal weather, but this varies  
23 by utility. This is higher than last winter in large  
24 part due to the fact that last winter was unusually  
25 mild compared to typical weather. Next slide please.

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2 Earlier this year, a generic proceeding to  
3 investigate natural gas utility planning processes  
4 was instituted. Staff is currently in the process of  
5 reviewing the files submitted by our LDCs regarding  
6 both the vulnerable areas and their systems and their  
7 proposals for new long-term planning process. We  
8 have also received proposals from other stakeholders  
9 that will be taken into consideration in staff's  
10 proposal, and this proposal will be filed in the near  
11 future for public comment. Next slide please. In  
12 conclusion, our review indicates that the LDCs  
13 serving New York have secured adequate contracts for  
14 supplies of natural gas to meet expected firm  
15 customer requirements this winter. However, staff  
16 will continue our traditional monitoring of supply,  
17 prices, and interruptible customer compliance  
18 throughout the winter and report any situations that  
19 require commissioner attention, as well as ongoing  
20 work on some interstate pipelines to ensure system  
21 integrity. Staff will continue to work with the LDCs  
22 and interested communities to find innovative  
23 solutions to the challenges represented by increased  
24 demand for natural gas. This concludes my portion of  
25 the presentation, and I would be happy to take



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2 questions after the panel is finished. I will now  
3 turn it over to Richard.

4 MR. QUIMBY: Thank you. Next slide  
5 please. Good morning Chair Rhodes and Commissioners.  
6 My name is Richard Quimby, and I am a power systems  
7 operations specialist in the department's electric  
8 safety and reliability section. I am here today to  
9 brief you on staff's review of the bulk electric  
10 systems preparedness for the upcoming 2020/2021  
11 winter period. At the outset, I would like to say  
12 that based upon our review, we conclude that the bulk  
13 electric system is prepared to meet reliability of  
14 the state's winter electric demands. Next slide  
15 please. This chart shows the summer and winter  
16 historic coincident peaks since the year 2000. It  
17 also shows that New York State is a summer peaking  
18 state and therefore has to have sufficient available  
19 capability to meet loads while well above those  
20 typically experienced during the winter. Last year's  
21 winter actual electric peak load was 23,253  
22 megawatts. This was 2485 megawatts lower than the  
23 all-time winter peak of 25,738 megawatts, which  
24 occurred in a prolonged cold spell during the  
25 2013/2014 winter, which we referred to as the polar

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2 vortex. The electric peak forecast for the upcoming  
3 winter period is 24,130 megawatts. Next slide  
4 please.

5 This slide summarizes the resources  
6 expected to be available to New York during the  
7 winter. These resources include generation, demand  
8 response resources called special case resources, and  
9 purchases from outside of New York State. These  
10 resources are offset by expected unavailability or  
11 outage of generation resources. The NYISO expects to  
12 have 36,388 megawatts in net-capacity resources  
13 available during the winter to serve the forecasted  
14 winter peak load of 24,130 megawatts. Once operating  
15 reserves, which are resources available to meet  
16 sudden system contingencies, are accounted for, there  
17 is a capacity margin of 9638 megawatts. In short, we  
18 have sufficient capability to serve the forecasted  
19 load during the upcoming winter. Next slide please.

20 A winter coordination protocol is in place to  
21 facilitate communication between state agencies and  
22 the NYISO in circumstances where fuel supply for  
23 generating facilities may be at risk or if generator  
24 owners need a fuel specification waiver from the DEC  
25 to maintain reliability. The state agencies involved

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2 are DPS, DEC, NYSERDA, and DOT. As part of staff's  
3 winter assessment, we reached out to major generating  
4 facility owners in southeast New York who own about  
5 12,000 megawatts of dual-fuel generation capability.  
6 The dual-fuel capability enables generators to burn  
7 either natural gas or oil depending on the situation,  
8 which can be driven by economics or unavailability of  
9 one of the fuels. We've found that these owners are  
10 continuing to implement lessons learned from past  
11 winter experiences, including having increased  
12 prewinter onsite fuel resources, having firm  
13 contracts with fuel oil suppliers, conducting more  
14 aggressive replenishment plans, and having more  
15 proactive prewinter maintenance and facility  
16 preparations. Staff also met with the NYISO and  
17 discussed its procedures and protocols for the winter  
18 period. In recent years, the NYISO has instituted  
19 various changes to help ensure electric reliability  
20 during periods of tight natural gas supply, including  
21 closely monitoring generator fuel levels and  
22 replenishments. In addition, the NYISO has improved  
23 communications with interstate pipe lines, local gas  
24 distribution companies, and neighboring ISOs during  
25 periods of tight electric operating conditions. That

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2 concludes my presentation. I will now turn it over  
3 to Paul. Thank you.

4 MR. DARMETKO: Hi. Could you move to  
5 the next slide please? Good morning Chair Rhodes.  
6 Good morning commissioners. My name is Paul  
7 Darmetko, and I am a utilities supervisor in New York  
8 State Rates and Tariff section.

9 As Tammy mentioned, I will be  
10 providing you with some information on how the  
11 utilities have performed at reducing electric supply  
12 and price volatility for their full-service  
13 residential customers. I'll talk a little bit about  
14 the statewide portfolio that the utilities have in  
15 place this winter and also provide you with an  
16 estimate of what the statewide full-service  
17 residential customers supply rate may look like this  
18 coming winter compared to the last few years if we  
19 experience normal weather. Next slide please.

20 So this graph shows the results of the  
21 utilities electric supply price volatility mitigation  
22 efforts since December 2008. It compares the average  
23 New York ISO day ahead market price volatility, the  
24 red line, with the volatility of the utilities  
25 residential electric supply portfolios, the blue

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2 line. Each point represents the price volatility  
3 over a 12-month period as measured by the coefficient  
4 of variation. The high point that you see on the  
5 graph represents the volatility that was experienced  
6 due to the polar vortex of 2014, which resulted in  
7 increased market prices and increased price  
8 volatility. Even though customers benefited from the  
9 hedges that the utilities have in place, the impacts  
10 that customers experienced were high. As a result of  
11 lessons learned, the utilities modified certain  
12 aspects of their hedging programs. These changes  
13 included increase in the fixed price hedge level for  
14 their residential supply customers during the winter  
15 months from about 55% to about 70% on a statewide  
16 average basis as well as certain utilities maintained  
17 in multiple portfolios better hedged their customers  
18 located in different regions of their service  
19 territories.

20 As you can see, the utilities have  
21 continued to perform well at reducing their portfolio  
22 price volatility compared to the market, and similar  
23 to the last few years this winter the utilities have  
24 maintained on average a 70% fixed hedge level to  
25 mitigate market price volatility if it occurs. Next

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2 slide please. This slide compares the last few years  
3 of the statewide average full-service residential  
4 supply price, but we estimate the price to be this  
5 winter season if we experience normal weather. As  
6 you can see, at this point going into the winter, we  
7 projected on a statewide average basis the full-  
8 service residential commodity price will be about a  
9 penny per kilowatt hour, higher than last winter.  
10 This is mainly due to last winter being very mild.  
11 As you can see, the commodity price is expected to be  
12 about the same as the five-year average. This is,  
13 however, a statewide average, so depending on where  
14 customers are located this will vary. It will also  
15 vary based on how cold the winter is. If it's a mild  
16 winter, we would expect that the price be more in  
17 line with last winter. If it's a colder than normal  
18 winter, we would expect the price to be higher,  
19 although mitigated by the utilities hedges. So, in  
20 closing, if the weather does turn cold or if other  
21 system conditions occur that would cause the market  
22 price of electricity to spike, utilities have taken  
23 steps to protect their full-service residential  
24 customers through the volatility management programs.  
25 Also, as of right now, if we experience a normal

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2 winter, it's projected that full-service statewide  
3 residential commodity price will be higher than last  
4 year but right around the five-year average. That  
5 concludes my portion of the presentation. I will now  
6 turn the presentation over to Joseph.

7 MR. WHITE: Good morning Chair Rhodes  
8 and Commissioners. My name is Joseph White, and I am  
9 in the outreach and education section of the Office  
10 of Consumer Services where I serve as a utility  
11 consumer assistance specialist. During the coming  
12 winter months, many New Yorkers will face the  
13 difficulty of managing energy costs due to the  
14 challenging economic conditions. This situation will  
15 be particularly hard on the elderly families with  
16 fixed or low incomes. This report describes the  
17 outreach efforts being implemented by the department  
18 staff of New York State Energy Utilities to provide  
19 consumers with information to help them manage their  
20 energy usage related bills and to help raise  
21 awareness of consumer protections available during  
22 the 2020/2021 winter season. Next slide please.

23 Both the department and utilities  
24 we'll promote messages regarding expected energy  
25 pricing, and we'll focus on the following key

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2 messages. One, ways to manage winter bills,  
3 including bill payment programs such as budget  
4 billing and deferred payment agreements and financial  
5 assistance programs such as the home energy  
6 assistance program also known as HEAP. Cold weather  
7 -- I'm sorry -- number two, cold weather rules and  
8 other measures that will protect consumers from  
9 service termination and the resources available to  
10 assist consumers faced with heat-related energy  
11 emergencies. Number three, simple affordable  
12 measures consumers can take to reduce energy use and  
13 become more energy efficient, which may help to lower  
14 their bills; safety information regarding natural  
15 gas, electricity, carbon monoxide, and storm-related  
16 interruptions. Next slide please. This year's  
17 program continues on our ongoing efforts to reach  
18 consumers through a grass-roots strategy. However,  
19 in light of the COVID-19 pandemic, our winter  
20 preparedness campaign will focus on finding new ways  
21 to reach utility customers through these important  
22 messages with important messages. In lieu of in-  
23 person events, we will concentrate on using the  
24 department's websites, toll-free numbers, and social  
25 media channels as well as connecting with our partner



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2 organizations through email and our online platform  
3 to get our messages out to the utility customers.

4 Specifically, we will develop plain  
5 language publications that highlight our core  
6 messages. The publications will be available on the  
7 AskPSC website for downloading and printing. All  
8 winter campaign publications will be in English and  
9 Spanish and some may be available in other languages,  
10 including Chinese, Haitian Creole, Bengali, Korean,  
11 and Russian. To extend the outreach of our program,  
12 we will utilize our statewide network of over 6000  
13 consumer leaders, local governments, social service  
14 organizations and agencies, and community  
15 organizations, and we will invite these leaders to  
16 work with us in educating consumers about their  
17 winter energy costs. We will direct them to the  
18 AskPSC site where our materials will be available in  
19 digital format for our partners to share with their  
20 constituents. In addition to providing partners with  
21 our educational materials, we're developing a series  
22 of workshops for targeted consumer leader groups,  
23 such as those that serve the low-income customers.  
24 The workshops will focus on our main winter  
25 preparedness messages, bill management, consumer

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2 protections, energy efficiency, tips and safety, as  
3 well as information about the COVID-19 termination  
4 moratorium. These workshops will increase our  
5 efforts to reach New Yorkers, and they will also be  
6 available -- and we will also be available to provide  
7 virtual presentations to consumer groups upon  
8 request. To further increase our reach to New York's  
9 consumers and make information more accessible to the  
10 virtual community. We'll post the information to the  
11 department's social media platforms such as Facebook  
12 and Twitter, and we will put these links on our  
13 AskPSC winter page on the department's Facebook  
14 webpage. We can also explore recording workshop  
15 presentations and posting them on the page as well.  
16 We will develop a list of tips, sound bites that can  
17 be tweeted out on a regular basis through our winter  
18 months. We will develop a graph that can be used at  
19 our partner's websites that link directly back to  
20 AskPSC winter page. Next slide please. In addition  
21 to the department's outreach program, the utilities  
22 also implement outreach programs, which include  
23 winter preparedness information, messages with a  
24 focus on bill payment and financial assistance  
25 programs, storm preparation measures, winter safety

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2 and energy efficiency tips, rebates and incentive  
3 programs. The utilities are using a variety of  
4 delivery vehicles to reach their customers, including  
5 email campaigns, text alerts, news release, radio and  
6 paid media ads, bill inserts, bill envelope messages,  
7 newsletters, on-hold telephone messages, website  
8 features, and social media platforms such as  
9 Facebook, Twitter, and Instagram. The utilities are  
10 also working with municipal and elected officials to  
11 partner with Human Service organizations and  
12 community groups. Some utilities are also taking  
13 advantage of smarter meter technology -- smart meter  
14 technology to alert customers about energy usage and  
15 offer tips about energy savings actions that could  
16 help to reduce their bills.

17 Finally, the utilities provide  
18 training to the consumer advocates and call-center  
19 staff on winter messaging and customer assistance.  
20 In conclusion, the office of consumer services winter  
21 energy outreach and education program is designed to  
22 ensure that New York State utility customers have  
23 access to information about programs that will help  
24 them manage their winter energy bills and educate  
25 them to be more energy efficient. Staff will

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2 continue to monitor the need for additional outreach  
3 education efforts during these uncertain times, and  
4 we'll work with utilities to make modifications as  
5 needed throughout the heating season.

6 That concludes my portion of this  
7 presentation. I will now return our presentation  
8 back to Tammy. Thank you.

9 MS. MITCHELL: Thank you, Joe. Chair  
10 Rhodes and Commissioners, this concludes our  
11 presentation on the natural gas and electric utility  
12 winter preparedness. We're now available for any  
13 questions you may have.

14 CHAIRMAN RHODES: Thank you, Tammy.  
15 Thank you, Dave, Richard, Paul and Joe. A very well-  
16 done report and also a report that brings good news  
17 on reassuring outlooks on supply and costs for our  
18 customers and that we are in a very good state of  
19 readiness in terms of our customer communications and  
20 outreach and protection approaches for all New  
21 Yorkers. I appreciate the work that led to the  
22 readiness and also the work that went into the  
23 report. Thank you very much. Commissioner Burman,  
24 any questions or comments?

25 COMMISSIONER BURMAN: Thank you so

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2 much. This is Commissioner Burman. I just really  
3 have -- first of all, thank you to Staff for the  
4 presentations. I really just want to highlight three  
5 things. Information, especially on HEAP and then  
6 emergency HEAP, and the timelines to sign up for the  
7 applications of where to get that information is  
8 really, really critical. So to the extent that we  
9 stay on top of that and include that in our outreach  
10 and social media education is really important.  
11 Second is I do want to give a shout-out to the live  
12 webinar series. I happened to listen to part of the  
13 one this week on the low-income forum on energy on  
14 HEAP updates for 2020 and 2021 heating season. I  
15 thought it was really well done. I try to listen to  
16 all of the different webinar series that are put on  
17 with NYSERDA with various stakeholders, including  
18 PULP who has been really active in helping with that  
19 and also the Office of Temporary Disability  
20 Assistance. So those are also on NYSERDA's website,  
21 and if there is a way that we can ensure that we're  
22 working in tandem to get that information out to  
23 critical people I think that's important information  
24 and people can benefit from that. And the third  
25 thing is just a comment. Last year at this time --

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2 October is always when we do our winter preparedness  
3 session. I do note that last year the presentation  
4 also focused on the fact that we were waiting for the  
5 supply constraint report and the investigation that  
6 was being done on the gas issues in the state. So I  
7 am concerned that while last year we talked about  
8 that and that, you know, it evolved into many  
9 different things, and we still haven't seen  
10 necessarily a more comprehensive report on a few  
11 different ones. There is a slide here that was  
12 discussed on the gas planning proceeding that was  
13 opened, and I do think it's important for us to have  
14 some clarity on our processes and other things that  
15 were done that hadn't necessarily had that much  
16 follow-through. So I just take note of the fact that  
17 this is important and especially as supply constraint  
18 curtailment issues are important to address,  
19 especially if events happen that make us have to look  
20 at curtailment. It's an important issue, so thank  
21 you.

22 CHAIRMAN RHODES: Thank you very much.  
23 Mr. Alesi, any questions or comments?

24 COMMISSIONER ALESI: Well, just  
25 briefly. Thank you, Mr. Chairman. As we are living

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2 in a time of so much uncertainty, this report is  
3 reassuring to say the least, and once again we see  
4 the value of the exceptional talent of our staff.  
5 It's great work and thank you. I will be embracing  
6 this wholeheartedly.

7 CHAIRMAN RHODES: Thank you.  
8 Commissioner Edwards.

9 COMMISSIONER EDWARDS: No questions.  
10 I just want to thank the staff for a comprehensive  
11 review and it's good to see that we're in good shape  
12 going forward. Thank you.

13 CHAIRMAN RHODES: Thank you.  
14 Commissioner Howard.

15 COMMISSIONER HOWARD: Yes, thank you.  
16 Mr. Chairman. I just had one comment and one  
17 question. My comment is to echo Commissioner  
18 Burman's concern as I shared with the downstream  
19 interruptions that could have a major impact on New  
20 York State's gas supply and to remind everyone that  
21 we are at the end of the supply chain, and things  
22 that happen outside our jurisdiction could have major  
23 impacts on our supply. So keeping on top of that is  
24 essential. The second, and this is more of a  
25 question -- is a question -- is given that we have so

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2 many utility customers currently in arrears as --  
3 before we even begin our heating system, I want to  
4 know what mechanisms either to bills or making it  
5 much more explicitly in bills that -- that customers  
6 know that through the governor's executive orders  
7 that they cannot be cut-off for being in arrears and  
8 that we don't allow utilities to unfairly scare  
9 customers into cutoffs that are not allowable. So  
10 can somebody sort of elaborate on how we communicate  
11 that as well on top of the existing programs that may  
12 exist?

13 MR. WHITE: Good afternoon, sir. I do  
14 believe that what we're -- we do have a campaign  
15 right now that is being assembled and some of the  
16 pages are already up explicitly explaining -- oh,  
17 sorry. This is Joseph White. I apologize --  
18 explicitly explaining the moratorium on shutoffs. We  
19 developed a new page that's on our AskPSC website,  
20 and you could go right there and look at it. It's  
21 available for everyone to see. If someone else wants  
22 to maybe elaborate on what would be in the utility  
23 company's -- on the utility company's bills. But I  
24 do know that there are messages that the utility  
25 companies are putting out in their billing just from



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2 my presentation. I did have that information. They  
3 are putting information in the bill about customer  
4 protection shutoffs, deferred payment agreements. I  
5 have other staff from my office with me here. If any  
6 of them want to add anything, please do. Thank you.

7 CHAIRMAN RHODES: Thank you very much.  
8 Again, thanks to the staff and to our presenters for  
9 excellent work. I guess -- I'm sorry -- Mr. Howard,  
10 did that response satisfy you or? I jumped the gun.

11 COMMISSIONER HOWARD: Yes. I would  
12 just hope that particularly as this winter season  
13 goes on and -- and, as I believe, the amount of  
14 uncollectibles goes up and potentially the number of  
15 individual customers with uncollectible issues. So  
16 it goes up, but we remain vigilant and make sure that  
17 utilities was -- they do communicate, either through  
18 bills or through other mechanisms, make it very clear  
19 to customers that there -- that the cutoff moratorium  
20 exists.

21 MR. WHITE: Thank you. Thank you,  
22 Commissioner Howard. Thank you, Chairman.

23 CHAIRMAN RHODES: Thank you, thank  
24 you, and again thank you team. So thank you for that  
25 informational item on the report. We will now move

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2 to the second item for discussion, which is the first  
3 item on which we will vote. Item 203, case 20-M-  
4 0499, which is in the matter regarding the need for  
5 reporting risks related to climate change presented  
6 by Craig Henry, Chief of Finance Policy; Doris Stout,  
7 Director of Office of Accounting, Audits, and Finance  
8 is available for questions. Craig, please begin.

9 MR. HENRY: Good morning Chair Rhodes  
10 and Commissioners. This is Craig Henry. I am Chief  
11 of Finance Policy in the Office of Accounting,  
12 Audits, and Finance. The direct order before the  
13 commission today institutes proceeding to evaluate  
14 alternative Climate-related Financial Disclosure  
15 frameworks for New York's electric and gas utility  
16 operating companies. The threats posed by climate  
17 change and its potential impacts on all aspects of  
18 the economy are broadly recognized, as the direct  
19 order asserts the potential impact on public  
20 utilities of climate-related risk essential to the  
21 continued provision of safe and adequate service  
22 across the state while protecting the natural  
23 environment. So why are we proposing to act now?  
24 Over the past several years, there has been a  
25 profound reassessment among investors regarding the

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2 magnitude of the risks posed by climate change. This  
3 has prompted investors to demand that companies help  
4 them understand not only the physical risks  
5 associated with climate change but also the manner in  
6 which evolving climate policies will impact demand,  
7 prices, costs, and ultimately the financial risks  
8 that businesses face. In response to these investor-  
9 driven demands, there have been numerous Climate-  
10 related Financial Disclosure frameworks that have  
11 evolved all of which are intended to promote more  
12 informed-investment decisions that will enable  
13 investors to better understand their exposure to  
14 climate-related risks. These disclosure frameworks  
15 include the Financial Stability Board's Taskforce on  
16 Climate-related Financial Disclosures or TCFD, which  
17 in 2017 released recommendations calling for a  
18 uniform set of corporate Climate-related Financial  
19 Disclosures. Others include a Climate Disclosure  
20 Project or CDP; the Climate Disclosure Standards  
21 Board, CDSB; the global reporting initiative, GRI;  
22 the International Integrated Reporting Council, IIRC;  
23 and the Sustainability Accounting Standards Board,  
24 SASB. Other efforts are thought to drive better  
25 alignment of these frameworks for the disclosures

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2 recommended by the TCFD, including the corporate  
3 reporting dialogue, which started the Better  
4 Alignment project in 2018. Utility trade groups have  
5 also been engaged. The American Gas Association and  
6 Edison Electric Institute have developed a joint ESG  
7 and sustainability template, and more recently the US  
8 Commodity Futures Trading Commission released a  
9 report just last month emphasizing the importance of  
10 undertaking climate-risk analysis to better inform  
11 decision making across the financial system,  
12 regulators, and financial institutions. The draft  
13 order notes that several of the parent holding  
14 companies of New York's 11 major electric and gas  
15 utilities are signatories to the TCFD, and the others  
16 have adopted alternative frameworks for disclosing  
17 climate risk. Now, those companies have committed to  
18 fully adopting the TCFD's recommendations and  
19 alternative frameworks in their disclosures to their  
20 investors. It is important to recognize that this  
21 information is aggregated at the holding company  
22 level and it is not utility specific. It is also  
23 important to note that New York's largest electric  
24 and gas utilities has more than 52 billion dollars in  
25 capital and in just the past year have raised some

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2 6.2 billion through their debt issuances. Given  
3 these companies significant assets and their changing  
4 physical infrastructure needs, increased transparency  
5 of their specific climate-related financial risks  
6 would allow better planning and investment consistent  
7 with the state's climate goal of a carbon-neutral  
8 economy by 2050. For that reason, the draft order  
9 seeks to solicit comments from interested parties on  
10 the pros and cons on the costs and benefits of  
11 providing Climate Financial Disclosure statements,  
12 whether utility operating companies in New York  
13 should be required to issue annual Climate Financial  
14 Disclosure statements and which Climate Financial  
15 Disclosure approach should be followed, and whether a  
16 consistent model must be used by all utilities. Once  
17 these comments are received and evaluated, Staff will  
18 formulate a recommendation and return it to the  
19 commission for further actions as needed. That  
20 concludes my remarks.

21 Doris Stout and I are available for  
22 questions.

23 CHAIRMAN RHODES: Thank you, Craig.  
24 This is John Rhodes. That was very succinctly and  
25 clearly presented. My own view is that today we can

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2 act to -- we can act to increase the necessary and  
3 valuable transparency on climate-related risk to the  
4 utilities that operate here in New York. We have a  
5 chance to ensure focus by management, by investors,  
6 by lenders so that these utilities will be best  
7 positioned to provide safe and reliable service to  
8 their customers, to our own New Yorkers, in the years  
9 ahead. I think this is a valuable initiative to  
10 initiate, and I am going to be supportive of this  
11 item. Commissioner Burman?

12 COMMISSIONER BURMAN: Thank you. I  
13 just have a process question before I give my  
14 thoughts here. One of the questions I have is we are  
15 talking about potentially looking at these climate-  
16 related risk disclosures to be included annually with  
17 the utilities financial reports. What's the next-  
18 step process in terms of this order and when we  
19 expect what we might be doing with this? So if you  
20 could talk a little bit about the process but also  
21 when you talk about looking at this in utilities  
22 financial reports talk a little specifically about  
23 which reports, where are they going, who is  
24 evaluating, etc. Thank you.

25 MS. STOUT: Craig, do you want me to

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2 take that?

3 MR. HENRY: Sure.

4 MS. STOUT: Sure. So this is Doris  
5 Stout. The draft order request comments to be filed  
6 within 30 days. Once those comments are received,  
7 Staff will review them, write-up a full  
8 recommendation that can be then SAPA'd for further  
9 consideration. That SAPA process runs for a few  
10 months and then we would come back to the commission  
11 with a final recommendation to whether it be to  
12 implement a certain approach or how that would be  
13 implemented going forward. Our annual reports or  
14 financial annual reports, the traditional ones that  
15 we receive, aren't received until the end of the  
16 first quarter generally at the end of March. And so  
17 I think the timing would be a little tight to get the  
18 Climate-related Financial Disclosures in at the same  
19 time, but we might be able to follow up with Climate-  
20 related Financial Disclosures somewhat thereafter,  
21 but we'll have to evaluate how things progress and  
22 the timing of it.

23 CHAIRMAN BURMAN: All right, thank  
24 you. That's very helpful because I do know that many  
25 companies might be looking at that and trying to

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2 figure out what that means for their filings in  
3 March. Just from where I come from, I look at this  
4 as overall this issue is a really important one.  
5 Climate financial disclosure is something that I  
6 think most forward-thinking companies and especially  
7 in New York I really think that there is a solid  
8 foundation among all of our utilities and what  
9 they're doing and on which we can look at how to  
10 build further. For me as a regulator, I look at it  
11 really in the framework of other things that we've  
12 looked at with ESG in particular. Before, you know a  
13 few years ago, environment, social, and governance  
14 issues were only something that a few investors and a  
15 small minority population were deliberately looking  
16 at it, and today it's really much more mainstream.  
17 Most of the big institutional investors are applying  
18 an environmental, social, and governance lens on  
19 investing and many individual investors and customers  
20 in general are also looking at this. I do see that  
21 these issues are really important and we're at an  
22 inflection point, and in our utility regulatory space  
23 these are significant issues that not only the  
24 companies, investors, and customers have to  
25 increasingly grapple with, but we as a regulator need



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2 to be looking about and asking ourselves what our  
3 specific role is in this space, but it is something  
4 that from my perspective is not unique to what we're  
5 already currently doing. We have an incredible staff  
6 fiscally looking at these issues and evaluating them,  
7 but companies are already currently providing a lot  
8 of publicly-available information. Many companies in  
9 New York have clean energy commitments. They also  
10 file numerous SEC filings. They have sustainability  
11 reports, and it really is also in many ways tied into  
12 an incorporated in how we look at the rate plans and  
13 when we go into evaluating the success of many of our  
14 regulatory policies. And for example, environmental  
15 and social aspects are considered through our energy  
16 efficiency programs advancing REV and DG issues,  
17 methane reduction through LPP replacement, site  
18 investigation remediation, water conservation, low-  
19 income affordability programs. We've also created a  
20 number of incentive mechanisms to advance these areas  
21 through positive revenue from adjustments and EAMs,  
22 including carbon-reduction metrics. And we do  
23 address the governance aspects to some degree through  
24 merger agreements and management audits, and we will  
25 get the board qualifications on our local focus. We

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2 do need to be mindful of not being prescriptive or  
3 over micromanaging and seeking to impose  
4 inappropriately governance structure on the  
5 utilities. Our financial staff does review and look  
6 at impacts on the bond rating, how these ESG factors  
7 into those considerations. I'm struck also just  
8 knowing that we recently saw some folks focused on  
9 some regulatory concern and uncertainty with some of  
10 our utilities because of our COVID-19 proceeding and  
11 where that may land or not and how that will impact.

12 So, from my perspective, I think that  
13 we need to be mindful that this is something that is  
14 important, but it is something that I do think we've  
15 seen. As I said, the solid foundation that the  
16 utilities are building upon -- there's been in fact,  
17 after Superstorm Sandy, there was a proven record in  
18 the hardening -- storm hardening and other resiliency  
19 activities that were done to show that there was a  
20 focus on it, shoring up that infrastructure. And,  
21 for me, I think the most important thing is looking  
22 at that and what exactly the framework is that's  
23 important for us to give a signal that we care about  
24 these things but not treat it in such a siloed way  
25 that it has unintended negative consequences and

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2 really all industries and utilities in particular  
3 should be looking at climate risk and ESG  
4 considerations, but the focus really is on what's  
5 material? What is necessary for comprehensive  
6 disclosure that will inform people and also give some  
7 ability to compare how well folks are doing and also  
8 be helpful to overall the assessing and managing and  
9 mitigating climate risk and other factors that can  
10 help inform these ongoing strategic activities that  
11 companies are doing and that we, as regulators,  
12 should really be looking at is our current regulatory  
13 framework supporting the need to respond to the  
14 physical effects of climate change or other ESG  
15 factors? And are we doing it in a way that is  
16 prudently helping folks in this space without being  
17 overly prescriptive or overly micromanaging and to  
18 the extent that we look at what's necessary from a  
19 reporting disclosure perspective versus a regulatory  
20 perspective and how those overlap? I would like to  
21 make sure that we're also being comprehensive in all  
22 the other ways that are currently available for folks  
23 to look at the information and who is the audience  
24 whether it's investors, whether it's a regulator, or  
25 whether it's the customers and how is that

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2 information conveyed?

3 I would guess that our utilities  
4 currently deal with somewhere between 10 and 30  
5 equity and credit research analysts, including  
6 rating agencies asking for information. There are  
7 probably about 150 to 200 firms that provide ESG  
8 ratings for companies and that number is increasing.  
9 So we have to be mindful that our utilities need to  
10 be able to manage this heavy volume for data requests  
11 and divergent-rating methodologies and looking at  
12 what is it that we're ultimately trying to do and  
13 ensuring that the focus here is one that helps to  
14 give clear concrete next steps without sort of  
15 bogging down things in a way that is not helpful. So  
16 from my perspective, my bottom line is I think it's  
17 important for these discussions. I think we need to  
18 be mindful of working together in a collaborative way  
19 as we've seen in other things that have been  
20 successful.

21 We need to be able to gain information  
22 on the good work that the utilities are currently  
23 doing and helping to build upon that. And I think it  
24 is important to focus on ESG or climate risk or other  
25 things, metrics and reporting, that's not new to the

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2 utility industry. I do recognize there is an  
3 increased focus on what they are tracking as they  
4 think about the industry and how it's evolving and  
5 where they may need to go in order to support  
6 information to customers, communities, and society as  
7 a whole. So it is a good thing that we look at and  
8 examine how to pursue a systematic approach to risk  
9 management and reporting. I think we -- especially  
10 because the utilities are already in this space, I'm  
11 sure this will also be a good opportunity to showcase  
12 some specific things that they are doing already to  
13 show the benefits. And, at the end of the day, what  
14 we want measured, what gets managed, what gets  
15 disclosed has to be done in a way that is helping us  
16 in looking at the metrics and targets to assess and  
17 manage relevant risks and help on strategic next  
18 steps. Thank you.

19 CHAIRMAN RHODES: Thank you very much.  
20 Commissioner Alesi, any questions or comments?

21 COMMISSIONER ALESI: Just a quick  
22 comment. Mr. Chairman, thank you.

23 We recognize as much as the public  
24 relies on utilities, the utilities also rely on  
25 investors and we know from this report and from just

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2 everyday knowledge now that climate change clearly  
3 does pose a risk to investors and climate-risk  
4 assessment will enable those investors to make  
5 prudent choices and help provide financial stability  
6 in that market sector. But it was said earlier we  
7 have more to see, and hopefully we will gain more  
8 knowledge as we progress. Thank you.

9 CHAIRMAN RHODES: Thank you very much.  
10 Commissioner Edwards.

11 COMMISSIONER EDWARDS: No. I don't  
12 have any questions. I think it's important that we  
13 move forward with this. It's important work, it's  
14 necessary work, and I appreciate the briefing. Thank  
15 you.

16 CHAIRMAN RHODES: Thank you very much.  
17 Commissioner Howard.

18 COMMISSIONER HOWARD: You know I have  
19 one question about the focus -- or the actual focus  
20 of our studies. Will they be exclusively for the New  
21 York properties given that most of our investor  
22 utilities are part of very large multinational  
23 conglomerates and that climate issues outside of New  
24 York and these affiliated companies will they be  
25 included in this potential risk evaluation?

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2 COMMISSIONER HENRY: This is Craig  
3 Henry. The intent of this is to get information that  
4 is at the operating company level whereas the parent  
5 companies obviously are providing information that  
6 aggregates all their activities to their  
7 shareholders. We're looking for information that is  
8 specific to the New York utility operating companies  
9 so that there's -- the decision making can focus  
10 specifically on how their assets are operated.

11 COMMISSIONER HOWARD: And will that  
12 include a comparison of New York assets how a large  
13 company behaves in New York as opposed to it may  
14 behave differently in other more companies?

15 MR. HENRY: So we're -- at this point  
16 -- this is Craig Henry again. At this point, we're  
17 soliciting comments from interested parties. I think  
18 we're certainly willing to listen to the varying  
19 viewpoints and maybe there are some reasons to be  
20 concerned about other -- what's going on in other  
21 jurisdictions. I think the comments should shed some  
22 light on that. I don't know if you have anything to  
23 add to that Doris.

24 MS. STOUT: No. I think that was a  
25 good response.

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2 COMMISSIONER HOWARD: Well, I would  
3 encourage to take the broadest view possible on these  
4 companies, particularly those that operate  
5 internationally where certain companies, particularly  
6 those that operate in the European Union and other  
7 things that may have a more aggressive climate agenda  
8 that we do in New York, even though ours is  
9 extraordinary. But again, I would hope that we would  
10 take a broader view. Thank you.

11 CHAIRMAN RHODES: Thank you very much.  
12 With that, we will move to call for a vote. For the  
13 record, this is John Rhodes, and my own vote is in  
14 favor of the recommendation of staff as to proceeding  
15 and seeks comments as discussed.

16 Commissioner Burman, how do you vote?

17 COMMISSIONER BURMAN: I concur.

18 CHAIRMAN RHODES: Thank you.

19 Commissioner Alesi, how do you vote?

20 COMMISSIONER ALESI: I vote yes.

21 CHAIRMAN RHODES: Thank you.

22 Commissioner Edwards, how do you vote?

23 COMMISSIONER EDWARDS: I vote yes.

24 CHAIRMAN RHODES: Thank you.

25 Commissioner Howard, how do you vote?



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2 COMMISSIONER HOWARD: I will also be  
3 voting yes. Thank you.

4 CHAIRMAN RHODES: Thank you. The item  
5 is approved and the recommendation is adopted. We  
6 will now move to the third item for discussion, which  
7 is item 301, case 15-E-0302 as it relates to proposed  
8 modifications of the clean-energy standard presented  
9 by Tom Rienzo, Chief Clean Energy Programs; Tom  
10 Dwyer, Assistant Counsel; and Warren Myers, Director  
11 of Office of Marketing and Regulatory Economics are  
12 available for questions.

13 Tom, if you're ready, please begin.

14 MR. RIENZO: Yes, thank you, Chair.

15 Good morning Chair Rhodes and  
16 Commissioners. Item 301 is a draft order approving  
17 modifications to the clean-energy standard for the  
18 CES in order to align that program with the Climate  
19 Leadership and Community Protection Act or the CLCPA.  
20 These modifications were proposed as part of the June  
21 18, 2020, White Paper jointly prepared by staff of  
22 the Department of Public Service and the New York  
23 State Energy Research and Development Authority or  
24 NYSERDA. In addition, the draft order approves with  
25 modification a January 27, 2020, petition submitted

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2 by NYSERDA seeking to establish a competitive tier  
3 two program through which NYSERDA would competitively  
4 procure renewable energy certificates for less from  
5 eligible existing instate renewable resources in  
6 order to provide compensation for the beneficial  
7 environmental attributes associated with  
8 degeneration. The White Paper proposes to use  
9 existing regulatory and procurement structures  
10 established under the Renewable Energy Standard or  
11 the RES to meet the various CLCPA targets.

12 Specifically, the White Paper proposed  
13 the alignment of the CES eligibility with the  
14 definition of renewable energy systems in the CLCPA  
15 as codified in the Public Service Law section 66P.  
16 The adoption of average annual procurement targets  
17 for tier I and offshore wind, modifications to the  
18 tier I and offshore wind procurement process -- I  
19 mean solicitation process -- the creation of a new  
20 tier IV that would support renewable energy projects  
21 -- project rather -- that deliver energy into New  
22 York's Independent System Operators or New York ISO's  
23 zone J, which is New York City, the adoption of a new  
24 repowering requirement for existing facilities to  
25 receive tier I eligibility the adoption of a

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2 mechanism to address NYSERDA's shortfall in the Zero  
3 Emissions Credit or ZEC obligation collections, the  
4 establishment of new funding mechanisms for NYSERDA's  
5 administrative costs, and the establishment of new  
6 reporting requirements.

7 In regard to eligibility, the White  
8 Paper proposed to align the definition of eligible  
9 technology listed in Appendix A of the August 1,  
10 2016, CES framework order with the definition of  
11 renewable energy systems contained in the CLCPA. The  
12 CLCPA definition differed from the current eligible  
13 technologies in three notable ways. The CLCPA did  
14 not allow for the combustion of biomass or biogas.  
15 The CLCPA includes all hydroelectric resources as  
16 eligible energy systems while the CES framework order  
17 limited eligibility to upgrades of existing  
18 facilities and new low-impact run-of-the-river  
19 facilities so long as such facilities did not add new  
20 storage. The draft order continues these at the same  
21 eligibility requirements for hydroelectric resources  
22 for all future tier I solicitations, although I  
23 should note the draft order does authorize NYSERDA to  
24 procure RECs from a broader array of hydroelectric  
25 resources under a new tier IV, including impounded

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2 hydro. The CLCPA included fuel cells as eligible so  
3 long as they do not utilize fossil fuel sources in  
4 the process of generating electricity. The CES  
5 framework order included all fuel cells as eligible  
6 technology without regard to fuel source. The White  
7 Paper proposes limiting eligibility to those fuel  
8 cells that utilize non-fossil fuel resources, such as  
9 hydrogen but excluded renewable biogas. The draft  
10 order modifies that recommendation and expands the  
11 definition of eligible fuels to include renewable  
12 biogas. The draft order adopts the CLCPA 70 by 30  
13 and the 9000 megawatt offshore wind goal. In order  
14 to achieve those targets, the items set annual tier I  
15 and offshore wind solicitation targets. The average  
16 annual tier I procurement target is approximately  
17 4500 gigawatt hours per year over 2021 to 2026  
18 period. By comparison, the current solicitation has  
19 a procurement target of 1600 gigawatt hours and the  
20 largest tier I solicitation to date achieved  
21 approximately 3000 gigawatt hours. For offshore  
22 wind, the draft order sets an average annual capacity  
23 procurement target between 750 and 1000 megawatts per  
24 year through 2027. The draft order authorizes  
25 NYSERDA to conduct these solicitations beginning in

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2 2021 without either a minimum or maximum quantity  
3 limitation in any given year.

4 In addition to setting solicitation  
5 targets, the draft order makes several modifications  
6 to the solicitation process. It authorizes NYSERDA  
7 to conduct all future offshore wind solicitations  
8 without the need to seek additional commission  
9 authorization. It authorizes NYSERDA to resell  
10 offshore RECs directly to load-serving entities or  
11 LSEs for voluntary compliance thus reducing the  
12 overall LSE OREC obligation. For the time being,  
13 offshore wind development will continue to rely on  
14 direct radial connections while alternative  
15 transmission approaches are evaluated. The draft  
16 order adopts the White Paper's proposal to combine  
17 project viability with operational flexibility and  
18 peak coordinates into a single evaluation factor and  
19 apply a 20% rate to that combined factor. However,  
20 this modification does not change the overall 70/30  
21 price/non-price evaluation ratio. NYSERDA is  
22 authorized to reject the bid based on unanimous  
23 determination of the Technical Evaluation Panel that  
24 the project is not presently viable. The order  
25 directs NYSERDA to consult with staff, the New York

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2 ISO, and the distribution utilities to develop new  
3 portfolio risk factors for future tier I  
4 solicitations intended to take into account the  
5 interactive effect caused by increased penetration of  
6 renewable energy resources on the grid. Any new  
7 portfolio risk factors developed shall be presented  
8 in detail in subsequent solicitation documentation  
9 and shall include an explanation of how the factors  
10 would be applied in the solicitation process.

11 In addition to the modifications of  
12 existing CES tiers, the draft order also authorizes  
13 NYSERDA to create a new tier in the CES that is aimed  
14 to increase the penetration of new renewable energy  
15 delivered into New York City tier IV. The draft  
16 order adopts the White Paper's proposal to be  
17 compensated under tier IV. A resource must either be  
18 located in zone J or deliver energy to zone J over a  
19 new transmission interconnection. A transmission  
20 interconnection will be considered new for the  
21 purposes of tier IV if it electrically interconnects  
22 after the date of this order. The draft order  
23 concludes that it would be inadvisable at this time  
24 to set a predetermined price tag for tier IV RECs as  
25 proposed in the White Paper. Instead, to ensure that

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2 tier IV REC prices are reasonable in relation to the  
3 value of the environmental attribute and other  
4 benefits they provide. NYSERDA and DPS staff are  
5 required to file an agreement to procure tier IV RECs  
6 with the commission. Those agreements will be made  
7 available for public comment. The commission will  
8 decide whether to approve or deny as such agreement  
9 based on whether that agreement advances public  
10 interest.

11 Eligibility for tier IV will be open  
12 to all renewable energy systems. However, non-  
13 hydroelectric resources must achieve commercial  
14 operation after the date of this order to be eligible  
15 for tier IV. Hydroelectric resources are not subject  
16 to this vintage requirement. Large impounded hydro  
17 is eligible for tier IV as long as it does not create  
18 a new impoundment after the date of the White Paper.  
19 In response to suggestions and comments, the draft  
20 order deems offshore wind and behind the meter  
21 resources as ineligible for tier IV.

22 The White Paper proposes two  
23 conditions on projects fitting into tier IV, the  
24 supplier energy baseline designed to promote the  
25 state economic interests, namely to avoid redirecting

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2 existing renewable deliveries into tier IV and the  
3 supplier greenhouse gas baseline designed to ensure  
4 that deliveries under tier IV are not simply  
5 backfilled by fossil resources elsewhere in the  
6 supplier's system. The draft order notes that to  
7 rigidly supply the supplier greenhouse gas baseline  
8 could result in unintended consequences of both  
9 compromising the cost effectiveness of tier IV  
10 programs and encouraging uneconomic dispatch.

11 Therefore, NYSERDA is directed to  
12 solicit tier IV bids both with and without the  
13 supplier energy baseline and to evaluate them on  
14 their overall value to the state. As noted earlier,  
15 all material terms of the agreement would be subject  
16 to the commission's review to determine whether the  
17 agreement as a whole advances the public interest.  
18 As for the supplier greenhouse gas baseline, it is  
19 central to the integrity of the tier IV concept and  
20 cannot be compromised. The draft order strengthens  
21 the supplier greenhouse gas baseline to ensure that  
22 it does not inadvertently incentivize the creation --  
23 the construction -- of new hydroelectric impoundments  
24 to serve the supplier's native load while serving  
25 tier IV via existing impoundments. NYSERDA will have



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2 the flexibility to develop rules to satisfy the  
3 supplier greenhouse gas baseline. As with tier I and  
4 offshore wind, there is no minimum procurement  
5 quantity for tier IV. Unlike tier I and offshore  
6 wind solicitations where competition has been  
7 vigorous, there is a fundamental uncertainty  
8 regarding the quantity and quality of the bids that  
9 would be received under tier IV solicitation and no  
10 guarantee that any bid will be received that advances  
11 the public interest. NYSERDA should therefore be  
12 free not to select projects under tier IV. The White  
13 Paper proposes a maximal procurement quantity of 3000  
14 megawatts, a reasonable upper bound as it  
15 approximates the scale to the task of reducing New  
16 York City's reliance on fossil fuels. However, the  
17 draft order imposes a nonbinding limit of 1500  
18 megawatts by NYSERDA's first tier IV solicitation.  
19 NYSERDA may exceed that limitation upon the receipt  
20 of proposals that are significantly compelling to  
21 warrant such a major commitment from the state.  
22 NYSERDA is directed to issue a tier IV solicitation  
23 within 60 days of this order. The solicitation  
24 should take a flexible approach to consider allowing  
25 both fixed or indirect bids. The proposal may

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2 consist of individual generation projects or  
3 portfolio of generation projects delivered over the  
4 same new transmission interconnection in zone J. To  
5 maintain consistency and comparability with the  
6 offshore wind standard, tier IV agreements still have  
7 a maximum contact tenure of 25 years, rather than the  
8 30 years proposed in the White Paper. NYSERDA may  
9 negotiate with each proposer on price and other  
10 project-specific material terms so long as it allows  
11 that equal opportunity to negotiate with each  
12 qualified bidder. NYSERDA is authorized to offer any  
13 tier IV RECs then obtained for resale to the  
14 voluntary market. Such resales shall be subject to a  
15 price law at NYSERDA's procurement costs, including  
16 administrative costs. If resale revenues exceed  
17 procurement costs, the excess revenue should be  
18 directed by NYSERDA to energy efficiency programs in  
19 disadvantaged communities. Each LSE will be  
20 obligated to purchase qualified tier IV RECs less any  
21 tier IV RECs resold to the voluntary market in  
22 proportion to its overall share of the statewide  
23 load. The LSE compliance obligation will be  
24 administered in a manner similar to the REC program.  
25 NYSERDA is directed to file an implementation plan

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2 for stakeholder comment and ultimate commission  
3 approval that will include a description of the  
4 compliance obligation calculation process and  
5 structure as well as the standard purchase agreement.  
6 The White Paper again picked up a topic of repowering  
7 existing renewable facilities at the end of their  
8 useful life and allowing them to be eligible for tier  
9 I RECs. The draft order adopts the White Paper  
10 proposal on repowering with one modification. One of  
11 the proposed eligibility conditions for repowering  
12 was the replacement of the prime mover. However, as  
13 commenters noted, hydroelectric repowering can often  
14 involve substantial investment in physical plant,  
15 other than the turbine such as dams or intake  
16 structures and may involve refurbishing rather than  
17 replacing the turbine. Therefore, hydroelectric  
18 resources should be required to meet all of the  
19 repowering eligibility criteria, including capital  
20 expenditures but need not necessarily replace the  
21 prime mover. The CES framework order created a ZEC  
22 obligation on all LSEs in their proportional share of  
23 the statewide load. However, due to complexities  
24 with some of the New York Power Authority Contracts,  
25 it was unable to satisfy the entirety of its

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2 allocated ZEC obligation. As a result of this as  
3 well as several LSEs that ceased offering service in  
4 New York, NYSERDA has amassed a ZEC collection  
5 deficit of approximately 34 million dollars and seeks  
6 to recover those funds. The White Paper proposed  
7 using uncommitted funds to cover that shortfall.

8 However, it now appears that those  
9 uncommitted funds will be allocated to other  
10 purposes. So the draft order directs NYSERDA to  
11 invoke the utility back stock as previously  
12 authorized for the purpose of collecting the ZEC  
13 deficit amount. Going forward, NYSERDA and staff  
14 should exclude the uncollectable portion of the NYPA  
15 load when determining the LSE obligation. Regarding  
16 administrative costs, historically NYSERDA has filed  
17 separate petitions with the commission to recover  
18 administrative costs for programs under the CES. The  
19 White Paper proposes the administrative funding for  
20 all CES programs be addressed each year through one  
21 comprehensive annual funding request.

22 Annually, NYSERDA will identify and  
23 quantify the funds needed to cover NYSERDA's costs  
24 and fees to administer the RES, the REC, and the  
25 offshore wind programs for each calendar year. The

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2 White Paper notes that NYSERDA anticipates having  
3 sufficient quantities of tier I and tier II RECs and  
4 ZECs available for sale in 2021. It therefore  
5 proposes to fund administration of those programs to  
6 an adder beginning in 2021. NYSERDA's administrative  
7 costs for the respective programs will be allocated  
8 across the attributes NYSERDA sells annually to LSEs.  
9 Given that offshore wind and tier IV programs are not  
10 anticipated to produce attributes for sale in 2021,  
11 the White Paper proposes to continue utilizing  
12 uncommitted SBC, EEPS and RPS funds to cover  
13 administrative costs for those programs. The draft  
14 budget provides one million dollars to support the  
15 execution of a Great Lakes Wind Feasibility Study.

16 This funding is included in the  
17 technical support for the offshore wind program. The  
18 draft order clarifies that the utility backstop  
19 mechanism is intended to address the financial risks  
20 of revenue shortfalls for all CES programs. The  
21 draft order institutes several reporting  
22 requirements. NYSERDA is directed to incorporate the  
23 competitive tier II program reporting into the  
24 existing schedule of CES reports. The draft order  
25 also adopts the recommendation to replace the CES

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2 triannual review with a biannual review required  
3 under CLCPA. The CLCPA's review biannual review  
4 process will provide timely and in-depth information  
5 necessary to adjust to market conditions and the  
6 development of new technology. Additionally, NYPA  
7 and LIPA have indicated that they will each provide  
8 an annual report to NYSERDA of their intentions to  
9 contribute to the ZEC program at least six months  
10 prior to the start of any compliance year, which will  
11 allow NYSERDA to calculate the obligations of  
12 jurisdictional LSEs. NYPA and LIPA will also each  
13 provide NYSERDA with an annual report on their  
14 respective independent progress in pursuit of a  
15 statewide goal for integration into NYSERDA's overall  
16 CES reporting. Finally, the draft order approves the  
17 petition to establish a competitive tier II program  
18 to support existing instate wind and hydroelectric  
19 baseline facilities. The tier II program will be  
20 comprised of a five-year competitive program that  
21 would include three annual solicitations with each  
22 solicitation procuring one-third of the overall  
23 program capacity. Each solicitation will procure  
24 one-third of the eligible RECs subject to a price  
25 gap. The draft order approves a funding cap of 200

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2 million dollars for the entire program. Facilities  
3 selected in the solicitation would receive a standard  
4 three-year contract with NYSERDA. Eligible  
5 facilities would include instate wind resources and  
6 privately-owned run of the river hydroelectric  
7 generators regardless of the facility size in  
8 commercial operations prior to January 1, 2015. The  
9 program will begin in 2021 with the issuance of the  
10 first request for proposal and continue through 2026  
11 for transactions in 2025, the last full year of the  
12 program. NYSERDA is authorized to resell tier II  
13 RECs that it purchases from generators. NYSERDA will  
14 sell tier II RECs in the voluntary market at a price  
15 floor equal to the procurement costs, plus NYSERDA's  
16 approved administrative adder. The White Paper  
17 sought comments regarding NYPA's participation under  
18 the proposed competitive tier II, specifically an  
19 option for NYPA for satisfying its own tier II  
20 obligation through self supply. The draft order  
21 declines the tier II obligation on NYPA in  
22 recognition of its ongoing support for existing  
23 baseline renewable resources and deems NYPA's  
24 facilities ineligible to participate in the  
25 competitive tier II program. NYSERDA will issue a

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2 tier II solicitation with 120 days of the issuance of  
3 this order. This concludes my presentation and staff  
4 is available to answer any questions you may have.

5 CHAIRMAN RHODES: This is John Rhodes.  
6 Tom, thank you very much. This was -- yours was a  
7 thorough and careful and serious presentation of a  
8 foundationally important item from New York's  
9 Visionary Climate and Energy Legislation and New  
10 York's need for a just and clean and resilient and  
11 affordable energy system requires us to build smart  
12 economic renewable energy. We need more of it, and  
13 we need it faster. This comprehensive and careful  
14 and ambitious plan delivers on those goals and will  
15 enable all needed kinds of renewable energy to reach  
16 New Yorkers in all parts of the state. I am going to  
17 support this item. Commissioner Burman, any  
18 questions or comments for Tom and Tom or anybody  
19 else?

20 COMMISSIONER BURMAN: Yes, thank you  
21 so much. So this is Commissioner Burman. I am not  
22 going to go page by page with the order, and I'm just  
23 going to pick a few things to highlight that stand  
24 out to me. As to the CES eligibility and the  
25 definition of renewable energy systems and the



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2 language in the order, I think we go into a tortured  
3 exercise in trying to figure out what is or is not  
4 eligible, what may or may not be eligible in a way  
5 that seems to chill how technology's new emerging  
6 current may work together with other renewable  
7 sources in a way that actually may help from an  
8 innovative, economic, and cleaner environment. And  
9 so it seems more like a torture exercise in figuring  
10 out ways to exclude and perhaps then also include  
11 favored technologies and exclude unfavored  
12 technologies rather than looking at it in a more  
13 holistic way of what is being done for reliability,  
14 resiliency, and also by pairing some things together  
15 whether that's actually helping economically as well  
16 as on the clean energy front. So it concerns me and  
17 actually it raises to me what we should really be  
18 talking about is more focused on allowing folks to  
19 figure out what works and showing us the  
20 accountability for the different things we care about  
21 rather than trying to be overly prescriptive in this.

22 I do think we're going to have a  
23 number of questions on that that come in the  
24 implementation phase. I think that there is a desire  
25 to have regulatory certainty and to help give NYSERDA

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2 the necessary flexibility and tools to conduct  
3 important solicitations and to do so in a thoughtful  
4 and comprehensive way. My concern is that we have  
5 solicitations and RFPs throughout the state related  
6 to many of these issues that the CES is involved in,  
7 not just NYSERDA, but NYPA, LIPA, and others. And  
8 so, for me, I think that we need to really look much  
9 more carefully at the guardrails that need to be in  
10 place to ensure that we are doing this in a  
11 responsible and fiscally accountable way that is very  
12 cognizant of the risks that are imposed upon the rate  
13 payers in this and also to look at some guardrails to  
14 give certainty to those folks who might want to be a  
15 part of the solicitations so that they see the  
16 transparency and they see the regulatory certainty in  
17 how things are decided. I fear that there is not  
18 enough discussion on that. There is not enough  
19 detail to really inform and have proper solicitations  
20 and we may have some unintended consequences,  
21 especially as it relates to overlapping information  
22 and things that those who are picking who is or is  
23 not a winner or a loser of a solicitation may also  
24 have other information that gets factored in in a way  
25 that is unintended. And I think we really need to be

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2 very careful that we are doing all we can to make  
3 sure we have clear guardrails here in a way that  
4 gives people the confidence that these solicitations  
5 can be done in a proper way and actually help in what  
6 we're doing with our policy goals, and I don't see it  
7 here and I think we need more in that. From the  
8 perspective that I certainly believe we may need to  
9 actually look at some outside entities to help us  
10 ensure the proper solicitations or the proper  
11 implementation of these solicitations are done  
12 because I just am not sure that we're going to be  
13 able to give that regulatory certainty, which  
14 concerns me. To the extent that I think we need to  
15 truly care about our fiscal accountability and ensure  
16 as we on our clean energy policies we are not being  
17 fiscally irresponsible. This also goes for caring  
18 about reliability and resiliency, and as I look at  
19 this what stands out to me is the discussion on the  
20 fact that due to the complexities of some of NYPA's  
21 contracts they were unable to satisfy the entirety of  
22 its allocated ZEC obligation. And therefore, as a  
23 result of this, a few of the LSEs have ceased  
24 offering service in New York and NYSERDA has amassed  
25 a ZEC collection deficit of approximately 34 million

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2 and now is seeking to recover those funds. I just  
3 find that unacceptable. We need to be able to have  
4 more accountability on the front end and the CES  
5 triannual review, which was imposed in the August  
6 2016 order was supposed to be giving us information  
7 and insight in a way that was helpful. And it never  
8 really got deeply analyzed between staff and the  
9 commission. The intelligent information flowing that  
10 would give us that information to help just didn't  
11 happen. And so for me to now have a draft order that  
12 talks about adopting the recommendations to replace  
13 the CES triannual review with a biannual review  
14 doesn't work for me because I didn't see that the CES  
15 triannual review really was used in a way that  
16 would've been helpful. You know, I guess there can  
17 be -- you know thinking that by moving it from  
18 triannual to biannual that that helps by that, but  
19 frankly I don't know that it matters if it's only  
20 going to be a document that gets filed and then not  
21 really engaged on in any real way. The process and  
22 again the August 2016 order had so many references to  
23 the triannual review to have people feel comfortable  
24 that there would be a true analysis done that was  
25 being mindful of the prudence of what we needed to do

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2 from an accountability perspective on this just  
3 didn't happen. So I think we need to look more  
4 carefully at what the expectations are and what will  
5 be necessary for doing that. Additionally, the fact  
6 that NYPA and LIPA are being asked to provide an  
7 annual report to NYSERDA of their intentions to  
8 contribute to the ZEC program at least six months  
9 prior to the start of any compliance year, which will  
10 allow NYSERDA to calculate the obligations of the  
11 jurisdictional LSEs. Yes, I think that's helpful.  
12 However, that to me is the bare minimum. NYPA and  
13 LIPA really need to look more carefully at their role  
14 in this, and it is not just about providing an annual  
15 report to NYSERDA on their respective independent  
16 progress in pursuit of the statewide goals for  
17 integration into NYSERDAs overall CES reporting.  
18 It's really much deeper than that, and I don't think  
19 they just get a pass to be able to just tell us what  
20 they are or aren't going to do and as we saw recently  
21 with the ZEC obligations so they report what that  
22 later they're unable to satisfy the entirety of their  
23 allocated ZEC obligation? We need to understand  
24 that. We also need to understand that that then has  
25 ramifications fiscally for others in terms of

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2 handling that. We consistently talk about the use of  
3 these uncommitted funds to cover other shortfalls,  
4 other programs, etc. And now because these  
5 uncommitted funds, according to NYSERDA, will be  
6 allocated to other purposes we're invoking the  
7 investor-owned utility backstop. That is a really  
8 dangerous thing. I am really concerned, and again it  
9 comes back to me. I care about our fiscal  
10 accountability, and I think that as we move on our  
11 clean-energy policies we cannot be fiscally  
12 irresponsible. This, to me, is fiscally  
13 irresponsible and then further looking at the padding  
14 of it with further NYSERDA costs and other things I  
15 just think at some point you can only get so much  
16 from the rate payers. And we're asking again for  
17 this administrative funding, and I just don't see how  
18 at this time in light of what we're doing without  
19 some more deep analysis and deep understanding and  
20 real conversation with folks that I can feel  
21 comfortable. Even though there are some good things  
22 in here, overall I just am truly concerned and truly  
23 concerned that we are not taking this fiscal  
24 accountability as seriously as I think we should so  
25 I'm a no. Thank you.

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2 CHAIRMAN RHODES: Thank you very much.  
3 Commissioner Alesi, any comments or questions?

4 COMMISSIONER ALESI: Thank you, Mr.  
5 Chairman. Just briefly, I see this as a very  
6 valuable road map to the very near future of energy  
7 production and usage. It's a multifaceted plan, to  
8 be sure, to pursue and implement clean energy that  
9 will serve the public interest in a cost effective  
10 manner. Today's report was a succinct version of the  
11 whitepaper, many, many, many pages, a lot of effort  
12 and a lot of talent went into producing that. I  
13 would say it was not entertaining reading by any  
14 stretch of the imagination, but if it were meant to  
15 be entertaining reading, I would give it a best  
16 seller. Good job by the staff, and I'll be  
17 supporting it.

18 CHAIRMAN RHODES: All right. Thank  
19 you, Commissioner Alesi.

20 Commissioner Edwards?

21 COMMISSIONER EDWARDS: I'm good.  
22 Thank you. Thank you for the presentation. Let's  
23 just keep moving this along. Thank you.

24 CHAIRMAN RHODES: Commissioner Howard?

25 COMMISSIONER HOWARD: I will be

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2 supporting this item as well. However, I'd be  
3 neglectful if I did not share many of Commissioner  
4 Burman's concerns going forward. We in New York now  
5 through legislative mandate are basically  
6 recapitalizing our energy, our electric system. We  
7 are adding tens of -- I mean well over in excess of  
8 15,000 megawatts of brand new generation. We're  
9 offshore wind and various onshore programs including  
10 storage, and that does not come for free. And how we  
11 ultimately pay for these things and how we enumerate  
12 the cost as we go forward, particularly since costs  
13 right now are largely guessed, we haven't actually  
14 subbed them since mostly solicitations have not  
15 occurred.

16 Again, I am very concerned that in our  
17 zeal and our effort to move to a zero carbon electric  
18 system that we place burdens on rate payers that are  
19 unacceptable. I have said probably from the  
20 beginning, and I said during my confirmation process,  
21 that I believe that exclusive use of rate payer  
22 dollars to fund these new climate initiatives, and  
23 particularly as we recapitalize our energy system  
24 both on the generation/transmission side, I don't  
25 believe we will see that it will be possible to



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2 completely finance it through bills. Additionally,  
3 I'm also concerned about the role of the -- of the --  
4 of the Federal Energy Regulatory Commission and their  
5 ability to stymie some of our initiatives, and  
6 particularly in regarding how we deal with some of  
7 the legacy fossil providers and the overall  
8 competitive market as they exist today. Again, one  
9 thing I am gratified in this order is with dealing  
10 with tier four, that that issue and any final action  
11 on that will require coming back to the commission  
12 for approval of whatever materializes from that  
13 solicitation. But again I think -- and -- and it's  
14 particularly ironic since we -- I have now  
15 participated in a number of -- of rate cases, that  
16 many of advocates -- particularly on the  
17 environmental side or any other advocates for clean  
18 energy also decry any up -- any increases in utility  
19 bills for customers. It is yet to be seen if we can  
20 continue to do it the way we're doing it going  
21 forward.

22 I look forward to a new era where we  
23 have a more progressive nature of how we capitalize  
24 on new energy future. But that being said, I will be  
25 voting in favor.

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2 CHAIRMAN RHODES: Thank you very much,  
3 Commissioner Howard. So with that, we will move to a  
4 vote. For the record, this is John Rhodes. My own  
5 vote is in favor of the recommendation to approve the  
6 modifications that the Clean Energy Standard has  
7 discussed. Commissioner Burman, how do you vote?

8 COMMISSIONER BURMAN: No.

9 CHAIRMAN RHODES: Thank you.  
10 Commissioner Alesi, how do you vote?

11 COMMISSIONER ALESI: I vote yes.

12 CHAIRMAN RHODES: Thank you.  
13 Commissioner Edwards, how do you vote?

14 COMMISSIONER EDWARDS: I vote yes.

15 CHAIRMAN RHODES: Thank you.  
16 Commissioner Howard, how do you vote?

17 COMMISSIONER HOWARD: Yes.

18 CHAIRMAN RHODES: Thank you. The item  
19 is approved and the recommendation is adopted. We  
20 will now move to the fourth item for discussion,  
21 which is Item 302, Case 20-E-0197, as it relates to  
22 the criteria for identifying and designating priority  
23 transmission projects presented by Liz Grisaru,  
24 Deputy Director, Office of Electric, Gas, and Water.  
25 Tammy Mitchell and Robert Ro -- Rosenthal, general

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2 counsel, are available for questions. Liz, please  
3 begin.

4 MS. GRISARU: Good morning. Can you  
5 hear me?

6 CHAIRMAN RHODES: I can. Thank you  
7 very much.

8 MS. GRISARU: Okay. Great. Just  
9 checking. Good morning, Chair Rhodes and  
10 Commissioners. My name is Liz Grisaru. I am a  
11 deputy director in the Office of Electric, Gas, and  
12 Water. I am very pleased to present to you today  
13 this proposed order implementing a key step towards  
14 building the transmission system that will support  
15 our state's aggressive climate goals. The  
16 Accelerated Renewable Energy Growth and Community  
17 Protection Act, which we discussed at the July  
18 session, requires this commission to establish new  
19 transmission planning processes to ensure the "timely  
20 and cost effective construction of new, expanded, and  
21 upgraded distribution and transmission  
22 infrastructure." The specific purpose of the act is  
23 to build transmission to meet the clean energy and  
24 environmental targets established by the Climate  
25 Leadership and Community Protection Act, which I will

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2 refer to here as the CLCPA.

3 Consistent with that purpose, the  
4 Accelerated Renewable Energy Act charges the  
5 commission with identifying a sub -- a subset of  
6 transmission projects called priority transmission  
7 projects, or abbreviated as PTPs, that are distinct  
8 from other projects because they are needed on an  
9 expeditious basis to meet those CLCPA goals. The act  
10 authorizes the New York Power Authority to undertake  
11 the PTPs subject to the concurrence of NYPA's  
12 trustees. However, the act does not provide the  
13 commission any guidance on how to define the projects  
14 that fall in this category.

15 On July 2nd, 2020, department staff at  
16 NYPA jointly filed a petition proposing a number of  
17 criteria to help the commission make this  
18 determination. In that same filing, NYPA described a  
19 group of transmission investments that constitute the  
20 proposed Northern New York Project and urged the  
21 commission to -- to designate the Northern New York  
22 Project as a priority transmission project. In that  
23 petition, staff proposed seven definitional criteria,  
24 [clears throat] excuse me, which I will not describe  
25 here in detail except to note that they include one,

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2 the project's potential for unbottling existing  
3 renewable generation for delivery to load centers;  
4 two, the project's potential to avoid future  
5 congestion that could impede delivery of expected  
6 renewable energy sources; and three, whether an early  
7 serve -- in service date for the project would  
8 increase the likelihood that the state will meet the  
9 CLCPA targets or enhance the value of other needed  
10 transmission investments.

11 The draft order before you reviews the  
12 criteria and the statutory intent and concludes that  
13 both the need to unbottle existing renewable  
14 generation and the need to address potential  
15 congestion related to renewable generation that has  
16 yet to come online are indicators for a priority  
17 transmission project. Currently operating generators  
18 represent substantial state and private investments,  
19 and the fact that they are frequently curtailed due  
20 to transmission constraints suggests that our  
21 traditional planning processes have not kept pace  
22 with the state policy. This circumstance creates a  
23 need for expedited action.

24 Further, when the proposed investment  
25 will also facilitate construction of renewable

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2 generation that is in the planning queue, an  
3 accelerated project brings additional benefits.  
4 Accordingly, the draft order before you modifies the  
5 staff criteria to recognize that a -- the  
6 transmission investments potential for unbottling  
7 existing renewable generation as well as projects  
8 that are in the NYISO interconnection process for  
9 delivery to load centers in the state thereby  
10 reducing the amount of new generation that must be  
11 constructed to meet the CLCPA targets as the key  
12 factor in identifying a priority transmission  
13 project.

14 The draft also recognizes that a  
15 priority transmission designation may also be  
16 appropriate where existing transmission planning  
17 processes will not solve the identified need in a  
18 timeframe that supports the goals of the CLCPA. The  
19 point of this comparison, [clears throat] excuse me  
20 -- the point of comparison for this analysis is the  
21 NYISO's public policy planning process, which can  
22 take approximately 18 months to evaluate and identify  
23 a solution to a transmission need. Thus, the draft  
24 order notes that where the NYISO process may not meet  
25 CLCPA deadlines, it may be necessary for the

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2 commission to designate a priority transmission  
3 project. The draft order dismisses the remaining  
4 proposed criteria as not sufficiently tied to the  
5 legislative direction to identify those needs that  
6 have to be addresses on an expeditious basis.

7 Having decided on the criteria, the  
8 draft order further finds that the Northern New York  
9 Project qualifies as a priority transmission project.  
10 NYPA indeed makes a strong case for the urgency of  
11 this project showing that the Northern New York  
12 Project will unbottle existing renewable generation  
13 capacity in the region and will avoid approximately  
14 7.5 terawatt hours of renewable generation  
15 curtailments annually. NYPA also points to the  
16 presence of approximately 2400 megawatts of planned  
17 generation in the NYISO interconnection queue that  
18 would not be deliverable to downstate load without  
19 expansion of the Northern New York transmission  
20 network. Taken together, these factors strongly  
21 indicate that prompt action is necessary.

22 In addition, the draft finds that  
23 NYPA's project could likely be placed in service  
24 faster than a project developed through the NYISO  
25 process since it would be several months before NYPA

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2 could even submit the Northern New York Project to  
3 the NYISO for evaluation. The draft order also shows  
4 that NYPA is indeed uniquely situated to undertake  
5 the Northern New York Project given that most of the  
6 improvements contemplated would be made to NYPA's  
7 existing transmission infrastructure except for a  
8 component of National Grid facilities that are  
9 connected to -- or that is connected to NYPA's  
10 infrastructure.

11 Thus, on the criteria adopted here, it  
12 is appropriate for the commission to refer this  
13 project to NYPA for development. This completes my  
14 summary of the proposed order, and I am happy to take  
15 any questions.

16 CHAIRMAN RHODES: Thank you very much,  
17 Liz. New York's visionary CLCP -- CLCPA legislation,  
18 which you already discussed today, calls for  
19 transformation quantities of renewable energy, which  
20 in turn means smart, new transmission that connects  
21 that power to customers. Today, we can adopt well-  
22 designed new rules to specifically expedite  
23 transmission investments that can unbottle existing  
24 and new -- new renewables to do that. And we can  
25 also designate as the first investment under those



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2 new rules NYPA's Northern New York Project to  
3 complete a critical link in our upstate grid and  
4 unbottle somewhere between 1000 and 1500 megawatts of  
5 renewable energy. This is a compelling opportunity,  
6 and I am going to be in favor of the rules and of  
7 designating this as a -- as a first priority project  
8 under those rules.

9 Commissioner Burman, any comments or  
10 questions for the team?

11 COMMISSIONER BURMAN: Thank you. This  
12 is Commissioner Burman. So I -- I do have a couple  
13 of questions, just looking for a little bit more  
14 clarity. And thank you, Liz. I think you did a nice  
15 job laying out the order itself. So the staff -- the  
16 staff had proposed eight different criteria for  
17 looking at what could be used for PTP under Section  
18 -- Section 7, Subdivision 5 of the act. And it -- it  
19 looks -- I guess I just want to make sure I'm clear  
20 here. What we're really saying is that two of the  
21 eight are rejected, the fifth one being the ability  
22 of the transmission investment to progress  
23 expeditiously based on factors as the planning of  
24 design status of the transmission investment. So it  
25 is taking out that expedited focus. And then

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2 rejecting the seventh criteria, which was whether  
3 designing -- designating the transmission investment  
4 as a priority project will advance other state policy  
5 goals including those expressed in the act and the  
6 CLCPA. Can you first expand upon why those two were  
7 rejected? Liz, I think --.

8 MS. GRISARU: Excuse me. I'm a little  
9 hoarse today. First, I'll just say that actually  
10 there are seven criteria. The eighth is a catch-all,  
11 you know, such other things as the commission may  
12 deem important. But there are really seven.

13 The -- the -- the fifth and the sixth  
14 criterion sort of share a similar weakness in that  
15 the key exercise presented to the commission in the  
16 act is not to determine whether or not this is a good  
17 project but to determine whether or not this is a  
18 project that because of the urgent nature of the need  
19 has to be done quickly and has to be done in a short  
20 timeframe. So for example, the fact that a project  
21 may bring other benefits doesn't sufficiently  
22 distinguish any potential priority transmission from  
23 any other project that serves CLCPA goals or, for  
24 that matter, a transmission project that, you know,  
25 serves reliability. So the -- the sixth -- the --

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2 the criterion that looks to the -- the service of  
3 other policy goals is really not a very good  
4 indicator of why this project should be taken out of  
5 the ordinary transmission planning process and -- and  
6 put into something different. That's the basic  
7 rationale there.

8 I think your other question was about  
9 criterion five. Am I right? The ability to progress  
10 expeditiously based on planning and design factors.

11 COMMISSIONER BURMAN: Yes. Thank you.

12 MS. GRISARU: Yeah. It's -- it's not  
13 that those are rejected. It's rather that the order  
14 says look, these are -- these are important  
15 development capabilities that we understand NYPA has  
16 and that we believe are -- we expect NYPA will employ  
17 in -- in making sure that a project that is needed  
18 urgently gets done in a short timeframe. But again,  
19 it -- it -- it -- these factors don't actually help  
20 you distinguish between a project that should get  
21 into the NYISO planning process, for example, and  
22 another project that should go via the -- the -- the  
23 PTP pathway. Does that help?

24 COMMISSIONER BURMAN: Thank you. I  
25 think that's -- I think that is important to clarify

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2 that and so I appreciate you taking that time. I  
3 guess, for me, I just, you know -- I look at it as  
4 primarily the -- the folks that participated and gave  
5 comments in this proceeding were generally supported,  
6 right, and Barb was supportive of the staff criteria.  
7 NRDC and Alliance for Clean Energy New York submitted  
8 comments supporting it. They would also, you know,  
9 rightfully so, would like to see as per the state  
10 progressing and building transmission and others also  
11 focused on being positive with this and wanting to  
12 help promote efficient outcomes in NYSEDA's  
13 procurement processes, et cetera.

14 For me, we also need to be -- and I  
15 think the order tries to be -- mindful of the fact  
16 that, frankly, the ISO process is a good one, and it  
17 is something that we need to ensure that we are  
18 working in a way with the ISO that helps us so that  
19 we're being complimentary in this process as to  
20 dealing with transmission investments and which way  
21 you go. And -- and frankly, the -- the use of a PTP  
22 outside of that process should be very, you know, few  
23 and far between to the extent that, you know, the ISO  
24 process is one that I think is, frankly, the one to  
25 go with for the most part unless there's some real

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2 urgency that we can't do that but yet it is -- it is  
3 done in a very -- in a way that does not undervalue  
4 or take away from what the ISO is doing. I would  
5 note that the order does make mention that, in a  
6 footnote, that the ISO had -- has made adjustments to  
7 its project evaluation and selection process and that  
8 the ISO estimates that the approximate timeframe for  
9 that process is about 18 months. And the order --  
10 the draft order urges them to further their work to  
11 reduce the decision-making time. I do just want to  
12 take a process point here in that the ISO process  
13 substantively is a very good one, and I think that  
14 they and the relevant stakeholders are working in  
15 other ways to speed up that decision-making process.  
16 But they should not short-circuit anything that is  
17 done substantively in a way that there would be  
18 unintended consequences from that. And you know, we  
19 can also take lessons in looking at what we do to be  
20 substantively appropriate and mindful of what we need  
21 to do and -- and also reduce some of our own  
22 decision-making processes but not shirk our  
23 responsibility or regulatory responsibilities.

24 The question I do have for you next,  
25 Liz, is the order does reference a -- that NYPA may

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2 pursue projects as its trustees authorize regardless  
3 of the commission's determination on the PP -- PTP  
4 question. Could you expand on that?

5 MR. ROSENTHAL: I can take that on,  
6 Liz, if you would like.

7 MS. GRISARU: Sure.

8 MR. ROSENTHAL: This is Bob Rosenthal.  
9 So it's just a matter of course. Obviously NYPA has  
10 its own board. That language parallels the language  
11 in the statute. We can't direct NYPA to under -- the  
12 Public Service Commission cannot direct NYPA to  
13 undertake this project. We can approve it for the  
14 NYPA board's consideration. And then the NYPA board  
15 has to approve the project and can direct NYPA to  
16 undertake the project. It's just -- it can -- taking  
17 into account the board's role.

18 COMMISSIONER BURMAN: That -- that's  
19 fair and I appreciate that. So what are the next  
20 steps then after this as it comes to the commission?

21 MS. GRISARU: I don't expect the  
22 commission will need to take any further steps until  
23 such time as NYPA and any partner NYPA may engage in  
24 this project comes -- be -- come -- comes in with an  
25 Article 7 application.

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2 COMMISSIONER BURMAN: Okay. Okay.

3 And then it would be an Article 7, correct?

4 MS. GRISARU: Correct.

5 COMMISSIONER BURMAN: Okay. Great.

6 Thank you.

7 MS. GRISARU: Sure.

8 COMMISSIONER BURMAN: All right.

9 Thank you. I have -- I have no further questions. I  
10 am mindful that this is our first project that we are  
11 doing under this framework, and it's one that I think  
12 has really tried to focus on the appropriateness of  
13 this because of the relevant substantive issues. The  
14 need to do this because this project, it is one that  
15 is necessary. I'm going to be voting for it.

16 However, I do just want to, you know,  
17 focus on the fact that I do think the ISO process  
18 works well and that should be one that is our go-to.  
19 And we really need to be very careful that this, you  
20 know, is -- is -- is not then the get around. In --  
21 in -- in fact, we should be working very carefully  
22 with the ISO and other stakeholders. And I -- I do  
23 agree with multiple interveners that the ISO process  
24 and -- and several of the things that could be done  
25 is -- is -- is something that can help -- can help in

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2 this process. Thank you.

3 CHAIRMAN RHODES: Thank you very much.  
4 Commissioner Alesi, any comments or questions?

5 COMMISSIONER ALESI: No, simply to say  
6 I concur with the chair and I'll be supporting this.

7 CHAIRMAN RHODES: Thank you very much.  
8 Commissioner Edwards?

9 COMMISSIONER EDWARDS: No questions at  
10 this time. Thank you.

11 CHAIRMAN RHODES: Thank you very much.  
12 Commissioner Howard?

13 COMMISSIONER HOWARD: Yes, thank you.  
14 I appreciate the staff's good work on this. The  
15 Northern New York Project, which may be new to  
16 certain folks on the commission, is not a new project  
17 and has been sitting on the drawing board for some  
18 time as different -- in different iterations. And in  
19 consensus project like that with clear economic and  
20 environmental benefits is -- is easy to do. I think  
21 this -- this process becomes much more difficult  
22 going forward as we design transmission  
23 infrastructure for projects that have yet to become  
24 reality and how we allocate those costs and --  
25 becomes much more difficult. The easy ones are --



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2 are terrific. The -- the going forward ones far, far  
3 more difficult, far large -- potential for larger,  
4 potential capital investments, more disruption of  
5 communities for large transmission projects. And  
6 again -- again, as -- every time it will speak that  
7 cost containment and -- and doing that on a lowest  
8 cost basis, not necessarily exclusively for the  
9 environmental benefits on any given project we do,  
10 but again, how we prioritize them and put them in the  
11 queue needs to be considered on the economic basis as  
12 well. With that being said, I will be supporting the  
13 item.

14 CHAIRMAN RHODES: Thank you very much.  
15 With that, I will proceed to call for a -- let's  
16 proceed to vote. For the record, I'm John Rhodes,  
17 and my own vote is in favor of the recommendation to  
18 adopt the criteria and designate the Northern New  
19 York Project as a priority transmission project as  
20 discussed.

21 Commissioner Burman, how do you vote?

22 COMMISSIONER BURMAN: Yes.

23 CHAIRMAN RHODES: Thank you.

24 Commissioner Alesi -- Alesi, how do you vote?

25 COMMISSIONER ALESI: I vote yes.

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2 CHAIRMAN RHODES: Thank you.

3 Commissioner Edwards, how do you vote?

4 COMMISSIONER EDWARDS: I vote yes.

5 CHAIRMAN RHODES: Thank you.

6 Commissioner Howard, how do you vote?

7 COMMISSIONER HOWARD: Yes.

8 CHAIRMAN RHODES: Thank you. The item  
9 is approved and the recommendation is adopted. We  
10 will now move to the consent agenda. I will role  
11 call my way through the commissioners and ask them if  
12 they wish to comment on or recuse from voting on any  
13 items on the consent agenda. Commissioner Burman?

14 COMMISSIONER BURMAN: Thank you. I do  
15 have several items I'm going to comment on. It's --  
16 they're not -- it's not that long, but I do -- I do  
17 have a few.

18 I'm going to bundle 164, 165, and 166  
19 together. 164 is the National Grid tariff to modify  
20 its gas tariff schedule as it relates to establishing  
21 a firm demand response program. I -- I -- I very  
22 much am in favor of granting this, however, I am  
23 concerned with some of the what I see as in --  
24 inappropriate jabs at the company in a way that I  
25 personally feel that we need to be mindful that the

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2 company is doing -- as all companies are doing a lot  
3 in the demand response space, we -- there are  
4 challenges. Over the years looking at non firm  
5 demand, response customers, we've had several  
6 collaboratives. We've discussed things looking at  
7 ways that we could work with folks. And for me, I --  
8 I am -- I am concerned that in both 164 and 165 we  
9 seem to give higher level of scrutiny of the company  
10 than in other -- comparisons to other.

11 And in fact, the company brought in  
12 164 -- just making sure I have my notes right. In  
13 164, the company brought this to us, this tariff  
14 request, back in February, and they -- there were  
15 several postponements, three postponements, to  
16 addressing this issue because the staff was seeking  
17 further review. And so they made their request. It  
18 was granted. And now we are here now.

19 As I look at it, I don't see anything  
20 in the file that indicates that the staff wanted more  
21 information to have more complete details on the  
22 planned firm DER -- DR program. It was the first  
23 time that I heard right before this commission that  
24 there was, you know, a concern about needing a more  
25 robust plan engaged on that. There's nothing in the

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2 file. There's -- this situation was not necessarily  
3 highlighted, and in fact, you know, when I looked  
4 through all of the different monitoring reports and  
5 other things with the independent monitor and staff  
6 engagement, it didn't seem like it -- it was, you  
7 know, flagged as this being a problem. And so I am  
8 supportive of the item.

9 I am not supportive of what I see as  
10 trying to put it all on the company for this issue.  
11 I think we need to be much more engaged in a  
12 collaborative way, and -- and I think it's too  
13 important for us to somehow seem to try to make this  
14 now a -- a failure of the company. Ultimately, I  
15 think that we could work better together.

16 On 165 as well, there are a number of  
17 -- where looking at it from a waiver perspective  
18 because of the need to. It makes sense. We're  
19 granting that. However, the affidavit issue is not  
20 just with National Grid and it is something that has  
21 been a challenge. I've sat through many  
22 collaborative discussions over the years with  
23 stakeholders that were noticed discussing this issue,  
24 discussing some of the compliance problems with this.  
25 And while I think it's really important, I think that

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2 over the years, the company has done a pretty good  
3 job and it is -- continues to be a challenge. And I  
4 would've liked to have heard from staff in a formal  
5 way beforehand as well as also getting from the  
6 company their response to what the staff was saying.  
7 So I'm concerned about that. I am going to vote both  
8 for 164 and 165, but I think it's important for us to  
9 take a look at what we need to do as regulators in  
10 addressing these issues in a more holistic and  
11 positive way.

12 On 166, I'm a no. I do not appreciate  
13 a one commissioner order at the eleventh hour looking  
14 to move money from one pot under the settlement that  
15 would've gone to the program that was dedicated under  
16 the settlement for customers in a sense, from my  
17 perspective, to move it now to pay the fees that are  
18 incurred for the monitor. We still have not as a  
19 commission had a formal engagement on all of the  
20 activities of the monitor and the report in a way  
21 that would be helpful to me. I do understand that  
22 the monitor has done a lot, however, I'm not really  
23 sure that our focus should be on quickly acting on  
24 moving money to address this issue and certainly not  
25 as a one commission order now seeking to be

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2 confirmed. It should have been something that was  
3 flagged much earlier and more fiscally responsible  
4 and then looking at what this means and evaluating  
5 the -- this issue. So I'm voting no on that item.

6 On 374, which is the Long Island Power  
7 Authority petition to amend Certificate of  
8 Environmental Compatibility and Public Need granted  
9 by order dated May 14th, 2010, I do want to raise two  
10 issues, or three issues, actually, on this. I just  
11 need to get my notes. Hold on one moment. Well, I  
12 can't find my notes so I'll just do it off the top of  
13 my head. In the order, it discusses that the -- that  
14 the -- there was the -- there was not a need to do a  
15 hearing. I -- I think that's right. I think that  
16 legally, we were not required to -- under the law to  
17 -- to -- to have them hold a hearing. I do believe  
18 that that was a correct determination legally.  
19 However, due to the public sensitivity of this matter  
20 and the importance of safety, I believe a hearing,  
21 however discretionary it may've been, would've been a  
22 good idea. So that does concern me.

23 The second thing is that the order  
24 states that the commission will -- this will -- LIPA  
25 will be submitting the appended -- amended plan to

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2 the commission for approval, and I think that's a  
3 good thing. I appreciate that. However, I think the  
4 order should be clearer that we have the authority to  
5 approve, deny, or modify that amended plan. I am  
6 sensitive to that issue because of our limited  
7 oversight over LIPA, and I do think that when we have  
8 orders -- and this is not unique to other situations,  
9 when we have orders that say that the plan will come  
10 back for approval to the commission, I do think that  
11 it's technically more accurate to say that the  
12 commission has the authority to approve, deny, or  
13 modify. There had been an issue on another matter  
14 unrelated to this at the LIPA board that didn't come  
15 before us but among the LIPA board itself discussing  
16 whether the -- the board could approve, modify, or  
17 deny something and it was either approve or not. And  
18 there was no modification ability.

19 It's a separate issue unrelated, but  
20 it did -- it does make me pause in that we should be  
21 very clear in our orders so there's no  
22 miscommunication to LIPA on the amended plan as well  
23 as I do think that the language that says that after  
24 that initial -- after 2021 when that plan is filed  
25 and -- and approved, modified, or denied, that the

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2 LIPA will just file an annual report to the  
3 commission for review. That may or may not be  
4 appropriate at that time. I would like us to --  
5 especially because of the -- of the sensitivity of  
6 this issue, and it is a safety issue, I would like to  
7 really make sure that the commission is carefully  
8 weighing in on this and not just relying after the  
9 fact on an annual review that may not actually come  
10 before the commission for that. It may be  
11 appropriate at some time to just allow that, but for  
12 right now, I think it's too important of an issue to  
13 have that in the order.

14 On 375, which is the Build Ready  
15 Program, I am a no. I am very -- it is not that I'm  
16 opposed to the program. In fact, I am a supporter of  
17 the program. However, the order itself I don't think  
18 allows true fiscal accountability, and in fact, we  
19 have to care about that fiscal accountability. And  
20 as I said in 301 order, as we move on our clean  
21 energy policies, we cannot be fiscally irresponsible.  
22 A couple things I want to say about this order.  
23 There is a -- there is in the order a reference to  
24 that the act, CLCPA -- that the act directs NYSERDA  
25 to submit a petition to the commission describing the



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2 activities it has taken and plans to undertake in  
3 furtherance of the stated policy goals. Yes, that's  
4 correct. Along with a request for funding as may be  
5 appropriate to support the activities for at least  
6 five years. But the order says that pursuant to the  
7 act, the commission must then issue an order within  
8 four months from the submission of that petition.  
9 That is, in fact, correct. That is what the act  
10 says.

11 However, it does not mean then that we  
12 have to, you know, make sure this is all done. The  
13 order, I thought -- think could've been much more  
14 thoughtful in addressing formally what we are seeking  
15 and what we want rather than sort of leaving it then  
16 to NYSERDA on many of the details that I just think  
17 in light of the significant amount of money we're  
18 talking about here, that NYSERDA anticipates a total  
19 program spending through '25 on this program to be  
20 approximately 71.8 billion, this is going to include  
21 NYSERDA's salary and overhead, technical -- technical  
22 costs, consultants, legal support, system  
23 development, et cetera. I -- I'm not even sure that  
24 NYSERDA has the full expertise to do all of this and  
25 -- and likely, we may be looking at, like we looked

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2 at in other things, with -- with a need for even more  
3 dollars. And I -- I just really am concerned.

4 The other thing is I think ACE New  
5 York set up a really good proposal in its comments on  
6 creating a formal mechanism for developers to propose  
7 potential build-ready sites to NYSERDA and we're  
8 declining that. And I -- I -- I -- I would say that  
9 I'm -- I am a little concerned. I think we should've  
10 had a little bit more engagement on the four corners  
11 of what all that will look like. I think it's too  
12 important and there is -- there are not enough --  
13 there's not enough details at this time. And I also  
14 wonder for a lot of the dollars that we're spending  
15 in this area, how much of these costs normally  
16 would've been borne by private developers that now  
17 NYSERDA through state monies, rate payer money, is  
18 actually taking on itself. While I appreciate  
19 NYSERDA taking a lead on this, I am concerned that  
20 not only do -- is this going to require a lot of, you  
21 know, figuring out how this is all going to work and  
22 learning, I worry that we're taking on costs that  
23 normally shouldn't have been borne by us. And the  
24 other issue for me is that really comes down to the  
25 fiscal prudence here and going to the financial

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2 backstop guarantee mechanism. I just don't see that  
3 we're ever going to get further if we don't have a  
4 real comprehensive discussion on what we're doing as  
5 to the costs. So I am -- I am a no on 375. Thank  
6 you. I have no further comments.

7 CHAIRMAN RHODES: Thank you very much.  
8 Just for accuracy, Commissioner Burman, I have you as  
9 a no on 166 and a no on 375. I do not recall what  
10 you were on 374.

11 COMMISSIONER BURMAN: 374, I'm a yes.  
12 I was just pointing out the three things that I'm  
13 concerned about with that. And 164 and 165, I am a  
14 yes, but again, I have concerns on that.

15 CHAIRMAN RHODES: Thank you very much.  
16 That's very clear. Thank you. Commissioner Alesi,  
17 any comments on the consent items?

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

20 CHAIRMAN RHODES: Thank you very much.  
21 Commissioner Edwards?

22 COMMISSIONER EDWARDS: No comments, no  
23 questions. Thank you.

24 CHAIRMAN RHODES: Thank you very much.  
25 Commissioner Howard?

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2 COMMISSIONER HOWARD: I just have one  
3 comment on item 561, the Frontier Communications  
4 Bankruptcy workout. I want to take this opportunity  
5 to praise our staff for securing significant dollars  
6 for service improvements for Frontier customers. As  
7 we all know, Frontier's been a difficult and troubled  
8 company for some time and probably leads our state in  
9 a number of complaints vis-a-vis customer service.  
10 So to the extent that we were able to secure  
11 guaranteed funds for customer -- for service quality  
12 improvement, I find that terrific and I -- job well  
13 done by the staff. Other than that, I will be  
14 supporting the consent agenda.

15 CHAIRMAN RHODES: Thank you very much.  
16 With that, we will proceed to vote on the consent  
17 agenda. This is John Rhodes, for the record. My own  
18 vote is in favor of the recommendations on the  
19 consent agenda. Commissioner Bur -- Commissioner  
20 Burman, with the adjustments we just noted, how do  
21 you vote?

22 COMMISSIONER BURMAN: Yes on all  
23 others. Thank you.

24 CHAIRMAN RHODES: Thank you very much.  
25 Commissioner Alesi, how do you vote?

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2 COMMISSIONER ALESI: I vote yes.

3 CHAIRMAN RHODES: Thank you very much.

4 Commissioner Edwards, how do you vote?

5 COMMISSIONER EDWARDS: I vote yes.

6 CHAIRMAN RHODES: Thank you very much.

7 And Commissioner Howard, how do you vote?

8 COMMISSIONER HOWARD: Yes.

9 CHAIRMAN RHODES: Thank you very much.

10 The items are approved and the recommendations are  
11 adopted. I would like to mention a couple of other  
12 items since we are done with our regular business  
13 before I ask if there's anything further. The first  
14 is to recall that this is October and to note that  
15 Governor Cuomo has recognized October as Domestic  
16 Violence Awareness Month in New York State.

17 Every minute in -- in the United  
18 States, 20 people are victims of domestic violence.  
19 To stop this violence, to stop this scourge, please  
20 be an ally to those in need and help raise awareness  
21 by wearing purple on October 22, which is next week.  
22 If you need help or know of anybody that needs help,  
23 please call. Call 800-942-6906. This is -- this  
24 matters.

25 Equally important, we have a special

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2 occasion today, a bittersweet one, which is the note  
3 that today is John Scherer's last session. John's  
4 been at the department, working for the department,  
5 for over 32 years beginning as an auditor trainee in  
6 1988 and advancing up through the ranks and through  
7 just the tremendous record of contributions to his  
8 current position as Deputy Director of the Office of  
9 Accounting, Audits, and Finance, a position he took  
10 up in 2013. He graduated from Siena College in 1988  
11 with a BBA degree majoring in accounting.

12 John is a remarkable colleague. And  
13 there are a couple of remarkable points that -- that  
14 loom large, to me anyway. One is just how  
15 knowledgeable he is. He's knowledgeable about  
16 general accounting, our regulatory accounting, of  
17 electric policy. And none of these are for the faint  
18 of heart. I can prove that just by going through a  
19 list of stuff that he is an expert on, utility  
20 property taxes, utility pensions, other utility post-  
21 employment benefits known as OPEB, EBCAP adjustments,  
22 ONM expenses and forecasts, federal income tax, rate  
23 case components and rate case drivers. And while  
24 he's at it, he's also become something of a master of  
25 the legal and engineering aspects of the work. None

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2 of this is easily acquired knowledge. It's the fruit  
3 of really hard work, of a dedication to mastering the  
4 subjects, and also applying that knowledge usefully  
5 and concretely for the benefit of the work.

6 Another remarkable point, to me, is  
7 his ability to communicate. What he talks about and  
8 talks to us about is really technical. It's really  
9 complex. And it's absolutely possible to get lost,  
10 but not when John is explaining it. He takes you  
11 through it and makes you understand the important  
12 points, and he has -- it's really a remarkable gift  
13 of making things in the end simple enough to grasp  
14 without giving up on any of -- without losing any of  
15 the important stuff that's buried in the complexity.  
16 It's -- it's really a terrific gift and one we all  
17 really benefitted from.

18 And then finally, there's -- there's a  
19 personal quality to John, which I can only describe  
20 as really being the model professional colleague,  
21 which is kind of a -- a longwinded way of saying he  
22 really cares, to put it in a nutshell. He cares  
23 about the work, about the purposefulness of the work  
24 and about the quality of the work. He cares about  
25 the team, how they're doing, how they're growing. He

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2 cares about the department, the larger team, and then  
3 he cares about the mission to serve New Yorkers. And  
4 he's earned all of our respect and admiration and  
5 affection.

6 So I said this is a bittersweet  
7 moment. The bitter moment is that John will be  
8 leaving us. The sweet part of the moment is that  
9 John, at the end of this month, gets to begin a long  
10 and absolutely well-earned vacation leading up to his  
11 retirement at the end of the year. He's not going to  
12 be lacking for things to do in retirement. He's  
13 going to be able to spend more time hunting with his  
14 two dogs, fishing, traveling, and golfing. As a  
15 longtime member of the golf league -- I'm told this  
16 is true, I don't know this firsthand -- he is one of  
17 the best golfers in department history, and we expect  
18 he will be seen on the links with some of his -- our  
19 -- his colleagues here today as we go forward. And  
20 he will also be able to spend happily more time with  
21 his family, including his wife Luanne, who used to be  
22 with us as well. Thank you, Luanne. And his son  
23 Brian and daughter Anna.

24 John is -- is -- is a great colleague.  
25 We will miss him deeply. But he has earned -- he has



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2 earned our affection and earned our best wishes as he  
3 heads off into a long and rich retirement.

4 Congratulations, John. I don't know  
5 if I -- if any of my colleagues have thoughts they  
6 want to share, but I have the floor open.

7 COMMISSIONER BURMAN: This is  
8 Commissioner Burman. Thank you so much. I -- I just  
9 want to say on a personal level that I'm going to  
10 miss you. We were staff colleagues together many  
11 years ago and then continued to enjoy a very great  
12 professional and personal relationship when I became  
13 a commissioner. You are a hard worker, a good team  
14 player, and truly you will be missed dearly. Life  
15 out there holds so much more for you, and I am really  
16 excited for your family that you're now going to be  
17 able to be with them full-time. And don't be afraid  
18 to explore all that life has to offer to the fullest  
19 and congratulations on your retirement. And just  
20 know that you will be missed. Thank you.

21 COMMISSIONER EDWARDS: This is  
22 Commissioner Edwards. Just best wishes to you and  
23 your family and thank you for all of your years of  
24 service. It's probably the best time to retire with  
25 everything that has been going on this year to be

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2 able to just take a minute and spend some quality  
3 time. So congratulations and thank you.

4 COMMISSIONER ALESI: If I may, it's  
5 Jim Alesi. Just want to wish you all the best. And  
6 fishing, hunting, and golf and more time with your  
7 family, who could ask for more than that? All good  
8 things.

9 COMMISSIONER HOWARD: This is  
10 Commissioner Howard. If -- and I'm a living example  
11 of just because you said you retire doesn't mean you  
12 can't come back in to public service. So again, all  
13 the best.

14 MR. SCHERER: Thank you. I'm sorry.  
15 Thank you all for your kind words. It's been a  
16 privilege and an honor to work with all of you and I  
17 wish you the best going forward. Thank you.

18 CHAIRMAN RHODES: That's absolutely  
19 terrific.

20 Secretary Phillips, is there anything  
21 further to come forth today?

22 SECRETARY PHILLIPS: There is nothing  
23 further to come before you, but I -- I would like to  
24 request clarification on the last consent vote for  
25 Commissioner Burman. Commissioner Burman, can you

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2 please -- I know that the chair asked, but I just  
3 want to be absolutely certain, of the 160s, can you  
4 please tell me which ones are no?

5 COMMISSIONER BURMAN: Thank you. I am  
6 a no on the one commissioner order confirming the one  
7 commissioner order.

8 SECRETARY PHILLIPS: Okay. Thank you  
9 very much.

10 COMMISSIONER BURMAN: You're welcome.

11 CHAIRMAN RHODES: Thank you. Thank  
12 you very much, all, for a long and productive day.  
13 And thank you again, John Scherer, for allowing us to  
14 end on -- on a high note. We are adjourned.

15 (Off the record 1:00 p.m.)

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2 STATE OF NEW YORK

3 I, HANNAH ALLEN, do hereby certify that the foregoing was  
4 reported by me, in the cause, at the time and place, as  
5 stated in the caption hereto, at Page 1 hereof; that the  
6 foregoing typewritten transcription consisting of pages 1  
7 through 61, is a true record of all proceedings had at the  
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 19th day of October, 2020.

11

12

13 HANNAH ALLEN, Reporter

14

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