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11-18-2021 - Monthly Meeting

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

MONTHLY MEETING

Thursday, November 18, 2021

10:30 a.m. until 11:39 a.m.

ESP, Building 3, 19th Floor Boardroom

Albany, New York

COMMISSIONERS:

RORY M. CHRISTIAN, Chair

DIANE X. BURMAN

TRACEY A. EDWARDS

JAMES S. ALESI

JOHN B. MAGGIORE

DAVID J. VALESKY

JOHN B. HOWARD

1 11-18-2021 - Monthly Meeting

2 (The hearing commenced at 10:30 a.m.)

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

6 SECRETARY PHILLIPS: Yes, Chair.  
7 There is one change to the final agenda. Item 164-B  
8 one of the cases 21-G-0518 will not be considered  
9 this morning.

10 CHAIR CHRISTIAN: Okay. Thank you  
11 very much. First, I'd like to have a roll call of  
12 the Commissioners. When I call your name please  
13 confirm that you are with us. Commissioner Diane  
14 Burman?

15 COMMISSIONER BURMAN: Here.

16 CHAIR CHRISTIAN: Commissioner James  
17 Alesi?

18 COMMISSIONER ALESI: Here.

19 CHAIR CHRISTIAN: Commissioner Tracy  
20 Edwards?

21 COMMISSIONER EDWARDS: Here.

22 CHAIR CHRISTIAN: Commissioner John  
23 Howard?

24 COMMISSIONER HOWARD: Here?

25 CHAIR CHRISTIAN: Commissioner Dave

1 11-18-2021 - Monthly Meeting

2 Valesky?

3 COMMISSIONER VALESKY: Here.

4 CHAIR CHRISTIAN: Commissioner John  
5 Maggiore?

6 COMMISSIONER MAGGIORE: Here.

7 CHAIR CHRISTIAN: Excellent. Our  
8 first item, item 201, case 20-E-0428. As it relates  
9 to the Central Hudson Rate Case, will be presented by  
10 Administrative Law Judge Michael Clarke.

11 Administrative Law Judge Anthony  
12 Belsito is also available for questions. Judge  
13 Clarke, please begin?

14 A.L.J. CLARKE: Thank you. Good  
15 morning, Chair Christian, Commissioners. My name is  
16 Michael Clarke. I was assigned to preside over these  
17 proceedings with Administrative Law Judge Anthony  
18 Belsito. Before you is a draft order that would  
19 establish an electric and gas delivery rate plan for  
20 Central -- excuse me. Better?

21 SECRETARY PHILLIPS: Can you confirm  
22 that it's on, please?

23 A.L.J. CLARKE: It's on.

24 SECRETARY PHILLIPS: Thank you.

25 A.L.J. CLARKE: Okay, thank you.

1 11-18-2021 - Monthly Meeting

2 Sorry about that. Before you is a draft order that  
3 would establish an electric and gas delivery rate  
4 plan for Central Hudson Gas and Electric Corporation  
5 for 3-year-period beginning on July 1st, 2021 and  
6 continuing until June 30th, 2024.

7 The rate plan will be consistent with  
8 a joint proposal or J.P. filed in these cases on  
9 August 24th, 2021. This morning I will briefly  
10 provide you with some background information, detail  
11 the agreements revenue requirements and then  
12 highlight some of the notable provision in the joint  
13 proposal.

14 Central Hudson's previous rates were  
15 established in June 2018 for a 3-year period. In  
16 August 2020, the company commenced these proceedings,  
17 seeking an annual electric revenue increase of just  
18 under \$33 million and annual gas increase of about  
19 \$14.5 million. For the average residential customer,  
20 these figures would equate to a 6.2 percent total  
21 bill increase on the electric side and an 8 percent  
22 increase for gas.

23 Central Hudson also requested an  
24 overall return on equity of 9.1 percent and an equity  
25 ratio of 50 percent. In direct testimony, staff

1 11-18-2021 - Monthly Meeting  
2 recommended a 1 year \$12 million decrease for  
3 electric delivery revenues and a \$5.9 million  
4 increase for gas delivery revenues. Staff also  
5 recommended an 8.7 percent return on equity, and a 48  
6 percent common equity ratio.

7 Settlement negotiations began in  
8 February of this year, successfully culminating in a  
9 proposal submitted on August 24th. As I indicated  
10 earlier, the J.P. proposed a 3-year rate plan that  
11 would begin on July 1st, 2021 and continue until June  
12 30th, 2024. For electric delivery revenues, the J.P.  
13 recommends a \$3.1 million decrease in rate year 1,  
14 and increases of 19.5 million and 20.7 million in  
15 rate years 2 and 3.

16 Gas delivery revenues would increase  
17 4.7 million in rate year 1. 6.3 million in rate year  
18 2 and 6.4 million in rate year 3. The rate year 1  
19 electric decrease will be evenly spread across the 3-  
20 rate years such that rate years 2 and 3 will be  
21 moderated by an additional \$2 million.

22 After that moderation and applying  
23 bill credits totaling \$9.5 million in rate year 2,  
24 and 21.5 million in rate year 3, the net electric  
25 delivery revenue -- revenue -- excuse me, revenues

1 11-18-2021 - Monthly Meeting  
2 will reflect a \$1.1 million decrease in rate year 1,  
3 an increases of 8 million and 8.7 million in rate  
4 years 2 and 3.

5 After applying credits totaling  
6 \$800,000 in rate year 1, 3.2 million in rate year 2  
7 and 5.6 million in rate year 3. The net gas delivery  
8 revenue increases, will be \$3.9 million in both rate  
9 years 1 and 2 and \$4 million in rate year 3. For the  
10 typical residential electric service customer, these  
11 changes would result in a 33 cent decrease in the  
12 average monthly bill during rate year 1. \$1.72 cent  
13 increase in rate year 2 and \$1.82 cent increase in  
14 rate year 3.

15 The average bill of the typical gas  
16 customer when increased by \$1.64 in rate year 1,  
17 \$2.17 in rate year 2 and \$1.50 in rate year 3. J.P.  
18 allows a 9 percent return on equity with a common  
19 equity ratio of 50 percent in rate year 1, 49 percent  
20 in rate year 2 and 48 percent in rate year 3.

21 It also includes an earnings-sharing-  
22 mechanism that is triggered if the company's actual  
23 return exceeds 9.5 percent in any rate year. The  
24 J.P.'s modest revenue increases are driven primarily  
25 by investments in net plant, depreciation, vegetation

1 11-18-2021 - Monthly Meeting  
2 management and increases in labor, all of which  
3 should enhance service reliability, system resiliency  
4 and safety.

5 The signatory parties to the J.P.  
6 represent governmental, environmental and commercial  
7 entities as well as customer advocacy groups. They  
8 maintain that the J.P. balances their varied  
9 interests, while also ensuring the company's  
10 continued provision of safe and reliable service,  
11 furthering the goals of New York's nation leading  
12 Climate Leadership and Community Protection Act or  
13 C.L.C.P.A., and mitigating impacts to ratepayers,  
14 especially those suffering the financial effects from  
15 the COVID-19 pandemic.

16 In addition to enhancing various  
17 performance and customer service metrics, the J.P.  
18 indeed includes beneficial provisions in each of  
19 these categories. Regarding COVID-19, the joint  
20 proposal would expand access and increase bill  
21 discounts for low-income customers in the company's  
22 energy affordability program.

23 It includes a \$4.5 million customer  
24 bill moderation credit in rate year 1 and pauses the  
25 residential service terminations, uncollectible

1 11-18-2021 - Monthly Meeting  
2 target performance metric for 2021 and 2022. The  
3 J.P. also continues the Back to Business Economic  
4 Development Program which provides financial  
5 assistance to small businesses.

6 In furtherance of C.L.C.P.A. goals,  
7 Central Hudson will develop a plan to reduce its  
8 carbon emissions targeting accumulative savings of  
9 2019 Gas and Electric sales in the next 4 years by  
10 2.5 percent and 6.9 percent respectively. The J.P.  
11 calls for the decommissioning of natural gas power at  
12 Cocksackie and South Cairo, simple cycle combustion  
13 turbine by 2025 and eliminates over a 5-year period  
14 natural gas declining block rates.

15 The company loss will pilot the use of  
16 streetlight dimming capability and cease offering  
17 rebates for convey -- conversion from oil to natural  
18 gas. Some notable customer service benefits include  
19 the company's creation of a Spanish website where all  
20 web pages and forms are presented in Spanish, a  
21 Spanish chatbot and a Spanish mobile app. We'll also  
22 offer customer bills in Spanish.

23 Other provisions in the J.P. ensure  
24 that a customer service will not be terminated during  
25 extreme hot or cold weather conditions. The J.P.



1 11-18-2021 - Monthly Meeting  
2 would fully resolve the disposition of a sales tax  
3 refund Central Hudson was granted in 2019. Although  
4 the company originally proposed that just more than  
5 half of the refund benefit customers.

6 Pursuant to the J.P., the entirety of  
7 the more than \$3,300,000 refund will be used to  
8 moderate rates. There is limited opposition to the  
9 J.P. from a single individual who are used at the  
10 geothermal rate impact credit or GRIC should not be  
11 reduced. It should remain funded through the revenue  
12 decoupling mechanism and that the C.L.C.P.A.'s  
13 anticipated impact on future gas sales requires a new  
14 formula for assigning value to depreciating gas-  
15 related assets.

16 This latter argument has been rejected  
17 in 2 recent rate cases. And any concerns regarding  
18 the GRIC are equally without merit. Although the  
19 credit is being reduced by \$60, that figure is  
20 essentially equivalent to a subscription fee that is  
21 no longer a prerequisite to receive a credit.

22 Likewise, funding the GRIC out of heat  
23 pump program budgets is appropriate, it's a  
24 fundamental goal of the GRIC is to incentivize the  
25 use of heat pumps. In closing, I believe, the

1                   11-18-2021    -    Monthly Meeting  
2            comments provided in 2 statements in support of the  
3            joint proposal are notable.  According to the  
4            Alliance for a green economy the J.P., and this is a  
5            direct quote, "Contains numerous provisions that  
6            represent meaningful compromise among normally  
7            adversarial parties, and which specifically concede  
8            to the public interest positions taken by not-for-  
9            profit public interest organizations who represent  
10           constituencies within the company's service  
11           territory."

12                                The Public Utility Law Project  
13            meanwhile, again a direct quote, "Believes the J.P.'s  
14            mitigation of rate increases, low-income provisions,  
15            COVID-19 considerations and consumer protections, as  
16            well as efforts to promote the goals of the  
17            C.L.C.P.A. are in the public interest."

18                                We agree with both of these  
19            observations, as well as similar comments from the  
20            other signatories and recommend that the Commission  
21            adopted the joint proposal in full.  Thank you for  
22            your attention here this morning.  And we are  
23            available for any questions you may have.

24                                CHAIR CHRISTIAN:  Thank you, Judge  
25            Clarke.

1 11-18-2021 - Monthly Meeting

2 A.L.J. CLARKE: Welcome.

3 CHAIR CHRISTIAN: Thank you and staff,  
4 for great job in developing this J.P. and also -- and  
5 presenting it to the Commission. I echo the  
6 statements about alignment with C.L.C.P.A. With this  
7 order, we are seeing firsthand to transition towards  
8 alignment with the C.L.C.P.A. in Central Hudson.

9 Rate case, as pointed out, includes  
10 many items that align well with it, the closure of  
11 the two power plants, the creation of the -- the  
12 emphasis towards heat pumps and transitioning oil  
13 customers, but of interest in great -- interest to me  
14 is the adjustments towards you declining block rates  
15 -- declining block rates by some of you as a de facto  
16 incentive for greater gas use, and by flattening  
17 those rates, you remove that incentive and better  
18 align customer use of natural gas with the overall  
19 goals of the C.L.C.P.A.

20 So I want to thank you and staff for  
21 putting this together and raise questions for  
22 comments from other Commissioners, starting with  
23 Commissioner Burman.

24 COMMISSIONER BURMAN: Thank you so  
25 much, Judge Clarke, I think this is the first time

1 11-18-2021 - Monthly Meeting

2 that you presented --

3 A.L.J. CLARKE: Yes, that's correct.

4 COMMISSIONER BURMAN: -- at session.

5 And I think it's also the first time that I've seen  
6 you in person, so --

7 A.L.J. CLARKE: That's right.

8 COMMISSIONER BURMAN: -- thank you.

9 It's been a pleasure since you started working with  
10 you and I'm glad to sort of see you here today.

11 A.L.J. CLARKE: Thank you very much.

12 COMMISSIONER BURMAN: I -- I really --  
13 I'm going to be concurring with this rate case. I  
14 think it's a really well done. I was struck going  
15 over it really how it seemed to thread the needle on  
16 a lot of different issues and try to be responsible  
17 in handling many of the different factors that could  
18 have been very contentious.

19 I also was struck too, at multiple  
20 parties, who have been in other cases and continue to  
21 be not coming together -- seem to come together here.  
22 For me, it's a question of what helped that. And as  
23 we go forward, kind of looking at that. I will give  
24 an example, PULP here is supportive, and I don't  
25 necessarily see things differently in how other cases

1 11-18-2021 - Monthly Meeting

2 have handled some of the substantive issues.

3 So I wondered if it's an evolvement of  
4 PULP now kind of seeing that it's important for them  
5 to support rather than what sometimes seems to be  
6 going into the corner and either saying they're  
7 neutral or they disagree for, you know, sort of,  
8 position.

9 I'm not saying that in any way against  
10 PULP, I'm just curious about what may have been a  
11 factor in helping to get to the yes, Judge.

12 A.L.J. BELSITO: Excuse me, I -- I  
13 can't speak to any of the positions of the parties.  
14 But I will note that the alliance for the green  
15 economy agree -- did point out in their statement in  
16 support, that they were very impressed with the  
17 individual staff members, D.P.S. staff members in  
18 this proceeding.

19 And it was the most organized and best  
20 run in their opinion, settlement process. So I don't  
21 know if that provides you with some insight into --  
22 into the comment you just made or not, but I will  
23 point that out.

24 COMMISSIONER BURMAN: Great. And  
25 that's not to take, you know, sort of shots at any

1                   11-18-2021     -     Monthly Meeting  
2           staff in any other case or parties. I think, in  
3           fact, it's something for us, you know, to sort of  
4           keep in mind of what is working and how we may be  
5           able to maximize that in all the settlement  
6           discussions, it takes everyone working together and  
7           trying to find resolution and perhaps for a variety  
8           of factors, that was -- that trust in the  
9           negotiations was able to be there to facilitate that,  
10          so thank you.

11                               The other thing I do want to point out  
12          and we refer to the individual as a single  
13          individual. This person has been involved, since  
14          I've been a commissioner in all of the different rate  
15          cases and has been a strong advocate as an  
16          individual, but also representing the geothermal  
17          industry.

18                               It -- I did go back over this for  
19          myself in seeing that he was not representing  
20          industry, the geothermal industry in this case, but  
21          rather, separating himself out as a single  
22          individual. That disconnect for me is somewhat  
23          troubling, because it means that -- I feel like we're  
24          going to need to look at what that means and make  
25          sure that the representation from, if -- if it's --

1 11-18-2021 - Monthly Meeting

2 if it's in the sense of he's an individual versus  
3 representing a geothermal organization, there's two  
4 very different things.

5 And here, it was him who self-  
6 identified as coming to get -- coming at us in  
7 opposition, as an individual versus before we're --  
8 was representing as part of an organize -- a larger  
9 organization. It's just something for me to be  
10 mindful of. I also struggled with it, because I  
11 wanted to make sure that we were carefully listening  
12 to what he was saying.

13 And that what I reflected on is that I  
14 had to descent in the 2018 Central Hudson order  
15 specifically for a number of reasons. Perhaps  
16 helpful, perhaps not for folks to look back at the  
17 transcript on that. But in particular, I focused on  
18 what was the trigger for me to come to a no vote at  
19 that time in 2018, was -- it was the first time we  
20 were instituting a geothermal rate credit in the -- a  
21 rate case. And I was very concerned about that.

22 And I was very concerned that it  
23 wasn't appropriate and wouldn't actually be something  
24 that was helpful. So I went back. I looked at all  
25 of that. But what I didn't see here from this

1 11-18-2021 - Monthly Meeting

2 individual was a recognition of perhaps some of the  
3 challenges with the geothermal rate impact credit  
4 that I think that would be helpful and instructive  
5 for a further discussion just in general.

6 Because for me, it's about -- not just  
7 about where we put it from the funding perspective,  
8 but actually, what this may mean more holistically  
9 here different from before. We do appropriately look  
10 at funding in the right bucket, right? And we are  
11 making a recognition that here the funding of the  
12 GRIC out of the heat pump program budgets is  
13 appropriate as a fundamental goal of the geothermal  
14 rate impact credit to incentivize the use of heat  
15 pumps.

16 That may mean we may need to look  
17 deeper at the obligation for the geothermal industry  
18 and others outside of it being out of the utility's  
19 funding itself, but perhaps we need to look at what  
20 that means and that it's not on -- necessarily for  
21 the ratepayers to always be looking at that. I'm not  
22 saying I have an opinion on that, I just think that  
23 it's perhaps this is helping to indicate a new way of  
24 thinking, the geothermal rate impact credit has  
25 evolved, and we are looking at what that is.



1 11-18-2021 - Monthly Meeting

2 And perhaps that maybe be helpful as  
3 we move forward and are looking at the rate impacts  
4 and what should be borne by the ratepayers or the  
5 utilities versus borne by the larger whole in a way  
6 that maybe helpful especially if we are decreasing  
7 some of their sales and now having them have to sort  
8 of do that so just for me something I think about.

9 Anyway, I do want to thank you. I  
10 want to thank staff and I want to thank all the  
11 different parties who have been involved in this. I  
12 will be concurring my concurrences one with support  
13 but because I do feel that we do need to think a  
14 little bit further on where we're going with some of  
15 the underlying issues that are going to be  
16 confronting us.

17 And because of the initial descent I  
18 had in the geothermal rate impact credit, I know I  
19 can't say GRIC so it is something that I'm going to  
20 concur on, so thank you very much and  
21 congratulations, Judge, on your first time presenting  
22 --.

23 A.L.J. CLARKE: Thank you.

24 CHAIR CHRISTIAN: Thank you,  
25 Commissioner Burman.

1 11-18-2021 - Monthly Meeting

2 Commissioner Alesi?

3 COMMISSIONER ALESI: Thank you, Mr.

4 Chairman. As I see it, this is a joint proposal is  
5 the product of a reasonable compromise, which works  
6 towards everyone's benefit. As first and foremost,  
7 it solidifies the company's ability to provide safe,  
8 affordable and reliable service, taking into account  
9 the goals of the C.L.C.P.A. and the interests of  
10 low- income customers, as well as those impacted by  
11 the continuing challenges of the pandemic.

12 There appears to be very limited  
13 opposition to the joint proposal. And I applaud the  
14 efforts of all of those interested parties who have  
15 worked diligently to bring about these harmonious  
16 results.

17 CHAIR CHRISTIAN: Thank you,  
18 Commissioner.

19 Commissioner Edwards?

20 COMMISSIONER EDWARDS: Thank you,  
21 Chair. I do want to thank you Judge Clarke and  
22 Administrative Law Judge Belsito because I really  
23 think that this is -- this settlement discussion  
24 should be a model that other companies follow. You  
25 cannot get everything that you want in the

1 11-18-2021 - Monthly Meeting  
2 settlement, that's why we have settlements.

3 But I will tell you that the  
4 recognition that this company saw was the economic  
5 conditions that people are still struggling with.  
6 And to take that to account is commendable. I'd also  
7 want to thank them for recognizing that we are in --  
8 we are in a diverse state. So they are pushed to  
9 have communication and language is important.

10 I also, although that you mentioned  
11 the Spanish language, there are many other languages  
12 and I -- my understanding of the order that other  
13 languages will be able to be translated on the  
14 website. So that's good.

15 And lastly, you know, the -- there are  
16 many people who are working really diligently to  
17 ensure we fill our commitments on the C.L.C.P.A. And  
18 they should not be seen as adversaries. Their  
19 strategy may be different, but their goal and vision  
20 is commendable. And we are all trying to move and  
21 meet the goals of the C.L.C.P.A. as much as possible.

22 So the fact that they are in support  
23 of this compromise, as Commissioner Burman mentioned,  
24 it should be a model that bringing people to the  
25 table and working with them as opposed to having them

1 11-18-2021 - Monthly Meeting  
2 sit outside the room and try to knock to get in, is  
3 the way that we should be proceeding as we try to  
4 achieve these goals. So I will be supporting this,  
5 I'm glad to support it. And thank you Chair for  
6 giving me the opportunity to speak.

7 CHAIR CHRISTIAN: Thank you,  
8 Commissioner.

9 Commissioner Howard?

10 COMMISSIONER HOWARD: Yes, thank you,  
11 Mr. Chairman, couple questions. While we are  
12 celebrating a relative, very modest first year  
13 increase, and in fact, a decrease. Can you outline  
14 to be what customers when they read tomorrow in the  
15 paper that we have done this very modest rate  
16 increases, and -- and in some cases, a decrease.

17 And then when they wait, pick up their  
18 bill this coming January and open it, they will see a  
19 much larger bill then 2 percent. And can you just  
20 describe the separation and let people know that the  
21 commodity portion that will be affecting your bill is  
22 not what we're voting on here today.

23 We're voting on a delivery rate, that  
24 is separate and apart of what we probably would  
25 expect dramatic bill increases this winter. So could

1 11-18-2021 - Monthly Meeting

2 you elaborate on that?

3 A.L.J. BELSITO: I think you just  
4 explained it. We -- the rates that we're asking and  
5 recommending approval for under the Joint Proposal,  
6 are delivery rates. They're to maintain individual  
7 connections and the system that delivers the  
8 commodity the -- either the natural gas or the  
9 electric commodity over that.

10 As you mentioned, there are  
11 predictions or warnings of increases in electric  
12 prices and natural gas prices that are market-based,  
13 internationally market-based essentially. And those  
14 are -- those increases to that side of the bill is if  
15 customer bills do increase. It'll be because of the  
16 commodity side. Again, not because of the delivery  
17 rates that we're discussing here.

18 COMMISSIONER HOWARD: Is it safe to  
19 say it's not if, it's when those bills go up?

20 A.L.J. BELSITO: Based on all the --  
21 the information I have, it's certainly expected that  
22 they will go up, yes.

23 COMMISSIONER HOWARD: Okay. Thank you  
24 for that clarification. I think it's very important  
25 to note what our limits are as a commission in regard

1 11-18-2021 - Monthly Meeting  
2 to our authority regarding total bill impacts and the  
3 decoupling of commodity from delivery is, will be  
4 self-evident this winter.

5 And again, I expect that probably will  
6 cause additional hardship for many -- for many  
7 customers. But that being said, I want to  
8 congratulate, I've observed this from its infancy.  
9 This case -- and as my colleagues say, we rarely get  
10 to this level of consensus. And I do agree with  
11 Commissioner Edwards that this -- this collaborative  
12 approach that satisfies the vast majority of  
13 participants is -- is the way to go.

14 I know that's not always possible.  
15 But in this case, congratulations to staff and -- and  
16 those parties who worked diligently to get to this  
17 conclusion, so thank you.

18 CHAIR CHRISTIAN: Thank you,  
19 Commissioner.

20 Commissioner Valesky?

21 COMMISSIONER VALESKY: Thank you,  
22 Chair Christian. First of all, just to follow-up on  
23 Commissioner Howard's question and point, I think  
24 it's certainly important to -- to emphasize that and  
25 not only as it -- as it impacts ratepayers in the

1                   11-18-2021     -     Monthly Meeting  
2           Central Hudson region, but certainly across the State  
3           and would just remind everyone who -- who's  
4           participating in the session to review the winter  
5           forecast presentation that many of you made here at  
6           the -- at the last session in October, that -- that  
7           really sort of fleshes out exactly what Commissioner  
8           Howard was -- was getting at.

9                   At the risk of being repetitive with  
10           my colleagues ahead of me, congratulations, Judge,  
11           and entire staff on -- on a job well done. It seems  
12           like this is a joint proposal that is as inclusive of  
13           pretty much everything that you'd want to see. From  
14           low-income provisions to economic development to  
15           energy efficiency, to emissions reduction, clean  
16           energy, priorities, pipeline safety, and -- and --  
17           and certainly many others.

18                   Judge, I -- I appreciate you reading  
19           in the record, the two quotes that you chose, because  
20           I think that was significant and indicative of the  
21           level of support that exists. And -- and really to  
22           echo Commissioner Burman's thoughts and comments.  
23           The things that worked here won't automatically work  
24           everywhere.

25                   However, that having been said the

1 11-18-2021 - Monthly Meeting  
2 lessons, there are clearly lessons that we can take  
3 from this particular joint proposal and do our level  
4 best to try and apply that strategy and philosophy to  
5 -- to other rate cases from other utilities going  
6 forward and I would certainly encourage that to be  
7 done.

8 So I think that in conclusion, the  
9 300,000 or so electric customers and 84,000 gas  
10 customers of the Hudson Valley will be well-served by  
11 the joint proposal and I look forward to supporting  
12 you. Thank you.

13 CHAIR CHRISTIAN: Thank you,  
14 Commissioner.

15 Commissioner Maggiore?

16 COMMISSIONER MAGGIORE: Thank you,  
17 Chair Christian. I would echo your comments about --  
18 (phone rings) sorry, echo your comments about how  
19 this J.P. advances the C.L.C.P.A. goals. And I just  
20 want to acknowledge that approvingly. And echo the  
21 comments of -- I think, most of my colleagues or all  
22 of them about how -- how impressive it is that such a  
23 diversity of signatory parties are in agreement in  
24 support of this.

25 And finally, to also commend staff on



1 11-18-2021 - Monthly Meeting

2 the -- on the good work. I'm still somewhat new as a  
3 commissioner, but I continue to be impressed by the  
4 -- the good and thorough work of staff on complicated  
5 item such as this. So I intend to vote yes.

6 CHAIR CHRISTIAN: Thank you,  
7 Commissioner.

8 So with that, my vote is in favor.  
9 And I'll ask the other commissioners in order, if  
10 they approve. Commissioner Burman, how do you vote?

11 COMMISSIONER BURMAN: Concur.

12 CHAIR CHRISTIAN: Commissioner Alesi,  
13 how do you -- vote?

14 COMMISSIONER ALESI: I vote yes.

15 CHAIR CHRISTIAN: Commissioner  
16 Edwards?

17 COMMISSIONER EDWARDS: I vote yes.

18 CHAIR CHRISTIAN: Commissioner Howard?

19 COMMISSIONER HOWARD: Yes.

20 CHAIR CHRISTIAN: Commissioner  
21 Valesky?

22 COMMISSIONER VALESKY: I vote in  
23 favor.

24 CHAIR CHRISTIAN: Commissioner  
25 Maggiore?

1 11-18-2021 - Monthly Meeting

2 COMMISSIONER MAGGIORE: Yes.

3 CHAIR CHRISTIAN: Great. We have the  
4 sufficient votes, this item is approved and the  
5 recommendations are adopted. We now move on to the  
6 consent agenda. Do any commissioners wish to comment  
7 or recuse for voting on any of the items on the  
8 consent agenda, beginning with Commissioner Burman?

9 COMMISSIONER BURMAN: Thank you. I do  
10 have a number of items that I will be commenting on  
11 and in some cases voting differently. The first item  
12 is item 161, which is Corning, it is tariff item for  
13 the original rate decision. I just want to point out  
14 that really two things here. The original rate  
15 decision that this is based on, I concur with  
16 reservations.

17 I do think it is instructive. It was  
18 done May 19th, 2021. I do think it is instructive  
19 for all of us to take the time, not here, but to go  
20 back and look at that original rate decision as well  
21 as the transcript. It was really for me important to  
22 layout back in May of this year my concerns and in  
23 particular, how we got to that 1-year rate decision.

24 And in particular we're dealing with  
25 the challenges of significant costs that were

1 11-18-2021 - Monthly Meeting  
2 identified from the implementation of the C.L.C.P.A.  
3 which led us to have to kind of look at doing just a  
4 1-year rate case and my concern with that.

5 We did just have staff file comments  
6 publicly in the new Corning rate case if I am not  
7 mistaken. And that will be going into settlement  
8 discussions shortly perhaps. And also dealing with  
9 the transition, perhaps, of Corning to new owners.

10 I share this with you because it is  
11 very important, I'm sure, not just to me, but to the  
12 other commissioners that our thoughts as we head into  
13 that, are taken into consideration, and it may be  
14 reflective to go back to some of the challenges that  
15 led us to have to do a 1-year rate case so that it's  
16 really fresh in people's mind.

17 Since this 1-year rate case was just  
18 done in May 2021, it's, I think, very important for  
19 that because its -- it has not gotten old and we're  
20 already dealing with this next one. So I will be  
21 voting for it but I did think it was important to  
22 share that with you.

23 In item 162 -- I apologize. Moving a  
24 little slow today. In item 162, I'm going to be  
25 voting no without prejudice. I think for myself,

1 11-18-2021 - Monthly Meeting

2 this is a very important matter and it's one that I  
3 have really grappled with, I care about addressing  
4 system constraint issues. I care about us  
5 thoughtfully looking at our energy transition and I  
6 care about us ensuring that we have reliability and  
7 resiliency as it is paramount to everything that we  
8 do.

9 I am not happy with this order. I am  
10 not actually not happy that it's even before us  
11 today. The history of where we are and where we're  
12 going is really, really important. I'm going to  
13 spend a little bit of time explaining because this is  
14 not just about this. This is about what we are doing  
15 in the energy transition space and how we were  
16 addressing issues, customer vulnerabilities, customer  
17 choice and customers' need for energy sources.

18 This came about through a petition  
19 that was filed in May of 2021, reallocation petition.  
20 That reallocation petition came about after we  
21 approved in November 2020 a rate order and approved  
22 the joint proposal on that. At the time, we  
23 mentioned very briefly in the order that we will be  
24 -- that the company will be seeking to submit a  
25 petition, this reallocation petition.

1 11-18-2021 - Monthly Meeting

2 Looking to seek potential preferential  
3 reallocation of natural gas made available to  
4 commercial and industrial economic development  
5 customers in the Lansing moratorium area. Lansing  
6 has been -- had a moratorium since 2015. It's had  
7 challenges even before that.

8 At that time, back in November 2020,  
9 we had already had several orders and engagement in  
10 addressing the issues and the challenges that were  
11 there. That was one of many different petitions and  
12 proceedings and informal discussions. And staff has  
13 been diligent in trying to work with everybody in  
14 figuring out solutions.

15 The rate order which only briefly in  
16 the order itself mentioned this reallocation petition  
17 sites to the joint proposal, Appendix M Section 17.  
18 There were 17 provisions in that appendix. That  
19 appendix is really important, because it is a  
20 blueprint on the gas activities that are going to be  
21 done.

22 And it's a lot of information, 1  
23 through 17 about everything that's being done,  
24 really, really helpful, really, really important  
25 information on the activities and the challenges and

1 11-18-2021 - Monthly Meeting

2 all of the different things. In some ways, it's the  
3 blueprint for all that's on all of our plates.

4 But there is also another Appendix.  
5 Appendix not -- excuse me. Appendix N which lays out  
6 all of the studies that from the rate order were  
7 going to be done, including an analysis of the  
8 resiliency of the natural gas distribution system,  
9 including an analysis of geothermal includes a whole  
10 -- whole host of studies, too numerous to mention  
11 here.

12 So when I get this now this draft  
13 order that's based on a 5-page reallocation petition  
14 that's being submitted, because it's supposed to be  
15 because it wasn't -- it's supposed to be the way of  
16 figuring out potential preferential reallocation made  
17 available to commercial and industrial, economic  
18 development customers who are crying out for service.

19 I am struck, though, that our order  
20 spends less than a page in saying, basically sorry,  
21 no, but come back to us later. What it says is, you  
22 still have reliability issue. We have to worry about  
23 that, yes, completely agree. The non-pipeline  
24 alternatives are just in its infancy since the  
25 petition was filed, we have approved some non-pipe

1 11-18-2021 - Monthly Meeting

2 alternatives, we don't know if it's going to work.

3 So we're going to deny this, even  
4 though we put it in the rate order, and told you to  
5 do this and to do it within 6 months but come back to  
6 us once you figure it out. Who's it on? It's on us  
7 to help figure it out. It's on us to figure it out.  
8 And frankly, this looks dramatically different from  
9 the enforcement actions that were taken. From the  
10 orders that were taken to address the downstate  
11 challenges.

12 So I look at it and I say, why is that  
13 acceptable, the different treatment? Now, the  
14 petition needs to be resubmitted. It needs to now  
15 explain in more detail the analysis of -- since the  
16 non-pipeline alternatives. It needs to look at  
17 what's happening in all the numerous studies and  
18 engagement. And we also need to have information on  
19 these customers.

20 And we need to understand the impact  
21 on what this means in continual delay -- delay in the  
22 Lansing area. So we are saying moratoriums are  
23 allowed to exist in one area and yet in another area  
24 the utility may not be able to do that and may get  
25 challenged with it and pushed back and all that. I

1 11-18-2021 - Monthly Meeting

2 just want to understand it.

3 So my denial here is without  
4 prejudice. In a sense, we are in agreement, it's not  
5 ready, we can't move forward when we have reliability  
6 issues. But ultimately, the order does nothing to  
7 help move the conversation. It doesn't explain what  
8 we may look at. So if they go through the trouble of  
9 doing all this, are we still going to say, no, sorry,  
10 we don't want to have gas in that area despite the  
11 fact that customers want it.

12 Why should they waste their time,  
13 which is why the petition was five pages because it  
14 wasn't necessary for them because likely they knew  
15 that it was going to be denied. So I just look at it  
16 and say something is wrong in this process that we  
17 all are wasting our time here in giving some lip  
18 service to say we're denying it because you haven't  
19 figured out your reliability issues.

20 But come back to us once you figure it  
21 out. We already know that the non-pipe alternatives  
22 are most likely not going to solve the reliability  
23 issues, we know that. We know that in -- in NYSEG  
24 area. We know that in the Westchester area. We know  
25 that in the downstate area. And we know they're



1 11-18-2021 - Monthly Meeting

2 going to have do more.

3 So let's have that conversation  
4 openly, honestly and without basically saying not us  
5 on you, come back to us. That's not acceptable.  
6 Especially, the irony of in 165 we're allowing  
7 another company who started a pilot program in 2015  
8 to be able to give gas to commercial and industrial  
9 customers.

10 Little different some of the things  
11 that are -- are coming that's before us today in  
12 that, but essentially, it's interesting to me that  
13 moratorium in Lansing happened in 2015. The 165  
14 Prime New York Program was started in 2015 in another  
15 service territory. So I raise that because I think  
16 it's that important.

17 I think that if an order comes back to  
18 us that's based on a petition that was filed because  
19 of a rate case that we voted on, by the way, I was  
20 not supportive of that initial rate case for many of  
21 the challenges. But the rate case and the petition  
22 that came out of that had so many different  
23 provisions in it.

24 Appendix M and Appendix N are just the  
25 tip of the iceberg in that -- in that rate order. So

1 11-18-2021 - Monthly Meeting

2 we need to have more information on exactly what it  
3 is that we're doing, and not just leave it for us to  
4 say, yeah, they'll come back to us when they figure  
5 it out because that's just not acceptable. So I'm a  
6 no without prejudice. Thank you.

7 On items 164 A, B and C we're  
8 addressing enforcement actions. Or I'll Call 811. I  
9 think it's just really important to remind folks  
10 about the importance of Call 811. With the federal  
11 infrastructure legislation, we're going to see an  
12 infusion of monies for infrastructure spending.

13 Hopefully, a lot of that will able to  
14 be used in a very good way in New York. We do need  
15 to be concerned about damage prevention with the  
16 increased construction activities and infrastructure  
17 activities, it will mean that we will need to make  
18 sure that best practices are being followed in those  
19 activities. And that -- that relates to safety and  
20 our 811 engagement in particular.

21 I do want to give a special shout out  
22 to the gas safety staff who have been diligent in  
23 these issues and working hard on it. I also want to  
24 give a special shout out to PHMSA who has really been  
25 working very, very much collaborative fashion with

1 11-18-2021 - Monthly Meeting

2 all of the different stakeholders, including our gas  
3 safety folks.

4 On addressing this PHMSA is going to  
5 be having soon a technology forum looking at other  
6 ways to address, not only environmental issues, but  
7 also damage prevention and technologies. It's  
8 important for us to make sure that any funding that  
9 is out there, any engagement that can be done with  
10 PHMSA and the technologies are coming to bear in New  
11 York.

12 And our partners Dig Safely New York  
13 and Call 811 New York are also involved in those  
14 discussions and working with the utilities, and  
15 others to help ensure that we are promoting best  
16 practices. With all of this, a lot of the activities  
17 that's going to happen are going to come through  
18 other funding streams like I.D.A.s, municipalities,  
19 et cetera.

20 We need to make sure they are just as  
21 on top of the best practices in the safety even if  
22 they're not their workers, but if they have  
23 subcontractors and companies that are being hired to  
24 do the infrastructure work, all of us have to make it  
25 our prime responsibility from the safety perspective

1 11-18-2021 - Monthly Meeting

2 so the education and outreach and training will be  
3 that much more important.

4 So I just really want to just give  
5 that -- that shout-out on all of that. Item 261 and  
6 266, I'll be voting no without prejudice. My concern  
7 here is that both 261 and 266 are talking about data  
8 access, community choice aggregation, a lot of  
9 different things. I read every time we do a data  
10 access order.

11 I read every time we do a community  
12 choice aggregation and I'm concerned that there's a  
13 lot of misperception of what we're doing. There's a  
14 lot of concern on how we might be able to do things  
15 better. And I'm concerned that staff is involved in  
16 so much in trying to thread the needle, that it is  
17 really taking a toll.

18 And I'm not sure they were actually  
19 moving the needle forward in a way that is helpful.  
20 So for me, looking at this and seeing that both in  
21 261, both mission data and the utilities had raised  
22 concerns, looked for a petition for rehearing and  
23 clarification and we're denying petitions for  
24 rehearing, but giving some clarification to help --  
25 help explain why mission data at least may have

1 11-18-2021 - Monthly Meeting

2 gotten -- may have misinterpreted what the order  
3 said.

4 I would actually say we need to do  
5 better job before we issue these orders in figuring  
6 out that we have the pulse of what's happening. And  
7 it might take some time in us having collaboration,  
8 but also trying to figure out how to do it better.  
9 Community choice aggregation is something that I just  
10 -- I think there is a lot of need for improvement.

11 And while the 266 in a sense might be  
12 a good layout because it says, hey, we're going to  
13 tell staff to issue white paper on opt-out. I don't  
14 know. I don't really want to read another staff  
15 white paper that seems like it's taking a lot of time  
16 on staff to do, and ultimately then sits and becomes  
17 stale by the time it gets to us.

18 And then ultimately, we're not  
19 actually helping to move the needle forward. So for  
20 me, it may be an opportunity for us before staff in  
21 the sense goes through that exercise. We should be  
22 talking and figuring out what makes sense and maybe  
23 thinking about that. So 261 and 266, I'm a no  
24 without prejudice.

25 268. So 268, I'm going to be

1 11-18-2021 - Monthly Meeting

2 concurring. I do want to point out that this is  
3 trying to address the arrears issue, it's a big  
4 issue. And it's something that we're going to be  
5 facing. We have some ongoing generic proceeding in  
6 COVID, we also have other proceedings. We've dealt a  
7 little bit with some of these issues in other rate  
8 cases and orders trying to take care of what we need.

9 I will say, though that and I'm one  
10 for giving credit on leadership perspective when it's  
11 necessary. I did not think it was necessary to state  
12 in this order that we appreciate Con Edison's  
13 leadership on this issue. Indeed, the Commission  
14 expects that each of the utilities will join in  
15 helping to solve the arrearages problem.

16 Every single utility is already trying  
17 to solve the arrearages problem. Every single  
18 staffers, who's involved in these issues is trying to  
19 solve the arrearages problem.

20 We don't need to call out one utility  
21 in leadership because we're proving it, what we need  
22 to do is make sure that we're looking at this across  
23 the board figuring out what may or may not make  
24 sense, and also understand that the arrearages,  
25 especially as we're now heading into a possible

1 11-18-2021 - Monthly Meeting

2 fourth wave is something that may continue to be a  
3 problem.

4 We have not solved it yet. We're  
5 going to need to. We're going to need and it's not  
6 just about us solving it, it's a larger issue. And  
7 we need to really give some -- perhaps some takeaway  
8 could be the letter that Doris Stout had -- when she  
9 was director had issued on some of these challenges  
10 with COVID may be important for us for the finance  
11 folks.

12 I don't want to give you work, but I'm  
13 just suggesting. It may be time for us to make sure  
14 that we are giving some updated clarity on that as it  
15 relates to what we may be looking at for the  
16 utilities. And then the last item is item 375. I'm  
17 going to be voting, yes.

18 This is one of several that come  
19 before us not just, at this session, but in general,  
20 we see it's a -- it's a C.P.C.N. lightened  
21 regulation. But we see it. We're going to see an  
22 increase in a lot of these and also the compliance  
23 filings with Article 10 in ORES.

24 In here, there is a mention on page  
25 nineteen and twenty related to the C.L.C.P.A.

1 11-18-2021 - Monthly Meeting  
2 compliance, and it talks about what's required for  
3 each agency. And what we say is that the final  
4 permit issued by ORES expressly found that the  
5 facility contributes to New York C.L.C.P.A. targets  
6 by providing blah, blah, blah and it goes on.

7 And so essentially, we're saying since  
8 they addressed it, we're good. I just want to make  
9 it very clear to folks. It's fine in this case.  
10 It's fine here. I've seen other language on the  
11 C.L.C.P.A. Most of the time these compliance filings  
12 we don't get under the hood on what happened in the  
13 Siting Board.

14 I just want to make it clear that my  
15 expectation is that as there are challenges, and as  
16 there are legal issues that come that ORES and  
17 Article 10 Siting Board may have to address, I will  
18 be getting under the hood. I would encourage folks  
19 who may have some challenges with that to make sure  
20 that it's in the record as it comes forward to us on  
21 the compliance.

22 Because I may not necessarily and it  
23 would be up for us as the commission as a whole to  
24 figure out if we're in agreement or not on some of  
25 those underlying legal challenges that are out there



1 11-18-2021 - Monthly Meeting

2 and give some direction, especially as it's not just  
3 Article 10, the Siting Board, but ORES which does  
4 have to be responsive to the commission.

5 And it may be for us to weigh in on  
6 some of that rather than just leaving it to ORES. So  
7 that's it. Thank you very much. And I do want to  
8 take a moment of personal privilege to thank everyone  
9 that was very supportive during my recovery. I am  
10 still recovering. I'm totally good and I just want  
11 to thank everyone for all of your well-wishes.

12 It has helped enormously for me to be  
13 able to be my first day back today. So thank you.

14 CHAIR CHRISTIAN: And then we're happy  
15 to have you back. All right. Commissioner Alesi?

16 COMMISSIONER ALESI: Thank you,  
17 Chairman. I have no comment or questions at this  
18 time.

19 CHAIR CHRISTIAN: Thank you.  
20 Commissioner Tracy Edwards?

21 COMMISSIONER EDWARDS: Thank you,  
22 Chair. I do not have anything at this time.

23 CHAIR CHRISTIAN: Commissioner Howard?

24 COMMISSIONER HOWARD: Yeah, I have a  
25 few comments on a couple items. First, item 165 the

1 11-18-2021 - Monthly Meeting  
2 National Fuel Gas Economic Development Program. And  
3 -- and my broader concern is how this relates to New  
4 York State's Economic Competitiveness going forward.  
5 We have not come to grasp with how we will deal with  
6 large takers of natural gas from our job producing  
7 proportion of our economy.

8 And particularly, as how it affects  
9 Upstate which is home to most of our large scale  
10 industrial activities. We are in a race with a  
11 variety of other states. We all read every day about  
12 New York State's efforts particularly on the  
13 semiconductor industry where we have been successful  
14 in some cases particularly with GlobalFoundries  
15 encouraging their -- their expansion at their Malta  
16 site.

17 But we were all in the hunt for other  
18 companies, other large energy takers. And as we  
19 examine the C.L.C.P.A. and its effects going forward,  
20 I have great concerns about how New York State,  
21 particularly in the near term will -- how we will  
22 come out in that race for these large projects, many  
23 of whom require large volumes of not only  
24 electricity, but natural gas going forward.

25 Again, it is to -- to lose this race

1 11-18-2021 - Monthly Meeting  
2 would be a tragedy for an already difficult economy  
3 in many parts of Upstate New York. On Item 266, I'm  
4 continually troubled and more troubled as we go  
5 forward with the opt-out model for C.C.A. And  
6 particularly, as it relates to the commission and  
7 staffs' fabulous work --fabulous work dealing with  
8 taming the ESCO problems that have occurred in this  
9 state for -- for many, many years.

10 And that those lessons learned,  
11 particularly as regards to transparency and public  
12 awareness absolutely need to be carried over to the  
13 C.C.A. program going forward. And I just note with  
14 interest the recent experience with Rochester C.C.A.  
15 where, in fact, prices went up. And I don't believe  
16 the citizens of the City of Rochester understood what  
17 was at stake when the City made their move to a  
18 different energy supplier.

19 My suspicion is that if most customers  
20 were made aware that they would actually spend more,  
21 many more would have opted out. So the issue of  
22 choice and this opt-out concept, I think really,  
23 really needs to be examined with great scrutiny,  
24 particularly in light of the work that we've seen in  
25 the history, have seen on ESCOs and the lack of

1 11-18-2021 - Monthly Meeting  
2 transparency in many cases and particularly on how  
3 things are marketed.

4 Not only marketed to customers but  
5 also marketed to local governments going forward.  
6 And it's also my belief there is a point where local  
7 governments exceed their ability to make rational  
8 decisions. And maybe this may be one of those --  
9 those experiences.

10 And lastly, just one comment on Item  
11 380 dealing with the asset transfer. What if we were  
12 able to use these proceedings to deal with what I  
13 think are some real easy solutions to some of our  
14 climate issues, particularly one, the Oswego Harbor,  
15 Oswego -- currently known as Oswego Steam, it is a  
16 real anachronism, I think, in our fleet. It runs  
17 very little, runs on some of the dirtiest fuel. And  
18 I believe maybe the only last bunker oil plant that  
19 we have.

20 And again, I wish there was an  
21 opportunity in these proceedings that we can squeeze  
22 out some -- some units that probably need to be  
23 retired, if we are very serious about meeting our  
24 climate goals. So with that, that's it, Mr. Chair.  
25 Thank you.

1 11-18-2021 - Monthly Meeting

2 CHAIR CHRISTIAN: Thank you,  
3 Commissioner Howard. Okay. Commissioner Valesky?

4 COMMISSIONER VALESKY: Thank you,  
5 Chair. So this is the 5th session, I believe, of the  
6 expanded commission to -- to 7 members. And over the  
7 last 4 sessions, we've seen a number of themes  
8 develop, I think, from -- from many of us as  
9 commissioners whether it is compliance with the  
10 C.L.C.P.A. and items that come before us.

11 Whether it's affordability issues,  
12 particularly for low income ratepayers, one or more  
13 of us has addressed at each session. Whether it's  
14 the impact of the pandemic, the continuing impact of  
15 the pandemic I think is a concern to all of us. And  
16 certainly, one for me is economic development.

17 I had mentioned it as a component of  
18 the -- the joint proposal that we just considered  
19 earlier. Commissioner Howard just raised issues of  
20 economic development. And I'm going to return to one  
21 of the items that Commissioner Burman began with in  
22 regard to economic development and that's item number  
23 162.

24 And its relationship with item number  
25 165 because these are both economic development

1 11-18-2021 - Monthly Meeting  
2 items, certainly some -- these differences, but  
3 that's I think the -- the common theme that runs  
4 through both of them. I had the -- the great  
5 opportunity and -- and privileges I think all of you  
6 know to represent a portion of Central New York and  
7 the State Senate for 14 years.

8 And economic development was, if not  
9 job 1, 1 -- 1A or 1B for my entire time there and  
10 economic development and job creation is clearly  
11 important across the State, but especially in  
12 communities across Upstate New York. These 2 items  
13 are a little further to the west in terms of  
14 geography of -- of where I represented.

15 But again, the theme of creating jobs  
16 and economic opportunity is what -- is the common  
17 theme here. Item 162 I read and reread and -- and  
18 went back and -- and tried to learn a little bit of  
19 the history of the Lansing moratorium, and got a lot  
20 more of the history. Thanks to Commissioner Burman  
21 being back with us today, so thank you -- thank you  
22 for that.

23 And I certainly understand staff's  
24 recommendation and the logic behind staff's  
25 recommendation. You know, no one is going to say

1 11-18-2021 - Monthly Meeting  
2 that they're not concerned, for example, about peak  
3 day reliability concerns, no one's going to say that.  
4 But there's still something that just doesn't quite  
5 jive about that item.

6 And I'm -- and I'm not going to try to  
7 explain it because I can't explain it any better than  
8 Commissioner Burman already has. But with that  
9 having been said, I'm going to vote no on that item  
10 for the issues that she has raised earlier. And --  
11 and hope that, through that -- that vote we can raise  
12 additional attention to that issue in particular or  
13 that geographic area in particular and to economic  
14 development in general.

15 So I'll be a no on 162. And 165 which  
16 is the 3-year extension of the Western New York pilot  
17 program I think this is really important. It's been  
18 important for the western part of the State. The  
19 extension is important. I'll just mention one  
20 particular potential user that we anticipate Great  
21 Lakes Cheese.

22 This is a really, really important  
23 manufacturing facility that my understanding has had  
24 to make -- make some important decisions recently and  
25 continue to make those decisions about whether

1 11-18-2021 - Monthly Meeting  
2 they're going to continue to operate in New York  
3 State or go to another state and take those jobs with  
4 them.

5 Thanks to a lot of effort from a lot  
6 of people across many different agencies here, as  
7 well as, in Cattaraugus County. My understanding is  
8 there's a potential for a new \$500 million Great  
9 Lakes Cheese facility to be built there. 430 jobs  
10 it's going to create certainly in part of the State  
11 that needs jobs.

12 And in addition to that, you know, I  
13 spent some time at the Department of Agriculture  
14 before coming here and got to learn a lot more about  
15 how important our dairy industry is here in New York.  
16 And -- and I was told just yesterday that if this  
17 project moves forward and this item, my understanding  
18 is will help that project moving forward.

19 Some 2 billion pounds of milk a year  
20 from -- from New York's dairy farmers we'll go toward  
21 -- toward that Great Lakes Cheese plant which will be  
22 energy efficient legacy plant that will serve for at  
23 least the next 50 years replacing a very inefficient  
24 plant that -- that currently exist today.

25 So I'm strongly supporting item number



1 11-18-2021 - Monthly Meeting

2 165 for -- for those reasons. Thank you.

3 CHAIR CHRISTIAN: Thank you.

4 Commissioner Maggiore?

5 COMMISSIONER MAGGIORE: Thank you,  
6 Chair Christian. I'm going to comment on 165 as well  
7 and I'd like to explain my vote on this item, which  
8 is, as Commissioner Valesky said, to extend the prime  
9 Western York pilot program.

10 This was not an automatic yes vote for  
11 me. I am somewhat concerned that to quote from the  
12 order all else being equal the Prime Western New York  
13 pilot program will result in increased consumption of  
14 natural gas. Although there is no current  
15 prohibition on a program that results in the  
16 increased use of natural gas, I don't think we have a  
17 clear picture yet as to where natural gas fits into  
18 New York's clean energy future.

19 To continue reading from the order and  
20 because of this Natural -- National Fuel Gas is  
21 required to issue a report as to how the company is  
22 managing its ability to achieve emissions targets  
23 established by the C.L.C.P.A. I would have preferred  
24 if that report existed before we approve the  
25 extension of the Prime Western New York program.

1 11-18-2021 - Monthly Meeting

2 That said, I think there is a  
3 compelling reason to approve the program now,  
4 Commissioner Valesky alluded to it. That has to do  
5 with the use of this program for the Great Lakes  
6 Cheese project. Again, as Commissioner Valesky  
7 indicated, this is a \$500 million, 400 plus jobs  
8 project in Cattaraugus County. It's always  
9 impossible to say what would happen if things were  
10 different. But it's a relatively safe bet.

11 The Great Lakes Cheese would have  
12 moved to a different state that was actively  
13 competing with New York, rather than open a new  
14 facility in Cattaraugus County without this program,  
15 that would have had no beneficial impact on the  
16 climate. It would not have even had beneficial  
17 impact on other aspects of the environment,  
18 especially if the company moved to a state that has  
19 different environmental policies than New York State.

20 Moreover, to repeat this is a 400 plus  
21 jobs project in Cattaraugus County. A project of  
22 that size is significant anywhere, but it is a huge  
23 deal in Cattaraugus County. It would be a mistake to  
24 remove a program like this from the economic  
25 development toolbox in the absence of clear direction

1 11-18-2021 - Monthly Meeting

2 on what role natural gas has in New York's clean  
3 energy future.

4 I will say, however, that a more  
5 consistent statewide policy is on its way. A program  
6 like this very well might fit into New York's clean  
7 energy future, but I can't say with certainty that it  
8 will. So we're renewing this program now. But I  
9 wouldn't interpret today's vote as a green light for  
10 similar programs going forward.

11 So I do intend to vote yes. Thank  
12 you.

13 CHAIR CHRISTIAN: Thank you,  
14 Commissioner. So regarding the consent agenda as a  
15 whole, my vote is in favor of the recommendations.  
16 Commissioner Burman, how do you vote?

17 COMMISSIONER BURMAN: I vote, yes  
18 except for those items I identified.

19 CHAIR CHRISTIAN: Thank you.  
20 Commissioner Alesi?

21 COMMISSIONER ALESI: I vote yes on the  
22 entire non-controversial calendar.

23 CHAIR CHRISTIAN: Thank you.  
24 Commissioner Edwards?

25 COMMISSIONER EDWARDS: I vote yes.

1 11-18-2021 - Monthly Meeting

2 CHAIR CHRISTIAN: Commissioner Howard?

3 COMMISSIONER HOWARD: I vote yes.

4 CHAIR CHRISTIAN: Commissioner

5 Valesky?

6 COMMISSIONER VALESKY: I vote yes on

7 all items except item 162 and also appreciate

8 Commissioner Alesi's usage of Senate terminology in

9 describing this agenda.

10 CHAIR CHRISTIAN: Thank you.

11 Commissioner Maggiore?

12 COMMISSIONER MAGGIORE: I vote yes on

13 all items.

14 CHAIR CHRISTIAN: Great. We have  
15 sufficient votes. The items are approved, and the  
16 recommendations are adopted. Secretary Phillips, is  
17 there anything else?

18 SECRETARY PHILLIPS: There is nothing  
19 further today.

20 CHAIR CHRISTIAN: Okay. Thank you  
21 very much. And with that, we adjourned. Thank you  
22 everyone.

23 (Off the record, 11:39 a.m.)

24 (The proceeding concluded.)

25

1 11-18-2021 - Monthly Meeting

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 52, 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 22nd day of November, 2021.

11

12

13 HANNAH ALLEN, Reporter

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<b>A</b>	
<b>A.L.J</b> 3:14, 23, 25 11:2 12:3, 7, 11 13:12 17:23 21:3, 20	25:14 41:15, 16 51:20, 21
<b>a.m</b> 1:7, 7 2:2 52:23	<b>Alesi's</b> 52:8
<b>ability</b> 18:7 44:7 49:22	<b>align</b> 11:10, 18
<b>able</b> 14:5, 9 19:13 31:24 33:8 34:13 36:14 41:13 44:12	<b>alignment</b> 11:6, 8
<b>absence</b> 50:25	<b>ALLEN</b> 53:3, 13
<b>absolutely</b> 43:12	<b>alliance</b> 10:4 13:14
<b>acceptable</b> 31:13 33:5 34:5	<b>allowed</b> 31:23
<b>access</b> 7:20 36:8, 10	<b>allowing</b> 33:6
<b>account</b> 18:8 19:6	<b>allows</b> 6:18
<b>accumulative</b> 8:8	<b>alluded</b> 50:4
<b>achieve</b> 20:4 49:22	<b>alternatives</b> 30:24 31:2, 16 32:21
<b>acknowledge</b> 24:20	<b>anachronism</b> 44:16
<b>Act</b> 7:12	<b>analysis</b> 30:7, 9 31:15
<b>actions</b> 31:9 34:8	<b>annual</b> 4:17, 18
<b>actively</b> 50:12	<b>Anthony</b> 3:11, 17
<b>activities</b> 29:20, 25 34:16, 17, 19 35:16 42:10	<b>anticipate</b> 47:20
<b>actual</b> 6:22	<b>anticipated</b> 9:13
<b>addition</b> 7:16 48:12	<b>Anyway</b> 17:9
<b>additional</b> 5:21 22:6 47:12	<b>apart</b> 20:24
<b>address</b> 31:10 35:6 38:3 40:17	<b>apologize</b> 27:23
<b>addressed</b> 40:8 45:13	<b>app</b> 8:21
<b>addressing</b> 28:3, 16 29:10 34:8 35:4	<b>appears</b> 18:12
<b>adjourned</b> 52:21	<b>appendix</b> 29:17, 18, 19 30:4, 5, 5 33:24, 24
<b>adjustments</b> 11:14	<b>applaud</b> 18:13
<b>Administrative</b> 3:10, 11, 17 18:22	<b>apply</b> 24:4
<b>adopted</b> 10:21 26:5 52:16	<b>applying</b> 5:22 6:5
<b>advances</b> 24:19	<b>appreciate</b> 23:18 38:12 52:7
<b>adversarial</b> 10:7	<b>approach</b> 22:12
<b>adversaries</b> 19:18	<b>appropriate</b> 9:23 15:23 16:13
<b>advocacy</b> 7:7	<b>appropriately</b> 16:9
<b>advocate</b> 14:15	<b>approval</b> 21:5
<b>affordability</b> 7:22 45:11	<b>approve</b> 25:10 49:24 50:3
<b>affordable</b> 18:8	<b>approved</b> 26:4 28:21, 21 30:25 52:15
<b>agencies</b> 48:6	<b>approvingly</b> 24:20
<b>agency</b> 40:3	<b>area</b> 29:5 31:22, 23, 23 32:10, 24 32:24, 25 47:13
<b>agenda</b> 2:5, 7 26:6, 8 51:14 52:9	<b>argument</b> 9:16
<b>aggregation</b> 36:8, 12 37:9	<b>arrearages</b> 38:15, 17, 19, 24
<b>agree</b> 10:18 13:15 22:10 30:23	<b>arrears</b> 38:3
<b>agreement</b> 24:23 32:4 40:24	<b>Article</b> 39:23 40:17 41:3
<b>agreements</b> 4:11	<b>asking</b> 21:4
<b>Agriculture</b> 48:13	<b>aspects</b> 50:17
<b>ahead</b> 23:10	<b>asset</b> 44:11
<b>Albany</b> 1:9	<b>assets</b> 9:15
<b>Alesi</b> 1:15 2:17, 18 18:2, 3 25:12	<b>assigned</b> 3:16
	<b>assigning</b> 9:14
	<b>assistance</b> 8:5

**attention** 10:22 47:12  
**August** 4:9,16 5:9  
**authority** 22:2  
**automatic** 49:10  
**automatically** 23:23  
**available** 3:12 10:23 29:3 30:17  
**average** 4:19 6:12,15  
**aware** 43:20  
**awareness** 43:12

---

**B**

---

**B** 1:16,18 34:7  
**back** 8:3 14:18 15:16,24 26:20  
 26:22 27:14 29:8 30:21 31:5  
 31:25 32:20 33:5,17 34:4  
 41:13,15 46:18,21  
**background** 4:10  
**balances** 7:8  
**based** 21:20 26:15 30:13 33:18  
**basically** 30:20 33:4  
**bear** 35:10  
**began** 5:7 45:21  
**beginning** 4:5 26:8  
**belief** 44:6  
**believe** 9:25 43:15 44:18 45:5  
**Believes** 10:13  
**Belsito** 3:12,18 13:12 18:22  
 21:3,20  
**beneficial** 7:18 50:15,16  
**benefit** 9:5 18:6  
**benefits** 8:18  
**best** 13:19 24:4 34:18 35:15,21  
**bet** 50:10  
**better** 3:20 11:17 36:15 37:5,8  
 47:7  
**big** 38:3  
**bill** 4:21 5:23 6:12,15 7:20,24  
 20:18,19,21,25 21:14 22:2  
**billion** 48:19  
**bills** 8:22 21:15,19  
**bit** 17:14 28:13 38:7 46:18  
**blah** 40:6,6,6  
**block** 8:14 11:14,15  
**blueprint** 29:20 30:3  
**board** 38:23 40:13,17 41:3  
**Boardroom** 1:8  
**borne** 17:4,5  
**briefly** 4:9 28:23 29:15  
**bring** 18:15  
**bringing** 19:24

**broader** 42:3  
**bucket** 16:10  
**budgets** 9:23 16:12  
**Building** 1:8  
**built** 48:9  
**bunker** 44:18  
**Burman** 1:13 2:14,15 11:23,24  
 12:4,8,12 13:24 17:25 19:23  
 25:10,11 26:8,9 45:21 46:20  
 47:8 51:16,17

**Burman's** 23:22  
**Business** 8:3  
**businesses** 8:5

---

**C**

---

**C** 34:7  
**C.C.A** 43:5,13,14  
**C.L.C.P.A** 7:13 8:6 10:17 11:6,8  
 11:19 18:9 19:17,21 24:19  
 27:2 39:25 40:5,11 42:19  
 45:10 49:23  
**C.L.C.P.A.'s** 9:12  
**C.P.C.N** 39:20  
**Cairo** 8:12  
**calendar** 51:22  
**call** 2:3,11,12 34:8,10 35:13  
 38:20  
**calls** 8:11  
**capability** 8:16  
**caption** 53:5  
**carbon** 8:8  
**care** 28:3,4,6 38:8  
**carefully** 15:11  
**carried** 43:12  
**case** 3:8,9 11:9 12:13 14:2,20  
 15:21 22:9,15 27:4,6,15,17  
 33:19,20,21 40:9  
**cases** 2:8 4:8 9:17 12:20,25  
 14:15 20:16 24:5 26:11 38:8  
 42:14 44:2  
**categories** 7:19  
**Cattaraugus** 48:7 50:8,14,21,23  
**cause** 22:6 53:4  
**cease** 8:16  
**celebrating** 20:12  
**cent** 6:11,12,13  
**Central** 3:9,20 4:4,14,23 8:7  
 9:3 11:8 15:14 23:2 46:6  
**certainly** 21:21 22:24 23:2,17  
 24:6 45:16 46:2,23 48:10

<p><b>certainty</b> 51:7  <b>certify</b> 53:3  <b>cetera</b> 35:19  <b>Chair</b> 1:12 2:3, 6, 10, 16, 19, 22, 25  3:4, 7, 15 10:24 11:3 17:24  18:17, 21 20:5, 7 22:18, 22  24:13, 17 25:6, 12, 15, 18, 20, 24  26:3 41:14, 19, 22, 23 44:24  45:2, 5 49:3, 6 51:13, 19, 23  52:2, 4, 10, 14, 20  <b>Chairman</b> 18:4 20:11 41:17  <b>challenged</b> 31:25  <b>challenges</b> 16:3 18:11 26:25  27:14 29:7, 10, 25 31:11 33:21  39:9 40:15, 19, 25  <b>change</b> 2:7  <b>changes</b> 2:5 6:11  <b>chatbot</b> 8:21  <b>Cheese</b> 47:21 48:9, 21 50:6, 11  <b>choice</b> 28:17 36:8, 12 37:9 43:22  <b>chose</b> 23:19  <b>Christian</b> 1:12 2:3, 10, 16, 19, 22  2:25 3:4, 7, 15 10:24 11:3  17:24 18:17 20:7 22:18, 22  24:13, 17 25:6, 12, 15, 18, 20, 24  26:3 41:14, 19, 23 45:2 49:3, 6  51:13, 19, 23 52:2, 4, 10, 14, 20  <b>citizens</b> 43:16  <b>City</b> 43:16, 17  <b>clarification</b> 21:24 36:23, 24  <b>clarity</b> 39:14  <b>Clarke</b> 3:10, 13, 14, 16, 23, 25  10:25 11:2, 25 12:3, 7, 11 17:23  18:21  <b>clean</b> 23:15 49:18 51:2, 6  <b>clear</b> 40:9, 14 49:17 50:25  <b>clearly</b> 24:2 46:10  <b>climate</b> 7:12 44:14, 24 50:16  <b>closing</b> 9:25  <b>closure</b> 11:10  <b>cold</b> 8:25  <b>collaboration</b> 37:7  <b>collaborative</b> 22:11 34:25  <b>colleagues</b> 22:9 23:10 24:21  <b>combustion</b> 8:12  <b>come</b> 12:21 15:18 30:21 31:5  32:20 33:5 34:4 35:17 39:18  40:16 42:5, 22 45:10  <b>comes</b> 33:17 40:20  <b>coming</b> 12:21 15:6, 6 20:18 33:11</p>	<p>35:10 48:14  <b>commenced</b> 2:2 4:16  <b>commend</b> 24:25  <b>commendable</b> 19:6, 20  <b>comment</b> 13:22 26:6 41:17 44:10  49:6  <b>commenting</b> 26:10  <b>comments</b> 10:2, 19 11:22 23:22  24:17, 18, 21 27:5 41:25  <b>commercial</b> 7:6 29:4 30:17 33:8  <b>commission</b> 1:3 2:4 10:20 11:5  21:25 38:13 40:23 41:4 43:6  45:6  <b>commissioner</b> 2:13, 15, 16, 18, 19  2:21, 22, 24, 25 3:3, 4, 6 11:23  11:24 12:4, 8, 12 13:24 14:14  17:25 18:2, 3, 18, 19, 20 19:23  20:8, 9, 10 21:18, 23 22:11, 19  22:20, 21, 23 23:7, 22 24:14, 15  24:16 25:3, 7, 10, 11, 12, 14, 15  25:17, 18, 19, 20, 22, 24 26:2, 8, 9  41:15, 16, 20, 21, 23, 24 45:3, 3, 4  45:19, 21 46:20 47:8 49:4, 5, 8  50:4, 6 51:14, 16, 17, 20, 21, 24  51:25 52:2, 3, 4, 6, 8, 11, 12  <b>commissioners</b> 1:11 2:12 3:15  11:22 25:9 26:6 27:12 45:9  <b>commitments</b> 19:17  <b>commodity</b> 20:21 21:8, 9, 16 22:3  <b>common</b> 5:6 6:18 46:3, 16  <b>communication</b> 19:9  <b>communities</b> 46:12  <b>community</b> 7:12 36:8, 11 37:9  <b>companies</b> 18:24 35:23 42:18  <b>company</b> 4:16 8:15 9:4 19:4  28:24 33:7 49:21 50:18  <b>company's</b> 6:22 7:9, 21 8:19  10:10 18:7  <b>compelling</b> 50:3  <b>competing</b> 50:13  <b>Competitiveness</b> 42:4  <b>completely</b> 30:23  <b>compliance</b> 39:22 40:2, 11, 21  45:9  <b>complicated</b> 25:4  <b>component</b> 45:17  <b>compromise</b> 10:6 18:5 19:23  <b>Con</b> 38:12  <b>concede</b> 10:7  <b>concept</b> 43:22</p>
---	---



**concern** 27:4 36:6,14 42:3 45:15  
**concerned** 15:21,22 34:15 36:12  
 36:15 47:2 49:11  
**concerns** 9:17 26:22 36:22 42:20  
 47:3  
**concluded** 52:24  
**conclusion** 22:17 24:8  
**concur** 17:20 25:11 26:15  
**concurrences** 17:12  
**concurring** 12:13 17:12 38:2  
**conditions** 8:25 19:5  
**confirm** 2:13 3:21  
**confronting** 17:16  
**congratulate** 22:8  
**congratulations** 17:21 22:15  
 23:10  
**connections** 21:7  
**consensus** 22:10  
**consent** 26:6,8 51:14  
**consideration** 27:13  
**considerations** 10:15  
**considered** 2:8 45:18  
**consistent** 4:7 51:5  
**consisting** 53:6  
**constituencies** 10:10  
**constraint** 28:4  
**construction** 34:16  
**consumer** 10:15  
**consumption** 49:13  
**Contains** 10:5  
**contentious** 12:18  
**continual** 31:21  
**continually** 43:4  
**continue** 5:11 12:20 25:3 39:2  
 47:25 48:2 49:19  
**continued** 7:10  
**continues** 8:3  
**continuing** 4:6 18:11 45:14  
**contributes** 40:5  
**conversation** 32:7 33:3  
**conversion** 8:17  
**convey** 8:17  
**corner** 13:6  
**Corning** 26:12 27:6,9  
**Corporation** 4:4  
**correct** 12:3  
**costs** 26:25  
**County** 48:7 50:8,14,21,23  
**couple** 20:11 41:25  
**COVID** 38:6 39:10

**COVID-19** 7:15,19 10:15  
**Coxsackie** 8:12  
**create** 48:10  
**creating** 46:15  
**creation** 8:19 11:11 46:10  
**credit** 7:24 9:10,19,21 15:20  
 16:3,14,24 17:18 38:10  
**credits** 5:23 6:5  
**crying** 30:18  
**culminating** 5:8  
**curious** 13:10  
**current** 49:14  
**currently** 44:15 48:24  
**customer** 4:19 6:10,16 7:7,17,23  
 8:18,22,24 11:18 21:15 28:16  
 28:16  
**customers** 7:21 9:5 11:13 18:10  
 20:14 22:7 24:9,10 28:17 29:5  
 30:18 31:19 32:11 33:9 43:19  
 44:4  
**cycle** 8:12

---

**D**


---

**D. P. S** 13:17  
**dairy** 48:15,20  
**damage** 34:15 35:7  
**data** 36:7,9,21,25  
**Dave** 2:25  
**DAVID** 1:17  
**day** 41:13 42:11 47:3 53:10  
**de** 11:15  
**deal** 42:5 44:12 50:23  
**dealing** 26:24 27:8,20 43:7  
 44:11  
**dealt** 38:6  
**decision** 26:13,15,20,23  
**decisions** 44:8 47:24,25  
**declining** 8:14 11:14,15  
**decommissioning** 8:11  
**decoupling** 9:12 22:3  
**decrease** 5:2,13,19 6:2,11 20:13  
 20:16  
**decreasing** 17:6  
**deeper** 16:17  
**delay** 31:21,21  
**delivers** 21:7  
**delivery** 3:19 4:3 5:3,4,12,16  
 5:25 6:7 20:23 21:6,16 22:3  
**denial** 32:3  
**denied** 32:15

**deny** 31:3  
**denying** 32:18 36:23  
**Department** 48:13  
**depreciating** 9:14  
**depreciation** 6:25  
**descent** 15:14 17:17  
**describe** 20:20  
**describing** 52:9  
**despite** 32:10  
**detail** 4:10 31:15  
**develop** 8:7 45:8  
**developing** 11:4  
**development** 8:4 23:14 29:4  
 30:18 42:2 45:16,20,22,25  
 46:8,10 47:14 50:25  
**Diane** 1:13 2:13  
**differences** 46:2  
**different** 12:16,17 14:14 15:4  
 16:9 17:11 19:19 29:11 30:2  
 31:8,13 33:10,22 35:2 36:9  
 43:18 48:6 50:10,12,19  
**differently** 12:25 26:11  
**difficult** 43:2  
**Dig** 35:12  
**diligent** 29:13 34:22  
**diligently** 18:15 19:16 22:16  
**dimming** 8:16  
**direct** 4:25 10:5,13  
**direction** 41:2 50:25  
**director** 39:9  
**dirtyest** 44:17  
**disagree** 13:7  
**disconnect** 14:22  
**discounts** 7:21  
**discussing** 21:17  
**discussion** 16:5 18:23  
**discussions** 14:6 27:8 29:12  
 35:14  
**disposition** 9:2  
**distribution** 30:8  
**diverse** 19:8  
**diversity** 24:23  
**doing** 27:3 28:14 32:9 34:3  
 36:13  
**Doris** 39:8  
**downstate** 31:10 32:25  
**draft** 3:18 4:2 30:12  
**dramatic** 20:25  
**dramatically** 31:8  
**driven** 6:24

---

**E**


---

**earlier** 5:10 45:19 47:10  
**earnings-sharing-** 6:21  
**easy** 44:13  
**echo** 11:5 23:22 24:17,18,20  
**economic** 8:3 19:4 23:14 29:4  
 30:17 42:2,4 45:16,20,22,25  
 46:8,10,16 47:13 50:24  
**economy** 10:4 13:14 42:7 43:2  
**Edison's** 38:12  
**education** 36:2  
**Edwards** 1:14 2:20,21 18:19,20  
 22:11 25:16,17 41:20,21 51:24  
 51:25  
**effects** 7:14 42:19  
**efficiency** 23:15  
**efficient** 48:22  
**effort** 48:5  
**efforts** 10:16 18:14 42:12  
**either** 13:6 21:8  
**elaborate** 21:2  
**electric** 3:19 4:3,4,17,21 5:3  
 5:12,19,24 6:10 8:9 21:9,11  
 24:9  
**electricity** 42:24  
**eliminates** 8:13  
**emissions** 8:8 23:15 49:22  
**emphasis** 11:12  
**emphasize** 22:24  
**encourage** 24:6 40:18  
**encouraging** 42:15  
**energy** 7:22 23:15,16 28:5,15,17  
 42:18 43:18 48:22 49:18 51:3  
 51:7  
**enforcement** 31:9 34:8  
**engagement** 29:9 31:18 34:20  
 35:9  
**enhance** 7:3  
**enhancing** 7:16  
**enormously** 41:12  
**ensure** 8:23 19:17 35:15  
**ensuring** 7:9 28:6  
**entire** 23:11 46:9 51:22  
**entirety** 9:6  
**entities** 7:7  
**environment** 50:17  
**environmental** 7:6 35:6 50:19  
**equal** 49:12  
**equally** 9:18

<b>equate</b> 4:20	<b>facilitate</b> 14:9
<b>equity</b> 4:24,24 5:5,6 6:18,19	<b>facility</b> 40:5 47:23 48:9 50:14
<b>equivalent</b> 9:20	<b>facing</b> 38:5
<b>ESCO</b> 43:8	<b>fact</b> 14:3 19:22 20:13 32:11
<b>ESCOs</b> 43:25	43:15
<b>ESP</b> 1:8	<b>facto</b> 11:15
<b>especially</b> 7:14 17:6 33:6 38:25	<b>factor</b> 13:11
41:2 46:11 50:18	<b>factors</b> 12:17 14:8
<b>essentially</b> 9:20 21:13 33:12	<b>farmers</b> 48:20
40:7	<b>fashion</b> 34:25
<b>establish</b> 3:19 4:3	<b>favor</b> 25:8,23 51:15
<b>established</b> 4:15 49:23	<b>February</b> 5:8
<b>et</b> 35:19	<b>federal</b> 34:10
<b>evenly</b> 5:19	<b>fee</b> 9:20
<b>everybody</b> 29:13	<b>feel</b> 14:23 17:13
<b>everyone's</b> 18:6	<b>figure</b> 9:19 31:6,7,7 32:20 34:4
<b>evolved</b> 16:25	37:8 40:24
<b>evolvment</b> 13:3	<b>figured</b> 32:19
<b>exactly</b> 23:7 34:2	<b>figures</b> 4:20
<b>examine</b> 42:19	<b>figuring</b> 29:14 30:16 37:5,22
<b>examined</b> 43:23	38:23
<b>example</b> 12:24 47:2	<b>file</b> 27:5
<b>exceed</b> 44:7	<b>filed</b> 4:8 28:19 30:25 33:18
<b>exceeds</b> 6:23	<b>filings</b> 39:23 40:11
<b>Excellent</b> 3:7	<b>fill</b> 19:17
<b>excuse</b> 3:20 5:25 13:12 30:5	<b>final</b> 2:5,7 40:3
<b>exercise</b> 37:21	<b>finally</b> 24:25
<b>exist</b> 31:23 48:24	<b>finance</b> 39:10
<b>existed</b> 49:24	<b>financial</b> 7:14 8:4
<b>exists</b> 23:21	<b>find</b> 14:7
<b>expand</b> 7:20	<b>fine</b> 40:9,10
<b>expanded</b> 45:6	<b>first</b> 2:11 3:8 11:25 12:5 15:19
<b>expansion</b> 42:15	17:21 18:6 20:12 22:22 26:11
<b>expect</b> 20:25 22:5	41:13,25
<b>expectation</b> 40:15	<b>firsthand</b> 11:7
<b>expected</b> 21:21	<b>fit</b> 51:6
<b>expects</b> 38:14	<b>fits</b> 49:17
<b>experience</b> 43:14	<b>five</b> 32:13
<b>experiences</b> 44:9	<b>flattening</b> 11:16
<b>explain</b> 31:15 32:7 36:25 47:7,7	<b>fleet</b> 44:16
49:7	<b>fleshes</b> 23:7
<b>explained</b> 21:4	<b>Floor</b> 1:8
<b>explaining</b> 28:13	<b>focused</b> 15:17
<b>expressly</b> 40:4	<b>folks</b> 15:16 34:9 35:3 39:11
<b>extend</b> 49:8	40:9,18
<b>extension</b> 47:16,19 49:25	<b>follow</b> 18:24
<b>extreme</b> 8:25	<b>follow-up</b> 22:22
	<b>followed</b> 34:18
	<b>forecast</b> 23:5
	<b>foregoing</b> 53:3,6
<b>F</b>	
<b>fabulous</b> 43:7,7	

**foremost** 18:6  
**forms** 8:20  
**formula** 9:14  
**forum** 35:5  
**forward** 12:23 17:3 24:6,11 32:5  
 36:19 37:19 40:20 42:4,19,24  
 43:5,13 44:5 48:17,18 51:10  
**found** 40:4  
**fourth** 39:2  
**frankly** 31:8  
**fresh** 27:16  
**fuel** 42:2 44:17 49:20  
**full** 10:21  
**fully** 9:2  
**fundamental** 9:24 16:13  
**funded** 9:11  
**funding** 9:22 16:7,10,11,19 35:8  
 35:18  
**further** 16:5 17:14 46:13 52:19  
**furtherance** 8:6  
**furthering** 7:11  
**future** 9:13 49:18 51:3,7

---

**G**

**gas** 3:19 4:3,4,18,22 5:4,16 6:7  
 6:15 8:9,11,14,18 9:13 11:16  
 11:18 21:8,12 24:9 29:3,20  
 30:8 32:10 33:8 34:22 35:2  
 42:2,6,24 49:14,16,17,20 51:2  
**gas-** 9:14  
**general** 16:5 39:19 47:14  
**generic** 38:5  
**geographic** 47:13  
**geography** 46:14  
**geothermal** 9:10 14:16,20 15:3  
 15:20 16:3,13,17,24 17:18  
 30:9  
**getting** 23:8 40:18  
**give** 12:23 33:8 34:21,24 36:4  
 39:7,12 41:2  
**giving** 20:6 32:17 36:24 38:10  
 39:14  
**glad** 12:10 20:5  
**GlobalFoundries** 42:14  
**go** 12:23 14:18 21:19,22 22:13  
 26:19 27:14 32:8 43:4 48:3,20  
**goal** 9:24 16:13 19:19  
**goals** 7:11 8:6 10:16 11:19 18:9  
 19:21 20:4 24:19 44:24  
**goes** 37:21 40:6

**going** 12:13,14 13:6 14:24 17:14  
 17:15,19 24:5 27:7,24 28:12  
 28:12 29:20 30:7 31:2,3 32:9  
 32:15,22 33:2 34:11 35:4,17  
 35:17 37:12,25 38:4 39:5,5,17  
 39:21 42:4,19,24 43:13 44:5  
 45:20 46:25 47:3,6,9 48:2,10  
 49:6 51:10  
**good** 3:14 19:14 25:2,4 34:14  
 37:12 40:8 41:10  
**gotten** 27:19 37:2  
**governmental** 7:6  
**governments** 44:5,7  
**granted** 9:3  
**grappled** 28:3  
**grasp** 42:5  
**great** 11:4,13 13:24 26:3 42:20  
 43:23 46:4 47:20 48:8,21 50:5  
 50:11 52:14  
**greater** 11:16  
**green** 10:4 13:14 51:9  
**GRIC** 9:10,18,22,24 16:12 17:19  
**groups** 7:7

---

**H**

**half** 9:5  
**handled** 13:2  
**handling** 12:17  
**HANNAH** 53:3,13  
**happen** 35:17 50:9  
**happened** 33:13 40:12  
**happening** 31:17 37:6  
**happy** 28:9,10 41:14  
**Harbor** 44:14  
**hard** 34:23  
**hardship** 22:6  
**harmonious** 18:15  
**head** 27:12  
**heading** 38:25  
**hearing** 2:2 53:8  
**heat** 9:22,25 11:12 16:12,14  
**help** 31:7 32:7 35:15 36:24,25  
 48:18  
**helped** 12:22 41:12  
**helpful** 15:16,24 16:4 17:2,6  
 29:24 36:19  
**helping** 13:11 16:23 37:19 38:15  
**hereof** 53:5  
**hereto** 53:5  
**hereunto** 53:9

<b>hey</b> 37:12	6:13,13 7:20 20:13 21:15
<b>highlight</b> 4:12	39:22
<b>hired</b> 35:23	<b>increased</b> 6:16 34:16 49:13,16
<b>history</b> 28:11 43:25 46:19,20	<b>increases</b> 5:14 6:3,8,24 7:2
<b>holistically</b> 16:8	10:14 20:16,25 21:11,14
<b>home</b> 42:9	<b>indicate</b> 16:23
<b>honestly</b> 33:4	<b>indicated</b> 5:9 50:7
<b>hood</b> 40:12,18	<b>indicative</b> 23:20
<b>hope</b> 47:11	<b>individual</b> 9:9 13:16 14:12,13
<b>Hopefully</b> 34:13	14:16,22 15:2,7 16:2 21:6
<b>host</b> 30:10	<b>industrial</b> 29:4 30:17 33:8
<b>hot</b> 8:25	42:10
<b>Howard</b> 1:18 2:23,24 20:9,10	<b>industry</b> 14:17,20,20 16:17
21:18,23 23:8 25:18,19 41:23	42:13 48:15
41:24 45:3,19 52:2,3	<b>inefficient</b> 48:23
<b>Howard's</b> 22:23	<b>infancy</b> 22:8 30:24
<b>Hudson</b> 3:9 4:4,23 8:7 9:3 11:8	<b>informal</b> 29:12
15:14 23:2 24:10	<b>information</b> 4:10 21:21 29:22,25
<b>Hudson's</b> 4:14	31:18 34:2
<b>huge</b> 50:22	<b>infrastructure</b> 34:11,12,16
<b>hunt</b> 42:17	35:24
	<b>infusion</b> 34:12
<b>I</b>	<b>initial</b> 17:17 33:20
<b>I.D.A.s</b> 35:18	<b>insight</b> 13:21
<b>I'm</b> 38:9	<b>instituting</b> 15:20
<b>iceberg</b> 33:25	<b>instructive</b> 16:4 26:17,18
<b>identified</b> 15:6 27:2 51:18	<b>intend</b> 25:5 51:11
<b>impact</b> 9:10,13 16:3,14,24 17:18	<b>interest</b> 10:8,9,17 11:13,13
31:20 45:14,14 50:15,17	43:14
<b>impacted</b> 18:10	<b>interested</b> 18:14
<b>impacts</b> 7:13 17:3 22:2,25	<b>interesting</b> 33:12
<b>implementation</b> 27:2	<b>interests</b> 7:9 18:9
<b>importance</b> 34:10	<b>internationally</b> 21:13
<b>important</b> 13:4 19:9 21:24 22:24	<b>interpret</b> 51:9
26:21 27:11,18,21 28:2,12	<b>investments</b> 6:25
29:19,24 33:16 34:9 35:8 36:3	<b>involved</b> 14:13 17:11 35:13
39:10 46:11 47:17,18,19,22,24	36:15 38:18
48:15	<b>irony</b> 33:6
<b>impossible</b> 50:9	<b>issue</b> 30:22 37:5,13 38:3,4,13
<b>impressed</b> 13:16 25:3	39:6 43:21 47:12 49:21
<b>impressive</b> 24:22	<b>issued</b> 39:9 40:4
<b>improvement</b> 37:10	<b>issues</b> 12:16 13:2 17:15 28:4,16
<b>incentive</b> 11:16,17	29:10 32:6,19,23 34:23 35:6
<b>incentivize</b> 9:24 16:14	38:7,18 40:16 44:14 45:11,19
<b>include</b> 8:18	47:10
<b>includes</b> 6:21 7:18,23 11:9 30:9	<b>It'll</b> 21:15
<b>including</b> 30:7,9 35:2	<b>item</b> 2:7 3:8,8 25:5 26:4,11,12
<b>inclusive</b> 23:12	26:12 27:23,24 36:5 39:16,16
<b>income</b> 18:10 45:12	41:25 43:3 44:10 45:22,24
<b>increase</b> 4:17,18,21,22 5:4,16	46:17 47:5,9 48:17,25 49:7

52:7	<b>layout</b> 26:22 37:12
<b>items</b> 11:10 26:7,10 34:7 41:25	<b>lays</b> 30:5
45:10,21 46:2,12 51:18 52:7	<b>leadership</b> 7:12 38:10,13,21
52:13,15	<b>leading</b> 7:11
	<b>learn</b> 46:18 48:14
<hr/> <b>J</b> <hr/>	<b>learned</b> 43:10
<b>J</b> 1:17	<b>leave</b> 34:3
<b>J.P</b> 4:8 5:10,12 6:17 7:5,8,17	<b>leaving</b> 41:6
8:3,10,23,25 9:6,9 10:4 11:4	<b>led</b> 27:3,15
24:19	<b>legacy</b> 48:22
<b>J.P.'s</b> 6:24 10:13	<b>legal</b> 40:16,25
<b>James</b> 1:15 2:16	<b>legislation</b> 34:11
<b>January</b> 20:18	<b>lessons</b> 24:2,2 43:10
<b>jive</b> 47:5	<b>let's</b> 33:3
<b>job</b> 11:4 23:11 37:5 42:6 46:9	<b>letter</b> 39:8
46:10	<b>level</b> 22:10 23:21 24:3
<b>jobs</b> 46:15 48:3,9,11 50:7,21	<b>light</b> 43:24 51:9
<b>John</b> 1:16,18 2:22 3:4	<b>lightened</b> 39:20
<b>join</b> 38:14	<b>Likewise</b> 9:22
<b>joint</b> 4:8,12 7:19 10:3,21 18:4	<b>limited</b> 9:8 18:12
18:13 21:5 23:12 24:3,11	<b>limits</b> 21:25
28:22 29:17 45:18	<b>lip</b> 32:17
<b>Judge</b> 3:10,11,12,17 10:24 11:25	<b>listening</b> 15:11
13:11 17:21 18:21,22 23:10,18	<b>little</b> 17:14 27:24 28:13 33:10
<b>July</b> 4:5 5:11	38:7 44:17 46:13,18
<b>June</b> 4:6,15 5:11	<b>local</b> 44:5,6
	<b>logic</b> 46:24
<hr/> <b>K</b> <hr/>	<b>longer</b> 9:21
<b>keep</b> 14:4	<b>look</b> 14:24 15:16 16:9,16,19
<b>kind</b> 12:23 13:4 27:3	24:11 26:20 27:3 31:12,16
<b>knew</b> 32:14	32:8,15
<b>knock</b> 20:2	<b>looked</b> 15:24 36:22
<b>know</b> 13:7,21,25 14:3 17:18	<b>looking</b> 12:23 16:21,25 17:3
19:15 20:20 22:14 31:2 32:21	28:5 29:2 35:5 36:20 38:22
32:23,23,24,24,25 37:14 46:6	39:15
46:25 48:12	<b>looks</b> 31:8
<b>known</b> 44:15	<b>lose</b> 42:25
	<b>loss</b> 8:15
<hr/> <b>L</b> <hr/>	<b>lot</b> 12:16 29:22 34:13 35:16
<b>labor</b> 7:2	36:8,13,14 37:10,15 39:22
<b>lack</b> 43:25	46:19 48:5,5,14
<b>Lakes</b> 47:21 48:9,21 50:5,11	<b>low</b> 45:12
<b>language</b> 19:9,11 40:10	<b>low-</b> 18:9
<b>languages</b> 19:11,13	<b>low-income</b> 7:21 10:14 23:14
<b>Lansing</b> 29:5,5 31:22 33:13	
46:19	<hr/> <b>M</b> <hr/>
<b>large</b> 42:6,9,18,22,23	<b>M</b> 1:12 29:17 33:24
<b>larger</b> 15:8 17:5 20:19 39:6	<b>Maggiore</b> 1:16 3:5,6 24:15,16
<b>lastly</b> 19:15 44:10	25:25 26:2 49:4,5 52:11,12
<b>Law</b> 3:10,11,17 10:12 18:22	<b>maintain</b> 7:8 21:6

**majority** 22:12  
**making** 16:11  
**Malta** 42:15  
**management** 7:2  
**managing** 49:22  
**manufacturing** 47:23  
**market-based** 21:12,13  
**marketed** 44:3,4,5  
**matter** 28:2  
**maximize** 14:5  
**mean** 16:8,16 34:17  
**meaningful** 10:6  
**means** 14:23,24 16:20 31:21  
**mechanism** 6:22 9:12  
**meet** 19:21  
**meeting** 1:1,4 2:1 3:1 4:1 5:1  
 6:1 7:1 8:1 9:1 10:1 11:1  
 12:1 13:1 14:1 15:1 16:1 17:1  
 18:1 19:1 20:1 21:1 22:1 23:1  
 24:1 25:1 26:1 27:1 28:1 29:1  
 30:1 31:1 32:1 33:1 34:1 35:1  
 36:1 37:1 38:1 39:1 40:1 41:1  
 42:1 43:1 44:1,23 45:1 46:1  
 47:1 48:1 49:1 50:1 51:1 52:1  
 53:1  
**members** 13:17,17 45:6  
**mention** 30:10 39:24 47:19  
**mentioned** 19:10,23 21:10 28:23  
 29:16 45:17  
**merit** 9:18  
**metric** 8:2  
**metrics** 7:17  
**Michael** 3:10,16  
**milk** 48:19  
**million** 4:18,19 5:2,3,13,14,14  
 5:17,17,18,21,23,24 6:2,3,3,6  
 6:7,8,9 7:23 48:8 50:7  
**mind** 14:4 27:16  
**mindful** 15:10  
**misinterpreted** 37:2  
**misperception** 36:13  
**mission** 36:21,25  
**mistake** 50:23  
**mistaken** 27:7  
**mitigating** 7:13  
**mitigation** 10:14  
**mobile** 8:21  
**model** 18:24 19:24 43:5  
**moderate** 9:8  
**moderated** 5:21

**moderation** 5:22 7:24  
**modest** 6:24 20:12,15  
**moment** 41:8  
**monies** 34:12  
**monthly** 1:1,4 2:1 3:1 4:1 5:1  
 6:1,12 7:1 8:1 9:1 10:1 11:1  
 12:1 13:1 14:1 15:1 16:1 17:1  
 18:1 19:1 20:1 21:1 22:1 23:1  
 24:1 25:1 26:1 27:1 28:1 29:1  
 30:1 31:1 32:1 33:1 34:1 35:1  
 36:1 37:1 38:1 39:1 40:1 41:1  
 42:1 43:1 44:1 45:1 46:1 47:1  
 48:1 49:1 50:1 51:1 52:1 53:1  
**months** 31:5  
**moratorium** 29:5,6 33:13 46:19  
**moratoriums** 31:22  
**morning** 2:9 3:15 4:9 10:22  
**move** 17:3 19:20 26:5 32:5,7  
 37:19 43:17  
**moved** 50:12,18  
**moves** 48:17  
**moving** 27:23 36:19 48:18  
**multiple** 12:19  
**municipalities** 35:18

---

**N**


---

**N** 30:5 33:24  
**name** 2:12 3:15 53:10  
**nation** 7:11  
**National** 42:2 49:20  
**natural** 8:11,14,17 11:18 21:8  
 21:12 29:3 30:8 42:6,24 49:14  
 49:16,17,20 51:2  
**near** 42:21  
**necessarily** 12:25 16:20 40:22  
**necessary** 32:14 38:11,11  
**need** 14:24 16:16,19 17:13 28:17  
 31:18,20 34:2,14,17 35:20  
 37:4,10 38:8,20,21 39:5,5,7  
 43:12 44:22  
**needle** 12:15 36:16,19 37:19  
**needs** 31:14,14,16 43:23 48:11  
**negotiations** 5:7 14:9  
**net** 5:24 6:7,25  
**neutral** 13:7  
**new** 1:2,9 7:11 9:13 16:23 25:2  
 27:6,9 33:14 34:14 35:10,12  
 35:13 40:5 42:3,12,20 43:3  
 46:6,12 47:16 48:2,8,15,20  
 49:12,18,25 50:13,13,19 51:2

51:6 53:2  
**nineteen** 39:25  
**non-controversial** 51:22  
**non-pipe** 30:25 32:21  
**non-pipeline** 30:23 31:16  
**normally** 10:6  
**not-for-** 10:8  
**notable** 4:12 8:18 10:3  
**note** 13:14 21:25 43:13  
**November** 1:6 28:21 29:8 53:10  
**number** 15:15 26:10 45:7,22,24  
 48:25  
**numerous** 10:5 30:10 31:17  
**NYSEG** 32:23

---

**O**

---

**obligation** 16:17  
**observations** 10:19  
**observed** 22:8  
**occurred** 43:8  
**October** 23:6  
**offer** 8:22  
**offering** 8:16  
**oil** 8:17 11:12 44:18  
**Okay** 2:10 3:25 21:23 45:3 52:20  
**old** 27:19  
**once** 31:6 32:20  
**one's** 47:3  
**ongoing** 38:5  
**open** 20:18 50:13  
**openly** 33:4  
**operate** 48:2  
**opinion** 13:20 16:22  
**opportunity** 20:6 37:20 44:21  
 46:5,16  
**opposed** 19:25  
**opposition** 9:8 15:7 18:13  
**opt-out** 37:13 43:5,22  
**opted** 43:21  
**order** 2:4 3:18 4:2 11:7 15:14  
 19:12 25:9 28:9,21,23 29:15  
 29:16 30:6,13,19 31:4 32:6  
 33:17,25 36:10 37:2 38:12  
 49:12,19  
**orders** 29:9 31:10 37:5 38:8  
**ORES** 39:23 40:4,16 41:3,6  
**organization** 15:3,9  
**organizations** 10:9  
**organize** 15:8  
**organized** 13:19

**original** 26:13,14,20  
**originally** 9:4  
**Oswego** 44:14,15,15  
**outline** 20:13  
**outreach** 36:2  
**outside** 16:18 20:2  
**overall** 4:24 11:18  
**owners** 27:9

---

**P**

---

**page** 30:20 39:24 53:5  
**pages** 8:20 32:13 53:6  
**pandemic** 7:15 18:11 45:14,15  
**paper** 20:15 37:13,15  
**paramount** 28:7  
**part** 15:8 47:18 48:10  
**participants** 22:13  
**participating** 23:4  
**particular** 15:17 24:3 26:23,24  
 34:20 47:12,13,20  
**particularly** 42:8,12,14,21 43:6  
 43:11,24 44:2,14 45:12  
**parties** 7:5 10:7 12:20 13:13  
 14:2 17:11 18:14 22:16 24:23  
**partners** 35:12  
**parts** 43:3  
**pauses** 7:24  
**peak** 47:2  
**people** 19:5,16,24 20:20 48:6  
**people's** 27:16  
**percent** 4:20,21,24,25 5:5,6  
 6:18,19,19,20,23 8:10,10  
 20:19  
**performance** 7:17 8:2  
**period** 4:15 8:13  
**permit** 40:4  
**person** 12:6 14:13  
**personal** 41:8  
**perspective** 16:7 35:25 38:10  
**petition** 28:18,19,20,25,25  
 29:16 30:13,25 31:14 32:13  
 33:18,21 36:22  
**petitions** 29:11 36:23  
**Phillips** 2:5,6 3:21,24 52:16,18  
**philosophy** 24:4  
**PHMSA** 34:24 35:4,10  
**phone** 24:18  
**pick** 20:17  
**picture** 49:17  
**pilot** 8:15 33:7 47:16 49:9,13



**pipeline** 23:16  
**place** 53:4  
**plan** 3:19 4:4,7 5:10 8:7  
**plant** 6:25 44:18 48:21,22,24  
**plants** 11:11  
**plates** 30:3  
**please** 2:12 3:13,22  
**pleasure** 12:9  
**plus** 50:7,20  
**point** 13:15,23 14:11 22:23  
 26:13 38:2 44:6  
**pointed** 11:9  
**policies** 50:19  
**policy** 51:5  
**portion** 20:21 46:6  
**position** 13:8  
**positions** 10:8 13:13  
**possible** 19:21 22:14 38:25  
**potential** 29:2 30:16 47:20 48:8  
**pounds** 48:19  
**power** 8:11 11:11  
**practices** 34:18 35:16,21  
**predictions** 21:11  
**preferential** 29:2 30:16  
**preferred** 49:23  
**prejudice** 27:25 32:4 34:6 36:6  
 37:24  
**prerequisite** 9:21  
**presentation** 23:5  
**presented** 3:9 8:20 12:2  
**presenting** 11:5 17:21  
**preside** 3:16  
**pretty** 23:13  
**prevention** 34:15 35:7  
**previous** 4:14  
**prices** 21:12,12 43:15  
**primarily** 6:24  
**prime** 33:14 35:25 49:8,12,25  
**priorities** 23:16  
**privilege** 41:8  
**privileges** 46:5  
**probably** 20:24 22:5 44:22  
**problem** 38:15,17,19 39:3  
**problems** 43:8  
**proceeding** 13:18 20:3 38:5  
 52:24  
**proceedings** 3:17 4:16 29:12  
 38:6 44:12,21 53:7  
**process** 13:20 32:16  
**producing** 42:6

**product** 18:5  
**profit** 10:9  
**program** 7:22 8:4 9:23 16:12  
 33:7,14 42:2 43:13 47:17 49:9  
 49:13,15,25 50:3,5,14,24 51:5  
 51:8  
**programs** 51:10  
**prohibition** 49:15  
**project** 10:12 48:17,18 50:6,8  
 50:21,21  
**projects** 42:22  
**promote** 10:16  
**promoting** 35:15  
**proportion** 42:7  
**proposal** 4:8,13 5:9 7:20 10:3  
 10:21 18:4,13 21:5 23:12 24:3  
 24:11 28:22 29:17 45:18  
**proposed** 5:10 9:4  
**Protection** 7:12  
**protections** 10:15  
**provide** 4:10 18:7  
**provided** 10:2  
**provides** 8:4 13:21  
**providing** 40:6  
**proving** 38:21  
**provision** 4:12 7:10  
**provisions** 7:18 8:23 10:5,14  
 23:14 29:18 33:23  
**public** 1:3 2:4 10:8,9,12,17  
 43:11  
**publicly** 27:6  
**PULP** 12:24 13:4,10  
**pulse** 37:6  
**pump** 9:23 16:12  
**pumps** 9:25 11:12 16:15  
**Pursuant** 9:6  
**pushed** 19:8 31:25  
**put** 16:7 31:4  
**putting** 11:21

---

**Q**


---

**question** 12:22 22:23  
**questions** 3:12 10:23 11:21  
 20:11 41:17  
**quite** 47:4  
**quote** 10:5,13 49:11  
**quotes** 23:19

---

**R**


---

**race** 42:10,22,25

<p> <b>raise</b> 11:21 33:15 47:11  <b>raised</b> 36:21 45:19 47:10  <b>rarely</b> 22:9  <b>rate</b> 3:9,19 4:3,7 5:10,13,15,17  5:17,18,18,20,20,23,24 6:2,3  6:6,6,7,8,9,12,13,14,16,17,17  6:19,20,20,23 7:24 9:10,17  10:14 11:9 12:13 14:14 15:20  15:21 16:3,14,24 17:3,18  20:15,23 24:5 26:13,14,20,23  27:4,6,15,17 28:21 29:15 30:6  31:4 33:19,20,21,25 38:7  <b>ratepayers</b> 7:13 16:21 17:4  22:25 45:12  <b>rates</b> 4:14 8:14 9:8 11:14,15,17  21:4,6,17  <b>ratio</b> 4:25 5:6 6:19  <b>rational</b> 44:7  <b>read</b> 20:14 36:9,11 37:14 42:11  46:17  <b>reading</b> 23:18 49:19  <b>ready</b> 32:5  <b>real</b> 44:13,16  <b>reallocation</b> 28:19,20,25 29:3  29:16 30:13,16  <b>really</b> 12:12,14,15 18:22 19:16  23:7,21 26:14,21 27:16 28:3  28:12,12 29:19,24,24,24,24  34:9,24 36:4,17 37:14 39:7  43:22,23 47:17,22,22  <b>reason</b> 50:3  <b>reasonable</b> 18:5  <b>reasons</b> 15:15 49:2  <b>rebates</b> 8:17  <b>receive</b> 9:21  <b>recognition</b> 16:2,11 19:4  <b>recognizing</b> 19:7  <b>recommend</b> 10:20  <b>recommendation</b> 46:24,25  <b>recommendations</b> 26:5 51:15  52:16  <b>recommended</b> 5:2,5  <b>recommending</b> 21:5  <b>recommends</b> 5:13  <b>record</b> 23:19 40:20 52:23 53:7  <b>recovering</b> 41:10  <b>recovery</b> 41:9  <b>recuse</b> 26:7  <b>reduce</b> 8:7  <b>reduced</b> 9:11,19 </p>	<p> <b>reduction</b> 23:15  <b>refer</b> 14:12  <b>reflect</b> 6:2  <b>reflected</b> 15:13  <b>reflective</b> 27:14  <b>refund</b> 9:3,5,7  <b>regard</b> 21:25 45:22  <b>regarding</b> 7:19 9:17 22:2 51:14  <b>regards</b> 43:11  <b>region</b> 23:2  <b>regulation</b> 39:21  <b>rehearing</b> 36:22,24  <b>rejected</b> 9:16  <b>related</b> 9:15 39:25  <b>relates</b> 3:8 34:19 39:15 42:3  43:6  <b>relationship</b> 45:24  <b>relative</b> 20:12  <b>relatively</b> 50:10  <b>reliability</b> 7:3 28:6 30:22 32:5  32:19,22 47:3  <b>reliable</b> 7:10 18:8  <b>remain</b> 9:11  <b>remind</b> 23:3 34:9  <b>remove</b> 11:17 50:24  <b>renewing</b> 51:8  <b>repeat</b> 50:20  <b>repetitive</b> 23:9  <b>replacing</b> 48:23  <b>report</b> 49:21,24  <b>reported</b> 53:4  <b>Reporter</b> 53:13  <b>represent</b> 7:6 10:6,9 46:6  <b>representation</b> 14:25  <b>represented</b> 46:14  <b>representing</b> 14:16,19 15:3,8  <b>requested</b> 4:23  <b>require</b> 42:23  <b>required</b> 40:2 49:21  <b>requirements</b> 4:11  <b>requires</b> 9:13  <b>reread</b> 46:17  <b>reservations</b> 26:16  <b>residential</b> 4:19 6:10 7:25  <b>resiliency</b> 7:3 28:7 30:8  <b>resolution</b> 14:7  <b>resolve</b> 9:2  <b>respectively</b> 8:10  <b>responsibility</b> 35:25  <b>responsible</b> 12:16 </p>
---	--

**responsive** 41:4  
**resubmitted** 31:14  
**result** 6:11 49:13  
**results** 18:16 49:15  
**retired** 44:23  
**return** 4:24 5:5 6:18,23 45:20  
**revenue** 4:11,17 5:25,25 6:8,24  
 9:11  
**revenues** 5:3,4,12,16,25  
**review** 23:4  
**right** 12:7 16:10,10 41:15  
**rings** 24:18  
**risk** 23:9  
**Rochester** 43:14,16  
**role** 51:2  
**roll** 2:11  
**room** 20:2  
**RORY** 1:12  
**run** 13:20  
**runs** 44:16,17 46:3

---

**S**

---

**S** 1:15  
**safe** 7:10 18:7 21:18 50:10  
**Safely** 35:12  
**safety** 7:4 23:16 34:19,22 35:3  
 35:21,25  
**sales** 8:9 9:2,13 17:7  
**satisfies** 22:12  
**savings** 8:8  
**saw** 19:4  
**saying** 13:6,9 15:12 16:22 30:20  
 31:22 33:4 40:7  
**says** 30:21 37:12  
**scale** 42:9  
**scrutiny** 43:23  
**Secretary** 2:4,6 3:21,24 52:16  
 52:18  
**Section** 29:17  
**see** 12:10,25 15:25 18:4 20:18  
 23:13 34:11 39:20,21,21  
**seeing** 11:7 13:4 14:19 36:20  
**seek** 29:2  
**seeking** 4:17 28:24  
**seen** 12:5 19:18 40:10 43:24,25  
 45:7  
**self-** 15:5  
**self-evident** 22:4  
**semiconductor** 42:13  
**Senate** 46:7 52:8

**sense** 15:2 32:4 37:11,21,22  
 38:24  
**separate** 20:24  
**separating** 14:21  
**separation** 20:20  
**serious** 44:23  
**serve** 48:22  
**service** 1:3 2:4 6:10 7:3,10,17  
 7:25 8:18,24 10:10 18:8 30:18  
 32:18 33:15  
**session** 2:3 12:4 23:4,6 39:19  
 45:5,13  
**sessions** 45:7  
**settlement** 5:7 13:20 14:5 18:23  
 19:2 27:7  
**settlements** 19:2  
**share** 27:10,22  
**shortly** 27:8  
**shots** 13:25  
**shout** 34:21,24  
**shout-out** 36:5  
**side** 4:21 21:14,16  
**signatories** 10:20  
**signatory** 7:5 24:23  
**significant** 23:20 26:25 50:22  
**similar** 10:19 51:10  
**simple** 8:12  
**single** 9:9 14:12,21 38:16,17  
**sit** 20:2  
**site** 42:16  
**sites** 29:17  
**Siting** 40:13,17 41:3  
**sits** 37:16  
**size** 50:22  
**slow** 27:24  
**small** 8:5  
**solidifies** 18:7  
**solutions** 29:14 44:13  
**solve** 32:22 38:15,17,19  
**solved** 39:4  
**solving** 39:6  
**somewhat** 14:22 25:2 49:11  
**soon** 35:5  
**sorry** 4:2 24:18 30:20 32:9  
**sort** 12:10 13:7,25 14:3 17:7  
 23:7  
**sources** 28:17  
**South** 8:12  
**space** 28:15  
**Spanish** 8:19,20,21,21,22 19:11

**speak** 13:13 20:6  
**special** 34:21,24  
**specifically** 10:7 15:15  
**spend** 28:13 43:20  
**spending** 34:12  
**spends** 30:20  
**spent** 48:13  
**spread** 5:19  
**squeeze** 44:21  
**staff** 4:25 5:4 11:3,20 13:17,17  
 14:2 17:10 22:15 23:11 24:25  
 25:4 27:5 29:12 34:22 36:15  
 37:13,14,16,20  
**staff's** 46:23,24  
**staffers** 38:18  
**staffs'** 43:7  
**stake** 43:17  
**stakeholders** 35:2  
**stale** 37:17  
**started** 12:9 33:7,14  
**starting** 11:22  
**state** 1:2 19:8 23:2 38:11 42:20  
 43:9 46:7,11 47:18 48:3,3,10  
 50:12,18,19 53:2  
**State's** 42:4,12  
**stated** 53:5  
**statement** 13:15  
**statements** 10:2 11:6  
**states** 42:11  
**statewide** 51:5  
**Steam** 44:15  
**Stout** 39:8  
**strategy** 19:19 24:4  
**streams** 35:18  
**streetlight** 8:16  
**strong** 14:15  
**strongly** 48:25  
**struck** 12:14,19 30:19  
**struggled** 15:10  
**struggling** 19:5  
**studies** 30:6,10 31:17  
**subcontractors** 35:23  
**submit** 28:24  
**submitted** 5:9 30:14  
**subscribed** 53:10  
**subscription** 9:20  
**substantive** 13:2  
**successful** 42:13  
**successfully** 5:8  
**suffering** 7:14

**sufficient** 26:4 52:15  
**suggesting** 39:13  
**supplier** 43:18  
**support** 10:2 13:5,15 17:12  
 19:22 20:5 23:21 24:24  
**supporting** 20:4 24:11 48:25  
**supportive** 12:24 33:20 41:9  
**supposed** 30:14,15  
**sure** 14:25 15:11 27:11 34:18  
 35:8,20 36:18 38:22 39:13  
 40:19  
**suspicion** 43:19  
**system** 7:3 21:7 28:4 30:8

---

**T**


---

**table** 19:25  
**take** 13:25 19:6 24:2 26:19 37:7  
 38:8 41:8 48:3  
**takeaway** 39:7  
**taken** 10:8 27:13 31:9,10  
**takers** 42:6,18  
**takes** 14:6  
**talking** 36:7 37:22  
**talks** 40:2  
**taming** 43:8  
**target** 8:2  
**targeting** 8:8  
**targets** 40:5 49:22  
**tariff** 26:12  
**tax** 9:2  
**technologies** 35:7,10  
**technology** 35:5  
**tell** 19:3 37:13  
**term** 42:21  
**terminated** 8:24  
**terminations** 7:25  
**terminology** 52:8  
**terms** 46:13  
**territory** 10:11 33:15  
**testimony** 4:25  
**thank** 2:10 3:14,24,25 10:21,24  
 11:3,20,24 12:8,11 14:10 17:9  
 17:10,10,20,23,24 18:3,17,20  
 18:21 19:7 20:5,7,10 21:23  
 22:17,18,21 24:12,13,16 25:6  
 26:9 34:6 41:7,8,11,13,16,19  
 41:21 44:25 45:2,4 46:21,21  
 49:2,3,5 51:11,13,19,23 52:10  
 52:20,21  
**Thanks** 46:20 48:5

**theme** 46:3,15,17  
**themes** 45:7  
**thing** 14:11  
**things** 12:25 15:4 23:23 26:14  
 30:2 33:10 36:9,14 44:3 50:9  
**think** 11:25 12:5,14 14:2 16:4  
 16:22 17:8,13 18:23 21:3,24  
 22:23 23:20 24:8,21 26:17,18  
 27:18,21,25 33:15,17 34:9  
 37:10 38:11 43:22 44:13,16  
 45:8,15 46:3,5 47:17 49:16  
 50:2  
**thinking** 16:24 37:23  
**thorough** 25:4  
**thoughtfully** 28:5  
**thoughts** 23:22 27:12  
**thread** 12:15 36:16  
**Thursday** 1:6  
**time** 11:25 12:5 15:19,19 17:21  
 26:19 28:13,22 29:8 32:12,17  
 36:9,11 37:7,15,17 39:13  
 40:11 41:18,22 46:9 48:13  
 53:4  
**tip** 33:25  
**today** 12:10 20:22 27:24 28:11  
 33:11 41:13 46:21 48:24 52:19  
**today's** 51:9  
**told** 31:4 48:16  
**toll** 36:17  
**tomorrow** 20:14  
**toolbox** 50:25  
**top** 35:21  
**total** 4:20 22:2  
**totaling** 5:23 6:5  
**totally** 41:10  
**TRACEY** 1:14  
**Tracy** 2:19 41:20  
**tragedy** 43:2  
**training** 36:2  
**transcript** 15:17 26:21  
**transcription** 53:6  
**transfer** 44:11  
**transition** 11:7 27:9 28:5,15  
**transitioning** 11:12  
**translated** 19:13  
**transparency** 43:11 44:2  
**treatment** 31:13  
**tried** 46:18  
**trigger** 15:18  
**triggered** 6:22

**trouble** 32:8  
**troubled** 43:4,4  
**troubling** 14:23  
**true** 53:7  
**trust** 14:8  
**try** 12:16 20:2,3 24:4 47:6  
**trying** 14:7 19:20 29:13 36:16  
 37:8 38:3,8,16,18  
**turbine** 8:13  
**twenty** 39:25  
**two** 11:11 15:3 23:19 26:14  
**typewritten** 53:6  
**typical** 6:10,15

---

**U**


---

**ultimately** 32:6 37:16,18  
**uncollectible** 7:25  
**underlying** 17:15 40:25  
**understand** 31:20 32:2 38:24  
 46:23  
**understanding** 19:12 47:23 48:7  
 48:17  
**understood** 43:16  
**units** 44:22  
**updated** 39:14  
**Upstate** 42:9 43:3 46:12  
**usage** 52:8  
**use** 8:15 9:25 11:16,18 16:14  
 44:12 49:16 50:5  
**user** 47:20  
**utilities** 17:5 24:5 35:14 36:21  
 38:14 39:16  
**utility** 10:12 31:24 38:16,20  
**utility's** 16:18

---

**V**


---

**Valesky** 1:17 3:2,3 22:20,21  
 25:21,22 45:3,4 49:8 50:4,6  
 52:5,6  
**Valley** 24:10  
**value** 9:14  
**varied** 7:8  
**variety** 14:7 42:11  
**various** 7:16  
**vast** 22:12  
**vegetation** 6:25  
**versus** 15:2,7 17:5  
**vision** 19:19  
**volumes** 42:23  
**vote** 15:18 25:5,8,10,13,14,17

25:22 47:9,11 49:7,10 51:9,11 51:15,16,17,21,25 52:3,6,12 <b>voted</b> 33:19 <b>votes</b> 26:4 52:15 <b>voting</b> 20:22,23 26:7,11 27:21 27:25 36:6 39:17 <b>vulnerabilities</b> 28:16	<b>work</b> 23:23 25:2,4 29:13 31:2 35:24 39:12 43:7,7,24 <b>worked</b> 18:15 22:16 23:23 <b>workers</b> 35:22 <b>working</b> 12:9 14:4,6 19:16,25 34:23,25 35:14 <b>works</b> 18:5 <b>worry</b> 30:22 <b>wouldn't</b> 15:23 51:9 <b>wrong</b> 32:16
<b>W</b>	<b>X</b>
<b>wait</b> 20:17 <b>want</b> 11:20 14:11 17:9,10,10 18:21,25 19:7 22:7 23:13 24:20 26:13 32:2,10,11 34:21 34:23 36:4 37:14 38:2 39:12 40:8,14 41:7,10 <b>wanted</b> 15:11 <b>warnings</b> 21:11 <b>wasn't</b> 15:23 30:15 32:14 <b>waste</b> 32:12 <b>wasting</b> 32:17 <b>wave</b> 39:2 <b>way</b> 13:9 16:23 17:5 20:3 22:13 30:15 33:19 34:14 36:19 51:5 <b>ways</b> 30:2 35:6 <b>we'll</b> 8:21 48:20 <b>we're</b> 14:23 15:7 17:14 20:22,23 21:4,17 26:24 27:19 28:11 31:3 32:18 33:6 34:3,7,11 36:13,23 37:12,18 38:4,21,22 38:25 39:4,5,21 40:7,8,24 41:14 51:8 <b>we've</b> 38:6 43:24 45:7 <b>weather</b> 8:25 <b>web</b> 8:20 <b>website</b> 8:19 19:14 <b>weigh</b> 41:5 <b>Welcome</b> 11:2 <b>well-served</b> 24:10 <b>well-wishes</b> 41:11 <b>went</b> 15:24 43:15 46:18 <b>west</b> 46:13 <b>Westchester</b> 32:24 <b>western</b> 47:16,18 49:9,12,25 <b>WHEREOF</b> 53:9 <b>white</b> 37:13,15 <b>winter</b> 20:25 22:4 23:4 <b>wish</b> 26:6 44:20 <b>WITNESS</b> 53:9 <b>won't</b> 23:23 <b>wondered</b> 13:3	<b>X</b> 1:13  <b>Y</b> <b>yeah</b> 34:4 41:24 <b>year</b> 5:2,8,13,17,17,18,18,23,24 6:2,6,6,7,9,12,13,14,16,17,17 6:19,20,20,23 7:24 20:12 26:22 48:19 <b>years</b> 5:15,20,20 6:4,9 8:9 43:9 46:7 48:23 <b>yesterday</b> 48:16 <b>York</b> 1:2,9 33:14 34:14 35:11,12 35:13 40:5 42:4,12,20 43:3 46:6,12 47:16 48:2,15 49:9,12 49:25 50:13,19 53:2 <b>York's</b> 7:11 48:20 49:18 51:2,6  <b>Z</b>  <b>0</b>  <b>1</b> <b>1</b> 5:2,13,17,18 6:2,6,9,12,16,19 7:24 29:22 46:9,9 53:5,6 <b>1-year</b> 26:23 27:4,15,17 <b>1.1</b> 6:2 <b>1.50</b> 6:17 <b>1.64</b> 6:16 <b>1.72</b> 6:12 <b>1.82</b> 6:13 <b>10</b> 39:23 40:17 41:3 <b>10:30</b> 1:7 2:2 <b>11-18-2021</b> 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1

36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 <b>11:39</b> 1:7 52:23 <b>12</b> 5:2 <b>14</b> 46:7 <b>14.5</b> 4:19 <b>161</b> 26:12 <b>162</b> 27:23,24 45:23 46:17 47:15 52:7 <b>164</b> 34:7 <b>164-B</b> 2:7 <b>165</b> 33:6,13 41:25 45:25 47:15 49:2,6 <b>17</b> 29:17,18,23 <b>18</b> 1:6 <b>19.5</b> 5:14 <b>19th</b> 1:8 26:18 <b>1A</b> 46:9 <b>1B</b> 46:9 <b>1st</b> 4:5 5:11	6:17,20 <b>3-5</b> :19 <b>3-year</b> 4:15 5:10 47:16 <b>3-year-period</b> 4:5 <b>3,300,000</b> 9:7 <b>3.1</b> 5:13 <b>3.2</b> 6:6 <b>3.9</b> 6:8 <b>300,000</b> 24:9 <b>30th</b> 4:6 5:12 <b>33</b> 4:18 6:11 <b>375</b> 39:16 <b>380</b> 44:11
<hr/> <b>2</b> <hr/>	<hr/> <b>4</b> <hr/>
<b>2</b> 5:15,18,20,21,23 6:4,6,9,13 6:17,20 9:17 10:2 20:19 46:12 48:19 <b>2.17</b> 6:17 <b>2.5</b> 8:10 <b>20-E-0428</b> 3:8 <b>20.7</b> 5:14 <b>201</b> 3:8 <b>2015</b> 29:6 33:7,13,14 <b>2018</b> 4:15 15:14,19 <b>2019</b> 8:9 9:3 <b>2020</b> 4:16 28:21 29:8 <b>2021</b> 1:6 4:5,9 5:11 8:2 26:18 27:18 28:19 53:10 <b>2022</b> 8:2 <b>2024</b> 4:6 5:12 <b>2025</b> 8:13 <b>21-G-0518</b> 2:8 <b>21.5</b> 5:24 <b>22nd</b> 53:10 <b>24th</b> 4:9 5:9 <b>261</b> 36:5,7,21 37:23 <b>266</b> 36:6,7 37:11,23 43:3 <b>268</b> 37:25,25	<b>4</b> 6:9 8:9 45:7 <b>4.5</b> 7:23 <b>4.7</b> 5:17 <b>400</b> 50:7,20 <b>430</b> 48:9 <b>48</b> 5:5 6:20 <b>49</b> 6:19
<hr/> <b>3</b> <hr/>	<hr/> <b>5</b> <hr/>
<b>3</b> 1:8 5:15,18,20,24 6:4,7,9,14	<b>5-page</b> 30:13 <b>5-year</b> 8:13 <b>5.6</b> 6:7 <b>5.9</b> 5:3 <b>50</b> 4:25 6:19 48:23 <b>500</b> 48:8 50:7 <b>52</b> 53:7 <b>5th</b> 45:5
	<hr/> <b>6</b> <hr/>
	<b>6</b> 31:5 <b>6.2</b> 4:20 <b>6.3</b> 5:17 <b>6.4</b> 5:18 <b>6.9</b> 8:10 <b>60</b> 9:19
	<hr/> <b>7</b> <hr/>
	<b>7</b> 45:6
	<hr/> <b>8</b> <hr/>
	<b>8</b> 4:21 6:3 <b>8.7</b> 5:5 6:3 <b>800,000</b> 6:6 <b>811</b> 34:8,10,20 35:13 <b>84,000</b> 24:9

9	
9 6:18	
9.1 4:24	
9.5 5:23 6:23	