

Monthly Meeting - June 15, 2016 - Albany, New York

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, June 15, 2016  
10:30 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS

AUDREY ZIBELMAN, Chair  
GREGG C. SAYRE  
PATRICIA L. ACAMPORA  
DIANE X. BURMAN

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2 (On the record 10:35 a.m.)

3 CHAIR ZIBELMAN: Good morning. I'm going  
4 to bring this session of the Public Service Commission to  
5 order.

6 Secretary Burgess, is there anything -- any  
7 changes to the final agenda?

8 SECRETARY BURGESS: Good morning, Chair and  
9 Commissioners. There are no changes to this morning's  
10 agenda.

11 CHAIR ZIBELMAN: Okay. What I'd like to do  
12 -- we're going to start today with a series of  
13 informational items in electric, gas safety and  
14 performance.

15 Raj Addepalli is going to be providing an  
16 overview and then we have a number of different items  
17 we're going to take. But before we begin, what's with the  
18 dark suits? What? Did you guys call each other last  
19 night and say, well, we'll wear different ties but we all  
20 have to wear dark suits? Or is that Raj?

21 Did you say that they had to wear dark  
22 suits?

23 It's cute. Looks good. So -- so, Raj, are  
24 you going to be providing an overview?

25 MR. ADDEPALLI: Yes, ma'am.

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2 CHAIR ZIBELMAN: And you obviously did not  
3 get the memo.

4 MR. ADDEPALLI: Let me punt on that. Okay.

5 Good morning, Chair Zibelman and  
6 Commissioners. As we all know, provision of safe and  
7 adequate service is a basic obligation of the electric and  
8 gas utilities. And ensuring performance is a cornerstone  
9 of utility regulation.

10 Utilities are compensated in rates to  
11 provide safe and adequate service to customers. As part  
12 the Department's oversight, we monitor how well utilities  
13 are meeting this obligation. Last month we discussed with  
14 you how well electric utilities have prepared to provide  
15 reliable service for the upcoming summer and beyond.  
16 Today we'll look in the rearview mirror and discuss how  
17 well utilities did last year on electric reliability and  
18 electric and gas safety and customer service performance  
19 metrics.

20 I should note up front that performance  
21 measures and monitoring them is only one element in the  
22 regulatory toolkit to ensure safe and adequate service.  
23 To begin with, utilities have provided adequate revenues  
24 to invest in delivery infrastructure to help them provide  
25 safe and adequate service to customers. These revenue

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2 determinations are made typically in the context of rate  
3 cases.

4 In addition, there could be other rate  
5 mechanisms to provide more current recovery of costs  
6 especially between rate cases commensurate with the cost  
7 onsets. For example, some local distribution companies  
8 now have the ability to use a surcharge mechanism to  
9 collect incremental costs to accelerate replacement of  
10 leak prone pipe.

11 Again, the intent is to allow sufficient  
12 funding in a timely fashion to invest in infrastructure to  
13 enable the utilities to provide safe and adequate service.

14 Second to ensure that utilities do not cut  
15 corners in providing quality customer service, in light of  
16 the incentives and traditional rate making to cut costs,  
17 service quality metrics are used to monitor utility  
18 performance. And that our financial consequences if  
19 utilities provide service at a level below the threshold  
20 established in rate cases. Collectively, among all the  
21 regulated electric and gas utilities, currently several  
22 hundred million dollars is at stake for performance. That  
23 is, utilities can face that much in financial consequences  
24 if they fail to meet performance expectations.

25 The Public Service Law also offers other

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2 avenues to impose additional financial consequences should  
3 utilities fail to provide safe and adequate service.

4                       Third, staff does its own audits of utility  
5 performance to assess whether utilities are meeting the  
6 safe and adequate service expectations.

7                       Fourth, all service quality metrics, those  
8 that are subject to financial consequences for  
9 nonperformance as well as those that are not are monitored  
10 by the department staff.

11                      What do you do as a result of monitoring?  
12 In addition to subjecting the utilities to financial  
13 consequences if they fail any metrics built into rate  
14 plans, staff works with utilities to ensure the reasons  
15 for any declining performance in service quality are  
16 understood and addressed in a timely fashion.

17                      The root cause analysis helps identify the  
18 problem areas and corrective measures then can be put in  
19 place to fix the identified problem. The end result is  
20 that customers should receive safe and adequate  
21 performance.

22                      So in order to apprise you on how well  
23 utilities did last year on performance, we have four  
24 presentations today.

25                      Chris Stolicky from the Office of Electric

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2 Gas and Water will start off with providing an assessment  
3 of the performance of gas utilities and providing safe  
4 service.

5 Followed by Christine Bonvin of the same  
6 office who will discuss electric reliability performance.

7 Followed by Jason Pause of the same office  
8 who will discuss electric safety performance.

9 And finally Sonny Moze from the Office of  
10 Consumer Services who will provide a report on customer  
11 service performance. So that's a quick overview and with  
12 that I'll turn it over to Chris to start off the gas  
13 safety performance report.

14 CHAIR ZIBELMAN: Thank you. Chris, please  
15 begin.

16 MR. STOLICKY: Thank you, Raj. Good  
17 morning, Chair and Commissioners. Item 101 -- Item 101 is  
18 the 2015 Gas Safety Performance Measures report.

19 Historically, this performance measures  
20 report has examined the New York State natural gas local  
21 distribution companies, or LDCs for short, performance in  
22 three high risk areas pertaining to gas safety. Damage  
23 prevention, emergency response times related to gas leak  
24 and other calls and leak management.

25 As indicated in last year's presentation of

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2 the report, staff has introduced a fourth measure in a  
3 2015 analysis. Noncompliances with the pipeline safety  
4 regulations identified during safety staff's annual audits  
5 of LDCs. All of these measures are also integrated into  
6 rate plans to encourage improved performance.

7 Failure to perform at a designated level  
8 results in negative revenue adjustments or NRAs and I will  
9 identify three LDCs who missed targets during 2015. I  
10 will now walk through the report on a high level and point  
11 out key observations identified in 2015.

12 This report originated from a collaborative  
13 effort with LDCs over a decade ago to develop measures by  
14 which efforts and performance of maintaining safe gas  
15 distribution systems can be monitored. This report is  
16 intended to serve as a management tool by allowing staff  
17 to analyze trends and identify LDCs in need of  
18 improvements and give them that feedback on a timely basis  
19 to spur quicker improvements.

20 The data indicates that performance in  
21 damage prevention, emergency response and leak management  
22 have greatly improved since 2003.

23 The damage prevention measure describes the  
24 LDCs ability to minimize damages to buried facilities  
25 caused by excavation activities which is the leading cause

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2 of natural gas pipeline failures and accidents both  
3 statewide and nationwide.

4 There are four components of the damage  
5 prevention measures. Damage due to mismarks or inaccurate  
6 marking of the LDC's buried facilities. For example, if  
7 an LDC places a mark ten feet away from its buried  
8 facility when it -- it's required to be within two feet of  
9 the facility. Damages caused by LDC crews and LDC's own  
10 contractors.

11 Damages resulting from third party  
12 excavator error and damages resulting from lack of  
13 notification by the excavator of its intent to dig also  
14 referred to as no-calls.

15 This is where excavators can call 811 to  
16 request the utility locates.

17 These four components make up the overall  
18 damage prevention performance measure which declined 10  
19 percent statewide during 2015 when compared to 2014 which  
20 was the best performance yet. However, when National Grid  
21 is removed from the data, 2015 shows a 7 percent  
22 improvement over 2014 to 1.59 which is a 17 percent swing.

23 Two of the National Grid companies have  
24 been identified as outliers in the report and need to  
25 improve.

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2 Staff met with National Grid in 2015 as its  
3 performance was sliding and National Grid began taking  
4 corrective actions. Staff has also greatly increased its  
5 efforts investigating excavation damages. Performance for  
6 all the National Grid companies has improved year to date  
7 in 2016. Since 2003 there has been a 72.5 percent  
8 improvement in the total damage prevention measure.

9 Staff observes trends in this data during  
10 the year and analyzes root causes of identified trends.  
11 Staff then works interactively with gas utilities to  
12 achieve improvements on a real time basis including  
13 increased field presence on our part to investigate causes  
14 for underground damages. Future performance will be  
15 monitored to determine whether the decline in 2015 was an  
16 anomaly.

17 And turning your attention back to the  
18 graph, please take note of the historical improvement in  
19 damages due to no-calls. In mid-2007 all LDCs have  
20 started participating in an effort to provide staff with  
21 details of damages due to no-calls for possible  
22 enforcement action. Many have responded that staff's  
23 efforts to increase enforcement is beneficial and has  
24 contributed to a greater awareness of the one-call  
25 regulations and as a result these types of damages have

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2 declined and have -- have maintained a lower rate.

3 Three LDCs missed their rate case targets  
4 as I mentioned earlier which contributed to the statewide  
5 decline of performance. All three LDCs are taking action  
6 to improve and prevent reoccurrence.

7 I will now discuss the emergency response  
8 measure. This measure tracks the LDC's abilities to  
9 respond promptly to reports of gas leaks or emergencies by  
10 examining the percentage of calls that fall within various  
11 response times. As shown on the graph, there was a  
12 notable increase in the volume of calls received by the  
13 LDCs in 2014 and then again in 2015. After years of  
14 declines, these increases result in a level which we have  
15 not seen since 2005 and can largely be attributed to  
16 greater public awareness. This greater awareness was  
17 elevated by notable explosions in the past couple of years  
18 in LDC's efforts to enhance their public awareness  
19 programs.

20 There are three specific response goals.  
21 Respond to 75 percent of emergency calls within 30  
22 minutes, 90 percent within 45 minutes and 95 percent  
23 within 60 minutes. Statewide performance was mixed during  
24 2015 with a 30 minute measure improving over 2014.

25 Continuous improvement in this category

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2 will require LDCs to effectively manage their resources by  
3 positioning qualified responders and locations when and  
4 where they anticipate leak calls to occur.

5 The LDCs that tend to perform better are  
6 combination LDCs in urban areas where many more resources  
7 are available or larger gas LDCs with a greater number of  
8 employees.

9 Finally, the leak management measure  
10 describes LDC's performance in effectively maintaining  
11 leak inventories. It measures the year-end backlog of  
12 leaks requiring repair which are classified as type one,  
13 two A and two under pipeline safety regulations.

14 Type one leaks are immediate hazard and  
15 must be addressed to protect life and property. Type two  
16 A leaks are monitored every two weeks and must be  
17 repaired within six months. And type two leaks are  
18 monitored every two months and must be repaired within one  
19 year.

20 The final leak classification within  
21 regulations is a type three leak. These leaks are not  
22 considered hazardous but must be surveyed annually and do  
23 not have a required repair time frame. For the repairable  
24 year-end backlog as seen on the graph, LDC's performance  
25 in 2015 notably improved over 2014. When compared to 2003

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2 there's been a nearly 95 percent improvement.

3 In looking at the combined backlog of all  
4 leak classifications will include type three leaks. The  
5 second time this data has been presented in the report you  
6 will see in the report that National Grid Long Island  
7 accounts for over half of this total. This lagging  
8 performance has been identified and the acceleration of  
9 leak prone pipe in its most recent rate plan and proposed  
10 increase going forward will help improve its backlog.

11 Note, although type three leaks are by  
12 definition not a safety hazard, they do contribute to lost  
13 gas costing money and may impact the environment. On that  
14 note, the downstate LDCs are working with the  
15 environmental defense fund to identify the larger volume  
16 type three leaks to prioritize their efforts.

17 As LDCs work to eliminate aging  
18 infrastructure from the distribution systems with the  
19 encouragement from the Commission, the volume of backlog  
20 leaks is expected to decline. The report provides greater  
21 detail into individual LDC performance over this period.

22 For the first time in this report, staff has  
23 added a measure tracking findings from its annual  
24 compliance audits of LDCs across the state. Staff  
25 performs consistent reviews of record and field activities

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2 at each operating area, ROHQ of -- of LDCs every year.  
3 Staff has compiled its findings and will track both LDC  
4 and statewide performance going forward.

5 Staff has also recently tied into gas rate  
6 plans its core work of auditing LDCs for compliance of the  
7 pipeline safety regulations. Staff's audit findings for  
8 noncompliance will now result in NRAs and rate plans  
9 similar to the other performance measures targeted or  
10 targets discussed above.

11 The performance measures report will be  
12 transmitted to an executive level operating officer, each  
13 LDC under letter by the director of the Office of Gas and  
14 -- Electric Gas and Water. Staff's analysis of each  
15 performance measure identifies specific areas where LDCs  
16 have room for improvement.

17 Staff is recommending that those LDCs  
18 identified perform self-analysis in these areas and  
19 respond describing action plans that they will implement  
20 to improve performance.

21 Thank you Chair and Commissioners. This  
22 concludes my presentation of the 2015 gas safety  
23 performance measures report. I will be happy to answer  
24 any questions you may at this time.

25 CHAIR ZIBELMAN: Thank you. Chris, I --

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2           first of all I think I -- I speak for all the  
3           Commissioners that we feel very much better for you and --  
4           and the work of Cindy and the rest of the gas safety team.  
5           You guys do a superb job and I think par none and Kevin  
6           obviously who leads it is -- you know, we are certainly as  
7           one -- I think our team stands up as any -- best of any  
8           regulatory team across the country.

9                           And we're always appreciative of the work  
10          you do and your diligence in watching these issues. So  
11          thank you.

12                           Just a couple questions. If you want to  
13          take a couple minutes I think it would be helpful in terms  
14          of giving a little bit of background on the National Grid  
15          misses as the cause of those. Because when we talked  
16          about it you were -- you gave me a bit more color on what  
17          happened with National Grid and what we're doing and --  
18          and reaction to it.

19                           MR. STOLICKY: All right. Yeah, as we --  
20          as we discussed previously, last year the upstate portion  
21          of National Grid or the former Niagara Mohawk operating  
22          territory they have a -- a contractor who performs locates  
23          as requested when people call 811 before they dig. And  
24          there was -- there was a change in the management  
25          structure to that company and ownership and they went

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2           through a time period where the actual personnel doing the  
3           locates lost its focus. And that resulted in a short time  
4           period where there were more damages than there -- there  
5           had been in the past.

6                         We -- we met with the company a couple  
7           times and they -- they took action meeting with the  
8           company. They -- they restructured the contract, they got  
9           more involved with the locating operations. And since  
10          that time their performance has improved.

11                        CHAIR ZIBELMAN: Okay. And I -- I just  
12          wanted to note that because I think it's important because  
13          we see these -- we see the results of the data. But the  
14          results of the data are always a product of activities and  
15          -- and I think it's important. We all know that as soon  
16          as staff sees things slipping they're out in the field  
17          working with the utilities. They don't wait until year  
18          end and then ask. This is a -- an ongoing dialogue. And  
19          -- and I think the utilities too are watching the data and  
20          are responding in real time. But this -- so makes us all  
21          sleep better at night.

22                        The other thing I want to note is that the  
23          increase in calls which is something I heard from both  
24          Grid and -- and Con Ed particularly in downstate, I think  
25          that there's a piece of that that we miss which is is that

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2 while we're having a substantial increase in calls, the  
3 companies are meeting their -- their response times.

4 So actually their performance if you think  
5 about it is actually improving in a sense is that they're  
6 addressing the new normal for them in a way so that their  
7 -- their performance isn't slipping which means they're  
8 responding to more calls and -- and that's a good thing.

9 So it shows the sort of the effectiveness  
10 of our measurements that things are not getting ahead of  
11 us and -- and they're responding to how things are  
12 changing. So I think that's a good underscoring.

13 The other thing I just wanted to note from  
14 my fellow commissioners, I've asked staff to take a look  
15 and start working with the utilities if we could start  
16 tracking the effects of replacement on leak prone pipes on  
17 call volume, because I think there's potentially a good  
18 story here as we're replacing older pipe with newer pipe,  
19 there could be less of these small leaks which are -- then  
20 would generate less need for people to call. Which would  
21 then help us reduce some of the operating expense.

22 So we're going to start seeing if we can  
23 map across that and -- and we can see that impact.

24 And -- because we certainly don't want the  
25 call volume to go down in the sense of we want -- it's

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2 good news. Because when I started here, one of the things  
3 that we talked about was getting -- how do you get people  
4 aware to call. And it seems like we're -- we're seeing  
5 positive impacts, but at the same time we -- we definitely  
6 want to reduce the amount of leakage. So that's -- that's  
7 all good.

8 So that's all I have. Any questions for  
9 Chris from any of the Commissioners?

10 COMMISSIONER BURMAN: First of all, I'm  
11 very blessed to work with the gas safety staff and I feel  
12 that I've learned and focused much more on the gas safety  
13 issues and drilling down exactly on what we're doing in  
14 New York and what's being done nationally and bringing  
15 focus on it more. So thank you.

16 The gas safety report started as a  
17 collaborative effort with the LDCs back in 2003 because I  
18 think it's worth noting that the existence of the gas  
19 safety report today, which is the thirteenth annual  
20 report, underscores the important continued role that the  
21 department and the Commission gives to ensuring that our  
22 gas safety systems are being maintained and operated in a  
23 safe manner.

24 Safety is absolutely of critical importance  
25 and also of critical importance is our collaborative

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2           efforts working with others. You mentioned not only the  
3           LDCs but also the environmental defense fund and others  
4           who are also just as focused on these issues. And we look  
5           to what are the challenges and the opportunities and look  
6           at exploring new emerging technologies and how do we deal  
7           with our aging infrastructure.

8                           And also how do we deal with making sure  
9           that the public is aware and that we're responsive to the  
10          needs of the public as well as looking at the different  
11          costs and mechanisms that we can work with in helping to  
12          keep the costs low as we laser focus on our safety issues.

13                           I can't underscore enough the importance of  
14          safety and in particular for me regarding the compliance  
15          with our gas safety regulations as an essential element in  
16          ensuring safe and adequate service. And I know that  
17          everybody from the utilities to -- to the staff and to the  
18          public are very much in line with the importance of our  
19          gas safety system.

20                           It is an issue for us as we continue to  
21          work with folks on workforce development and making folks  
22          aware of the need for a qualified workforce in the area of  
23          gas and working with the utilities and others in helping  
24          really focus on that issue and the critical need that we  
25          have.

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2 I also want to take the opportunity because  
3 I think it's important whenever we talk about gas safety  
4 to remind folks that before you dig call 811. And if you  
5 smell gas leave the area immediately and then call 911 or  
6 your utility.

7 And don't assume that somebody else is  
8 doing it. Again, leave the area immediately and then call  
9 from a safe area. So thank you.

10 CHAIR ZIBELMAN: Thank you. Any other  
11 comments? Commissioner Acampora?

12 COMMISSIONER ACAMPORA: I too would like to  
13 thank everybody for the professional job that all of you  
14 do. You're always there to answer any questions that we  
15 may have. And, of course, this issue has been paramount  
16 not only here in New York but nationally. And I'd like to  
17 thank Commissioner Burman for her work on the gas  
18 committee at NARUC and also at MACRUC. We haven't had a  
19 commissioner really taking the mantle of gas on in a long  
20 time, so it's good that we do have a commissioner involved  
21 in that.

22 And, of course, our Chair has been  
23 instrumental in making sure that we have an aggressive  
24 repairing leak prone pipe program in all of our rate cases  
25 which is also important. So I think that, you know, we've

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2 heard some good news. The question that I do have is that  
3 when you do have a noncompliance or a problem with any of  
4 the other areas, how long does that period go when you  
5 know you have a company that's in noncompliance and they  
6 have to come up with a plan? How long does that take to  
7 actually get the plan and get the implementation done?

8 MR. STOLICKY: So during the course of  
9 staff's -- well, we'll focus on a record audit for  
10 example. Staff will -- will go to an LDC and we will do a  
11 statistical sampling of records associated with the  
12 requirement. And through that process if -- if we find  
13 where let's -- let's take a leak classification -- you  
14 know, they -- they missed a -- a reading and it wasn't  
15 classified properly. So what we're looking at is -- is a  
16 past occurrence.

17 If -- if we see that it -- it's been  
18 corrected or repaired then that's -- that's a  
19 noncompliance that happened. We'll bring it to their  
20 attention. We'll put it in a -- in a formal audit letter  
21 and the company will respond. If we find a situation  
22 where there's an outstanding concern, we will bring it at  
23 that time to the local management to make sure it gets  
24 addressed.

25 As far as, you know, corrective actions,

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2 you know, we send our formal audit letter, they respond  
3 with what they're going to do to improve to prevent it  
4 from occurring again in the future.

5 COMMISSIONER ACAMPORA: And what is usually  
6 that time frame?

7 MR. STOLICKY: Really depends on -- on the  
8 nature of what it is. Sometimes if they're changing their  
9 procedure, you know, it can take a matter of -- I'm going  
10 -- well, I'm going to give a time frame. It could take  
11 two months. And -- and part of that's because they have  
12 to file procedure changes with us thirty days before they  
13 take effect. And then they have to re -- have time to  
14 retrain their personnel to follow the new procedure.

15 COMMISSIONER ACAMPORA: Okay. Just point  
16 of information. Thank you.

17 CHAIR ZIBELMAN: Kevin, did you want to add  
18 something?

19 MR. SPEICHER: I -- I would like to add.

20 The -- our staff tells the company before  
21 we leave the site when we find a violation. And usually  
22 those violations are being corrected. However, we do  
23 notify them in writing of those violations and they have  
24 thirty days from receipt of that letter to offer a -- a  
25 compliance action plan. Depending on the violation the

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2 compliance action may take longer to implement, but it is  
3 due to us within thirty days.

4 COMMISSIONER ACAMPORA: Okay. Thank you.

5 CHAIR ZIBELMAN: Thank you.

6 COMMISSIONER BURMAN: Just to clarify, if  
7 there's a major safety issue, you take care of that right  
8 away?

9 MR. SPEICHER: Absolutely. Yes.

10 CHAIR ZIBELMAN: These are rule -- more  
11 procedural change as opposed to if -- if there's a problem  
12 that's fixed and there's very near term.

13 Commissioner Sayre?

14 COMMISSIONER SAYRE: Nothing to add. This  
15 is a good news story and I'd also like to -- to recognize  
16 Kevin's work on not just local distribution company safety  
17 but pipeline safety. We're in that business too.

18 MR. SPEICHER: Thank you. I'm blessed to  
19 have a great staff that works with me. So they make my  
20 job a lot easier.

21 MR. ADDEPALLI: But just to augment and  
22 remind folks, to the extent we find problems in a given  
23 utility and if we believe there may be generic  
24 implications to the other utilities, this commission has  
25 taken strong action very quickly asking -- putting all the

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2 utilities on notice, hey this problem is identified at  
3 this particular utility. Go and check. If you have a  
4 similar problem, fix it. So for the -- in the last two  
5 years we've done at least three orders in that vein. So  
6 we are not only fixing the problem in the given utility  
7 but we are applying the lessons to all the utilities right  
8 away.

9 CHAIR ZIBELMAN: Yes.

10 COMMISSIONER BURMAN: If I could just add,  
11 that really also goes to the leadership of the Chair in  
12 terms of helping in, you know, used to be that folks  
13 didn't share among utility to utility. And now there  
14 really is more of a focus on making sure that there's a --  
15 a -- a collaborative effort and everybody is working  
16 through the problem and identifying it if it might be  
17 happening in their situation. And then lessons learned  
18 from that and also being able to explore problems together  
19 more openly, so.

20 CHAIR ZIBELMAN: Thank -- thank you for  
21 that. And actually I -- I also wanted to echo  
22 Commissioner Acampora's note. I mean, this is -- obviously  
23 -- Commissioner Burman has taken a keen interest in gas  
24 safety and we -- we are fortunate in New York because not  
25 only do we have a good team, we are now at the leadership

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2 at NARUC and have really connected THIMSA. So we're --  
3 we're in a very good strong position. And we're all  
4 feeling so good, I think we should just end the meeting  
5 right now. But, unfortunately, we need to go on.

6 So I think next is Christian, right?  
7 You're going to go through the electric reliability.

8 MR. BONVIN: Okay. Good morning, Chair and  
9 Commissioners. Item 301 is a report on the electric  
10 reliability performance in New York State for 2015.

11 Utilities have a fundamental responsibility  
12 to provide safe and adequate service. The Commission has  
13 an obligation to ensure utilities do provide reliable  
14 service.

15 The department's analysis of utility  
16 performance is part of carrying out that obligation.  
17 Today I will be presenting performance information on a  
18 statewide basis, but please note that we review  
19 performance on a utility specific basis as well.

20 In order to properly measure performance,  
21 Part 97 of the Commission's rules and regulations require  
22 electric utilities to maintain and submit data regarding  
23 service interruptions. The department maintains a monthly  
24 interruption database that dates back to 1989 which  
25 enables staff to perform trends at the company and

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2 operating division level.

3 Staff reviews encompasses both time series  
4 and cross sectionals or cross utility analysis of the  
5 data. Utilities are required to follow the Commission's  
6 electric service standards which among other things  
7 defines acceptable performance level for both frequency  
8 and duration of service interruptions for every operating  
9 area.

10 The service levels within the standards are  
11 designed to benchmark operating areas with similar  
12 characteristics even if they are operated by different  
13 utilities.

14 Each electric utility also has a  
15 reliability performance mechanism or RPM which is  
16 established as part of the rate case process. The RPMs  
17 generally set corporate-wide reliability targets and  
18 impose negative revenue adjustments should they fail to  
19 meet these performance levels.

20 To gauge reliability performance, staff  
21 evaluates two primary components. The frequency of  
22 service interruptions and the average duration of the  
23 service interruptions. By their nature, these measures  
24 fluctuate as conditions vary year to year. Frequency is  
25 influenced by factors such as system design, capital

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2 investment, maintenance practices and weather.

3 Decisions made by the utility today on  
4 capital expenditure and maintenance policies for better or  
5 worse, however, can take several years before being fully  
6 reflected in the frequency measure.

7 Duration is affected by workforce levels,  
8 management of the workforce and geography. Changes in  
9 policies have a more immediate impact on duration. Due to  
10 Con Edison's network system design, it has an inherently  
11 good frequency performance. Because of this, Con Edison's  
12 data can skew the overall statewide results. Therefore,  
13 we review the measures both including and excluding Con  
14 Edison's data.

15 To better identify improvements or declines  
16 over a period of time, the statistics are reviewed with  
17 and without major storms. A major storm as defined by  
18 Part 97 is a period of adverse weather during which  
19 service interruptions affect ten percent of the customers  
20 in an operating area and or result in customers being  
21 without electric service for durations of at least twenty-  
22 four hours.

23 Reliability data is also collected by cost  
24 codes or the reason for the service and interruption. We  
25 review this data and their trends to identify areas where

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2           increased work activity may be needed or to confirm that  
3           modifications to programs or new practices are actually  
4           effective.

5                         Our review of the statewide frequency and  
6           duration performance including major storms resulted in  
7           better performance than previous years and much better  
8           performance than the five-year average. The graph shown  
9           presents the length of time customers were out of service  
10          including major storms over the past twenty years.

11                        2015 was the lowest number of customers'  
12          hours since 2001 and the average duration was more than  
13          thirty minutes better than the past couple years.

14                        Before I discuss performances without major  
15          storms, I'd like to talk about the RPMs. Last December,  
16          Orange and Rockland had an equipment failure in a  
17          transmission substation resulting in the loss of the  
18          station and thirteen distribution stations downstream.  
19          This event impacted over 45 thousand customers. The  
20          single event was also so large that it accounted for  
21          twenty percent of the customers interrupted during the  
22          year and 43 percent of the year's customer hours of  
23          interruptions for Orange and Rockland.

24                        Staff investigated the incident and ensured  
25          that corrective actions were taken to avoid similar

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2 failures in the future. As a result of its overall  
3 performance of 2.4, however, Orange and Rockland missed  
4 this duration target and will incur a negative revenue  
5 adjustment of approximately 1.2 million or 20 basis  
6 points. All other companies met the reliability related  
7 targets contained in their RPMs.

8 This graph presents the last five years  
9 performance for duration on a statewide basis excluding  
10 major storm and shows the performances with and without  
11 Con Edison. The 2015 overall statewide interruption  
12 duration index was 1.97 hours and 1.8 hours when excluding  
13 Con Edison. Both of these were slightly worse than the  
14 five-year average. However, if the previously mentioned  
15 Orange and Rockland transmission event was removed from  
16 the calculations, the duration performance would be in  
17 line with the five year averages.

18 Staff is also very active with the  
19 utilities during storms to ensure the appropriate response  
20 is taken to help minimize the overall duration of the  
21 outage which is a factor when determining whether a major  
22 storm occurs and would be excludable.

23 This graph represents the five-year  
24 performance for frequency on a statewide basis excluding  
25 major storm. This chart clearly shows the previously

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2 mentioned skewing effect of Con Ed and its data.

3 The figure shows that the statewide  
4 frequency of interruption that excluding major storm was  
5 .62 in 2005. When looking at all utilities except Con  
6 Edison, the frequency of interruption is 1.0 which means  
7 the average customer would experience one outage during  
8 the year.

9 These values are also slightly worse than  
10 the five-year averages. However, some of this variation  
11 was a result of the most -- most storms not being severe  
12 enough to be excludable. And, again, if you were to think  
13 back to the previous slide where we showed how well  
14 performance was during major storms, that kind of confirms  
15 that.

16 Overall we are satisfied with the electric  
17 reliability performance in 2015 where we found  
18 deficiencies we worked with the utilities to address them.

19 That concludes my presentation and I'll be  
20 happy to answer any questions at this time.

21 CHAIR ZIBELMAN: Thank you, Christian.  
22 What -- what -- and I can't remember, what constitutes a  
23 major storm for exclusion? How many days?

24 MR. BONVIN: It's not a matter of days.  
25 It's a matter of either the volume of customers affected.

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2 So it's ten percent of an operating division or if it's a  
3 customer that goes over 24 hours. So it's a -- there's a  
4 time element as well as a impact element.

5 CHAIR ZIBELMAN: Okay. Because one of the  
6 things -- and I do think this is interesting is that as a  
7 result of Mike Worden and -- and Tammy and the rest of the  
8 team, we've become much more aggressive as a state and  
9 storm preparation I think that's very much in line with  
10 Governor Cuomo's approach is -- is that lets you -- you  
11 plan for the worst and expect the best or hope for the  
12 best but that you plan for the worst.

13 And we've -- we've taken that approach on  
14 and I -- I think as a result we've been able to see in at  
15 least the last two years measured improvement in terms of  
16 we've -- this -- even with major -- some of the major  
17 storms we've had -- major storms, the restoration time has  
18 been a lot faster because the equipment was in place. The  
19 contractors were in place.

20 We kind of learned from Sandy and -- and  
21 started pulling in contractors earlier. So I think that  
22 has had a -- a beneficial impact. And it's -- it's  
23 interesting because it's counterintuitive, but as a result  
24 once you pull those out the normal outages look worse  
25 because you've -- you don't -- you aren't measuring major

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2 storms. And I think that's part of the -- I know when  
3 Tammy and -- and I've been on some of those calls with  
4 Tammy and Michael and they make sure that everybody's in  
5 line and doing what they need to do and the resources are  
6 there. So I think that's -- that's definitely worked.

7 I don't have any comments. I think it's a  
8 good report. Anyone else have any comments other than  
9 what I just commented?

10 COMMISSIONER BURMAN: I just have a quick  
11 one. When you talked about meeting with the utility that  
12 didn't meet its target and working on corrective action,  
13 what's then the process for that in informing the  
14 Commission of what corrective action has been done?

15 MR. BONVIN: So in -- in this event we  
16 actually responded the -- the day after it happened  
17 because it happened at night. So we were actually on  
18 site. We reviewed to the company what the exact issue  
19 was, how they restored it. Whether or not similar events  
20 could occur which in this case there -- there was. There  
21 was actually about 24 lines that crossed over, one of  
22 which failed.

23 We determine a -- an action plan with the  
24 utility that really set forth replacing all those lines so  
25 that none of this would happen again. The company also

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2           proposed additional actions in that substation to make it  
3           easier to address and limit some of the exposure that they  
4           had. That kind of back and forth. They did several  
5           actions even before Christmas in terms of -- trying to  
6           prevent an immediate type of issue again from recurring.  
7           The other activities happened over a few more months as --  
8           as additional materials were available.

9                         In -- in terms of reporting to you because  
10          I guess it wasn't to such an extent that it went days. It  
11          was -- overall I think they -- 80 percent were restored in  
12          about six hours, so it wasn't a -- it was a notable event  
13          which we reported through our internal means of just  
14          alerting you, but we didn't bring it forward to the  
15          Commission for any specific action to say -- had the  
16          company probably not proposed as many corrective actions  
17          we might have taken a more, bigger approach and -- and had  
18          a reason to bring it to you.

19                        CHAIR ZIBELMAN: Yeah, I think I would add  
20          and I think that to Commissioner Burman's -- I'm  
21          anticipating your concern, if -- if there's a problem and  
22          a company is nonresponsive or fighting us on whether or  
23          not something should be done, staff would bring it to the  
24          Commission. In this instance, the company was responsive  
25          and actually does -- hasn't even contested the negative

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2 revenue adjustment.

3 So it's -- it's sort of going through the  
4 -- and sort of actually the -- the system is working in  
5 that sense. But generally as -- as you know, when there  
6 are major events and major outages, we -- we -- the staff  
7 is very good at reporting and informing people of those.  
8 And then in the aftermath will report if in fact there's a  
9 concern that the company is not doing what we would like  
10 them to do relative to restoring either the system or  
11 changing methods. And I -- I think that's what Christian  
12 --.

13 COMMISSIONER BURMAN: Yeah, I don't -- I  
14 don't have any concerns. I was -- I was just sort of, you  
15 know, thinking back I know last year we had a -- in the  
16 report we had another utility that had had I think some  
17 underground cable disruptions that caused them to have  
18 some issues in -- in their performance and there was  
19 corrective action working with them on that.

20 So just, you know, when I look at it from  
21 year to year I'm just making sure that when we look at the  
22 -- the reporting they're also pulling out from that other  
23 outliers and corrective actions and passing along that  
24 information and lessons learned so that we can continue to  
25 do better --

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2 CHAIR ZIBELMAN: I think --.

3 COMMISSIONER BURMAN: -- and also make  
4 sure. So that's -- it really was just sort of my noting.  
5 It's a different utility this year so I just was focused  
6 on that. That's all.

7 MR. WORDEN: So we're -- we -- we never  
8 wait until we get a report --

9 COMMISSIONER BURMAN: Yes.

10 MR. WORDEN: -- until we get this annual  
11 report to do an analysis with the companies when they have  
12 these outages. We have a very robust reporting criteria  
13 that they report things to us, and if there are issues we  
14 take them up immediately.

15 COMMISSIONER BURMAN: All right. Thank  
16 you. And -- and I support that.

17 MR. ADDEPALLI: And perhaps you should also  
18 add that to the extent -- there's a lot of rich data  
19 that's being produced in these analyses by the utilities.  
20 It would be good if everybody can take advantage of that  
21 and -- and see if there are any trends or any issues. And  
22 the utilities not only use this data to fix problems but I  
23 think this would also go into their capital budgeting  
24 process linking it where do we want to spend the money --  
25 limited amount of money in the coming years.

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2 And this would be one variable that would  
3 be considered as to the performance and -- and the  
4 ramifications. So this data is used not only to fix  
5 immediate problems but looking forward solutions.

6 COMMISSIONER BURMAN: Thank you.

7 CHAIR ZIBELMAN: Good. Now we're moving on  
8 to electric safety. Jason Pause. Jason, welcome.

9 MR. PAUSE: Good morning, Chair,  
10 Commissioners. Today we provide an overview of the  
11 electric safety standards and the utilities compliance for  
12 2015.

13 I'll start with some background information  
14 on the safety standards. The original order was adopted  
15 by the Commission in January 2005 after the unfortunate  
16 death of Jodie Lane in New York City due to stray voltage.  
17 The order included stray voltage testing of all electric  
18 facilities on an annual basis, inspection of electrical  
19 facilities on a five-year cycle and the adoption of the  
20 National Electric Safety Code as the minimum standard for  
21 utility construction, maintenance and operations.

22 The overall goal of the safety standards is  
23 to safeguard the public from exposure to stray voltage and  
24 to identify and mitigate any potential harmful conditions  
25 before safety hazards and/or reliability deficiencies

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2 develop.

3 Since 2005, there have been several  
4 modifications to the order. These modifications were a  
5 result of lessons learned from previous year's activities  
6 and the results of effective -- effectively administered  
7 and manage the utilities efforts.

8 New York's electric safety standards  
9 continue to have some of the most stringent requirements  
10 when compared to other states across the nation. Some of  
11 the other states have adopted similar parts of the safety  
12 standards such as stray voltage testing or inspections in  
13 modified formats. However, no other state requires such a  
14 comprehensive effort with both manual and mobile stray  
15 voltage testing, inspections and associated repairs by the  
16 utilities.

17 With the latest modifications to the safety  
18 standards order starting in 2013 the utilities are  
19 required to test underground system and streetlight  
20 facilities on an annual basis. While testing its overhead  
21 distribution and transmission facilities on a same five-  
22 year cycle as the inspection requirements.

23 Voltage findings of one volt or more are  
24 required to be recorded and mitigated. In total, there  
25 were seven hundred and thirty-two voltage findings of one

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2 volt or more or approximately point zero seven percent of  
3 the approximately one million facilities tested in 2015.

4 This graph shows the historical streetlight  
5 findings for manual stray voltage testing shown in blue  
6 going back five years. However, it only shows stray  
7 voltage testing findings of four and a half volts or above  
8 shown in red, and the total findings in green for 2013 to  
9 2015 because the most recent -- recent changes in testing  
10 requirements have overhead and transmission facilities  
11 being tested on a five-year cycle instead of annually as  
12 done in previous years.

13 The total number of stray voltage testing  
14 findings is slightly up from 2014, however, the main  
15 driver for that increase was due to low voltage findings  
16 on NYSEG's transmission system less than four and a half  
17 volts and not associated with actual equipment or  
18 structure deficiencies.

19 You can also see from the graph that  
20 voltage findings of four and a half volts and above  
21 typically identify -- identify instances where corrective  
22 actions are required are trending downward over the last  
23 three years. Streetlight facilities often owned by and  
24 the responsibility of the local municipality, not the  
25 electric utilities, continue to be a largest facility

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2 groupings with stray voltage findings. Although  
3 streetlight findings are also trending downward over the  
4 last three years.

5                       For mobile stray voltage testing, the  
6 safety standards require twelve mobile surveys in New York  
7 City, two mobile surveys in Buffalo and one mobile survey  
8 in Yonkers, White Plains, New Rochelle, Albany, Niagara  
9 Falls and Rochester each year.

10                      These locations were selected due to their  
11 population density and a number of stray voltage findings  
12 in each city. Again, any voltage finding of one volt or  
13 more is reported and mitigated.

14                      In 2015 there were approximately seventy-  
15 five hundred voltage findings in the three utility service  
16 territories where mobile stray voltage testing is  
17 required.

18                      This next graph presents the total number  
19 of stray voltage findings across the state using the  
20 mobile testing units. Con Edison makes up the majority of  
21 the mobile stray voltage findings mainly based on its --  
22 size of its underground system and a number of scans  
23 completed.

24                      As shown in the graph, in 2015 there was a  
25 decrease in the mobile stray voltage findings over the two

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2 previous years.

3 With each of three electric utilities  
4 required to perform mobile stray voltage testing,  
5 reporting improved results. In 2013 and '14 excessive  
6 snow and rainfall levels were measured, longer than normal  
7 duration of days with temperatures below freezing were  
8 recorded, and a large volume of salt was used as a roadway  
9 deicer in those recent years. These conditions affect  
10 both the number of stray voltage findings and inspection  
11 deficiencies over those past two years.

12 The majority of the mobile stray voltage  
13 findings continue to be low voltage in nature and  
14 attribute to nonutility and streetlight facilities.

15 Moving on to the inspection efforts.  
16 Utilities are required to inspect 20 percent of its  
17 electric facilities per year, and all within five years.  
18 2005 was the first year of the third round of inspections  
19 since the requirements began. This includes overhead,  
20 underground transmission and streetlight facilities to  
21 help identify safety and or reliability concerns  
22 proactively.

23 For 2015 approximately 855 thousand  
24 inspections were performed. The safety standards also  
25 required deficiencies found during inspections to be

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2 categorized for repair based on a level of severity and  
3 effect on public safety. Level one deficiencies require  
4 repair within seven days. Level two require repair within  
5 one year, and level three require repair within three  
6 years. There were approximately 194 thousand deficiencies  
7 identified by the utilities in 2015 on a statewide basis.

8 This next graph shows a history of  
9 deficiencies found during inspections going back to 2011  
10 broken down by deficiency levels and the overall totals.  
11 The overall number of deficiencies found in 2015 decreased  
12 from last year which can mainly be attributed to Con  
13 Edison focusing more on its overhead system versus its  
14 underground system in the earlier inspection cycle years.

15 For an inspection program to be meaningful,  
16 the data collected must be used to promote repair  
17 activities. In general, utilities have maintained good  
18 response times for repairing deficiencies. In 2015  
19 utilities reported repairing 87 percent of level one  
20 deficiencies within the required seven-day time frame.  
21 Those not repaired immediately were made safe to mitigate  
22 the risk to public.

23 The utilities also reported repairing 92  
24 percent of level two deficiencies and 95 percent of level  
25 three deficiencies found since 2011. The utilities

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2 continue to tackle these deficiencies, and even though  
3 there are still opportunities for improvement, the goal  
4 continues to be the betterment of the overall electric  
5 system health and public safety statewide.

6 The safety standards include a performance  
7 mechanism to ensure utilities comply with the orders  
8 requirements on both testing and inspections. The  
9 utilities have met these requirements for 2015 and have  
10 done so since its inception in 2005, and no negative  
11 revenue adjustments have been incurred.

12 In addition to utility performance  
13 mechanism requirements, staff performs field monitoring  
14 efforts of both stray voltage testing and electric  
15 facility inspections completed each year to ensure the  
16 utilities are complying with the safety standards.

17 In conclusion, staff is satisfied with the  
18 overall performance of the utilities in relation to the  
19 electric safety standards and its requirements.

20 That concludes my presentation and I'll be  
21 happy to answer any questions.

22 CHAIR ZIBELMAN: Thank you. Any questions?  
23 Comments?

24 COMMISSIONER SAYRE: I have a question.  
25 How dangerous is stray voltage less than

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2 four and a half volts?

3 MR. PAUSE: So typically for voltages less  
4 than four and a half there isn't any current involved in  
5 it, so on your -- on a typical case it -- it isn't  
6 something that would be a concern for public safety or  
7 health. But, again, it -- it really depends on where the  
8 -- what the problem is and what the conditions are as far  
9 as the environment.

10 CHAIR ZIBELMAN: Is that -- when you say  
11 that that just means whether or not there's water around  
12 or other conducting --?

13 MR. PAUSE: So like you can -- on the  
14 transmission system there can be a lot of induced currents  
15 and that can be produced just from, you know, poor  
16 grounding or, you know, the actual soil conditions  
17 themselves. Rocky conditions and stuff like that. And it  
18 isn't something where there's a -- an actual problem with  
19 the utility system, it's just voltages that are induced  
20 from the conditions itself.

21 MR. WORDEN: So I'd like to make a little  
22 clarification here too. There are occasionally stray  
23 voltage issues. You know, the -- the original stray  
24 voltage stuff that we were involved with involved farms  
25 where there were stray voltage issues in -- in farms and

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2 barns and stuff like that because they had poor grounding.  
3 And while that voltage level -- those voltage levels are  
4 not harmful to the public, they did have effects on milk  
5 production.

6 So low levels in the four and a half, five  
7 and a half volt can be a problem in that area. And we  
8 haven't -- we haven't seen those problems in recent years.

9 You know, and a number of years ago we  
10 investigated a number of those kind of stray voltage  
11 issues. Our focus with these standards is on safety of  
12 the public, so in that regard, you know, what Jason said  
13 is absolutely correct.

14 CHAIR ZIBELMAN: Further questions,  
15 comments?

16 COMMISSIONER BURMAN: I just have a  
17 question. If I'm looking at the numbers right we're on  
18 our third fifth-year cycle and it's the start of the  
19 fifth-year cycle, is that correct?

20 MR. PAUSE: Correct.

21 COMMISSIONER BURMAN: So --.

22 MR. PAUSE: It's -- it's the first year of  
23 that third cycle.

24 COMMISSIONER BURMAN: Okay. So are we  
25 looking at the adjustments that were made in the first and

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2 the second cycles and then looking to see what we may be  
3 doing for this third fifth cycle so that when we get to  
4 the end of the fifth cycle there we may have some things  
5 for further course corrections that we might want to do?

6 I don't know if I'm explaining that right,  
7 but I'm just curious if you can pick out from the first  
8 cycle to the second cycle. And I know last year we made  
9 modifications that didn't diminish safety but did help in  
10 some of the things that -- that we found could be changed  
11 a little bit. So just curious if from that we're focused  
12 on what we may learn going into it and -- and laser  
13 focusing on that.

14 MR. PAUSE: Yeah, we're looking at the  
15 numbers constantly and we meet with the utilities on a --  
16 on a regular basis as well to talk about any potential  
17 improvements or program changes. At this time we don't  
18 see any, but we're continually looking at that and -- and  
19 open to any potential changes that may come about.

20 COMMISSIONER BURMAN: Okay. Great. And  
21 then if you can go back to slide I think it's slide seven.

22 So on here when it talks about -- yeah,  
23 slide seven, overhead facilities, underground facilities,  
24 transmission and streetlights and then we talk about the  
25 number at the bottom, the number of deficiencies, do we

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2   also have -- and I know not here, but do we also have a  
3   breakdown of where those deficiencies fall in those four  
4   categories?

5                           And then what might be a reason for, for  
6   example, streetlights -- what some of the challenges may  
7   be that, you know, we can identify from that?

8                           MR. PAUSE:   So we get breakdowns --  
9   detailed breakdowns from utilities on a -- on a quarterly  
10   basis, and it does break it down into the actual specific  
11   categories that the findings are -- are found.   Some of  
12   the challenges like for streetlights is -- is, again,  
13   those facilities are -- a lot of times are owned and  
14   operated by the municipalities.

15                           And the conditions are found within --  
16   within the base of the streetlight where the connections  
17   are made.   And there's a lot of public tampering that goes  
18   on there as well, so it's always a -- a concern and -- and  
19   it's a problem that we continue to see.   But, for example,  
20   like in Buffalo, they're doing a lot of new underground  
21   work there and replacing a lot of streetlight services.  
22   And we're starting to see those improvements come through  
23   in the -- in the results that we're seeing.

24                           COMMISSIONER BURMAN:   Okay.   Because we --  
25   we do have a huge initiative which is a positive thing on

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2           our streetlight replacements. So to the extent that some  
3           of these lessons can be learned so that we don't have any  
4           mistakes and to improve the system I think we should be  
5           focusing on that especially to folks who may not be  
6           looking at this per se.

7                       MR. WORDEN: I do want to clarify. We --  
8           we are looking at a couple -- there are a couple of  
9           corrections that we're considering and, you know, I'd be  
10          happy to talk to you offline about them, so.

11                      COMMISSIONER BURMAN: Thank you. I have no  
12          further questions.

13                      COMMISSIONER ACAMPORA: I have a question.  
14          Do you have any information on what LIPA does?

15                      MR. PAUSE: At this time we -- we don't  
16          collect the -- this in-depth detail from LIPA. LIPA does  
17          do annual inspections of their facilities, but right now  
18          we're -- we're not -- we don't gather that information.

19                      COMMISSIONER ACAMPORA: Do they do mobile  
20          do you know?

21                      MR. PAUSE: They don't do -- they don't do  
22          any stray voltage testing, but again, they do, you know,  
23          detailed inspections of their facilities on an annual  
24          basis.

25                      COMMISSIONER ACAMPORA: Okay. I just have

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2           a comment. I was here in 2005 when we instituted the  
3           stray voltage testing and actually had many conversations  
4           with Mr. Lane, the father of Jodie Lane, and I think that  
5           we do have him to thank for really driving us to do this.

6                         And -- and that's why New York really does  
7           stand out.

8                         This mobile testing has really turned out  
9           to be something that's very positive. I think it's been  
10          very helpful, and I think when we instituted more for the  
11          Buffalo area, even though they are doing those  
12          replacements, I think it has been very helpful. So thank  
13          you very much for the report.

14                        CHAIR ZIBELMAN: Thank you. And, Jason,  
15          not for this commission but -- and, Michael, let's talk  
16          about. I don't see any reason not to collect the  
17          information from LIPA and PSEG.

18                        MR. WORDEN: We should be getting it and we  
19          have -- certainly have access to the inspection  
20          information. The stray voltage is a -- a different  
21          discussion which we need to have with them.

22                        CHAIR ZIBELMAN: Okay. Thank you.

23                        MR. WORDEN: I would note that we -- on the  
24          reliability stuff, the PSEG files reliability report with  
25          us --

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2 CHAIR ZIBELMAN: Right.

3 MR. WORDEN: -- just like the other used  
4 too, we're going to talk about some other stuff next, and  
5 they do that as well. So we've tried to integrate them  
6 into our normal routines.

7 CHAIR ZIBELMAN: Right. I know we're  
8 slowly pulling them into our happy tent watching  
9 everything. Good. So next let's move on to energy  
10 utility service quality. Sonny, welcome.

11 MR. MAZE: Thank you. Thank you, Chair  
12 Zibelman. Good morning, Commissioners. This item  
13 summarizes the electric and natural gas utilities  
14 performance for 2015 on measures of customer service  
15 quality.

16 These include two types of measure.  
17 Standardized key performance indicators reported by all of  
18 the utilities and customer service performance incentives  
19 which vary by utility and include negative revenue  
20 adjustments for unsatisfactory customer service  
21 performance.

22 The data provided by each utility in its  
23 monthly performance indicator report allows staff to track  
24 customer service performance. The performance indicators  
25 are as shown on the -- on the chart PSA complaint rate,

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2 customer satisfaction survey, appointments kept, call  
3 answer rate within thirty seconds, billing accuracy and  
4 meter readings, nonemergency service response time.

5 As shown on the graph we have customer  
6 service performance incentives. These incentives help to  
7 align shareholder and ratepayer interest by providing  
8 potential earning consequences to shareholders that  
9 reflect the quality of service to utility customers.

10 Every major gas and electric company in New  
11 York State has these mechanisms in place. For all of the  
12 utilities, the customer service performance incentive  
13 mechanisms contain targets for PSA complaint rates and for  
14 survey measures of customer satisfaction.

15 Some also include targets for other more  
16 specific measures of utility performance. In each rate  
17 case, staff reviews the customer service performance  
18 incentive mechanisms to ensure that the targets and  
19 associated amounts at risk are adequate to ensure that  
20 service quality does not deteriorate and recommends  
21 changes as appropriate.

22 The good news is that for the most part the  
23 electric and gas utilities performance have steadily  
24 improved over the last several years, and this trend  
25 continued in calendar year 2015. For example, NYSEG's

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2 performance for PSA complaint rate and customer  
3 satisfaction survey has improved from 2014 levels. And  
4 National Fuel has had one escalated complaint for the  
5 calendar year 2015.

6 In addition, St. Lawrence Gas and Corning  
7 Gas have no escalated complaints for this 2015 reporting  
8 period. However, RG&E failed to meet its meter reading  
9 target level of less than six percent which resulted in a  
10 negative revenue adjustment of 300 thousand dollars. This  
11 amount is automatically deferred for the benefit of  
12 customers pursuant to RG&E -- RG&E's rate plan and no  
13 commission action is required.

14 Without exception, the electric and gas  
15 utilities performance and measures of customer service  
16 quality in 2015 was satisfactory. In summary, the  
17 customer service performer incentives currently in place  
18 are the utilities in New York State establish strong  
19 standards for performance and put significant amounts of  
20 shareholder earnings at risk for nonperformance.

21 Overall the customer service performance  
22 incentive mechanisms implemented by the Commission coupled  
23 with staff's ongoing monitoring efforts have been  
24 effective in encouraging companies to make customer  
25 service a corporate priority and providing criteria for

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2 ensuring that the quality remains at high levels.

3 Staff will continue to monitor customer  
4 service quality provided by utilities to ensure the fair  
5 and appropriate treatment of utility customers across the  
6 state. And we will continue to promote performance base  
7 rate making strategies relating to customer service  
8 quality as alternatives to traditional cost of service  
9 regulation.

10 Finally, as a follow up to the Commission  
11 authorized operational audit, of the accuracy and  
12 effectiveness of customer service performer indicator  
13 data, staff conducted workshops in 2015 to consider  
14 modifications to help standardize the performance  
15 indicators and that effort is continuing.

16 This completes my presentation on the  
17 energy utilities customer service performance report for  
18 2015. And I'll be glad to answer any questions.

19 CHAIR ZIBELMAN: Thank you. Just on the --  
20 on the last part, as the Commission is aware we've asked  
21 staff to take a look at the various metrics and make sure  
22 that there's a consistency in wording and measurement.  
23 And I know there's been ongoing work. Do you have a sense  
24 of timing when you're going to come back to us on what  
25 recommendations you're going to make?

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2 MR. INSOGNA: Chair Zibelman, a notice was  
3 issued on I believe it was May 20th and gave interested  
4 parties sixty days to comment on that. So those -- those  
5 comments are due in August of this year. The comments  
6 would be on a draft set of revised customer service  
7 metrics, and our expectation is that we'd have an  
8 opportunity to review those comments, make any appropriate  
9 modifications and bring a revised set to the Commission  
10 for their approval this fall.

11 CHAIR ZIBELMAN: Thank you. The other  
12 thing I just -- well, just for my fellow commissioners,  
13 when I met with Sonny about this I -- I suggested and I  
14 think Luann (phonetic spelling), you agree that next year  
15 we're going to expand this report because I think it would  
16 be useful to us to simultaneously look at the customer  
17 service for electric and gas and telephone, as we -- we  
18 look at telephone but we look at it a different time  
19 period.

20 And particular as we're seeing the effect  
21 of this of the measures and the sensitivity we have to  
22 service quality on communications. I think it would be  
23 helpful for us to compare the two and -- and think about  
24 it as a group. So we'll be look -- doing that next year.

25 Any further questions or comments?

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2 COMMISSIONER BURMAN: I welcome working  
3 with the staff on the metrics and the consumer services  
4 performance. I would before, you know, this comes before  
5 us welcome a briefing before you finalize your staff  
6 report, especially as it comes to looking at an expansion  
7 of the report and -- and making sure that we have a fuller  
8 discussion on that internally.

9 MR. INSOGNA: We're happy to provide a  
10 briefing for you, Commissioner.

11 CHAIR ZIBELMAN: Any other further  
12 questions or comments? Okay. Good. Thank you. So -- so  
13 just before we close on this, first of all, excellent  
14 reports. And I want to note that, you know, obviously we  
15 spend an awful lot of time on rate cases and we spend an  
16 awful lot of time on mergers. And we also spend an awful  
17 lot of time on policy changes. But the lifeblood I think  
18 of this agency is around the reliability and service  
19 quality in many ways that we -- we don't spend time  
20 talking about it in the -- in the Commission hearings, but  
21 we spend an awful lot of time in the department level  
22 looking at it because, frankly, if we don't get that right  
23 everything else we do is sort of somewhat ancillary.  
24 Because making sure quality and service is there, the  
25 customers are happy, system is reliable and the system is

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2           safe is what gives everybody the confidence that when we  
3           do set prices and we do look at mergers and we do make  
4           policy changes that we're doing it with a full set of  
5           understanding of what it really makes -- what really takes  
6           to run a reliable, safe and quality company.

7                         And I think, you know, the fact that we do  
8           this and the fact that our companies rise to the task  
9           really is to the benefit of consumers throughout the  
10          state. But I, again, applaud the staff for all your work  
11          and thank you on that.

12                        We have one more item we're going to  
13          review, and this is -- this is -- I've asked Mike Worden  
14          to present us with an update on the standard  
15          interconnection requirements. I think the -- all of you  
16          are aware because I think you've had a lot of the same  
17          visits I've had that there's an increasing awareness of --  
18          of the volume of work we're getting with distributed  
19          energy resources coming in DG and the impact that has had  
20          on our process and utilities processes of addressing  
21          interconnections.

22                        Staff has done a significant amount of work  
23          in terms of looking at what's going on and has done it  
24          both with the utilities, with the developers and with  
25          NYSERDA. And I thought as long as we're reviewing that --

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2 that you -- everyone here would appreciate getting an  
3 understanding of the -- of the work that we're doing and  
4 the steps that we're taking to address our -- really our  
5 new-found normal around the amount of action that's going  
6 on -- on behind the meter around interconnections.

7 So I thought it would be helpful for Mike  
8 to give us a brief update and it's all yours. Thank you,  
9 Michael.

10 MR. WORDEN: Okay. Thank you. Good  
11 morning, Chair Zibelman and Commissioners.

12 I -- I would like to note at the outset  
13 while Raj did not get the memo on the dress code today,  
14 Commissioner Sayre did.

15 CHAIR ZIBELMAN: I noticed that too. I  
16 noticed. I was thinking maybe there was like a six for  
17 one sale at a suit store or something.

18 MR. WORDEN: Could have been. But as -- as  
19 you --

20 COMMISSIONER SAYRE: Think he would have  
21 been in Rochester.

22 MR. WORDEN: -- as you requested I will  
23 provide a status update on staff's efforts related to the  
24 interconnection of distribute -- distributed generation or  
25 DG as it's referred to in New York State.

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2 The commission's requirements on DG that  
3 are in its SIR cover projects up to five megawatts. That  
4 was a recent change that was -- took place back in March.  
5 Prior to that it was two megawatts. Because of the  
6 state's net-metering laws, our focus is really on those  
7 projects that are under two megawatts because that's where  
8 the volume is.

9 I do want to note at the outset, you know,  
10 we just had a report on reliability and safety. We're  
11 trying to facilitate more interconnection but we're not  
12 trying to do it at the expense of safety or reliability,  
13 because if we create problems in -- in that area, that  
14 creates a problem for us.

15 In recent years the number of  
16 interconnection applications submitted to the utilities  
17 and the complexity of the projects proposed have both  
18 increased significantly. Solar or PV projects, as they're  
19 referred to, proposed by both residential and  
20 nonresidential customers account for the overwhelming  
21 majority of this increase in applications.

22 This surge in demand for interconnection is  
23 in direct response to federal tax credit incentives along  
24 with other state incentives such as the governor's New  
25 York Sun -- New York Sun Program. The commission's 2015

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2 community DG order, which opened the market to new  
3 participants, is also a major contributor to the recent  
4 increase in inter -- interconnection applications.

5 Just to give you snapshot of DG  
6 applications over time, in 2010 there were approximately  
7 12 hundred applications -- 12 hundred applications  
8 statewide that -- under the SIR. Again, at that time it  
9 was still two megawatts. In 2013 it was four thousand.  
10 In 2015 it was 11 thousand, and in 2016 the first four  
11 months of the year there have been over six thousand  
12 applications.

13 However, since the beginning of 2015 I  
14 would note that nearly 13 thousand projects have gone  
15 through the complete interconnection application process.  
16 Most of those have been connected. Not all. There's  
17 sometimes that a project will go through and will get all  
18 the approval to be connected and the developer or the  
19 customer decides not to go forward with it. But for the  
20 most part, those have been done.

21 As of 2016 -- April 2016 there were  
22 approximately 94 hundred applications in the queue. Seven  
23 thousand of these applications were residential or small  
24 commercial. Those generally fall in the category of zero  
25 to fifty kW since this is how we measure those. The

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2           remainder two thousand -- twenty-four hundred are -- are  
3           over fifty kW and a lot of those, as I'm going to discuss  
4           a little more, require further analysis.

5                         We have generally found that the utilities  
6           have managed the residential and very small commercial  
7           solar applications very well. These things move through  
8           -- it's almost like getting a service at a new house. You  
9           can get and put your application in, two to three weeks  
10          later you're generally approved. Developers have a  
11          routine process for -- for moving these through the system  
12          and they move through very rapidly.

13                        But where we're facing the challenge is  
14          both with the utilities and developers are the larger DG  
15          applications. Generally, it's the ones, 300 kW up to two  
16          megawatts that are causing the challenges. These projects  
17          typically require that a full design and impact study is  
18          performed by engineers to make sure that it doesn't have a  
19          negative impact on the system.

20                        The utilities have struggled with varying  
21          degrees of success to meet the study timelines identified  
22          in the standard interconnection requirements. And it's  
23          actually a lot more complicated than that, because one  
24          thing that complicates things is you have multiple  
25          projects on a given feeder. That just adds to the

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2 complexity of trying to do an analysis. If you do one --  
3 one -- one DG project that's one thing. But when you add  
4 seven or eight, ten that's a whole other ballgame.

5 So from the developer's point of view,  
6 these studies can be expensive and the results of these  
7 studies often identify the need for costly upgrades and  
8 additional protection schemes before the project can be  
9 interconnected. So if there's uncertainty about the  
10 economics of the project, the developer may be reluctant  
11 to pay for the study or to invest in the upgrades. And so  
12 some of these projects, if the developer is uncertain,  
13 they may sit in the queue which complicates the queuing  
14 process.

15 So we have noted that there are a number of  
16 applications in the utility inventories that appear to be  
17 on hold for these kinds of reasons. So to address these  
18 issues, staff has been engaged with DG developers and the  
19 electric utilities to discuss improvements to the SIR and  
20 overall interconnection process.

21 Most recently since early 2016 staff has  
22 undertaken a number of activities aimed at streamlining  
23 the interconnection process and developing technical  
24 standards and practices that will better facilitate the  
25 integration of DG within distribution systems. So I'm

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2 going to go walk through some of the major efforts that  
3 we've had underway since the beginning of this year.

4 So as I mentioned at the outset, you guys  
5 were -- helped us by updating the SIR process in March of  
6 this year, March 2016. And that's going to be a big help  
7 going forward because that process includes -- it includes  
8 queueing and technical screening applications. And it  
9 also includes preapplication reports.

10 So going forward we're going to have less  
11 of a issue with projects sitting in the queue because  
12 there will be specific requirements and timelines, not  
13 only on the utility, but also on the developer to take  
14 action if you're going to stay in the queue and move  
15 forward.

16 So that is part of the issue we have is  
17 that that's not retroactive. It doesn't apply to projects  
18 that were put in before March of 2016. We created an  
19 interconnections technical working group. Jason Pause who  
20 presented on the safety standards is one of the co-leads  
21 of that group along with a person from NYSERDA. They've  
22 had a couple of meetings already in March and April of  
23 this year. The technical working group is made up of our  
24 representatives, a representative from NYSERDA,  
25 representative from NYPA, representatives from the

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2 utilities and representatives from industry.

3 So we've tried to get a good cross section  
4 of people to work in that -- that group and we've tried to  
5 keep the group size manageable. You know, we've -- we've  
6 learned a lot through REV through some of the working  
7 groups they have had and we've learned that when the  
8 working groups get too big they -- they are difficult to  
9 manage.

10 CHAIR ZIBELMAN: They stop working.

11 MR. WORDEN: I'm trying to be diplomatic  
12 about it, but they're -- they're challenging. But -- but  
13 we have a good cross section in there, and we are hiring a  
14 technical consultant, NREL who has a lot of experience in  
15 this technical aspects of interconnection and they're  
16 going to be helping us, guide us through and providing  
17 assistance in evaluating some of the different technical  
18 options. I think both parties, the utility side and the  
19 developer's side see that as a positive outcome.

20 So the current focus, just to give you a  
21 sense of -- of the issues and -- and I'm not going to go  
22 into details because I get tongue tied as -- as well, but  
23 right now they're focusing on substation back feed issues  
24 and the ability to take us -- DG and put enough DG out on  
25 a feeder and back -- feed it actually through the

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2 substation.

3 Is that something you can do? And if  
4 you're going to do that, what kind of protections do you  
5 need? And that kind of stuff. So it's -- it's very  
6 complicated and it's stuff that's really very technical,  
7 and we've asked both from the developer's side and from  
8 the industry's side to -- to bring technical people to the  
9 forefront to work on these issues.

10 So these are not New York issues. These  
11 are national issues, and that's another reason why we  
12 wanted to bring NREL in to bring that national perspective  
13 in. And some of the developers, frankly, have a national  
14 perspective as well. So that's been helpful.

15 The next meeting of this group is next week  
16 actually, so. We've also created a DG ombudsperson  
17 position at the department. That's Liz Ruzzaro (phonetic  
18 spelling) is -- is filling that position for us. NYSERDA  
19 created a DG ombudsman, Hoo Tan (phonetic spelling) is --  
20 is doing that for them. And we had each of the utilities  
21 create a DG ombudsperson to have a -- a point person that  
22 developers could go to and talk about and to help  
23 facilitate working them through the process.

24 Not necessarily a technical expert, but a  
25 facilitator is -- is really more -- more of what it's

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2           done. Our ombudspersons have been very active with both  
3           the utilities and with developers. You know, frankly,  
4           when we get calls and -- and complaints from -- from  
5           developers that's the first point that we -- we point them  
6           to. We point them to our ombudsman and ask the ombudsman  
7           to try to work with them and the utility to work through  
8           whatever issues they have.

9                         It's been a big help. It's helped our  
10           resources internally because we've been able to have our  
11           technical people focus on technical issues. So that's --  
12           that's been a help to us. We've also made significant  
13           improvements in the utility reporting data. We've got  
14           much more focused data that's out there that is just  
15           frankly more useful to the -- to the needs that we have  
16           and we're actually posting that data.

17                         We do not post data that gives customer  
18           information. Customer information, you know, is -- is  
19           private. We don't post stuff that's going to, you know, I  
20           think you can find who the customer is. That's not really  
21           the purpose of it. But the purpose is so that the  
22           developers and the utilities can see what's in the queue,  
23           can see what's going on there. So this is something  
24           that's very recent within the last two weeks. We think  
25           it's going to provide positive results.

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2 There have been some positive results  
3 already from it, but it's, you know, again, it's in its  
4 infancy and -- and we have to see how it's going to  
5 continue to move forward. We -- we have been tracking  
6 what we call hot list projects. We have a number and --  
7 and frankly most of those projects are in Grid's  
8 territory and we've been working with Grid and with the  
9 developers to try to work through some of those projects  
10 and try to get them to be able to move forward.

11 We have been working on a program with Grid  
12 to have -- they've -- they've had a number of engineering  
13 studies that were backed up. We are meeting with them.  
14 We met with their senior executives. We have a meeting,  
15 in fact, tomorrow with their senior executives to walk  
16 through some of the steps they're taking to correct the --  
17 the concerns we've had with their engineering studies.  
18 And we think they're making progress in that area.

19 The utilities have also created what --  
20 what they're referring to as red zone maps. They're going  
21 to be posting these. I think most of them are already  
22 posted. Those maps will give a developer an idea of where  
23 the better places -- let -- let me rephrase that -- where  
24 it's less likely to cost money to interconnect. So that  
25 will give them some guidance. They've been received

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2 somewhat positively by developers so far. Most of them  
3 have been on a trial basis, but we expect to do more of  
4 that activity and get a broader view of those going  
5 forward, so.

6 The interconnection queue management is  
7 another area we've been focusing a lot of attention on.  
8 As I said, we've -- we've been posting queueing  
9 information on our website. We've -- we've initiated a  
10 number of voluntary queue reduction steps working directly  
11 with individual developers. I know there have been  
12 several developers where through our efforts with  
13 ourselves and the utilities we've been able to get them to  
14 pull back some projects that they knew really didn't have  
15 a good likelihood of moving forward.

16 I will say that it's -- it's a mixed bag.  
17 Some developers are more receptive to that than others.  
18 Others just are -- are frankly just not as receptive to  
19 that. So we need to continue to work that effort. We're  
20 going to continue to work with a group -- groups of  
21 developers, you know, as opposed to individual developers  
22 to try to get them all to move forward.

23 You may recall -- finally on queue  
24 management we've actually developed a straw proposal to  
25 deal with the backlog, and we're working with the various

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2 parties, developers and industry, to try to reach a  
3 consensus on whether -- what we need to do to -- to  
4 address that backlog.

5                         So that may be something we might get to a  
6 point where we'll have to come to you and ask for your  
7 action to help us implement that. But that's still in its  
8 infancy.

9                         And, again, we want to get -- we want to  
10 get some kind of consensus between the two sides in order  
11 to move forward. We don't want something that's, you  
12 know, one sides going to say this is just not manageable.

13                        We -- last year we had EPRI -- ourselves  
14 and NYSERDA brought in EPRI to do a gaps analysis on the  
15 interconnection process. EPRI completed that study in  
16 September and now they're following up on implementation  
17 of a number of those steps. And that links in and ties in  
18 with the DSIP process because there's aspects in the DSIP  
19 process about an underlying portal, and that's a -- a big  
20 core part of what's in the EPRI findings.

21                        And so that will help the work that the  
22 utilities are doing on the DSIP and then help them with  
23 their filing that they're going to make not only this  
24 initial one but more so in the one that's due in November.

25                        So another thing that's in DSIP that's

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2           going to have a -- an effect on what we're doing on  
3           interconnection is hosting capacity. So we've asked the  
4           utilities in their DSIP filings -- you asked them. We  
5           recommended, you told them to do it -- to make these --  
6           the DSIP filings they -- they're supposed to come in with  
7           a common definition of -- of hosting capacity. And then  
8           they're supposed to work on how we're going to get that  
9           information between the June filing and the November  
10          filing.

11                         One of the things we plan on doing over the  
12          summer is hosting a workshop on hosting capacity that will  
13          -- defining it -- the utilities will tell you defining is  
14          a difficult thing. I think defining is something that can  
15          be done. It's being done in California. It's being done  
16          elsewhere. We'll define it.

17                         Collecting the data is a problem. We have  
18          to work on collecting the data. You have to have the data  
19          in order to do it, but we'll get through that. The next  
20          step though that we need to start moving forward is, how  
21          do you increase hosting capacity? And we've been talking  
22          to a number of entities about ways to increase hosting  
23          capacity. So that's going to be an area we're going to be  
24          focusing on over the summer, because right now that's what  
25          we're running into with these DG applications.

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2 If you get too many on a feeder they'll  
3 say, well, we can only accommodate so much. So we want to  
4 look at ways to improve what the hosting capacity is. So  
5 finally I -- I would say, you know, we're monitoring grid  
6 performance of each of the utilities closely. We have  
7 regular calls with the utility ombudsman on a periodic  
8 basis.

9 We've -- as I mentioned we've had probably  
10 more than its fair share on -- on Grid. It's just the  
11 nature of the concerns that have been brought to us. But,  
12 you know, we're focusing on really getting this thing  
13 right and -- and kind of, as the Chair mentioned at the  
14 outset, getting to the new norm and figuring out, you  
15 know, what is the norm and how do we process these --  
16 these things going forward.

17 And I will say, again, the SIR, the new one  
18 is geared towards making people make decisions. And that  
19 was a -- that was really a -- an industry recommendation.  
20 You know, we didn't do the SIR stuff and recommend that by  
21 ourselves in a vacuum. We work with the solar industry in  
22 particular and the utility industry. And so that was a  
23 joint thing.

24 And I think we recognize when we  
25 recommended the SIR changes that you adopted in March that

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2           there were more changes that needed to be made and we need  
3           to continue to work on this. And so that's what we'll  
4           continue to do.

5                         So we believe overall with the efforts  
6           we've just discussed we're making significant strides  
7           forward in improving the overall interconnection process.  
8           So we do, as I said, understand that there are continued  
9           challenges that we need to work on and there's more work  
10          needed.

11                        But I think -- we think that keeping these  
12          efforts visible and open to the public and to the  
13          developers and the parties is really an important thing.  
14          And that's, again, one of the reasons we want to have  
15          discussions with them because we -- we don't want to just  
16          come out with something that we haven't thought through,  
17          that there's other ideas out there. And so we want to,  
18          you know, continue to work in that vein.

19                        So of course we'll come back to you if  
20          there's action relevant to the SIR. Of course that's a  
21          commission order and we would come back to you with that  
22          or if there are other things that we need we'll come back  
23          to you for whatever help we need to get this thing moved  
24          forward correctly. So that concludes my presentation and  
25          rambling remarks, and be happy to answer any questions.

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2 CHAIR ZIBELMAN: Thank you -- thank you,  
3 Mike. Us guys are pretty good actually. We do some good  
4 things every once in a while.

5 MR. WORDEN: Once in a while.

6 CHAIR ZIBELMAN: Once in a while. As long  
7 as we listen to you, right?

8 MR. WORDEN: That's right.

9 CHAIR ZIBELMAN: First of all, I -- you  
10 know, I -- I think I was at one of the initial meetings  
11 with the utilities and the -- and members. At that time  
12 it was the solar industry but obviously it's not just  
13 solar. It -- it's all the DG. There's no question that I  
14 think addressing this in a collaborative fashion is  
15 essential because there -- there are one learnings to get  
16 as -- as you mentioned. But also on both sides there are  
17 things that need to be addressed and changed.

18 And -- and certainly that having these  
19 discussions are important. And there are as -- as we  
20 could see, there's a myriad of issues that we need to deal  
21 with. There's technical understandings that need to be  
22 improved. The process understandings that I think can be  
23 approved on all sides.

24 I'm pretty aware that all the utilities are  
25 hiring people to get this because the volume of work was

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2 more than they anticipated and so for -- for them to learn  
3 about, you know, what is going to be that -- the level of  
4 resources they're going to need. And then applying  
5 technology, the portals. Anything we can do to expedite  
6 is -- is all going to help.

7 So I -- I think from my perspective, we're  
8 in a -- we're in a spot of learning. And what we ought to  
9 be focused on, which is I think where the staff is focused  
10 on and NYSERDA and the utilities and hopefully the  
11 industry is let's figure this out. Because, you know, we  
12 -- it's a much -- it's a big -- it's a complex issue. And  
13 I would much prefer that people work together  
14 collaboratively and solve it. And then us to figure out  
15 along the way what should be the new normal, what should  
16 be the standards.

17 What we should be looking for, and that  
18 will help us then gauge how do we measure performance.  
19 But I think we're at a stage that it's much -- we have  
20 such a -- you know, a significant opportunity with the  
21 amount of interest that we have in New York that I think  
22 it's best to be in a problem-solving mode, and that's  
23 exactly where we are with the solar industry as well as  
24 the utilities.

25 And what I'm looking forward to is, frankly

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2           an update as we move these things through is what's  
3           working, what's not, what should we change? And as  
4           Michael said, we -- we may want to make some rule changes  
5           too because we -- we absolutely want the projects to go  
6           forward and we're going to be looking for ways to make  
7           sure that things that impede that are -- are addressed as  
8           quickly as they can on all sides of the equation.

9                                So that's -- that's what we're doing I --  
10          and I wanted to thank staff. I know they're working hard  
11          at these issues. They are complex. Any questions or  
12          comments for Michael?

13                            COMMISSIONER SAYRE: This is really at the  
14          very heart of the REV process, and I'm very pleased to see  
15          that it's working. I -- I concede that -- it's working so  
16          well because you're making it work well in the future, but  
17          if anybody thinks that REV is a bunch of policy statements  
18          and words just listen to what Mike has said and you'll see  
19          that the rubber has met the road and we're traveling down  
20          it pretty quickly.

21                            I'm very happy to hear that. And I -- I  
22          have sympathy for both the developers and the utilities  
23          here because these things are going to come in bursts  
24          based on changes in federal and state tax incentives and  
25          renewable energy subsidies. As those change economics

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2 change and -- and they'll be more or less applications in  
3 -- in bunches. But we somehow have to accommodate that  
4 and I'm glad that you're working to do it.

5 CHAIR ZIBELMAN: Thank you. Commissioner  
6 Acampora?

7 COMMISSIONER ACAMPORA: I think  
8 Commissioner Sayre said it all. I now -- one less thing I  
9 have to worry about. Thank you, Mike. I can sleep. Good  
10 job.

11 CHAIR ZIBELMAN: Commissioner Burman.

12 COMMISSIONER BURMAN: So I'm in agreement  
13 with my fellow colleagues that staff is doing a incredible  
14 job working with people on this very tough issue. Where I  
15 disagree is I am very concerned. I've been concerned from  
16 the beginning when we first looked at revising the net  
17 metering rules and -- and -- and more specifically in  
18 March 2016 when the Commission as a whole order -- ordered  
19 modifying the standard -- standard connection  
20 requirements, and I raised significant concerns then.

21 I do recognize that this will expedite  
22 interconnection process is -- the goal is promoting the  
23 market development of DER and these revisions are directly  
24 aimed at that objective. It is not unusual since the  
25 standard interconnection requirements have been in place

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2 since 1999 that we have made modifications and -- as  
3 necessary made changes to that.

4 What's unusual though is that here we have  
5 had a significant increase in applications. Mike, you --  
6 you said in 2010 how many did we have? And then in 2016  
7 how many do we have?

8 MR. WORDEN: So 2010 was 12 hundred  
9 roughly.

10 COMMISSIONER BURMAN: Right. 2000 --.

11 MR. WORDEN: 2016 --

12 COMMISSIONER BURMAN: 2015 was how many?

13 MR. WORDEN: -- 2015 11 thousand.

14 COMMISSIONER BURMAN: And then 2016?

15 MR. WORDEN: Six thousand to date through  
16 April.

17 COMMISSIONER BURMAN: Six thousand or six  
18 hundred thousand?

19 MR. WORDEN: Six thousand.

20 COMMISSIONER BURMAN: Six thousand. Okay.  
21 So --.

22 MR. WORDEN: So the -- the interconnection  
23 requirements themselves didn't cause those changes.

24 COMMISSIONER BURMAN: Right.

25 MR. WORDEN: Okay.

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2 COMMISSIONER BURMAN: So when I -- when I  
3 look at it the incentive for the modifications were  
4 clearly driven by several factors. Obviously, the number  
5 of interconnection applications increased dramatically.  
6 And the -- the process was seen as getting weighted down  
7 and needing to look at that.

8 When I look at it I -- I see now we've gone  
9 to an 11 step process. And the intent is to have this  
10 flow through in a orderly fashion. Utilities as well as  
11 developers have an -- as well as staff have committed an  
12 enormous amount of resources to help -- helping flow  
13 through. I do have a couple questions though when we look  
14 at the process and then how this relates to the REV  
15 initiatives. Because I'm not sure if what we're saying is  
16 we want all of these projects to go forward.

17 I think what we want are to look at the  
18 viable projects and make sure that in the queue we don't  
19 continue to have stagnant ones that are not viable and  
20 ones that will not help ensure safety and reliability. So  
21 for me the questions really relate to how is this focused  
22 on our state resource planning process.

23 We have a state resource planning process  
24 that the ISO and the utilities as well as others,  
25 ourselves included, are involved in. The utilities and

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2 the ISO stepped up with significant monies for that state  
3 planning resource study. My understanding is we should be  
4 seeing that sometime the end of this summer.

5 Are these things being looked at in that,  
6 and are we looking at the increased costs that may be put  
7 on the system? Because to me that really is a match up  
8 that I think is relevant.

9 CHAIR ZIBELMAN: Let me -- let me answer  
10 that because first of all we have a big agenda and this is  
11 a complex issue. So rather than get into this now since  
12 -- since nothing is really before us for a decision I'm  
13 just going to use my prerogative and chair and we'll --  
14 we'll take up these issues later.

15 There's a lot of issues moving around that  
16 I -- I am going to -- there's -- there's sort of two  
17 assumptions in here that I -- I just want to address very  
18 quickly. Our issue is simply that they need to  
19 interconnect to the system and we need -- we need to make  
20 sure that when they impose a cost on the system the costs  
21 are appropriately assigned. So it's not a system cost.  
22 It's a question of what is the appropriate allocation and  
23 understanding what those costs are.

24 The other point is, as Michael mentioned,  
25 is this whole issue of hosting capability. Because as we

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2 operate the system under REV in a more transactive way,  
3 the expectation is that we're going to be able to use  
4 resources better to help integrate that. On the -- on the  
5 state resource plan side, that issue is more around  
6 wholesale and the bulk power grid. This is around the  
7 distribution grid, so the two are not necessarily related  
8 except to the extent that we're using distributed energy  
9 resources to promote efficiency and load responsiveness.

10 So all that could be addressed, but I don't  
11 want there to be confusion that there's -- these are  
12 putting costs on the system. But I'm going to move on to  
13 the other topics.

14 COMMISSIONER BURMAN: That's fine. I just  
15 -- I just would like to say and obviously I -- I had more  
16 comments and questions. I -- I had asked about if I could  
17 ask questions on this, and -- and I, you know, thought  
18 this was going to do that which is fine. I'll -- I -- I  
19 will respect the wishes to not have me ask some of the  
20 questions.

21 I will just say that my focus really is on  
22 making sure that we address all of these ongoing issues  
23 sooner rather than later, especially as it may put  
24 significant issues on our system. And to the extent that  
25 when we look at even, for example, the track two order

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2 which establishes an earnings adjustment mechanism for  
3 interconnections which are based in part on a survey of  
4 applicant satisfaction with the utility efforts, I would,  
5 you know, assume that the survey includes applicants who  
6 are currently in the queue are -- maybe it's just limited  
7 to the new applicants, but I would think anyone who's at  
8 the bottom of that queue would not necessarily express  
9 satisfaction with the interconnection process.

10 And, you know, we also get at the heart of  
11 cost recovery. You know, people are staffing up and going  
12 through it, and to the extent that we are maybe -- have  
13 incremental utility costs to address the increase in  
14 interconnections it really is a tradeoff if you're looking  
15 at what was the size of the earning adjustment mechanism  
16 award versus the actual cost for the interconnection.

17 CHAIR ZIBELMAN: So, Commissioner Burman --

18 COMMISSIONER BURMAN: And I'll stop at  
19 that.

20 CHAIR ZIBELMAN: -- I want you to stop  
21 because this is not the time.

22 COMMISSIONER BURMAN: I'll stop -- I'll  
23 stop with that and I'll say I'd like -- I'm very, very  
24 supportive of working with folks, and looking at that and  
25 seeing how the new SIR in combination with REV accelerates

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2 the proliferation of DER and how that's factored into any  
3 scenario that deals with the ongoing state resource  
4 planning study because it is critical to the future of New  
5 York. So thank you.

6 CHAIR ZIBELMAN: And I would note for the  
7 record that all the Commissioners have access to the staff  
8 to ask any questions they want outside of the hearing  
9 including you.

10 So we're going to move on to the regular  
11 agenda. The next item is Item 201. Thank you, Michael.

12 Item 201 is just Case 15-E-023 and that's  
13 the proceeding to consider the electric and gas rates for  
14 NYSEG and RG&E. We have both Administrative Law Judges  
15 Julia Bielawski and Ashley Moreno who will be presenting  
16 this to us today. And Judge Bielawski are you beginning?  
17 Okay.

18 A.L.J. BIELAWSKI: Yes. Thank you. Good  
19 afternoon, Chair, Commissioners.

20 The proposed draft order that you have for  
21 your consideration today would adopt the terms of a joint  
22 proposal that would approve three year rate plans for four  
23 separate businesses. RG&E Electric and Gas and NYSEG  
24 Electric and Gas.

25 And before we get into the details of those

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2           terms of the rate plans proposed, we just wanted to take a  
3           couple minutes to give you a little bit of context to --  
4           about the climate in which this -- these significant  
5           agreements were brokered.

6                         As you know when the Commission is  
7           reviewing a joint proposal you look to whether the result  
8           is in the public interest. And that inquiry is informed  
9           by considering the factors in the Commission's settlement  
10          guidelines. One of the factors of whether a joint  
11          proposal is -- is whether the joint proposal has the  
12          support of normally adversarial parties. And here the  
13          joint proposal was executed by the companies and seven  
14          other parties. DPS staff, the Utility Intervention Unit  
15          of the New York State Department of State, the New York  
16          State Office of General Services, Multiple Intervenors,  
17          Nucor Steel, Pace Energy and Climate Center and Walmart  
18          Stores.

19                        So clearly these parties represent a wide  
20          variety of interests, the utilities, environmental  
21          interests and customers of all class and size. So the  
22          diversity of these parties interest, as in any major rate  
23          case, would make settlement difficult. But here there are  
24          additional factors which made settlement I would say  
25          particularly a challenge here.

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2 For the NYSEG Electric Company, the --  
3 there were unprecedented major storms as you all know  
4 which had resulted in this case of a tremendous amount of  
5 deferred storm costs. This presented a challenge for the  
6 parties in determining how to make the companies whole and  
7 not negatively impact their cash flow and yet not provide  
8 a major shock for customers in rates.

9 For RG&E Electric there was the ongoing  
10 Ginna surcharge proceeding which created a lot of  
11 uncertainty again about the impact on customers and rates  
12 and also the availability of certain customer credits that  
13 had been earmarked originally by RG&E for use in this rate  
14 proceeding.

15 In that factual climate there was also the  
16 additional consideration of the parties as -- as they sat  
17 down to negotiate in that they were well aware that the  
18 Commission was poised to issue major policy decisions in  
19 two important proceedings, the generic low-income  
20 proceeding and REV.

21 And they were aware that the impact of  
22 those proceeding -- that those proceedings could really  
23 have an impact on any brokered agreement.

24 So just to begin to say that despite those  
25 obstacles, the parties managed to resolve all issues in

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2           these proceedings. There were no statements filed in  
3           opposition to the joint proposal. One party, the  
4           International Brotherhood of Electric Workers Local 11 did  
5           file comments seeking one modification regarding the  
6           closure of walk-in centers which Judge Moreno will address  
7           a little bit later.

8                         So this resolution, which really reflects  
9           an unchallenged agreement on so many issues is indeed an  
10          accomplishment. So we really wanted to begin by thanking  
11          the parties for their tremendous effort and work on -- on  
12          this -- on this -- in these -- in these proceedings.

13                        Okay. Shifting then from normally  
14          adversarial parties to another one of the factors you need  
15          to consider would be whether or not the joint proposal is  
16          supported by sufficient record in this case. And, again,  
17          I think this is a relatively easy box to check. Prior to  
18          the commencement of any settlement negotiations, testimony  
19          was submitted by ten different parties on a vast array of  
20          issues.

21                        We had eight different public statement  
22          hearings throughout the service territory where -- where  
23          we received public comments. There were two additional  
24          hearings held just specifically to focus on the closure of  
25          the three customer service walk-in centers. In addition

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2 to the comments that we collected at the hearings,  
3 hundreds of additional written comments were received.

4 After the joint proposal was filed of  
5 course the parties had an opportunity to file statements  
6 in support and opposition. And finally we held a  
7 evidentiary hearing affording the parties an opportunity  
8 to cross examine witnesses. Accordingly, there's a robust  
9 record upon which to make your decision today.

10 Now with that overview I'm going to turn  
11 the presentation over to my colleague, Judge Moreno to  
12 begin to explain how the terms of these rate plans reflect  
13 an appropriate balance between the interests of customers,  
14 the companies' investors, and the long term viability of  
15 the customers -- of the companies, excuse me.

16 A.L.J. MORENO: Thank you. And good  
17 afternoon.

18 If you approve the draft order before you  
19 today you will be improve -- approving rate increases for  
20 customers in the next three rate years. And although the  
21 increases are significant they are reasonable under the  
22 circumstances.

23 And to put that in context, NYSEG and RG&E  
24 Electric represent -- are among the utilities with the  
25 lowest residential delivery costs in the state, and after

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2           these rate increases NYSEG residential electric customers  
3           will continue to have the lowest delivery bill of the  
4           major New York State utilities. And RG&E's residential  
5           electric bills will remain amongst the lowest in the  
6           state.

7                         The increases before you are, again, far  
8           below those that were originally proposed by the  
9           companies' filings. NYSEG sought a revenue requirement  
10          increase of approximately a 128 million dollars for its  
11          electric business. The rate plan before you would set a  
12          revenue requirement in the first year of 32 million  
13          dollars.

14                        The parties have proposed a moderation of  
15          rate impacts for three of the companies, NYSEG Electric  
16          for gas and rate shaping for RG&E Electric to try to  
17          moderate impacts over the course of the three-year rate  
18          plans. And with regards to NYSEG Electric, the impact  
19          then would result in a delivery rate increase of 4.1 in  
20          each of the years.

21                        For its gas business, NYSEG had originally  
22          sought a revenue requirement increase of 38 million  
23          dollars. Here the proposal is to set a revenue  
24          requirement in the first rate year of 19.4 million. And,  
25          again, with the levelization proposed in the joint

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2 proposal and reflected in the rate plans before you, that  
3 would result in a delivery rate increase of 7.3 percent  
4 each year.

5 RG&E, as Judge Bielawski mentioned, had a  
6 -- a change in scenery with the Ginna proceeding.  
7 Originally when they had filed the -- their case they had  
8 proposed to reduce electric delivery revenue requirement  
9 by approximately ten million dollars. However, that,  
10 again, used many significant customer credits that were  
11 ultimately used in the Ginna surcharge proceeding.

12 Without the use of the credits their  
13 proposed increase was approximately 44 million dollars.  
14 The rate plan before you today would result in a revenue  
15 requirement decrease for RG&E Electric in the first rate  
16 year of approximately one million dollars. However,  
17 again, with the rate shaping proposed by the parties, this  
18 would result in a -- an increase for the first year and  
19 less than one percent of delivery rates.

20 And, again, just to put this a little bit  
21 in context, there -- the second two years of the rate plan  
22 for RG&E Electric would have more significant increases of  
23 five percent and five point seven percent respectively.  
24 And just by way of explanation, staff pointed out in its  
25 statement in support that the RG&E customers are again

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2 paying for reliability support services with the surcharge  
3 from the Ginna proceeding. And that's anticipated to  
4 terminate after the first rate year.

5 And for RG&E Gas the company had originally  
6 proposed an increase of about 21 million dollars. The  
7 rate plan before you today would have RG&E Gas increase  
8 its revenue requirement by approximately nine million  
9 dollars in the first rate year. Although there's some  
10 variation over the course of the three years for that  
11 company, delivery rates would increase by approximately  
12 five percent in each year.

13 These increases are -- are driven by really  
14 established and necessary expenditures that represent  
15 largely traditional utility costs. The major drivers in  
16 these cases include capital expenditures, property taxes,  
17 depreciation expense, operations and maintenance cost.  
18 And one significant outlier as Judge Bielawski mentioned  
19 earlier is the storm costs associated with NYSEG Electric.

20 So however, I would note that the parties  
21 in the joint proposal really sought to moderate to the  
22 extent practicable the impact of -- of some of these -- of  
23 the monetary amount on customers. And I'll take NYSEG  
24 Electric as an example.

25 There were 262 million dollars' worth of

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2 deferred storm costs, and this plan before you would  
3 amortize those costs over the rate plan to lessen the rate  
4 impact for customers.

5 A hundred and twenty-three million dollars  
6 related to super storms are going to be amortized over the  
7 course of ten years with other storm costs being amortized  
8 over five years.

9 In addition, the plan for NYSEG Electric  
10 would amortize 23.3 million dollars a year of excess  
11 depreciation reserve for the benefit of customers. And  
12 this particular topic represented an area of significant  
13 disagreement among the parties, and the resolution really  
14 represents a notable compromise that balances the needs of  
15 customers and also takes into consideration the company's  
16 financial health.

17 And in addition, one other notable change  
18 with an eye towards mitigating costs to customers is the  
19 change from the original proposal. NYSEG had originally  
20 proposed a full cycle distribution vegetation management  
21 trim cycle. Given the significant cost associated with  
22 that there indeed was compromise amongst signatory  
23 parties. And instead they proposed to have an increase to  
24 those budgets and impose strict mileage targets to try to  
25 move them in the right direction.

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2 So as you know, one of the factors that the  
3 Commission must consider in weighing whether or not the  
4 joint proposal is in the public interest is whether or not  
5 the terms were an appropriate balance between the interest  
6 of customers, investors and the long-term soundness of the  
7 company so that they continue to provide safe and adequate  
8 service.

9 And here the balance is struck. For  
10 ratepayers the rate plans will provide a higher degree of  
11 rate predictability and stability. It will include,  
12 again, as we just discussed some mitigation of rate  
13 increases where it was practicable, and it will allow  
14 customers to continue to receive safe, adequate and  
15 reliable electric and gas service.

16 In addition, the plans also have an  
17 earnings sharing mechanism so that if there are excess  
18 earnings by the companies the customers will be able to  
19 share in that. And in addition, that mechanism will also  
20 benefit customers in that it encourages the companies to  
21 really look and pursue efficiencies.

22 For investors, the rate plans offer an  
23 opportunity to earn a reasonable return on investment that  
24 includes a nine percent return on an ROI for investors.  
25 And the companies, the rate plans would provide sufficient

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2 revenue to support necessary infrastructure projects and  
3 to operate the system in a safe and reliable manner while  
4 maintaining the companies' credit ratings.

5 Another example in -- in the rate plans,  
6 there's a new rate adjustment mechanism that would return  
7 or collect net balances of certain deferrals when certain  
8 thresholds are met. For example, such things include  
9 property taxes and major storm balances.

10 This will help the companies' cash flow and  
11 will also avoid accrual of large deferrals on the  
12 companies' books, which as we just talked about the  
13 storms, that's the case here.

14 So the -- and the rate plans also will  
15 continue and enhance gas and electric safety programs  
16 which is to the benefit really of the protection of the  
17 public, the company employees and the environment as well.  
18 So the balance that the parties reached is significant.

19 One other example that was judge -- done by  
20 Judge Bielawski was the closure of walk-in centers.

21 Originally in the company's filings they  
22 had proposed closure of seven of 21 locations. And here  
23 the parties are recommending closure of three facilities  
24 which are those that are least used in Elmont, Geneseo and  
25 Mechanicville.

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2 Again, only one party to the negotiations  
3 in this proceeding requested any modification of the joint  
4 proposal. That was IBEW Local 10 who opposed the -- the  
5 closure of the walk-in centers.

6 And specifically the Mechanicville office.  
7 But I would note, again, that we held hearings  
8 specifically targeting the proposed closures. Those  
9 hearings were lightly attended. We received very few  
10 comments regarding the closures, and at those hearings  
11 both staff and the companies provided testimony at the  
12 hearings describing their proposal and also informing the  
13 public about the other avenues in which customers can  
14 receive access to service.

15 So, for example, customers may pay their  
16 bills at -- at other local locations in the community such  
17 as a Walmart or a Western Union location. And in addition  
18 they may pay by credit card without incurring a fee which  
19 is also part of the -- the customer service program here  
20 in the plans.

21 So with that I will turn the presentation  
22 back over to Judge Bielawski to talk about how the rate  
23 plans are consistent with policy goals as well.

24 A.L.J. BIELAWSKI: Thank you. The final  
25 factor you should think about when considering whether to

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2           approve these rate plans is whether -- and whether they're  
3           in the public interest is whether they are consistent with  
4           the mission policy initiative -- initiatives.

5                         And as we both touched upon, the -- the  
6           parties were brokering this agreement at a time that they  
7           knew that there were important policy decisions that were  
8           pending.

9                         Despite this uncertainty, the terms of the  
10          joint proposal are consistent with and in furtherance of  
11          those policies even though so recently established. First  
12          with regard to the low-income programs proposed in these  
13          rate plans. They come very, very close to really  
14          complying with the -- with the order you issued last month  
15          in the low-income proceeding.

16                        They reflect a six percent energy burden, a  
17          tiered structure, enrollment based on HEAP eligibility,  
18          continuation of arrears forgiveness programs, and there  
19          are no administrative costs as part of the low-income  
20          budgets proposed.

21                        In addition, these programs eliminate  
22          reconnection fees altogether which was a key request that  
23          we heard from the public at the public statement hearings.

24                        In fact, affordability in general as is  
25          typical in rate cases is one of the major themes that came

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2 across to us, and so the enhancement of low-income  
3 programs in these rate plans is -- is very important.

4 In addition, the proposed plans really did  
5 -- the signatory parties did a good job of anticipating  
6 some of the direction the Commission would take in the REV  
7 proceeding as well. There are provisions in these plans  
8 that look towards really moving the electric industry  
9 towards more distributed cleaner and efficient system.  
10 There is, for example, a claw back and standby rate reform  
11 included in the rate plans. There are some minor tweaking  
12 that is necessary, but just as with the low-income  
13 programs, the parties were aware that changes might be  
14 necessary. And they themselves within the context of the  
15 joint proposal set forth provisions that the rate plans  
16 would not be undermined and could be modified as necessary  
17 moving forward to comply with the Commission's policy  
18 initiatives.

19 And so with regard to REV there is built in  
20 flexibility so that the longer-term goals articulated in  
21 the rate-making order can be accomplished going forward.  
22 The rate plans also include an energy smart community  
23 project which is also in line with REV initiatives  
24 obviously as it will enable NYSEG to test new rate  
25 designs, the integration of distributed energy resources

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2 and other REV reforms.

3 This will take place in the Ithaca region  
4 where we know that there is wide support for change and  
5 the ability to really get a good test of these programs.

6 And finally in line with the -- the first  
7 matter before you today, there -- these rate plans  
8 advanced the leak-prone main replacement as well as gas  
9 and electric safety and reliability initiatives. So in  
10 sum, consistent with the Commission's settlement  
11 guidelines, the proposal before you has the support of  
12 normally adversarial parties, includes terms that fall  
13 within the range of outcomes that could be expected from a  
14 litigation decision, fairly balances the interests of the  
15 companies and the utilities, and promotes current  
16 commission policy.

17 For those reasons advisory staff submits  
18 that the adoption of these rate plans would be in the  
19 public interest.

20 CHAIR ZIBELMAN: Thank you. First of all,  
21 I want to -- as, you know, applaud everyone that's --  
22 that's been involved with this. It was a really complex  
23 case and it was complex because we hadn't had a rate case  
24 for a while, and certainly the Ginna issues were -- added  
25 the complexity. And then when we -- having to address the

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2 storm costs. So getting everyone together to -- to figure  
3 out a path forward made sense.

4                       I also want to note I think that the -- the  
5 work that staff did particularly in their testimony and  
6 their analysis really put, frankly, all the parties in a  
7 good position so that they could actually resolve the  
8 issues because I think that the, you know, the -- the  
9 depth that the analysis was -- was clear.

10                      We -- we obvious -- we have the  
11 responsibility and it's always hard, but we have the  
12 responsibility to establish rates for utilities service  
13 such that are just and reasonable and just and reasonable  
14 by definition means they need to be compensatory for the  
15 -- for costs that are -- that are used and useful in the  
16 standard sense in providing service.

17                      And I think that what's really clear here  
18 is that we've gotten as with the regulatory process,  
19 there's not much debate anymore what's used and useful and  
20 what should be recoverable. And then the issues then  
21 become around what's the best way to do it to minimize  
22 consumer impact. And I think that the fact that we have  
23 parties that -- representing consumer interests as well as  
24 our staff which is -- has responsibility to look at both  
25 the consumer interest and the investor interest and the

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2           company itself coming together with a plan suggests that a  
3           lot of debate went on. There was a lot of thoughtfulness  
4           in terms of how to move this forward and I think that the  
5           joint proposal reflects those activities. So I certainly  
6           feel like we are in a good spot with respect to that.

7                        I think in terms of the policy issues,  
8           again, you know, as I read the order a lot of the key  
9           issues of the Commission is addressing around  
10          implementation of low-income proceedings, looking at what  
11          we want to do on leak-prone pipe, all the things that  
12          Julia mentioned, and a number of the REV projects are --  
13          are embraced here as well as the opportunity for the  
14          company now to take advantage of the track two changes and  
15          say what -- what more can we do.

16                       So I -- I think it's, you know, if you  
17          could -- it's all there and wrapped up in a very nice way.  
18          So for that reason I -- I am also believe that the results  
19          of this -- of the joint proposal are at the right level.  
20          That's it's just and reasonable, and I do intend to  
21          support it. So thank you and very good job and  
22          appreciative to the staff team on this. I know you guys  
23          did a fantastic job, so.

24                       With that, Commissioner Acampora, do you  
25          want to just go down the line?

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2 COMMISSIONER ACAMPORA: I think I -- I want  
3 to say first of all I'd like to deem this presentation as  
4 excellent and name you now both the dynamic duo.

5 A.L.J. BIELAWSKI: Thanks.

6 A.L.J. MORENO: Thank you.

7 COMMISSIONER ACAMPORA: I'm interested  
8 though in the ROE and I'm so glad that we kept it at nine  
9 because I'm wondering if the ROE had gone below nine what  
10 the SRI would have thought and what kind of difficulties  
11 that might have presented to the companies.

12 MS. STOUT: So the nine percent ROE was a  
13 result of the negotiations and balanced all the parties'  
14 interests in the case, reflecting the risk levels that are  
15 in -- in the rate plan. It's a result of our very  
16 transparent approach to setting ROE. I think the SRI  
17 anticipates where we're going to come out on that ROE  
18 level these days and it's well supported on the record in  
19 this case.

20 COMMISSIONER ACAMPORA: Right. I think you  
21 really have checked all the boxes out in -- in this and I  
22 think it's important that at this time right now and  
23 moving ahead with REV that we have a three-year rate plan.  
24 I also think that in dealing with our new order with low  
25 income that we've come pretty close to that, so I think

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2 that's something that is also important.

3 And the only thing that I'm a little  
4 concerned about is the SRI the vegetation management  
5 because in the electric reliability report NYSEG had a  
6 huge number. Huge. And because they have not fallen into  
7 what the rest of the state has done I'm just hopeful that  
8 we stay on top of them with regard to making sure that  
9 they are doing what they're supposed to do.

10 CHAIR ZIBELMAN: With the -- with tree  
11 trimming, I mean, we're not putting them on the five-year  
12 cycle yet.

13 COMMISSIONER ACAMPORA: No.

14 CHAIR ZIBELMAN: But is the anticipation is  
15 they'll get there in any period of time? Are we seeing  
16 that?

17 A.L.J. BIELAWSKI: I think that certainly  
18 we've seen progress. When they were last in for rates  
19 there was a -- they weren't meeting in their mileage  
20 targets. Over the -- this past rate plan they have  
21 consistently met the mileage targets and were certainly  
22 moving in the right direction in that sense.

23 There is also increases in budgets, you  
24 know, little by little again the product of compromise in  
25 terms of what we needed to do here. The parties felt they

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2           needed to do to get to where rate -- where the rate -- to  
3           the appropriate rate level. So, again, evidence of moving  
4           in the right direction. As to when they would be able to  
5           go full cycle, I don't know that I can answer that.

6                       MR. WORDEN: Yeah, not within this rate  
7           plan.

8                       CHAIR ZIBELMAN: It's not anticipated.

9                       MR. WORDEN: No, it isn't.

10                      CHAIR ZIBELMAN: Okay. But of what I  
11           understand, I mean, there is a -- there was a trade off  
12           because of the storm reserve and other items that -- that  
13           really sort of trying to measure --.

14                      MR. WORDEN: There -- there was. And if  
15           you look at their overall reliability performance it's --  
16           it's not that out of line with other utilities, so they do  
17           have a higher proportion of tree interruptions, but  
18           overall their interruption levels are -- are not that  
19           dissimilar with other companies similar to them.

20                      MR. TWERGO: Right. It was really a  
21           balancing act. Had we gone to full cycle it would have  
22           more than doubled the rate increases before you.

23                      A.L.J. MORENO: Yeah, and also just to add  
24           to that, RG&E is on a full cycle term cycle and so they  
25           are going to be continuing that in the areas which are

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2 currently on a full cycle within the NYSEG territory will  
3 remain on that cycle as well.

4 COMMISSIONER ACAMPORA: Okay.

5 CHAIR ZIBELMAN: Thank you. Commissioner  
6 Sayre.

7 COMMISSIONER SAYRE: I'm a fan of consensus  
8 based regulation including rate making. If the parties  
9 can actually get together after staff has done all the  
10 work and -- and filed its positions and that has happened  
11 here. There are three things that I particularly like  
12 about multi-year consensus rate plans.

13 Number one, they provide predictability for  
14 both customers and the company over a multi-year period.

15 Number two, they save a boatload of money  
16 in rate case expenses. Ratepayers end up paying not just  
17 the companies' rate case expenses they pay the  
18 Commission's rate case expenses and our resources don't  
19 necessarily come very cheap. We have an expert staff here  
20 and we'd like to assign them to other things if possible.

21 But the most important factor I think is  
22 when the parties -- particularly widely divergent parties,  
23 as you've explained, can reach a settlement, there's a  
24 fair probability that the result that they come to is more  
25 informed and more in the public interest than simply

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2 leaving it to the Commission to make all of the decisions  
3 on each of the disputed issues.

4 I'm convinced, looking at the substance of  
5 the settlement, that it's fair and reasonable and in the  
6 public interest and consistent with our policies. And I'm  
7 very pleased to support it. And I also echo the  
8 commendations to all of the parties for bringing this  
9 together.

10 CHAIR ZIBELMAN: Thank you. Commissioner  
11 Burman.

12 COMMISSIONER BURMAN: Thank you. I just  
13 want to warn everyone, I do have a different take, but I  
14 am a concurrent in the order. So I didn't want anyone TO  
15 be waited with bated breath on that.

16 June 15th, 1752 Ben Franklin was  
17 experimenting by flying a kite during a thunderstorm. And  
18 the result was a little spark that showed the relationship  
19 between lightning and electricity. And I didn't think  
20 since 1752 that there could be anything more awesome on  
21 June 15th. But in 2012 Nik Wallenda was the first person  
22 to tightrope walk over Niagara Falls. Now how is that  
23 related to this?

24 Because I think what we can see through  
25 this process is the delicacy of trying to take different

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2 positions and put it into the rate case and come out with  
3 a fair settlement that's before the Commission.

4 Now for me, first and foremost, I look at  
5 my job as an economic regulator and the need for when we  
6 are looking at ratemaking as a signature bread and butter  
7 that the Commission is faced with. And therefore to me  
8 the legal standard of review is particularly important.

9 In this case it's in the public interest  
10 for which when we have settlements we use the parameters  
11 set forth in our past settlement guidelines that are out  
12 there for review. And those guidelines look at  
13 considering whether the terms appropriately balance  
14 protection of consumers, fairness to investors and the  
15 long term viability of the utility.

16 And also the results should be consistent  
17 with their environmental social and economic policies of  
18 the Commission in the state and produce results that were  
19 within the range of reasonable results that would have  
20 likely arisen from a commission decision in a litigated  
21 proceeding.

22 And we do take into account that -- the  
23 fact that it may reflect agreement of normally adversarial  
24 parties. It's very important that we have a fully  
25 established record especially on something that we -- we

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2 may worry about litigation afterwards.

3 For me I am comfortable in voting for this  
4 because I do think that there are many things in here that  
5 are good. I'm very -- it's very consistent. When we were  
6 looking at our rate cases that we do try to have consensus  
7 rule making. And we also do have focus on vegetative  
8 management which is very important especially when we get  
9 into storms that may come and when we look at leak-prone  
10 pipe replacement and other things in that regard.

11 My concerns lie in the actual language in  
12 the order. In here we take into account that after the  
13 joint settlement proposal is reached and put out there  
14 that we had an ongoing and decided low-income order as  
15 well as our track two or ratemaking order. When I look at  
16 an order it's very important that on the order and -- and  
17 any joint proposal that may be attached to it that in and  
18 of itself on the four corners of the order it is very  
19 clear what we are doing and that it's clear in that order,  
20 and you don't have to look to other orders or other  
21 documents outside of those four corners or that are in the  
22 record itself.

23 Here we reference the low-income order and  
24 we reference the track two order. And we essentially say  
25 since folks knew about it while they were doing their

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2 joint proposal and that there may be things that come  
3 then, you know, we are going to incorporate the low-income  
4 order and the track two REV order.

5 The difficulty is that even when you look  
6 to both the low-income order, which I did descent on, and  
7 the track two order, which I concurred on, is that they're  
8 not in and of itself final. The -- the track two order  
9 continues the process. The low-income order talks about  
10 goals and focuses that should be done and incorporated  
11 into future rate casing. But in and of itself, they don't  
12 tell the whole story.

13 Moreover there are ongoing proceedings that  
14 -- that will be done and working groups and task forces  
15 that will be focused on some of the implementation issues  
16 in the low-income order and the track two order. So for  
17 me, what I go back to is at the time that we did the low-  
18 income order and the track two order, was it clear and  
19 recognized that those orders were going to be incorporated  
20 in the NYSEG rate case.

21 I know for me, at least on the low-income  
22 order, it's a clear no. I asked at session if -- if the  
23 low-income order was going to be incorporated in the Con  
24 Ed rate case which was pending and hasn't yet had any  
25 joint proposal. And the -- the guidance was that we were

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2 still waiting for staff testimony, which is fine.

3 I never asked about the NYSEG rate case  
4 because it didn't even occur to me that it was going to be  
5 incorporated into the NYSEG rate case because we had a  
6 settlement proposal.

7 So therefore my concern is that I know as a  
8 regulator when I made the decision on the low-income order  
9 and when we looked at it that it was not, in my mind, that  
10 it was going to then be incorporated in whole into this  
11 order.

12 So then when I look to it I am concerned  
13 because in this order the language says that if there is a  
14 difference in the -- what's in the rate case or the rate  
15 making, the track two order or the low income that the  
16 deference is to the low-income order and the track two  
17 order. And that concerns me especially because those are  
18 still ongoing and processes are going on with that. So I  
19 find the order in and of itself to be deficient as to  
20 those aspects of the order.

21 However, I concur as I go back to our legal  
22 standard of review as it applies to the rate cases in  
23 settlements and whether or not on the record this is just  
24 and reasonable rates. Understanding some of the aspects  
25 that are in there, in the majority order, which I can't

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2 support. To the extent that we also have aspects in there  
3 that are essentially REV demos, the ESC project, I'm  
4 unclear as to the processes in going forward. It -- in --  
5 and what that means and also my longstanding concerns with  
6 it needing to have more of a commission as a whole focus  
7 on decision making rather than leaving it to the staff.

8 But I do understand. I look forward to  
9 working with folks on this issue, and I do concur and  
10 thank you.

11 CHAIR ZIBELMAN: Any further comments? I'm  
12 going to then move to a vote. All those in favor of the  
13 recommendation to adopt the terms of the joint proposal  
14 for three year electric and gas rate plans for NYSEG and  
15 RG&E as described in the draft order, please indicate by  
16 saying aye.

17 COMMISSIONER SAYRE: Aye.

18 COMMISSIONER ACAMPORA: Aye.

19 CHAIR ZIBELMAN: Opposed? There being no  
20 opposition the recommendations are adopted. And  
21 Commissioner Burman's concurrence is noted for the record.  
22 Thank you very much. Dynamic Duo. They're a heck of a  
23 lot more colorful than some people.

24 CHAIR ZIBELMAN: Okay. Our last item on  
25 the regular agenda for discussion is Item 501 which is the

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2 joint petition of Altice NV and Cable Vision Systems  
3 Corporation and subsidiaries for approval of a holding  
4 company level transfer and financing arrangements.

5 So that's going to be -- so going back we  
6 have Item 501 is going to be presented by Brian Ossias who  
7 is managing attorney at the Office of a General Counsel  
8 and Karen Geduldig -- wait, you know, I'm going to have to  
9 like make this easier for my pronunciation challenges --  
10 who's director of the Office of Telecommunications.

11 Welcome to you both. Brian, I think you're  
12 going to begin.

13 MR. OSSIAS: Yes, Chair. And you can use  
14 my initials if that's easier. As long as you -- as long  
15 as you use my middle initial as well.

16 CHAIR ZIBELMAN: Yeah, I'll just call you  
17 Brian. That's okay?

18 MR. OSSIAS: Anyway good -- good afternoon  
19 Chair and Commissioners. Today along with Karen Geduldig,  
20 director of the Office of Telecommunications we are  
21 presenting a proposed commission order approving the  
22 transfer of control of Cable Vision Systems Corporations  
23 New York based telecommunications and cable subsidiaries  
24 to Altice NV. Subject to the company's unconditional  
25 acceptance of a series of enforced conditions -- without

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2 the company's unconditional acceptance of these  
3 enforceable conditions, the petition would otherwise be  
4 denied.

5 I will briefly describe the public service  
6 law public interest standard of review that applies to  
7 this transaction along with the proposed amount of  
8 efficiency gains that should inure to the benefit of Cable  
9 Vision's New York customers following the transaction's  
10 close. Karen will then detail the extensive mitigation  
11 measures and the conditions imposed by the order before  
12 you today.

13 As a result of the proposed transaction,  
14 Altice will become the indirect majority owner of Cable  
15 Vision and Cable Vision subsidiaries including Lightpath,  
16 a provider of voice services and the cable entities that  
17 provide cable and broadband services in New York. The  
18 petitioners have represented in their pleadings before the  
19 Commission and other governmental entities that the  
20 transaction will benefit customers because it will make  
21 cable vision a stronger competitor.

22 More specifically petitioners state that  
23 Cable Vision will have greater access to technical  
24 resources and expertise and will benefit from Altice's  
25 size and scale when it comes to the operations,

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2 procurement and innovation. Staff and many other parties  
3 challenged the participants' representations and the state  
4 called for specific, enforceable conditions similar to  
5 those imposed by the Commission in a recent Time Warner  
6 charter merger.

7 New York is the last major jurisdiction to  
8 act on petitioner's request. To date, the Federal  
9 Communications Commission has approved this transaction  
10 although it did so without any substantive conditions.

11 The FCC. did however refer to New York's  
12 review of the transaction to consider certain issues such  
13 as the impact of debt and job protections. Those they  
14 found to be of local concern.

15 New Jersey has approved this transaction as  
16 well. New Jersey's approval is also subject to -- is --  
17 is however subject to substantive conditions many of which  
18 are generally similar to those imposed in the order before  
19 you today.

20 Cable Vision and Altice are seeking  
21 commission approval under Public Service Law Sections 99,  
22 100, 101 and 221 all of which require the transaction to  
23 be in the public interest in order for the Commission to  
24 approve it. In the case of Public Service Law Section 222  
25 that statute was recently strengthened by Governor Cuomo

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2           to place the burden on the petitioners to demonstrate to  
3           the Commission in the first instance that the transaction  
4           is indeed in the public interest.

5                       The analysis here follows a similar  
6           standard of review as the one applied by the Commission in  
7           the case 15-M-0388, the Time Warner Charter merger. As  
8           such the proposed order before you is carefully tailored  
9           to the specific transaction under review.

10                      Based on the circumstances of this  
11           particular transaction, the public interest standards  
12           interpreted as requiring the demonstration of quantifiable  
13           net positive benefits to Cable Vision's New York customers  
14           in addition to mitigation of potential harms of the  
15           transaction.

16                      The petitions have publically stated that  
17           the transaction will result in approximately 450 million  
18           dollars annually in efficiency gains. The order before  
19           you recommends that the amount of any targeted mandate for  
20           shared market related efficiencies should be based on  
21           Cable Vision customers receiving net incremental benefits  
22           of roughly 242 million dollars.

23                      This amount in shared efficiencies will be  
24           made available to Cable Vision -- Cable Vision's customers  
25           through the proposed transaction ending enforceable

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2 commitments and conditions that Karen will soon address.

3 One notable difference between this  
4 transaction and the Time Warner Charter merger is the  
5 level of competition in each of these respective service  
6 territories.

7 Cable Vision offers communication services  
8 to approximately 1.9 million customers in Nassau and  
9 Suffolk Counties, Brooklyn, the Bronx and numerous  
10 municipalities in the lower Hudson Valley. These  
11 primarily downstate regions are largely competitive with  
12 Verizon New York offering competitive services in more  
13 than 60 percent of Cable Vision's service territory.

14 In contrast, Time Warner Charter service  
15 area is both large and less competitive than Cable  
16 Vision's. The presence of greater competition in the  
17 Cable Vision service area gives the company significant  
18 incentive to make investments and take action it might not  
19 other ways -- it might not otherwise take in order to  
20 retain and attract customers.

21 In the Time Warner Charter merger, the  
22 lower -- lower competitive pressure supported a larger  
23 target of 50 percent of the transaction synergy savings  
24 for New York calculated over ten years.

25 However, given the competitive nature of

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2 the market in which Cable Vision operates, the order  
3 before you proposes that 25 percent of the transaction  
4 synergy savings be directed to New York calculated only  
5 over five years.

6 Although the percentage is lower than the  
7 percentage used in the Time Warner Charter merger, the  
8 target provides significant benefits to New York. As  
9 indicated, petitioner's approximately 450 million dollars  
10 in annual synergy savings taking 25 percent of those  
11 estimated 450 million dollar synergy savings over five  
12 years will result in over 242 million dollars being  
13 available to Cable Vision's customers.

14 I will now turn this presentation over to  
15 Karen who can take you through how these synergies will be  
16 applied through the enforceable conditions in New York.

17 MS. GEDULDIG: Good afternoon, Chair and  
18 Commissioners.

19 As Brian just discussed, the public  
20 interest standard that is being applied to the Cable  
21 Vision Altice transaction is the same standard that was  
22 applied to the Time Warner Charter transaction, and as a  
23 result there are similarities between -- between those two  
24 orders.

25 In both cases the petitioner's filings on

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2 their own were not sufficient to meet the public interest  
3 standard. And as a result, in both cases the order and  
4 the proposed order before you today have enforceable  
5 conditions intended to ensure that the transaction results  
6 in net positive benefits to New Yorkers.

7 And in both cases the order and the  
8 proposed order here target a percentage of these synergy  
9 savings as a measure of those net positive benefits.

10 But there are also notable distinctions  
11 between the two transactions and the proposed order before  
12 you today reflects that. One notable difference is the  
13 level of competition between -- that are -- that's present  
14 in most service areas which is what Brian just went  
15 through before.

16 Another difference between the Time Warner  
17 Charter and Cable Vision transaction is the financing.

18 According to petitioner's filings, the  
19 transaction will be financed in part by the acquisition of  
20 a five year two billion dollar revolving facility as well  
21 as Cable Vision's acquisition of 8.6 billion dollars of  
22 new debt. This will increase Cable Vision's outstanding  
23 debt to 14 and a half billion dollars. This will, of  
24 course, impact the company's debt profile which will  
25 naturally impact its ability to raise capital, if needed,

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2 in the years immediately post transaction.

3 In the roughly six months or so that this  
4 transaction has been before the Commission, it has  
5 received much comment about the debt financing. Mostly  
6 about how -- mostly about the risk that the financing they  
7 have on service quality. Commenters express concern that  
8 Cable Vision will have to cut service quality in order to  
9 reach its aggressive synergy targets or to generate cash  
10 flow. Or that Cable Vision will be forced to cut service  
11 quality and service quality related jobs in order to do  
12 so.

13 Similarly, commenters are concerned that  
14 given the higher debt profile the company will be unable  
15 to withstand unforeseen economic fluctuations which could  
16 similarly negatively impact service quality. The proposed  
17 order before you today recognizes, as did these  
18 commenters, that Cable Vision's high debt profile could  
19 put negative downward pressure on service quality, and the  
20 proposed order requires self-effectuating service quality  
21 investments if the company fails to meet certain service  
22 quality metrics.

23 And as described for you on a -- I think  
24 there's a slide before you, the order -- the order has  
25 conditions that deal with this particular issue.

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2 The company will be required under the  
3 proposed order to meet two service quality metrics which  
4 relate to the service -- services offered over its network  
5 and not just video and voice. These metrics are the  
6 number of service and repair calls per customer which must  
7 be within ten percent of the company's average from 2015  
8 which is its best average in the past four years.

9 The second metric is resolution of 90  
10 percent of its trouble tickets within two days. These  
11 metrics will be measured quarterly for four years. If the  
12 company has a debt leverage ratio over six dot 0 X which  
13 is -- which is reflected by the red line, failure to meet  
14 either of these service quality metrics will trigger a  
15 service quality investment of one and a quarter million  
16 dollars per metric per quarter.

17 These investments must come from a source  
18 outside of Cable Vision. And this is an important  
19 mitigation. By requiring the service quality investment  
20 to come from outside of Cable Vision while the company is  
21 above a higher debt level ratio, the order is making sure  
22 that service quality issues are dealt with without further  
23 exacerbating Cable Vision -- Cable Vision's financial  
24 position.

25 Any consecutive service quality miss will

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2 increase the one and a quarter million dollar investment  
3 by another quarter of a million dollars with a maximum  
4 investment of two million dollars per metric per quarter.

5 If the company continues to have  
6 consecutive service quality misses for both metrics  
7 through year two and on, the maximum exposure for service  
8 quality investments is 16 million dollars, all coming from  
9 outside of Cable Vision.

10 If the company has a debt leverage ratio  
11 below six dot o, which is below the red line, failure to  
12 meet either of these services quality metrics will trigger  
13 a service quality investment of half a million dollars per  
14 metric per quarter with a maximum investment of four  
15 million dollars annually and no limitation on which entity  
16 makes the investment.

17 In addition to these self-effectuating  
18 service quality investments, the proposed order prohibits  
19 the laying off or taking any action intended to lay off  
20 any customer facing employees for four years from the date  
21 the order is issue -- issued excepting attrition and  
22 retirement.

23 And in addition to this protection of  
24 service quality related jobs, the company will be required  
25 to maintain for two years 14 out of 18 New York based

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2 walk-in centers unless the Commission approves the closure  
3 or consolidation and it is consistent with the jobs  
4 protection requirement.

5 For the remaining four walk-in centers, the  
6 company may be permitted to close or consolidate them  
7 without commission preapproval. However, the close or  
8 consolidation must still comply with the proposed orders  
9 four-year protection of customer facing jobs.

10 The proposed order further responds to the  
11 concerns associated with debt by requiring both Cable  
12 Vision and Altice to be held accountable for compliance.

13 Cable Vision is responsible for all of the  
14 conditions in the order except for the obligation to make  
15 service quality investments when its debt level ratio is  
16 above six dot o.

17 In that case, Altice is directly  
18 responsible for service quality investments. And,  
19 additionally, Altice is responsible for causing Cable  
20 Vision to meet its obligations which may be enforced  
21 through Public Service Law.

22 These conditions around service quality and  
23 job protections benefit New Yorkers by supporting the  
24 financial stability of a major provider of critical  
25 communication services and by focusing on the retention of

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2 good service quality notwithstanding financial constraints  
3 that the company may face.

4 Another difference between the Cable Vision  
5 and Time Warner transactions is the extent to which the  
6 respective networks are built out. Cable Vision's service  
7 area is in comparison to Time Warner and Charter's largely  
8 built out and already offering speeds of a hundred  
9 megabits. Still the proposed order before you addresses  
10 the areas in the Cable Vision territory that are in need  
11 of build out, even if there are fewer of them.

12 More specifically, the proposed order  
13 requires the company to extend its network to the Town of  
14 Milan in Dutchess County and to create a four-year, two  
15 million dollar fund to cover customer line extension costs  
16 of up to five thousand dollars per household.

17 Finally, the proposed order requires the  
18 company to bid for broadband for all funding in order to  
19 extend wireline services to the Barrier Island  
20 communities.

21 If the company is not awarded such funding,  
22 it will be required to test and pilot a WiFi alternative  
23 for these communities within 18 months from the date the  
24 funding is denied.

25 And in addition to buildout conditions, the

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2 proposed order requires the company to enhance its network  
3 to increase speeds from one hundred megabits to three  
4 hundred megabits by the end of 2017.

5 The conditions around buildout and speed  
6 guarantee the -- guarantee the extension and enhancement  
7 of the Cable Vision network to areas that are  
8 traditionally hard to reach. In doing so these conditions  
9 align directly with the state's very strong interest and  
10 universal access to high speed broadband in New York.

11 In addition to these conditions on service  
12 quality, job protection, network buildout and speed  
13 increases, the proposed order sets forth many more  
14 conditions around broadband affordability, network  
15 resiliency, new technology and economic development all of  
16 which ensure that quantifiable benefits inure to New York.

17 Several of these proposed conditions focus  
18 on affordable broadband. One part of universal access to  
19 broadband is availability of service in all regions of the  
20 state which is what the buildout conditions address.

21 Another aspect of universal access is  
22 affordability because availability is not as meaningful if  
23 the service is not affordable.

24 To this end, the proposed order obligates  
25 Cable Vision to offer a low-income broadband product to

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2 families eligible for the National School Lunch Program or  
3 who are receiving supplemental social security income.

4 This low-income product offers speeds of up  
5 to thirty megabits for \$14.99 per month and has no data  
6 cap.

7 The service must begin to be rolled out  
8 within six months of the close of the transaction and be  
9 fully available within 15 months of the close of the  
10 transaction. And the proposed order also sets a  
11 penetration target of 25 percent of eligible households.

12 In addition to the requirements around  
13 offering a low-income product, the proposed order sets  
14 penetration milestones of 12.5 percent by year three and  
15 25 percent by year five. If these penetration milestones  
16 are not reached, the company must show that it has used  
17 commercially reasonable outreach efforts to reach these  
18 targets otherwise it will be required to make two and  
19 three million dollar investments respectively in outreach.

20 The proposed order also requires Cable  
21 Vision to participate in the Federal Communication  
22 Commission's recently established lifeline program --  
23 broadband program.

24 By participating in the FCC's lifeline  
25 broadband program, a larger population of households will

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2 be eligible for discounted or partially subsidized  
3 broadband from Cable Vision.

4 The proposed order also sets conditions  
5 around the company's low cost standalone broadband product  
6 called Internet Basics. The Internet Basics product  
7 currently offers five megabits download, a free digital  
8 antenna and access to WiFi hotspots. This product is a  
9 lower cost option for families who may not be eligible for  
10 the low-income product but who may nevertheless struggle  
11 to afford broadband.

12 The proposed order requires Cable Vision to  
13 increase that speed to ten megabits and continue to offer  
14 it at the same price for existing customers for three  
15 years and to new customers for two. To further support  
16 affordable broadband, Cable Vision will also be required  
17 to extend free service to 40 anchor institutions which  
18 could include public housing.

19 Service at anchor institutions provides  
20 another way to access broadband services particularly if  
21 private services are economically not feasible. And  
22 finally, although Cable Vision's service territory is  
23 largely competitive, there are parts of it where  
24 competition is not as robust.

25 In order to prevent against disparate

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2 pricing based on lower competitive pressures, Cable Vision  
3 will be required to maintain statewide universal pricing  
4 for these low cost products as well as its more popular  
5 mass market product currently offering twenty -- 25  
6 megabits download for \$59.99 per month.

7 These conditions support New York's goal of  
8 universal access to broadband in the face of economic  
9 disparity, and in this way they are hugely important and  
10 valuable to New York. The proposed order also sets forth  
11 conditions regarding network resiliency and emergency  
12 response. Areas that are particularly significant to Long  
13 Island and New York City after Hurricane Sandy, Super  
14 Storm Irene and other extreme events.

15 In filings before regulators, petitioners  
16 have represented that they plan to modernize the Cable  
17 Vision networks by reducing active components and  
18 deploying fiber deeper into the network. Petitioners  
19 state that these network modernizations will make the  
20 network more efficient, reliable and resilient. To ensure  
21 that these modernization efforts are made available  
22 throughout Cable Vision's New York footprint regardless of  
23 the presence of competitive pressures, the proposed order  
24 requires Cable Vision to make these network resiliency  
25 investments in an equitable and nondiscriminatory manner.

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2 Moreover, the proposed order acknowledges  
3 that Cable Vision's service territory was amongst the  
4 hardest hit by Super Storm Sandy in 2012. Areas of Long  
5 Island in particular experienced long outages of both  
6 electric and communication systems. However, timely and  
7 accurate outage reporting to department staff was lacking  
8 or inconsistent during portions of -- portions of the  
9 lengthy restoration.

10 Because consumers rely on communication  
11 systems to receive information during such emergencies,  
12 these types of failures increase safety and health risks.  
13 And to this end, the proposed order requires Cable Vision  
14 to develop and file a plan to improve upon its emergency  
15 response, readiness plan, outage reporting, pre-storm  
16 communications and network planning. This plan will be  
17 shared with local governments upon completion.

18 And further during declared emergencies,  
19 the proposed order requires Cable Vision to offer WiFi --  
20 free WiFi access, free access to news content and free  
21 power outage coordination to impacted New Yorkers,  
22 regardless if they are Cable Vision customers or not.  
23 Together these conditions are forward-thinking and serve  
24 to improve the resiliency of the network as well as the  
25 coordination of and response to emergencies, all of which

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2 provide infinite value to consumers.

3 The proposed order also takes the  
4 opportunity to secure new technology for New York  
5 consumers. In their filings, petitioners state that  
6 because of its relative size and scale, Altice is better  
7 positioned to pursue innovation which will translate into  
8 additional benefits for New Yorkers.

9 To this end, Altice has developed an all in  
10 one home center which will allow subscribers to integrate  
11 cable, over the top video, online storage, home media and  
12 WiFi and Ethernet connected devices into a single hub.

13 Petitioners expect this technology will --  
14 will reduce customer trouble calls by reducing the amount  
15 of equipment at the home, will improve customer experience  
16 and is likely to reduce energy costs. Innovative  
17 technology brings the promise of improved service and  
18 better experience, and the proposed order requires  
19 petitioners to bring this innovation and the associated  
20 benefits to New York within three years.

21 The proposed order also addresses economic  
22 development by requiring the establishment of a workforce  
23 development pilot program with the State University of New  
24 York and the City University of New York to provide a New  
25 York State job pipeline to graduates of either two- or

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2 four-year institutions. This is another way to bring  
3 innovation to New York, although in the workforce as  
4 opposed to the customer experience.

5 This program must be launched within one  
6 year of the close of the transaction. And finally,  
7 because the petitioners have obtained approval with  
8 conditions from New Jersey and may need approval in other  
9 state, federal or local jurisdictions, the proposed order  
10 requires the agreement with a most -- with a most-favored-  
11 nation clause. This means that any commitment that  
12 petitioners make to any other governmental entity to  
13 deliver greater public benefits greater than those  
14 contained in this proposed order, petitioners must also  
15 make them here in New York.

16 I've walked through a high level  
17 description of the conditions the proposed order places on  
18 petitioners in order for the transaction to meet the  
19 public interest standard. These conditions require  
20 significant investments in the network to make it more  
21 available, more robust and more resilient. They require  
22 substantial commitments to affordable broadband through a  
23 new, low-income program, participation in the federal  
24 lifeline program and commitments on low cost as  
25 differentiated from low-income products.

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2 These conditions require the deployment of  
3 new technology, improved emergency response, include --  
4 including free WiFi during declared emergency --  
5 emergencies and significant service quality commitments  
6 and protection -- protections for those parts of the  
7 service area that cannot readily vote with their feet.

8 In short the proposed order acknowledges  
9 the many and complex issues associated with the public  
10 interest and has designed conditions to meet them all.

11 Together with the commitments made by  
12 petitioners in their filings, the proposed order before  
13 you establishes a comprehensive framework to protect and  
14 improve the communications capabilities that Cable Vision  
15 is offering in New York, and is thus serving the public  
16 interest.

17 For these reasons we recommend that you  
18 approve this order. And if I could take just one more  
19 minute, I'd like to acknowledge the hard work of the team  
20 involved in this evaluation and the order before you  
21 today. This transaction is complex and the issues  
22 involved even more so, and to get to the point we're at  
23 today required significant investigation, analysis and  
24 debate.

25 It truly was a collaboration and I'd like

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2           to thank everyone in -- involved which includes from the  
3           Office of Telecommunications Mike Rely, Joe Yakel, Linda  
4           Dorsi, Mike McTaig, Nick Imes, Ty Massey, and Peggy  
5           Monihan, Mike Ogstel and Ken Bullock (phonetic spellings)  
6           from accounting and finance. Graham Jessmer from the  
7           Office of General Counsel, Len Silverstein and Chelsie  
8           Kruger (phonetic spellings) from the Office of Consumer  
9           Services, Sean Isakower and Rick Schuler (phonetic  
10          spellings) from the Office of Markets and Regulatory  
11          Economics and many other people who I hope I'm not missing  
12          but nevertheless thank. Thank you.

13                         CHAIR ZIBELMAN: Thank you. Karen, you  
14          would think that you've been here for a while. That was -  
15          - Brian and Karen, that was excellent. Obviously a very  
16          complex order, very many components and terrific job both  
17          of you. Thank you.

18                         So a couple things. One is it's a little  
19          bit auspicious that we're doing this today given the Court  
20          of Appeals decision yesterday affirming broadband as a  
21          public utility. So I -- I think it's -- it's great that  
22          we're issuing an order around broadband and furthering the  
23          -- our State's commitment to have a -- a true first in  
24          class broadband network throughout the state.

25                         So, you know, this certainly adds to

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2           Governor Cuomo's goal and I very much appreciate that. I  
3           also can't help but note that the FCC said we'll just  
4           approve it and give New York all the hard issues to  
5           resolve. I wish they would do that and, Mr. Sayre, if you  
6           can get them to do it on the rest of the issues I think  
7           our lives would be a lot easier.

8                           COMMISSIONER SAYRE: Piece of cake.

9                           CHAIR ZIBELMAN: So, you know, I -- I think  
10          from -- from my perspective this is reminiscent of our  
11          decision with respect to Time Warner Charter. The company  
12          came in with I think all good intentions to say all the  
13          things that they could do for New York but I think it was  
14          absolutely clear from our perspective. One, is they need  
15          to satisfy the public interest standard of -- of that  
16          consumer benefit.

17                          But also the fact that the conditions are  
18          not enforceable. They, you know, it's great -- great to  
19          hear but we -- we'd like to have meaningful, enforceable  
20          and very precise conditions, so it's very clear going in  
21          what is -- what the expectations are and -- and that we  
22          would intend to achieve them.

23                          So with that I -- I -- the work of the  
24          staff and also the advisory team who took a look at it and  
25          actually added additional thoughts on how this could -- we

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2           could situate this acquisition in a way to ensure that the  
3           public interest is met. And I would expect that -- well,  
4           I hope that the company agrees to these conditions and  
5           we're able to move forward which is really the next step.

6                         In terms of that, the things that I -- I  
7           just want to note that are -- were important to me. One  
8           was the issue of financial viability is something that I  
9           know that others thought, well, maybe we were overly  
10          concerned. But really the fact of the matter is, even as  
11          staff has noted that Cable Vision and now Altice is  
12          operating in -- in a very competitive area, this is a  
13          cable and broadband as the courts just said is really a  
14          utility which I would put as to really an essential  
15          service.

16                         And it's really important -- it's very  
17          important to consumers that the providers of these  
18          services are financially viable. We know from our  
19          experience as regulators what happens when you have a  
20          company with lots of good intentions and they're not able  
21          to maintain their financial viability and the difficulty  
22          of the state.

23                         Our colleagues in Texas are certainly  
24          suffering through that right now when the -- through the  
25          bankruptcy of one of their major utilities.

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2 And so we definitely need to make sure that  
3 viability is there. I think the conditions that the staff  
4 have imposed both related to service quality and then  
5 Altice's commitments, if -- will be very important for us  
6 and for me in particular to ensure that moving forward  
7 this remains a financially viable institution that can  
8 attract capital and meet the needs of its customers. I  
9 think that -- that was very important to me.

10 The other pieces that are -- were addressed  
11 by Karen but I -- you know, are the issues of speed --  
12 well, getting there. Certainly the issues of pricing,  
13 maintain affordability. But particularly in terms of low  
14 income. I think as -- as staff, Brian and -- and Karen  
15 both talked about, we're in a slightly different situation  
16 with respect to this merger than the Time Warner merger.

17 But the fact of that matter is, even though  
18 the buildout requirements aren't as great, certainly the  
19 issue of maintaining affordability are significant and --  
20 and addressing the digital divide is a -- you know, is  
21 something that I particularly want to achieve and I think  
22 the rest of the Commissioners are -- are there with me to  
23 make sure that everybody has access to affordable  
24 broadband.

25 The other two -- the other piece of course

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2 is customer service, maintaining that. But I -- I'm very  
3 much appreciative of the focus that was put on resiliency  
4 and emergency management.

5 You know, from -- one of the things that I  
6 heard very clearly when I came to the state is how  
7 important it was actually for our recovery out of Super  
8 Storm Sandy that cable companies actually knew what was  
9 going on. And having them part of the team that we looked  
10 at and we rely on for both of these elements will be very  
11 important.

12 So I -- I'm truly appreciative of the  
13 conditions on that. And I look forward to hearing the  
14 plan, and I think that this is something we're going to  
15 want to look at for the other cable companies, broadband  
16 providers as well as -- as we move forward.

17 With that I -- you know, I applaud the work  
18 of the staff in thinking this through. I am hopeful that  
19 the company will accept these conditions and will -- will  
20 be able to proceed with the transaction. And I intend to  
21 vote for the order. So thank you.

22 Mr. Sayre -- Mr. -- sorry,  
23 telecommunications expert, we'll let you go first.

24 COMMISSIONER SAYRE: I'm convinced that  
25 this proposal is good for New York consumers and is an

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2           improvement over the status quo. This proceeding is a  
3           great opportunity for the benefit of New York State to get  
4           a whole constellation of enforceable commitments. I tried  
5           to boil them down into one sentence. Here's -- here's my  
6           attempt. I've probably left out a few.

7                         Network improvements, speed improvements,  
8           standalone low price service, a low-income program, storm  
9           resilience, job protections, service quality protections,  
10          free service to anchor institutions and STEM student and  
11          job training support. It's an amazing list.

12                        The proposed order also builds in  
13          protections that in my view are sufficient to address the  
14          concerned -- the biggest concern that I initially had  
15          about this transaction which is the high debt load on the  
16          acquired company. In my prior career I have been on both  
17          the acquiring end and the acquired end in large  
18          telecommunications transactions. Based on this  
19          experience, I can comfortably say that New York staff has  
20          been tough and thorough here, and I think this is a very  
21          good result for New York State.

22                        CHAIR ZIBELMAN: Thank you. Commissioner  
23          Acampora.

24                        COMMISSIONER ACAMPORA: Well,  
25          congratulations to everyone because when this started out

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2 we had very few pluses in the plus column. And the  
3 minuses really outnumbered the pluses, so hat's off to a  
4 job really well done.

5 I think it's important as Commissioner  
6 Sayre said of these enforceable recommendations and to  
7 hold the companies feet to the fire. This is really  
8 important for consumers. I went to some of those public  
9 statement hearings, and the issues that you have managed  
10 to put down in favor of the consumer is really important,  
11 along with the people who are the workers who are also  
12 consumers who most live on Long Island.

13 I mean, I know the Cable Vision territory  
14 is large, but it does cover completely Nassau and Suffolk  
15 County. And I know the Suffolk County consumers feel that  
16 they don't have a lot of choice. But they will be happy  
17 to know that some of them at least for four years will  
18 still have their jobs.

19 Also enforcing the fact that the call  
20 centers, which is really important to people, to get their  
21 information. And as the Chair said, when we had Super  
22 Storm Sandy, Cable Vision was the only company that seemed  
23 to have a handle on where the storm was coming and who was  
24 going to be out and what advice they were giving people as  
25 to what they should do. And our electric company could

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2 take a cue from that I think in the future. And I think  
3 they know that.

4 So I think that this is as good as we can  
5 do right now. I think -- I'm hoping that Altice will put  
6 in a bid for those monies that we have for the Barrier  
7 Islands. That was something that was very important to  
8 the people who live on Fire Island and to also the  
9 officials who do represent them. So that's important.

10 The low income aspect, again, important.  
11 Making sure that people do have access. That's a number  
12 one I think responsibility.

13 So I think I will definitely vote in favor  
14 of this, but I do caution Altice know your customer base  
15 and don't take advantage of it because we'll be watching.  
16 I will anyway.

17 CHAIR ZIBELMAN: That's good. Commissioner  
18 Burman.

19 COMMISSIONER BURMAN: Cable Vision has been  
20 around nearly my entire life. I have vivid memories of  
21 growing up on Long Island and my family first getting  
22 Cable Vision in the 1970s. It was present for the whole  
23 family and I just remember the sheer joy and pride I had  
24 in actually being a Cable Vision family.

25 We used to sit around in our garage

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2           converted into a family rec room with orange and black  
3           striped wallpaper, bean bag chairs and a dark brown wooden  
4           slatted table. And, of course, the matching brown  
5           reclining chairs with built in ottomans that only my  
6           parents could sit on.

7                        The orange and putty cable vision box to  
8           change the channels actually kind of matched our  
9           wallpaper, and we used to have a plastic sand timer to use  
10          to ensure that no one held on to the box too long as we  
11          all wanted to have control over pressing the buttons and  
12          choosing the channels.

13                      Then when I was in college, Cable Vision  
14          started a twenty-four hour local news program, News  
15          Twelve. I remember being completely transfixed with the  
16          sheer innovation of around the clock local news channel.

17                      It never got old for me listening to the  
18          Channel Twelve news anchor, especially the late beautiful  
19          Judith Martin, my hometown hero expertly reporting what  
20          was happening.

21                      So to me it's particularly touching on a  
22          personal matter that I'm looking closely at the public  
23          interest standard for Telcom merger and having a voice in  
24          the approval or the disapproval. I'm mindful this is the  
25          second time we're actually deciding a Telcom merger under

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2 the new public interest standard, and we need to look at  
3 this petition on a factual basis like with the charter  
4 merger, now Spectrum.

5 And we can choose three viable options.

6 One, first accept the petition as is.

7 Two, allow the petition with certain  
8 enforceable and real conditions.

9 Or, three, deny the petition outright. We  
10 cannot operate in a vacuum in looking at this merger but  
11 rather must look at what would add value to the public to  
12 help achieve the right result.

13 We have a legitimate interest to  
14 considering potential benefits to the consumers that can  
15 arise uniquely from this merger, and we must do so in a  
16 focused and comprehensive way. In reviewing such mergers,  
17 we need to follow a strictly case-by-case approach  
18 assessing each petition again on its own merits with the  
19 specific facts and circumstances presented to us.

20 We need to look at whether we successfully  
21 meet the public interest standard for a merger approval  
22 and we, in fact, may tighten or lessen the terms and  
23 conditions as appropriate under which we will determine  
24 this particular merger.

25 Any conditions placed on a specific merger

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2           should be ones that are appropriate tools to shape the  
3           Telcom merger that is truly in the public interest.

4                       Commissioner Sayre talked about a number of  
5           different things and the benefits that are in the -- in  
6           the proposal. I support those. I do think he forgets --  
7           forgot favored-nation and resiliency, but I wasn't sure  
8           when I was going through the tickler list. The conditions  
9           proposed address our concerns in a comprehensive measured,  
10          flexible and effective manner.

11                      Like the wonderful memories of my childhood  
12          Cable Vision days, I do look forward to this next phase in  
13          the Telcom world and we all will be watching. Thank you.

14                      CHAIR ZIBELMAN: Thank you. And I do also  
15          want to highlight the -- I think the job retention aspect  
16          of this is very important. This is a highly sensitive  
17          issue and -- and we will be watching on that as well.

18                      So with that, all those in favor of the  
19          recommendation to grant the transfer subject to the  
20          acceptance by Altice of the commitments and conditions  
21          described within one business day of this order being  
22          issued, please indicate by saying aye.

23                      COMMISSIONER SAYRE: Aye.

24                      COMMISSIONER BURMAN: Aye.

25                      COMMISSIONER ACAMPORA: Aye.

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2 CHAIR ZIBELMAN: Opposed? Hearing no  
3 opposition, there being none, the recommendations are  
4 adopted. And for the record, we're using this one day  
5 because of the fact that we're under a deadline imposed by  
6 federal law. So we would expect to hear from Altice  
7 within 24 hours. Is that correct, Counsel -- Counsels?

8 Okay. Thank you. So we're now going to  
9 move on to the consent agenda. Are we all doing okay?  
10 Let's move this -- we're doing okay. All -- okay. Any  
11 comments on the consent agenda?

12 COMMISSIONER BURMAN: I have four. I have  
13 four items that I'll be concurring on, issuing separate.  
14 Item 163. This is a denial of an appeal of an informal  
15 hearing decision brought by a not-for-profit religious  
16 customer receiving gas service at a residential rate  
17 pursuant to Public Service Law Section 76.

18 I do agree that here the utility properly  
19 billed complainant using a residential gross receipts tax  
20 rate in accordance with its tariff because the complainant  
21 received service at a residential rate. However, to the  
22 extent we have jurisdiction over the utility tariffs and  
23 our jurisdiction may need to take into account the  
24 interpretation of our sister agency, the New York State  
25 Tax Department as it concerns the New York State Tax Law.

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2 I am mindful that we currently have pending  
3 matters involving the interpretation of gross receipts tax  
4 matters and our proper -- and what is our proper  
5 enforcement role. Accordingly I want to make clear my  
6 concurrence today is limited only to the question of this  
7 specific customer fact pattern and the billing of the  
8 residential GRT was consistent with the utility's tariff.

9 And I leave for another day decision on the  
10 unrelated GRT matters.

11 Item Number 262, this is a petition for  
12 approval by the utility of a transfer or lease of a  
13 property, in this case a helicopter, with an original cost  
14 of over a hundred thousand. We're approving the petition  
15 which allows the sale of the helicopter with a purchase  
16 price well over the original cost, albeit below the stated  
17 fair market value. The helicopter which is thirty years  
18 old incurs maintenance costs that ratepayers pay whether  
19 it is used by the utility or not.

20 While the sale price was below the  
21 appraised value, the helicopter sale was actively  
22 marketed. Only three bidders expressed interest and the  
23 highest bid of all three was accepted and is being sold at  
24 a significant gain overall. Accordingly I concur and  
25 think this is a rational and appropriate approval.

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2 Item 369, here we have a petition seeking  
3 to allow permission to sub meter residential electricity  
4 in Ithaca, New York. This is an existing building complex  
5 consisting of nine cooperative units and appears to be  
6 marketed as an eco village. The petitioner seeks to  
7 convert all nine units from a direct metered system to a  
8 master meter with sub metering.

9 However, this is somewhat new for the  
10 Commission as it seeks to implement a solar PV array of a  
11 156 modules designed to produce a hundred percent of the  
12 buildings electric usage eliminating the need to purchase  
13 commodity from NYSEG in most hours.

14 We have only recently dealt with approval  
15 of petitions for sub metering that involves solar. So far  
16 there's been three, albeit those were limited in scope.  
17 Normally when we examine sub metering petitions we look to  
18 see if the petition to sub meter is in the public interest  
19 and is consistent with the provision of safe and adequate  
20 service to residents and therefore meets the Commission's  
21 requirements for sub metering of a residential building.

22 A complete petition for sub metering  
23 pursuant to our regulations creates a rebuttable  
24 presumption that this is in the public interest unless  
25 there's information in the record that refutes this

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2 rebuttable presumption.

3 While I wholeheartedly support the approval  
4 of this specific petition, I do wish to ensure that we are  
5 carefully evaluating beyond the four corners of this sub-  
6 metering petition approval the impact of future  
7 conversions whatever the energy source.

8 I flag this so that we can ensure we work  
9 with the utilities for careful, deeper evaluation on the  
10 network impacts where we may have increased renewable  
11 energy conversions and appropriately manage these  
12 individual systems which may be isolated from the grid.

13 Accordingly, my concurrence reflects such  
14 necessary evaluation analysis as we go forward as a whole  
15 in our systems grid network planning.

16 Last item, Item 665. I am in support of  
17 approving this petition as it meets our limited review to  
18 extent we find that the proposed franchise agreement  
19 amendment is not inconsistent with the law, commission  
20 regulations or the public interest. Accordingly I concur,  
21 limited only to approval such that the application is in  
22 compliance with statutory and regulatory standards under  
23 the Public Service Law. Thank you.

24 CHAIR ZIBELMAN: Thank you. With all those  
25 in favor of the recommendations of the consent agenda

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2 please indicate by saying aye.

3 COMMISSIONER SAYRE: Aye.

4 COMMISSIONER ACAMPORA: Aye.

5 COMMISSIONER BURMAN: Aye with my

6 concurrence on four.

7 CHAIR ZIBELMAN: So noted. There being --

8 hearing no opposition and there being none, the

9 recommendations are adopted. Thank you, staff.

10 Before we adjourn today, there's a -- for  
11 us -- this is a very sad day for the Commission. This is  
12 Judy Lee's (phonetic spelling) last day. Judy told us a  
13 little bit ago that she was going to be retiring and on to  
14 bigger and better things. And so as is our tradition we  
15 have a resolution signed by the Commissioners noting their  
16 appreciation of Judy and we'll have a -- we're going to  
17 have a celebration at a -- at a later date.

18 In the interest of time and because I know  
19 Judy as a very good friend, she -- the last thing she'd  
20 want to do is belabor a -- a long day, I'm not going to  
21 read the resolution. But I will note a few things and --  
22 and for all of us and people who don't know Judy, just a  
23 little bit of history.

24 Judy started in the consumer services  
25 division in -- in the Commission's New York City office.

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2           And she progressed throughout the agency in both roles as  
3           counsel. She was chief assistant to the chairman. She  
4           was a chief administrative law judge and a chief  
5           administrative law judge and has been the executive deputy  
6           for -- for myself, for Commissioner Acampora, for  
7           Commissioner Peter Bradford, for William -- Bill Flynn and  
8           Jerry Brown. And so -- and she has I think for all of us  
9           have served us extremely well in that role.

10                         And I know for myself I'm -- I'm going to  
11           miss Judy deeply. The other thing that Judy has done  
12           through her career is she's really has become as a well-  
13           known national leader throughout the country on NARUC  
14           matters. She did a lot of training. There are a lot of  
15           people across the country who know a lot about regulation  
16           because of what Judy did.

17                         And but the most important part is, and I  
18           kind of spent -- I'm not going to spend a lot of time  
19           here, but I warn you I'm going to spend a lot of time when  
20           we have our party, she really is the heart and soul of  
21           this agency. I -- I just -- you know, from personal  
22           experience, when I -- as any -- many of you guys know,  
23           when I came here I was not in the best of physical shape.

24                         But immediately after my accident and when  
25           I became conscious, Judy just started calling me. And it

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2           was -- it was moments where I was sort of doubtful whether  
3           I could get through it, but she just made it like, hey  
4           you're coming home. This is fine. Don't worry about it,  
5           and that -- that frankly gave me the personal courage to  
6           say I'm going to walk into this situation. And I knew I  
7           already had a friend here.

8                         And -- and Judy's that -- sort of I think  
9           for many of us know in the agencies, if you've got an  
10          issue, if it's personal, if it's professional, if you got  
11          a question, if you're challenged, Judy's the person that  
12          almost all of us go to. And she is incredibly good at  
13          solving those issues and seems to do it all the time with  
14          the amazing amount of not only decorum but calm and -- and  
15          we never know what's turning inside. But she always  
16          welcomes all of us with a smile and a mint.

17                        And so I -- I'm going to miss you deeply.  
18          I think you are a consummate professional. I think you're  
19          an excellent regulator and certainly an excellent  
20          executive deputy. So we all wish you the best. I know  
21          Lisa and Beth are going to be excited to have you more  
22          available, and I know Billy is going to be really excited  
23          to be able to go to concerts with you and whatever else  
24          you guys have in mind.

25                        So congratulations, Judy. But, again, you

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2           -- you represent what all is good about this agency, and  
3           we're going to miss you a lot.

4                       MS. LEE: I don't want to prolong this but  
5           I do want to say that I love this department and I think  
6           that some of the unsung heroes of the department are the  
7           people that you as a commission don't see. The support  
8           staff, the administrative staff, the people on the phones  
9           handling the complaints every day. And those are the  
10          people that I really would like to honor, because we hear  
11          from the engineers and the lawyers and the accountants,  
12          but we don't often hear from the backbone of the agency,  
13          and they are truly an incredible bunch. And thank you to  
14          all of you for your leadership and for your mentorship.  
15          Really appreciate it.

16                      COMMISSIONER ACAMPORA: How can I not say  
17          something? I think I want to take credit for bringing  
18          Judy to the 20th floor. She was the chief administrative  
19          law judge when I first came here and probably the first  
20          person who reached out to say I'm here for you as a  
21          resource and I'm here for you as a friend. And you can't  
22          put a price on that for sure.

23                      And her work ethic is something that I  
24          don't think anyone can match. She works hard. She's  
25          fair, she's honest and most above all she's kind. Very

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2 kind. And she's kind to everyone. I don't know anyone  
3 who would have a mean thing to say about Judy Lee.

4 It's been an honor and a pleasure to work  
5 with you, to call you a friend and to call your family  
6 part of my family. I love Billy. I'm his adopted sister,  
7 and of course I know the most important thing besides  
8 Billy are your two daughters, Lisa and Beth. And I know  
9 they're going to be happy to get to spend more time with  
10 you.

11 But knowing Judy, she won't be idle for  
12 long. She will be out there. And I'm sure that she'll be  
13 out there taking on a cause because that's what she does.  
14 She tries to solve problems and help people, and so I know  
15 that there is a place out there waiting to scoop her up  
16 and make her theirs. It's our loss today but you truly  
17 exemplify what a state -- a good state employee is. And  
18 to all the people in the state who don't know you, you  
19 have made a difference. And we really thank you for that.

20 CHAIR ZIBELMAN: Commissioner Sayre.

21 COMMISSIONER SAYRE: Judy was also the  
22 first person to welcome me to the Commission. Four years  
23 ago I show up at the governor's office not knowing what  
24 the heck to do, to get sworn in, and there's a friendly  
25 face. Oh my gosh I thought. How nice of them to send

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2 over the chief A.L.J. probably because she's known me for  
3 years and tolerated my presence in a whole bunch of  
4 proceedings. No, I find out she's the executive director.  
5 It's just an example of how Judy, you have done everything  
6 at this commission, and you've done it extremely well.  
7 We'll miss you enormously.

8 CHAIR ZIBELMAN: Commissioner Burman?

9 COMMISSIONER BURMAN: You've had a  
10 significant and dramatic impact on the department and the  
11 Commission as a whole, and it truly will not be the same  
12 without you. I wish you well in your retirement and your  
13 next phase and chapter of your life. God speed.

14 MS. LEE: Thank you very much.

15 CHAIR ZIBELMAN: Is there anything before  
16 us today?

17 UNIDENTIFIED SPEAKER: I think that's  
18 enough for today.

19 CHAIR ZIBELMAN: I feel all --.

20 SECRETARY BURGESS: I just note that the  
21 next commission session is July 14th and the location has  
22 been changed to New York City and the August session is  
23 going to be held on August 1st and that's going to be in  
24 Albany.

25 CHAIR ZIBELMAN: Okay. Thank you,

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2           Secretary Burgess. So with that, the day is adjourned and  
3           thank you all.

4                               (Off the record 1:40 p.m.)

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2 STATE OF NEW YORK

3 I, Gerry Revai, 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 147, is a true record of all proceedings had at  
8 the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 22nd day of June, 2016.

11

12

13 Gerry Revai, Reporter

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