

1 3-16-2022 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Wednesday, March 16, 2022

7 10:30 a.m. until 12:07 p.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 COMMISSIONERS:

12 RORY M. CHRISTIAN, Chair

13 DIANE X. BURMAN

14 TRACEY A. EDWARDS

15 JAMES S. ALESI

16 JOHN B. MAGGIORE

17 DAVID J. VALESKY

18 JOHN B. HOWARD

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

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

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

9 CHAIR CHRISTIAN: Thank you. Before
10 moving on to the agenda, I would like to conduct a
11 roll call of Commissioners. When I call your name,
12 please confirm that you are present. Commissioner
13 Diane Burman?

14 COMMISSIONER BURMAN: Present.

15 CHAIR CHRISTIAN: Commissioner James
16 Alesi?

17 COMMISSIONER ALESI: Present.

18 CHAIR CHRISTIAN: Commissioner Tracey
19 Edwards?

20 COMMISSIONER EDWARDS: Present.

21 CHAIR CHRISTIAN: Commissioner John
22 Howard?

23 COMMISSIONER HOWARDS: Present.

24 CHAIR CHRISTIAN: Commissioner David
25 Valesky?

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2 COMMISSIONER VALESKY: Present.

3 CHAIR CHRISTIAN: Commissioner John
4 Maggiore?

5 COMMISSIONER MAGGIORE: Present.

6 CHAIR CHRISTIAN: Thank you. So I
7 know I speak for all of us today when I say that this
8 Commission believes in transparency. Most of our
9 work is done quietly behind the scenes. And as a
10 result, the scope and scale of that work isn't always
11 readily apparent. One of our roles is to help the
12 public and policymakers understand what is happening
13 with utilities and the services they provide.

14 With that in mind, I'll first ask
15 Tammy Mitchell, Director of the Office of Electric,
16 Gas and Water and Aric Rider, Deputy Director of the
17 Office of Consumer Services to provide information on
18 recent commodity price increases and the associated
19 customer communications. In addition, they'll also
20 discuss Central Hudson's recent replacement of its
21 customer information system and the resulting billing
22 problems.

23 Bruce Alch, Nicola Jones, and Paul
24 Darmetko are also available for additional support
25 should the need arise. Tammy, please begin.

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2 MS. MITCHELL: Thank you. Good
3 morning, Chair Christian and Commissioners. Today I
4 will provide you with a report on the recent
5 commodity price increases and resulting bill impacts.
6 Following my presentation Aric Rider will provide
7 additional information regarding utility customer
8 outreach efforts related to higher winter bills and
9 utility billing system issues. Next slide, please.

10 As you know, each year in October
11 staff provides the Commission with the results of our
12 investigation into the readiness of the State's
13 natural gas and electric utilities for the coming
14 winter, including projections for electricity supply
15 bills, as well as the electric utilities hedging
16 performance and portfolio in place for the coming
17 winter.

18 The utilities' winter preparation
19 activities include determining the overall winter
20 weather forecast, determining the forecasted demand
21 for electricity and natural gas, obtaining sufficient
22 supply to meet their customer needs, forecasting
23 commodity prices, and estimating expected customer
24 winter bills based on the forecasted commodity
25 prices.

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2 CHAIR CHRISTIAN: Tammy, one moment,
3 please. I'd like to ask everyone on teleconference
4 to please mute -- oh, I'd like to ask everyone on the
5 teleconference who's not muted to please mute their
6 call. There's some background interference. Thank
7 you.

8 MS. MITCHELL: Prior to the start of
9 this winter season and as staff reported in October,
10 the New York utilities concluded that compared to the
11 2020-2021 winter season, prices for natural gas would
12 be higher during the 2021-2022 winter season, with
13 winter heating bills expected to increase by 21
14 percent on average statewide.

15 For full service electric customers,
16 the supply component of the customer's bill was
17 forecast to be about 13 percent higher on average
18 statewide this winter as compared to last winter.
19 These increases were based on a normal weather
20 forecast. Actual supply prices are significantly
21 dependent on actual weather and other market forces
22 as well as the operational state of the natural gas
23 and electric industries. Next slide please.

24 In January, February, and March
25 utility customers experienced significantly higher

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2 bills compared to December. The Department's review
3 of this issue reveals that the primary driver of the
4 higher utility bills was significantly higher
5 commodity prices than were anticipated.

6 The global increase in natural gas
7 commodity prices is due to various factors including
8 higher domestic usage because of colder than normal
9 weather in January and into the beginning of
10 February, increased economic activity, and increased
11 international demand for natural gas. Increased
12 natural gas commodity prices also result in increased
13 electric commodity prices since the majority of
14 electricity produced in New York State is produced by
15 electric generators that use natural gas as their
16 primary fuel. Next slide please.

17 This chart shows typical use full-
18 service residential electric customer bills in each
19 winter month at the major -- excuse me, at the major
20 investor on utilities. This chart is not all
21 encompassing, meaning several utilities have
22 customers in multiple New York I.S.O. load zones, and
23 customers in these zones are charged different supply
24 costs based on their location.

25 For each utility, the single largest

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2 month-to-month bill changes occurred in February or
3 March from the prior month. For Central Hudson this
4 was a 43 percent increase from January to February.
5 For Con Edison it was a 57 percent increase from
6 January to February. For National Grid it was a 6
7 percent increase from February to March.

8 For a NYSEG it was a 19 percent
9 increase from February to March. For Orange and
10 Rockland, it was a 15 percent increase from February
11 to March. And for RG&E, it was a 14 percent increase
12 from February to March. Next slide. Oh, I'm sorry.

13 Note these bill comparisons show the
14 impact of supply price changes from month to month
15 with a fixed customer usage, typically 600 kilowatt
16 hours. However, higher customer usage during the
17 colder than normal weather this winter was also a
18 driver of higher bills in some cases. For example,
19 Con Edison reports that its residential electric
20 customers overall use increased by 8.4 percent from
21 December to January.

22 It should be noted that bill increases
23 for individual customers this winter may vary
24 significantly from the average for various reasons.
25 As mentioned, commodity price increases this winter

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2 have varied by utility and by region. Additionally,
3 actual customer usage compared to previous billing
4 periods will impact a customer's overall bill. Next
5 slide.

6 As you know the Public Service
7 Commission controls utility delivery prices through
8 delivery rate cases and other proceedings. Neither
9 the Public Service Commission nor utilities control
10 commodity prices. For natural gas, commodity prices
11 are determined in part by prevailing market prices.
12 But natural gas utilities also use storage and
13 financial hedges to mitigate supply price volatility.

14 Electric commodity prices are
15 determined through a competitive electricity market
16 administered by the New York State Independent System
17 Operator. Electric utility companies purchase
18 electric supply from the market on behalf of their
19 customers and pass those costs through to customers.

20 Electric utilities also engage in
21 hedging practices to reduce the impacts of commodity
22 price volatility on customer bills, which I will
23 discuss in more detail shortly. Next slide.

24 These pie charts depict the components
25 of a typical Con Edison full-service residential bill

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2 for the months of January and February. The delivery
3 portion of the bill shown here in brown consists of a
4 per kilowatt hour charge, meaning the charge varies
5 based on customer usage, which covers the cost of --
6 to deliver electricity from the point of production
7 to the customer.

8 Such costs include, for example, the
9 cost of purchasing, installing, and maintaining
10 utility poles and electric wires. The delivery
11 component of the bill also includes the customer or
12 service charge, which is a constant monthly dollar
13 amount over a rate year period regardless of the
14 amount of electricity used by the customer.

15 This charge generally covers
16 administrative and other utility costs that are not
17 impacted by the amount of electricity used by a
18 customer, such as utility meters and meter reading
19 services. Another component of delivery charges
20 shown here in blue are the surcharges for certain
21 programs such as the system's benefits charge, which
22 is collected to cover the cost of certain clean
23 energy initiatives.

24 For the purpose of this presentation,
25 the surcharge component of the customer's bill has

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2 been shown separately, but it is essentially a part
3 of delivery costs. The green slice is the supply or
4 commodity charge which recovers the cost of
5 generation or production of electricity by
6 independent electric generating companies.

7 As mentioned earlier, the utility does
8 not control those costs, but rather purchases
9 electricity supply for its customers and passes those
10 costs on to the customers. As you can see, due to
11 the increase in commodity costs, the supply portion
12 of the Con Ed -- Con Ed customer's bill increased
13 from 24 percent of the total bill in January to about
14 45 percent of the total bill in February.

15 The final component shown here in
16 purple is gross receipts and sales tax which applies
17 to both delivery and commodity. Next slide please.
18 This pie chart shows components of the Con Edison
19 Electric revenue requirement for rate year 3 of Con
20 Edison's present rate plan with an updated commodity
21 cost forecast.

22 Again, customers receive bills that
23 are derived from two main components, delivery
24 charges and supply or commodity charges. You can see
25 that the delivery revenue components shown in shades

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2 of brown recover various costs including depreciation
3 and amortization costs associated with utility
4 delivery infrastructure investment, costs to operate
5 and maintain the system, labor costs, costs of debt,
6 return on equity and various taxes.

7 As can be seen on the chart, delivery
8 revenues represent approximately 65 percentage points
9 of the total revenues in this period, which is
10 January 1st through December 31st, 2022. Of the
11 total delivery -- delivery revenues approximately 22
12 percentage points is associated with tax -- taxes,
13 which are outside of the Public Service Commission
14 and utilities control.

15 Although they are generally fixed for
16 a time period, taxes can be a major component of the
17 company's revenue requirement and customer delivery
18 rates. The supply or commodity portion of the
19 utilities revenue requirement are forecast to account
20 for approximately 35 percentage points of the total
21 revenues in this period, an increase of 10 percentage
22 points since the beginning of Con Edison's current
23 rate plan.

24 This is based on updated Con Edison
25 commodity price forecasts made prior to the company's

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2 most recent rate filing. Of note, since the time of
3 the company's last rate case, the projected commodity
4 costs have increased by about \$1.1 billion due to
5 changes in supply prices. Next slide, please.

6 While utilities do not control market-
7 driven natural gas or electricity commodity prices,
8 pursuant to Commission orders the utilities do engage
9 in hedging practices in an effort to minimize
10 fluctuation in the supply portion of customer's bills
11 compared to market.

12 Electric utilities maintain on average
13 a fix -- 70 percent fixed hedge level for the
14 residential supply customers for the winter season to
15 mitigate market price volatility if it occurs. This
16 current fixed price level of 70 percent hedge is up
17 from the previous level of approximately 55 percent
18 which was in place prior to the 2014 polar vortex.
19 Next slide, please.

20 This graph shows the results of the
21 utilities' electric supplied price volatility
22 mitigation efforts since December 2008. As you can
23 see, compared to the average New York I.S.O. day-
24 ahead market price volatility, which is the red line,
25 volatility of the utilities' residential electric

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2 supply portfolios, which is the blue line has been
3 significantly less.

4 Therefore, utilities hedging practices
5 have successfully reduced commodity price volatility
6 compared to the market. It should be noted that
7 hedging practices levelized the impacts of large
8 commodity price fluctuations but are not intended to
9 reduce overall commodity costs, or to eliminate long
10 term trends, or normal seasonal variation. Next
11 slide, please.

12 While utility hedging practices are
13 intended to reduce the impact of commodity cost
14 fluctuations, Con Edison's electric customer bill
15 increases this winter were further exacerbated by the
16 design of the company's supply charge mechanism,
17 which is the mechanism designed to recover the cost
18 of acquiring the commodity including the hedges.

19 Con Edison's supply charge mechanism
20 consists of a weighted average supply rate based on
21 the New York I.S.O. market prices applicable in each
22 billing cycle, a reconciliation of the actual expense
23 for the cost of New York I.S.O. supply, and a
24 forecasted hedging benefit or cost inclusive of prior
25 period reconciliations to actuals.

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2 Hedging benefits are calculated and
3 established only once a month. The forecasted level
4 of hedging benefits is based on a forecasted market
5 price. If, in a billing cycle, the actual market
6 prices are significantly higher than the forecasted
7 market prices used to determine the hedging benefits,
8 as was the case in January, customers' bills --
9 customers will experience a spike in their
10 electricity bill.

11 The actual hedging benefits are
12 reconciled in a future bill. And this reconciliation
13 can result in a bill credit to customers, as it did
14 for Con Edison customers beginning with February 11th
15 bills and continuing through March 14th.

16 That said, while Con Edison customers
17 experience commodity price and bill volatility, the
18 hedges that Con Edison entered into saved full-
19 service mass-market customers over \$120 million this
20 winter through the end of February compared to if
21 they were simply subject to market prices. Next
22 slide, please.

23 In response to the significant Con
24 Edison bill increases, on February 11th, 2022, Chair
25 Christian, you sent a letter to Timothy Cawley,

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2 Chairman, President, and C.E.O. of Con Edison,
3 directing the company to mitigate recent high
4 customer bills by providing the full value of the
5 company's hedged commodity procurements to customers
6 in the subsequent billing cycle.

7 And to reassess the company's approach
8 to forecasting its hedged value and billing cycle
9 updates to reduce the likelihood of dramatic and
10 sudden price volatility. On February 25th, Con
11 Edison responded to the Chair's letter indicating
12 that the company will adjust its billing process to
13 more closely align with the impacts of supply price
14 volatility.

15 As a result, Con Edison said it will
16 reduce the likelihood of significant customer bill
17 volatility in the future. This past Monday --
18 Monday, March 14th, Con Edison submitted an emergency
19 petition requesting the Commission allow the company
20 to revise its market supply charge mechanism. And in
21 the future will consider other possible changes that
22 can be made to its billing system.

23 Staff will review Con Edison's
24 petition and make recommendations to the Commission.
25 Staff will also continue to review utility hedging

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2 practices to ensure that utilities are implementing
3 best practices to minimize large price fluctuations.
4 This concludes my portion of the presentation on
5 commodity price increases. I'll now turn it over to
6 Aric Rider.

7 MR. RIDER: Good morning, Chair and
8 Commissioners. As Ms. Mitchell explained, Con Edison
9 responded to the Chair's letter indicating that it
10 will adjust its billing processes to further mitigate
11 supply volatility.

12 Also, in its letter of response, Con
13 Edison stated it is committed to improving its
14 communications to electric and gas customers to
15 provide better information about potential
16 significant increases in customers' bills resulting
17 from higher forecast and supply prices. Con Ed
18 stated before this winter it informed customers that
19 it expected natural gas prices to rise.

20 However, going forward Con Edison will
21 improve its customer communications to specifically
22 address both natural gas price volatility and how
23 such natural gas volatility impacts electric price
24 volatility. Con Edison has committed to improve
25 messaging and provide notice to customers in cases

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2 where supply price increases could result in
3 significantly higher bills.

4 Con Edison will continue to provide
5 customers with messages that explain cost saving tips
6 and information on bill assistance programs. On
7 March 1st, 2022, the Chair sent letters to Orange and
8 Rockland, National Grid, NYSEG, RG&E, National Fuel,
9 PSEG Long Island and Central Hudson, seeking their
10 actions to mitigate the negative impacts of rising
11 energy costs to consumers with a focus on vulnerable
12 customers.

13 These utilities were asked to take
14 three specific actions. 1) Continue to leverage
15 supply buying methods and hedging to mitigate the
16 risk of severe price volatility. 2) Strengthen
17 communications to customers regarding anticipated
18 bill increases due to rising energy costs. And 3)
19 Increase outreach and education efforts to promote
20 consumer payment assistance plans and programs to
21 reduce energy usage.

22 The utilities were reminded to
23 continue to promote all consumer protections, bill
24 payment assistance programs, and energy use reduction
25 programs available to help customers. Utilities were

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2 to include messaging using communication platforms
3 such as press releases, newsletters, call center --
4 utility call center representative training, YouTube
5 videos, and social media posts.

6 Utilities were also reminded to
7 continue to offer customers deferred payment
8 agreements and provide information regarding other
9 bill assistance programs. The Chair requested the
10 utilities file a response letter to -- to Department
11 staff by March 8th, 2022, with recommendations to
12 mitigate the negative impacts of rising energy costs
13 to consumers.

14 Herein, I will explain the utilities'
15 responses with regard to customer communications and
16 the promotion of bill assistance and energy reduction
17 programs. Each of the previously mentioned utilities
18 responded to the Chair's letter on or before March
19 8th, 2022. The responses were contained in D.M.M.
20 matter number 22-00346.

21 The utilities explained that they did
22 commence an awareness campaign to customers prior to
23 this winter season regarding projected increases in
24 energy prices, and the impact to customers' utility
25 bills. Such communication included emails, bill

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2 insert -- bill insert newsletters, standalone bill
3 inserts, social media posts, web banners on home
4 pages that link to dedicated informational pages, web
5 alerts that pop up when customers visit the website,
6 digital signage, and radio advertisements.

7 The utilities continue to message to
8 customers and provide a range of programs that offer
9 flexible payment terms and meaningful discounts such
10 as deferred payment agreements, payment extensions,
11 level payment plans, and the energy affordability
12 program discounts for low income customers.

13 The utilities have continued -- or
14 excuse me. The utilities have communicated to
15 customers the availability of bill assistance
16 programs such as the Home Energy Assistance Program,
17 Emergency Home Energy Assistance Program, Regular
18 Arrears Supplement and the Emergency Rental
19 Assistance Program.

20 In addition to the outreach methods
21 just mentioned, the utilities trained their customer
22 service representatives so they would be prepared to
23 provide customers with information related to higher
24 winter heating bills. Customer service training
25 included talking points for rising natural gas

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2 commodity prices, energy conservation, and assistance
3 programs.

4 In response to strengthening
5 communications and increasing outreach and education
6 efforts, utilities are increasing the frequency of
7 messaging on multiple communication channels,
8 including letters, social media, with links to bill
9 assistance, hosting webinars, bill inserts, website
10 messages and dedicated web pages, press releases, and
11 providing additional training to call center reps
12 which PSEG Long Island for example, is sharing with
13 its local elected officials to assist them with
14 constituent conversations.

15 National Grid, for example, is
16 planning a financial literacy webinar for later this
17 month geared towards low income customers. The
18 webinar is intended to support low income customers
19 who receive the arrear -- the residential arrears
20 supplement but are now falling behind on their energy
21 bills.

22 National Grid, as an example, is
23 transitioning its winter heating season customer
24 communications efforts into a broader bill assistance
25 campaign called Here to Help, is expanding its

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2 community outreach partnerships to faith-based
3 communities, and state and local consumer protection
4 agencies.

5 With that said, there are areas where
6 utilities can improve future communication with
7 customers. The utility response letters to the Chair
8 do highlight differences among the utilities and
9 types of communication channels. In addition, most
10 of the utilities pre-winter communications were
11 focused on natural gas supply increases, and -- and
12 there was less of a communication focused on
13 electricity supply increases.

14 Going forward, customers need to be
15 educated on the linkage between natural gas and
16 electricity prices, and the impacts to their bills.
17 Moreover, specific messages can be generated during
18 cold weather events or price spikes to provide
19 customers warning of potential higher bills. Staff
20 will work with the utilities to update and improve
21 their annual outreach and education plans due to be
22 filed April 1st.

23 The next topic I will brief the
24 Commission on is Central Hudson's replacement --
25 recent replacement of its customer information system

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2 and the resulting billing problems.

3 By way of background, Central Hudson's
4 legacy mainframe Customer Information System was
5 about 40 years old and was designed and built in the
6 early 1980s. The mainframe served key functions such
7 as account management, customer billing calculations,
8 service and rate information, customer information,
9 and payment and energy usage data processing.

10 The company proposed to modernize its
11 cust -- customer information system in its 2017 rate
12 cases. At that time Central Hudson stated that the
13 customer information system was originally developed
14 to handle basic rate designs and bill routines. New
15 complex rate structures and regulatory requirements
16 required significant manual billing.

17 There was also a lack of personnel
18 needed to support the legacy mainframe system, and
19 the legacy system could not automatically generate
20 bills for customers enrolled in community distributed
21 generation projects, net metering, hourly pricing,
22 time of use -- use rates and other more complex
23 billing scenarios.

24 Back bills were also generated --
25 manually generated by customer service

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2 representatives, which created additional work and
3 increased the probability for errors. The Commission
4 approved the replacement of the mainframe system with
5 a new customer information system project in 2018.

6 Central Hudson began the conversion to
7 a new cloud-based customer information system in
8 early 2020. Prior to the new customer information
9 system going live, the company conducted outreach via
10 letters, newsletters, social media, and its website,
11 which also contained a special webpage for energy
12 service companies.

13 The new customer information system
14 went live in September 2021. And in November 2021,
15 Central Hudson notified staff that bills were not
16 being sent to many customers. Mostly customers with
17 complex -- complex billing transactions such as being
18 enrolled in a community distributed generation
19 project or served by an energy service company.

20 The Department also began receiving
21 many calls from frustrated customers. Moreover,
22 customers were assumed -- assigned new account
23 numbers which led to customer confusion despite
24 outreach by the company in the months prior to the
25 conversion. Staff continue to -- continues to

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2 monitor the billing situation through frequent
3 communication with utility with daily updates and
4 biweekly meetings.

5 Staff has reviewed Central Hudson's
6 outreach and draft notices that are sent to affected
7 customers. Central Hudson mobilized 40 internal
8 employees to address the back -- billing backlog and
9 50 contractors to answer phones in October 2021. The
10 company added 75 more contractors in November and
11 December, and 39 additional contractors to assist
12 with its parallel strategy of eliminating billing
13 defects and manual billing to ensure that all bills
14 are corrected by early April 2022.

15 Some customers who have not yet
16 received a bill or who are disputing their high bill
17 because of high supply prices are filing quick
18 resolution system complaints with the Department.
19 Central Hudson's complaint volume has grown causing
20 the company to increase its complaint resolution
21 staffing by 300 percent relative to normal
22 operations.

23 The company stated it has identified
24 the problems within its new customer information
25 system and is working with its implementation vendor

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2 and software engineers to resolve the problems.

3 Central Hudson acknowledges that approximately 7
4 percent of its customers or 21,000 customers, mostly
5 customers that are specially billed, are still facing
6 billing difficulties.

7 Central Hudson has estimated it will
8 resolve the issues by early next month. The company
9 continues to send notices via -- via mail and email
10 to affected customers to explain the billing problems
11 and to notify customers about large auto deductions
12 from their bank accounts. Affected customers
13 received or will receive multiple bills in the same
14 envelope.

15 For impacted customers, Central Hudson
16 suspended late payment charges and is offering no
17 interest payment plans to customers who -- who are
18 unable to pay their new bills in full. While staff
19 has indicated to the company that their focus and
20 priority should be to fix the billing problem, staff
21 is in parallel investigating the root cause of the
22 billing problem.

23 Staff also plans to fully examine this
24 issue in the Central Hudson management audit. If
25 staff's investigation finds violations of the Public

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2 Service Law, or other imprudent actions by the
3 utility, it will inform the Commission as soon as
4 possible to take appropriate action with
5 recommendations on next steps.

6 To date we are not aware of inaccurate
7 bills, but we are closely examining whether that may
8 be an issue in addition to the bill frequency issues.
9 This concludes the presentation and staff is
10 available for questions.

11 CHAIR CHRISTIAN: Thank you, Tammy.
12 Thank you, Aric, I want to -- I appreciate you guys
13 taking the time to put this presentation together and
14 share this information. I think you've done a great
15 job of highlighting various factors affecting
16 customer bills, documenting what is influenced by the
17 market and what is under their control and can be
18 managed through the Commission's action, through
19 regulatory action.

20 I -- I think it's important and bears
21 pointing out that the price spikes we've recently
22 seen, it's not something limited just to New Yorkers.
23 This is a global issue, a national issue, and it's
24 affecting everyone from Maine to California and
25 everywhere in between.

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2 Customers already struggling with a
3 global pandemic are now faced with rising inflation,
4 rising energy costs, and concerns that the war in
5 Ukraine could have a far greater impact in the near
6 term and long term. As noted in your presentation,
7 we've instructed utilities to increase their outreach
8 efforts and I'm optimistic and looking forward to
9 seeing the results of that increased outreach.

10 I want to thank you for documenting
11 the different steps each of the utilities are taking
12 and I -- I'm encouraged that we'll be in a position
13 to better communicate these issues both as a
14 Commission and through the utilities to customers and
15 minimize the potential impacts we'll see in the
16 future.

17 I see this as one of, what will be
18 many information sessions where we'll be talking
19 about bill impacts to customers. Particularly, the
20 opportunities for reducing those impacts and also the
21 risks, things that could increase those impacts over
22 time.

23 So we'll likely be having these
24 conversations again, Tammy, and Aric. With respect
25 to the Central Hudson billing problems, you know, I -

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2 - I'm looking forward to seeing the results of
3 staff's investigation, I know that's already underway
4 and thank you for sharing the information provided
5 thus far.

6 Hope we'll -- we'll see where things
7 go once we have all the facts and take whatever
8 actions warranted at that time. So thank you for
9 your time today. With that said, I want to open the
10 floor to Commissioners, do you have any comments
11 concerning what was presented today or
12 recommendations for future discussions along these
13 lines?

14 I'll start with you, Commissioner
15 Burman.

16 COMMISSIONER BURMAN: Thank you so
17 much. I'm going to address this in, sort of, 2
18 buckets. First, to Tammy, I found out yesterday that
19 we were going to be doing this presentation and I
20 thank the Chair for this opportunity to speak today.

21 I am still struggling with what
22 exactly is the message that I want to send, I'm not
23 going to ask you questions per se, but I'm really
24 going to give you what I hope to be my thoughtful
25 perspective. I think it's really really important

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2 that we carefully evaluate where we're going and how
3 we are addressing this, not just for this season, but
4 for the future.

5 This is not unique to this winter.
6 This actually feels very much to me like Groundhog's
7 Day, going back to the polar vortex of 2014. I even
8 remember May 15th, 2014, being a part of a technical
9 conference looking into, very much drilling down of
10 remedies and the path forward on what we could be
11 doing to never have this again.

12 And looking at what some of the
13 challenges were supply constraints, hedging
14 practices, better collaboration, better outreach to
15 consumers, better education, stakeholder engagement,
16 working with the industry, ensuring that we are
17 better prepared, ensuring that we look at all of
18 these different things, always very important things
19 that we view critically important.

20 For me, it's also what is the role of
21 the Commission, what's our responsibility, and what's
22 our accountability, both as a Commission body, but
23 then as our body in giving direction to not only the
24 staff, but to the utilities.

25 I, in sort of reviewing and looking

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2 at, not only the letters that went out to each of the
3 utilities, but the letters that came back. And I was
4 struck by really all the letters have similar
5 sentiment, some drill down a little bit more.

6 But overall, they all sort of stuck to
7 the four corners, which primarily, kind of, came up
8 with what I see as the core issues, which is that the
9 issues are really related to the sharp higher prices,
10 are due in part to colder weather, higher usage,
11 constrained domestic pipeline capacity, our
12 recovering economy, increased energy demand
13 nationally and globally.

14 And for many more reliant on natural
15 gas for electric power generation since the closure
16 of Indian Point. And then looking at hedging and
17 storage and, you know, the withdrawals and dealing
18 with all of those different issues, and then talking
19 about how -- what they're doing with educating the
20 public. And then also saying, and please let
21 everyone know that we have nothing to do with the
22 commodity end of things.

23 For me, I keep coming back to what's
24 our role. And our role really is providing and
25 ensuring that we are adequately prepared to meet the

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2 reliability needs of customers for now and for the
3 future. And to make sure that it's affordable,
4 affordable for who, who determines affordability, who
5 pays for that affordability, how do we ensure that
6 we're making sure that it is, we're planning for
7 that, we're planning for it in a way that again, goes
8 back to reliability.

9 The reliability makes up a whole host
10 of things, from a safety perspective, from a cyber
11 security perspective, all of these different things
12 fold into it. And so that takes a lot of work and it
13 takes a lot of planning, and it takes a lot of
14 understanding of the technical capabilities.

15 And that means that it gets a little
16 sticky, and it means that we have to have some honest
17 conversations, and we need to have some honest data
18 analysis, and it means we have to have some honest,
19 true analysis of the costs. And then we need to come
20 together, and we need to figure it out.

21 Doesn't mean we need to dictate,
22 doesn't mean we need to mandate, doesn't mean we need
23 to be the ones to say you must do, we need to figure
24 it out. It's going to take a lot of work and it also
25 means that we need to be able to work together, and

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2 it means we need to call out others, some other State
3 officials who may not fully understand, we can't just
4 say that we have to educate consumers.

5 I can tell you, if I was a consumer
6 who had my checking account or savings account
7 getting an auto withdrawal and I have overdrafts, and
8 all of a sudden money was coming out that I didn't
9 expect, I would be devastated. And for those who
10 can't afford it coming out, I can feel that pain.

11 And we have to do better as a
12 Commission in understanding that in real time and
13 responding to that. And we knew that in 2014 and we
14 knew that in 2015, and it goes on. And so somehow,
15 we have to figure out all of those different issues,
16 and I know I'm bleeding into Aric's issues on the
17 consumer services stuff.

18 But it all kind of folds in together
19 because when we talk about educating on the linkage
20 between natural gas and electricity prices, and
21 having to educate the consumers on that, I can go
22 back to the winter presentations, where we have not,
23 at times been willing to talk openly in a public
24 session about natural gas in a way that makes that
25 direct linkage, in a way that openly talks about it.

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2 We use other words, we talk about it
3 in a way that somehow seems to make it seem like it's
4 all okay, supply constraints, what are supply
5 constraints, what will happen next winter when the
6 supply constraints are even more dire. What will
7 happen next winter if the supply constraints are more
8 dire, and the colder winter snap happens?

9 What will happen? Hedging is not the
10 main issue. We can hedge -- we can fully hedge, we
11 can make our utilities hedge completely. It's not a
12 get out of jail free card, hedging is not a free --
13 it's an insurance policy. And an insurance policy is
14 costly, it's a risk and we have to understand that.

15 The hedging policies back in 2014 were
16 re-jiggered and discussed, it's a mechanism. It's
17 something we look at every year, we evaluate, we work
18 with the utilities, and we make adjustments as
19 necessary. We're going to be looking at the
20 emergency petition and adjusting to try to help
21 offset this.

22 But that's for this winter. What do
23 we do when it's not just about the winter prices,
24 what do we do when it's about the cost from the clean
25 energy issues? What do we do when it's about next

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2 winter and you can no longer fully hedge, or what do
3 you do when you can't keep hiding it?

4 So all of that and -- and what do you
5 do when now you have to address the hidden insurance
6 policy costs, and all the other things. So for me, I
7 look at this and I'm blessed with really good staff
8 in terms of all these things we have. I'm happy that
9 we're talking about this, I'm happy that the Chair is
10 giving us this opportunity to raise these issues.

11 But I'm really really concerned that
12 we have a lot of work to do, and we have to come
13 together and acknowledge that that work is going to
14 be hard and sticky. And ensure that when we're
15 talking about making sure that we are educating
16 folks, it encompasses all of us and everyone not just
17 the utilities, not just the customers, but every one
18 of us we all have a lot to learn, including myself.

19 I pulled up some E.I.A. statistics, I
20 love E.I.A., and it shows that just capturing a lot,
21 most recently, E.I.A. has a lot of weekly reports.
22 And they reflect a lot of the pipeline constraints
23 from Pennsylvania into New York and from New York
24 into New England. And it talks about the spot market
25 prices and evidenced in higher heating bills and a

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2 lot is offset a great deal by L.D.C. hedging.

3 And it's also -- there's moderated by
4 switching to lower priced oil. Due to lack of
5 pipeline infrastructure and the closure of Indian
6 Point, not only are prices up, but CO2 from the
7 electricity sector emissions are way up in New York
8 because of the oil burnt from electricity, at least
9 my layman's perspective looking at the E.I.A.
10 statistics.

11 And the CO2 emissions -- now this is
12 from the E.P.A., not E.I.A. And E.P.A.'s news
13 release, in 2021's news release showed that CO2
14 emissions from power plants were up last year because
15 of an increase in coal generation, partly because of
16 higher natural gas prices.

17 And natural -- and then forecasting --
18 E.I.A. is forecasting natural gas prices for the
19 remainder of the year to remain near \$4 per billion
20 B.T.U.s in 2022, and slightly lower in 2023. So when
21 we talk about the linkage between natural gas and
22 electricity prices, we have to have also the facts
23 and continuing looking at these statistics and what
24 does it mean, especially when we're looking at the
25 natural gas demand is going to continue to be there.

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2 And when we're looking at supply
3 constraints, and what this means in terms of
4 emissions and CO2 emissions are going up. And if
5 people are going to be going to coal, people are
6 going to be looking at oil, what are we -- what does
7 all that mean if we're also focusing on renewables
8 and actually we're -- we're not helping ourselves if
9 some of what we need is the supply constraints to be
10 lessened to help us with our renewables that we're
11 trying to do.

12 So some of that can be some of the
13 conversation that we bring to the table to help us in
14 alleviating some of the stress in some of those
15 conversations. Customers are truly feeling the
16 pinch, the burden of higher energy prices. This
17 comes in addition to increased prices for food and
18 other goods and services and outstripped by increased
19 wages.

20 The longer-term trends looks to be
21 higher electricity and natural gas prices due to
22 pipeline constraints in our area, globalization of
23 the market for natural gas, and disinvestment in
24 natural gas production due to a number of factors,
25 including pressure from decarbonization policies.

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2 However, it looks like, and this is important, that
3 the long-term trend for non-fossil alternatives is
4 going to be higher as well, that scares me.

5 Due to sharp increases in the prices
6 for commodities, like nickel that are essential to
7 many of these technologies. Given these trends, we
8 have to carefully examine the cost imposed by clean
9 energy programs, we have to look at that.

10 Are the incentives and subsidies in
11 each program able to be adjusted as appropriate, is
12 the Federal government going to be giving New York
13 its share, given higher prices in the market, if the
14 cost of non-fossil-based technologies are also rising
15 significantly. Can customers afford to pay both
16 higher prices for traditional resources and higher
17 prices for alternatives?

18 We're looking at increased costs for
19 utility services across the board, increased
20 material, labor costs will be manifest as different
21 points going into the future. But we understand that
22 investments are crucial and can't be avoided. We
23 need it for public safety, we need it for
24 reliability.

25 I don't mean to be controversial, that

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2 those that hold out the promise to allow customers to
3 take greater control over their energy consumption
4 and service reliability, especially given
5 electrification policies being advanced by the
6 current administration. Investments in smart grid
7 applications and advanced metering are going to be
8 critical if our entire economy is going to be run by
9 electricity, both for utilities and for customers.

10 We have to face that reality. We have
11 to look at what those costs are. There's a lot of
12 focus on accelerating depreciation and that we should
13 be doing it right away. Looking at the studies and
14 depreciation studies, it's going to be another upward
15 pressure on rates, we have to address that if we're
16 doing it faster, it's going to be huge.

17 There's been a big focus on low income
18 customers and mitigating any increases and that's
19 important. There's a working group, a statewide
20 working group on E.A.P. Energy Affordability Policy,
21 it's ongoing, we should be having more information on
22 that. That policy for low income customers, the
23 Energy Affordability Policy on the more than 6
24 percent of the overall income should not be more than
25 6 percent on utility expenditures.

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2 We have to look at that, we should be
3 looking at what that means for non L.M.I. customers,
4 commercial customers, because they're also feeling
5 that what does that mean. And it's not about that
6 lessening it for low income customers, but maybe it's
7 about also figuring out what the right equity is and
8 also having some kind of cap, I don't know.

9 At some point we have to recognize
10 that the increased rate impact, people are just not
11 going to accept that anymore.

12 I guess my message for Tammy, before I
13 pivot, is that I am truly concerned, I would like to
14 see as we go forward, that the focus isn't on the
15 near term fixes, even though that's important. But
16 on us truly trying to have much more information in
17 real time on the ramifications of not addressing
18 these supply constraints. And what it would look
19 like if we're on this same pathway. And if we're
20 looking at this with a significant cold weather, and
21 a significant issue next winter.

22 As we move now to Aric, and thank you
23 so much for consumer services, and the work that you
24 do. I am looking at it though, from a different
25 perspective which is, I do believe that it is not so

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2 much about the focus from what we're facing with
3 Central Hudson, which is important, but really just
4 an overall perspective of the complaints that come
5 in.

6 So obviously, the challenge is the
7 high bill issue. Now, there's also in this letter,
8 in the letters that came in, there was a lot of focus
9 from the different utilities on what they're doing
10 for customer outreach. At our October session, as
11 traditionally, we had information on what people were
12 going to be -- the utilities we're going to be doing
13 in outreach to their customers.

14 The thing that I'm struck with is, I
15 seem to -- I seem to feel that we ourselves, we the
16 Commission and maybe -- maybe just more just focused
17 on figuring out a way of tapping in more to reaching
18 and feeling more, that we have more accountability in
19 reaching more customers ourselves and understanding.

20 I will point out National Grid gave
21 some statistics in theirs. I appreciated that. I
22 felt it gave me more information. It gave real
23 numbers. It gave more information on that. And so
24 for me, it's also about having some true
25 understanding of exactly what we're looking at. When

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2 we look at the issue with the computer glitch which
3 Central Hudson is acknowledging is an issue.

4 I would like -- it doesn't have to be
5 now. I would like some more clear specific
6 information on exactly what we're -- what it is. And
7 that does not just mean from the Office of Consumer
8 Services, that means our accounting folks. Because
9 this was part of an approval from the rate case.

10 So for me, it is about understanding.
11 This isn't about a blame. This is about our
12 understanding how to fix that. And also
13 understanding, again, as you said, there -- there is,
14 we hadn't -- we have not yet found that there's been
15 actually any, I forget what the word you use, and I
16 want to make sure I use the right word. Inaccurate
17 bills, right.

18 So it is clear, it is very important
19 that we work with Central Hudson, and the affected
20 customers to resolve it, and help them resolve it as
21 quickly as possible. That means that we need to be
22 engaged as well, and triage with them and -- and work
23 with them to do that, in my opinion. And also to
24 pull out from that because it is confusing. Because
25 it is -- it's -- there is a couple of buckets there.

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2 There is the computer issue. But then
3 there is also the high bills from just the winter
4 issue, right, and the commodity issue from -- in
5 Tammy's presentation. And then there is the issue
6 with -- with the C.D.G. issue, which is seeming to be
7 not just a Central Hudson issue. There's at least
8 one other utility that seems to have that issue. I
9 would be interested to know if it's not just now two
10 utilities. And so we should be doing a little deeper
11 dive across the board to see if it's just contained
12 with two utilities, or if it's deeper than that.

13 And that also means to me that we get
14 ahead of it and resolve it as quickly as possible so
15 that any affected customers, whether it's one
16 customer, a hundred customers, however many customers
17 it is and how -- whether it's two utilities or more
18 than two utilities, we resolve it A.S.A.P. And we
19 also make sure that we are clearly identifying
20 exactly in that framework because it's confusing to
21 everyone what they're looking at.

22 And I also would say that we work with
23 the local officials and the banks that are connected
24 to these customers that were or had these glitches to
25 help them in perhaps resolving any of their auto

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2 withdrawal issues that there might be. Any way we
3 could be as helpful as possible, we need to go above
4 and beyond to doing that. That's sort of where I
5 come from with that.

6 As to the management audit, which is
7 separate from this. The management audit is
8 something which is our bread and butter. It is
9 something that we are doing. It's on the Consent
10 Agenda, assuming that it passes. We're approving the
11 R.F.P. selection of the auditor, from a prior order
12 where we agreed to do, issue the R.F.P. To the
13 extent that it is now wrapping in the look at this
14 part of the -- the billing issue.

15 I just have a little hesitation on
16 that. Because the auditor itself is an independent
17 auditor that reports to the Commission. I just want
18 to make sure that we are not overstepping into the
19 audit function of the auditor that is doing a
20 management audit, and that we are not then, you know,
21 inappropriately, perhaps, unintentionally, pushing
22 into that.

23 For me, it's important that they
24 actually look, they actually may find some system
25 processes that can be helpful to us in terms of how

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2 we operate, and maybe can help us with our own
3 processes and communication in sharing with the
4 Commission. But I just want to make sure that we are
5 very careful in this approach. And so that it's not
6 a directive that becomes complicated in that fashion.

7 So the other issue I would say is that
8 we have a number of complaints with O.C.S. that deal
9 with how we're triaging, how we're resolving, what do
10 you need, as the office, to make sure that you have
11 what you need. There is a lot there. I know that
12 your folks work very hard on a lot of complicated
13 issues, handling crisis management. And I appreciate
14 that.

15 The other issue is there are a lot of
16 pending proceedings that we address, that become
17 important from a regulatory relevance, regulatory
18 certainty, regulatory clarity, and regulatory
19 prudence. For many of these issues, the consumer
20 issues, the supply commodity issues, the rate issues,
21 all bleed into all of these pending proceedings.
22 Because all of it is important to how we manage our
23 substantive operations here. So I thank you very
24 much. With that, I'll turn it back over. Thank you.

25 CHAIRMAN CHRISTIAN: Thank you,

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2 Commissioner Burman. And I'll go to Commissioner
3 Alesi.

4 COMMISSIONER ALESI: Thank you, Mr.
5 Chairman. First, let's acknowledge, I would like to
6 acknowledge the good and thorough job the staff has
7 done. We always appreciate their professionalism and
8 good work. The utilities have laid out various
9 roadmaps for significant improvements. And
10 hopefully, we'll see what successes they have that
11 will ultimately benefit consumers in the very near
12 future.

13 And I think it should be said that we
14 can all agree that broadening the lines of
15 communications, as the Chair has called for, will
16 have a significant value, not only for consumers, but
17 for the companies themselves. All in all, I think is
18 a very thorough and good job. And thanks to the
19 staff for that.

20 CHAIRMAN CHRISTIAN: Thank you,
21 Commissioner. We'll now go to Commissioner Edwards.

22 COMMISSIONER EDWARDS: Thank you very
23 much, Chair. I am struggling with this. Because,
24 you know, it's -- it says in the documentation, and
25 while I understand, you know, the Public Service

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2 Commission or the utilities control commodity prices,
3 it is our mission, that we have the broad mandate to
4 ensure not only access to safe and reliable service,
5 but we have talked at probably every commission
6 meeting about just and reasonable rates.

7 You know, it doesn't say just and
8 reasonable delivery rates, it doesn't say just and
9 reasonable rates, except if the commodity pricing is
10 out of control. You know, so for me, I still believe
11 that the buck stops with us and with the utilities.
12 Because, you know, at the customer level, they are
13 still expecting to pay these costs and to have some -
14 - a family to go from what it is expected to be a 13
15 percent increase, which is bad enough to a swing up
16 to 57 to 67 percent is just unacceptable.

17 And you know, while I've seen that the
18 utilities did do some work on informing customers in
19 advance, they clearly did not do enough, which is why
20 they are providing additional means of communication.
21 But even if they communicated to the customers in
22 advance, you're still expecting the customers to pay
23 a very large amount of increase that many customers
24 will struggle to pay if they cannot -- if they can
25 even pay at all.

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2 You know having low income programs is
3 great. But if you are not eligible for a low income
4 program, does not mean that you can afford to pay a
5 57 percent electric bill increase across January to
6 March. You know, you just -- you cannot do that.
7 You know I didn't hear that the utilities were
8 providing a disconnect moratorium. I didn't hear
9 that they were going to take the increase and spread
10 it out over a range of months or years, quite
11 frankly.

12 I do think that there are additional
13 things that can be done and should be done in order
14 to damper this, you know, but I think it is our
15 responsibility, you know, I do. This is -- this is
16 not -- this is not good, you know, it is -- it's not
17 good. And we have to figure out these billing
18 issues, we have to be informed, I believe, more
19 timely. I think the customers are bearing the brunt
20 to a lot of these missteps that are just -- it's not
21 acceptable.

22 We should not be -- we should not be
23 accepting it. It has to be -- something else has to
24 be done to prevent this from impacting the customers
25 on a going forward basis. And I don't -- I don't

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2 think it's appropriate for us to be distracted on
3 other things that we have responsibilities to do.

4 I want to squarely look at this
5 particular issue at the customer level to see what we
6 could have done in order to control it better,
7 because there is a large swing. And I don't expect -
8 - I don't accept the weather argument, either. You
9 know, we have bad weather all the time. So if we
10 were not, if there is a swing of 57, 67 percent, and
11 if we're utilizing weather as a justification for
12 that, then we are not doing enough in terms of
13 emergency preparedness, and weather planning, and
14 whatever.

15 It's these -- these bills are not
16 sustainable. And I definitely appreciate the
17 communication to us. But we need to take very clear
18 opportunities with the utilities to make sure that
19 we're doing everything that we can so that it doesn't
20 happen again. Otherwise, we're going to have this
21 happen again. And the customer communication, we
22 revisit with different utilities too -- way too
23 often.

24 So possibly, we should be setting the
25 standard of what the communication should be and roll

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2 it out to all of the utilities because they're
3 consistently changing, the customers are on the end
4 of it. And if we think that, you know, bill --
5 inserting a bill insert is enough to say, by the way,
6 your bill was going to increase by fifty percent.
7 That's not appropriate. It's just not. It should
8 have been robocalls, it should have been a letter,
9 there should have been customer service contacts
10 going out to inform customers.

11 But again, even if they knew,
12 expecting them to pay this amount of an increase, and
13 then saying, well, if you're low income, well,
14 suppose you're not eligible for low income. You
15 know, I -- this hedging practices, it's -- more has
16 to be done and I think more has to be done at our
17 level, to be much more informed in terms of this
18 supply charge mechanism, the billing issues. But I -
19 - I see this as us. I don't see this as just
20 commodity pricing.

21 Because again, I'll end where I
22 started. Our mandate is to ensure just and
23 reasonable rates, not just the delivery rate, its
24 rates, and I don't think that we can punt, and I
25 don't think that that's what you're asking us to do

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2 so. I just think that we have to do more, I believe,
3 on this particular issue with clear recommendations,
4 with timelines and owners, so that we are in fact,
5 protecting the customer from this volatility. Thank
6 you.

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

9 COMMISSIONER HOWARD: Thank you, Mr.
10 Chairman. First of all I want to thank you
11 personally for conducting this informational session,
12 and as you indicated, we will need many more going
13 forward. The lack of transparency around the issues
14 dealing with utilities and in all manner of
15 utilities, how we pay for our current system, how we
16 need to pay for the new system, and the hiccups along
17 the way. If we are not the body that will provide
18 that transparency, I'm saddened to say, I don't
19 believe anybody else will. So to that end, thank you
20 very much.

21 A couple things that jumped right out
22 at me to Tammy's presentation, which was excellent,
23 thank you. And it's the issues of what can be done
24 in the near term to help folks, what can be done in
25 the near term to help folks. Despite Commissioner

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2 Edwards, and I understand where she is coming from,
3 and I have great sympathy, we do not control the
4 world's commodity markets, we do not.

5 Natural gas is now a national and
6 internationally traded commodity that has to get to
7 places, comes out of the ground, it's a finite
8 resource, and the prices are going to go up and down.
9 And now we know exactly with some precision what it
10 means not only to our heating bills, but what it
11 means to our electricity bills, since it is the prime
12 driver.

13 So there's not, unfortunately, this
14 body is not going to be able to do much about that in
15 the near term. However, there are other aspects of
16 Tammy's presentation where others, not this body,
17 could do immediate and meaningful bill reduction for
18 customers. I am struck with Tammy's presentation on
19 the Con -- Con Ed total costs of doing business. By
20 my calculation 17 cents on every dollar that Con Ed
21 collects from its customers goes to the City of New
22 York in property taxes. That's just one tax the city
23 levies. Additionally, they levy a sales tax and a
24 gross receipts tax.

25 So the City of New York's

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2 responsibility to customers' bills in their -- in Con
3 Ed service territory is nearly 25 percent of your
4 bill goes to not paying for Con Ed's services,
5 doesn't pay for the energy that comes over their
6 pipes and wires. It goes to the City of New York in
7 general revenue. I have seen no one either in the
8 State level or the City of New York, particularly as
9 they're developing their new budget for this year,
10 saying this is something that is unacceptable.

11 The City of New York today, the City
12 Council could do things immediately to provide
13 immediate rate relief to customers. And I believe
14 they could even provide retroactive relief to
15 customers if they take their own revenue requirements
16 and deal with them appropriately. For those -- so
17 that those folks particularly in -- who espouse a
18 different type of Con Ed, a publicly owned Con Ed.
19 That won't change the dynamic when 25 cents on every
20 dollar that they collect goes to taxes, not to
21 providing service. So that's number one.

22 Number two, there are -- it's not just
23 Con Ed, although it's the most gross example across
24 our State. There are a variety of taxing
25 jurisdictions, school districts, counties, cities,

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2 that put on extra taxes to their utility customers.
3 They could take immediate action on their level to
4 reduce bills. And the reason I say this, there is a
5 great interest right now on reducing motor fuel
6 taxes. There are active bills in both houses. And
7 the administration has indicated their willingness to
8 do something on motor fuel taxes.

9 At \$5 a gallon, of motor fuel taxes
10 imposed by New York State are less than fifteen
11 percent of the cost, less than fifteen percent.
12 Contrast that to Con Ed, where its total tax load
13 with State and Federal numbers are in excess of, you
14 know, 28, 29 percent.

15 So again, there are mechanisms that
16 people need to know about. The problem is with
17 utility taxes is that they are hidden. There is one
18 portion of your bill, the 8 percent, right, Tammy,
19 that will show up on people's bills, the sales tax
20 and the gross receipts tax, that's on your bill. The
21 17 percent of your bill that goes to taxes is
22 embedded in your bill. You don't know that it's
23 there.

24 So again, there has been great debate
25 in the New York City Council and others about the

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2 need for massive and real -- real property tax reform
3 for the City of New York dealing with a myriad of
4 classes and how they assess properties of various
5 classes. I'd strongly recommend that the City of New
6 York tackle this, their 4 tier tax system on real
7 property tax as particularly as it relates to
8 utilities, and they need to do it, and they need to
9 do it right away.

10 The other thing is not only do they
11 need to do it right away, but part of our plan for a
12 green economy will be billions of new dollars of
13 infrastructure built particularly in the City of New
14 York, that will only compound that. If we have this
15 new rate structure, we put in billions of dollars of
16 new capital expenditures, that will mean just a
17 "windfall" for the City of New York, just for this
18 pass, and then who pays, utility customers will pay.

19 And I think we need to take a strong,
20 not us, unfortunately, where we could, but I think
21 both the City government and the State government
22 needs to take a look at that and need to look at it
23 right away. And remember, these taxes that the City
24 and localities put on, they are permissive, meaning
25 that the State legislature gives these localities the

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2 permission to levy these taxes. So they do have a
3 role in fixing this problem.

4 One thing we can do in the near term,
5 I think, and I'm very heartened to see that both
6 houses of the legislature have put significant money
7 in their one house proposals for to cover utility
8 arrearages and I applaud them for that. However, it
9 is really important, really important that we do this
10 efficiently, and learn our lessons from last winter,
11 and it's ongoing, and how not to do it.

12 I'm also gratified that both those
13 proposals give this department, the Department of
14 Public Service, the ability to administer those
15 dollars that will get effectively put in to
16 customers' hands right away. And I also trust us to
17 have a very sharp pencil, that this doesn't result in
18 any potential windfall, unintended to the utilities
19 themselves or their shareholders. This is about
20 preserving, helping customers get through this
21 difficult time. So to that end, I hope that final
22 budget agreement has D.P.S. in charge of those funds.

23 One question I have is that the
24 commodity drove this problem. I have noted with a --
25 and maybe Tammy, you could hand -- or Cindy or

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2 somebody can just say what you view the change in
3 commodity prices just in the last couple days, it
4 seemed to be dramatic. Is that the case?

5 MS. MCCARRAN: Yeah. I mean, we're
6 definitely seeing commodity prices going down. I
7 mean, but as, you know, Tammy has indicated earlier,
8 it happens every spring. The weather causes prices
9 to go down. I mean, I would also say that, and you
10 probably will see this in various E.I.A. reports, as
11 Commissioner Burman referred to earlier. I mean,
12 producers in the United States are going to step up,
13 if they see that they're going to get, you know, \$4
14 or 4.50 for a million B.T.U.s of natural gas, they're
15 going to do everything they can to produce more. So
16 they will very much respond when called upon.

17 COMMISSIONER HOWARD: And while
18 they've gone down at \$4, it's double what it was two
19 years ago. So while we enjoyed the benefit of very
20 depressed prices, the sick -- the cycle came a bit as
21 -- to get to Central Hudson and some questions on --
22 I have on billing. First of all, what concerns me is
23 this is very expensive. This -- Central Hudson has
24 charged ratepayers to put in these new systems was
25 really, really expensive, which is when you pay high

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2 prices, you expect good service.

3 And you know, that concerns me because
4 it appears that every time that a utility has changed
5 billing or metering infrastructure, we've had these
6 glitches going forward, and they seem to be a
7 pattern. And I just hope, particularly as we have a
8 couple utilities Upstate, NYSEG, RG&E and Niagara
9 Mohawk poised to do a similar modernization of their
10 metering and billing systems that we don't have these
11 problems going forward. That they are wholly
12 unacceptable. Just unacceptable.

13 Con Ed -- Central Hudson met -- missed
14 these metrics by miles. They weren't even in the
15 ballpark. And these issues of complex billing with
16 more community, solar community, the distributed
17 energy, or self-generated rooftop, or a variety of
18 other time of use stuff, how we are doing, and we are
19 getting ready to do manage charging for electric
20 vehicles. All of this are going to require a working
21 infrastructure that customers get what they pay for.
22 It's extraordinary. You know that this and while it
23 -- this Commission approved these expenditures, we
24 want to see performance, along with that expenditure.

25 Because our entire system going

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2 forward is going to be more complicated, as
3 Commissioner Burman pointed out, with electrification
4 of buildings, electrification of our transportation
5 system, all of these things are dependent on I.T.
6 systems at the utilities working properly and on
7 behalf of consumers.

8 I think it is something that this
9 Commission needs to pay much more attention to. It
10 often is the blackhole of rate cases, is this -- I.T.
11 expenses big number, boom. It is very difficult for
12 staff, I think, to fully evaluate the request for
13 these very complex I.T. systems.

14 When -- I don't want to say that what
15 we know and what we don't know, but I do think we do
16 have to acknowledge the limits of what we do know.
17 And there are maybe things particularly and going
18 forward a variety of a new approach on how you
19 evaluate I.T. systems going forward. And as I note,
20 will note, in the Con Ed filing is a boat load of
21 money for new I.T. systems, particularly regarding
22 cybersecurity which is absolutely a -- because we now
23 know this last two weeks better than we ever have
24 known how important that is to reliability.

25 But I do not believe that we have the

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2 in-house expertise to fully evaluate those
3 expenditures in a -- in a meaningful way. I don't
4 necessarily have a suggestion at this point, how we
5 ought to do it. But I know it is -- it will be
6 critical going forward. And particularly, in light
7 of the failures of utilities as they've instituted
8 new billing and metering practices, it's just -- we -
9 - we can't screw this up again going forward.

10 And to -- just one comment on
11 Commissioner Burman's comments. Customers aren't
12 going to care what is driving their bills up. They
13 don't care whether it's the commodity cost. They
14 don't care if it's taxes. They don't care if it's
15 clean energy investments. They know their bills went
16 up.

17 And we are now seeing that the two
18 irreconcilable differences backing into each other.
19 The desire for customers to have low cost and the
20 current mechanism by which we finance improvements,
21 particularly on zero emissions stuff, which is all on
22 bills.

23 We do and I desperately, desperately
24 call on both the State legislative and the Congress
25 again, we can't afford this energy transition focused

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2 solely on customer's bills. And it is a -- if we
3 can't afford this seasonal, geopolitical blip that we
4 have here, we're talking about new costs that are
5 permanent costs to the system going forward that are
6 quite honestly unknown.

7 And Mr. Chairman, I do count on you
8 that we move forward with eyes wide open, and that we
9 tell customers and the economy writ large what these
10 new initiatives cost because we're going to pay for
11 the old initiatives and we're going to have to pay
12 for the new initiatives.

13 And so that going forward, price
14 transparency is -- is critical. And I think
15 customers are far more aware of what their energy
16 bills are today than they were even 18 months ago,
17 because they were not as big a part of their bills,
18 household incomes, but now they are.

19 And as we move forward, it won't
20 matter. It won't matter if you can't afford your
21 bill because it went up because of clean energy
22 investments, or commodity increases, or tax
23 increases. We just know that that affordability
24 issue becomes critical.

25 And it's not just, as Commissioner

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2 Burman alluded to, not just residential customers.
3 Our basic economic competitiveness both within the
4 United States and across the world will be dependent
5 on us getting this right.

6 So with that and thank you, Aric and
7 Tammy as always. But again, I think, and I call on
8 those outside of this body to take immediate actions
9 that can reduce utility -- customer's utility bills
10 today or in the very near term. So again, thank you
11 with that. Mr. Chairman, thank you.

12 CHAIRMAN CHRISTIAN: Thank you
13 Commissioner Howard. Commissioner Valesky?

14 COMMISSIONER VALESKY: Thank you,
15 Chair, Howard, thank you for having this item on the
16 agenda today, I appreciate it very much. I'm going
17 to be very brief for one reason, one reason only, a
18 number that -- ones that have already been made, I
19 certainly agree with and there -- and there's no
20 reason to be repetitive. So I'm just going to make a
21 -- a quick comment, a specific comment, Tammy to your
22 presentation and then maybe a question to you, Aric.

23 Commissioner Burman raised an issue
24 that -- that I think is -- well I'm sure there are
25 many issues that are important to consider, but one

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2 in particular, the effect and -- and not for today,
3 Tammy, but going forward. The effect on this issue
4 of the removal of Indian Point, right?

5 And what effect that has going forward
6 and I don't say that to relitigate any decisions that
7 have already been made, but clearly for some period
8 of time until renewables eventually fill that gap, I
9 think it would be helpful to know. I'd be very
10 interested to know the removal of that from -- from
11 our generating system, what effect that has had, you
12 know, going forward.

13 Aric, just -- just one -- one question
14 for you. A number of Commissioners have mentioned
15 earlier certainly the ability to pay or the inability
16 to pay extends well beyond those who qualify for low-
17 income programs.

18 I'm sure all the utilities have budget
19 plans. I'm sure all the utilities, to some degree or
20 another, market those budget plans. Do we have any -
21 - again, not necessarily for today. But do we have
22 any data information that shows numbers, how many
23 ratepayers participate and what that -- what that
24 effect can have, other than obviously smoothing out
25 some of these -- some of these blips.

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2 MR. ARIC: Staff can certainly gather
3 that information and provide it to you.

4 COMMISSIONER VALESKY: Okay. Okay.
5 That'd be great. Thank you. Appreciate that. Mr.
6 Chairman.

7 CHAIRMAN CHRISTIAN: Thank you. And
8 last, but not the least, Commissioner Maggiore?

9 COMMISSIONER MAGGIORE: Thank you.
10 Thank you, Chair. So as Commissioner Valesky said,
11 there are several points that have been raised and
12 I'm not going to reiterate. I -- I do want to say a
13 couple things. The first is, I don't have this
14 distilled into a specific question, but I do want to
15 signal some of that in coming weeks. I'd like to try
16 get a better understanding of.

17 And to some extent, I think, we have
18 to see sort of how events play out. I am looking to
19 get a better understanding on the effects of global
20 events on commodity prices and how long-term those
21 effects are going to be. And in my -- I'm pre-
22 supposing that part of the answer has to do with how
23 long the global situation will be unpredictable, but
24 it is an area that I seek to have a better
25 understanding of in -- in coming weeks.

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2 Now assuming that there is a
3 legitimate answer to that, it's a very broad question
4 right now, the second point, interrupt me if you want
5 to add anything to respond to that. The second point
6 is relevant to one of the issues Commissioner Howard
7 brought up and just -- as a general matter, something
8 that has been very present in my mind and speaking
9 specifically is when we're adding to the costs to
10 ratepayers, outside the context of rate case.

11 The question that I'm going to be
12 asking is, is there a better way that we -- if we're
13 trying to implement the State policy where the State
14 can pay rather than deferring the costs to the
15 utility bill. Also related to something that
16 Commissioner Howard points out, and often points out,
17 is I'm struck once again by the impact of property
18 taxes on the utility bill.

19 The property taxes or other
20 governmental entities raise their revenues through
21 utility bills. And the question that I know I ask to
22 some of our colleagues in other forms of government,
23 are there other ways to raise those revenues, that
24 are both more predictable and better aligned with the
25 ability to pay.

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2 I -- I am -- I'm struck that property
3 taxes charged to utilities are a backdoor way of
4 charging property taxes often to thousands of people
5 who do not pay property taxes directly. And you
6 know, there are more arguments to be made to charging
7 property taxes to landlords, but we have a choice in
8 -- in what type of rent to pay. Whereas it's less
9 conscious to determine what you could do to avoid
10 higher pro -- higher utility bill because of property
11 tax charge to a utility.

12 So it's just -- it's a point I wanted
13 to raise, I think it is similar to what Commissioner
14 Howard said, but I -- I just want to refine the point
15 on that. And other than that, I do want to thank you
16 very sincerely for the presentation and for Chair
17 Christian for arranging for this.

18 I do think that this, you know,
19 absolutely, it adds to the transparency of -- of both
20 this Commission and D.P.S. in general and it adds to
21 my understanding, so I -- I greatly appreciate the
22 presentation. Thank you very much.

23 CHAIRMAN CHRISTIAN: Thank you,
24 Commissioner Maggiore. Okay. And thank you again,
25 Tammy and Aric. With that, I'd like to move to the

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2 consent agenda. Do any Commissioners wish to comment
3 or recuse from voting on any of the items. We'll
4 start with Commissioner Burman.

5 COMMISSIONER BURMAN: Thank you.
6 Because I used up my allotted time in discussion, I'm
7 going to be very short. My self-imposed allotment of
8 time, just be real. On one -- 163, I just want to
9 say a shutout and thank you to the gas safety staff
10 who worked tirelessly on this matter. I really just
11 want to say on a personal note that you all are
12 making a difference, and I personally thank each and
13 every one of you.

14 On item 369, I'm a no, consistent with
15 my no vote on the February session. February? Yes,
16 okay. Item -- items 374, 375, and 376, I'm
17 concurring. Thank you.

18 CHAIRMAN CHRISTIAN: Thank you.
19 Commissioner Alesi?

20 COMMISSIONER ALESI: I agree with the
21 consent agenda, Mr. Chairman. Thank you.

22 CHAIRMAN CHRISTIAN: All right. Thank
23 you. Commissioner Edwards?

24 COMMISSIONER EDWARDS: No comments at
25 this time. Thank you.

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2 CHAIRMAN CHRISTIAN: Thank you.

3 Commissioner Howard?

4 COMMISSIONER HOWARD: I have no
5 comments, thank you.

6 CHAIRMAN CHRISTIAN: Thank you.

7 Commissioner Valesky?

8 COMMISSIONER VALESKY: No comments.

9 CHAIRMAN CHRISTIAN: And Commissioner
10 Maggiore?

11 COMMISSIONER MAGGIORE: I -- yes, I
12 would like to signal that I'm going to -- I'd like to
13 comment on item 369. First of all, I'd like to thank
14 staff for spending a considerable amount time with me
15 in my efforts to understand this order.

16 I understand that the project
17 developers have agreed to fund environmental projects
18 to mitigate adverse impacts from facility
19 construction and operation as part of the Article 7
20 process. And well I understand and agree with the
21 basic concept where I find concerning here is the
22 lack of information in the record about the supposed
23 benefits from the accelerated payment schedule
24 requested in the petition.

25 One of the groups represented on the

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2 Trust Governance Committee did issue a public comment
3 in support of this order. I am appreciative of that,
4 I would have liked to have seen more information in
5 general, but also, I was very much interested in the
6 views of other members of the Governance Committee.

7 As it is, I get it, as for the
8 petition and the company resolution from the
9 Committee, they think that accelerating payments will
10 help advance the control of the trust. I don't have
11 a full understanding of why they think that. For
12 this reason, I seriously considered casting a no
13 vote. At the same time, there is no information in
14 the record about how granting the request can do any
15 harm.

16 In the absence of such argument or
17 information, I'm going to vote to concur with the
18 results, but I wanted to note my concern. And on all
19 other items I'm going to vote in the affirmative on
20 the consent agenda. Thank you very much.

21 CHAIRMAN CHRISTIAN: Thank you. Okay.
22 So now I'll do the call for vote. My vote is in
23 favor, the recommendations of the consent agenda.
24 Commissioner Burman, how do you vote?

25 COMMISSIONER BURMAN: I vote yes,

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2 except for those I noted already.

3 CHAIRMAN CHRISTIAN: Would you be so
4 kind as to note them again, please?

5 COMMISSIONER BURMAN: Yes, I vote yes
6 on all, except 369, I vote no. 374, 375 and 376 I
7 concur.

8 CHAIRMAN CHRISTIAN: Thank you.
9 Commissioner -- Commissioner Edwards -- oh, sorry,
10 Commissioner Alesi?

11 COMMISSIONER ALESI: I vote yes on --
12 I vote yes on all items.

13 CHAIRMAN CHRISTIAN: Thank you.
14 Commissioner Edwards?

15 COMMISSIONER EDWARDS: I vote yes.

16 CHAIRMAN CHRISTIAN: Great.
17 Commissioner Howard?

18 COMMISSIONER HOWARD: I will be voting
19 yes.

20 CHAIRMAN CHRISTIAN: Commissioner
21 Valesky?

22 COMMISSIONER VALESKY: I vote yes.

23 CHAIRMAN CHRISTIAN: And Commissioner
24 Maggiore?

25 COMMISSIONER MAGGIORE: Vote yes at

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2 all items, except for 369, on that item I vote to
3 concur.

4 CHAIRMAN CHRISTIAN: Okay. With that,
5 the items are approved, and the recommendation is
6 adopted. Thank you, everyone. Secretary Phillips,
7 is there anything further to come before us today?

8 SECRETARY PHILLIPS: There is nothing
9 further.

10 CHAIRMAN CHRISTIAN: Thank you very
11 much. And with that, I adjourn today's meeting.
12 Thank you, everyone.

13 (Off the record, 12:07 p.m.)

14 (The proceeding concluded.)

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2 STATE OF NEW YORK

3 I, HANNAH ALLEN, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 70, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 18th day of March, 2022.

11

12

13 HANNAH ALLEN, Reporter

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