

1 3-18-2021 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4

5 MONTHLY MEETING OF THE

6 PUBLIC SERVICE COMMISSION

7 VIA WEBEX

8

9 Thursday, March 18, 2021

10 10:30 a.m. until 11:36 a.m.

11

12

13 COMMISSIONERS:

14 JOHN B. HOWARD, Chair

15 DIANE X. BURMAN

16 JAMES S. ALESI

17 TRACEY A. EDWARDS

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2 (On the record 10:30 a.m.)

3 CHAIRMAN HOWARD: Good morning. This  
4 is John Howard, interim chair of the Public Service  
5 Commission. I call this session of the Public  
6 Service Commission to order. Secretary Phillips, are  
7 there any changes to our final agenda?

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

10 CHAIRMAN HOWARD: Thank you. Before  
11 we get started, I'd like to note our arrangements for  
12 the session today. In line with the guidance  
13 concerning social distancing and minimizing large  
14 gatherings, and in light of the executive orders that  
15 suspended provisions of the open meetings law on an  
16 emergency basis, we are conducting today's session  
17 remotely. I would like to remind those who are  
18 participating by phone that they please mute their  
19 lines except when they are speaking.

20 The public will have an opportunity to  
21 listen to the session today on the department's  
22 webcast page. We will also record and transcribe the  
23 session as has been our practice. These arrangements  
24 have been reviewed by our general counsel. He has  
25 found that these meet the requirements of the

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2 executive orders.

3 I would like to conduct a roll call of  
4 our commissioners. Please confirm that you're with  
5 us when I call your name. Commissioner Diane Burman.

6 COMMISSIONER BURMAN: Here.

7 CHAIRMAN HOWARD: Commissioner James  
8 Alesi.

9 COMMISSIONER ALESI: I am here.

10 CHAIRMAN HOWARD: Commissioner Tracey  
11 Edwards.

12 COMMISSIONER EDWARDS: I am here.

13 CHAIRMAN HOWARD: Before we begin  
14 today's session, I'd beg my fellow commissioner's  
15 indulgence for a moment. When I joined the  
16 commission 20 minutes (sic) ago I didn't imagine that  
17 one day I would become chair. I'm truly humbled and  
18 honored with this interim appointment. However, I'd  
19 be remiss if I didn't thank my predecessor John  
20 Rhodes for his wisdom and leadership. We all will  
21 miss him very much.

22 The issues that come before us affect  
23 the lives of all New Yorkers and the role of the  
24 P.S.C. has never been more critical from  
25 decarbonizing our energy systems to overseeing the

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2           continually evolving telecommunications industry.  
3           The challenges ahead of us are, to say the least,  
4           daunting. With that being said, I truly believe that  
5           this commission and the women and men of the  
6           Department of Public Service are more than capable of  
7           handling this enormous task.

8                   I want to thank my fellow  
9           commissioners and the D.P.S. staff for their patience  
10          and generosity as I transition to the role of chair.  
11          I want to assure everyone that I will put my all into  
12          this position.

13                   Now let's begin today's session. Our  
14          first item for discussion is Item 301, Case 18-T-0604  
15          which is an application of the Deepwater Wind South  
16          Fork, L.L.C. for a certificate of environmental  
17          compatibility and public need that will be presented  
18          today by Administrative Law Judge Anthony Belsito.  
19          Please begin. Judge Belsito.

20                   A.L.J. BELSITO: Good morning. Thank  
21          you Chair and good morning Commissioners. This  
22          proceeding involves an application submitted pursuant  
23          to Article 7 of the Public Service Law by Deepwater  
24          Wind South Fork, L.L.C. for authorization to  
25          construct -- the transmission facility to connect the

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2 proposed South Fork Wind Farm to the existing main  
3 land electric grid in the Town of East Hampton.

4 The project under consideration would  
5 consist of approximately 3.5 miles of submarine  
6 export cable from the New York State territorial  
7 water -- waters boundary to the south shore of the  
8 Town of East Hampton in Suffolk County, and  
9 approximately 4.1 miles of 138 kilovolt terrestrial  
10 export cable from the south shore of the Town of East  
11 Hampton to an interconnection facility with an  
12 interconnection cable connecting to an existing East  
13 Hampton substation.

14 It should be noted that this project  
15 is the first to connect an offshore wind generation  
16 facility to New York State's electric system. The  
17 application was submitted on September 14th, 2018 and  
18 was determined complete as of March 15th, 2019.  
19 Public statement hearings were held in East Hampton  
20 on June 11th, 2019. The public statement hearings  
21 were very well attended and included approximately 80  
22 speakers. All persons wishing to make a statement  
23 were given an opportunity to do so.

24 In addition, nearly 3,000 written  
25 comments have been submitted in this proceeding. On

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2           September 17th, 2020 the applicant filed a joint  
3           proposal which was signed by the applicant, the  
4           Department of Public Service staff, the Department of  
5           Environmental Conservation, the Office of Parks,  
6           Recreation and Historic Preservation, the Department  
7           of State, the Department of Transportation, the  
8           trustees or the freeholders in commonality the Town  
9           of East Hampton, PSEG Long Island, local groups,  
10          Concerned Citizens of Montauk, the Group for the East  
11          End, Incorporated, Montauk United, Win with Wind and  
12          individuals Deborah Foster, Michael Hanson and Kathy  
13          Rogers.

14                   The joint proposal was opposed by the  
15          Citizens for the Preservation of Wainscott, the Long  
16          Island Commercial Fishing Association as well as a  
17          few individual local residents. The joint proposal  
18          represents a comprehensive settlement that is  
19          sufficiently supported by a record that will allow  
20          the commission to make all required findings.

21                   Article 7 required findings include  
22          among other things the basis of the needs for the  
23          facility, the nature of the probable impacts, and  
24          that the facility avoids or minimizes to the extent  
25          practicable adverse environmental impacts,

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2 considering the state of technology and the nature  
3 and economic of the various alternatives. And that  
4 the facility conforms to a long range plan for  
5 expansion of the electric power grid of the state and  
6 interconnected systems.

7 In this proceeding the parties that  
8 oppose the joint proposal argues that the project is  
9 not needed or that it does not appropriately avoid or  
10 minimize environmental impact including impacts to  
11 commercial fishers. However, as described in detail  
12 in the draft order, the record fully supports a  
13 finding that the facility, if necessary, to transmit  
14 electricity from the proposed Offshore South Fork  
15 Wind Farm generation facility to the point of  
16 interconnection of the East Hampton substation to  
17 meet the needs identified by the Long Island Power  
18 Authority and its 2015 request for proposals  
19 regarding the energy needs of South Fork Long Island.

20 The project will also help LIPA and  
21 the state achieve their renewable energy goals.  
22 Further, the record clearly supports the required  
23 findings including that the facility avoids or  
24 minimizes any significant adverse impacts to the  
25 environment and active farming operations to the

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2 extent practicable. And that the facility conforms  
3 to a long-range plan for expansion of the electric  
4 power grid of the state.

5 There are 195 proposed certificate  
6 conditions covering many different categories  
7 including public health and safety, noise modeling  
8 and monitoring, a fisheries compensation plan and  
9 minimums for cable burial depth including a 30 foot  
10 minimum below the surface of Wainscott Beach where  
11 the project is proposed to make landfall. The  
12 proposed certificate conditions limit construction  
13 periods to off-peak seasons to help ensure  
14 construction related impacts are minimized.

15 Further, the proposed certificate  
16 conditions require that during construction access to  
17 Wainscott Beach along Beach Lane be maintained except  
18 for a few hours on a single day if necessary to  
19 deliver the sea to shore transition vault. Various  
20 alternatives were raised during the proceeding  
21 including those discussed in the application and  
22 those presented by intervenors. Nothing in the  
23 record supports disrupting the joint proposal in  
24 favor of any of the alternatives.

25 Based on the record, the proposed



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2           alternatives are either likely not viable due to the  
3           inability to obtain necessary property rights or will  
4           increase overall impacts relative to the project as  
5           proposed in the joint proposal. Therefore, the draft  
6           order recommends that the commission grant to the  
7           applicant pursuant -- pursuant to Public Service Law  
8           Article 7 Section 121 a conditional certificate of  
9           environmental compatibility and public need. And I'm  
10          happy to respond to any questions you may have.  
11          Thank you.

12                           CHAIRMAN HOWARD: Thank you, Judge.  
13          This order marks a milestone, as the judge said, in  
14          New York's bold initiative to decarbonize its  
15          electric grid through the development of offshore  
16          wind resources. While we have years of work ahead of  
17          us, today's approval of Deepwater Wind South Forks  
18          Article 7 application moves New York closer to its  
19          goal.

20                           As with every Article 7 case before  
21          the commission, we strive to strike the proper  
22          balance between the public need and the environmental  
23          compatibility. I believe this application meets the  
24          test. In the coming months and years, more cases  
25          like this will come before this commission, and I

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2 trust they too will see the same level of oversight  
3 that this case has received. I'll ask my fellow  
4 commissioners if they have any comments or questions.  
5 Commissioner Burman?

6 COMMISSIONER BURMAN: I have none.  
7 Thank you so much.

8 CHAIRMAN HOWARD: Commissioner Alesi?

9 COMMISSIONER ALESI: Good morning, Mr.  
10 Chair. Yes, I am going to support this. I believe  
11 it is necessary. A number of parties have come  
12 together to support the enabling of connecting this  
13 export cable. It is also a reasonable approach that  
14 protects the public interests and lessens any  
15 prospect of negative impact as much as possible. And  
16 taking into account the understanding --  
17 understandable opposition to this I am going to  
18 support it.

19 CHAIRMAN HOWARD: Thank you.  
20 Commissioner Edwards?

21 COMMISSIONER EDWARDS: Yes, thank you.  
22 I think that this is a very important first step.  
23 There are difficulties that lie ahead. I think that  
24 we all knew that. However, we must take these steps  
25 forward for our future. And I will be supporting

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2 this. Thank you very much.

3 CHAIRMAN HOWARD: Thank you,  
4 Commissioner. Now I'll call for a vote on Item 301.  
5 I will be voting in favor of this recommendation to  
6 adopt the terms of the joint proposal as we have  
7 discussed. Commissioner Burman, how do you vote?

8 COMMISSIONER BURMAN: I will be  
9 concurring.

10 CHAIRMAN HOWARD: Commissioner Alesi?

11 COMMISSIONER ALESI: I vote yes.

12 CHAIRMAN HOWARD: Commissioner  
13 Edwards?

14 COMMISSIONER EDWARDS: I vote yes.

15 CHAIRMAN HOWARD: This item is  
16 approved and the recommendation is adopted. We'll  
17 now move to our second item for discussion. Item  
18 302, Case 07-E-0088 and 05-E-1180 as they relate to  
19 the installed reserve margin presented by Leka  
20 Gjonaj, chief of electric safety and reliability and  
21 Cynthia McCarran, deputy director, safety and  
22 reliability. Tammy Mitchell, director of the Office  
23 of Electric Gas and Water is available for questions.  
24 Leka, will you please begin?

25 MR. GJONAJ: Sure. Good morning Chair

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2 Howard and Commissioners. As Chair Howard mentioned  
3 my name is Leka Gjonaj, and I'm the chief of the  
4 department's electric safety and reliability section  
5 in the Office of Electric Gas and Water. I'm here  
6 today to discuss Item 302 which is an order  
7 confirming the one commissioner order issued on  
8 February 23rd that adopted the New York State  
9 Reliability Council's minimum install reserve margin  
10 or I.R.M. determination of 20.7% applicable to the  
11 2021 electric capability year which is -- which  
12 stands from May 1st, 2021 through April 30th, 2022.

13 Before you start with the slides I  
14 just want to head off any confusion as we move along.  
15 If I refer to capacity resource or electric capacity  
16 or generation capacity, those terms are all referring  
17 to the same basic thing and they're used  
18 interchangeably. Similarly the terms load, custom  
19 demand -- and custom -- customer demands also refer  
20 to the same thing and are also used interchangeably.  
21 Next slide please.

22 Can we go to slide two please? Thank  
23 you. The New York State Reliability Council or  
24 reliability council was formed in 1998 as part of the  
25 restructuring of New York's wholesale electricity

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2 market to promote and preserve the reliability of --  
3 of New York's bulk power system. Its reliability  
4 rules regarding the bulk electric system are binding  
5 on all New York market participants. This commission  
6 by order dated February 9, 2006 formally adopted the  
7 reliability council's reliability rules in part to  
8 remove any doubt of their applicability.

9 A key responsibility of the  
10 reliability council is determining the annual  
11 installed reserve margin or I.R.M. for New York.  
12 Arithmetically and mathematically the I.R.M.  
13 represents the minimum percent -- minimum percentage  
14 above the peak forecast of demand that must be  
15 procured by load serving entities for their customers  
16 who qualify capacity resources. I underscored the  
17 word must but this is not an option or a, you know,  
18 nice to have. You have to absolutely procure this  
19 amount.

20 So, for example, with this year's  
21 20.7% install reserve margin, if you happen to be a  
22 load serving entity that has 1,000 megawatts of peak  
23 forecast load, you need to procure 1,207 megawatts of  
24 the capability period coming up. Next slide please.

25 The fundamental purpose of the I.R.M.

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2 is to ensure that adequate levels of electric  
3 capacity are available to reliably serve peak  
4 electric demands and availability during system  
5 emergency conditions. If one could perfectly predict  
6 future customer demands and a perfect capacity  
7 resource existed, there wouldn't be a need for an  
8 I.R.M. But that's not the -- that's not the real  
9 world we live in.

10 All load serving entities are required  
11 to demonstrate the they've obtained sufficient  
12 install reserve capacity either for the New York  
13 Independent System Operator's installed capacity  
14 markets or via a bilateral contract or via self-  
15 supplied. In order to sell installed capacity in the  
16 New York I.S.O. markets, capacity resource must be  
17 qualified by NYISO and abide by its market  
18 participation rules and testing requirements.

19 Unless a capacity resource is on a  
20 planned or forced repair outage, it must, again I  
21 underscore that, be available and participate in  
22 NYISO's daily energy markets by offering in the day  
23 ahead energy market. In New York, this obligation to  
24 serve, qualified capacity resources receive a  
25 separate capacity payment above and beyond energy

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2 market revenues they may -- they may receive from the  
3 markets. Next slide please.

4 In establishing the I.R.M., the  
5 reliability considers various factors including load  
6 -- load characteristics, uncertainties and load  
7 forecast, generation outages and deratings,  
8 generation retirement, modeling of energy loaded  
9 resources, demand response resources,  
10 interconnections of other control areas and transfer  
11 capabilities within the New York State transmission  
12 system.

13 All of the above data is used -- I'm  
14 sorry, is used as input to a highly sophisticated  
15 probabilistic based computer simulation software,  
16 G.E. MARS, provided by General Electric. And given  
17 all the above considerations, an I.R.M. of 20.7% was  
18 approved by the New York State reliability council's  
19 executive committee on December 4th, 2020 for the  
20 2021 capability year, May 1st, 2021 through April  
21 30th, 2022. Next slide please.

22 In terms of what this means for New  
23 York, the peak load in New York this summer is  
24 forecast to be 32,243 megawatts. Therefore, 20.7  
25 I.R.M. means that New York is required to have an at

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2 a minimum 38,917 megawatts of installed capacity  
3 available. The 20.7 I.R.M. for the -- for the 2021  
4 through 2022 capability year represents a 1.8 -- 1.8%  
5 increase from the 2020, 2021 I.R.M. of 18.9%. The  
6 previous year's I.R.M. was 18.9%. This 1.8% increase  
7 is due primarily to update the load forecast  
8 uncertainty and a modeling -- and a more refined  
9 modeling, I should say, of energy limited resources  
10 which include pump storage facilities. Next slide  
11 please.

12 Last, while the 20.7 I.R.M. is  
13 applicable statewide, there are 3 areas in New York  
14 that have local location installed capacity  
15 requirements namely New York City Zone J, Long Island  
16 Zone K, and what's referred to Lower Hudson Valley's  
17 -- Lower Hudson Valley Zones G through J. The need  
18 for these local requirements stems from the  
19 limitation of electric transmission system and a  
20 large localized customer demands in these locations.  
21 The New York I.S.O., through a separate process using  
22 the I.R.M., calculates these minimum location  
23 requirements that are also mandatory. Next slide  
24 please.

25 Here is just a table to sort of show,



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2 you know, how the I.R.M. has varied through the years  
3 and just the last 10 years' worth of data. And if  
4 you look at column 3, the third column I should say,  
5 the approved I.R.M. has sort of ranged from 16%  
6 through now 20.7% which it seems is the highest level  
7 in the last 10 years. And that's a range of just  
8 under 5%. And however what I wanted to point out  
9 with this table as well is that you -- if you go to  
10 the sixth column that says the actual I.R.M. in  
11 percent it actually represents the actual so-called  
12 -- so to speak iron in the ground that was available  
13 during those -- during those years.

14 In other words, this simply  
15 illustrates that at least over the last 10 years and  
16 even prior to that, New York's I.R.M., the actual  
17 installed I.R.M. has actually been above the minimum  
18 -- the minimum calculated by the New York State  
19 Reliability Council. And the -- the last three  
20 columns on this table highlight the significant  
21 amount of local locational requirements that exist  
22 across the state as I mentioned earlier for Zones J,  
23 K and G through -- G through J.

24 So, for example, if you look at year  
25 2021 for New York City 80.3% of the peak forecast

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2 demand in New York City is a requirement of having  
3 installed capacity that level, 80.3% of its peak load  
4 which is -- these are not insignificant values here.

5 Chair Howard and Commissioners that  
6 completes my presentation. I'd be happy to answer  
7 any questions that you may have.

8 CHAIRMAN HOWARD: Thank you, Leka.  
9 Reliability of our State's electric energy systems --  
10 excuse me -- want to turn it over to Cindy McCarran.  
11 Pardon me.

12 MS. MCCARRAN: Good morning Chair  
13 Howard and Commissioners. At this time we would like  
14 to supplement what Leka just told you by taking an  
15 opportunity to remind folks of the other steps we  
16 take to ensure reliability of the natural gas system  
17 and how that in turn benefits the reliability of the  
18 electric system.

19 Because of the importance of the  
20 State's natural gas distribution system, not only for  
21 space and water heating during our cold winters, but  
22 also as fuel for electric generation, D.P.S. staff  
23 takes several measures to ensure its reliability. It  
24 should be noted that a significant amount of electric  
25 generation that runs on natural gas is connected to

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2 the State's local distribution companies or L.D.C.s.

3 Another group of generators is  
4 directly connected to the interstate pipeline that  
5 bring natural gas from the production areas to our  
6 L.D.C.s. Starting in May every year, D.P.S. staff  
7 review the preparedness of the L.D.C.s for the coming  
8 winter which culminates in a presentation at the  
9 October session to the P.S.C. This review includes  
10 an examination of extreme weather used for planning  
11 purposes and the mix of assets which will be used to  
12 provide service.

13 The commission has instituted policies  
14 which require not only that our L.D.C.s procure gas  
15 supply from a diverse portfolio of providers,  
16 including sourcing gas from different geographic  
17 areas through contracts of short- and longer-term  
18 duration, but also requires that the gas utilities  
19 pursue hedging which limits the exposure of  
20 vulnerable customers to unanticipated price swings in  
21 the natural gas market which occur largely during  
22 extreme weather events.

23 These hedging mechanisms include the  
24 physical storage of natural gas during periods of low  
25 demand as well as fixed price contracts and the use

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2 of financial options that limit exposure to price  
3 swings. These options are not speculative but  
4 instead provide an insurance policy that guarantees  
5 lower prices in case of price spike. The P.S.C. has  
6 also taken steps to ensure that energy service  
7 companies that sell natural gas and electricity to  
8 retail customers don't charge more than the state's  
9 utilities would charge similar customers.

10 Although many of the state's electric  
11 generators rely on interruptible natural gas, they  
12 also employ alternate fuel in many cases, so that in  
13 those limited instances where natural gas demand is  
14 high due to cold weather, they still can meet  
15 electric demand which is lower in the winter anyway  
16 than in the summer due to air conditioning in the  
17 summer. D.P.S. staff monitors the operations of our  
18 L.D.C.s very closely auditing records and observing  
19 field activities.

20 Through our agency agreement with the  
21 Federal Department of Transportation's Pipeline and  
22 Hazardous Material Safety Administration or PHMSA we  
23 also assist in auditing the operations and  
24 maintenance of the interstate pipeline. We also  
25 inspect their construction projects checking on the

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2 qualifications of people they employ as well as  
3 ensuring they are observing regulations.

4 Finally and most importantly, D.P.S.  
5 staff maintains communications with participants in  
6 the state's energy markets through mechanisms like  
7 the Natural Gas Reliability Advisory Group and  
8 contact with organizations like the Northeast Gas  
9 Association. Staff also participates in industry  
10 meetings through the National Association of Pipeline  
11 Safety Regulators known as NAPSR, the National  
12 Association of Regulatory Utility Commissions or  
13 NARUC and PHMSA which allows us to have input into  
14 influencing national direction and discussions on  
15 safety and reliability topics.

16 Frequent and open dialogue with the  
17 energy industry and other regulatory bodies at the  
18 state and federal level ensure the flow of  
19 information that contributes to system reliability.  
20 While no system is fool proof that depends on human  
21 beings, D.P.S staff take all reasonable steps under  
22 the guidance of the commission to ensure the  
23 reliability of our gas and electric system. That  
24 concludes my comments and like Leka I would be happy  
25 to take any questions.

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2 CHAIRMAN HOWARD: Thank you very much,  
3 Cindy. I'll try again. Reliability of our State's  
4 electric -- or State's energy systems is the primary  
5 mission of this commission. This annual item is an  
6 integral part of that effort. This commission has  
7 aggressively pursued penalties and improvements  
8 through our experiences with natural disasters,  
9 storms, winter and summer.

10 However, this item deals with the  
11 fundamental operation of our entire electric grid.  
12 Failure of the grid has much more, and I would say,  
13 existential consequences. As we decarbonize our  
14 energy systems, the foremost responsibility of this  
15 commission going forward is to ensure our electric  
16 grid maintains its reliability at the highest  
17 possible standards. I believe this is a truly moral  
18 obligation.

19 With that I would turn to my other  
20 commissioners for comments and questions.  
21 Commissioner Burman?

22 COMMISSIONER BURMAN: Thank you so  
23 much. I want to say thank you to Leka and Cindy who  
24 really laid out the critical issues here. I will be  
25 voting in favor of this item. I also want to take a

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2           moment to thank the New York State Reliability  
3           Council, the New York I.S.O. and other stakeholders  
4           that have been engaged in working through the  
5           challenges that are before them that, as Leka stated,  
6           the New York State Reliability Council is really --  
7           its prime responsibility is determining the annual  
8           install reserve margin for New York.

9                   And looking through about the  
10          promoting and preserving the reliability of New  
11          York's power system takes an incredible amount of  
12          work, technical resources and analysis of important  
13          studies and information. The New York State  
14          Reliability Council did note that the three primary  
15          drivers of this increase includes, one, updated load  
16          forecast uncertainty, two, representation of limited  
17          output of certain energy limited resources and,  
18          three, the retirement of certain generation coupled  
19          with topology changes.

20                   I really am mindful looking especially  
21          at the data on the historical capacity data where the  
22          approved I.R.M. -- we went back 10 years and the  
23          approved I.R.M. has not been over 20. I believe, if  
24          memory serves me, if we went back further we would  
25          see it's probably about 20 years old together from

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2 the last time there was an approved I.R.M. over 20.

3 As we move forward with clean energy  
4 initiatives in New York State, this is going to lead  
5 to the thousands of megawatts of additional  
6 generation in front of the meter, solar, P.V.,  
7 onshore wind, offshore wind and other renewables.  
8 This impact of these high intermittent renewable  
9 resources on the installed reserve margin is  
10 something that we need to seriously consider and look  
11 at. So I -- I thank you and I appreciate the good  
12 work that everyone has been doing on this. I can't  
13 underscore enough the importance of reliability and  
14 the importance of the New York State Reliability  
15 Council who does incredible work. Thank you.

16 CHAIRMAN HOWARD: Thank you.  
17 Commissioner Alesi?

18 COMMISSIONER ALESI: Thank you, Mr.  
19 Chairman. Yes, this has been recommended after a  
20 thorough study of various modeling results critical  
21 to the health, safety and welfare of the people of  
22 New York. It is reasonable. It addresses the  
23 state's needs as well as state mandates to ensure  
24 adequate and reliable electric and understandably, as  
25 was pointed out this morning, it works in concert



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2 with reliable gas efforts as well. I will be  
3 supporting it.

4 CHAIRMAN HOWARD: Thank you.  
5 Commissioner Edwards?

6 COMMISSIONER EDWARDS: Yes, I will  
7 also be supporting this moving forward. I think it's  
8 -- it's a complex issue but it is a critical one.  
9 And -- and I will be supporting it.

10 CHAIRMAN HOWARD: Thank you. Now I'll  
11 call for a vote on this item. My vote is in favor of  
12 the recommendation to confirm the order adopting the  
13 installed reserve margin for the '21-22 capacity year  
14 as discussed. Commissioner Burman, how do you vote?

15 COMMISSIONER BURMAN: Yes.

16 CHAIRMAN HOWARD: Commissioner Alesi,  
17 how do you vote?

18 COMMISSIONER ALESI: I vote yes.

19 CHAIRMAN HOWARD: Commissioner  
20 Edwards?

21 COMMISSIONER EDWARDS: I vote yes.

22 CHAIRMAN HOWARD: Thank you. This  
23 item is approved and the recommendation is adopted.  
24 We'll now move to our third item of discussion. Item  
25 501 Case 21-M-0042 as it relates to the staff's

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2 investigation of the impact of Tropical Storm Isaias  
3 on the telephone and cable television services  
4 presented by Joe Suich, director of Office of  
5 Investigation and Enforcement. Michael Rowley, chief  
6 of network reliability and Deborah LaBelle, director  
7 of the Office of Telecommunications. And Brian  
8 Ossias, managing attorney will be available for  
9 comments. Joe, would you please begin?

10 MR. SUICH: Good morning Chair Howard  
11 and Commissioners. Item 501 is a draft order  
12 adopting terms of settlement between the department  
13 and telecommunications company Altice U.S.A.  
14 regarding its performance during the August 4th, 2020  
15 Tropical Storm Isaias. As you may remember, on  
16 August 4, 2020 Tropical Storm Isaias made landfall  
17 across New York including Altice's service territory.

18 The storm resulted in widespread  
19 damage to the state's electric and telecommunications  
20 infrastructure. More than 400,000 customers served  
21 by Altice's New York affiliate Optimum lost service  
22 which took the company 14 days to fully restore. On  
23 August 5th, 2020, the day after Isaias hit New York,  
24 Governor Cuomo directed the department to conduct a  
25 thorough investigation of New York's

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2 telecommunications and electric utility companies'  
3 preparation for and response to Isaias.

4 On August 19th, 2020 the department,  
5 based on its initial findings and observations,  
6 issued Altice a notice of apparent violations or  
7 N.O.A.V. The N.O.A.V. identified apparent violations  
8 of the Public Service Law, Altice's resiliency plan  
9 or R.P. and its severe weather prevention plan or  
10 S.W.P.P. relating to, one, network planning, two,  
11 customer service and communications and, three,  
12 government coordination.

13 For clarity the R.P. and the S.W.P.P.  
14 were required and made enforceable by the  
15 commission's 2016 order approving the transfer of  
16 assets from Cable Vision to Altice. The N.O.A.V.  
17 also required Altice to immediately implement a  
18 series of remedial actions including additional storm  
19 crewing to mitigate the then existing public health  
20 and safety crisis resulting from the company's poor  
21 storm performance and to prevent any similar future  
22 delays.

23 The day after the N.O.A.V. was issued  
24 the department began the second phase of its  
25 investigation. The second phase, conducted with the

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2 support from the Department of Financial Services and  
3 its extensive forensic team, included a review of  
4 customer, municipal and county complaints, letters,  
5 reports and comments, meeting with municipal  
6 officials, reviewing over 95,000 pages of Altice e-  
7 mails and documents, and interviewing 9 senior level  
8 Altice employees with storm responsibilities.

9 Rather than litigating the matter,  
10 Altice notified the department early in our  
11 investigation process that Altice intended to fully  
12 cooperate and remediate the alleged violations.  
13 Altice also hired outside legal counsel to conduct an  
14 internal investigation of its review of its storm  
15 performance. On October 1st, 2020 Altice made a full  
16 disclosure of its investigation findings and the root  
17 causes of its inadequate performance during Isaias.

18 The results of the department's  
19 investigation as to Altice and other  
20 telecommunication companies were provided to the  
21 commission on February 11th, 2021 in a report  
22 entitled Investigation Report on Tropical Storm  
23 Isaias Impact on Telephone and Cable Television  
24 Networks and Services. As to Altice, this report  
25 revealed that the company failed to adhere to many

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2 significant aspects of its R.P. and S.W.P.P.  
3 Specifically, Altice did not provide accurate outage  
4 and restoration information to the department and  
5 municipal officials particularly Westchester, Nassau  
6 and Suffolk Counties.

7 The department also identified and  
8 Altice acknowledged several problems with its  
9 interactive voice response system or I.V.R. and its  
10 website that prevented customers from lodging service  
11 requests. Altice also did not conduct any prestorm  
12 municipal, county and electric utility outreach which  
13 could have resulted in more coordinated and timely  
14 restoration effort. The report also recommended  
15 modifications to the commission's telephone and cable  
16 regulations to better address credits and storm  
17 response.

18 After initial exploratory settlement  
19 discussions, Altice filed a notice of impending  
20 settlement or N.O.I.S. with the secretary on February  
21 17th, 2021. On March 11, 2021 the department and  
22 Altice signed a circa \$72 million settlement  
23 agreement to resolve Altice's alleged violations  
24 relating to the preparation for and response to  
25 Tropical Storm Isaias.

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2 The draft order before you adopts the  
3 terms of the settlement agreement. In short the  
4 agreement requires Altice to complete an estimated  
5 68.54 million in post Isaias capital and operational  
6 storm-related remedial measures over a 2 year period.  
7 Detailed in the settlement agreement, these remedial  
8 measures include a new state of the art outage  
9 communication platform, additional call center  
10 personnel and upgrades.

11 The hiring of six additional storm  
12 recovery municipal service coordinators, a new full  
13 time storm mediation coordinator, upgrades to its  
14 customer care related infrastructure and technology,  
15 and the addition of restoration crews. Altice has  
16 completed or is in the process of completing many of  
17 these measures already. The remedial measures  
18 directly address the department's investigation  
19 findings and the concerns of Altice's customers.

20 In addition to the above \$68.54  
21 million, Altice has paid \$3.5 -- \$3.4 million in  
22 credits to its customers relating to Isaias outages.  
23 None of this nearly \$72 million in total cost to the  
24 company will be borne by Altice's New York customers.  
25 Further, Altice is committed to a series of training,

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2 procedural and administrative improvements to its  
3 storm program.

4 The department believes the settlement  
5 agreement is consistent with the commission's  
6 settlement guidelines. It's in the public interest  
7 and importantly further serves as an industry-wide  
8 deterrent for any similar future storm performance.  
9 Department therefore recommends the adoption of the  
10 draft order by the commission. Thank you for your  
11 consideration and the settlement team is available  
12 for questions.

13 CHAIRMAN HOWARD: Thank you, Joe. I  
14 -- I truly want to congratulate staff for their  
15 prompt and comprehensive work on this item. And I  
16 must give credit to the wisdom of prior commissions  
17 whose orders in agreeing to the Altice takeover of  
18 Cable Vision and its affiliates which allowed this  
19 full blown settlement to occur in its great detail  
20 through the provisions of that original approval.

21 However, despite the commission's  
22 wisdom in past orders to make this possible, I would  
23 again call on the members of congress to grant all  
24 states the ability to fully regulate data services as  
25 utility services as we now know, we all know how

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2 dependent we are on data and Internet services for  
3 many and or not most of our modern society. With  
4 that I would ask my fellow commissioners for  
5 comments. Commissioner Burman?

6 COMMISSIONER BURMAN: Thank you so  
7 much. I do want to thank staff for their hard work  
8 here. I think this is a good settlement. I'm  
9 particularly interested in the fact that there's a  
10 linkage to the settlement funds that are tied to the  
11 issue at hand. There was a focus of working in a  
12 cooperative fashion with the company and looking at  
13 the self-disclosures for mediation, how to enforce  
14 and the path forward and I appreciate that. And it  
15 also in following the settlement guidelines. With  
16 all of that I will be voting in favor. Thank you.

17 CHAIRMAN HOWARD: Thank you.  
18 Commissioner Alesi?

19 COMMISSIONER ALESI: Thank you, Mr.  
20 Chairman. I'm going to support this. I think that  
21 the company after many failures very quickly turned  
22 things around and began to address their shortcomings  
23 and strive for better practices. This agreement  
24 protects the consumer, it's fair to investors and it  
25 assures the viability of the utility itself. It's a



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2 reasonable result that might have come easily from a  
3 long and arduous litigation, and I believe it's a  
4 great job by all parties involved. I'll be  
5 supporting it.

6 CHAIRMAN HOWARD: Thank you.  
7 Commissioner Edwards?

8 COMMISSIONER EDWARDS: Yeah, I will be  
9 supporting this as well. I -- I really think that  
10 the staff has moved really swiftly and  
11 comprehensively on this. And we need to continue to  
12 do that. You know storms are extremely tough for all  
13 consumers. But the lack of communication or  
14 miscommunication is just totally unacceptable. And  
15 so I want to thank you for drilling down into this  
16 and I encourage all of us to continue to do this as  
17 quickly as we can. So thank you very much.

18 CHAIRMAN HOWARD: Thank you. I'll now  
19 call for a vote. I will be voting in favor of the  
20 recommendation to adopt the terms of the settlement  
21 agreement as discussed. Commissioner Burman, how do  
22 you vote?

23 COMMISSIONER BURMAN: Yes.

24 CHAIRMAN HOWARD: Commissioner Alesi?

25 COMMISSIONER ALESI: I vote yes.

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2 CHAIRMAN HOWARD: Commissioner

3 Edwards?

4 COMMISSIONER EDWARDS: I vote yes.

5 CHAIRMAN HOWARD: Thank you. This  
6 item is approved and adopted. We will now move to  
7 the consent agenda. Do any commissioners wish to  
8 comment or recuse from any items of the consent  
9 agenda? We'll begin with Commissioner Burman.

10 COMMISSIONER BURMAN: Thank you so  
11 much. I do have several items that I will be  
12 speaking on relatively quickly. On Item 162 this is  
13 where the company is proposing to modify its  
14 emergency electric generator provisions in its gas  
15 tariff. In January 2019 the company declared a  
16 temporary moratorium for part of its service  
17 territory in Westchester County due to an inability  
18 to obtain sufficient pipeline capacity to meet peak  
19 gas demand. As a result new gas connections and  
20 requests for additional load to an existing service  
21 were suspended.

22 By this proposal to modify its  
23 emergency electric generator provisions, it -- it  
24 helps to try to reduce the cost burden to affected  
25 customers within that gas moratorium issue -- area.

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2 This is one of the many challenges related to the  
3 continued moratorium. I support this effort and I  
4 appreciate the company bringing this forward. It is  
5 something that we need to be mindful of as we move  
6 forward on other issues and challenges.

7 The next item is Item 164. Here this  
8 is an item that is essentially asking Corning to  
9 explain why P.P.P. loans that they may have and may  
10 be seeking don't -- don't set up a double recovery of  
11 the company's operating cost. Staff is recommending  
12 that the commission require them to respond to  
13 specific questions related to its federal COVID-19  
14 loan, and to formally explain in detail why receipt  
15 of the P.P.P. funds does not provide double recovery  
16 of the company's operating costs first through  
17 existing rates and then through the receipt of the  
18 conversion of the P.P. loan to a grant. And  
19 therefore why the P.P. funds should not be preserved  
20 for rate payer benefits.

21 I am concurring with this but I do  
22 want to note that it's really important for us to be  
23 mindful of the fact that the federal P.P.P. loans are  
24 somewhat confusing. We do want to encourage  
25 companies who are able to take advantage of it to do

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2 so, and we need to be mindful of looking holistically  
3 at all of the things for what the intended effect is  
4 as well as ensuring that we are not overstepping on  
5 the federal P.P.P. loan requirements.

6 This is something that I think that  
7 can be taken care of to -- in a rate case. And so it  
8 is something that I am mindful that I don't want us  
9 to be -- I want us to work in a collaborative fashion  
10 with Corning. They did put it -- back in the spring  
11 of 2020 a letter that was explaining what they were  
12 doing. I would encourage staff and the company to  
13 continue working in a way that enables good forward  
14 progress.

15 I will point out that 164 is different  
16 from 562. It is also essentially asking those  
17 companies, those to explain why their P.P. loans are  
18 not a double recovery. The difference between 562  
19 and 164 is in 562 those companies would not  
20 necessarily be coming before us for a rate case so we  
21 do need to put them on notice. Across the board I  
22 think it's -- for me it's quite simple. It's on  
23 notice that we will be looking at these things. It's  
24 important to ensure the prudent expenditure of funds  
25 and -- and making sure that we're doing all we can to

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2 help the customers. So that's on 164 which I will be  
3 concurring.

4 On 165 -- just give me a moment. I'm  
5 just going to pull up my information. Item 165 is  
6 the settlement with the company for violations  
7 stemming from operator qualifications testing and  
8 cathodic protection concerns. First, I want to  
9 commend the staff for their excellent work in  
10 investigating these serious matters and obtaining a  
11 good enforcement result in terms of a dollar amount.  
12 The underlying issue of ensuring that the workforce  
13 entrusted to work on gas pipelines is adequately  
14 trained is a very serious matter.

15 It's a crucial time for us to be  
16 involved with pipeline safety. Operator  
17 qualifications and other safety and training  
18 requirements must be vigorously adhered to. The  
19 settlement implicitly recognizes the ongoing good  
20 work with several stakeholders including N.G.A.,  
21 several New York companies as well as G.T.I. and our  
22 staff.

23 Looking at compliance with A.P.I. 1173  
24 guidance and adhering to sound cathodic protection  
25 measures. A.P.I. 1173, which is pipeline safety

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2 management system is a recommended holistic voluntary  
3 practice that the N.T.S.B., PHMSA and others has  
4 shown tremendous support for. It establishes a  
5 pipeline safety management system framework that when  
6 properly applied can provide an opportunity to help  
7 reveal and manage risk, promote a learning  
8 environment. If necessary enact on a changes and  
9 improvements such that the focus is continuously  
10 improving pipeline safety and integrity.

11 And ultimately this supports a drive  
12 towards a zero incident mindset by ensuring that the  
13 various components of the safety management system  
14 are regularly reviewed and continually evolving. I'm  
15 very supportive and -- of gas safety improvements and  
16 encourage folks to continue to work on that.

17 In fact, Item 167 is an excellent  
18 example of just the very thing that we should be  
19 doing. It's a model for how to work with various  
20 stakeholders on different gas safety issues and how  
21 to encourage thoughtfulness and continue to engage so  
22 that we could all be moving towards better continuous  
23 improvement with gas safety. So this is all good.

24 However, my grave concern is that we  
25 at the commission through this settlement as to the

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2 monetary fund allocation missed an important  
3 opportunity to do more to affirmatively advance and  
4 support gas safety efforts. Here we directed the  
5 funds to be used as a credit to offset the company's  
6 energy efficiency and demand response program. And  
7 we leave it to the ongoing rate case to work out the  
8 specifics on the use of those restitution funds.

9 I understand legal requirement under  
10 25A is to direct any penalty funds from shareholders  
11 for the benefit of ratepayers. This settlement on  
12 its face is or can be argued as consistent with that  
13 minimum standard. However, I strongly believe we  
14 must go further as we have in the past by directing  
15 settlement funds like these in a matter that has more  
16 direct nexus to the alleged violations.

17 In past cases we have directed  
18 settlement funds for projects that would make similar  
19 alleged violations less likely in the future or that  
20 would more directly address the harm associated with  
21 the alleged violation. The Altice settlement we just  
22 voted on that we approved today is a good example of  
23 that approach. There is a direct linkage to the  
24 funds and the issues at hand. Here there is none.  
25 For these reasons I must vote no on this item.

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2 Next 371 I will be concurring with  
3 reservation. I generally am supportive, however, I  
4 do point out that here in especially we have a  
5 footnote 14 that says the commission may modify these  
6 arrangements in a future order acting on the cost  
7 sharing 2.0 proposal. I don't believe this interim  
8 solution is giving us the regulatory certainty and  
9 more importantly giving the regulatory certainty to  
10 those folks who need to rely on it.

11 There have been in the past concerns  
12 when we have changed our regulations and we need to  
13 be very mindful of what that means. But also in the  
14 fact that an interim solution may not be the impetus  
15 to actually help get us to a permanent solution  
16 because those who were involved in wanting the  
17 interim solution to remain may be locked into not  
18 looking at further permanent solution if it's  
19 different from where they're currently comfortable.  
20 Therefore, I concur with reservation.

21 374 I concur. I don't have any  
22 comment on it. I do want to point out on Items 380  
23 to 385 these are submetering items. There is new  
24 language in these orders that I think is worthy of  
25 being flagged. It addresses the important issue of



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2           clarifying Part 96 regulations and sets expectations  
3           for those existing Part 96 regulations. This is  
4           addressing the rate cap section in Part 96 that  
5           addresses that the rate cap shall be the rates and  
6           charges of the distribution utility for delivery and  
7           commodity in that billing period.

8                   And this is important to similarly  
9           situated direct meter residential customers. I am  
10          very supportive of working through what we need to do  
11          to help customers who may qualify for low-income  
12          energy affordability programs. So the language in  
13          the submetering order does announce that low-income  
14          customers would receive the EAP credit if they were  
15          direct metered by the utility. Therefore, we're  
16          looking at the owner's rate cap calculation and how  
17          it should be factored in energy affordability program  
18          bill discounts.

19                   Staff is doing a good thing in  
20          proposing to clarify the expected benefit to low  
21          income customers in these orders. However, I am  
22          flagging it because there are going to be a lot of  
23          challenges and nuances in the implementation of that  
24          as well as the expectations that are required and who  
25          is responsible for what. Coordination of how low-

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2 income customers are made aware of E.A.P. bill  
3 discounts and the development of documentation for  
4 tenants to receive the E.A.P. discounts will, I  
5 understand, be addressed in the second phase of the  
6 energy affordability proceeding.

7 It's very important that we make sure  
8 there is good representation from the submetering  
9 community at all levels, tenants, developers, owners,  
10 et cetera so that we fully understand some of the  
11 challenges that are there and make sure that people  
12 understand what are in the existing regulations that  
13 we are now clarifying. With that I have nothing  
14 further. Thank you so much.

15 CHAIRMAN HOWARD: Commissioner Alesi?

16 COMMISSIONER ALESI: Nothing, Mr.  
17 Chairman. Thank you.

18 CHAIRMAN HOWARD: Commissioner  
19 Edwards?

20 COMMISSIONER EDWARDS: No, I  
21 appreciate Commissioner Burman's words today  
22 especially on the issues of low income and  
23 submetering. I appreciate those comments and I will  
24 not have any further comments. Thank you.

25 CHAIRMAN HOWARD: Thank you. Now I'll

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2 call for a vote on the consent agenda. My vote is in  
3 favor of the recommendations of the consent agenda.  
4 Commissioner Burman, could you articulate your votes  
5 for the secretary please?

6 COMMISSIONER BURMAN: Sure. I am  
7 voting in favor except 162 I am concurring. 164 I am  
8 concurring. 165 I am a no. 371 I concur with  
9 reservation. 374 I concur. Thank you.

10 CHAIRMAN HOWARD: Thank you very much.  
11 Commissioner Alesi?

12 COMMISSIONER ALESI: Thank you. I  
13 vote yes on all items.

14 CHAIRMAN HOWARD: Thank you very much.  
15 Commissioner Edwards?

16 COMMISSIONER EDWARDS: I vote yes.  
17 Thank you.

18 CHAIRMAN HOWARD: Thank you. These  
19 items are approved and adopted. Secretary Phillips  
20 is there anything further to come before us today?

21 SECRETARY PHILLIPS: Yes. Chair, I'd  
22 like to ask for clarification on Commissioner  
23 Burman's vote regarding Item 371. I noted that she  
24 concurs with reservations. But I'd like to clarify  
25 does that mean you do not fully agree with the result

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2 or that you do?

3 COMMISSIONER BURMAN: At the time that  
4 I concur -- I'm concurring based on the ultimate  
5 outcome, however, there may be underlying issues  
6 within the order itself. Maybe the way it's written,  
7 et cetera that I disagree. In this I'm underscoring  
8 on 371 that I concur but I do have reservation as it  
9 relates to the underlying result of an interim  
10 solution. Therefore, based on that, you can count me  
11 as concurring but I am underscoring that it is based  
12 on my reservation with the interim solution which  
13 ultimately leads to the actual result.

14 SECRETARY PHILLIPS: Okay. And just  
15 to be absolutely certain then on the order it can say  
16 concur?

17 COMMISSIONER BURMAN: Yes.

18 SECRETARY PHILLIPS: Thank you.

19 COMMISSIONER BURMAN: Thank you.

20 CHAIRMAN HOWARD: Anything further,  
21 Madam Secretary?

22 SECRETARY PHILLIPS: There is one  
23 other thing that I believe you would like to address.

24 CHAIRMAN HOWARD: Yes. Today is a  
25 melancholy moment for us here at the commission where

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2 we honor the departure of one of the finest civil  
3 servants that I have ever met in my career. Doris  
4 Stout. And to that end I would like to read a  
5 resolution of the commission into the record.

6 This is the resolution of the Public  
7 Service Commission, the State of New York. Whereas  
8 Doris Stout has served the Department of Public  
9 Service, the Public Service Commission and the  
10 Citizens of New York since 1989 with great  
11 distinction. And whereas Ms. Stout began her career  
12 in the department as a senior utility financial  
13 analyst on June 14th, 1989 and has steadily increased  
14 her responsibilities through a series of well-earned  
15 promotions culminating in her current leadership role  
16 as director of the Office of Audits, Accounting and  
17 Finances.

18 Whereas Ms. Stout has exemplified the  
19 role of public servant taking great care to provide  
20 thoughtful and thorough analysis in every matter and  
21 always striving for the right decisions no matter how  
22 hard, creating opportunities for her colleagues to  
23 learn and grow and conducting her work with the  
24 utmost integrity and professionalism.

25 Whereas Ms. Stout has brought her

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2           extensive knowledge and valuable guidance and  
3           patience to bear and untold number of meetings,  
4           hearings and commission sessions to the great benefit  
5           of those who have the good fortune of working with  
6           her. And whereas Ms. Stout has generously shared her  
7           expertise with others in the department, the  
8           commission and the National Association of the  
9           Utility Regulatory Commissioners.

10                   Whereas Ms. Stout has worked  
11           tirelessly and served the administration and respect  
12           of the public service staff and the Public Service  
13           Commission. And whereas Ms. Stout will now have more  
14           time to spend with her husband Warren, her dogs Peppa  
15           and Chloe and her extended family and friends.

16                   It is resolved that New York State --  
17           the New York State Public Service Commission  
18           expresses its deepest appreciation to Doris Stout for  
19           her leadership in the department and her faithful  
20           service to its citizens in the State of New York as  
21           demonstrated by her unwavering commitment to the  
22           mission of the commission, to ensure safe, secure,  
23           reliable access to electric, gas and steam and  
24           telecommunications and water services for all of New  
25           York's residential and business customers at this

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2 session the Public Service Commission held March  
3 18th, 2021 in the City of Albany.

4 You know, Doris, you're a rare breed.  
5 A person who has decided to use her expertise and  
6 skill for the public interest even though someone  
7 with your skill, expertise could have been far more  
8 compensated in the private sector. And you would  
9 have been an invaluable part of any investment bank.  
10 I am sure of that. However, you decided to make your  
11 career serving the people of the State of New York.  
12 And for that we should all be grateful. Thank you so  
13 much, Doris.

14 Do any of my fellow commissioners have  
15 a comment? Commissioner Burman?

16 COMMISSIONER BURMAN: Thank you so  
17 much. Doris rose through the ranks at the Department  
18 of Public Service to become the first female director  
19 of accounting and finance. She learned from some of  
20 the best including Charlie. Doris was always  
21 professional, always approachable, very, very smart,  
22 dedicated and a team player.

23 Doris gave me a book once authored by  
24 her sister-in-law shortly after Lynn passed away in  
25 April 2018. And it's made a huge impact on me. I

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2 feel that Lynn would be really, really proud of how  
3 Doris embodies the essence of prudent, compassionate,  
4 economic, regulatory thinking. Doris -- Doris's  
5 quiet but steady focus on helping give us information  
6 on the financial impact, more policy actions even  
7 when it was difficult to do so was most appreciated.

8 Doris was a role model for me and so  
9 many others. Not only was she the first female  
10 director of accounting and finance, but she was the  
11 first female member of A and F's management team.  
12 She paved the way for others as evidenced by the  
13 recent promotions of Allison Manz and Debbie Evans to  
14 acting chief positions. And they joined Denise as A  
15 and F's three chiefs.

16 I am truly happy, Doris, for you and  
17 your husband Warren and I wish you many adventures  
18 doing what you both love, travel, kayaking and  
19 playing with your dogs. Doris, I will greatly miss  
20 your presence at D.P.S. and thank you for making such  
21 a positive difference in my life. Thank you.

22 CHAIRMAN HOWARD: Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you very  
24 much. Well, I guess it's wherever you go I hope that  
25 it's a beautiful and wonderful place. And whatever



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2 you do that you enjoy it thoroughly and fully. You  
3 certainly have earned it. And I just hope all good  
4 things come your way as you enjoy your retirement.  
5 And thank you so much for your service.

6 CHAIRMAN HOWARD: Thank you.  
7 Commissioner Edwards?

8 COMMISSIONER EDWARDS: No, I just want  
9 to thank you, Doris, for your professionalism, your  
10 thoughtfulness. You really do everything in a way  
11 that is comprehensive. But you do it in a way with a  
12 lot of style and grace. And I truly wish you all the  
13 best wishes to you and your family.

14 CHAIRMAN HOWARD: Thank you. Thank  
15 you, Doris, again. ... weren't all in the same  
16 place?

17 MS. STOUT: If I -- if I may I want to  
18 thank you all for your --.

19 CHAIRMAN HOWARD: Absolutely.

20 MS. STOUT: I want to thank you all  
21 for your kind words. I'm fortunate to have had a  
22 long and exciting career with this organization  
23 because we're accomplishing some really important  
24 things for the people of New York. My success has  
25 only been as great as my team. I have a fantastic

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2 team in the office of accounting, audits and finance.  
3 And I'm comfortable retiring knowing I'm turning over  
4 the reins to this talented management team as well as  
5 the auditors and financial analysts in A.A. and F.

6 It's been a privilege, an honor  
7 working with my colleagues here at the D.P.S.  
8 They're an incredible group of hardworking,  
9 knowledgeable and talented individuals, and I will  
10 miss our comradery. So everybody take care of  
11 yourselves and best wishes. And thanks again.

12 CHAIRMAN HOWARD: Thank you, Doris.

13 UNIDENTIFIED SPEAKER: Thank you.

14 CHAIRMAN HOWARD: Secretary Phillips,  
15 do we have anything else?

16 SECRETARY PHILLIPS: There is nothing  
17 further.

18 CHAIRMAN HOWARD: Thank you. Well,  
19 then I will call for the adjournment of this session  
20 of the New York State Public Service Commission.  
21 Thank you.

22 (Off the record 11:36 a.m.)

23 (The meeting concluded.)

24

25

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2 STATE OF NEW YORK

3 I, JANET WALLRAVIN, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 50, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 22nd day of March, 2021.

11

12

13 JANET WALLRAVIN, Reporter

14

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1 3-18-2021 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4

5 MONTHLY MEETING OF THE

6 PUBLIC SERVICE COMMISSION

7 VIA WEBEX

8

9 Thursday, March 18, 2021

10 10:30 a.m. until 11:36 a.m.

11

12

13 COMMISSIONERS:

14 JOHN B. RHODES, Chair

15 DIANE X. BURMAN

16 JAMES S. ALESI

17 TRACEY A. EDWARDS

18 JOHN B. HOWARD

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2 (On the record 10:30 a.m.)

3 CHAIRMAN HOWARD: Good morning. This  
4 is John Howard, interim chair of the Public Service  
5 Commission. I call this session of the Public  
6 Service Commission to order. Secretary Phillips, are  
7 there any changes to our final agenda?

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

10 CHAIRMAN HOWARD: Thank you. Before  
11 we get started, I'd like to note our arrangements for  
12 the session today. In line with the guidance  
13 concerning social distancing and minimizing large  
14 gatherings, and in light of the executive orders that  
15 suspended provisions of the open meetings law on an  
16 emergency basis, we are conducting today's session  
17 remotely. I would like to remind those who are  
18 participating by phone that they please mute their  
19 lines except when they are speaking.

20 The public will have an opportunity to  
21 listen to the session today on the department's  
22 webcast page. We will also record and transcribe the  
23 session as has been our practice. These arrangements  
24 have been reviewed by our general counsel. He has  
25 found that these meet the requirements of the

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2 executive orders.

3 I would like to conduct a roll call of  
4 our commissioners. Please confirm that you're with  
5 us when I call your name. Commissioner Diane Burman.

6 COMMISSIONER BURMAN: Here.

7 CHAIRMAN HOWARD: Commissioner James  
8 Alesi.

9 COMMISSIONER ALESI: I am here.

10 CHAIRMAN HOWARD: Commissioner Tracey  
11 Edwards.

12 COMMISSIONER EDWARDS: I am here.

13 CHAIRMAN HOWARD: Before we begin  
14 today's session, I'd beg my fellow commissioner's  
15 indulgence for a moment. When I joined the  
16 commission 20 minutes (sic) ago I didn't imagine that  
17 one day I would become chair. I'm truly humbled and  
18 honored with this interim appointment. However, I'd  
19 be remiss if I didn't thank my predecessor John  
20 Rhodes for his wisdom and leadership. We all will  
21 miss him very much.

22 The issues that come before us affect  
23 the lives of all New Yorkers and the role of the  
24 P.S.C. has never been more critical from  
25 decarbonizing our energy systems to overseeing the

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2           continually evolving telecommunications industry.  
3           The challenges ahead of us are, to say the least,  
4           daunting. With that being said, I truly believe that  
5           this commission and the women and men of the  
6           Department of Public Service are more than capable of  
7           handling this enormous task.

8                   I want to thank my fellow  
9           commissioners and the D.P.S. staff for their patience  
10          and generosity as I transition to the role of chair.  
11          I want to assure everyone that I will put my all into  
12          this position.

13                   Now let's begin today's session. Our  
14          first item for discussion is Item 301, Case 18-T-0604  
15          which is an application of the Deepwater Wind South  
16          Fork, L.L.C. for a certificate of environmental  
17          compatibility and public need that will be presented  
18          today by Administrative Law Judge Anthony Belsito.  
19          Please begin. Judge Belsito.

20                   A.L.J. BELSITO: Good morning. Thank  
21          you Chair and good morning Commissioners. This  
22          proceeding involves an application submitted pursuant  
23          to Article 7 of the Public Service Law by Deepwater  
24          Wind South Fork, L.L.C. for authorization to  
25          construct -- the transmission facility to connect the

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2 proposed South Fork Wind Farm to the existing main  
3 land electric grid in the Town of East Hampton.

4 The project under consideration would  
5 consist of approximately 3.5 miles of submarine  
6 export cable from the New York State territorial  
7 water -- waters boundary to the south shore of the  
8 Town of East Hampton in Suffolk County, and  
9 approximately 4.1 miles of 138 kilovolt terrestrial  
10 export cable from the south shore of the Town of East  
11 Hampton to an interconnection facility with an  
12 interconnection cable connecting to an existing East  
13 Hampton substation.

14 It should be noted that this project  
15 is the first to connect an offshore wind generation  
16 facility to New York State's electric system. The  
17 application was submitted on September 14th, 2018 and  
18 was determined complete as of March 15th, 2019.  
19 Public statement hearings were held in East Hampton  
20 on June 11th, 2019. The public statement hearings  
21 were very well attended and included approximately 80  
22 speakers. All persons wishing to make a statement  
23 were given an opportunity to do so.

24 In addition, nearly 3,000 written  
25 comments have been submitted in this proceeding. On

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2           September 17th, 2020 the applicant filed a joint  
3           proposal which was signed by the applicant, the  
4           Department of Public Service staff, the Department of  
5           Environmental Conservation, the Office of Parks,  
6           Recreation and Historic Preservation, the Department  
7           of State, the Department of Transportation, the  
8           trustees or the freeholders in commonality the Town  
9           of East Hampton, PSEG Long Island, local groups,  
10          Concerned Citizens of Montauk, the Group for the East  
11          End, Incorporated, Montauk United, Win with Wind and  
12          individuals Deborah Foster, Michael Hanson and Kathy  
13          Rogers.

14                   The joint proposal was opposed by the  
15          Citizens for the Preservation of Waincott, the Long  
16          Island Commercial Fishing Association as well as a  
17          few individual local residents. The joint proposal  
18          represents a comprehensive settlement that is  
19          sufficiently supported by a record that will allow  
20          the commission to make all required findings.

21                   Article 7 required findings include  
22          among other things the basis of the needs for the  
23          facility, the nature of the probable impacts, and  
24          that the facility avoids or minimizes to the extent  
25          practicable adverse environmental impacts,

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2 considering the state of technology and the nature  
3 and economic of the various alternatives. And that  
4 the facility conforms to a long range plan for  
5 expansion of the electric power grid of the state and  
6 interconnected systems.

7 In this proceeding the parties that  
8 oppose the joint proposal argues that the project is  
9 not needed or that it does not appropriately avoid or  
10 minimize environmental impact including impacts to  
11 commercial fishers. However, as described in detail  
12 in the draft order, the record fully supports a  
13 finding that the facility, if necessary, to transmit  
14 electricity from the proposed Offshore South Fork  
15 Wind Farm generation facility to the point of  
16 interconnection of the East Hampton substation to  
17 meet the needs identified by the Long Island Power  
18 Authority and its 2015 request for proposals  
19 regarding the energy needs of South Fork Long Island.

20 The project will also help LIPA and  
21 the state achieve their renewable energy goals.  
22 Further, the record clearly supports the required  
23 findings including that the facility avoids or  
24 minimizes any significant adverse impacts to the  
25 environment and active farming operations to the

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2 extent practicable. And that the facility conforms  
3 to a long-range plan for expansion of the electric  
4 power grid of the state.

5 There are 195 proposed certificate  
6 conditions covering many different categories  
7 including public health and safety, noise modeling  
8 and monitoring, a fisheries compensation plan and  
9 minimums for cable burial depth including a 30 foot  
10 minimum below the surface of Wainscott Beach where  
11 the project is proposed to make landfall. The  
12 proposed certificate conditions limit construction  
13 periods to off-peak seasons to help ensure  
14 construction related impacts are minimized.

15 Further, the proposed certificate  
16 conditions require that during construction access to  
17 Wainscott Beach along Beach Lane be maintained except  
18 for a few hours on a single day if necessary to  
19 deliver the sea to shore transition vault. Various  
20 alternatives were raised during the proceeding  
21 including those discussed in the application and  
22 those presented by intervenors. Nothing in the  
23 record supports disrupting the joint proposal in  
24 favor of any of the alternatives.

25 Based on the record, the proposed



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2           alternatives are either likely not viable due to the  
3           inability to obtain necessary property rights or will  
4           increase overall impacts relative to the project as  
5           proposed in the joint proposal. Therefore, the draft  
6           order recommends that the commission grant to the  
7           applicant pursuant -- pursuant to Public Service Law  
8           Article 7 Section 121 a conditional certificate of  
9           environmental compatibility and public need. And I'm  
10          happy to respond to any questions you may have.  
11          Thank you.

12                           CHAIRMAN HOWARD: Thank you, Judge.  
13          This order marks a milestone, as the judge said, in  
14          New York's bold initiative to decarbonize its  
15          electric grid through the development of offshore  
16          wind resources. While we have years of work ahead of  
17          us, today's approval of Deepwater Wind South Forks  
18          Article 7 application moves New York closer to its  
19          goal.

20                           As with every Article 7 case before  
21          the commission, we strive to strike the proper  
22          balance between the public need and the environmental  
23          compatibility. I believe this application meets the  
24          test. In the coming months and years, more cases  
25          like this will come before this commission, and I

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2 trust they too will see the same level of oversight  
3 that this case has received. I'll ask my fellow  
4 commissioners if they have any comments or questions.  
5 Commissioner Burman?

6 COMMISSIONER BURMAN: I have none.  
7 Thank you so much.

8 CHAIRMAN HOWARD: Commissioner Alesi?

9 COMMISSIONER ALESI: Good morning, Mr.  
10 Chair. Yes, I am going to support this. I believe  
11 it is necessary. A number of parties have come  
12 together to support the enabling of connecting this  
13 export cable. It is also a reasonable approach that  
14 protects the public interests and lessens any  
15 prospect of negative impact as much as possible. And  
16 taking into account the understanding --  
17 understandable opposition to this I am going to  
18 support it.

19 CHAIRMAN HOWARD: Thank you.  
20 Commissioner Edwards?

21 COMMISSIONER EDWARDS: Yes, thank you.  
22 I think that this is a very important first step.  
23 There are difficulties that lie ahead. I think that  
24 we all knew that. However, we must take these steps  
25 forward for our future. And I will be supporting

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2 this. Thank you very much.

3 CHAIRMAN HOWARD: Thank you,  
4 Commissioner. Now I'll call for a vote on Item 301.  
5 I will be voting in favor of this recommendation to  
6 adopt the terms of the joint proposal as we have  
7 discussed. Commissioner Burman, how do you vote?

8 COMMISSIONER BURMAN: I will be  
9 concurring.

10 CHAIRMAN HOWARD: Commissioner Alesi?

11 COMMISSIONER ALESI: I vote yes.

12 CHAIRMAN HOWARD: Commissioner  
13 Edwards?

14 COMMISSIONER EDWARDS: I vote yes.

15 CHAIRMAN HOWARD: This item is  
16 approved and the recommendation is adopted. We'll  
17 now move to our second item for discussion. Item  
18 302, Case 07-E-0088 and 05-E-1180 as they relate to  
19 the installed reserve margin presented by Leka  
20 Gjonaj, chief of electric safety and reliability and  
21 Cynthia McCarran, deputy director, safety and  
22 reliability. Tammy Mitchell, director of the Office  
23 of Electric Gas and Water is available for questions.  
24 Leka, will you please begin?

25 MR. GJONAJ: Sure. Good morning Chair

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2 Howard and Commissioners. As Chair Howard mentioned  
3 my name is Leka Gjonaj, and I'm the chief of the  
4 department's electric safety and reliability section  
5 in the Office of Electric Gas and Water. I'm here  
6 today to discuss Item 302 which is an order  
7 confirming the one commissioner order issued on  
8 February 23rd that adopted the New York State  
9 Reliability Council's minimum install reserve margin  
10 or I.R.M. determination of 20.7% applicable to the  
11 2021 electric capability year which is -- which  
12 stands from May 1st, 2021 through April 30th, 2022.

13 Before you start with the slides I  
14 just want to head off any confusion as we move along.  
15 If I refer to capacity resource or electric capacity  
16 or generation capacity, those terms are all referring  
17 to the same basic thing and they're used  
18 interchangeably. Similarly the terms load, custom  
19 demand -- and custom -- customer demands also refer  
20 to the same thing and are also used interchangeably.  
21 Next slide please.

22 Can we go to slide two please? Thank  
23 you. The New York State Reliability Council or  
24 reliability council was formed in 1998 as part of the  
25 restructuring of New York's wholesale electricity

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2 market to promote and preserve the reliability of --  
3 of New York's bulk power system. Its reliability  
4 rules regarding the bulk electric system are binding  
5 on all New York market participants. This commission  
6 by order dated February 9, 2006 formally adopted the  
7 reliability council's reliability rules in part to  
8 remove any doubt of their applicability.

9 A key responsibility of the  
10 reliability council is determining the annual  
11 installed reserve margin or I.R.M. for New York.  
12 Arithmetically and mathematically the I.R.M.  
13 represents the minimum percent -- minimum percentage  
14 above the peak forecast of demand that must be  
15 procured by load serving entities for their customers  
16 who qualify capacity resources. I underscored the  
17 word must but this is not an option or a, you know,  
18 nice to have. You have to absolutely procure this  
19 amount.

20 So, for example, with this year's  
21 20.7% install reserve margin, if you happen to be a  
22 load serving entity that has 1,000 megawatts of peak  
23 forecast load, you need to procure 1,207 megawatts of  
24 the capability period coming up. Next slide please.

25 The fundamental purpose of the I.R.M.

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2 is to ensure that adequate levels of electric  
3 capacity are available to reliably serve peak  
4 electric demands and availability during system  
5 emergency conditions. If one could perfectly predict  
6 future customer demands and a perfect capacity  
7 resource existed, there wouldn't be a need for an  
8 I.R.M. But that's not the -- that's not the real  
9 world we live in.

10 All load serving entities are required  
11 to demonstrate the they've obtained sufficient  
12 install reserve capacity either for the New York  
13 Independent System Operator's installed capacity  
14 markets or via a bilateral contract or via self-  
15 supplied. In order to sell installed capacity in the  
16 New York I.S.O. markets, capacity resource must be  
17 qualified by NYISO and abide by its market  
18 participation rules and testing requirements.

19 Unless a capacity resource is on a  
20 planned or forced repair outage, it must, again I  
21 underscore that, be available and participate in  
22 NYISO's daily energy markets by offering in the day  
23 ahead energy market. In New York, this obligation to  
24 serve, qualified capacity resources receive a  
25 separate capacity payment above and beyond energy

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2 market revenues they may -- they may receive from the  
3 markets. Next slide please.

4 In establishing the I.R.M., the  
5 reliability considers various factors including load  
6 -- load characteristics, uncertainties and load  
7 forecast, generation outages and deratings,  
8 generation retirement, modeling of energy loaded  
9 resources, demand response resources,  
10 interconnections of other control areas and transfer  
11 capabilities within the New York State transmission  
12 system.

13 All of the above data is used -- I'm  
14 sorry, is used as input to a highly sophisticated  
15 probabilistic based computer simulation software,  
16 G.E. MARS, provided by General Electric. And given  
17 all the above considerations, an I.R.M. of 20.7% was  
18 approved by the New York State reliability council's  
19 executive committee on December 4th, 2020 for the  
20 2021 capability year, May 1st, 2021 through April  
21 30th, 2022. Next slide please.

22 In terms of what this means for New  
23 York, the peak load in New York this summer is  
24 forecast to be 32,243 megawatts. Therefore, 20.7  
25 I.R.M. means that New York is required to have an at

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2           a minimum 38,917 megawatts of installed capacity  
3           available. The 20.7 I.R.M. for the -- for the 2021  
4           through 2022 capability year represents a 1.8 -- 1.8%  
5           increase from the 2020, 2021 I.R.M. of 18.9%. The  
6           previous year's I.R.M. was 18.9%. This 1.8% increase  
7           is due primarily to update the load forecast  
8           uncertainty and a modeling -- and a more refined  
9           modeling, I should say, of energy limited resources  
10          which include pump storage facilities. Next slide  
11          please.

12                                Last, while the 20.7 I.R.M. is  
13          applicable statewide, there are 3 areas in New York  
14          that have local location installed capacity  
15          requirements namely New York City Zone J, Long Island  
16          Zone K, and what's referred to Lower Hudson Valley's  
17          -- Lower Hudson Valley Zones G through J. The need  
18          for these local requirements stems from the  
19          limitation of electric transmission system and a  
20          large localized customer demands in these locations.  
21          The New York I.S.O., through a separate process using  
22          the I.R.M., calculates these minimum location  
23          requirements that are also mandatory. Next slide  
24          please.

25                                Here is just a table to sort of show,



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2           you know, how the I.R.M. has varied through the years  
3           and just the last 10 years' worth of data. And if  
4           you look at column 3, the third column I should say,  
5           the approved I.R.M. has sort of ranged from 16%  
6           through now 20.7% which it seems is the highest level  
7           in the last 10 years. And that's a range of just  
8           under 5%. And however what I wanted to point out  
9           with this table as well is that you -- if you go to  
10          the sixth column that says the actual I.R.M. in  
11          percent it actually represents the actual so-called  
12          -- so to speak iron in the ground that was available  
13          during those -- during those years.

14                   In other words, this simply  
15          illustrates that at least over the last 10 years and  
16          even prior to that, New York's I.R.M., the actual  
17          installed I.R.M. has actually been above the minimum  
18          -- the minimum calculated by the New York State  
19          Reliability Council. And the -- the last three  
20          columns on this table highlight the significant  
21          amount of local locational requirements that exist  
22          across the state as I mentioned earlier for Zones J,  
23          K and G through -- G through J.

24                   So, for example, if you look at year  
25          2021 for New York City 80.3% of the peak forecast

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2 demand in New York City is a requirement of having  
3 installed capacity that level, 80.3% of its peak load  
4 which is -- these are not insignificant values here.

5 Chair Howard and Commissioners that  
6 completes my presentation. I'd be happy to answer  
7 any questions that you may have.

8 CHAIRMAN HOWARD: Thank you, Leka.  
9 Reliability of our State's electric energy systems --  
10 excuse me -- want to turn it over to Cindy McCarran.  
11 Pardon me.

12 MS. MCCARRAN: Good morning Chair  
13 Howard and Commissioners. At this time we would like  
14 to supplement what Leka just told you by taking an  
15 opportunity to remind folks of the other steps we  
16 take to ensure reliability of the natural gas system  
17 and how that in turn benefits the reliability of the  
18 electric system.

19 Because of the importance of the  
20 State's natural gas distribution system, not only for  
21 space and water heating during our cold winters, but  
22 also as fuel for electric generation, D.P.S. staff  
23 takes several measures to ensure its reliability. It  
24 should be noted that a significant amount of electric  
25 generation that runs on natural gas is connected to

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2 the State's local distribution companies or L.D.C.s.

3 Another group of generators is  
4 directly connected to the interstate pipeline that  
5 bring natural gas from the production areas to our  
6 L.D.C.s. Starting in May every year, D.P.S. staff  
7 review the preparedness of the L.D.C.s for the coming  
8 winter which culminates in a presentation at the  
9 October session to the P.S.C. This review includes  
10 an examination of extreme weather used for planning  
11 purposes and the mix of assets which will be used to  
12 provide service.

13 The commission has instituted policies  
14 which require not only that our L.D.C.s procure gas  
15 supply from a diverse portfolio of providers,  
16 including sourcing gas from different geographic  
17 areas through contracts of short- and longer-term  
18 duration, but also requires that the gas utilities  
19 pursue hedging which limits the exposure of  
20 vulnerable customers to unanticipated price swings in  
21 the natural gas market which occur largely during  
22 extreme weather events.

23 These hedging mechanisms include the  
24 physical storage of natural gas during periods of low  
25 demand as well as fixed price contracts and the use

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2           of financial options that limit exposure to price  
3           swings. These options are not speculative but  
4           instead provide an insurance policy that guarantees  
5           lower prices in case of price spike. The P.S.C. has  
6           also taken steps to ensure that energy service  
7           companies that sell natural gas and electricity to  
8           retail customers don't charge more than the state's  
9           utilities would charge similar customers.

10                                Although many of the state's electric  
11           generators rely on interruptible natural gas, they  
12           also employ alternate fuel in many cases, so that in  
13           those limited instances where natural gas demand is  
14           high due to cold weather, they still can meet  
15           electric demand which is lower in the winter anyway  
16           than in the summer due to air conditioning in the  
17           summer. D.P.S. staff monitors the operations of our  
18           L.D.C.s very closely auditing records and observing  
19           field activities.

20                                Through our agency agreement with the  
21           Federal Department of Transportation's Pipeline and  
22           Hazardous Material Safety Administration or PHMSA we  
23           also assist in auditing the operations and  
24           maintenance of the interstate pipeline. We also  
25           inspect their construction projects checking on the

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2 qualifications of people they employ as well as  
3 ensuring they are observing regulations.

4 Finally and most importantly, D.P.S.  
5 staff maintains communications with participants in  
6 the state's energy markets through mechanisms like  
7 the Natural Gas Reliability Advisory Group and  
8 contact with organizations like the Northeast Gas  
9 Association. Staff also participates in industry  
10 meetings through the National Association of Pipeline  
11 Safety Regulators known as NAPSR, the National  
12 Association of Regulatory Utility Commissions or  
13 NARUC and PHMSA which allows us to have input into  
14 influencing national direction and discussions on  
15 safety and reliability topics.

16 Frequent and open dialogue with the  
17 energy industry and other regulatory bodies at the  
18 state and federal level ensure the flow of  
19 information that contributes to system reliability.  
20 While no system is fool proof that depends on human  
21 beings, D.P.S staff take all reasonable steps under  
22 the guidance of the commission to ensure the  
23 reliability of our gas and electric system. That  
24 concludes my comments and like Leka I would be happy  
25 to take any questions.

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2 CHAIRMAN HOWARD: Thank you very much,  
3 Cindy. I'll try again. Reliability of our State's  
4 electric -- or State's energy systems is the primary  
5 mission of this commission. This annual item is an  
6 integral part of that effort. This commission has  
7 aggressively pursued penalties and improvements  
8 through our experiences with natural disasters,  
9 storms, winter and summer.

10 However, this item deals with the  
11 fundamental operation of our entire electric grid.  
12 Failure of the grid has much more, and I would say,  
13 existential consequences. As we decarbonize our  
14 energy systems, the foremost responsibility of this  
15 commission going forward is to ensure our electric  
16 grid maintains its reliability at the highest  
17 possible standards. I believe this is a truly moral  
18 obligation.

19 With that I would turn to my other  
20 commissioners for comments and questions.  
21 Commissioner Burman?

22 COMMISSIONER BURMAN: Thank you so  
23 much. I want to say thank you to Leka and Cindy who  
24 really laid out the critical issues here. I will be  
25 voting in favor of this item. I also want to take a

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2           moment to thank the New York State Reliability  
3           Council, the New York I.S.O. and other stakeholders  
4           that have been engaged in working through the  
5           challenges that are before them that, as Leka stated,  
6           the New York State Reliability Council is really --  
7           its prime responsibility is determining the annual  
8           install reserve margin for New York.

9                   And looking through about the  
10          promoting and preserving the reliability of New  
11          York's power system takes an incredible amount of  
12          work, technical resources and analysis of important  
13          studies and information. The New York State  
14          Reliability Council did note that the three primary  
15          drivers of this increase includes, one, updated load  
16          forecast uncertainty, two, representation of limited  
17          output of certain energy limited resources and,  
18          three, the retirement of certain generation coupled  
19          with topology changes.

20                   I really am mindful looking especially  
21          at the data on the historical capacity data where the  
22          approved I.R.M. -- we went back 10 years and the  
23          approved I.R.M. has not been over 20. I believe, if  
24          memory serves me, if we went back further we would  
25          see it's probably about 20 years old together from

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2 the last time there was an approved I.R.M. over 20.

3 As we move forward with clean energy  
4 initiatives in New York State, this is going to lead  
5 to the thousands of megawatts of additional  
6 generation in front of the meter, solar, P.V.,  
7 onshore wind, offshore wind and other renewables.  
8 This impact of these high intermittent renewable  
9 resources on the installed reserve margin is  
10 something that we need to seriously consider and look  
11 at. So I -- I thank you and I appreciate the good  
12 work that everyone has been doing on this. I can't  
13 underscore enough the importance of reliability and  
14 the importance of the New York State Reliability  
15 Council who does incredible work. Thank you.

16 CHAIRMAN HOWARD: Thank you.  
17 Commissioner Alesi?

18 COMMISSIONER ALESI: Thank you, Mr.  
19 Chairman. Yes, this has been recommended after a  
20 thorough study of various modeling results critical  
21 to the health, safety and welfare of the people of  
22 New York. It is reasonable. It addresses the  
23 state's needs as well as state mandates to ensure  
24 adequate and reliable electric and understandably, as  
25 was pointed out this morning, it works in concert



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2 with reliable gas efforts as well. I will be  
3 supporting it.

4 CHAIRMAN HOWARD: Thank you.  
5 Commissioner Edwards?

6 COMMISSIONER EDWARDS: Yes, I will  
7 also be supporting this moving forward. I think it's  
8 -- it's a complex issue but it is a critical one.  
9 And -- and I will be supporting it.

10 CHAIRMAN HOWARD: Thank you. Now I'll  
11 call for a vote on this item. My vote is in favor of  
12 the recommendation to confirm the order adopting the  
13 installed reserve margin for the '21-22 capacity year  
14 as discussed. Commissioner Burman, how do you vote?

15 COMMISSIONER BURMAN: Yes.

16 CHAIRMAN HOWARD: Commissioner Alesi,  
17 how do you vote?

18 COMMISSIONER ALESI: I vote yes.

19 CHAIRMAN HOWARD: Commissioner  
20 Edwards?

21 COMMISSIONER EDWARDS: I vote yes.

22 CHAIRMAN HOWARD: Thank you. This  
23 item is approved and the recommendation is adopted.  
24 We'll now move to our third item of discussion. Item  
25 501 Case 21-M-0042 as it relates to the staff's

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2 investigation of the impact of Tropical Storm Isaias  
3 on the telephone and cable television services  
4 presented by Joe Suich, director of Office of  
5 Investigation and Enforcement. Michael Rowley, chief  
6 of network reliability and Deborah LaBelle, director  
7 of the Office of Telecommunications. And Brian  
8 Ossias, managing attorney will be available for  
9 comments. Joe, would you please begin?

10 MR. SUICH: Good morning Chair Howard  
11 and Commissioners. Item 501 is a draft order  
12 adopting terms of settlement between the department  
13 and telecommunications company Altice U.S.A.  
14 regarding its performance during the August 4th, 2020  
15 Tropical Storm Isaias. As you may remember, on  
16 August 4, 2020 Tropical Storm Isaias made landfall  
17 across New York including Altice's service territory.

18 The storm resulted in widespread  
19 damage to the state's electric and telecommunications  
20 infrastructure. More than 400,000 customers served  
21 by Altice's New York affiliate Optimum lost service  
22 which took the company 14 days to fully restore. On  
23 August 5th, 2020, the day after Isaias hit New York,  
24 Governor Cuomo directed the department to conduct a  
25 thorough investigation of New York's

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2 telecommunications and electric utility companies'  
3 preparation for and response to Isaias.

4 On August 19th, 2020 the department,  
5 based on its initial findings and observations,  
6 issued Altice a notice of apparent violations or  
7 N.O.A.V. The N.O.A.V. identified apparent violations  
8 of the Public Service Law, Altice's resiliency plan  
9 or R.P. and its severe weather prevention plan or  
10 S.W.P.P. relating to, one, network planning, two,  
11 customer service and communications and, three,  
12 government coordination.

13 For clarity the R.P. and the S.W.P.P.  
14 were required and made enforceable by the  
15 commission's 2016 order approving the transfer of  
16 assets from Cable Vision to Altice. The N.O.A.V.  
17 also required Altice to immediately implement a  
18 series of remedial actions including additional storm  
19 crewing to mitigate the then existing public health  
20 and safety crisis resulting from the company's poor  
21 storm performance and to prevent any similar future  
22 delays.

23 The day after the N.O.A.V. was issued  
24 the department began the second phase of its  
25 investigation. The second phase, conducted with the

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2 support from the Department of Financial Services and  
3 its extensive forensic team, included a review of  
4 customer, municipal and county complaints, letters,  
5 reports and comments, meeting with municipal  
6 officials, reviewing over 95,000 pages of Altice e-  
7 mails and documents, and interviewing 9 senior level  
8 Altice employees with storm responsibilities.

9 Rather than litigating the matter,  
10 Altice notified the department early in our  
11 investigation process that Altice intended to fully  
12 cooperate and remediate the alleged violations.  
13 Altice also hired outside legal counsel to conduct an  
14 internal investigation of its review of its storm  
15 performance. On October 1st, 2020 Altice made a full  
16 disclosure of its investigation findings and the root  
17 causes of its inadequate performance during Isaias.

18 The results of the department's  
19 investigation as to Altice and other  
20 telecommunication companies were provided to the  
21 commission on February 11th, 2021 in a report  
22 entitled Investigation Report on Tropical Storm  
23 Isaias Impact on Telephone and Cable Television  
24 Networks and Services. As to Altice, this report  
25 revealed that the company failed to adhere to many

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2 significant aspects of its R.P. and S.W.P.P.  
3 Specifically, Altice did not provide accurate outage  
4 and restoration information to the department and  
5 municipal officials particularly Westchester, Nassau  
6 and Suffolk Counties.

7 The department also identified and  
8 Altice acknowledged several problems with its  
9 interactive voice response system or I.V.R. and its  
10 website that prevented customers from lodging service  
11 requests. Altice also did not conduct any prestorm  
12 municipal, county and electric utility outreach which  
13 could have resulted in more coordinated and timely  
14 restoration effort. The report also recommended  
15 modifications to the commission's telephone and cable  
16 regulations to better address credits and storm  
17 response.

18 After initial exploratory settlement  
19 discussions, Altice filed a notice of impending  
20 settlement or N.O.I.S. with the secretary on February  
21 17th, 2021. On March 11, 2021 the department and  
22 Altice signed a circa \$72 million settlement  
23 agreement to resolve Altice's alleged violations  
24 relating to the preparation for and response to  
25 Tropical Storm Isaias.

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2 The draft order before you adopts the  
3 terms of the settlement agreement. In short the  
4 agreement requires Altice to complete an estimated  
5 68.54 million in post Isaias capital and operational  
6 storm-related remedial measures over a 2 year period.  
7 Detailed in the settlement agreement, these remedial  
8 measures include a new state of the art outage  
9 communication platform, additional call center  
10 personnel and upgrades.

11 The hiring of six additional storm  
12 recovery municipal service coordinators, a new full  
13 time storm mediation coordinator, upgrades to its  
14 customer care related infrastructure and technology,  
15 and the addition of restoration crews. Altice has  
16 completed or is in the process of completing many of  
17 these measures already. The remedial measures  
18 directly address the department's investigation  
19 findings and the concerns of Altice's customers.

20 In addition to the above \$68.54  
21 million, Altice has paid \$3.5 -- \$3.4 million in  
22 credits to its customers relating to Isaias outages.  
23 None of this nearly \$72 million in total cost to the  
24 company will be borne by Altice's New York customers.  
25 Further, Altice is committed to a series of training,

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2 procedural and administrative improvements to its  
3 storm program.

4 The department believes the settlement  
5 agreement is consistent with the commission's  
6 settlement guidelines. It's in the public interest  
7 and importantly further serves as an industry-wide  
8 deterrent for any similar future storm performance.  
9 Department therefore recommends the adoption of the  
10 draft order by the commission. Thank you for your  
11 consideration and the settlement team is available  
12 for questions.

13 CHAIRMAN HOWARD: Thank you, Joe. I  
14 -- I truly want to congratulate staff for their  
15 prompt and comprehensive work on this item. And I  
16 must give credit to the wisdom of prior commissions  
17 whose orders in agreeing to the Altice takeover of  
18 Cable Vision and its affiliates which allowed this  
19 full blown settlement to occur in its great detail  
20 through the provisions of that original approval.

21 However, despite the commission's  
22 wisdom in past orders to make this possible, I would  
23 again call on the members of congress to grant all  
24 states the ability to fully regulate data services as  
25 utility services as we now know, we all know how

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2 dependent we are on data and Internet services for  
3 many and or not most of our modern society. With  
4 that I would ask my fellow commissioners for  
5 comments. Commissioner Burman?

6 COMMISSIONER BURMAN: Thank you so  
7 much. I do want to thank staff for their hard work  
8 here. I think this is a good settlement. I'm  
9 particularly interested in the fact that there's a  
10 linkage to the settlement funds that are tied to the  
11 issue at hand. There was a focus of working in a  
12 cooperative fashion with the company and looking at  
13 the self-disclosures for mediation, how to enforce  
14 and the path forward and I appreciate that. And it  
15 also in following the settlement guidelines. With  
16 all of that I will be voting in favor. Thank you.

17 CHAIRMAN HOWARD: Thank you.  
18 Commissioner Alesi?

19 COMMISSIONER ALESI: Thank you, Mr.  
20 Chairman. I'm going to support this. I think that  
21 the company after many failures very quickly turned  
22 things around and began to address their shortcomings  
23 and strive for better practices. This agreement  
24 protects the consumer, it's fair to investors and it  
25 assures the viability of the utility itself. It's a



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2 reasonable result that might have come easily from a  
3 long and arduous litigation, and I believe it's a  
4 great job by all parties involved. I'll be  
5 supporting it.

6 CHAIRMAN HOWARD: Thank you.  
7 Commissioner Edwards?

8 COMMISSIONER EDWARDS: Yeah, I will be  
9 supporting this as well. I -- I really think that  
10 the staff has moved really swiftly and  
11 comprehensively on this. And we need to continue to  
12 do that. You know storms are extremely tough for all  
13 consumers. But the lack of communication or  
14 miscommunication is just totally unacceptable. And  
15 so I want to thank you for drilling down into this  
16 and I encourage all of us to continue to do this as  
17 quickly as we can. So thank you very much.

18 CHAIRMAN HOWARD: Thank you. I'll now  
19 call for a vote. I will be voting in favor of the  
20 recommendation to adopt the terms of the settlement  
21 agreement as discussed. Commissioner Burman, how do  
22 you vote?

23 COMMISSIONER BURMAN: Yes.

24 CHAIRMAN HOWARD: Commissioner Alesi?

25 COMMISSIONER ALESI: I vote yes.

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2 CHAIRMAN HOWARD: Commissioner

3 Edwards?

4 COMMISSIONER EDWARDS: I vote yes.

5 CHAIRMAN HOWARD: Thank you. This  
6 item is approved and adopted. We will now move to  
7 the consent agenda. Do any commissioners wish to  
8 comment or recuse from any items of the consent  
9 agenda? We'll begin with Commissioner Burman.

10 COMMISSIONER BURMAN: Thank you so  
11 much. I do have several items that I will be  
12 speaking on relatively quickly. On Item 162 this is  
13 where the company is proposing to modify its  
14 emergency electric generator provisions in its gas  
15 tariff. In January 2019 the company declared a  
16 temporary moratorium for part of its service  
17 territory in Westchester County due to an inability  
18 to obtain sufficient pipeline capacity to meet peak  
19 gas demand. As a result new gas connections and  
20 requests for additional load to an existing service  
21 were suspended.

22 By this proposal to modify its  
23 emergency electric generator provisions, it -- it  
24 helps to try to reduce the cost burden to affected  
25 customers within that gas moratorium issue -- area.

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2 This is one of the many challenges related to the  
3 continued moratorium. I support this effort and I  
4 appreciate the company bringing this forward. It is  
5 something that we need to be mindful of as we move  
6 forward on other issues and challenges.

7 The next item is Item 164. Here this  
8 is an item that is essentially asking Corning to  
9 explain why P.P.P. loans that they may have and may  
10 be seeking don't -- don't set up a double recovery of  
11 the company's operating cost. Staff is recommending  
12 that the commission require them to respond to  
13 specific questions related to its federal COVID-19  
14 loan, and to formally explain in detail why receipt  
15 of the P.P.P. funds does not provide double recovery  
16 of the company's operating costs first through  
17 existing rates and then through the receipt of the  
18 conversion of the P.P. loan to a grant. And  
19 therefore why the P.P. funds should not be preserved  
20 for rate payer benefits.

21 I am concurring with this but I do  
22 want to note that it's really important for us to be  
23 mindful of the fact that the federal P.P.P. loans are  
24 somewhat confusing. We do want to encourage  
25 companies who are able to take advantage of it to do

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2 so, and we need to be mindful of looking holistically  
3 at all of the things for what the intended effect is  
4 as well as ensuring that we are not overstepping on  
5 the federal P.P.P. loan requirements.

6 This is something that I think that  
7 can be taken care of to -- in a rate case. And so it  
8 is something that I am mindful that I don't want us  
9 to be -- I want us to work in a collaborative fashion  
10 with Corning. They did put it -- back in the spring  
11 of 2020 a letter that was explaining what they were  
12 doing. I would encourage staff and the company to  
13 continue working in a way that enables good forward  
14 progress.

15 I will point out that 164 is different  
16 from 562. It is also essentially asking those  
17 companies, those to explain why their P.P. loans are  
18 not a double recovery. The difference between 562  
19 and 164 is in 562 those companies would not  
20 necessarily be coming before us for a rate case so we  
21 do need to put them on notice. Across the board I  
22 think it's -- for me it's quite simple. It's on  
23 notice that we will be looking at these things. It's  
24 important to ensure the prudent expenditure of funds  
25 and -- and making sure that we're doing all we can to

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2 help the customers. So that's on 164 which I will be  
3 concurring.

4 On 165 -- just give me a moment. I'm  
5 just going to pull up my information. Item 165 is  
6 the settlement with the company for violations  
7 stemming from operator qualifications testing and  
8 cathodic protection concerns. First, I want to  
9 commend the staff for their excellent work in  
10 investigating these serious matters and obtaining a  
11 good enforcement result in terms of a dollar amount.  
12 The underlying issue of ensuring that the workforce  
13 entrusted to work on gas pipelines is adequately  
14 trained is a very serious matter.

15 It's a crucial time for us to be  
16 involved with pipeline safety. Operator  
17 qualifications and other safety and training  
18 requirements must be vigorously adhered to. The  
19 settlement implicitly recognizes the ongoing good  
20 work with several stakeholders including N.G.A.,  
21 several New York companies as well as G.T.I. and our  
22 staff.

23 Looking at compliance with A.P.I. 1173  
24 guidance and adhering to sound cathodic protection  
25 measures. A.P.I. 1173, which is pipeline safety

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2           management system is a recommended holistic voluntary  
3           practice that the N.T.S.B., PHMSA and others has  
4           shown tremendous support for. It establishes a  
5           pipeline safety management system framework that when  
6           properly applied can provide an opportunity to help  
7           reveal and manage risk, promote a learning  
8           environment. If necessary enact on a changes and  
9           improvements such that the focus is continuously  
10          improving pipeline safety and integrity.

11                   And ultimately this supports a drive  
12          towards a zero incident mindset by ensuring that the  
13          various components of the safety management system  
14          are regularly reviewed and continually evolving. I'm  
15          very supportive and -- of gas safety improvements and  
16          encourage folks to continue to work on that.

17                   In fact, Item 167 is an excellent  
18          example of just the very thing that we should be  
19          doing. It's a model for how to work with various  
20          stakeholders on different gas safety issues and how  
21          to encourage thoughtfulness and continue to engage so  
22          that we could all be moving towards better continuous  
23          improvement with gas safety. So this is all good.

24                   However, my grave concern is that we  
25          at the commission through this settlement as to the

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2 monetary fund allocation missed an important  
3 opportunity to do more to affirmatively advance and  
4 support gas safety efforts. Here we directed the  
5 funds to be used as a credit to offset the company's  
6 energy efficiency and demand response program. And  
7 we leave it to the ongoing rate case to work out the  
8 specifics on the use of those restitution funds.

9 I understand legal requirement under  
10 25A is to direct any penalty funds from shareholders  
11 for the benefit of ratepayers. This settlement on  
12 its face is or can be argued as consistent with that  
13 minimum standard. However, I strongly believe we  
14 must go further as we have in the past by directing  
15 settlement funds like these in a matter that has more  
16 direct nexus to the alleged violations.

17 In past cases we have directed  
18 settlement funds for projects that would make similar  
19 alleged violations less likely in the future or that  
20 would more directly address the harm associated with  
21 the alleged violation. The Altice settlement we just  
22 voted on that we approved today is a good example of  
23 that approach. There is a direct linkage to the  
24 funds and the issues at hand. Here there is none.  
25 For these reasons I must vote no on this item.

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2 Next 371 I will be concurring with  
3 reservation. I generally am supportive, however, I  
4 do point out that here in especially we have a  
5 footnote 14 that says the commission may modify these  
6 arrangements in a future order acting on the cost  
7 sharing 2.0 proposal. I don't believe this interim  
8 solution is giving us the regulatory certainty and  
9 more importantly giving the regulatory certainty to  
10 those folks who need to rely on it.

11 There have been in the past concerns  
12 when we have changed our regulations and we need to  
13 be very mindful of what that means. But also in the  
14 fact that an interim solution may not be the impetus  
15 to actually help get us to a permanent solution  
16 because those who were involved in wanting the  
17 interim solution to remain may be locked into not  
18 looking at further permanent solution if it's  
19 different from where they're currently comfortable.  
20 Therefore, I concur with reservation.

21 374 I concur. I don't have any  
22 comment on it. I do want to point out on Items 380  
23 to 385 these are submetering items. There is new  
24 language in these orders that I think is worthy of  
25 being flagged. It addresses the important issue of



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2 clarifying Part 96 regulations and sets expectations  
3 for those existing Part 96 regulations. This is  
4 addressing the rate cap section in Part 96 that  
5 addresses that the rate cap shall be the rates and  
6 charges of the distribution utility for delivery and  
7 commodity in that billing period.

8 And this is important to similarly  
9 situated direct meter residential customers. I am  
10 very supportive of working through what we need to do  
11 to help customers who may qualify for low-income  
12 energy affordability programs. So the language in  
13 the submetering order does announce that low-income  
14 customers would receive the EAP credit if they were  
15 direct metered by the utility. Therefore, we're  
16 looking at the owner's rate cap calculation and how  
17 it should be factored in energy affordability program  
18 bill discounts.

19 Staff is doing a good thing in  
20 proposing to clarify the expected benefit to low  
21 income customers in these orders. However, I am  
22 flagging it because there are going to be a lot of  
23 challenges and nuances in the implementation of that  
24 as well as the expectations that are required and who  
25 is responsible for what. Coordination of how low-

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2 income customers are made aware of E.A.P. bill  
3 discounts and the development of documentation for  
4 tenants to receive the E.A.P. discounts will, I  
5 understand, be addressed in the second phase of the  
6 energy affordability proceeding.

7 It's very important that we make sure  
8 there is good representation from the submetering  
9 community at all levels, tenants, developers, owners,  
10 et cetera so that we fully understand some of the  
11 challenges that are there and make sure that people  
12 understand what are in the existing regulations that  
13 we are now clarifying. With that I have nothing  
14 further. Thank you so much.

15 CHAIRMAN HOWARD: Commissioner Alesi?

16 COMMISSIONER ALESI: Nothing, Mr.  
17 Chairman. Thank you.

18 CHAIRMAN HOWARD: Commissioner  
19 Edwards?

20 COMMISSIONER EDWARDS: No, I  
21 appreciate Commissioner Burman's words today  
22 especially on the issues of low income and  
23 submetering. I appreciate those comments and I will  
24 not have any further comments. Thank you.

25 CHAIRMAN HOWARD: Thank you. Now I'll

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2 call for a vote on the consent agenda. My vote is in  
3 favor of the recommendations of the consent agenda.  
4 Commissioner Burman, could you articulate your votes  
5 for the secretary please?

6 COMMISSIONER BURMAN: Sure. I am  
7 voting in favor except 162 I am concurring. 164 I am  
8 concurring. 165 I am a no. 371 I concur with  
9 reservation. 374 I concur. Thank you.

10 CHAIRMAN HOWARD: Thank you very much.  
11 Commissioner Alesi?

12 COMMISSIONER ALESI: Thank you. I  
13 vote yes on all items.

14 CHAIRMAN HOWARD: Thank you very much.  
15 Commissioner Edwards?

16 COMMISSIONER EDWARDS: I vote yes.  
17 Thank you.

18 CHAIRMAN HOWARD: Thank you. These  
19 items are approved and adopted. Secretary Phillips  
20 is there anything further to come before us today?

21 SECRETARY PHILLIPS: Yes. Chair, I'd  
22 like to ask for clarification on Commissioner  
23 Burman's vote regarding Item 371. I noted that she  
24 concurs with reservations. But I'd like to clarify  
25 does that mean you do not fully agree with the result

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2 or that you do?

3 COMMISSIONER BURMAN: At the time that  
4 I concur -- I'm concurring based on the ultimate  
5 outcome, however, there may be underlying issues  
6 within the order itself. Maybe the way it's written,  
7 et cetera that I disagree. In this I'm underscoring  
8 on 371 that I concur but I do have reservation as it  
9 relates to the underlying result of an interim  
10 solution. Therefore, based on that, you can count me  
11 as concurring but I am underscoring that it is based  
12 on my reservation with the interim solution which  
13 ultimately leads to the actual result.

14 SECRETARY PHILLIPS: Okay. And just  
15 to be absolutely certain then on the order it can say  
16 concur?

17 COMMISSIONER BURMAN: Yes.

18 SECRETARY PHILLIPS: Thank you.

19 COMMISSIONER BURMAN: Thank you.

20 CHAIRMAN HOWARD: Anything further,  
21 Madam Secretary?

22 SECRETARY PHILLIPS: There is one  
23 other thing that I believe you would like to address.

24 CHAIRMAN HOWARD: Yes. Today is a  
25 melancholy moment for us here at the commission where

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2 we honor the departure of one of the finest civil  
3 servants that I have ever met in my career. Doris  
4 Stout. And to that end I would like to read a  
5 resolution of the commission into the record.

6 This is the resolution of the Public  
7 Service Commission, the State of New York. Whereas  
8 Doris Stout has served the Department of Public  
9 Service, the Public Service Commission and the  
10 Citizens of New York since 1989 with great  
11 distinction. And whereas Ms. Stout began her career  
12 in the department as a senior utility financial  
13 analyst on June 14th, 1989 and has steadily increased  
14 her responsibilities through a series of well-earned  
15 promotions culminating in her current leadership role  
16 as director of the Office of Audits, Accounting and  
17 Finances.

18 Whereas Ms. Stout has exemplified the  
19 role of public servant taking great care to provide  
20 thoughtful and thorough analysis in every matter and  
21 always striving for the right decisions no matter how  
22 hard, creating opportunities for her colleagues to  
23 learn and grow and conducting her work with the  
24 utmost integrity and professionalism.

25 Whereas Ms. Stout has brought her

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2           extensive knowledge and valuable guidance and  
3           patience to bear and untold number of meetings,  
4           hearings and commission sessions to the great benefit  
5           of those who have the good fortune of working with  
6           her. And whereas Ms. Stout has generously shared her  
7           expertise with others in the department, the  
8           commission and the National Association of the  
9           Utility Regulatory Commissioners.

10                   Whereas Ms. Stout has worked  
11           tirelessly and served the administration and respect  
12           of the public service staff and the Public Service  
13           Commission. And whereas Ms. Stout will now have more  
14           time to spend with her husband Warren, her dogs Peppa  
15           and Chloe and her extended family and friends.

16                   It is resolved that New York State --  
17           the New York State Public Service Commission  
18           expresses its deepest appreciation to Doris Stout for  
19           her leadership in the department and her faithful  
20           service to its citizens in the State of New York as  
21           demonstrated by her unwavering commitment to the  
22           mission of the commission, to ensure safe, secure,  
23           reliable access to electric, gas and steam and  
24           telecommunications and water services for all of New  
25           York's residential and business customers at this

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2 session the Public Service Commission held March  
3 18th, 2021 in the City of Albany.

4 You know, Doris, you're a rare breed.  
5 A person who has decided to use her expertise and  
6 skill for the public interest even though someone  
7 with your skill, expertise could have been far more  
8 compensated in the private sector. And you would  
9 have been an invaluable part of any investment bank.  
10 I am sure of that. However, you decided to make your  
11 career serving the people of the State of New York.  
12 And for that we should all be grateful. Thank you so  
13 much, Doris.

14 Do any of my fellow commissioners have  
15 a comment? Commissioner Burman?

16 COMMISSIONER BURMAN: Thank you so  
17 much. Doris rose through the ranks at the Department  
18 of Public Service to become the first female director  
19 of accounting and finance. She learned from some of  
20 the best including Charlie. Doris was always  
21 professional, always approachable, very, very smart,  
22 dedicated and a team player.

23 Doris gave me a book once authored by  
24 her sister-in-law shortly after Lynn passed away in  
25 April 2018. And it's made a huge impact on me. I

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2 feel that Lynn would be really, really proud of how  
3 Doris embodies the essence of prudent, compassionate,  
4 economic, regulatory thinking. Doris -- Doris's  
5 quiet but steady focus on helping give us information  
6 on the financial impact, more policy actions even  
7 when it was difficult to do so was most appreciated.

8 Doris was a role model for me and so  
9 many others. Not only was she the first female  
10 director of accounting and finance, but she was the  
11 first female member of A and F's management team.  
12 She paved the way for others as evidenced by the  
13 recent promotions of Allison Manz and Debbie Evans to  
14 acting chief positions. And they joined Denise as A  
15 and F's three chiefs.

16 I am truly happy, Doris, for you and  
17 your husband Warren and I wish you many adventures  
18 doing what you both love, travel, kayaking and  
19 playing with your dogs. Doris, I will greatly miss  
20 your presence at D.P.S. and thank you for making such  
21 a positive difference in my life. Thank you.

22 CHAIRMAN HOWARD: Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you very  
24 much. Well, I guess it's wherever you go I hope that  
25 it's a beautiful and wonderful place. And whatever



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2 you do that you enjoy it thoroughly and fully. You  
3 certainly have earned it. And I just hope all good  
4 things come your way as you enjoy your retirement.  
5 And thank you so much for your service.

6 CHAIRMAN HOWARD: Thank you.  
7 Commissioner Edwards?

8 COMMISSIONER EDWARDS: No, I just want  
9 to thank you, Doris, for your professionalism, your  
10 thoughtfulness. You really do everything in a way  
11 that is comprehensive. But you do it in a way with a  
12 lot of style and grace. And I truly wish you all the  
13 best wishes to you and your family.

14 CHAIRMAN HOWARD: Thank you. Thank  
15 you, Doris, again. ... weren't all in the same  
16 place?

17 MS. STOUT: If I -- if I may I want to  
18 thank you all for your --.

19 CHAIRMAN HOWARD: Absolutely.

20 MS. STOUT: I want to thank you all  
21 for your kind words. I'm fortunate to have had a  
22 long and exciting career with this organization  
23 because we're accomplishing some really important  
24 things for the people of New York. My success has  
25 only been as great as my team. I have a fantastic

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2 team in the office of accounting, audits and finance.  
3 And I'm comfortable retiring knowing I'm turning over  
4 the reins to this talented management team as well as  
5 the auditors and financial analysts in A.A. and F.

6 It's been a privilege, an honor  
7 working with my colleagues here at the D.P.S.  
8 They're an incredible group of hardworking,  
9 knowledgeable and talented individuals, and I will  
10 miss our comradery. So everybody take care of  
11 yourselves and best wishes. And thanks again.

12 CHAIRMAN HOWARD: Thank you, Doris.

13 MS. STOUT: Thank you.

14 CHAIRMAN HOWARD: Secretary Phillips,  
15 do we have anything else?

16 SECRETARY PHILLIPS: There is nothing  
17 further.

18 CHAIRMAN HOWARD: Thank you. Well,  
19 then I will call for the adjournment of this session  
20 of the New York State Public Service Commission.  
21 Thank you.

22 (Off the record 11:36 a.m.)

23 (The meeting concluded.)

24

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2 STATE OF NEW YORK

3 I, JANET WALLRAVIN, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 50, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 22nd day of March, 2021.

11

12

13 JANET WALLRAVIN, Reporter

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