

1 4-23-2020 - Monthly Meeting

2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION

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MONTHLY MEETING OF THE PUBLIC SERVICE COMMISSION

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Thursday, April 23, 2020

10:30 a.m.

14

WEBEX CONNECTION

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COMMISSIONERS:

18

JOHN B. RHODES, Chair

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DIANE X. BURMAN

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JAMES S. ALESI

TRACEY A. EDWARDS

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JOHN B. HOWARD

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1 4-23-2020 - Monthly Meeting

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

3 CHAIRMAN RHODES: Good morning. Shall
4 we begin?

5 SECRETARY PHILLIPS: Yes.

6 CHAIRMAN RHODES: Thank you. Good
7 morning. I'm John Rhodes -- I'm John Rhodes, Chair
8 of the Public Service Commission and I call this
9 session of the Public Service Commission to order.

10 Secretary Phillips -- Secretary
11 Phillips, are there any changes to the final agenda?

12 SECRETARY PHILLIPS: Yes, Chairman,
13 there are two changes. Item 301 New York Sun
14 Petition will not be in the agenda. In addition,
15 Item 369 which concerns the matter of VDER, also will
16 not be on the agenda.

17 CHAIRMAN RHODES: Thank you very much.
18 Before we get started, I'd like to note our
19 arrangements for the session today. In line with the
20 guidelines concerning social distancing and
21 minimizing large gatherings, and in light of the
22 Executive Orders 202.1 and 202.14 which suspend
23 provisions of the Open Meeting Law on an emergency
24 basis. We are conducting today's session remotely.

25 I'd like to remind those of you who

1 4-23-2020 - Monthly Meeting
2 are participating by phone to please mute your line
3 except when you are speaking. The public, you will
4 have the opportunity to listen to the session on the
5 department's webcast page. We will also record and
6 transcribe the session, as has been our practice.
7 These arrangements have been reviewed by our General
8 Counsel. And he has found that these meet the
9 requirements of the Executive Order and also that
10 they meet my own expectations honoring the intent of
11 the Open Meeting Law, the maximum extent permitted by
12 our duties to protect public health of New Yorkers.

13 Before we get started with the
14 discussion items, I'd like to ask Kevin Wisely,
15 Director, Office of Resilience and Emergency
16 Preparedness to give an update on the department's
17 response to COVID-19.

18 Kevin?

19 MR. WISELY: Good morning, Chair
20 Rhodes and Commissioners. This is Kevin Wisely,
21 Director of the Office of Resilience and Emergency
22 Preparedness and department's Emergency Manager. As
23 you know, New York State agencies including the
24 Department of Public Service, through Governor
25 Cuomo's leadership have been managing response to the

1 4-23-2020 - Monthly Meeting
2 COVID-19 pandemic since early March. Department of
3 Public Service staff have been tracking the COVID-19
4 outbreak since earlier in the -- earlier in the year.

5 The D.P.S. Office of Resilience and
6 Emergency Preparedness has worked with our internal
7 offices, as well as the utilities relative to their
8 continuity of operations and pandemic planning and
9 response. The Department of Public Service continues
10 to support the New York State COVID-19 response
11 mission, state operations and State Emergency
12 Operations Center through participation in daily New
13 York State multi-agency coordination calls, providing
14 rotating staff support to the Division of Homeland
15 Security Emergency Services and the New York State
16 Emergency Operations Center since it was activated on
17 March 3rd.

18 Staff also has been working the COVID-
19 19 call center intake hotline and assisting the State
20 Department of Labor. In addition, the D.P.S. team
21 has worked with other agencies and utilities to
22 provide utility service to temporary hospitals that
23 have been established in the state primarily this has
24 been in the con -- Consolidated Edison, P.S.E. & G.
25 Long Island, and National Grid downstate gas service

1 4-23-2020 - Monthly Meeting

2 territories.

3 We have assisted the executive chamber
4 and the Empire State Development with providing
5 guidance to the energy sector identifying what work
6 is essential and what work is non-essential. D.P.S.
7 is ensuring that continuity of operations and
8 pandemic plans are being implemented by the
9 utilities, power generators, and the New York
10 Independent System Operator. All of these entities
11 are playing a critical role to provide safe and
12 reliable service even with a reduced workforce.

13 All utilities have suspended non-
14 essential work and are having employees work from
15 home where feasible. D.P.S. has also assisted in
16 sequestering critical energy sector employees at key
17 sites to ensure that we have the trained personnel
18 always available to keep the electric grid
19 operational. Several entities have already
20 sequestered control room staff including New York
21 ISO, the New York Power Authority, National Grid, Con
22 Edison, Orange & Rockland and several other
23 generators.

24 As of Monday, April 20th, there were
25 373 energy sector employees sequestered on site. For

1 4-23-2020 - Monthly Meeting

2 plant and operator control center workers who are not
3 yet sequestered, the utilities are screening
4 employees at their gates before starting their
5 shifts, using social distancing and providing P.P.E.
6 where necessary.

7 D.P.S. is participating on numerous
8 coordination and information sharing calls with
9 utilities, power generators, the I.S.O., NYPA, the
10 Federal Energy Regulatory Commission, United States
11 Department of Energy and others in response to the
12 COVID-19 outbreak, so that we have the latest
13 information from our partners and so that we are able
14 to address any unmet needs in a timely fashion.

15 Starting in early March D.P.S. ensured
16 that utilities, electric, gas, water, telecom and
17 internet, suspending customer shut off for non-pay
18 and waive late fees. The New York State telecom
19 providers are also participating in the Federal
20 Communications Commission's Keep American Connected
21 Pledge to suspend shut offs for non-payment.

22 D.P.S. also worked with broadband
23 providers to expand their free service offerings to
24 households who were originally shut out of these
25 programs because they were in arrears. The Chair has

1 4-23-2020 - Monthly Meeting
2 also issued several commissioner orders to address
3 issues caused by the pandemic which are before you as
4 confirming orders today. They include an order to
5 extend interconnection deadlines for distributed
6 generation projects affected by the New York PAUSE
7 executive order.

8 This will give these projects an
9 opportunity to be completed and interconnected once
10 the economy is reopened. In order to temporarily
11 amend Central Hudson's gas tariffs to waive daily
12 imbalance penalties and adjusting index pricing
13 applied to retail suppliers or deliveries and under
14 deliveries. This action was necessary due to shifts
15 in gas demand within the service terri -- territory
16 and was unique to Central Hudson.

17 In order to extend the deadline for
18 all gas utilities to complete certain baseline indoor
19 inspections, to allow suspension of indoor service
20 line inspections during the emergency. This action
21 was necessary to protect the safety of utility
22 workers and the public. Orders postponing rate
23 increases that were scheduled to take effect on April
24 1st for New York American Water and Niagara Mohawk.
25 These actions were in recognition of the current

1 4-23-2020 - Monthly Meeting

2 financial hardships many customers are facing.

3 For additional information on COVID-
4 19, please -- please refer to the daily updates
5 posted on the New York State Department of Health
6 website: coronavirus.health.ny.gov. For information
7 relative to essential workforce guidance related to
8 the issued New York State executive orders, please
9 refer to the New York State Empire Development
10 website: esd.ny.gov. This concludes my presentation.
11 Thank you for the opportunity to provide this
12 important informational update.

13 CHAIRMAN RHODES: Thank you, Kevin.
14 It's really remarkable what the department is able to
15 do in response to this crisis. And it's a tribute to
16 you personally and to the whole office that, you
17 know, we're doing so well. Thank you very much.

18 I will now proceed to the regular
19 agenda. The first item for discussion is item 101,
20 case 17-G-0316. As it relates to the settlement
21 agreement addressing Consolidated Edison's compliance
22 with operator qualifications, performance, and
23 inspection requirements, presented by Diane Dean,
24 Assistant Counsel; Kevin Speicher, Chief Public
25 Safety and Reliability, Cindy McCarran, Deputy

1 4-23-2020 - Monthly Meeting
2 Director of Safety and Reliability and Doris Stout,
3 Directory -- Director of Office of Accounting, Audits
4 and Finance are available for questions. Diane,
5 please begin.

6 MS. DEAN: Thank you, Chair Rhodes.
7 This is Diane Dean. Good morning to you and to the
8 Commissioners.

9 The proposed settlement before you in
10 this case will resolve a penalty action commenced
11 pursuant to Public Service Law, Section 25A. Section
12 25A. was enacted 7 years ago. It specifically
13 authorized the Commission to conduct penalty actions
14 for alleged violations of regulations, even when the
15 regulatory violations have not as the statute states,
16 caused or contributed to personal injury or death.
17 This is just such a case.

18 With respect to gas safety,
19 identifying regulatory violations on gas facilities
20 before they cause damage to those facilities can
21 prevent gas incidents and therefore avoid injury to
22 the public. In this case, department staff and
23 Consolidated Edison agreed to resolve a penalty
24 action that the Commission commenced in March 2019
25 for alleged regulatory violations, all of which have

1 4-23-2020 - Monthly Meeting

2 since been corrected.

3 We are asking you to approve the
4 proposed settlement today. In the settlement, Con
5 Edison shareholders would pay 15 million dollars to
6 make its gas system safer. Specifically, Con Edison
7 has been installing on a pilot basis, A.M.I. enabled
8 gas detectors. A.M.I. enabled natural gas detectors
9 have proven very effective in alerting Con Edison
10 that inside gas odors, even those caused by leaks
11 originating outside the building, in buildings where
12 the gas detectors have been installed.

13 The settlement dollars will allow Con
14 Edison towards install at least 70,000 more A.M.I.
15 enabled natural gas detectors in buildings. This
16 installation method allows for automatic notification
17 to Con Edison that leaks are present, even if the
18 leak has not been detected by the building occupants.
19 The settlement and the draft order approving the
20 settlement also includes milestones and deadlines for
21 process improvements at Con Edison.

22 For instance, when Con Edison is
23 performing work on its facilities, it will inspect
24 its nearby facilities to make sure its gas facilities
25 are separated from nearby electric and water

1 4-23-2020 - Monthly Meeting
2 facilities with fully intact separation boards. Con
3 Edison also has committed to performing Pipeline
4 Safety Management System assessments every 2 years
5 instead of the every 3 years which is a standard set
6 by the American Petroleum Institute. These are just
7 two examples of a number of process improvements Con
8 Edison has agreed to. That concludes my
9 presentation.

10 Kevin Speicher and I are prepared to
11 answer any questions you may have.

12 CHAIRMAN RHODES: Thank you, Diane
13 Dean. This is John Rhodes speaking again. I find
14 this is a timely and important resolution of a
15 serious matter and it flows from a good internal
16 investigation, safety and the utmost assurance of
17 safety is critical. We will hold utilities and all
18 parties concerned accountable. We do that in this
19 case, and I find these are thoughtful and customer
20 protective remedies. I'm going to support this item.

21 Commissioner Burman, do you have any
22 comments or questions?

23 COMMISSIONER BURMAN: Thank you very
24 much, Chair Rhodes. This is Commissioner Burman. I
25 do want to take a few moments to explain my vote. I

1 4-23-2020 - Monthly Meeting
2 will be voting in favor of this item. I believe that
3 it is in the public interest and it makes the
4 standards that are necessary to approve a settlement.

5 I believe wholeheartedly that the
6 integrity and reliability of our gas system is
7 paramount. And that the core of that is safety.
8 It's not lost on me that this month is National Safe
9 Digging month. Therefore, looking at it as a forward
10 thinking regulator, I understand we must place a
11 strong emphasis on innovation technology to enhance
12 pipeline safety.

13 That also does include as a side note,
14 innovations around damage prevention and calling 811.
15 This item itself talks about the utilizing the
16 settlement funds for A.M.I. natural gas detectors.
17 That is something that is very, very important. As
18 we know, A.M.I. is a technological innovation that
19 can enhance the utility regulatory process. We are -
20 - we have recently looked at it from the data access
21 side of things and hear that this A.M.I. in the
22 natural gas sector can also help to improve and it
23 has shown so far improvements and so the use of the
24 shareholder funds for that is, I think, vitally
25 important.

1 4-23-2020 - Monthly Meeting

2 I do want to take a moment also to
3 talk about what is the history of this. What led us
4 to the settlement today and why I'm comfortable in
5 this. This has been something that we have been
6 working towards and improving upon as we go forward.
7 The solutions that we look to focus on continuous
8 improvement for the pipeline safety, so it's
9 important for us to take a step back. We -- we
10 started looking at this back in 2016 when we received
11 a letter concerning some potential problems.

12 There was a D.P.S. staff investigation
13 that was very fair and thorough, in my opinion. And
14 we worked with the Northeast Gas Association to get
15 under the hood and look at what was going on. But it
16 also was underpinned by Fire Orders that we dealt
17 with back in 2014. And that led to an order in May
18 18th, 2018 as well. Where we were looking at
19 operator qualification in plastic fusion, relating to
20 and coming out of the East Harlem terrible tragedy
21 and incident. From that staff developed a white
22 paper on operator qualification, which after thorough
23 and robust vetting and reviewing, we recently adopted
24 and are focused on the implementation of that.

25 I think it's really important to note

1 4-23-2020 - Monthly Meeting
2 that when we opened up the order to show cause on
3 March 14th, 2019, it was really with a full record
4 factually that laid out many of the things I just
5 talked about with the staff investigation and et
6 cetera. So we had at that time when we did the --
7 when we voted to have the order to show cause, we had
8 really clear factual records that I felt comfortable
9 voting for the order to show cause to look at what we
10 may need to do.

11 So shortly after that, the Counsel to
12 the Commission engaged with counsel to the Company to
13 discuss potential opportunities for settlement
14 discussions. That was under or -- the guidance
15 that's allowed under 16 N.Y.C.R.R. 3.9. April 4th,
16 2019, Con Ed filed a notice of settlement
17 negotiation, putting everyone on notice that they
18 were now going to be in settlement discussions with -
19 - with Department of Public Service staff. We did
20 not receive -- I don't believe we received any
21 comments from folks asking to be a part of that. And
22 then that led to eventually a settlement that's here
23 before us today.

24 This settlement really is about
25 specifically the potential violations that we brought

1 4-23-2020 - Monthly Meeting
2 forward in the order to show cause and related to the
3 core activities that needed to be done to correct
4 that. So then this settlement lays out not only a
5 financial amount of 15 million dollars into
6 shareholder funds, but what we would be doing with
7 that with establishing -- utilizing them for, as I
8 said before, the A.M.I. natural gas detectors. We
9 have, I think, fiscally prudent use of those funds.
10 We have a track record that we have looked at. It is
11 important to note that the way the A.M.I. natural gas
12 detectors have been incorporated in New York was
13 through important R&D innovation that we worked with
14 the company, other companies and looking at research
15 and development in ensuring the integrity of these
16 natural gas detectors.

17 It is really important to me that
18 technological advances like this are recognized, and
19 that we continue to move forward on helping to ensure
20 that we are being supportive of other important R&D
21 and technological invens -- innovations in all
22 aspects of our energy grid, but as to our gas
23 innovation. It is critically important as we speak
24 today.

25 From my perspective, I think it's

1 4-23-2020 - Monthly Meeting
2 really also important to note that we are also
3 recognizing in the settlement agreement and in the
4 order the important utilization of A.P.I., R.P. 1173.
5 This is really something that I, in my experience on
6 NARUC as chair of the gas committee and it's -- on
7 its Board of Directors. And in my experience at the
8 New York State Public Service Commission that leads
9 me to be supportive of appropriate A.P.I. 1173
10 implementation.

11 It is something that our federal
12 regulators and N.T.S.B have looked at and have been
13 supportive of. This is clear pipeline safety
14 management system and the 1173 seeks to establish
15 this pipeline safety management system framework for
16 folks to use in a way that will help provide a
17 framework to reveal and manage risks, promote an
18 important learning environment, and underscoring it
19 continuously improving pipeline safety and integrity
20 at its foundation, that is really what we're trying
21 to do.

22 From my perspective, we are going to
23 be moving forward in looking at that. It requires us
24 to work collaboratively with the companies in a very
25 holistic approach. A.P.I. 1173 is really focused on

1 4-23-2020 - Monthly Meeting

2 a plan due check act perspective, which is looking at
3 helping the company establish their gas analysis and
4 develop implementation plans that can really lead to
5 important review and if necessary, enact any changes
6 or improvements to their activities.

7 Ultimately, the goal is to have a zero
8 incident goal. That's the -- where we're working
9 towards and ensuring that the various components of
10 the safety management system are regularly reviewed
11 and continually evolving and doing it not in overly
12 an prescriptive way, but rather in -- in working in a
13 collaborative way that helps drive engagement, hands-
14 on and real solutions for continuous improvement for
15 pipeline safety. So with that, I am very happy to be
16 supportive of this.

17 I will note that we are also still
18 awaiting, at the federal level, the pipeline
19 reauthorization to be enacted. It is typically done
20 every 4 years on a bipartisan noncontroversial basis.
21 It has been lagging and it is -- currently the
22 pipeline reauthorization legislation has expired. It
23 is really important not only to our utilities who
24 need this, but to us as state regulators and to the
25 federal regulators to ensure that that pipeline

1 4-23-2020 - Monthly Meeting
2 reauthorization legislation is passed. And I do hope
3 that when they come back in May, I do hope that this
4 will be able to be done like it's historically been
5 done without controversy. Thank you. I have no
6 further comments on this.

7 CHAIRMAN RHODES: Thank you very much,
8 Commissioner Burman. Commissioner Alesi.

9 COMMISSIONER ALESI: Thank you,
10 Chairman Rhodes. I believe this is a wise use of the
11 15 million dollar penalty funding using shareholder
12 money to add significant number of A.M.I. enabled gas
13 detectors. There will be more frequent inspections
14 beyond what is required in industry standards and
15 using those independent inspectors to do that. It's
16 most assuredly in the public interest and I'll be
17 supporting it.

18 CHAIRMAN RHODES: Thank you very much.
19 Commissioner Edwards.

20 COMMISSIONER EDWARDS: Yes, I am fine
21 with the settlement. I too would like -- I'd like to
22 request a follow up though for the future, not for
23 today. I would just like to have more information
24 about the A.M.I. detectors. How many of them are out
25 there, is it just for Con Edison, is there another

1 4-23-2020 - Monthly Meeting

2 type for residential use?

3 It seems that it would be really good
4 for us to just see what we can do to expand the use
5 of this, especially in future rate cases for all of
6 the gas utilities themselves. So just as a follow
7 up, I'd just like to have a briefing on -- on that
8 technology.

9 CHAIRMAN RHODES: Thank you,
10 Commissioner Edwards, we will do that of course, we'd
11 be happy to do that. Commissioner Howard.

12 COMMISSIONER HOWARD:: Yes, so this is
13 John Howard. Thank you Chairman Rhodes. I too want
14 to commend staff and all parties involved in -- in
15 coming to this settlement, particularly in light of
16 it stopped things, bad things happening before they
17 happened, and prevention issues is paramount as we
18 now know on many aspects of life. So I -- good work
19 to everyone and -- and I guess, I will be supporting
20 this.

21 CHAIRMAN RHODES: Thank you very much.
22 It's John Rhodes again, I will now proceed to call
23 for a vote. My own vote is in favor of the
24 recommendation to adopt the terms of the settlement
25 agreement as discussed. Commissioner Burman, how do

1 4-23-2020 - Monthly Meeting

2 you vote?

3 COMMISSIONER BURMAN: Yes.

4 CHAIRMAN RHODES: Commissioner Alesi,
5 how do you vote?

6 COMMISSIONER ALESI: Yes.

7 CHAIRMAN RHODES: Commissioner
8 Edwards, how do you vote?

9 COMMISSIONER EDWARDS: Yes.

10 CHAIRMAN RHODES: Commissioner Howard,
11 how do you vote?

12 COMMISSIONER HOWARD:: Yes.

13 CHAIRMAN RHODES: The item is
14 approved, and the recommendation is adopted. We will
15 now move to the second item for discussion. This is
16 item 302 case 18-E-0071 which is in the matter of
17 Offshore Wind Energy presented by Tom Dwyer,
18 Assistant Counsel. Tom Rienzo, from the Office of
19 Markets and Innovations is available for questions.
20 Tom Dwyer, please begin.

21 MR. DWYER: Thank you. Good morning
22 Chair Rhodes and Commissioners, again, this is Tom
23 Dwyer. Items 302 is a draft order that provides
24 NYSERDA the authorization to conduct an Offshore Wind
25 Procurement in 2020 for at least 1000 megawatts and

1 4-23-2020 - Monthly Meeting

2 up to 2500 megawatts of Offshore Wind capacity. This
3 would represent the second Offshore Wind Procurement
4 authorized by the commission and would be a key
5 factor in the state achieving its clean energy goals.

6 NYSERDA issued its first Offshore Wind
7 Procurement in 2018, which resulted in NYSERDA
8 executing contracts with two projects with an
9 aggregate nameplate capacity rating of approximately
10 1,700 megawatts. That first solicitation was very
11 competitive and resulted in Offshore Wind Renewable
12 Energy Certificate or OWREC prices, approximately 40%
13 less than projected.

14 Further, continued declines in the
15 levelized cost of energy are expected in the industry
16 as a result of strong competitive pressure on pricing
17 as well as ongoing technology improvements. Staff
18 recommends authorizing NYSERDA to conduct an Offshore
19 Wind Procurement in 2020, as an additional
20 solicitation would provide market certainty to the
21 Offshore Wind industry as well as demonstrate a
22 commitment towards the achievement of New York's
23 renewable goals.

24 Doing so will help promote long term
25 investments in New York by the growing U.S. Offshore

1 4-23-2020 - Monthly Meeting
2 Wind industry and is particularly important given the
3 fact that regional competition to secure existing
4 offshore lease areas is quickly ramping up. Another
5 important factor supporting a 2020 Offshore Wind
6 solicitation is the extension of the federal
7 investment tax credit for wind facilities that begin
8 construction in 2020.

9 That the 2020 certification would
10 afford developers the opportunity to take advantage
11 of additional tax benefits that may not be available
12 in future years. The proposed 2020 solicitation will
13 build up the experience gained to the 2018
14 procurement. Moreover, the draft order makes limited
15 changes to the procurement process, mostly to conform
16 this offshore wind solicitation with the process laid
17 out in the Commission's January 16th, 2020 Order
18 Modifying Tier 1 Renewable Procurements.

19 Most notably the item would afford
20 bidders the option to submit either fixed price or
21 index OWREC bids, rather than the high bid approach
22 that was used in the first procurement, which
23 required developers to submit both types of bids.
24 With respect to index OWREC bids, the draft order
25 also calls for the use of a reference energy price

1 4-23-2020 - Monthly Meeting

2 that reflects the average L.B.M.P. from the project's
3 NYISO zone of delivery and the reference capacity
4 price that is calculated using the project specific
5 NYISO designated locality.

6 This concludes my presentation on item
7 302 and Seth is available to answer any questions you
8 may have.

9 CHAIRMAN RHODES: Thank you very much,
10 Tom. This is John Rhodes again.

11 This is an important step forward to
12 advance the opportunity for New York State the next
13 offshore wind solicitation. As you've noted, Tom,
14 it's timely because it's reserved for the submitting
15 developers the best access to the best sites and to
16 tax credits and the economic impact of social loss
17 and that is in the interest of New York State's
18 customers.

19 We received important input including
20 in the course of a recently concluded comment period.
21 This order properly considers those as well of course
22 -- as well of course as considering the principal
23 aspects of the public interest. I am going to be in
24 favor of this item.

25 Commissioner Burman.

1 4-23-2020 - Monthly Meeting

2 COMMISSIONER BURMAN: Thank you so
3 much, Chair Rhodes. This is Commissioner Burman. I
4 unfortunately am not supportive of this item as it is
5 currently written. I am very concerned that while we
6 are looking to give direction and regulatory
7 certainty to NYSERDA and those involved in offshore
8 wind and giving a nod that we are supportive of
9 moving forward in 2020 on a offshore wind
10 solicitation.

11 I am truly concerned that -- and I
12 believe that when we consider giving more money even
13 if it's uncommitted funds being repurposed and
14 looking at moving forward on programs that lie with
15 NYSERDA, we need to attach really substantive
16 conditions that are designed to foster prudent
17 choices and decision making by NYSERDA and true
18 accountability to ratepayers. I think this item
19 fails to do that.

20 Part of my pause is that when we look
21 at this I also note that NYSERDA is engaged currently
22 on whether or not to move forward on other RFPs and
23 other items and I think we need to look at that
24 holistically and be partners in working with that,
25 the help gives the true regulatory certainty and

1 4-23-2020 - Monthly Meeting
2 appropriate guidance on what may or may not be
3 appropriate as we see it as decisionmakers at NYSERDA
4 who are really stewards of the ratepayer dollars and
5 stewards of helping to achieve the goals. I
6 recognize that we are trying to match up with what is
7 established in the law on the offshore wind targets,
8 but I think as true stewards of that we also need to
9 be mindful that we need to have appropriate
10 information in real time that can help us give the
11 true analysis that we need and making those decisions
12 not in a vacuum or in crossing our fingers and hoping
13 that it all works out.

14 But really in demanding ahead of time
15 when a petition is submitted and then if
16 circumstances change this from when the petition was
17 submitted to asking for more information before we go
18 forward on that. We have at times looked at helping
19 to modify the petition or asking for those
20 petitioners to submit more information before we move
21 forward. I feel comfortable in voting no at this
22 time because it's not a no that says, we shouldn't go
23 forward, it's a no in saying we need more information
24 and I don't believe that my no if it was adopted by
25 the full commission would be harmful if we took a

1 4-23-2020 - Monthly Meeting

2 pause and asked for more clarity and information.

3 From my perspective, the comments to
4 the petition only came in this week. I still am
5 trying to process all those comments that came in,
6 understand the concerns that were raised even from
7 those who were supportive of this petition and also
8 trying to understand what it means at this time and
9 in light of the fact that this very week NYSERDA also
10 announced that it was delaying the large scale
11 renewable RFP and so what does that mean in terms of
12 matching up here?

13 When I do look at the comments, I see,
14 and I acknowledge that for the most part they are
15 asking us to act quickly and to move forward on a
16 Offshore Wind R.F.P. However, there are significant
17 under-the-hood issues that really need to be looked
18 at even from those that are supportive because it is
19 not a one size fits all and not everyone is
20 supportive of exactly what NYSERDA is seeking to do.

21 In fact, some of them mentioned
22 continuously the need to go a little bit more
23 cautiously during 2020 and looking that maybe perhaps
24 outwards into post 2020, where we may be able to
25 capture greater savings for ratepayers. They also

1 4-23-2020 - Monthly Meeting
2 repeatedly discuss the transmission study we have had
3 over the years NYSERDA, as well as ourselves, as well
4 as other sister agencies, discussing undertaking
5 numerous studies and research. And yet, many times
6 we're left not necessarily having that -- that
7 information or those studies completed in real time,
8 for the very decision that it was supposed to help us
9 with.

10 I do believe that transmission study
11 is something that will be helpful and I do believe
12 that having more of that information even in terms of
13 knowing where it is with NYSERDA and staff and any
14 consultants that are hired, what exactly is being
15 looked at and that information for me as a
16 commissioned -- as a decision maker on the commission
17 really needs to help, so that I can have a clear
18 understanding of the progress that may be done or
19 needed to be done and making sure that it doesn't
20 just become another study that falls by the wayside
21 or gets incorporated into something else that doesn't
22 really ever address the real core issues for what we
23 actually asked for in the beginning.

24 We do know that the backbone for
25 renewables and offshore wind in particular does

1 4-23-2020 - Monthly Meeting
2 require transmission planning, does require clear
3 guidelines and guideposts on that and yet, I am still
4 scratching my head on what exactly we're doing on
5 that. When I look at the order, the draft order,
6 what I'm struck with and when I look at the petition,
7 what I'm struck by is that we're not really demanding
8 from NYSERDA real information to be given to us, real
9 drill-down information.

10 We are putting a lot of faith in them
11 to have flexibility and that they will do things that
12 they think are appropriate at that time. Not opposed
13 to giving NYSERDA appropriate flexibility, I am
14 opposed to being kept in the dark from the very
15 beginning and throughout in a way that does not give
16 me the potential facts that I may need to feel
17 comfortable at this time with moving forward.

18 To me, we are giving them too much
19 solo flexibility without any real accountability to
20 the ratepayers. That concerns me. I think it's
21 something that can be fixed, I think there are many,
22 many good intentions, but I think we need to be
23 really mindful that when we're looking at this we are
24 in fact, the stewards of the ratepayer dollars and
25 that's something that's very, very important.

1 4-23-2020 - Monthly Meeting

2 When I look at this also, one of the
3 things that I'm also struck by is that I don't see
4 here a real analysis in the petition, nor in the
5 order, nor in any of our underlying documents that
6 may help us in lessons learned from the first
7 solicitation. In fact, for the most part, we are
8 allowing them to go forward exactly as they had
9 before. That may or may not be appropriate, but for
10 me the analysis, not only from the fiscal analysis,
11 but also from the substantive analysis and in where
12 we are especially as it relates to the impact with
13 the Coronavirus on our supply chain and whether or
14 not it takes -- it makes more sense to get a little
15 bit more facts for what may or may not be
16 appropriate.

17 I also am very concerned about the
18 amount of dollars being repurposed for more
19 administrative overhead and salaries. I think that
20 that is something that may or may not be appropriate,
21 but it's -- I don't want to just have them file after
22 the fact a detailed list of the expenses and the
23 information that would, yes, things that were
24 incurred. I want to know ahead of time as we have
25 always been focused on getting those clear plans and

1 4-23-2020 - Monthly Meeting

2 implementation, we do it with utilities where they
3 ask them -- we ask them to give us more information,
4 we ask them to drill down more.

5 In my perspective, I don't think
6 NYSERDA should get a free pass on this. I think that
7 they should be required to submit for Commission
8 approval a much more diligent drill down petition on
9 what this would look like and not just leave it to
10 them afterwards to figure out the flexibility.

11 I also would really like to understand
12 what led to the decision to pull back and delay at
13 this point which probably is a -- is a sound decision
14 on the R.F.P. of the large scale renewable. I
15 understand from the public announcement that it was
16 related to looking at and talking to industry and
17 developers in particular.

18 So for me, it's important to see how
19 does that translate on the Offshore Wind R.F.P. and
20 what guidance should we give to them as well as to
21 the stakeholders, so that we can actually help
22 support more regulatory certainty in that we're not
23 looking to pull back, but we're actually looking to
24 be more fiscally prudent and more responsible and
25 figure out how to do this in a way that actually will

1 4-23-2020 - Monthly Meeting

2 lead to a successful integration of renewables that
3 will also keep our grid reliable and resilient.

4 So I do want to say that I am thankful
5 that I have this opportunity to look at this and the
6 other comments that I'd like to say, is particularly
7 I was struck by -- and my comments and from my
8 perspective, couple of the things that they raised, I
9 think would be more helpful for us to go back to some
10 of the original comments on the first Offshore Wind
11 as well because one of the things that MI did as well
12 as others is they took for granted probably
13 rightfully so, that we would be moving forward.

14 And therefore, when M.I. talked about
15 in particular looking to use the unencumbered funds,
16 it wasn't necessarily that they are in full agreement
17 with that, but in a recognition that if we were to
18 move forward that we should be looking at, not new
19 collections, but utilizing the unencumbered funds.

20 I feel very strongly that since my
21 time at the Commission, I feel that I don't have as
22 good a handle as I should despite my raising it, that
23 we have a true picture of the amount of funds that
24 we've collected and that are available and whether or
25 not we should be taking some time to look at whether

1 4-23-2020 - Monthly Meeting

2 we need to adjust that in a way that makes sense.
3 Not just offshore wind and it's something that I
4 think that we need to carefully look at and work
5 through and because it is ratepayer dollars, we need
6 to be really mindful that we have a responsibility to
7 do that.

8 So with that, the last comment I will
9 make is to -- on the fisheries. The Fisheries
10 Association raised some concerns in wanting to have
11 more time and -- and have each of the fishermen --
12 fishery -- fishermen affected be able to respond.
13 The order I think gives very little lip service to
14 their concerns.

15 Yes, I understand it was raised at the
16 last minute and I understand that -- that is
17 perceived as a rationale for saying they shouldn't
18 have waited this long. I don't think that that is
19 really the approach the regulators should take.
20 Especially on something like this group. We know
21 that they have had concerns, we know they have been
22 trying to work through those concerns and we know
23 that at this time things are difficult.

24 So I think that we should have
25 specifically checked in on that and we should take

1 4-23-2020 - Monthly Meeting
2 notes about how to incorporate their concerns on the
3 front end more. In this case, we took time in
4 February, I think February 12th, staff NYSERDA and
5 D.P.S. met with many of the offshore wind industry
6 folks to talk about many of the comments that seem to
7 now be responsive in the comments they filed this
8 week. I think we should think about others that need
9 to be included on the front end more which include
10 consumer interest as well, as well as the fishermen,
11 et cetera.

12 I do believe that we are trying to
13 work with all folks, but I think we need to be
14 mindful of clear engagement that will help us be
15 responsive not just to developers, but to all folks
16 and interested stakeholders.

17 So at this time, I am going to vote no
18 for this. I do think that we should be -- we could
19 even come back, you know, in another month or two and
20 revisit this issue, but I think that without that
21 information and it's on the petitioner to set the
22 record and give us the information we need to make a
23 real determination. I don't think that this is an
24 appropriate petition that makes me feel comfortable
25 at this time in voting yes for it.

1 4-23-2020 - Monthly Meeting

2 I will say that there is on the
3 consent agenda item, item 367, which is the one-
4 commissioner order for a final G.E.I.S. I believe
5 that the one-commissioner order was necessary to be
6 done before this item would come before us today --
7 before the 302 item would come before us today. So
8 I'm not opposed to that because I do think that was a
9 necessary vehicle to get the 302 item to us, but I do
10 think that it is inappropriate for us to be deciding
11 this order at this time without taking the time to
12 drill down more. I also do want to recognize that
13 the other issue and then I -- and then that's my
14 final saying, though I know I've said that a few
15 times.

16 On item 302 M.I. also raised the issue
17 of index REC or fixed REC, others have also mentioned
18 it too, there are other commenters who raised it.
19 This was an issue that we've dealt with before.
20 However, one of the things that I think is important,
21 it gets to the lessons learned from the other RFP, I
22 do think that the index direct and fixed direct is
23 something that we should be taking more detailed
24 analysis of internally as well as externally.

25 I believe strongly as we also use that

1 4-23-2020 - Monthly Meeting
2 with the index direct versus the fixed direct to say,
3 since we're doing this in the offshore wind space we
4 should also be able to deal within a large scale
5 renewable space. I am really concerned that the
6 index REC shift the market risks to customers, now
7 more than ever we need to make sure that we aren't
8 doing that in a way that is harmful.

9 And I do think that we need to have
10 more information from what Wall Street analysts think
11 about all of this now and how we can be sending the
12 right signals that we are not just moving ahead
13 without some thoughtful analysis, but really working
14 together to make sure that we are proper stewards of
15 the ratepayer dollars and the goals that we're
16 setting that works in tandem with all of our
17 different aspects that we're doing in the energy
18 space.

19 So with that, I'll be voting no, and I
20 have no further comments. I'm not sure I hear
21 anybody talking, I don't mean to interrupt.

22 CHAIRMAN RHODES: Thank you
23 Commissioner Burman. I was on mute and now I'm no
24 longer. We will of course, give you the briefing
25 that you asked for on the background of relating to

1 4-23-2020 - Monthly Meeting

2 NYSERDA's announcement earlier this week to press
3 pause on their large scale renewable solicitation.

4 Commissioner Alesi, any question or
5 comments?

6 COMMISSIONER ALESI: Yes, thank you,
7 Chairman Rhodes. I believe that this is keeping us
8 on the trajectory towards our clean energy goals as
9 we move into the near future. I stress the word near
10 future. I -- I believe as we all know that other
11 states in our immediate area are going to be pursuing
12 offshore wind that this creates a competitive field
13 that I think will be advantageous to us driving down
14 prices as we move along.

15 There is an extension or an
16 opportunity to take advantage, advantage of the
17 extension of the I.T.C. I embrace the option bidding
18 on fixed or variables and I think also the -- the
19 obvious environmental benefits with clean and
20 renewable energy cannot be denied, but we also have
21 to take a very good look at the economic development
22 benefits of offshore wind, the jobs that are created
23 and the related jobs out further out in the
24 marketplace that will be of great benefit to our
25 economy in New York.

1 4-23-2020 - Monthly Meeting

2 And I'd also say that we're very
3 fortunate -- as I mentioned, other nearby states that
4 we're very fortunate in New York to be in a position
5 to use the vast resources of the Atlantic coast for
6 reliable and clean energy and I am going to be
7 supporting this.

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

10 COMMISSIONER EDWARDS: Yes, I am
11 supportive of this. I was one as you know that has
12 been pushing us to go faster on the renewable energy.
13 I am confident that NYSERDA will be responsive for
14 any process issues, comments or concerns as they have
15 been in the past.

16 This is a second one, with the first
17 one being issued in 2018, I think there's some
18 improvement from the 2018 procurement process. I
19 also agree with Commissioner Alesi that we can't
20 afford to wait and then have companies lose out on
21 the extension for the I.T.C. because the
22 construction, I think if I understand it correctly,
23 construction would have to begin in 2020.

24 So any further delay would then --
25 they would miss the opportunity for the additional

1 4-23-2020 - Monthly Meeting
2 tax benefits, and I think that that is something that
3 we should not -- we should not hold this up for any
4 questions -- the questions and concerns. It's not
5 lost on me, but I think it's appropriate for us to
6 move forward and I'm excited to do so. Thank you.

7 CHAIRMAN RHODES: Thank you.
8 Commissioner Howard?

9 COMMISSIONER HOWARD:: Thank you
10 Chairman Rhodes, this is John Howard again. While I
11 sympathize with many of the comments that
12 Commissioner Burman had mentioned regarding the
13 oversight of this ongoing and very major initiative
14 dealing with offshore winds, I do believe, I do think
15 this will be a new and positive major step in leading
16 our now statutory goals of 9,000 megawatts of
17 offshore wind.

18 This initiative also comes at a pretty
19 propitious time when our state faces tremendous
20 economic dislocation. We estimated nearly 70 billion
21 dollars in capital outlays will provide a much-needed
22 boost to New York's economy particularly in our
23 downstate region and providing new and sustainable
24 source of quality employment to thousands of workers.

25 Again, I believe time is actually of

1 4-23-2020 - Monthly Meeting

2 the essence on these initiatives. And if we are
3 going to maintain a leadership role in offshore
4 development, I believe we need to take this action
5 and so I will be supportive.

6 CHAIRMAN RHODES: Thank you very much.
7 It's John Rhodes again. And I am proceeding to call
8 for a vote. My vote is in favor of the
9 recommendation to authorize the solicitation in 2020
10 for the procurement of at least 1,000 megawatts of
11 offshore wind, as discussed.

12 Commissioner Burman, how do you vote?

13 COMMISSIONER BURMAN: No.

14 CHAIRMAN RHODES: Commissioner Alesi,
15 how do you vote?

16 COMMISSIONER ALESI: Yes.

17 CHAIRMAN RHODES: Commissioner
18 Edwards, how do you vote?

19 COMMISSIONER EDWARDS: Yes.

20 CHAIRMAN RHODES: Commissioner Howard,
21 how do you vote?

22 COMMISSIONER HOWARD:: Yes.

23 CHAIRMAN RHODES: The item is
24 approved, and the recommendation is adopted. We will
25 now move to the consent agenda. Do any commissioners

1 4-23-2020 - Monthly Meeting
2 wish to comment on or recuse from voting on any items
3 on the consent agenda, Commissioner Burman?

4 COMMISSIONER BURMAN: Yes, I'll be
5 commenting on five items. But I will do it pretty
6 much -- while I might talk a little bit about each
7 one. I will be doing it collectively because it
8 raises some of the concerns that I have for all of
9 them. I will be voting for the record in favor of
10 these items. But I do think it's important for me to
11 explain my vote and also explain potential issues
12 with future items, such as these.

13 The items I'll be looking at are 161,
14 163, 261, 371, and 461. All of these are one-
15 commissioner orders that are related to the need for
16 one-commissioner order to COVID-19 issues. Each one
17 is done a little differently and I think that's
18 something that may be appropriate for us to talk
19 about.

20 In 161, in the Central Hudson one-
21 commissioner order, we temporarily award Central
22 Hudson gas tariff, no, excuse me, temporarily amend
23 Central Hudson gas tariffs to waive the daily
24 imbalances. Kevin Wisely talked about this in the
25 beginning. This was brought to us March 30th, 2020.

1 4-23-2020 - Monthly Meeting
2 Central Hudson brought a petition, taking this
3 emergency petition related to COVID-19 pandemic
4 issues and they explained appropriately so in detail
5 the facts and circumstances on what the issue is.
6 And they also gave a potential solution on what can
7 be done to alleviate and mitigate the issue, to
8 properly manage the gas safety reliability.

9 The core issue was related to our
10 mission and our regulations to ensure the gas system
11 reliability. And with that appropriately so, Chair
12 Rhodes, you issued a one-commissioner order. It's
13 really important and out of all of them this is the
14 one I'm focused on very much substantively because
15 when I look at it, it's important to note that the
16 gas control operations of each local distribution
17 company are tasked to balance gas deliveries with
18 actual gas demand on a day to day and even hour to
19 hour basis. It's very important and it's very
20 difficult work.

21 In normal times the greatest
22 variability they see is due to weather. With the
23 current pandemic situation, the forecast gas control
24 operations utilized can become confused, since
25 there's no historic data about this new variable to

1 4-23-2020 - Monthly Meeting
2 utilize. Utilities can manage gas they bring in for
3 sales customers, but there needs to be an increased
4 degree of flexibility when managing the gas supplies
5 delivered to a service territory by both the large
6 and small transportation customers.

7 Transportation customers that do not
8 bring in a minimum volume every day can be penalized
9 financially. The order, the one-commissioner order
10 that we would be looking at voting to confirm
11 regarding Central Hudson tariff waiver allows us
12 flexibility to better match intermonth changes that
13 may be unforeseen. This was due to limitations of
14 the Utilities Information System platform which is
15 currently undergoing necessary enhancements.

16 Other companies in the state do
17 already have this capability and Central Hudson was
18 the only gas distribution company that we identified
19 the need to temporarily waive penalties for minimum
20 delivery requirements.

21 All the companies have increased their
22 outreach communications to transportation comp --
23 customers, so that any mismatches in supply and
24 demand can be identified and avoid any potential
25 liability or financial problems.

1 4-23-2020 - Monthly Meeting

2 For me, I'm very supportive of this
3 one-commissioner order, it has the necessary petition
4 for the record. And it clearly explained the need
5 and the solution and what the harm would be, if not
6 only financially, but potentially to the reliability
7 if we did not fix it. So it was appropriate.

8 In item 163, which was -- is the gas
9 line one-commissioner order, extending the deadline
10 for all gas utilities, the complete baseline into --
11 excuse me, to pause extending the deadline for all
12 gas utilities to complete baseline indoor
13 inspections. Again, this came through on April 13th,
14 2020. The Northeast Gas Association on behalf of its
15 members, rightfully so, brought a petition before us,
16 seeking to grant this extension necessary to address
17 safety issues related to the social distancing
18 protocols. Our order allowed that extension to
19 August 1st, 2020.

20 And it also said that it -- because
21 there was a recognition in that petition that some of
22 the companies may need to go and have this extended
23 through December 31st, 2020. So the order says that
24 that those extensions can get those further
25 extensions after August 1st, 2020 if necessary. An

1 4-23-2020 - Monthly Meeting

2 L.D.C. can seek the further extension from the
3 secretary but must explain why and justify in that
4 explanation why -- why they're seeking that and why
5 it's necessary.

6 If they want to go beyond December
7 31st, 2020, if there's a need to go beyond that, for
8 extension, the order says that they must come back to
9 the -- to the Commission via petition to seek that
10 extension so that the secretary is only granting the
11 capability of doing that extension up through
12 December 31st, 2020. I think that's appropriate. I
13 think those guardrails are appropriate.

14 I do look and see that there was an
15 underlying letter from the Northeast Gas Association
16 before the petition was brought, that raised a number
17 of issues, and that our staff gave a responsive
18 letter addressing that, especially specifically
19 referencing any negative revenue adjustment questions
20 that arise, must be done by each utility via petition
21 rather than a global petition. I don't think that
22 that's inappropriate. But I do know that we very
23 much, looked very carefully at each and every issue,
24 tried to align ourselves with PHMSA which has set
25 forth some regulatory flexibility during the

1 4-23-2020 - Monthly Meeting

2 pandemic.

3 The issue for us is making sure that
4 we are being thoughtful, a delay for delay sake, just
5 because it's COVID-19 is not something that we would
6 easily agree to. We need to have underlying
7 explanation on why the COVID-19 directly impacts and
8 have some justification and also some solutions to
9 what can be done to ensure that it doesn't affect
10 safety, and it doesn't cause economic harm and
11 therefore we look at that.

12 In Item 261, which is the National
13 Grid one-commissioner order postponing the rate
14 increase. This was also something that when we
15 looked at it, it was brought by a March 24th, excuse
16 me, March 24th, 2020, a petition was filed. We
17 thought to do three -- they sought to do three --
18 sought to ask us to do three things, one, to postpone
19 for three months the electric and gas delivery rate
20 increases, which were set to take effect April 1st,
21 2020.

22 The second dealt with the annual low
23 income credit, update and seeking to postpone that
24 and then the third was to suspend the tariff fees
25 associated with suspended activities from COVID-19.

1 4-23-2020 - Monthly Meeting

2 It's clear based on that, that it's good for
3 consumers to ease the financial -- their financial
4 impact. And then by postponing for three months, we
5 help to do that. And so National Grid in its wisdom,
6 looking at these -- these rates that were set to go
7 into effect thought that it would be appropriate to
8 help by postponing that for three months and kudos to
9 National Grid for -- for doing that.

10 It does forego the interest on the
11 revenues. So the interest on the revenues was -- was
12 -- was given up as well by National Grid. Again,
13 petition was filed. Detailed explanation on why
14 there would be a need for this, and that there was an
15 immediate need to address this, you know, at this
16 time and giving a solution for us on how to help to
17 mitigate any damage and we did.

18 In Item 371, the interconnection one-
19 commissioner order. I have a hard time with that.
20 I'm voting for it, but I have a hard time with that.
21 The reason I have a hard time with it is this; one,
22 which I think is appropriate and therefore
23 substantively comfortable with this. It extends the
24 interconnection deadlines for distributed generation
25 projects affected by the New York Pause Executive

1 4-23-2020 - Monthly Meeting

2 Order. It's appropriate to do so. It's appropriate
3 for us to extend those deadlines, understanding that
4 this delay is no fault of the petitioners, excuse me,
5 of the folks who might not be able to meet it.

6 So therefore we do delay this. And
7 the deadline is the length of disaster energy -- the
8 disaster emergency plus 30 days. It's less clear,
9 though, on this because there was no petition filed.
10 And so from my perspective, what we had to look at is
11 outside of the record. It's less clear to me when we
12 don't have an actual petition, I don't think that
13 people should be forced to put in -- take the time to
14 put in a petition on something with their needs so
15 that we would delay it.

16 But to the extent that we have clearly
17 documented that a request was made, and that we
18 clearly have from those folks who want this, that
19 there is this need and that they are documenting the
20 need and what it means if we don't take care of this
21 real time, and then what the potential mitigation
22 should be.

23 It's a glaring error to me, in that we
24 have to make sure that if we're going to demand
25 petitions in other items, we need to make sure that

1 4-23-2020 - Monthly Meeting
2 we are carefully giving regulatory certainty for
3 others on how -- what the right approach is to be
4 seeking such emergency relief. And so for me, I do,
5 and I am comfortable, it does seem that this issue
6 had been raised in one of the Clean Energy Webinars,
7 but it's very clunky to find and also I do understand
8 with the relevant Clean Energy Webinars that have
9 happened, that a number of issues have been raised.

10 And it's important for me that we have
11 a clear record and a clear regulatory certainty on
12 where things may be decided and the movement of them
13 in or out of the proceeding. In at least two of the
14 Clean Energy Webinars, there were notices given and
15 also told to file comments by X date.

16 We should -- those comments dates have
17 passed, we should be reviewing those as a Commission
18 in real time, and also understanding what other
19 things may need to get done. And also making sure
20 that parties understand that it's not about them
21 having to rush and file a petition because that's the
22 only way they can get redress. But what the right
23 process is and then what the right record is, so that
24 other external stakeholders may also -- who may have
25 a different point of view or may have something else

1 4-23-2020 - Monthly Meeting

2 to add are able to do that.

3 I will vote for 3 -- Item 371 because
4 I think that substantively it is appropriate. I do
5 note that one thing that concerns me is there's no
6 mention that we -- we had previously discussed with
7 the utilities what this would mean since the one-
8 commissioner order itself places the onus on the
9 utilities to continue this interconnection work as
10 appropriate and should have -- we should have a
11 clearer signal from utilities in the record that this
12 directive by this order is something that they are
13 able to do and if not, how we should be addressing
14 that.

15 In Item 461, which is the American
16 Water one-commissioner order in here March 24th,
17 2020, American Water petition was filed. It asked
18 again for three things, postponing for five months
19 the rates which were set to go into effect April 1st,
20 2020. Postponing for one month, the system
21 improvement charge scheduled for August 1st, 2020 and
22 then make whole provisions as well.

23 I am mindful that pre Coronavirus,
24 we've had a number of different procedural processes
25 in American Water, postponing various charges and

1 4-23-2020 - Monthly Meeting
2 rate increases. I just want to be careful that we
3 are ensuring that we are giving proper notice. The
4 order does take note of that, but we are giving
5 proper notice to customers on all of the things that
6 will be coming and working with them. I think
7 American Waters should be given kudos for its
8 decision to postpone the system improvement charge,
9 as well as the rate increase understanding the impact
10 that this would have at this time on its customers.

11 In this case, unlike the others, there
12 was a commenter after the one-commissioner order was
13 filed. Initially, the commenter thanked us for
14 deferring the rate hike and was very grateful to us.
15 However, afterwards that individual commenter, upon
16 reading the order, submitted very critical comments
17 as it related to the make-whole surcharge and the
18 disagreement on -- on that one-commissioner order in
19 very strong terms.

20 I did look and that commenter has been
21 a local commenter. She had actually submitted
22 comments on March 18th seeking the rate increase to
23 be postponed or to be not allowed. So I do just
24 raise it in that it does make me thoughtful about the
25 need for us to make sure that we are careful in what

1 4-23-2020 - Monthly Meeting
2 we say, when they postpone, what the impact may also
3 be and some even though they may be -- customers may
4 be happy, there are some other side concerns that
5 they have and making sure that we are carefully
6 noting it before -- when the orders come through the
7 Commission for confirmation if anybody has filed
8 comments, for or against a one-commissioner order
9 before we vote on it so that we may have that
10 information.

11 In sum, when I look at this, I think
12 it's a really helpful thing. I'm supportive of the
13 one-commissioner order here. I think that, from my
14 perspective, the things that we need to see is that
15 there's an immediate need to address. That when we
16 do that, that it is carefully laid out in the record,
17 that there's a factual record we can go on with
18 information. And that we have when we delay, we're
19 not delaying, you know, indefinitely, but that we are
20 trying to look at what the right balance is.

21 And that that delay is directly
22 related to the fact that if we did not delay, we did
23 not grant that one-commissioner order, it may affect
24 something whether it's safety or economic harm and
25 that if we do grant this, we are helping to ensure a

1 4-23-2020 - Monthly Meeting

2 better, either better process or better opportunity
3 or better safety protocols. And so for me, we also
4 need to make sure that we were looking at all of them
5 holistically and making sure that we are not in some
6 setting up more difficult scenarios, but that we are
7 being fair to all who are asking for it and it's a
8 similar process.

9 This also extends to requests that
10 will be made to the secretary that we -- may not come
11 before us, or requests that come to A.L.J.s, that --
12 that we're all working off of the same regulatory
13 thought process and that we, as a Commission, are
14 helping to ensure a holistic certainty in how things
15 will be evaluated and not having them done
16 differently based on who they're able to have review
17 it, whether it's a particular staff person or not.
18 And that it's -- it's a fair and thoughtful process
19 that's done in a timely fashion.

20 I thank you for that, allowing me to
21 explain my vote on these items. And I have nothing
22 further. Thank you.

23 CHAIRMAN RHODES: Thank you very much.
24 Commissioner Alesi.

25 COMMISSIONER ALESI: Thank you,

1 4-23-2020 - Monthly Meeting

2 Chairman. No, I have no comments. Thank you.

3 CHAIRMAN RHODES: Thank you very much,
4 Commissioner Edwards.

5 COMMISSIONER EDWARDS: Well, I didn't
6 have any comments, but I will say on the one-
7 commissioner orders, I just want to thank you and the
8 staff for moving quickly. I think we're in
9 unprecedented times. I think we have to do whatever
10 we can to move our process as quick as possible to
11 protect the safety of our -- of New Yorkers. So I
12 want to thank you for doing that.

13 And I think we have to continue to do
14 that because this is not over and we have to look at
15 everything to make sure that if there are things that
16 we can do on schedule, great, but if there are things
17 that we need to do in between sessions, and we need
18 to fast, thorough, good, fast, even better. Okay.
19 We have to do both. Thank you.

20 CHAIRMAN RHODES: Thank you.
21 Commissioner Howard.

22 COMMISSIONER HOWARD:: I have no
23 comments at this time, Mr. Chairman.

24 CHAIRMAN RHODES: Thank you very much.
25 It's John Rhodes again for the record. I proceed to

1 4-23-2020 - Monthly Meeting
2 call for a vote. And declare that my own vote is in
3 favor of the recommendations on the consent agenda.
4 Commissioner Burman, how do you vote?
5 COMMISSIONER BURMAN: Yes.
6 CHAIRMAN RHODES: Commissioner Alesi,
7 how do you vote?
8 COMMISSIONER ALESI: Yes.
9 CHAIRMAN RHODES: Commissioner
10 Edwards, how do you vote?
11 COMMISSIONER EDWARDS: Yes.
12 CHAIRMAN RHODES: Commissioner Howard,
13 how do you vote?
14 COMMISSIONER HOWARD:: Yes.
15 CHAIRMAN RHODES: Thank you very much.
16 The items are approved, and the recommendations are
17 adopted. Secretary Phillips, is there anything
18 further to come before us today?
19 MS. PHILLIPS: This is Secretary
20 Phillips. There's nothing further to come before you
21 today.
22 CHAIRMAN RHODES: Thank you very much.
23 With this, I adjourn us for this session. Thank you
24 very much. And thank you also for making this --
25 this particular format work. It's -- thank you very

1 4-23-2020 - Monthly Meeting

2 much, and stay safe, everybody.

3 (Off the record, 11:48 a.m.)

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1 4-23-2020 - Monthly Meeting

2 STATE OF NEW YORK

3 I, TRACY WILLIAMS, 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 55, 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 27th day of April, 2020.

11

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13 TRACY WILLIAMS, Reporter

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A	
A.L.J.s 52:11	agreed 9:23 11:8
a.m 1:13 2:2 55:3	agreement 8:21 16:3 19:25 31:16
A.M.I 10:7,8,14 12:16,18,21 15:8,11 18:12,24	ahead 25:14 29:24 35:12
A.P.I 16:4,9,25	alerting 10:9
able 6:13 8:14 18:4 26:24 32:12 35:4 47:5 49:2,13 52:16	Alesi 1:20 18:8,9 20:4,6 36:4,6 37:19 39:14,16 52:24,25 54:6 54:8
access 12:20 23:15	align 44:24
accountability 24:18 28:19	alleged 9:14,25
accountable 11:18	alleviate 41:7
Accounting 9:3	allow 7:19 10:13
achieve 25:5	allowed 14:15 43:18 50:23
achievement 21:22	allowing 29:8 52:20
achieving 21:5	allows 10:16 42:11
acknowledge 26:14	amend 7:11 40:22
act 17:2 26:15	American 6:20 7:24 11:6 49:15 49:17,25 50:7
action 7:14,20 9:10,24 39:4	amount 15:5 29:18 31:23
actions 7:25 9:13	analysis 17:3 25:11 29:4,10,10 29:11 34:24 35:13
activated 4:16	analysts 35:10
activities 15:3 17:6 45:25	announced 26:10
actual 41:18 47:12	announcement 30:15 36:2
add 18:12 49:2	annual 45:22
addition 2:14 4:20	answer 11:11 23:7
additional 8:3 21:19 22:11 37:25	anybody 35:21 51:7
address 6:14 7:2 27:22 43:16 46:15 51:15	applied 7:13
addressing 8:21 44:18 49:13	approach 16:25 22:21 32:19 48:3
adjourn 54:23	appropriate 16:9 25:2,3,9 28:12 28:13 29:9,16,20 33:24 38:5 40:18 43:7 44:12,13 46:7,22 47:2,2 49:4,10
adjust 32:2	appropriately 41:4,11
adjusting 7:12	approval 30:8
adjustment 44:19	approve 10:3 12:4
administrative 29:19	approved 20:14 39:24 54:16
adopt 19:24	approving 10:19
adopted 13:23 20:14 25:24 39:24 54:17	approximately 21:9,12
advance 23:12	April 1:13 5:24 7:23 14:15 43:13 45:20 49:19 56:10
advances 15:18	area 36:11
advantage 22:10 36:16,16	areas 22:4
advantageous 36:13	arrangements 2:19 3:7
affect 45:9 51:23	arrears 6:25
afford 22:10,19 37:20	asked 26:2 27:23 35:25 49:17
agencies 3:23 4:21 27:4	asking 10:3 14:21 25:17,19 26:15 52:7
agenda 2:11,14,16 8:19 34:3 39:25 40:3 54:3	aspects 15:22 19:18 23:23 35:17
aggregate 21:9	assessments 11:4
ago 9:12	Assistant 8:24 20:18
agree 37:19 45:6	

assisted 5:3, 15
assisting 4:19
associated 45:25
Association 13:14 32:10 43:14
 44:15
assurance 11:16
assuredly 18:16
Atlantic 37:5
attach 24:15
Audits 9:3
August 43:19, 25 49:21
Authority 5:21
authorization 20:24
authorize 39:9
authorized 9:13 21:4
authorizing 21:18
automatic 10:16
available 5:18 9:4 20:19 22:11
 23:7 31:24
average 23:2
avoid 9:21 42:24
awaiting 17:18
award 40:21

B

B 1:18, 21
back 13:9, 10, 17 18:3 30:12, 23
 31:9 33:19 44:8
backbone 27:24
background 35:25
bad 19:16
balance 41:17 51:20
based 46:2 52:16
baseline 7:18 43:10, 12
basis 2:24 10:7 17:20 41:19
beginning 27:23 28:15 40:25
behalf 43:14
believe 12:2, 5 14:20 18:10
 24:12 25:24 27:10, 11 33:12
 34:4, 25 36:7, 10 38:14, 25 39:4
benefit 36:24
benefits 22:11 36:19, 22 38:2
best 23:15, 15
better 42:12 52:2, 2, 2, 3 53:18
beyond 18:14 44:6, 7
bid 22:21
bidders 22:20
bidding 36:17
bids 22:21, 23, 24
billion 38:20

bipartisan 17:20
bit 26:22 29:15 40:6
Board 16:7
boards 11:2
boost 38:22
briefing 19:7 35:24
bring 42:2, 8
broadband 6:22
brought 14:25 40:25 41:2 43:15
 44:16 45:15
build 22:13
building 10:11, 18
buildings 10:11, 15
Burman 1:19 11:21, 23, 24 18:8
 19:25 20:3 23:25 24:2, 3 35:23
 38:12 39:12, 13 40:3, 4 54:4, 5

C

calculated 23:4
call 2:8 4:19 19:22 39:7 54:2
calling 12:14
calls 4:13 6:8 22:25
capability 42:17 44:11
capacity 21:2, 9 23:3
capital 38:21
caption 56:5
capture 26:25
care 47:20
careful 50:2, 25
carefully 32:4 44:23 48:2 51:5
 51:16
case 8:20 9:10, 17, 22 11:19
 20:16 33:3 50:11
cases 19:5
cause 9:20 14:2, 7, 9 15:2 45:10
 56:4
caused 7:3 9:16 10:10
cautiously 26:23
center 4:12, 16, 19 6:2
Central 7:11, 16 40:20, 21, 23
 41:2 42:11, 17
certain 7:18
certainty 21:20 24:7, 25 30:22
 48:2, 11 52:14
Certificate 21:12
certification 22:9
certify 56:3
cetera 14:6 33:11
chain 29:13
chair 1:18 2:7 3:19 6:25 9:6

11:24 16:6 20:22 24:3 41:11
Chairman 2:3,6,12,17 8:13 11:12
 18:7,10,18 19:9,13,21 20:4,7
 20:10,13 23:9 35:22 36:7 37:8
 38:7,10 39:6,14,17,20,23
 52:23 53:2,3,20,23,24 54:6,9
 54:12,15,22
chamber 5:3
change 25:16
changes 2:11,13 17:5 22:15
 42:12
charge 49:21 50:8
charges 49:25
check 17:2
checked 32:25
Chief 8:24
choices 24:17
Cindy 8:25
circumstances 25:16 41:5
clarity 26:2
clean 21:5 36:8,19 37:6 48:6,8
 48:14
clear 14:8 16:13 27:17 28:2
 29:25 33:14 46:2 47:8,11
 48:11,11
clearer 49:11
clearly 43:4 47:16,18
clunky 48:7
coast 37:5
collaborative 17:13
collaboratively 16:24
collected 31:24
collections 31:19
collectively 40:7
come 18:3 33:19 34:6,7 44:8
 51:6 52:10,11 54:18,20
comes 38:18
comfortable 13:4 14:8 25:21
 28:17 33:24 46:23 48:5
coming 13:20 19:15 50:6
commenced 9:10,24
commend 19:14
comment 23:20 32:8 40:2
commenter 50:12,13,15,20,21
commenters 34:18
commenting 40:5
comments 11:22 14:21 18:6 26:3
 26:5,13 31:6,7,10 33:6,7
 35:20 36:5 37:14 38:11 48:15
 48:16 50:16,22 51:8 53:2,6,23
commission 1:2,9 2:8,9 6:10
 9:13,24 14:12 16:8 21:4 25:25
 27:16 30:7 31:21 44:9 48:17
 51:7 52:13
Commission's 6:20 22:17
commissioned 27:16
commissioner 7:2 11:21,23,24
 18:8,8,9,19,20 19:10,11,12,25
 20:3,4,6,7,9,10,12 23:25 24:2
 24:3 34:4 35:23 36:4,6 37:9
 37:10,19 38:8,9,12 39:12,13
 39:14,16,17,19,20,22 40:3,4
 40:15,21 46:19 49:8 52:24,25
 53:4,5,7,21,22 54:4,5,6,8,9
 54:11,12,14
commissioners 1:17 3:20 9:8
 20:22 39:25
commitment 21:22
committed 11:3
committee 16:6
communications 6:20 42:22
comp 42:22
companies 15:14 16:24 37:20
 42:16,21 43:22
company 14:12 15:14 17:3 41:17
 42:18
competition 22:3
competitive 21:11,16 36:12
complete 7:18 43:10,12
completed 7:9 27:7
compliance 8:21
components 17:9
con 4:24 5:21 10:4,6,9,13,17,21
 10:22 11:2,7 14:16 18:25
concerned 11:18 24:5,11 29:17
 35:5
concerning 2:20 13:11
concerns 2:15 26:6 28:20 32:10
 32:14,21,22 33:2 37:14 38:4
 40:8 49:5 51:4
concluded 23:20
concludes 8:10 11:8 23:6
conditions 24:16
conduct 9:13 20:24 21:18
conducting 2:24
confident 37:13
confirm 42:10
confirmation 51:7
confirming 7:4
conform 22:15

confused 41:24
Connected 6:20
CONNECTION 1:14
consent 34:3 39:25 40:3 54:3
consider 24:12
considering 23:22
considers 23:21
consisting 56:6
Consolidated 4:24 8:21 9:23
construction 22:8 37:22,23
consultants 27:14
consumer 33:10
consumers 46:3
continually 17:11
continue 15:19 49:9 53:13
continued 21:14
continues 4:9
continuity 4:8 5:7
continuous 13:7 17:14
continuously 16:19 26:22
contracts 21:8
contributed 9:16
control 5:20 6:2 41:16,23
controversy 18:5
coordination 4:13 6:8
core 12:7 15:3 27:22 41:9
Coronavirus 29:13 49:23
coronavirus.health.ny.gov 8:6
correct 15:3
corrected 10:2
correctly 37:22
cost 21:15
counsel 3:8 8:24 14:11,12 20:18
couple 31:8
course 19:10 23:20,21,22 35:24
COVID- 4:18 8:3
COVID-19 3:17 4:2,3,10 6:12
 40:16 41:3 45:5,7,25
created 36:22
creates 36:12
credit 22:7 45:23
credits 23:16
crisis 8:15
critical 5:11,16 11:17 50:16
critically 15:23
crossing 25:12
Cuomo's 3:25
current 7:25 41:23
currently 17:21 24:5,21 42:15
customer 6:17 11:19

customers 8:2 23:18 35:6 42:3,6
 42:7,23 50:5,10 51:3

D

D.P.S 4:5,20 5:6,15 6:7,15,22
 13:12 33:5
daily 4:12 7:11 8:4 40:23
damage 9:20 12:14 46:17
dark 28:14
data 12:20 41:25
date 48:15
dates 48:16
day 41:18,18 42:8 56:10
days 47:8
deadline 7:17 43:9,11 47:7
deadlines 7:5 10:20 46:24 47:3
deal 35:4
dealing 38:14
dealt 13:16 34:19 45:22
Dean 8:23 9:6,7 11:13
death 9:16
December 43:23 44:6,12
decided 48:12
deciding 34:10
decision 24:17 27:8,16 30:12,13
 50:8
decisionmakers 25:3
decisions 25:11
declare 54:2
declines 21:14
deferring 50:14
degree 42:4
delay 30:12 37:24 45:4,4 47:4,6
 47:15 51:18,21,22
delaying 26:10 51:19
delivered 42:5
deliveries 7:13,14 41:17
delivery 23:3 42:20 45:19
demand 7:15 41:18 42:24 47:24
demanding 25:14 28:7
demonstrate 21:21
denied 36:20
department 3:24 4:2,9,20 6:11
 8:5,14 9:22 14:19
department's 3:5,16
department's 3:22
Deputy 8:25
designated 23:5
designed 24:16
despite 31:22

detail 41:4
detailed 29:22 34:23 46:13
detected 10:18
detectors 10:8,8,12,15 12:16
 15:8,12,16 18:13,24
determination 33:23
develop 17:4
developed 13:21
developers 22:10,23 23:15 30:17
 33:15
development 5:4 8:9 15:15 36:21
 39:4
Diane 1:19 8:23 9:4,7 11:12
different 35:17 48:25 49:24
differently 40:17 52:16
difficult 32:23 41:20 52:6
Digging 12:9
diligent 30:8
direct 34:22,22 35:2,2
direction 24:6
directive 49:12
directly 45:7 51:21
Director 3:15,21 9:2,3
Directors 16:7
Directory 9:3
disagreement 50:18
disaster 47:7,8
discuss 14:13 27:2
discussed 19:25 39:11 49:6
discussing 27:4
discussion 3:14 8:19 20:15
discussions 14:14,18
dislocation 38:20
distancing 2:20 6:5 43:17
distributed 7:5 46:24
distribution 41:16 42:18
Division 4:14
documented 47:17
documenting 47:19
documents 29:5
doing 8:17 15:6 17:11 21:24
 28:4 35:3,8,17 40:7 44:11
 46:9 53:12
dollar 18:11
dollars 10:5,13 15:5 25:4 28:24
 29:18 32:5 35:15 38:21
Doris 9:2
downstate 4:25 38:23
draft 10:19 20:23 22:14,24 28:5
drill 30:4,8 34:12

drill-down 28:9
drive 17:13
driving 36:13
due 7:14 17:2 41:22 42:13
duties 3:12
Dwyer 20:17,20,21,23

E

earlier 4:4,4 36:2
early 4:2 6:15
ease 46:3
easily 45:6
East 13:20
economic 23:16 36:21 38:20
 45:10 51:24
economy 7:10 36:25 38:22
Ed 14:16
Edison 4:24 5:22 9:23 10:5,6,9
 10:14,17,21,22 11:3,8 18:25
Edison's 8:21
Edwards 1:20 18:19,20 19:10
 20:8,9 37:9,10 39:18,19 53:4
 53:5 54:10,11
effect 7:23 45:20 46:7 49:19
effective 10:9
either 22:20 52:2
electric 5:18 6:16 10:25 45:19
embrace 36:17
emergency 2:23 3:15,21,22 4:6
 4:11,15,16 7:20 41:3 47:8
 48:4
emphasis 12:11
Empire 5:4 8:9
employees 5:14,16,25 6:4
employment 38:24
enabled 10:7,8,15 18:12
enact 17:5
enacted 9:12 17:19
energy 5:5,16,25 6:10,11 15:22
 20:17 21:5,12,15 22:25 35:17
 36:8,20 37:6,12 47:7 48:6,8
 48:14
engaged 14:12 24:21
engagement 17:13 33:14
enhance 12:11,19
enhancements 42:15
ensure 5:17 15:19 17:25 41:10
 45:9 51:25 52:14
ensured 6:15
ensuring 5:7 15:15 17:9 50:3

entities 5:10,19	11:2 22:7
environment 16:18	facing 8:2
environmental 36:19	fact 22:3 26:9,21 28:24 29:7,22
error 47:23	51:22
esd.ny.gov 8:10	factor 21:5 22:5
especially 19:5 29:12 32:20	facts 28:16 29:15 41:5
44:18	factual 14:8 51:17
essence 39:2	factually 14:4
essential 5:6,14 8:7	fails 24:19
establish 16:14 17:3	fair 13:13 52:7,18
established 4:23 25:7	faith 28:10
establishing 15:7	falls 27:20
estimated 38:20	far 12:23
et 14:5 33:11	fashion 6:14 52:19
evaluated 52:15	fast 53:18,18
eventually 14:22	faster 37:12
everybody 55:2	fault 47:4
evolving 17:11	favor 12:2 19:23 23:24 39:8
exactly 26:20 27:14 28:4 29:8	40:9 54:3
examples 11:7	feasible 5:15
excited 38:6	February 33:4,4
excuse 40:22 43:11 45:15 47:4	federal 6:10,19 16:11 17:18,25
executing 21:8	22:6
executive 2:22 3:9 5:3 7:7 8:8	feel 25:21 28:16 31:20,21 33:24
46:25	fees 6:18 45:24
existing 22:3	felt 14:8
expand 6:23 19:4	field 36:12
expectations 3:10	figure 30:10,25
expected 21:15	file 29:21 48:15,21
expenses 29:22	filed 14:16 33:7 45:16 46:13
experience 16:5,7 22:13	47:9 49:17 50:13 51:7
expired 17:22	final 2:11 34:4,14
explain 11:25 40:11,11 44:3	Finance 9:4
52:21	financial 8:2 15:5 42:25 46:3,3
explained 41:4 43:4	financially 42:9 43:6
explanation 44:4 45:7 46:13	find 11:13,19 48:7
extend 7:5,17 47:3	fine 18:20
extended 43:22	fingers 25:12
extending 43:9,11	Fire 13:16
extends 46:23 52:9	first 8:19 21:6,10 22:22 29:6
extension 22:6 36:15,17 37:21	31:10 37:16
43:16,18 44:2,8,10,11	fiscal 29:10
extensions 43:24,25	fiscally 15:9 30:24
extent 3:11 47:16	fisheries 32:9,9
external 48:24	fishermen 32:11,12 33:10
externally 34:24	fishery 32:12
	fits 26:19
F	five 40:5 49:18
faces 38:19	fix 43:7
facilities 9:19,20 10:23,24,24	fixed 22:20 28:21 34:17,22 35:2

36:18
flexibility 28:11,13,19 30:10
 42:4,12 44:25
flows 11:15
focus 13:7
focused 13:24 16:25 29:25 41:14
folks 14:21 16:16 33:6,13,15
 47:5,18
follow 18:22 19:6
forced 47:13
forecast 41:23
forego 46:10
foregoing 56:3,6
format 54:25
forth 44:25
fortunate 37:3,4
forward 12:9 13:6 15:2,19 16:23
 23:11 24:9,14,22 25:18,21,23
 26:15 28:17 29:8 31:13,18
 38:6
foster 24:16
found 3:8
foundation 16:20
framework 16:15,17
free 6:23 30:6
frequent 18:13
front 33:3,9
full 14:3 25:25 31:16
fully 11:2
funding 18:11
funds 12:16,24 15:6,9 24:13
 31:15,19,23
further 18:6 21:14 35:20 36:23
 37:24 43:24 44:2 52:22 54:18
 54:20
fusion 13:19
future 18:22 19:5 22:12 36:9,10
 40:12

G

G 4:24
G.E.I.S 34:4
gained 22:13
gas 4:25 6:16 7:11,15,18 9:18
 9:19,21 10:6,8,8,10,12,15,24
 12:6,16,22 13:14 15:8,11,16
 15:22 16:6 17:3 18:12 19:6
 40:22,23 41:8,10,16,17,18,23
 42:2,4,18 43:8,10,12,14 44:15
 45:19

gates 6:4
gatherings 2:21
General 3:7
generation 7:6 46:24
generators 5:9,23 6:9
getting 29:25
give 3:16 7:8 24:6 25:10 28:15
 30:3,20 33:22 35:24
given 22:2 28:8 46:12 48:14
 50:7
gives 24:25 32:13
giving 24:8,12 28:13,18 46:16
 48:2 50:3,4
glaring 47:23
global 44:21
go 13:6 25:17,22 26:22 29:8
 31:9 37:12 43:22 44:6,7 46:6
 49:19 51:17
goal 17:7,8
goals 21:5,23 25:5 35:15 36:8
 38:16
going 11:20 13:15 14:18 16:22
 23:23 33:17 36:11 37:6 39:3
 47:24
good 2:3,6 3:19 9:7 11:15 19:3
 19:18 20:21 28:22 31:22 36:21
 46:2 53:18
Governor 3:24
grant 43:16 51:23,25
granted 31:12
granting 44:10
grateful 50:14
great 36:24 53:16
greater 26:25
greatest 41:21
grid 4:25 5:18,21 15:22 31:3
 45:13 46:5,9,12
group 32:20
growing 21:25
guardrails 44:13
guess 19:19
guidance 5:5 8:7 14:14 25:2
 30:20
guidelines 2:20 28:3
guideposts 28:3

H

handle 31:22
hands- 17:13
happened 19:17 48:9

<p> happening 19:16 happy 17:15 19:11 51:4 hard 46:19, 20, 21 hardships 8:2 Harlem 13:20 harm 43:5 45:10 51:24 harmful 25:25 35:8 head 28:4 health 3:12 8:5 hear 12:21 35:20 hearing 56:8 help 12:22 16:16 21:24 24:25 25:10 27:8, 17 29:6 30:21 33:14 46:5, 8, 16 helpful 27:11 31:9 51:12 helping 15:19 17:3 25:5, 18 51:25 52:14 helps 17:13 hereof 56:5 hereto 56:5 hereunto 56:9 high 22:21 hike 50:14 hired 27:14 historic 41:25 historically 18:4 history 13:3 hold 11:17 38:3 holistic 16:25 52:14 holistically 24:24 52:5 home 5:15 Homeland 4:14 honoring 3:10 hood 13:15 hope 18:2, 3 hoping 25:12 hospitals 4:22 hotline 4:19 hour 41:18, 19 households 6:24 Howard 1:21 19:11, 12, 13 20:10 20:12 38:8, 9, 10 39:20, 22 53:21, 22 54:12, 14 Hudson 7:16 40:20, 22, 23 41:2 42:11, 17 Hudson's 7:11 </p> <hr/> <p style="text-align: center;">I</p> <hr/> <p> I.S.O 6:9 I.T.C 36:17 37:21 </p>	<p> identified 42:18, 24 identifying 5:5 9:19 imbalance 7:12 imbalances 40:24 immediate 36:11 46:15 51:15 impact 23:16 29:12 46:4 50:9 51:2 impacts 45:7 implementation 13:24 16:10 17:4 30:2 implemented 5:8 important 8:12 11:14 12:17, 25 13:9, 25 15:11, 13, 17, 20, 23 16:2, 4, 18 17:5, 23 22:2, 5 23:11, 19 28:25 30:18 34:20 40:10 41:13, 15, 19 48:10 improve 12:22 improvement 13:8 17:14 37:18 49:21 50:8 improvements 10:21 11:7 12:23 17:6 21:17 improving 13:6 16:19 inappropriate 34:10 44:22 incident 13:21 17:8 incidents 9:21 include 7:4 12:13 33:9 included 33:9 includes 10:20 including 3:23 5:20 23:19 income 45:23 incorporate 33:2 incorporated 15:12 27:21 increase 45:14 50:9, 22 increased 42:3, 21 increases 7:23 45:20 50:2 incurred 29:24 indefinitely 51:19 independent 5:10 18:15 index 7:12 22:21, 24 34:17, 22 35:2, 6 individual 50:15 indoor 7:18, 19 43:12 industry 18:14 21:15, 21 22:2 30:16 33:5 information 6:8, 13 8:3, 6 18:23 25:10, 17, 20, 23 26:2 27:7, 12 27:15 28:8, 9 29:23 30:3 33:21 33:22 35:10 42:14 51:10, 18 informational 8:12 Initially 50:13 </p>
---	---

initiative 38:13,18
initiatives 39:2
injury 9:16,21
innovation 12:11,18 15:13,23
innovations 12:14 15:21 20:19
input 23:19
inside 10:10
inspect 10:23
inspection 8:23
inspections 7:19,20 18:13 43:13
inspectors 18:15
install 10:14
installation 10:16
installed 10:12
installing 10:7
instance 10:22
Institute 11:6
intact 11:2
intake 4:19
integration 31:2
integrity 12:6 15:15 16:19
intent 3:10
intentions 28:22
interconnected 7:9
interconnection 7:5 46:18,24
 49:9
interest 12:3 18:16 23:17,23
 33:10 46:10,11
interested 33:16
intermonth 42:12
internal 4:6 11:15
internally 34:24
internet 6:17
interrupt 35:21
invens 15:21
investigation 11:16 13:12 14:5
investment 22:7
investments 21:25
involved 19:14 24:7
Island 4:25
ISO 5:21
issue 33:20 34:13,16,19 41:5,7
 41:9 44:23 45:3 48:5
issued 7:2 8:8 21:6 37:17 41:12
issues 7:3 19:17 26:17 27:22
 37:14 40:11,16 41:4 43:17
 44:17 48:9
It's 38:4
item 2:13,15 8:19,19 11:20 12:2
 12:15 20:13,15,16 22:19 23:6

23:24 24:4,18 34:3,3,6,7,9,16
 39:23 43:8 45:12 46:18 49:3
 49:15
items 3:14 20:23 24:23 40:2,5
 40:10,12,13 47:25 52:21 54:16

J

JAMES 1:20
January 22:17
jobs 36:22,23
John 1:18,21 2:7,7 11:13 19:13
 19:22 23:10 38:10 39:7 53:25
justification 45:8
justify 44:3

K

keep 5:18 6:20 31:3
keeping 36:7
kept 28:14
Kevin 3:14,18,20 8:13,24 11:10
 40:24
key 5:16 21:4
know 3:23 8:17 12:18 19:18
 27:24 29:24 32:20,21,22 33:19
 34:14 36:10 37:11 44:22 46:15
 51:19
knowing 27:13
kudos 46:8 50:7

L

L.B.M.P 23:2
L.D.C 44:2
Labor 4:20
lagging 17:21
laid 14:4 22:16 51:16
large 2:21 26:10 30:14 35:4
 36:3 42:5
late 6:18
latest 6:12
law 2:23 3:11 9:11 25:7
lays 15:4
lead 17:4 31:2
leadership 3:25 39:3
leading 38:15
leads 16:8
leak 10:18
leaks 10:10,17
learned 29:6 34:21
learning 16:18
lease 22:4

leave 30:9	manage 16:17 41:8 42:2
led 13:3,17 14:22 30:12	management 11:4 16:14,15 17:10
left 27:6	Manager 3:22
legislation 17:22 18:2	managing 3:25 42:4
length 47:7	March 4:2,17 6:15 9:24 14:3
lessons 29:6 34:21	40:25 45:15,16 49:16 50:22
letter 13:11 44:15,18	market 21:20 35:6
level 17:18	marketplace 36:24
levelized 21:15	Markets 20:19
liability 42:25	match 25:6 42:12
lie 24:14	matching 26:12
life 19:18	matter 2:15 11:15 20:16
light 2:21 19:15 26:9	maximum 3:11
limitations 42:13	McCarran 8:25
limited 22:14	mean 26:11 35:21 49:7
line 2:19 3:2 7:20 43:9	means 26:8 47:20
lip 32:13	meet 3:8,10 47:5
list 29:22	Meeting 1:1,9 2:1,23 3:1,11 4:1
listen 3:4	5:1 6:1 7:1 8:1 9:1 10:1 11:1
little 26:22 29:14 32:13 40:6	12:1 13:1 14:1 15:1 16:1 17:1
40:17	18:1 19:1 20:1 21:1 22:1 23:1
local 41:16 50:21	24:1 25:1 26:1 27:1 28:1 29:1
locality 23:5	30:1 31:1 32:1 33:1 34:1 35:1
long 4:25 21:24 32:18	36:1 37:1 38:1 39:1 40:1 41:1
longer 35:24	42:1 43:1 44:1 45:1 46:1 47:1
look 13:7,15 14:9 24:20,23	48:1 49:1 50:1 51:1 52:1 53:1
26:13 28:5,6 29:2 30:9 31:5	54:1 55:1 56:1
31:25 32:4 36:21 41:15 44:14	megawatts 20:25 21:2,10 38:16
45:11 47:10 50:20 51:11,20	39:10
53:14	members 43:15
looked 12:20 15:10 16:12 25:18	mention 49:6
26:17 27:15 44:23 45:15	mentioned 26:21 34:17 37:3
looking 12:9 13:10,18 15:14	38:12
16:23 17:2 24:6,14 26:23	met 33:5
28:23 30:16,23,23 31:15,18	method 10:16
40:13 42:10 46:6 52:4	MI 31:11
lose 37:20	milestones 10:20
loss 23:16	million 10:5 15:5 18:11
lost 12:8 38:5	mindful 25:9 28:23 32:6 33:14
lot 28:10	49:23
low 45:22	minimizing 2:21
	minimum 42:8,19
	minute 32:16
M	mismatches 42:23
M. I 31:14 34:16	mission 4:11 41:10
maintain 39:3	mitigate 41:7 46:17
major 38:13,15	mitigation 47:21
make-whole 50:17	modify 25:19
maker 27:16	Modifying 22:18
making 24:17 25:11 27:19 45:3	Mohawk 7:24
48:19 51:5 52:5 54:24	

moment 13:2
moments 11:25
Monday 5:24
money 18:12 24:12
month 12:8,9 33:19 49:20
Monthly 1:1,9 2:1 3:1 4:1 5:1
 6:1 7:1 8:1 9:1 10:1 11:1
 12:1 13:1 14:1 15:1 16:1 17:1
 18:1 19:1 20:1 21:1 22:1 23:1
 24:1 25:1 26:1 27:1 28:1 29:1
 30:1 31:1 32:1 33:1 34:1 35:1
 36:1 37:1 38:1 39:1 40:1 41:1
 42:1 43:1 44:1 45:1 46:1 47:1
 48:1 49:1 50:1 51:1 52:1 53:1
 54:1 55:1 56:1
months 45:19 46:4,8 49:18
morning 2:3,7 3:19 9:7 20:21
move 15:19 20:15 24:22 25:20
 26:15 31:18 36:9,14 38:6
 39:25 53:10
movement 48:12
moving 16:23 24:9,14 28:17
 31:13 35:12 53:8
much-needed 38:21
multi-agency 4:13
mute 3:2 35:23

N

N.T.S.B 16:12
N.Y.C.R.R 14:15
name 56:10
nameplate 21:9
NARUC 16:6
National 4:25 5:21 12:8 45:12
 46:5,9,12
natural 10:8,15 12:16,22 15:8
 15:11,16
near 36:9,9
nearby 10:24,25 37:3
nearly 38:20
necessarily 27:6 31:16
necessary 6:6 7:14,21 12:4 17:5
 34:5,9 42:15 43:3,16,25 44:5
need 14:10 17:24 24:15,23 25:8
 25:9,11,23 26:17,22 28:16,22
 32:2,4,5 33:8,13,22 35:7,9
 39:4 40:15 42:19 43:4,22 44:7
 45:6 46:14,15 47:19,20,25
 48:19 50:25 51:14,15 52:4
 53:17,17

needed 15:3 27:19
needs 6:14 27:17 42:3 47:14
negative 44:19
negotiation 14:17
new 1:2 2:13 3:12,23 4:10,12,15
 5:9,20,21 6:18 7:6,24 8:5,8,9
 15:12 16:8 21:22,25 23:12,17
 31:18 36:25 37:4 38:15,22,23
 41:25 46:25 53:11 56:2
Niagara 7:24
nod 24:8
non- 5:13
non-essential 5:6
non-pay 6:17
non-payment 6:21
noncontroversial 17:20
normal 41:21
Northeast 13:14 43:14 44:15
notably 22:19
note 2:18 12:13 13:25 15:11
 16:2 17:17 24:21 41:15 49:5
 50:4
noted 23:13
notes 33:2
notice 14:16,17 50:3,5
notices 48:14
notification 10:16
noting 51:6
number 11:7 18:12 44:16 48:9
 49:24
numerous 6:7 27:5
NYISO 23:3,5
NYPA 6:9
NYSERDA 20:24 21:6,7,18 24:7,15
 24:17,21 25:3 26:9,20 27:3,13
 28:8,13 30:6 33:4 37:13
NYSERDA's 36:2

O

obvious 36:19
occupants 10:18
odors 10:10
offerings 6:23
office 3:15,21 4:5 8:16 9:3
 20:18
offices 4:7
offs 6:21
offshore 20:17,24 21:2,3,6,11
 21:18,21,25 22:4,5,16 23:13
 24:7,9 25:7 26:16 27:25 30:19

31:10 32:3 33:5 35:3 36:12,22 38:14,17 39:3,11 Okay 53:18 once 7:9 one- 34:3 40:14,20 46:18 49:7 53:6 one-commissioner 34:5 40:16 41:12 42:9 43:3,9 45:13 49:16 50:12,18 51:8,13,23 ongoing 21:17 38:13 onus 49:8 Open 2:23 3:11 opened 14:2 operational 5:19 operations 4:8,11,12,16 5:7 41:16,24 operator 5:10 6:2 8:22 13:19,22 opinion 13:13 opportunities 14:13 opportunity 3:4 7:9 8:11 22:10 23:12 31:5 36:16 37:25 52:2 opposed 28:12,14 34:8 option 22:20 36:17 Orange 5:22 order 2:9 3:9 7:4,7,10,17 10:19 13:17 14:2,7,9 15:2 16:4 20:23 22:14,17,24 23:21 28:5 28:5 29:5 32:13 34:4,5,11 40:16,21 41:12 42:9,9 43:3,9 43:18,23 44:8 45:13 46:19 47:2 49:8,12,16 50:4,12,16,18 51:8,13,23 orders 2:22 7:2,4,22 8:8 13:16 40:15 51:6 53:7 original 31:10 originally 6:24 originating 10:11 outbreak 4:4 6:12 outlays 38:21 outreach 42:22 outside 10:11 47:11 outwards 26:24 overhead 29:19 overly 17:11 oversight 38:13 OWREC 21:12 22:21,24	page 3:5 56:5 pages 56:7 pandemic 4:2,8 5:8 7:3 41:3,23 45:2 paper 13:22 paramount 12:7 19:17 part 14:21 24:20 26:14 29:7 participating 3:2 6:7,19 participation 4:12 particular 27:25 30:17 31:15 52:17 54:25 particularly 19:15 22:2 31:6 38:22 parties 11:18 19:14 48:20 partners 6:13 24:24 pass 30:6 passed 18:2 48:17 pause 7:6 24:20 26:2 36:3 43:11 46:25 pay 10:5 penalized 42:8 penalties 7:12 42:19 penalty 9:10,13,23 18:11 people 47:13 perceived 32:17 performance 8:22 performing 10:23 11:3 period 23:20 permitted 3:11 person 52:17 personal 9:16 personally 8:16 personnel 5:17 perspective 15:25 16:22 17:2 26:3 30:5 31:8 47:10 51:14 petition 2:14 25:15,16,19 26:4 26:7 28:6 29:4 30:8 33:24 41:2,3 43:3,15,21 44:9,16,20 44:21 45:16 46:13 47:9,12,14 48:21 49:17 petitioner 33:21 petitioners 25:20 47:4 petitions 47:25 Petroleum 11:6 Phillips 2:5,10,11,12 54:17,19 54:20 PHMSA 44:24 phone 3:2 picture 31:23 pilot 10:7
<hr/> P <hr/>	
P.P.E 6:5 P.S.E. & 4:24	

pipeline 11:3 12:12 13:8 16:13
 16:15,19 17:15,18,22,25
place 12:10 56:4
places 49:8
plan 17:2
planning 4:8 28:2
plans 5:8 17:4 29:25
plant 6:2
plastic 13:19
platform 42:14
playing 5:11
please 3:2 8:4,4,8 9:5 20:20
Pledge 6:21
plus 47:8
point 30:13 48:25
position 37:4
positive 38:15
possible 53:10
post 26:24
posted 8:5
postpone 45:18,23 50:8 51:2
postponed 50:23
postponing 7:22 45:13 46:4,8
 49:18,20,25
potential 13:11 14:13,25 28:16
 40:11 41:6 42:24 47:21
potentially 43:6
power 5:9,21 6:9
practice 3:6
pre 49:23
prepared 11:10
Preparedness 3:16,22 4:6
prescriptive 17:12
present 10:17
presentation 8:10 11:9 23:6
presented 8:23 20:17
press 36:2
pressure 21:16
pretty 38:18 40:5
prevent 9:21
prevention 12:14 19:17
previously 49:6
price 22:20,25 23:4
prices 21:12 36:14
pricing 7:12 21:16
primarily 4:23
principal 23:22
probably 30:13 31:12
problems 13:11 42:25
procedural 49:24

proceed 8:18 19:22 53:25
proceeding 39:7 48:13
proceedings 56:7
process 10:21 11:7 12:19 22:15
 22:16 26:5 37:14,18 48:23
 52:2,8,13,18 53:10
processes 49:24
procurement 20:25 21:3,7,19
 22:14,15,22 37:18 39:10
Procurements 22:18
programs 6:25 24:14
progress 27:18
project 23:4
project's 23:2
projected 21:13
projects 7:6,8 21:8 46:25
promote 16:17 21:24
proper 35:14 50:3,5
properly 23:21 41:8
propitious 38:19
proposed 9:9 10:4 22:12
protect 3:12 7:21 53:11
protective 11:20
protocols 43:18 52:3
proven 10:9
provide 4:22 5:11 8:11 16:16
 21:20 38:21
providers 6:19,23
provides 20:23
providing 4:13 5:4 6:5 38:23
provisions 2:23 49:22
prudent 15:9 24:16 30:24
public 1:2,9 2:8,9 3:3,12,24
 4:3,9 7:22 8:24 9:11,22 12:3
 14:19 16:8 18:16 23:23 30:15
pull 30:12,23
pursuant 9:11
pursuing 36:11
pushing 37:12
put 47:13,14
putting 14:17 28:10

Q

qualification 13:19,22
qualifications 8:22
quality 38:24
question 36:4
questions 9:4 11:11,22 20:19
 23:7 38:4,4 44:19
quick 53:10

quickly 22:4 26:15 53:8	reference 22:25 23:3
	referencing 44:19
<hr/>	reflects 23:2
R	regarding 38:12 42:11
R&D 15:13,20	region 38:23
R.F.P 26:16	regional 22:3
R.P 16:4	regular 8:18
R.S.P 30:14,19	regularly 17:10
raise 50:24	regulations 9:14 41:10
raised 26:6 31:8 32:10,15 34:16	regulator 12:10
34:18 44:16 48:6,9	regulators 16:12 17:24,25 32:19
raises 40:8	regulatory 6:10 9:15,19,25
raising 31:22	12:19 24:6,25 30:22 44:25
ramping 22:4	48:2,11 52:12
rate 7:22 19:5 45:13,19 50:2,9	related 8:7 15:2 30:16 36:23
50:14,22	40:15 41:3,9 43:17 50:17
ratepayer 25:4 28:24 32:5 35:15	51:22
ratepayers 24:18 26:25 28:20	relates 8:20 29:12
rates 46:6 49:19	relating 13:19 35:25
rating 21:9	relative 4:7 8:7
rationale 32:17	relevant 48:8
reading 50:16	reliability 8:25 9:2 12:6 41:8
real 17:14 25:10 27:7,22 28:8,8	41:11 43:6
28:19 29:4 33:23 47:21 48:18	reliable 5:12 31:3 37:6
really 8:14 13:25 14:3,8,24	relief 48:4
15:17 16:2,5,20,25 17:4,23	remarkable 8:14
19:3 24:15 25:4,14 26:17	remedies 11:20
27:17,22 28:7,23 30:11 32:6	remind 2:25
32:19 35:5,13 41:13 51:12	remotely 2:24
reason 46:21	renewable 21:11,23 22:18 26:11
reauthorization 17:19,22 18:2	30:14 35:5 36:3,20 37:12
REC 34:17,17 35:6	renewables 27:25 31:2
receive 14:20	reopened 7:10
received 13:10 14:20 23:19	repeatedly 27:2
recognition 7:25 31:17 43:21	reported 56:4
recognize 25:6 34:12	Reporter 56:13
recognized 15:18	represent 21:3
recognizing 16:3	repurposed 24:13 29:18
recommendation 19:24 20:14 39:9	request 18:22 47:17
39:24	requests 52:9,11
recommendations 54:3,16	require 28:2,2
recommends 21:18	required 18:14 22:23 30:7
record 2:2 3:5 14:3 15:10 33:22	requirements 3:9 8:23 42:20
40:9 43:4 47:11 48:11,23	requires 16:23
49:11 51:16,17 53:25 55:3	research 15:14 27:5
56:7	reserved 23:14
records 14:8	residential 19:2
recuse 40:2	Resilience 3:15,21 4:5
redress 48:22	resilient 31:3
reduced 5:12	resolution 11:14
refer 8:4,9	

resolve 9:10, 23
resources 37:5
respect 9:18 22:24
respond 32:12
response 3:17, 25 4:9, 10 6:11
 8:15
responsibility 32:6
responsible 30:24
responsive 33:7, 15 37:13 44:17
result 21:16
resulted 21:7, 11
retail 7:13
reveal 16:17
revenue 44:19
revenues 46:11, 11
review 17:5 52:16
reviewed 3:7 17:10
reviewing 13:23 48:17
revisit 33:20
RFP 26:11 34:21
RFPs 24:22
Rhodes 1:18 2:3, 6, 7, 7, 17 3:20
 8:13 9:6 11:12, 13, 24 18:7, 10
 18:18 19:9, 13, 21, 22 20:4, 7, 10
 20:13, 22 23:9, 10 24:3 35:22
 36:7 37:8 38:7, 10 39:6, 7, 14
 39:17, 20, 23 41:12 52:23 53:3
 53:20, 24, 25 54:6, 9, 12, 15, 22
Rienzo 20:18
right 35:12 48:3, 22, 23 51:20
rightfully 31:13 43:15
risks 16:17 35:6
robust 13:23
Rockland 5:22
role 5:11 39:3
room 5:20
rotating 4:14
rush 48:21

S

S 1:20
safe 5:11 12:8 55:2
safer 10:6
safety 7:21 8:25 9:2, 18 11:4, 16
 11:17 12:7, 12 13:8 16:13, 15
 16:19 17:10, 15 41:8 43:17
 45:10 51:24 52:3 53:11
sake 45:4
salaries 29:19
sales 42:3

savings 26:25
saying 25:23 32:17 34:14
says 25:22 43:23 44:8
scale 26:10 30:14 35:4 36:3
scenarios 52:6
schedule 53:16
scheduled 7:23 49:21
scratching 28:4
screening 6:3
second 20:15 21:3 37:16 45:22
secretary 2:5, 10, 10, 12 44:3, 10
 52:10 54:17, 19
Section 9:11, 11
sector 5:5, 16, 25 12:22
secure 22:3
Security 4:15
see 19:4 25:3 26:13 29:3 30:18
 41:22 44:14 51:14
seek 44:2, 9
seeking 26:20 43:16 44:4 45:23
 48:4 50:22
seeks 16:14
sending 35:11
sense 29:14 32:2
separated 10:25
separation 11:2
sequestered 5:20, 25 6:3
sequestering 5:16
serious 11:15
service 1:2, 9 2:8, 9 3:24 4:3, 9
 4:22, 25 5:12 6:23 7:15, 19
 9:11 14:19 16:8 32:13 42:5
Services 4:15
session 2:9, 19, 24 3:4, 6 54:23
sessions 53:17
set 11:5 33:21 44:24 45:20 46:6
 49:19
Seth 23:7
setting 35:16 52:6
settlement 8:20 9:9 10:4, 4, 13
 10:19, 20 12:4, 16 13:4 14:13
 14:16, 18, 22, 24 15:4 16:3
 18:21 19:15, 24
shareholder 12:24 15:6 18:11
shareholders 10:5
sharing 6:8
shift 35:6
shifts 6:5 7:14
shortly 14:11
show 14:2, 7, 9 15:2

shown 12:23	stopped 19:16
shut 6:17, 21, 24	Stout 9:2
side 12:13, 21 51:4	Street 35:10
signal 49:11	stress 36:9
signals 35:12	strong 12:11 21:16 50:19
significant 18:12 26:16	strongly 31:20 34:25
similar 52:8	struck 28:6, 7 29:3 31:7
sister 27:4	studies 27:5, 7
site 5:25	study 27:2, 10, 20
sites 5:17 23:15	submit 22:20, 23 25:20 30:7
situation 41:23	submitted 25:15, 17 50:16, 21
size 26:19	submitting 23:14
small 42:6	subscribed 56:10
social 2:20 6:5 23:16 43:17	substantive 24:15 29:11
solicitation 21:10, 20 22:6, 12 22:16 23:13 24:10 29:7 36:3 39:9	substantively 41:14 46:23 49:4
solo 28:19	successful 31:2
solution 41:6 43:5 46:16	sum 51:11
solutions 13:7 17:14 45:8	Sun 2:13
sought 45:17, 18	suppliers 7:13
sound 30:13	supplies 42:4
source 38:24	supply 29:13 42:23
space 35:3, 5, 18	support 4:10, 14 11:20 30:22
speak 15:23	supporting 18:17 19:19 22:5 37:7
speaking 3:3 11:13	supportive 15:20 16:9, 13 17:16 24:4, 8 26:7, 18, 20 37:11 39:5 43:2 51:12
specific 23:4	supposed 27:8
specifically 9:12 10:6 14:25 32:25 44:18	surcharge 50:17
Speicher 8:24 11:10	sure 10:24 27:19 35:7, 14, 20 45:3 47:24, 25 48:19 50:25 51:5 52:4, 5 53:15
staff 4:3, 14, 18 5:20 9:22 13:12 13:21 14:5, 19 19:14 21:17 27:13 33:4 44:17 52:17 53:8	suspend 2:22 6:21 45:24
stakeholders 30:21 33:16 48:24	suspended 5:13 45:25
standard 11:5	suspending 6:17
standards 12:4 18:14	suspension 7:19
started 2:18 3:13 13:10	sustainable 38:23
starting 6:4, 15	sympathize 38:11
state 1:2 3:23 4:10, 11, 11, 13, 15 4:19, 23 5:4 6:18 8:5, 8, 9 16:8 17:24 21:5 23:12 38:19 42:16 56:2	system 5:10 10:6 11:4 12:6 16:14, 15 17:10 41:10 42:14 49:20 50:8
State's 23:17	
stated 56:5	T
states 6:10 9:15 36:11 37:3	take 7:23 11:25 13:2, 9 22:10 32:19, 25 36:16, 21 39:4 45:20 47:13, 20 50:4
statute 9:15	takes 29:14
statutory 38:16	talk 13:3 33:6 40:6, 18
stay 55:2	talked 14:5 31:14 40:24
step 13:9 23:11 38:15	talking 30:16 35:21
stewards 25:4, 5, 8 28:24 35:14	

talks 12:15
tandem 35:16
targets 25:7
tariff 40:22 42:11 45:24
tariffs 7:11 40:23
tasked 41:17
tax 22:7,11 23:16 38:2
team 4:20
technological 12:18 15:18,21
technology 12:11 19:8 21:17
telecom 6:16,18
temporarily 7:10 40:21,22 42:19
temporary 4:22
term 21:24
terms 19:24 26:11 27:12 50:19
terri 7:15
terrible 13:20
territories 5:2
territory 7:15 42:5
thank 2:6,17 8:11,13,17 9:6
 11:12,23 18:5,7,9,18 19:9,13
 19:21 20:21 23:9 24:2 35:22
 36:6 37:8 38:6,7,9 39:6 52:20
 52:22,23,25 53:2,3,7,12,19,20
 53:24 54:15,22,23,24,25
thanked 50:13
thankful 31:4
thing 49:5 51:12
things 12:21 14:4 19:16,16
 28:11 29:3,23 31:8,11 32:23
 34:20 45:18 48:12,19 49:18
 50:5 51:14 52:14 53:15,16
think 12:24 13:25 15:9,25 24:18
 24:23 25:8 28:12,20,21,22
 29:19 30:5,6 31:9 32:4,13,18
 32:24 33:4,8,8,13,18,20,23
 34:8,10,20,22 35:9,10 36:13
 36:18 37:17,22 38:2,5,14
 40:10,17 44:12,13,21 46:22
 47:12 49:4 50:6 51:11,13 53:8
 53:9,13
thinking 12:10
third 45:24
thorough 13:13,22 53:18
thought 45:17 46:7 52:13
thoughtful 11:19 35:13 45:4
 50:24 52:18
thousands 38:24
three 45:17,17,18,19 46:4,8
 49:18

Thursday 1:13
Tier 22:18
time 14:6 25:10,14,22 26:8 27:7
 28:12,17 29:24 31:21,25 32:11
 32:23 33:3,17,25 34:11,11
 38:19,25 46:16,19,20,21 47:13
 47:21 48:18 50:10 53:23 56:4
timely 6:14 11:14 23:14 52:19
times 25:18 27:5 34:15 41:21
 53:9
today 2:19 7:4 10:4 13:4 14:23
 15:24 18:23 34:6,7 54:18,21
today's 2:24
told 48:15
Tom 20:17,18,20,22 23:10,13
TRACEY 1:20
track 15:10
tracking 4:3
TRACY 56:3,13
tragedy 13:20
trained 5:17
trajectory 36:8
transcribe 3:6
transcription 56:6
translate 30:19
transmission 27:2,10 28:2
transportation 42:6,7,22
tremendous 38:19
tribute 8:15
tried 44:24
true 24:17,25 25:8,11 31:23
 56:7
truly 24:11
trying 16:20 25:6 26:5,8 32:22
 33:12 51:20
two 2:13 11:7 21:8 33:19 48:13
type 19:2
types 22:23
typewritten 56:6
typically 17:19

U

U.S 21:25
Ultimately 17:7
uncommitted 24:13
under-the-hood 26:17
undergoing 42:15
underlying 29:5 44:15 45:6
underpinned 13:16
underscoring 16:18

<p>understand 12:10 26:6,8 30:11 30:15 32:15,16 37:22 48:7,20 understanding 27:18 47:3 48:18 50:9 undertaking 27:4 unencumbered 31:15,19 unforeseen 42:13 unfortunately 24:4 unique 7:16 United 6:10 unmet 6:14 unprecedented 53:9 update 3:16 8:12 45:23 updates 8:4 use 12:23 15:9 16:16 18:10 19:2 19:4 22:25 31:15 34:25 37:5 utilities 4:7,21 5:9,13 6:3,9 6:16 7:18 11:17 17:23 19:6 30:2 42:2,14 43:10,12 49:7,9 49:11 utility 4:22 7:21 12:19 44:20 utilization 16:4 utilize 42:2 utilized 41:24 utilizing 12:15 15:7 31:19 utmost 11:16</p>	<p style="text-align: center;">W</p> <hr/> <p>wait 37:20 waited 32:18 waive 6:18 7:11 40:23 42:19 waiver 42:11 Wall 35:10 want 11:25 13:2 19:13 29:21,24 31:4 34:12 44:6 47:18 50:2 53:7,12 wanting 32:10 wasn't 31:16 water 6:16 7:24 10:25 49:16,17 49:25 Waters 50:7 way 15:11 16:16 17:12,13 28:15 30:25 32:2 35:8 48:22 wayside 27:20 we're 8:17 16:20 17:8 27:6 28:4 28:7,23 30:22,23 35:3,15,17 37:2,4 47:24 51:18 52:12 53:8 we've 31:24 34:19 49:24 weather 41:22 webcast 3:5 WEBEX 1:14 Webinars 48:6,8,14 website 8:6,10 week 26:4,9 33:8 36:2 WHEREOF 56:9 white 13:21 wholeheartedly 12:5 WILLIAMS 56:3,13 wind 20:17,24 21:2,3,6,11,19,21 22:2,5,7,16 23:13 24:8,9 25:7 26:16 27:25 30:19 31:10 32:3 33:5 35:3 36:12,22 38:17 39:11 winds 38:14 wisdom 46:5 wise 18:10 Wisely 3:14,19,20 40:24 wish 40:2 WITNESS 56:9 word 36:9 work 5:5,6,14,14 10:23 16:24 19:18 32:4,22 33:13 41:20 49:9 54:25 worked 4:6,21 6:22 13:14 15:13 workers 6:2 7:22 38:24 workforce 5:12 8:7</p>
<p style="text-align: center;">V</p> <hr/> <p>vacuum 25:12 variability 41:22 variable 41:25 variables 36:18 various 17:9 49:25 vast 37:5 VDER 2:15 vehicle 34:9 versus 35:2 vetting 13:23 view 48:25 violations 9:14,15,19,25 14:25 vitality 12:24 volume 42:8 vote 11:25 19:23,23 20:2,5,8,11 33:17 39:8,8,12,15,18,21 40:11 49:3 51:9 52:21 54:2,2 54:4,7,10,13 voted 14:7 voting 12:2 14:9 25:21 33:25 35:19 40:2,9 42:10 46:20</p>	

working 4:18 13:6 17:8,12 24:24 35:13 50:6 52:12	2 11:4
works 25:13 35:16	2014 13:17
written 24:5	2016 13:10
<hr/> X <hr/>	2018 13:18 21:7 22:13 37:17,18
X 1:19 48:15	2019 9:24 14:3,16
<hr/> Y <hr/>	202.1 2:22
year 4:4	202.14 2:22
years 9:12 11:4,5 17:20 22:12 27:3	2020 1:13 20:25 21:19 22:5,8,9 22:12,17 24:9 26:23,24 37:23 39:9 40:25 43:14,19,23,25 44:7,12 45:16,21 49:17,20,21 56:10
York 1:2 2:13 3:23 4:10,13,15 5:9,20,21 6:18 7:6,24 8:5,8,9 15:12 16:8 21:25 23:12,17 36:25 37:4 46:25 56:2	20th 5:24
York's 21:22 38:22	23 1:13
Yorkers 3:12 53:11	24th 45:15,16 49:16
<hr/> Z <hr/>	2500 21:2
zero 17:7	25A 9:11,12
zone 23:3	261 40:14 45:12
<hr/> 0 <hr/>	27th 56:10
<hr/> 1 <hr/>	<hr/> 3 <hr/>
1 22:18 56:5,7	3 11:5 49:3
1,000 39:10	3.9 14:15
1,700 21:10	30 47:8
10:30 1:13 2:2	301 2:13
1000 20:25	302 20:16,23 23:7 34:7,9,16
101 8:19	30th 40:25
11:48 55:3	31st 43:23 44:7,12
1173 16:4,9,14,25	367 34:3
12th 33:4	369 2:15
13th 43:13	371 40:14 46:18 49:3
14th 14:3	373 5:25
15 10:5 15:5 18:11	3rd 4:17
16 14:15	<hr/> 4 <hr/>
161 40:13,20	4 17:20
163 40:14 43:8	4-23-2020 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1
16th 22:17	40% 21:12
17-G-0316 8:20	461 40:14 49:15
18-E-0071 20:16	4th 14:15
18th 13:18 50:22	
19 4:19 8:4	
1st 7:24 43:19,25 45:20 49:19 49:21	
<hr/> 2 <hr/>	

