

1                   6-11-2020       -    Monthly Meeting

2    STATE OF NEW YORK

3    PUBLIC SERVICE COMMISSION

4

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6                                   MONTHLY MEETING OF THE

7                                   PUBLIC SERVICE COMMISSION

8                                   VIA WEBEX CONNECTION

9

10                                  Thursday, June 11, 2020,

11                                  10:30 a.m. until 12:24 p.m.

12

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14    COMMISSIONERS:

15    JOHN B. RHODES, Chair

16    DIANE X. BURMAN

17    JAMES S. ALESI

18    TRACEY A. EDWARDS

19    JOHN B. HOWARD

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2 (On the record, 10:29 a.m.)

3 CHAIR RHODES: Hey, good morning.

4 It's John Rhodes. I think we're on time, so why  
5 don't we start in, say, five seconds.

6 Good morning. This is John Rhodes,  
7 Chair of the Public Service Commission and I call  
8 this session of the Public Service Commission to  
9 order.

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

12 SECRETARY PHILLIPS: This is Secretary  
13 Phillips. There are no changes to the final agenda.

14 CHAIR RHODES: Thank you. Before we  
15 get started, I'd like to note our arrangements for  
16 our session today, in line with the guidelines  
17 concerning social distancing and minimizing large  
18 gatherings. And in light of the recently extended  
19 executive orders that suspended provisions of the  
20 Open Meetings Law on an emergency basis, we are  
21 conducting today's session remotely.

22 I would like to remind those who are  
23 participating by phone to please mute their lines  
24 except when they're speaking. The public will have  
25 an opportunity to listen to the session on the

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2 department's webcast page. We will also record and  
3 transcribe the session as it's been our practice.

4 These arrangements have been reviewed  
5 by our general counsel. He has found that these meet  
6 the requirements of the executive orders, and also  
7 that they meet my own expectations of honoring the  
8 intent of the Open Meeting Law to the maximum extent  
9 permitted by our duty to protect the public health of  
10 New Yorkers.

11 And before we get into the business,  
12 can I just do a roll call of my fellow Commissioners  
13 to -- for the record. Commissioner Burman, are you  
14 on?

15 COMMISSIONER BURMAN: I'm here. Thank  
16 you.

17 CHAIR RHODES: Thank you very much.  
18 Commissioner Alesi.

19 COMMISSIONER ALESI: I am here.

20 CHAIR RHODES: Thank you.  
21 Commissioner Edwards.

22 COMMISSIONER EDWARDS: I am here.

23 CHAIR RHODES: Perfect. Thank you,  
24 and Commissioner Howard.

25 COMMISSIONER HOWARD: I am here as

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2     well.

3                   CHAIR RHODES:   Thank you very much,  
4     all of you.   So we will begin as -- again, our recent  
5     practice with an update from Kevin Wisely, Director,  
6     Office of Resilience and Emergency Preparedness.   And  
7     the department's response -- responses to COVID-19.  
8     Kevin?

9                   MR. WISELY:    Good morning, Chair  
10    Rhodes, and Commissioners.   As the chair mentioned,  
11    I'm Kevin Wisely, Director of the Office of  
12    Resilience and Emergency Preparedness.

13                   For the last 3 to 4 months under  
14    Governor Cuomo's leadership, New York State agencies  
15    including the Department of Public Service, have  
16    prepared for, responded to, and now have begun  
17    recovery from the COVID-19 pandemic.

18                   Although we will continue to manage  
19    the pandemic for months to come, we have turned the  
20    corner and begun to reopen New York State.   The  
21    Department of Public Service Staff have been tracking  
22    the COVID-19 outbreak since early in the year.   All  
23    D.P.S. offices have taken part in the planning,  
24    response, and recovery from the pandemic.

25                   D.P.S. Staff has maintained their

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2 ability to work from home effectively and continues  
3 to support the New York State COVID-19 response and  
4 recovery efforts while statutory requirements and  
5 department responsibilities are being met without  
6 issue. D.P.S. has ensured that continuity of  
7 operations and pandemic plans have been effectively  
8 implemented by the utilities, power generators, and  
9 the New York system -- independent system operator  
10 throughout these difficult times.

11 All of these entities are playing a  
12 critical role providing safe and reliable energy  
13 services while ensuring employee and customers'  
14 safety and protection. Early on D.P.S. assisted in  
15 the sequestration of critical energy sector employees  
16 at key sites to ensure that trained personnel are  
17 always available to keep the electric grid  
18 operational.

19 We're at a point in the pandemic where  
20 sequestration is no longer necessary. However, daily  
21 wellness checks, including temperature monitoring  
22 have been instituted at all utilities. All 10 of the  
23 New York State regions have now entered Phase 1 of  
24 the reopening process.

25 And with the exception of New York

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2     City, all regions have now begun Phase 2 of reopening  
3     and beginning preparations for Phase 3 of reopening.  
4     The Governor's New York former website at  
5     forward.ny.gov contains specific guidance relative to  
6     the phases of opening, essential business, and  
7     statewide guidelines.

8                   The site also provides a Regional  
9     Unpause Dashboard, Early Warning Monitoring  
10    Dashboard, and the COVID-19 Tracker. All very  
11    valuable information relative to reopening and  
12    monitoring progress. The site will be updated  
13    regularly with additional resources and information  
14    as more regions meet various reopening criteria. And  
15    as the state progresses to future phases of the New  
16    York Forward plan.

17                  The loosening of restrictions in New  
18    York has been considered on a regional basis based on  
19    specific criteria. These criteria are designed to  
20    allow phase re-openings to begin in each region only  
21    if the infection rate is sufficiently low. The  
22    healthcare system has the capacity of potential  
23    resurgence in cases, diagnostic testing capacity is  
24    sufficiently high to detect and isolate new cases,  
25    and robust contact tracing capacity is in place to

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2 help prevent the spread of the virus.

3 Businesses, including the energy  
4 sector, must ensure the proper protections of their  
5 workforce and continue to maintain social distancing,  
6 reducing density and requiring face coverings when  
7 appropriate. The state's utilities can continue to  
8 consider various workplace adjustments as part of  
9 their new better normal, including minimizing  
10 customer contact to the extent possible, continuation  
11 of telecommuting for much of their workforce,  
12 reducing the density of office space as well as  
13 remote field worker reporting locations, review and  
14 redesign of office workspace to ensure proper social  
15 distancing, requiring face coverings whenever in  
16 contact with others both in the field, as well as the  
17 office space and wellness checks including  
18 temperature monitoring for all employees reporting to  
19 duty.

20 For additional information on COVID-  
21 19, please refer to the daily updates posted on the  
22 New York State Department of Health website:  
23 [coronavirus.health.ny.gov](https://coronavirus.health.ny.gov). This concludes my  
24 presentation. Thank you for the opportunity to  
25 provide this important informational update.

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2 CHAIR RHODES: Thank you, Kevin. It's  
3 a very good report, very informative overview, and  
4 also very positive news on the effectiveness of the  
5 Department and our partners throughout the state on  
6 our success in protecting the health and reliability  
7 for New Yorkers, and on the positive trends, and then  
8 finally, but also most importantly on the progress of  
9 New York Forward, and their reopening. Thank you.

10 We will now proceed to the regular  
11 agenda. For those who are listening to this session  
12 of our webcast, please note that there is a slide  
13 presentation that accompanies the first four items,  
14 which can be and this -- these slide presentations  
15 can be viewed on our webcast. The slides will also  
16 be posted to our webcast page after session.

17 The first item for discussion is an  
18 informational item. It's Item 101, case 20-G-0195.  
19 It is in the matter of Staff analysis of local  
20 distribution, company performance related to pipeline  
21 safety measures -- oops, sorry. I just lost my  
22 script. I'm sorry. I beg your pardon. Presented by  
23 Michael Pasinella Utility Engineering Specialist 2,  
24 Kevin Speicher, Chief, Pipeline Safety and  
25 Reliability and Joseph Dowling, Assistant Counsel.

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2 Sorry, Kevin and Joseph are available for questions.

3 Michael, please begin.

4 MR. PASINELLA: Good morning, Chair  
5 Rhodes, Commissioners. My name is Michael Pasinella,  
6 Utility Engineering Specialist 2 with the Office of  
7 Electric, Gas and Water, Pipeline Safety and  
8 Reliability Section.

9 Item number 101 is the 2019 pipeline  
10 safety performance measures report. It's for  
11 information only and evaluate areas that are critical  
12 to pipeline safety. These areas include damage  
13 prevention, emergency response times, leak  
14 management, and non-compliances identified through  
15 Staffs' audit process.

16 Overall, the data indicates that  
17 performance has substantially improved for the Local  
18 Distribution Companies, or L.D.C.s for short, across  
19 the state over the 17-year-period Staff has been  
20 reporting performance to the Commission. This report  
21 is intended to serve as a management tool by allowing  
22 Staff to analyze trends, identify areas in need of  
23 improvement, and to provide L.D.C.s with feedback on  
24 a timely basis.

25 Next slide, please. For damage

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2     prevention, this measure gauges the success of  
3     L.D.C.s in minimizing damage to buried natural gas  
4     facilities caused by excavation activities. The --  
5     the measure is further broken down into 4 categories,  
6     damages due to mismarks or the inaccurate marking by  
7     the L.D.C. of its affected underground facility,  
8     L.D.C.s and their contractors, third party excavator  
9     error, and no calls or failure of an excavator to  
10    provide Notice of Intent to excavate to the One Call  
11    notification system.

12                   Performance related to the total  
13    damage prevention measure improves significantly,  
14    approximately 11% during 2019. This was due largely  
15    in part to an increase in one call tickets, and a  
16    decrease in the total number of damages. All 4  
17    categories saw improvements as follows. Mismatch  
18    damages improved by approximately 9% from the  
19    previous calendar year. L.D.C.s and their contractor  
20    damages improves 33%, third party excavator error  
21    improves 13% and no calls improved .3%.

22                   In addition to our work with both one  
23    call centers, Staff works closely with the L.D.C.s  
24    and issues field citations to excavators where  
25    appropriate. The combination of Staffs' field

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2 presence and the L.D.C.s alerting us to damages has  
3 resulted in enhanced enforcement of the pipeline  
4 safety regulations.

5 Next slide, please. For emergency  
6 response, this measure reflects the L.D.C.'s ability  
7 to respond promptly to reports of leak odor and  
8 emergency notifications by examining the percentage  
9 of reports that were responded to within 3 response  
10 time intervals.

11 The first criterion is response to 75%  
12 of emergency reports within 30 minutes. The second  
13 response to 95 -- 90% within 45 minutes, and the  
14 third response to 95% within 60 minutes. L.D.C.  
15 performance for each of the emergency response time  
16 intervals remain consistent in 2019.

17 In general, the L.D.C.s have continued  
18 to use technologies such as global positioning  
19 systems to quickly identify the most appropriate  
20 employee to respond to leak, odor or emergency  
21 reports, and have continued placing or added  
22 personnel in certain geographical areas during the  
23 times of the day that has historically high volumes  
24 of emergency notifications.

25 In addition, the Commission has begun

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2 to incorporate positive revenue adjustments within  
3 the respective L.D.C. rate plans to encourage or --  
4 encourage further improvements.

5 Next slide, please. For leak  
6 management, this measure examines L.D. -- L.D.C.'s  
7 performance related to their leak inventories. In  
8 addition to and new to this calendar year's report  
9 the evaluation of leaks discovered, and leaks  
10 repaired. Potentially hazardous leaks include any  
11 leak that requires repair pursuant to 16 NYCRR Part  
12 255 which are type 1, 2A and 2.

13 For type 3 leaks which do not have a  
14 prescribed repair time frame. They are, by  
15 definition, considered to be non-hazardous. Pursuant  
16 to Part 255 Type 3 leaks require re-evaluation during  
17 the next required leakage survey, or annually,  
18 whichever is sooner to ensure that a public safety  
19 hazard has not developed.

20 While type 3 leaks are not expected to  
21 become a safety concern L.D.C.s continue to eliminate  
22 these known leaks on their systems because it reduces  
23 lost gas, maintenance costs and the total number of  
24 emergency reports. And because methane leakage is an  
25 environmental concern, and the persistent odor can

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2 negatively impact public awareness efforts.

3 For leaks require -- requiring repair  
4 the end of the calendar year generally coincides with  
5 the beginning of the frost season. During this time  
6 frame, there is a greater chance of natural gas  
7 migration into a building because the natural gas  
8 cannot vent as readily through the soil to the  
9 atmosphere due to the blanket of frost.

10 In general, all L.D.C.s have  
11 demonstrated improvement in these measures over the  
12 past several years. The total year on leak backlog  
13 improved roughly 14% from the previous calendar year.  
14 The repairable year and leak backlog remained at 32  
15 leaks, and both the total number of leaks discovered,  
16 and leaks repair declined from 2018 to 2019.

17 Next slide, please. For the final  
18 measure, non-compliances identified by Staff.  
19 L.D.C.s are evaluated on their compliance with the  
20 Commission's minimum pipeline safety regulations.  
21 This measure looks at non-compliance issues as  
22 identified by Staff during audits and investigations  
23 of the L.D.C.s. Each year Staff conducts statis --  
24 statistically based audits and investigations of the  
25 L.D.C.s to determine their compliance. Each non-

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2 compliance identified represents an area where the  
3 L.D.C.s failed to meet these minimum requirements as  
4 prescribed.

5 The data reported varies greatly from  
6 year to year, which is due in part to Staffs' 5-year  
7 audit cycle. Each audits and investigations of the  
8 pipeline safety regulations occur on varying  
9 frequencies determined by the risk each regulation  
10 poses to public safety.

11 The regulations are identified either  
12 as high risk in which an audit is conducted annually,  
13 or as other risks which are evaluated on a 2, 3, 4 or  
14 5-year frequency not to exceed 5 years. In 2018,  
15 Staff identified non-compliances in all 11 of the  
16 major L.D.C.'s operating service territories,  
17 although improvements have been made in each of the  
18 previous 5 calendar years.

19 This is due in part to the negative  
20 revenue adjustments which have been incorporated into  
21 most of the L.D.C.'s respective rate plans. Moving  
22 forward, each L.D.C. should continue to strive for  
23 the complete elimination of all non-compliances.

24 Next slide, please. As L.D.C.s  
25 continued their outreach efforts, adopt better

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2     practices in responding to leak, odor and emergency  
3     reports, and work to replace leak-prone  
4     infrastructure, Staff expects further performance  
5     improvements will occur.

6                   Thank you, Chair Rhodes,  
7     Commissioners. This concludes my presentation of the  
8     2019 Pipeline Safety Performance Measures Report. I  
9     would be happy to answer any questions.

10                  CHAIR RHODES: Thank you, Michael.  
11     This is John Rhodes. Safety is foundational --  
12     foundationally important. And I'm pleased that the  
13     perform -- as a general matter that the performance  
14     is good. And to the extent that there isn't any year  
15     on year change, that it is generally in the positive  
16     direction, for instance, on damage prevention and on  
17     leak management.

18                  That said, obviously vigilance on the  
19     non-compliance topic is essential, and I certainly  
20     approve of the standard being complete elimination of  
21     all non-compliance. Thank you. Commissioner Burman,  
22     do you have any comments or questions?

23                  COMMISSIONER BURMAN: Thank you so  
24     much. Can you all hear me?

25                  CHAIR RHODES: Yes, thank you.

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2 COMMISSIONER BURMAN: Thank you. I  
3 appreciate this presentation showing how well the  
4 utilities have performed this past year with respect  
5 to safety. The integrity and reliability of our gas  
6 system is paramount and at the core of that is  
7 safety. So it's really important for us to hear how  
8 well the utilities have been meeting their  
9 obligation.

10 I understand that we must place a  
11 strong emphasis also on innovative technologies to  
12 enhance pipeline safety and that includes innovations  
13 around damage prevention, leak detection, methane  
14 detectors, and other infrastructure upgrades and  
15 improvements.

16 This presentation does show us the  
17 trends in a positive way for the amount of work  
18 that's been done to ensure that we are enhancing  
19 pipeline safety. It dovetails with an item that's on  
20 our Consent Agenda 165, which really focuses on -- as  
21 a sort of positive note, on how we are dealing with  
22 technological advances to help improve pipeline  
23 safety.

24 I really do believe that A.M.I. is  
25 just such a technological innovation that can enhance

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2     our utility regulatory process in the natural gas  
3     space. And the use of A.M.I. could aid smart  
4     automation of pressure regulation and identify  
5     abnormal operating conditions. These examples, these  
6     allow for a smarter, safer, and more efficient  
7     natural gas system.

8                   And the presentation that was done on  
9     the past performance with respect to safety is really  
10    important to show that we are working on proper  
11    utility regulatory oversight and helping on a focus  
12    from its continuous improvement. So I appreciate it  
13    and thank you for the presentation.

14                  CHAIR RHODES: Thank you very much.  
15    Commissioner Alesi, any questions or comments?

16                  COMMISSIONER ALESI: Just briefly, I  
17    think that this is a very good report. And I'm sure  
18    that as we continue with this, we'll have better  
19    practices evolve and performance improvements that  
20    will benefit everyone.

21                  CHAIR RHODES: Thank you.  
22    Commissioner Edwards?

23                  COMMISSIONER EDWARDS: Yes, just  
24    briefly. Just as a follow-up to this, if I could be  
25    provided more information on the no calls. It seems

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2     like that that has been pretty flat over the last  
3     year so it would be good to take a look at where the  
4     no calls are coming from.  Is it company, is it  
5     company contractor, or is it third party?  You know,  
6     not -- not asking you to provide that information to  
7     me today.  But if you could just follow up and  
8     provide that information that would be helpful.  
9     Thank you.

10                   CHAIR RHODES:  Thank you.  
11     Commissioner Howard?

12                   COMMISSIONER HOWARD:  Yes.  I want to  
13     say thank you for this report.  And it's gratifying  
14     to see the continued improvement and safety.  One  
15     thing that concerns me particularly looking into the  
16     future, as we move to a decarbonized energy  
17     environment, I think it will be essential, and even -  
18     - we'll need to be more vigilant.  Make sure that as  
19     we move to this and make sure that there's not  
20     disinvestment, and our vigilance does not go down,  
21     because as long as there is gas in the system, the  
22     public needs to be safe.  So again, thank you and I  
23     look forward to the continuing work.

24                   CHAIR RHODES:  Thank you very much.  
25     With that, we move to the second item for discussion,

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2     which also is an informational item, Item 201. Case  
3     20-M-0046, which is in the matter of Utility Customer  
4     Service Quality Performance, presented by Aric Rider,  
5     Chief Consumer Advocacy and Kayla Whitaker, Utility  
6     Analyst, Joseph Dowling and Bruce Alch, Deputy  
7     Director Office of Consumer Services are available  
8     for questions. Aric, please begin.

9                   MR. RIDER: Thank you, Chair Rhodes.  
10    Good morning, Commissioners. This is Aric Rider.  
11    Item 201 before you today is for information only and  
12    summarizes the New York State Electric, Natural Gas  
13    and Water Utilities performance for 2019 on measures  
14    of customer service.

15                  While safety and reliability are  
16    paramount, the quality of customer service remains  
17    very important for customers. Customer service  
18    performance mechanisms help to align shareholder and  
19    customer's interests by providing potential earnings  
20    consequences to shareholders that reflect the quality  
21    of service provided to utility customers.

22                  Next slide, please. The utilities  
23    file annual customer service reports which allows  
24    Staff to track customer service performance each year  
25    and identify trends that are to be addressed in rate

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2 case proceedings. The report contains customer  
3 service measures in the following areas.

4 P.S.C. complaint rate, survey-based  
5 measures of customer satisfaction, call answer rate,  
6 the percentage of calls answered within 30 seconds.  
7 The rate of appointments kept, the number of bills --  
8 adjusted bills created due to utility error, the  
9 number of bills issues based on estimated meter  
10 readings, and terminations and uncollectible  
11 expenses.

12 The P.S.C. complaint rate, customer  
13 satisfaction survey and call answer rate are  
14 typically the measures used for utilities, while the  
15 other metrics are utility specific and were  
16 established after performance trends demonstrated  
17 decl -- a decline.

18 Next slide, please. Staff conducted a  
19 thorough audit into the utilities' reported customer  
20 service performance processes and procedures, which  
21 included interrogatory responses, Staff -- or, site  
22 visits and verification of records. As a result,  
23 Staff identified and provided recommendations in the  
24 report on several areas for improvement and where  
25 further standardization can be implemented.

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2 Staff continues to make  
3 recommendations on ways to modify customer service  
4 metrics for each utility in rate case proceedings to  
5 conform with the customer service performance  
6 indicators established in case 15-M-0566.

7 Moreover, while not mentioned in the  
8 report, Staff is also looking at the level of revenue  
9 adjustments among utilities and plans to make  
10 recommendations to standardize those in upcoming --  
11 upcoming rate cases. Staff is pleased to report that  
12 for the most part, the electric, natural gas and  
13 water utilities met or exceeded the standards for  
14 performance on measures of customer service  
15 established within their individual customer service  
16 mechanisms for 2019.

17 Now, I will turn it over to Ms.  
18 Whitaker, who will provide details on utilities'  
19 customer service performance. Next slide, please.

20 MS. WHITAKER: Thank you, Aric. Good  
21 morning, Commissioners. My name is Kayla Whitaker,  
22 with the Office of Consumer Services. Staff  
23 determined during its audit that most of the  
24 electric, natural gas and water utilities  
25 successfully achieved with our targeted performance

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2    of 2019.

3                   The exception to this was Rochester  
4    Gas & Electric, which failed to meet the established  
5    targets for its calls answered in 30 seconds and  
6    estimated meter reads metrics. Rochester Gas &  
7    Electric failed to meet the 77% target with a  
8    performance of 75.7% and will incur a \$350,000  
9    negative revenue adjustment for this measure.

10                  The utility also failed to meet a 6%  
11    target for estimated meter reads, with a performance  
12    of 6.24% and were -- will incur a \$175,000 negative  
13    revenue adjustment. In total, Rochester Gas &  
14    Electric will be assessed an N.R.A. totaling \$525,000  
15    for 2019. The utility attributed these failures on  
16    performance to increased employee attrition from  
17    meter reading and call center Staff.

18                  Rochester Gas & Electric, in  
19    coordination with New York State Electric and Gas  
20    have hired additional personnel, which is expected to  
21    address this issue going forward and has been vetted  
22    as part of the utilities current rate case. Aside  
23    from these deficits at Rochester Gas & Electric, the  
24    utility customer service performance has, for the  
25    most part, improved and this trend continued in 2019.

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2 Orange & Rockland, who failed to meet  
3 its call answer rate metric in 2018 has improved its  
4 performance by over 40% to 64.6% surpassing its 58.3%  
5 target. In addition to customer service performance  
6 mechanisms, several utilities may be assessed revenue  
7 adjustments for their performance and reducing the  
8 levels of residential terminations and uncollectible  
9 expense each year.

10 The following utilities achieved the  
11 targets for reducing these metrics; Central Hudson,  
12 Con Edison, Corning Gas, KEDNY & KEDLI. Customers  
13 benefit from utility reductions and termination  
14 uncollectibles as the utilities further assist  
15 customers by avoiding service shutoffs through  
16 additional bill payment methods or payment  
17 agreements, as well as reduced uncollectible expense,  
18 which is ultimately paid by the customers.

19 Pursuant to utility rate plans, these  
20 positive and negative revenue adjustments are  
21 automatically deferred under each utilities'  
22 respective rate plan to be handled in future rate  
23 cases and accrue interest. Therefore, no commission  
24 action is required at this time.

25 In summary, the customer service

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2     performance mechanisms currently in place at  
3     utilities in New York State establish strong  
4     standards for performance and put significant amounts  
5     of shareholder earnings at risk for non-performance.  
6     Overall, these mechanisms implemented by the  
7     Commission coupled with Staffs' ongoing monitoring  
8     and auditing efforts appear to have been effective in  
9     encouraging companies to make customer service a  
10    priority and provide the criteria for ensuring that  
11    the quality of customer service remains high at -- at  
12    high levels in New York.

13                   Staff will continue to monitor utility  
14    customer service quality to ensure a fair and  
15    appropriate treatment of utility customers across the  
16    state. And they will continue to promote  
17    performance-based rate making -- rate making  
18    strategies relating to customer service as  
19    alternatives to traditional cost of service  
20    regulation.

21                   This completes our presentation on the  
22    customer service performance report for 2019. We  
23    would be happy to answer any questions.

24                   CHAIR RHODES: Thank you, Aric. Thank  
25    you, Kayla. It's John Rhodes again. This report at

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2 its heart is about how well the utilities are serving  
3 customers, and how well the utilities are treating  
4 customers. And my -- my attention is drawn to the  
5 phrase, for the most part the utilities meet or  
6 exceed performance standards, from which I can, of  
7 course, draw two conclusions.

8 Most of the news is good, but it's not  
9 good everywhere. So we have a call for continued  
10 oversight and attention by us and by the utility in  
11 those places where the news is not good. In the case  
12 of RG&E, of course, the negative revenue adjustment  
13 should ensue. But equally important is -- even more  
14 important is the mandate to do better next year.

15 And on the note of doing better next  
16 year, I want to observe that the results in Orange &  
17 Rockland are exactly the report card we needed to  
18 see, a 40% improvement. That's -- that's exactly the  
19 right response. So this is a good report. This is  
20 generally good news. But we -- we -- we have to  
21 remain on top of a couple of the issues that we've  
22 identified. Thank you very much. Commissioner  
23 Burman?

24 COMMISSIONER BURMAN: Thank you so  
25 much. I -- I appreciate the presentations that were

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2 done. As we all know, the provision of safe and  
3 adequate service is a basic obligation of the  
4 utilities and ensuring adequate performance in these  
5 areas is a cornerstone of our utility regulation.

6 Utilities are generally compensated in  
7 rate cases to provide safe and adequate service to  
8 customers. And as part of our oversight, we work  
9 through with D.P.S. to monitor how well the utilities  
10 meet and exceed that obligation. And we could see  
11 through these presentations on how well the utilities  
12 have performed the past year with respect to, in this  
13 case, customer service and it's important for us to  
14 look at that, especially as then we move into another  
15 rate case, where we may be looking at what the  
16 appropriate negative or positive revenue adjustment  
17 needs to be.

18 And that helps us to understand and  
19 also to push for continuous improvement and also to  
20 make sure that we are capturing it as appropriate as  
21 we go into that analysis. So these presentations  
22 while for information only, to the extent that it  
23 helps give us a guidance on the appropriate metrics  
24 for later for decision-making is really important.  
25 So thank you.

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2 CHAIR RHODES: Thank you.

3 Commissioner Alesi, any comments or questions?

4 COMMISSIONER ALESI: No, thank you,  
5 Chairman. Yes. These performance indicators help  
6 everyone involved in maintaining and improving  
7 customer service to the benefit of customers, as well  
8 as shareholders, the report is good, and I think that  
9 it will help keep us all on track in providing  
10 adequate service. Thank you.

11 CHAIR RHODES: Thank you.

12 Commissioner Edwards, any comments, or questions?

13 COMMISSIONER EDWARDS: Yes. Just one  
14 question. And you may have said this in the  
15 beginning, Aric, and I -- and I missed it. How often  
16 do we take a look to see if we have the right  
17 customer service indicators? Are they evaluated  
18 periodically or is there a standard?

19 MR. RIDER: Commissioner Edwards, can  
20 you hear me? This is Aric Rider.

21 COMMISSIONER EDWARDS: Yes, I can.

22 MR. RIDER: Okay. So in -- we do two  
23 things. Every year when we do our report, we look at  
24 performance from the utilities. And in every rate  
25 case, we review each of the performances in all of

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2 the areas for each of the utilities, so we're on top  
3 of it, and to the extent we see any degradation in --  
4 in service, we would recommend a metrics to improve  
5 customer service.

6 COMMISSIONER EDWARDS: Okay. So there  
7 is an opportunity to modify the -- the performance  
8 indicators annually?

9 MR. RIDER: For each particular  
10 utility, in the rate cases, they would be set up and  
11 -- and in the report, we would identify if there's  
12 any deficiencies to make improvements in the next  
13 utilities rate case.

14 COMMISSIONER EDWARDS: Okay. Thank  
15 you.

16 CHAIR RHODES: Thank you very much.  
17 Commissioner Howard?

18 COMMISSIONER HOWARD: Yes, I have just  
19 one brief comment and I want to echo Commissioner  
20 Burman's comments particularly since RG&E is  
21 currently in negotiations in settling their case with  
22 the Staff, pays attention, sharpens our pencils, and  
23 gets them up to speed. And that's all I have to say.  
24 Thank you.

25 CHAIR RHODES: Thank you very much.

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2 We will proceed to the third item for discussion  
3 which also is an informational item. Item 301, case  
4 20-E-0045 which is in the matter of 2019 Electric  
5 Reliability Performance, presented by Mary Ferrer,  
6 Utility Engineering Specialists 3, Christian Bonvin,  
7 Deputy Director, Office of Resilience and Emergency  
8 Preparedness and John Favreau Assistant Counsel are  
9 available for questions. Mary, please begin.

10 MS. FERRER: Good morning, Chair  
11 Rhodes, and Commissioners. This is Mary. Today I  
12 will be providing you with a statewide summary of  
13 electric reliability performance for 2019. Staff's  
14 written report provides additional information and  
15 individual reviews for each of the major electric  
16 utilities.

17 Next slide, please. Each year, Staff  
18 performs an analysis of electric reliability  
19 performance, based on monthly interruption data  
20 submitted by the electric utilities. Staff uses this  
21 data to calculate the frequency and duration of  
22 interruptions and to identify trends.

23 Frequency is affected by factors such  
24 as system design, capital investment, maintenance  
25 practices, and weather. Duration is affected by

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2     workforce levels, workforce management and geography.  
3     By reviewing the data both with and without major  
4     storms, we can achieve a balance between  
5     interruptions under the utilities control such as  
6     equipment failures, and those where the utilities may  
7     need to implement resiliency measures to prevent  
8     interruptions.

9                   It should be noted that the statistics  
10    presented today reflect two major events that  
11    occurred in New York City last July. The first, with  
12    the loss of approximately 72,000 customers for 3 to 5  
13    hours in midtown Manhattan. The second was the  
14    interruption of more than 30,000 customers in  
15    Brooklyn, near the end of a heatwave, with an average  
16    duration of eleven-and-a-half hours.

17                  Department Staff is currently  
18    investigating both outage events and developing  
19    recommendations for improvements that will decrease  
20    the likelihood of similar events in the future.  
21    Staff has also worked with Con Edison throughout the  
22    investigation, and as part of its summer preparations  
23    to implement appropriate early actions based on  
24    preliminary findings prior to the summer.

25                  Next slide, please. This graph shows

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2     the statewide frequency for the last 5 years.  Since  
3     Con Edison's networks are usually less prone to  
4     interruptions in overhead systems and Con Edison  
5     serve a large percentage of the state's electric  
6     customers, Con Edison's data can skew the overall  
7     statistics.  As a result, we also reviewed the data  
8     with and without Con Edison.

9                   Excluding major storms, the statewide  
10    frequency for 2019 was the same as last year in the  
11    5-year average.  On average, customers experienced  
12    one interruption every 18 months.  For utilities  
13    other than Con Edison, the statewide frequency  
14    excluding major storms was better than 2018 in the 5-  
15    year average.  Customers on average experienced one  
16    interruption in 2019.

17                  The major causes for interruptions  
18    excluding major storms were equipment failures and  
19    tree contacts.  To reduce the frequency of  
20    interruptions, the utilities invest in capital  
21    projects, inspections, and maintenance activities.  
22    However, decisions made by utilities today may take  
23    several years before being fully refrec -- reflected  
24    in the frequency measured.

25                  Next slide, please.  This graph shows

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2 statewide duration for the last 5 years, excluding  
3 major storms, again showing performance with and  
4 without Con Edison. The statewide duration was 2  
5 hours and 3 minutes. This is about 5 minutes longer  
6 than 2018 and 6 minutes longer than the statewide 5-  
7 year average.

8 The statewide duration for utilities  
9 other than Con Edison was 1 hour and 52 minutes in  
10 2019, which is the same as 2018. And approximately 2  
11 minutes longer than the statewide 5-year average.

12 Next slide please. Major storms in  
13 2019 caused approximately 35% fewer customer  
14 interruptions and 72% fewer customer hours of  
15 interruption when compared to 2018. The state  
16 experienced 33 separate major storm events in 2019.  
17 The largest storm occurred on Halloween, when high  
18 winds gusting up to 63 miles per hour arrived after 5  
19 inches of rain in the Mohawk Valley in southern  
20 Adirondacks.

21 As a result, the electric utilities  
22 experienced peak outages of approximately 570,000  
23 statewide. Most customers affected were in the  
24 National Grid in NYSEG service territories. Despite  
25 the number of events, the effect of major storms on

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2     customers in 2019 was more typical than those  
3     experienced in 2018. This can be easily seen on the  
4     bar chart.

5                   Including major storms, both the  
6     statewide interruption duration with and without Con  
7     Edison improved, indicating the utilities responded  
8     to storms quicker in 2019. Next slide, please.

9                   Thank you. That concludes my  
10    presentation. We would be happy to answer any  
11    questions.

12                  CHAIR RHODES: Thank you, Mary. Thank  
13    you for this report. As with all of these  
14    informational items, this is definitive for -- the  
15    topic is one of foundational importance, in this case  
16    electrical liability. The story I -- I -- I -- I see  
17    here is one of steady performance which is generally  
18    good although there are cases where the pace of  
19    improvement is not there, and it would be terrific to  
20    see us -- us make progress on those.

21                  You mentioned the blackouts last  
22    summer. I know that under Director Kevin Wisely, as  
23    you mentioned, the team is marching towards their  
24    recommendations, they're very close to those and we  
25    all look forward to seeing those and I also know I

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2 should mention this because you alluded to it that  
3 this is a year where Kevin's department of Emergency  
4 Response and Preparedness is not treating it as any  
5 other summer.

6 This is a COVID summer and paying  
7 special attention to those where trouble could look  
8 different from in past years and where faster and  
9 different kinds of solutions and responses are going  
10 to be needed. I know you're working very closely  
11 with the utilities on that, and on contingency  
12 planning. So thank you for that.

13 Again, back to the report. It's --  
14 it's -- we're tracking but, again, this is a  
15 foundationally important topic. And I'm very eager  
16 to see us resume progress. Thank you. Commissioner  
17 Burman?

18 COMMISSIONER BURMAN: Thank you. I  
19 just echo the similar comments that you made. I  
20 think it's really important. These presentations are  
21 very helpful to us, especially as we look for further  
22 planning and refinement, as necessary. It's also  
23 important especially as the focus is on the major  
24 causes of interruptions that may occur from the past  
25 year to have timely information on the status of any

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2 pending matters that we may be looking at and I look  
3 forward to review those specific issues that will  
4 come before us. Thank you.

5 CHAIR RHODES: Thank you.

6 Commissioner Alesi?

7 COMMISSIONER ALESI: Thank you,  
8 Chairman. Just briefly, this kind of report gives us  
9 information that's critical to our ability to  
10 benchmark performance of various utilities during the  
11 worst of circumstances. And hopefully, that kind of  
12 information will help us serve customers better in  
13 the future. I appreciate the opportunity to speak.  
14 Thank you.

15 CHAIR RHODES: Thank you.

16 Commissioner Edwards?

17 COMMISSIONER EDWARDS: No, thank you  
18 very much for the information and thank you for the  
19 report.

20 CHAIR RHODES: Thank you. And  
21 Commissioner Howard?

22 COMMISSIONER HOWARD: Just one brief  
23 comment going forward. I think the new phrase for  
24 the utility industry is resiliency, which we used to  
25 reserve mostly for storm recovery and whether or not

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2 our system was -- can stand meteorological events. I  
3 think the issue of resiliency, system resiliency,  
4 writ large is very important.

5 I think it's particularly important in  
6 what -- in the Con Ed service territory, and we'll  
7 discuss later -- is given this summer and the issue  
8 of the load shift from, say, from Midtown Manhattan  
9 to -- out to the outer boroughs, the issue of system  
10 resiliency will be paramount. So I appreciate the  
11 report and I hope our vigilance continues. Thank  
12 you.

13 CHAIRMAN RHODES:: Thank you and very  
14 well said by all the Commission colleagues. We will  
15 now move to the fourth item for discussion which also  
16 is informational. It is Item 302 case 20-E-0098,  
17 which is in the matter of the 2019 Compliance Report  
18 on Stray Voltage Testing and Inspections presented by  
19 Jason Pause, Utility Supervisor. Steve Kramer,  
20 Assistant Counsel is available for questions. Jason,  
21 please begin.

22 MR. PAUSE: Good morning Chair and  
23 Commissioners. Today I'll be providing an overview  
24 of the electric safety standards. It's the utilities  
25 compliance for 2019. Next slide please. I will

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2     start with some background information on electric  
3     safety standards. The original standards were  
4     adopted by the Commission in January 2005. The  
5     standards include stray voltage testing and visual  
6     inspection of all electric facilities. The adoption  
7     of the National Electric Safety Code as a minimum  
8     standard for utility construction, maintenance, and  
9     operations.

10                   The overall goal of the safety  
11     standards is to safeguard the public from exposure to  
12     stray voltage and to identify and mitigate any  
13     potential harmful conditions before safety hazards  
14     and their reliability deficiencies develop. 2019  
15     marked the 15th year for electric safety standards,  
16     or the fifth year of the third, five-year cycle.

17                   Next slide please. The utilities are  
18     required to test their underground system and  
19     streetlight facilities on an annual basis by manually  
20     testing their overhead distribution and transmission  
21     facilities in a five-year cycle. With regard to  
22     testing, inspectors carry a pen-like device that  
23     lights up when voltage is detected. 4.5 volts is a  
24     pen's calibrated threshold as that is the limit of  
25     voltage where the potential for injury becomes

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2     concerning.

3                   However, the pens do signal for lower  
4     voltages. Once voltage is detected, the facility is  
5     then tested with a meter to record the actual voltage  
6     readings. All voltages of one volt or more are  
7     required to be recorded and mitigated. In total,  
8     there were 302 voltage findings for manual stray  
9     voltage findings of one volt or more or approximately  
10    .03 percent of the roughly one million facilities  
11    tested in 2019.

12                  This was an improvement or decrease in  
13    total findings compared to 2018, which had 396 total  
14    findings. This graph shows us the historical  
15    findings for manual stray voltage testing going back  
16    two years. The red sections show the findings  
17    between one volt to 4.4 volts. And the green  
18    sections show the findings that are for volts 4.5  
19    volts -- volts or higher.

20                  In 2019, total number of stray voltage  
21    test findings roughly stayed the same at the 4.5 volt  
22    or higher level. However, the 4.4 to 1 volt level  
23    side decreased, mainly attributed to fewer findings  
24    on the overhead distribution and transmission  
25    facilities. Street lights continues to be the

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2     largest facility grouping with stray voltage  
3     findings.

4                   For example, in 2019, out of the total  
5     302 findings, streetlights accounted for 225. As  
6     part of the electric safety standards, the utilities  
7     are required to test all publicly accessible  
8     streetlights. Issues found with a streetlight that  
9     the utility does not own, they're required to make  
10    the condition safe. It is ultimately the munici --  
11    the municipality that owns the streetlight. Their  
12    responsibility is to make the repair.

13                  Next slide please. Per the Commission  
14    order, 12 mobile stray voltage surveys are required  
15    in New York City, two in Buffalo and one in Yonkers,  
16    White Plains, New Rochelle, Albany, Niagara Falls,  
17    and Rochester each year. Upstate locations were  
18    selected due to their population density of 50,000 or  
19    more. Again, any stray voltage findings of one volt  
20    or more is reported and mitigated.

21                  In 2019, there are 8,608 voltage  
22    findings in the three utility service territories  
23    where mobile stray voltage testing is required, which  
24    is down from the 9,383 findings in 2018. This graph  
25    represents a total number of stray voltage findings

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2     across the state using mobile testing units for the  
3     last two years. The blue represents Con Edison,  
4     green represents National Grid and purple on top  
5     represents RG&E.

6                   As you can see, Con Edison makes up  
7     the clear majority of the mobile stray voltage  
8     findings based largely on the number of scans  
9     completed and the size of its underground system.  
10    Per electric safety standards, the utilities are  
11    required to complete visual inspections on 20% of  
12    their facilities each year so that a 100% of the  
13    utilities transmission and distribution facilities  
14    will be inspected at least once every five years.

15                  Again, 2019 was the fifth year of the  
16    third full cycle of the inspection program. All  
17    utilities have completed a full 100% inspection of  
18    assets in compliance with the standards. Overall,  
19    inspections in 2019 marks the second consecutive year  
20    wherein there was a significant decrease in the  
21    number of deficiencies found during the inspection  
22    process.

23                  Particularly notable is the fact that  
24    level one conditions decreased 22% from 2018 to 2019.  
25    The third consecutive year of a significant reduction

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2     in level one conditions, which is the most severe.  
3     Lastly, PSEG Long Island is not subject to the  
4     Commission's safety standards as PSEG Long Island and  
5     the system owner LIPA are not regulated by the  
6     Commission.

7                   In 2020, however, PSEG Long Island  
8     will be commencing a facility inspections for stray  
9     voltage testing pilot program. To obtain a  
10    representative sample across their service territory,  
11    two townships in the Western Division, Garden City  
12    and Levittown, and two towns in the Eastern Division,  
13    Deer Park and Coram were selected, which compromise -  
14    - which comprises of approximately 10% of their total  
15    assets. The completion of this pilot program is  
16    anticipated this September.

17                   Last slide please. That concludes my  
18    presentation. I can now answer any questions.

19                   CHAIRMAN RHODES:: Thank you very  
20    much, Jason. So this informational item at its core  
21    is about electric safety, which again, is -- goes to  
22    a foundational duty that we have to -- to take -- to  
23    take care of on behalf of New Yorkers. Thank you for  
24    the report. It describes a good and thorough  
25    approach to oversight and vigilance through the

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2 various testing and inspection approaches that you  
3 described.

4 The substance of it describes good  
5 steady progress, which of course, is a positive, as  
6 is the sharing of the fact that we are now bringing  
7 similar approaches to -- to Long Island as well.  
8 Thank you very much again for this -- for this good  
9 report. Commissioner Burman, any comments, or  
10 questions?

11 COMMISSIONER BURMAN:: Thank you so  
12 much. I appreciate this report. I also do want to  
13 echo what was said and I think it's an important  
14 matter to note is that the 2019 reporting cycle was  
15 the fifth year of the five-year cycle so that now  
16 when we're looking into 2020, it'll be the first year  
17 of the next five-year cycle and it will be the fourth  
18 fifth year cycle.

19 To me, it's really important that we  
20 have more discussion on what that new fifth year  
21 cycle may look like and engagement on some of the  
22 lessons learned from the past three, five-year cycles  
23 and what we may need to incorporate into the new  
24 cycle or no longer find necessary to be in that  
25 cycle. I think it's really important that we -- we

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2 look at that and what any changes may be needed as  
3 appropriate.

4 I also do want to point out that we  
5 continue to have, while we see positive trends, we  
6 continue to have stray voltage concerns in the street  
7 lighting arena. We've done a really good job of  
8 engagement on the street lighting issue with stray  
9 voltage. But as we are increasingly working on  
10 proceeding with increasing the street lighting  
11 enrollment, I think it's really important that we dig  
12 a little deeper on the data that we are looking at as  
13 it relates to stray voltage specific to street  
14 lighting and ensure that we are doing all we can to  
15 not only educate the public, but to the  
16 municipalities and others who may be undertaking  
17 street lighting infrastructure up -- upgrades or new  
18 infrastructure completely. So I look forward to  
19 that. Thank you.

20 CHAIRMAN RHODES:: Sorry, I was on  
21 mute. Thank you very much Commissioner Burman.  
22 Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you, Mr.  
24 Chairman. This a reassuring report that all of the  
25 utilities are following testing standards for stray

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2 voltage. These efforts are successful to the extent  
3 that no revenue adjustments have been required. So  
4 that's good news, based on a good report. Thank you.

5 CHAIRMAN RHODES:: Thank you very  
6 much. Commissioner Edwards.

7 COMMISSIONER EDWARDS: No questions.  
8 It's a critical issue and good to see continued  
9 improvement.

10 CHAIRMAN RHODES:: Thank you very  
11 much. Commissioner Howard.

12 COMMISSIONER HOWARD: Yes, I have  
13 little personal history with this issue. In the '90s  
14 with -- in the legislature, there was a serious  
15 problem with stray voltage ranging from people and  
16 pets being injured in New York City, largely related  
17 to streetlight issues and as well as cows getting  
18 shocked Upstate. So it's very gratifying that over  
19 these periods that this has been greatly improved for  
20 the safety of the public.

21 I have two cautionary items I'd like  
22 to add going forward. First is to echo Commissioner  
23 Burman's comments regarding as municipalities take  
24 over the responsibility of owning and operating their  
25 street lighting system, I understand that we have

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2 energy savings and savings for bills as well.

3 However, along with those savings goes  
4 the responsibility of maintaining the street lighting  
5 system to a very high standard. And I just want to  
6 make sure that particularly as smaller municipalities  
7 go into this business, they understand that they are  
8 taking on this responsibility as well.

9 The second item is --and it goes hand  
10 in hand with my first comment, is as we build out the  
11 5G network across the state, it largely will be  
12 connected to streetlights and -- and so -- and that  
13 work will be largely done by third party vendors. So  
14 I think that we should take and particularly as we  
15 move forward to a new cycle, particularly --  
16 particular emphasis on how the 5G buildout is done  
17 and that no safety issues occur because of bad  
18 practice that may occur from one or more vendors  
19 going forward. So again, thank you and again,  
20 continued vigilance is what we need.

21 CHAIRMAN RHODES:: Thank you very  
22 much, Commissioner Howard. We will now move to the  
23 fifth item for discussion, which is a decisional  
24 item, no longer an informational item. It's Item 202  
25 case 20-M-0266, which is in the matter regarding the

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2     Effect of COVID-19 on Utility Service presented by  
3     Joseph Dowling, Assistant Counsel, Doris Stout  
4     Director, Office of Accounting Audits and Finance,  
5     who is off and Bruce Alch and Robert Rosenthal,  
6     General Counsel are available for questions. Joe,  
7     please begin.

8                   MR. DOWLING: Thank you Chair Rhodes  
9     and good morning to you and the Commissioners. This  
10    is Joseph Dowling. The direct order you have before  
11    you would establish a new generic proceeding for  
12    issues related to the COVID-19 pandemic. As you're  
13    aware, since March 7th, Commission worked to carry  
14    out Governor Cuomo's executive order to take  
15    appropriate action to assist local governments and  
16    individuals to address the effects of the pandemic.

17                   In that time, the Commission has acted  
18    to postpone the effective dates of rate increases for  
19    telecommunication, water, and electric and gas  
20    utilities, addressed the potential danger of direct  
21    contact between utility workers and ratepayers by --  
22    for example, extending deadlines for performing gas  
23    leak inspections and suspending requirements that  
24    would impact the distribute --distributed energy  
25    industry. These actions were taken in individual

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2 cases in which the action was requested.

3 While this approach allowed for timely  
4 response by the Commission, it does not provide the  
5 Commission an opportunity to address order policy  
6 implications of the COVID-19 pandemic. In addition  
7 to these matters, the new proceeding will consider  
8 and address impacts on rate setting, rate design,  
9 utility financial strength, low-income programs,  
10 regulatory priorities, collection, and terminations  
11 of service, ensuring the provision of safe and  
12 adequate service and adjust reason -- reasonable  
13 rates in recognition of the ramifications of the  
14 COVID-19 pandemic. And the extent, if any, that the  
15 Commission's clean energy programs should be  
16 maintained or accelerated.

17 It is anticipated that although the  
18 Commission will act on COVID-19 related issues  
19 through the new proceeding, they'll retain the  
20 authority to act in individual cases, should it be  
21 deemed appropriate or necessary. If the Commission  
22 acts in other cases, notice will be given in the  
23 COVID-19 proceeding to ensure all interested parties  
24 have an opportunity to comment and participate. The  
25 draft order would collect all outstanding COVID-19

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2 related cases in a single proceeding for Commission  
3 consideration and action.

4 To date, three petitions have been  
5 filed requesting broad relief related to the  
6 ramifications for COVID-19. These cases are case 20-  
7 M-0187, which concerns a petition from multiple  
8 intervenors to pause surcharges for certain suspended  
9 energy programs and refund unspent funds to  
10 ratepayers. Case 20-M-0198, which concerns a  
11 petition from the Public Utility Law Project to  
12 establish a generic COVID-19 proceeding and matter  
13 20-01023, which are concerns or a request for relief  
14 for certain regulatory requirements by the Village of  
15 Bath.

16 All filings and comments received in  
17 these proceedings will be incorporated into the new  
18 proceeding. It will be considered by the Commission  
19 when acting on the petitions. Finally, the draft  
20 order solicits comments from utilities, ratepayers  
21 and all interested parties concerning specific issues  
22 related to the production and terminations of  
23 service. Commission priorities in -- in ensuring  
24 utility service in the public interest and rate  
25 financial questions.

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2 These comments will assist the  
3 Commission in determining whether it should consider  
4 any broad relief related to the effect of the COVID-  
5 19 pandemic on regulated entities. The deadline for  
6 comments will be 30 days from the issuance of the  
7 order. This concludes my presentation. I'm  
8 available to answer any questions you might have.

9 CHAIRMAN RHODES:: Thank you, Joe.  
10 With this -- with this proposed step, the Commission  
11 would take a really important action to address the  
12 issues that flow from the unprecedented pandemic that  
13 we have faced in the state and from a very, very  
14 difficult economic downturn.

15 This is a 1-2 punch that has really  
16 created hardship and burden across the state and  
17 imposes on us the need to consider what to do, how to  
18 consider relief that we will provide, how to consider  
19 -- how to live up to our duty to continue to ensure  
20 the energy, the clean and affordable and reliable  
21 energy system that New Yorkers need and to make sure  
22 that we really are attentive to the burden that the  
23 situation imposes on -- on our partners and our  
24 customers.

25 This is a thoughtful approach and a

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2 pragmatic approach as proposed here. It enables both  
3 swift responses when those are appropriate. As well  
4 as ensuring that we are thoughtful and comprehensive  
5 in managing the impacts and avoid shortsighted  
6 decisions. So I look forward to opening up this  
7 proceeding and to benefiting from comments and  
8 thoughts and analysis and facts on these issues and  
9 so with my colleagues on the Commission making the  
10 right decisions for New Yorkers. Thank you very  
11 much.

12 Commissioner Burman, any comments, or  
13 questions?

14 COMMISSIONER BURMAN:: Thank you. I  
15 appreciate the opportunity to speak on I think, what  
16 is a very important issue. We have all been  
17 dramatically affected in some fashion with the  
18 pandemic. And it is really important that we look at  
19 what this means. From -- from my perspective, we are  
20 -- really the pandemic has reinforced to me the  
21 critical role of the energy sector now more than  
22 ever. We literally need essential energy services,  
23 not just for homes that need to be heated, but also  
24 for hospitals and drive -- drive up testing centers  
25 as well as other critical facilities.

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2 The work that needs to be done can't  
3 be done if there is no energy service. We are only a  
4 few months into the pandemic and the situation  
5 continues to evolve. And we really won't know the  
6 full impact for the short term for a while and the  
7 long term impacts are still speculate -- speculative,  
8 but it's important for us to be planning. We need to  
9 consider all the factors during this time period that  
10 include costs or onsets as well as potential cost  
11 reductions.

12 From where I sit, it's a key  
13 importance to -- for us as regulators to be balanced  
14 in our approach and consider the impacts not only on  
15 the customers, but also on the utilities' financial  
16 health and their continued access to capital. We  
17 have seen that utility stocks are not immune to  
18 COVID-19 impacts. A lot of the concern nationally  
19 does center around the need for access to capital.

20 The concerns on whether rate increases  
21 -- appropriate rate increases are at risk. Demand is  
22 under pressure and the expectation of the impact on  
23 the growth that we were relying on, as I see it, the  
24 utility and energy sector as a whole can really be  
25 foundational to economic recovery and the economic

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2 driver on that is really important.

3 So we need to be very mindful of all  
4 that we do from a regulatory perspective in helping  
5 to get us back on track and make sure that we are  
6 being prudent in what we are doing. We've seen since  
7 the time that we have been, as the Commission as a  
8 whole, been open to unique solutions. We've been  
9 flexible and we've been able to act quickly when  
10 appropriate.

11 We have done a host of orders that  
12 have looked at what needed to be done in the short  
13 term to give utilities some certainty and customers  
14 some certainty and also to help alleviate the near  
15 term financial impacts. We've done such things as an  
16 order postponing approved electric and gas delivery  
17 rate increases and updated reductions to the low-  
18 income discount credit, temporarily waiving certain  
19 tariff fees.

20 We looked at an order granting  
21 extension of time to complete gas service line  
22 inspections and leak surveys. We've also done orders  
23 extending and expanding distributed solar incentives.  
24 We also look -- looked at invested and ordered  
25 temporary vending certain gas tariff provisions and

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2     the list does go on.  We are not shy in being  
3     responsive as appropriate to matters that come before  
4     us on seeking relief and we try to be responsive, but  
5     also prudent in how we're handling things.

6                   We do need to watch the recovery  
7     period.  It's -- from looking at things, I think that  
8     we should expect that utilities will have not only  
9     new customer attachments being down, but also the use  
10    per customer due to the recession, especially for  
11    commercial customers and the impact on those  
12    utilities will vary depending on how long it takes  
13    for the recession to end.

14                  I think that this generic proceeding  
15    seeks to try to now move from single item relief to a  
16    more generic global sort of bucket that helps to put  
17    everything in one basket or proceeding to discuss  
18    what we may or may not do as we move forward.  The  
19    caution I have is that I worry that we may be setting  
20    up a generic proceeding that, as it is laid out, is  
21    more massive and un-wielding than if we were to look  
22    at things in individual capacity for individual  
23    utilities.

24                  Even on this session, we have several  
25    items that are COVID related relief items that we are

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2     addressing, and I think they're appropriate to do so.  
3     I am concerned that the movement in this generic  
4     proceeding to move other petitions that have been  
5     filed into and under the umbrella of this generic  
6     proceeding will be confusing at best and also may not  
7     necessarily be appropriate.

8                   I think we try to capture that. We  
9     understand that that will be confusing and so the  
10    commitment in the draft order is that if we do things  
11    outside of the generic proceeding, we will give  
12    notice. I think that it will be difficult to fully  
13    commit to notice for doing things outside the generic  
14    proceeding without some clear guardrails on the front  
15    end of what that may or may not look like and what  
16    that may need to do.

17                  Folding into this proceeding, for  
18    example, the Bath petition, I'm not sure that that is  
19    completely workable. The Bath petition in and of  
20    itself is specific to an individual municipality, the  
21    Bath electric, gas and water system and it is  
22    specifically asking for relief for its specific  
23    situation.

24                  That may also be something that other  
25    utilities or other municipalities are experiencing,

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2 and I do think that to the extent that what we need  
3 to do is get under the hood a little bit more on that  
4 specific petition, see if there's a way that it can  
5 be addressed in real time working with our respective  
6 staff.

7 And if it's necessary for any  
8 Commission action, that we appropriately handle that,  
9 through that individual proceeding or if it seems  
10 that it's something that's more global for all of  
11 utilities, identify that and identify what the  
12 specific global issue is. But as it stands, as I see  
13 it when I look at the Bath petition, I'm not sure  
14 what exactly makes it different from other single  
15 utility petitions that would require us to not  
16 respond to it, but rather put it into the -- the  
17 generic proceeding without clear guidance on how that  
18 may or may not get handled.

19 And to the extent that they are  
20 raising concerns on how they're -- they're moving  
21 forward on something and they are -- they're concern  
22 on non-emergency work. I think it's something that  
23 we may be able to or we should be able to address  
24 outside of the generic proceeding.

25 With that as it may, I do also think

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2       that there is a lot of comment fatigue. We set up in  
3       this order a 30-day comment period for folks who are  
4       interested to respond to not only the laundry list of  
5       questions or issues that are identified in this  
6       order, but also to the extent that we're folding into  
7       it, both the M.I. and the PULP petitions as well as  
8       now the Bath petition. There is a lot that will be  
9       needing to be looked at.

10                   I highly doubt that most people, most  
11       entities will be able to appropriately respond in any  
12       real detail within 30 days, especially as the pathway  
13       on exactly what we may or may not do on the specific  
14       issue is less than clear. So I would respectfully be  
15       cognizant of the fact that we will need to, in short  
16       order, come back to a more fuller understanding of  
17       exactly what the generic proceeding may or may not be  
18       looking at and how it may need to be fleshed out with  
19       more information, more data, more analysis,  
20       especially as we will also be grappling with  
21       collecting that information as we go forward.

22                   We are not right now just waiting, we  
23       are working more staff, especially we're working very  
24       hard at looking at specifically some of the things  
25       and what the impact may be due to COVID. We're

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2     starting to look at both the revenues and expense  
3     changes due to COVID-19. Continue the utility  
4     liquidity and access to capital.

5                   We're also, you know, cognizant of the  
6     fact that the utilities themselves are also generally  
7     tracking their costs related to COVID-19 similar to  
8     how they might track costs for major storms to the  
9     extent that, you know, the exact magnitude of the  
10    COVID-19 costs for the year is yet to be seen. We  
11    have to be mindful of all that information.

12                  So I hesitantly will concur in the  
13    opening of this generic proceeding, I think it's a  
14    good signal to folks that we are trying to identify  
15    that -- we understand that we will need to help to  
16    manage this from a regulatory perspective, but I  
17    caution that this does not become too unwieldy or  
18    too pie-in-the-sky for what needs to be done. There  
19    is a critical need for us to work positively in  
20    identifying how we can best handle and get through  
21    this. And I look forward to engaging on that.

22                  And I will, again, remind to the  
23    folks, my particular perspective is about considering  
24    all the factors and as a regulator being balanced in  
25    my approach and considering the impact on all

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2 customers, but especially focused on how we can help  
3 to enable utilities financial health because that  
4 does also help the customers overall. Thank you.

5 CHAIRMAN RHODES:: Thank you very  
6 much. Commissioner Alesi.

7 COMMISSIONER ALESI: Thank you, Mr.  
8 Chairman. Yes, I believe that this is an intelligent  
9 effort to help us live up to our responsibilities to  
10 serve the public interest as a regulatory body.

11 Also, as individuals and people that are ourselves  
12 residents of the State of New York and all over the  
13 world, for that matter. It's a solid approach that  
14 will help us learn from today's challenges as we plan  
15 for the future. So I think it's a -- a good move and  
16 a great effort. It's a good report. Thank you.

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

19 COMMISSIONER EDWARDS: Yes, thank you.  
20 I was really glad to see this. I think that all  
21 agencies and utilities alike are trying to do  
22 whatever they can to live up to and adhere to the  
23 Governor's executive order. You know, this is, it  
24 brought me back to why we are all here. The primary  
25 mission is to do whatever we can for residential and

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2 business customers. This hits that on the mark.

3 It's time for us to continue to do  
4 what we're doing which is to adjust and respond  
5 quickly. It's difficult because a lot of things are  
6 in flight and this pandemic and the impact to the  
7 health and safety and economic welfare of our  
8 residents and businesses is not all -- not over.  
9 We'll still approach, we still have to be very  
10 careful and we have to prepare for yet another  
11 possible reoccurrence.

12 So I think opening up this proceeding,  
13 looking at the impacts of rates and designs and low-  
14 income programs and how customers have the ability to  
15 pay their service from a collections perspective and  
16 we, you know, can't put customers in the position of  
17 having services terminated. We have to continue to  
18 go and move forward on our clean energy programs and  
19 there are ramifications of all -- all our actions.

20 So I applaud the Commission Staff for  
21 putting this together. I think that everyone has  
22 been working very hard and time is of the essence.  
23 So I am -- I'm glad to see this move forward. Thank  
24 you.

25 CHAIRMAN RHODES:: Thank you very

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2 much. Commissioner Howard.

3 COMMISSIONER HOWARD: Yes, thank you.

4 I'd also like to take this opportunity to give a  
5 shoutout to the women and men of our various  
6 utilities from the energy sector to telecom who have  
7 been working diligently through this period, that  
8 we've had no serious interruptions on the energy or  
9 telecom side, and they've showed up every day. And  
10 again, their performance has been exemplary, and I  
11 think it's important that we take note of that.

12 I do have some in -- issues. This is  
13 a highly appropriate and I do concur with  
14 Commissioner Burman, that this is a big -- a big  
15 undertaking and that it will work, it will go on for  
16 much longer than the 30 day comment period and  
17 ramifications of what is going on now will live, I  
18 think, for many months and years going forward,  
19 particularly with the issues of revenues and  
20 liquidity and a variety of other issues like that,  
21 which will have ramifications long into the future.

22 And, again, I have to praise staff  
23 again, we've asked an awful lot of you during this  
24 period and we're going to ask more, particularly  
25 through this proceeding. And again, it is vitally

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2 important that we do our job on this. One particular  
3 sector of this undertaking I want to highlight is the  
4 issue of the legacy copper telecom customers.

5 They are by definition, vulnerable,  
6 many of them are older and in many cases isolated and  
7 that copper telephone line is their only connection  
8 to the outside world, and we should not forget them  
9 and understand that these customers go all over the  
10 State from Manhattan to the rural areas that are --  
11 have seen some service issues with their copper wire  
12 system. So I would like to make sure that we take  
13 special emphasis for those customers. But again, I  
14 will concur with this vote.

15 CHAIRMAN RHODES:: Thank you very  
16 much. With that, I will proceed to call for a vote.  
17 My own vote is in favor of the recommendation to  
18 establish a proceeding to address the affects, of  
19 COVID-19 pandemic as discussed and for the record,  
20 this is John Rhodes speaking. Commissioner Burman,  
21 how do you vote?

22 COMMISSIONER BURMAN:: I concur.

23 CHAIRMAN RHODES:: Commissioner Alesi,  
24 how do you vote?

25 COMMISSIONER ALESI: Yes.

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2 CHAIRMAN RHODES:: Commissioner

3 Edwards, how do you vote?

4 COMMISSIONER EDWARDS: Yes.

5 CHAIRMAN RHODES:: Commissioner

6 Howard, how do you vote?

7 COMMISSIONER HOWARD: Yes.

8 CHAIRMAN RHODES:: The item is

9 approved, and the recommendation is adopted. Thank

10 you very much. We will now move to the sixth item

11 for discussion, which is Item 203 case 20-M-0231,

12 which is a petition by the City of New York for

13 emergency relief to vulnerable utility customers

14 arising from the COVID-19 pandemic, presented by

15 Lindsey -- Lindsey Overton, Assistant Counsel, Mary

16 Ann Sorrentino, Chief Upstate Rates and Tariffs.

17 Aric Rider, Peggy Neville Deputy Director, Efficiency

18 and Innovation and Tim Canty, Chief of Water Policy

19 are available for questions. Lindsey, please begin.

20 MS. OVERTON: Thank you. Good morning

21 Chairman Rhodes and Commissioners. Item 203 is a

22 draft order approving with modification the May 11th,

23 2020 petition filed by the City of New York, which

24 requests short term emergency financial relief for

25 electric customers enrolled and the Low-Income Bill

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2     Discount Program offered by Consolidated Edison  
3     Company of New York Incorporated.

4                   In its petition the City seeks a \$40  
5     monthly bill credit per customer to offset the  
6     electricity expense of operating air conditioning  
7     during the months of June through September of this  
8     year due to the anticipated limited availability of  
9     public facilities such as cooling centers as a result  
10    of ongoing social distancing measures implemented in  
11    response to the COVID-19 pandemic.

12                  The petition notes that given these  
13    ongoing measures, the annual efforts made by the City  
14    to address heat related concerns on behalf of this  
15    vulnerable population will be insufficient this  
16    summer. According to the City, this additional  
17    ratepayer funded relief is necessary to protect the  
18    health, safety, and general welfare of these  
19    customers and to avoid another potential public  
20    health crisis this summer.

21                  The City seeks this relief on an  
22    emergency basis and requests expedited Commission  
23    approval to allow bill of credits to be in place on  
24    June 1st. The City based its requests of \$40 per  
25    month on an estimated amount of incremental energy

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2 the low-income customers would use to operate air  
3 conditioning units each month and multiplied that by  
4 Con Edison's current delivery and commodity rates.

5 The City's proposal would amount to a  
6 total cost of approximately \$70.5 million when  
7 applied to the current electric Low-Income Bill  
8 Discount Program population of 441,138 customers.  
9 This, however, does not reflect the cost to provide  
10 the bill of credit to the additional customers who  
11 enroll in the Low-Income Bill Discount Program  
12 throughout the summer.

13 In the petition, the City acknowledges  
14 that additional customers are expected to qualify for  
15 the program as a result of the widespread financial  
16 hardships caused by COVID-19. Under the City's  
17 proposal, the costs of the bill of credit program  
18 would be deferred for later recovery as determined by  
19 subsequent action of the Commission.

20 Numerous comments were received, most  
21 of which were in support of the City's petition,  
22 including the amount of the proposed bill credit, the  
23 population of individuals who would receive the  
24 credit and the proposal to defer the costs for later  
25 recovery. Only New York Energy Consumers Council

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2 filed comments in opposition to the requested relief.

3 Con Edison supports providing bill  
4 relief associated with air conditioning use for low-  
5 income customers in the upcoming summer months but  
6 does not take a position on this specific relief  
7 proposed by the City in the petition. According to  
8 Con Edison's calculations, the City's proposed bill  
9 credit of \$40 while in the zone of reasonableness is  
10 likely on the higher side of estimates.

11 Con Edison also agrees that the number  
12 of customers enrolled in the Low-Income Bill Discount  
13 Program could increase significantly given the  
14 economic impacts of COVID-19 and therefore, under the  
15 City's proposal, the total bill of credits for this  
16 four-month period would likely exceed nearly \$71  
17 million estimate associated with applying the full  
18 \$40 per month bill credit to existing customers.

19 The draft order determines that the  
20 request for emergency funding while extraordinary in  
21 nature is necessary to ensure the safety of Con  
22 Edison's low-income population who will likely spend  
23 more time at home for most, if not all of the summer  
24 months due to the COVID-19 pandemic. Given the urban  
25 landscape and population density of New York City,

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2     during the summer months, its residents are more  
3     reliant on public facilities such as cooling centers,  
4     public swimming pools and community facilities than  
5     residents in other areas of the State.

6                   The high summer temperatures combined  
7     with the limit availability of these essential public  
8     facilities will create unique challenges this summer  
9     and introduces the potential for another public  
10    health crisis in New York City. As noted, the draft  
11    order approves a petition with modifications as  
12    follows.

13                  First, to allow Con Edison time to  
14    implement the changes needed to enact the program and  
15    to communicate this important change to its electric  
16    Low-Income Bill Discount Program customers.  
17    Emergency relief will be provided for bills issued  
18    beginning June 16th and will continue through October  
19    14th.

20                  Second, because additional low-income  
21    customers can become eligible during the program, the  
22    program costs will not be determinable until the  
23    total population of qualifying participants is known  
24    at some point after September 1st. The draft order  
25    accounts for this issue, the high estimate of the

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2     City's requested \$40 -- \$40 bill of credit and the  
3     fact that all Con Edison ratepayers will pay for this  
4     program by capping the cost of the overall program at  
5     approximately \$70.56 million.

6                   The total program cost is then divided  
7     into caps of 15 million, 18 million, 18 million and  
8     19.56 million for each of the four consecutive  
9     billing periods covered during the program. These  
10    individual budget caps consider expected usage based  
11    on monthly average bills for electric low-income  
12    customers in the preceding three years and  
13    anticipated increases in the population of eligible  
14    low-income bill discount customers.

15                  Under this approach, eligible  
16    customers would likely obtain a monthly bill of  
17    credit of approximately 33 to \$35 rather than the \$40  
18    requested in the petition. Third, to establish the  
19    emergency bill of credit amount for each of the four  
20    periods, Con Edison will be required to divide the  
21    applicable budget by the number of customers enrolled  
22    in the Low-Income Bill Discount Program on the 10th  
23    day of the month to allow the company to begin  
24    issuing credits on or about the 16th day of the  
25    month.

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2 The bill credit however is not to  
3 exceed \$40 for any given period. As for cost  
4 recovery, the draft order provides for recovery of  
5 the cost of the program over a five-year period.  
6 Mitigating customer bill impacts during the critical  
7 months of the COVID-19 pandemic, Con Edison shall  
8 defer the cost of the emergency summer cooling  
9 credits until January 1st, 2021 at which time Con  
10 Edison shall begin to recover their costs ratably  
11 over the following five-year period.

12 Beginning January 1st, 2021 and  
13 continuing through the remainder of the current rate  
14 plan, Con Edison will recover the cost through the  
15 electric revenue decoupling mechanism. When Con  
16 Edison rates are next reset, the unrecovered balance  
17 shall be roll -- rolled into base rates to be  
18 recovered through December 31st, 2025.

19 Finally, the draft order requires Con  
20 Edison to engage in aggressive outreach program with  
21 its electric Low-Income Bill Discount Program  
22 customers to ensure those customers receive proper  
23 notification of the emergency summer bill of credits.  
24 The draft order also encourages the City to make a  
25 concerted effort to ensure its eligible residents are

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2     aware of the emergency summer bill credits as  
3     communication will play a key role in ensuring the  
4     health safety and general welfare of the low-income  
5     population that receives the emergency bill of relief  
6     this summer.

7                   This concludes my presentation of the  
8     draft order. Mary Ann Sorrentino, Nicola Jones,  
9     Peggy Neville, Aric Rider, Tim Canty, and I are happy  
10    to answer any questions you have regarding the draft  
11    order.

12                  CHAIRMAN RHODES:: Thank you very  
13    much, Lindsay. One of the charges to the Public  
14    Service Commission is to care for health and public  
15    safety and public welfare. And we face a clear and  
16    present issue this year. And in the part of the  
17    State in question, namely New York City, which is  
18    experiencing by far the worst effects of the COVID-  
19    19, meaning that vulnerable New Yorkers are going to  
20    be constrained to their homes as the summer heats up.

21                  This proposed approval with  
22    modifications of the petition is a smart,  
23    responsible, and responsive approach to the need.  
24    It's timely and find -- and found a way to cover the  
25    bills for these New Yorkers for the -- of the four

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2     cooling months of June to September and it has done -  
3     - it's a good job in my mind of tasking Con Ed with,  
4     you know, effective management and assurance of  
5     program success on this one. I am going to vote for  
6     this. Commissioner Burman.

7                   COMMISSIONER BURMAN:: Thank you so  
8     much, Chair. I am going to vote in favor of this  
9     item, but I do have some comments that really are  
10    directed at the next step in terms of implementation.  
11    This item is larger than just deciding what the  
12    appropriate bill credit may be for the coming four  
13    months. It's really important that we, as  
14    regulators, are able to look at what we can do for  
15    vulnerable populations.

16                   And -- and this is something that's  
17    being brought to us from the City on an emergency  
18    basis sharing that they were concerned with the  
19    vulnerable population. It's really important that we  
20    address it in a timely fashion to ensure that we're  
21    doing all that we can do.

22                   It's quite important note to me, that  
23    those who filed comments in this proceeding were very  
24    much, for the most part, in support of doing  
25    something and that Con Ed was also in its filing

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2     supportive of leaving it to the discretion of the  
3     Commission to determine what the appropriate action  
4     should be, but that they were very cognizant of doing  
5     all they could in working with the low-income  
6     customers.

7                   From my perspective, one of the  
8     concerns that I have is that we are putting a lot now  
9     on Con Ed to engage in aggressive and timely outreach  
10    to the affected customers to notify them when the  
11    emergency summer bill credit and also to consult and  
12    work with D.P.S. staff to develop those appropriate  
13    notifications to the customers and to provide  
14    adequate detail to them.

15                  However, we, only in very short  
16    fashion give or take note, that we think it's crucial  
17    that the City should make a concerted effort to  
18    ensure that its eligible residents are aware of the  
19    emergency summer bill credit. And from my  
20    perspective, the City needs to ensure that it steps  
21    up and it's not about just a concerted effort, but it  
22    -- and working with ensuring residents are aware.  
23    It's more than that.

24                  If they -- they -- New York City has  
25    announced its program for installing 74,000 air

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2     conditioners in -- into areas that may need it to be  
3     helpful.  However, we have to make sure especially  
4     because the 74,000 air conditioners that are being  
5     deployed into areas also a large part of that or  
6     significant part of that is coming from NYSERDA  
7     money.  I think the information was that it's going  
8     to be cost \$55 million and NYSERDA is funding --  
9     potentially funding about 25 thou -- 25 million.

10                   So from my perspective, the City needs  
11     to ensure that it is giving proper notice not only to  
12     its residents, but proper and timely notice ahead of  
13     time to the utility, to Con Ed as well as to the  
14     D.P.S. staff to ensure that that rollout of those air  
15     conditioners are appropriately being done and also  
16     being done in a way that the air conditioners that  
17     are being deployed are energy efficient and also  
18     whenever adjustments need to be made to ensure that  
19     the air conditioners when deployed are actually  
20     meeting the demand appropriately, is helpful.

21                   It is not just about the air  
22     conditioners, it is about the one -- this is one tool  
23     in a larger toolkit of helping to address heat  
24     related issues that may happen during the summer to -  
25     - to accommodate and ensure that this increased load

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2 associated with these new air conditioners is done.

3 It's really important that the City  
4 communicate in a real way in what it is doing and  
5 also is open to and works with both Con Edison,  
6 excuse me, more than Con Edison, its customers and  
7 D.P.S. staff on any concerns that there may be on  
8 where those air conditioners are deployed, especially  
9 because to accommodate that load, especially if -- if  
10 the City is working with NYCHA on the different  
11 locations, we need that information, the utility  
12 needs that information to ensure that capacity is  
13 able to be handled and that there is no problem with  
14 the deployment of that that may affect the  
15 reliability on the increased load especially during  
16 heat waves.

17 So I just want to underscore to me,  
18 the importance of that communication and it is  
19 something that from my perspective, since it is the  
20 City's petition, they need to be responsive in a very  
21 real way because by granting this it does not mean  
22 that any issues are only on -- are only put on to the  
23 utility and/or D.P.S. staff. It is important that  
24 the City makes sure it is collaboratively working  
25 with all of us for the successful deployment of this

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2 program. Thank you.

3 CHAIRMAN RHODES:: Thank you very  
4 much. Commissioner Alesi.

5 COMMISSIONER ALESI: Thank you,  
6 Chairman. I'm going to support this. I think it's  
7 prudent and I think it's our responsibility  
8 collectively to do all we can for those people who  
9 are the most vulnerable in any circumstances and I  
10 say this with a straight face not only to keep people  
11 cool in the summertime during the summer heat, but to  
12 keep them warm in the winter. That's all I'll say  
13 for my unusual side step with a comment to the City.

14 This is widely supported by a number  
15 of entities with only one entity opposed. The  
16 recovery period is sensible. And I think it's  
17 something that we really must do to protect those  
18 vulnerable people who need this and who will benefit  
19 most from and so I'll be supporting it.

20 CHAIRMAN RHODES:: Thank you very  
21 much. Commissioner Edwards.

22 MR. EDWARDS: I'll be voting in favor.  
23 Thank you.

24 CHAIRMAN RHODES:: Thank you,  
25 Commissioner Howard.

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2 COMMISSIONER HOWARD: I also will be  
3 voting for this item. However, I do want to mirror  
4 Commissioner Burman's comments regarding the  
5 administration of this program. The -- the  
6 responsibility of the City of New York, and I also  
7 must mention this also -- this benefit will accrue to  
8 Westchester County, low-income customers of Con  
9 Edison as well, but the overlying of enrolling new  
10 people, the now -- folks who have lost their incomes  
11 due to the pandemic and the ensuing recession.

12 So it will have the administrative  
13 burden of finding those new people, making sure that  
14 you're eligible for this benefit as well as  
15 deploying, you know, 70,000 plus air conditioners is  
16 an enormous administrative challenge and it gives me  
17 great pause that everyone involved, the company as  
18 well, and particularly the City is there to make sure  
19 that this program works.

20 The other item of this is that it is  
21 my suspicion that the population of low-income  
22 customers eligible for this program or just eligible  
23 for any variety of programs will grow substantially  
24 during this period. And that it's important as we do  
25 the next look, filings, particularly as the summer

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2 goes on that there is a very real possibility that  
3 the dollars that we have set aside for the program  
4 may not go far enough as we go forward into the  
5 summer.

6                   So again, this is a very important  
7 program, however, its mere ambition gives me pause  
8 that it will be done successfully. And we are  
9 talking about our most vulnerable citizens here and  
10 last few months shown us what can happen to our most  
11 vulnerable citizens and again, we need to be very  
12 vigilant not only on the company, but the City and  
13 make sure that this program is done successfully.  
14 Thank you.

15                   CHAIRMAN RHODES:: Thank you very  
16 much. And to all the Commissioners, your -- your  
17 points on needed vigilance and making sure this thing  
18 works are very well taken. I will now proceed to  
19 call for a vote. My own vote is in favor of a  
20 recommendation to approve the Emergency Summer Bill  
21 Relief for Electric Customers enrolled in Con  
22 Edison's Low-Income Bill Discount Program as  
23 discussed and for the record it's John Rhodes voting  
24 in favor. Commissioner Burman, how do you vote?

25                   COMMISSIONER BURMAN:: Yes.

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2 CHAIRMAN RHODES:: Thank you.

3 Commissioner Alesi, how do you vote?

4 COMMISSIONER ALESI: Yes.

5 CHAIRMAN RHODES:: Thank you.

6 Commissioner Edwards, how do you vote?

7 COMMISSIONER EDWARDS: Yes.

8 CHAIRMAN RHODES:: Thank you. And

9 Commissioner Howard, how do you vote?

10 COMMISSIONER HOWARD: Yes.

11 CHAIRMAN RHODES:: Thank you very  
12 much. The item is approved, and the recommendation  
13 is adopted. We will now move to the -- the consent  
14 agenda. Do any Commissioners wish to comment on or  
15 recuse from voting on any items on the consent  
16 agenda, I -- I'm not going to list any -- any items  
17 myself. Commissioner Burman --

18 COMMISSIONER BURMAN: Yes. Thank you.

19 I'll be voting no without prejudice on Item 366.

20 This is the draft G -- G.I.S. item normally I would  
21 vote in favor of -- because it is a procedural matter  
22 that helps to move something forward. In this --  
23 this draft G.I.S. is outside of the -- any specific  
24 proceeding and also ties directly to the Climate  
25 Leadership and Community Protection Act which has a

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2       number of items that still need to come before us as  
3       well as the Climate Action Council itself. Therefore,  
4       in a vacuum, I do not feel comfortable voting on the  
5       draft G.I.S. item because I think we need to get  
6       under the hood a little bit more of what exactly we  
7       may or may not be doing. And I'm not comfortable  
8       with doing so on pushing forward such a draft.

9                   So I will be voting with a no without  
10       prejudice. On Item 368, this is one that I will be  
11       voting no on. In this item, that the Commission  
12       declines to grant rehearing of the V.D.E.R.  
13       compensation order because the petition fails to  
14       demonstrate that the Commission committed an error of  
15       law or fact, other new circumstances warrant a  
16       different determination.

17                   The Commission's determination that  
18       the proposed community credit would create a  
19       significant risk of increasing net revenue impact was  
20       based on the record at the time of the V.D.E.R.  
21       compensation order which included comments from  
22       petitioners. The petition does not demonstrate based  
23       on these comments or other documents in the record  
24       that the Commission's determination was in error or  
25       that circumstances have somehow changed.

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2 I agree with that. However, the  
3 petition and the order seeks to state that the  
4 petition in support of comments provide additional  
5 new information on the potential net revenue impact.  
6 And therefore, the draft order finds that this  
7 information warrants further evaluation,  
8 reconsideration of matters addressed from the  
9 V.D.E.R. compensation order.

10 I can agree with that. If it was then  
11 we were going to get under the hood a little bit more  
12 with an opportunity for folks to weigh in. However,  
13 I don't think the draft order as decided is  
14 appropriate. It places the burden inappropriately on  
15 the joint utility to rebut the petitioners and I  
16 quote, "new information."

17 I don't see that that is new  
18 information that would warrant a reconsideration  
19 without further dialogue and discussion. And I think  
20 the burden shift to getting under the hood more on  
21 what the potential net revenue impact may be, and why  
22 it's important or not to change this.

23 As it stands, it may set up an  
24 opportunity for people to inappropriately think to  
25 change Commission orders after the fact on

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2 information that should have been done on the front-  
3 end more even if it's not just the petitioners who  
4 should be doing it, but rather the Commission.

5 We should have more information when  
6 we originally decide this rather than quickly after  
7 we decide no on a rehearing that don't present --  
8 that doesn't present any error of law or fact or new  
9 circumstances which I don't think it's appropriate to  
10 switch and say, but we'll reconsider this and put the  
11 -- the burden on, in this case, the joint utilities  
12 to rebut the petitioner's information.

13 Therefore, I'm not in favor of it and  
14 I will be voting no. Thank you. All other items  
15 I'll be voting in favor of the consent agenda.

16 CHAIR RHODES: Thank you very much.  
17 Commissioner Alesi?

18 COMMISSIONER ALESI: No comments on  
19 this. Thank you.

20 CHAIR RHODES: Thank you.  
21 Commissioner Edwards?

22 COMMISSIONER EDWARDS: Yes. I do not  
23 have any comments. I do want to note one recusal on  
24 the final agenda, it's number 367 19-E-0538, Village  
25 of Freeport.

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2 CHAIR RHODES: Thank you very much.  
3 Commissioner Howard?

4 COMMISSIONER HOWARD: Yes. I'll be  
5 voting for this, but I'll make two comments one on  
6 Item 372 and one on Item 367. On the Greenwich  
7 regeneration issue. While I know this is set by a  
8 specific ruling by this Commission, I -- I do think  
9 it will portend something that we should be very  
10 careful of, we as not just utility regulators, but I  
11 think our -- our partners in the environmental  
12 regulatory realm needs to be very important  
13 particularly as we decarbonize our generation system.  
14 And many generators will be losing their customer  
15 base as more renewables come on.

16 And as our goal to a zero emission  
17 system goes forward. There will be a temptation  
18 particularly for -- for generators or particularly  
19 maybe less environmentally friendly units to look for  
20 new customers to keep running. And the local  
21 governments that rely on their real property tax  
22 payments of these facilities will be anxious to keep  
23 those payments flowing.

24 However, finding high load data  
25 servers run on fossil generation exclusively, I don't

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2     think is a very good long-term play.  These also list  
3     -- these facilities provides very little economic  
4     activity locally and -- but they do take an awful lot  
5     of energy.

6                   So again, I think great caution will  
7     be needed going forward and I urge our partners  
8     particularly the D.E.C. to be extraordinarily  
9     vigilant on some of the -- as these units are --  
10    these new proposals go forward and make sure that  
11    they are as clean as possible particularly some of  
12    our more grandfathered units.

13                  The second issue is in the Village of  
14    Freeport.  I give a lot of credit to staff to making  
15    the system better.  However, I will again and I think  
16    you will hear of this maybe virtually in every  
17    session that the reliance of local governments on  
18    revenue streams based on utility payments is -- is  
19    not sustainable, and it really doesn't matter which  
20    pocket government takes your money from, whether it's  
21    from your utility bill or for your real property tax  
22    bill or your income tax or your sales tax.

23                  So that shading real property tax  
24    burden by placing the burden on, in this case,  
25    electric customers is not well-served.  I also want

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2 to give another cautionary note that I note that  
3 Onondaga County is poised to raise their sales tax  
4 and residential utility bills to help fund their  
5 current financial crisis.

6 I -- I -- I find that a very  
7 disturbing trend. Taxes on utilities are very -- are  
8 very regressive. Everybody pays the same rate and  
9 your ability to pay is not encountered in that. And  
10 again, particularly as the recession continues and  
11 its impact on local governments, I really urge all  
12 involved not to dip into utility customers' pockets  
13 to help fund the -- their fiscal problems. With  
14 that, I'll be voting yes on the agenda. Thank you.

15 CHAIR RHODES: Thank you very much.  
16 With that, I will proceed to call for a vote on the  
17 recommendations on the consent agenda. My own vote  
18 is in favor of the consent agenda. Commissioner  
19 Burman, acknowledging your two exceptions, how do you  
20 vote?

21 COMMISSIONER BURMAN: Aye -- yes.

22 CHAIR RHODES: Thank you.

23 Commissioner Alesi, how do you vote?

24 COMMISSIONER ALESI: I vote yes.

25 CHAIR RHODES: Thank you.

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2 Commissioner Edwards, acknowledging your recusal, how  
3 do you vote?

4 COMMISSIONER EDWARDS: I vote yes.

5 CHAIR RHODES: Thank you. And  
6 Commissioner Howard, how do you vote?

7 COMMISSIONER HOWARD: Yes.

8 CHAIR RHODES: Thank you very much.  
9 The items are approved, and the recommendations are  
10 adopted. Secretary Phillips, is there anything  
11 further to come before us today?

12 SECRETARY PHILLIPS: This is Secretary  
13 Phillips, there's nothing further.

14 CHAIR RHODES: Thank you very much.  
15 With that, I adjourn this -- this session. Be well  
16 everybody and stay safe. Thank you.

17 (Off the record; 12:24 p.m.)

18 (The meeting concluded.)

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2 STATE OF NEW YORK

3 I, HANNAH ALLEN, do hereby certify that the foregoing was  
4 reported by me, in the cause, at the time and place, as  
5 stated in the caption hereto, at Page 1 hereof; that the  
6 foregoing typewritten transcription consisting of pages 1  
7 through 84, is a true record of all proceedings had at the  
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 15th day of June, 2020.

11

12

13 HANNAH ALLEN, Reporter

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