

1 8/11/2022 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5  
6 Thursday, August 11, 2022

7 10:30 a.m. until 12:23 p.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 APPEARANCES:

12 COMMISSIONERS:

13 RORY M. CHRISTIAN, Chair

14 DIANE X. BURMAN

15 JAMES S. ALESI

16 TRACEY A. EDWARDS

17 JOHN B. HOWARD

18 DAVID J. VALESKY

19 JOHN B. MAGGIORE

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23 Reported by Hannah Belair

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

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

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

9 CHAIR CHRISTIAN: Thank you very much.  
10 I will begin with a roll call of the Commissioners.  
11 When I call your name, please confirm that you are  
12 present. Commissioner Diane Burman?

13 COMMISSIONER BURMAN: Present.

14 CHAIR CHRISTIAN: Commissioner James  
15 Alesi?

16 COMMISSIONER ALESI: Here.

17 CHAIR CHRISTIAN: Commissioner Tracey  
18 Edwards?

19 COMMISSIONER EDWARDS: Present.

20 CHAIR CHRISTIAN: Commissioner John  
21 Howard?

22 COMMISSIONER HOWARD: Present.

23 CHAIR CHRISTIAN: Commissioner David  
24 Valesky?

25 COMMISSIONER VALESKY: Present. But I

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2           would like to just add for the record.  I do believe  
3           that the agenda has changed since the final agenda  
4           was sent out yesterday.  I believe we've added an  
5           informational presentation that we're about to hear.  
6           And if that's the case that -- that was most  
7           certainly added after the final agenda was  
8           distributed to the public.  So I just want to make --  
9           make that point on the record.

10                               CHAIR CHRISTIAN:  Thank you.  
11           Commissioner John Maggiore?

12                               COMMISSIONER MAGGIORE:  Present.

13                               CHAIR CHRISTIAN:  Thank you.  And on  
14           that note, before we go to the regular agenda, I'm  
15           going to ask Kevin Kelley, the Director of our Office  
16           of Resilience and Emergency Preparedness to provide  
17           an update on recent events regarding the heat wave,  
18           and utility performance therein.  Mr. Kelly, please  
19           begin.

20                               MR. WISELY:  Morning Chair Christian,  
21           Commissioners.  Kevin Wisely, Director of the Office  
22           of Resilience and Emergency Preparedness.  As you  
23           know, New York State in particular our Downstate  
24           regions was impacted by extreme heat wave events in  
25           July and again in August.

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2 The first heat -- heat wave of the  
3 season occurred Tuesday, 19 July through Monday, 25  
4 July. While the second heat event occurred  
5 Wednesday, 3 August through yesterday, Wednesday, 10  
6 August. During each heat event, peak loading  
7 approached and exceeded at times 30,000 megawatts,  
8 and an official trigger point where we begin to  
9 closely track system conditions in relation to demand  
10 loading on the system.

11 However, through these events, there  
12 were no operational problems on the transmission  
13 system. And the New York independent system  
14 operator, the I.S.O. had sufficient generation  
15 scheduled to meet daily peak loading throughout each  
16 heat wave event. Although there were localized  
17 outages due to equipment issues, and a few severe  
18 thunderstorms that rolled through during the heat  
19 waves, the electric system overall remained stable  
20 and performed well Statewide.

21 In preparation for the heat waves, the  
22 I.S.O. canceled all bulk electric system planned  
23 outages during high forecasted loading days. In  
24 addition, the utilities cancelled any planned outages  
25 during forecasted peak days and returned their

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2                   systems to normal prior to on -- the onset of the  
3                   extreme heat loading on the system.  These actions  
4                   greatly enhanced the reliability of the transmission  
5                   system throughout the weather events.

6                   As with all severe weather events,  
7                   including heat waves, D.P.S. communicates regularly  
8                   with the utilities prior to the event to ensure that  
9                   utilities preparedness activities are underway, pre-  
10                  incident classifications are being discussed and  
11                  assigned, and as necessary, appropriate external  
12                  staffing is being secured prior to impact.

13                  I can report that preparations for the  
14                  20 -- 20 -- 2022 July and August heat wave events,  
15                  included effective communications and coordination,  
16                  appropriate utility and sub classification,  
17                  establishment of utility incident command structures,  
18                  and appropriate internal and contract staffing for  
19                  utility infrastructure impacts, including scheduling  
20                  additional workforce to the off hours and weekend  
21                  staffing schedule.

22                  I can also report that Con Edison,  
23                  whose service area experienced the greatest impacts  
24                  from the heat events, and for a longer period  
25                  coordinated effectively prior to, during, and

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2           following the event, which aided in response, repair,  
3           and restoration efforts.  Municipal officials were  
4           also kept abreast of pre-event forecasts and  
5           preparedness and kept aware of status of response,  
6           repair, and restoration efforts throughout the period  
7           of the event.

8                   Con Edison coordinated its  
9           preparations, response, and repair through the  
10          activation of the Distribution Engineering Situation  
11          Room, their D.E.S.R. and their Corporate Emergency  
12          Response Center CERC ahead of the event and  
13          maintained incident command structure through the  
14          final heat day.

15                   D.P.S. staff participated throughout  
16          the events in the CERC and D.E.S.R. briefings every  
17          four hours.  Whenever there are sustained  
18          temperatures above ninety degrees Fahrenheit and heat  
19          indices in the hundreds for a week at a time, the  
20          electric system can become stressed, which increases  
21          the risk of system failures.  Various actions are  
22          necessary and utilized by the utilities to ensure  
23          reliability.

24                   Let me put it -- this in perspective.  
25          On Tuesday, the 8th of August Con Edison approached

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2            an 86 degree temperature variable design day when the  
3            temperature variable reached 85.2 degrees, and it  
4            appeared that both Con Edison's Brooklyn, Queens  
5            operating district surpassed its 2013 all-time peak  
6            load, and the company experienced the highest system  
7            load in its service territory since the summer of  
8            2019 heat wave events.

9                    Certainly, during the heat events Con  
10            Edison experienced stress on the system, causing  
11            isolated electric feeder damage and outages, manhole  
12            events, overhead distribution issues, and  
13            corresponding electric customer outages. However,  
14            Con Edison was able to maintain reliability during  
15            the heat events in part due to actions taken based on  
16            lessons learned, and recommendations made by D.P.S  
17            staff after its investigation of the summer of 2019  
18            heat events.

19                   As you may recall, the 2019 heat event  
20            resulted in Con Edison shedding load in its Brooklyn  
21            operating area to protect the entirety of the load  
22            pocket. Again, that did not happen here. Actions  
23            taken by Con Edison have led to the effective and  
24            successful operational management of these two summer  
25            events included mobilization of its Distribution

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2 Engineering Situation Room and the Corporate  
3 Emergency Response Center prior to the start of the  
4 events.

5 Preparing crews and equipment ahead of  
6 response and repair impacts, early deployments of  
7 generators throughout service territory to support  
8 and augment the electric system, as necessary.  
9 Preemptively utilizing voltage reduction whenever a  
10 loader went into a second contingency and were  
11 necessary even when a single contingency arose.

12 Cooling of high priority transformers,  
13 working with New York City to issue an excavation  
14 safety alert to minimize third party damage to the  
15 system. Relatedly seeking and receiving from New  
16 York City a construction embargo for the Central  
17 Bronx yesterday where Con Edison has significant  
18 feeder equipment faults and manhole events to repair.

19 Also deploying its mobile command  
20 center and customer community events in the Bronx to  
21 assist crews as well as community members. The over  
22 6000 pounds of dry ice were distributed from this  
23 location. In addition, utilizing its A.M.I. network  
24 data to focus in on outage areas, especially in the  
25 densely populated areas of the Bronx while repairing

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2 equipment.

3 Also Con Edison, Orange & Rockland,  
4 New York State Electric and Gas, Rochester Gas and  
5 Electric, and National Grid, all leveraged their  
6 commercial system relief program contracts notifying  
7 enrolled customers to reduce their demand on peak  
8 days during the August heatwave. Given these  
9 actions, available conservation tools, and demand  
10 reduction programs were not necessary during these  
11 events. Let me mention two of those programs which  
12 again were available but did not -- were not needed  
13 in completely.

14 The New York Independent System  
15 Operator can activate their voluntary Emergency  
16 Demand Response Program took a terra load as  
17 necessary during these types of events. Although Con  
18 Edison and the other utilities did not need that,  
19 E.D.R.P. was utilized for Zone F National Grids  
20 Capital Region, July 19 and 20 during the first heat  
21 wave.

22 D.P.S also has the ability to initiate  
23 New York State's peak load reduction program for all  
24 State agencies either Statewide or within low pockets  
25 to aid in reducing load if necessary and that was not

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2 utilized during this event.

3 In addition, the utilities made direct  
4 customer conservation appeals supported by the  
5 Governor's office regarding citizen awareness,  
6 preparedness, protection, and open communications  
7 during the period of extreme temperatures. Overall,  
8 the utilities and in particular Con Edison responded,  
9 repaired, and restored customers impacted by the  
10 heatwave events as well as the severe thunderstorm  
11 events that occurred during the same period as  
12 quickly and safely as possible.

13 These major weather events, including  
14 heat waves, once again, highlight the need to remain  
15 vigilant on improving the reliability of the system  
16 and for the utilities to continually reassess  
17 infrastructure vulnerabilities across the entirety of  
18 their service territories to determine appropriate  
19 investment, storm hardening, and resiliency projects  
20 to mitigate potential and evolving weather risks and  
21 make their infrastructure more adaptable to these  
22 very real weather extremes.

23 Thank you for the opportunity to  
24 provide this information briefing and we're available  
25 for any questions you may have.

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2 CHAIR CHRISTIAN: Thank you. I  
3 appreciate the overview of recent events and the  
4 actions taken. You know, I want to thank you and  
5 commend your work and working in coordinating with  
6 the utilities to keep the system intact and  
7 operational. And I know meeting as often as you do  
8 with that goal in mind can be taxing, but I  
9 appreciate your hard work and dedication in that. So  
10 thank you very much.

11 MR. WISELY: Thank you, Chair.

12 CHAIR CHRISTIAN: And with that, do  
13 any Commissioners have any questions? I'll start  
14 with Commissioner Burman?

15 COMMISSIONER BURMAN: Thank you so  
16 much. And thank you so much for the presentation.  
17 It is important for us to continue to have these  
18 updates both internally and at the public session.  
19 So I appreciate that. I am cognizant of the fact  
20 that we have made improvements in how we go through  
21 these events with the utilities and all the different  
22 stakeholders. It's very helpful and I'm glad to see  
23 that a lot of those system improvements that we've  
24 made over the past few years have really given us a  
25 good place to be.

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2 However, I do think it's important for  
3 us to recognize, while the utilities performed  
4 exceptionally well, and while generators also  
5 performed exceptionally well, this is a lot of stress  
6 on the system. And we are really looking at really  
7 being right up there at the margins. And that's  
8 something that we really need to be mindful of from a  
9 system perspective. We have to reckon with these  
10 system reliability challenges.

11 And also recognize that we, while we  
12 have other tools that weren't called upon, the  
13 voluntary demand response and peak load issues, that  
14 is something that we really don't want to have to  
15 utilize, it's something that would directly impact on  
16 the customers and feel it. So when we look, I guess  
17 I'm going to take a pause, and anything that you  
18 think from, you know, appropriate in terms of the  
19 next steps.

20 I'm looking at it from the perspective  
21 that we need to lean in even more to these system  
22 needs and be ahead of it. That means also some  
23 critical modeling and analysis on where are we. And  
24 what happens when there's more penetration of  
25 renewable resources that will come online? How does

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2 that further tax and stress a system? I don't know  
3 if you have any thoughts before I continue?

4 MR. WISELY: You know, Commissioner  
5 Burman, we continually need to reassess, as I  
6 mentioned and that's the key for the utilities as we  
7 have these changing times, that we continue to assess  
8 vulnerabilities and risks, whether it be due to the  
9 changing climate or severe weather or to the  
10 increased loading on the system.

11 COMMISSIONER BURMAN: Okay. Thank  
12 you. I see it as really critical that we have a  
13 coordinated response on this. And that that means  
14 also looking at what has the system looked like to be  
15 successful with this latest heat. We have to look at  
16 what does that mean from the amount of dual fuel  
17 usage.

18 The increased use of oil because gas  
19 wasn't available, what that means, not only in terms  
20 of the system, but then also in terms of how much  
21 increased air emissions were affected. Especially  
22 since we lost, you know, Indian Point. That's  
23 something that we need to be sort of focused on.

24 And then as we look towards what this  
25 means, especially in the New York City, Long Island

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2            area, what -- what's going on.  What does it mean for  
3            the amount of wind, and solar, and zero emissions  
4            technologies, and other things that were or were not  
5            available and I would also say the engagement for us  
6            with the I.S.O., in some of that critical analysis  
7            and modeling, I think is -- and the New York State  
8            Reliability Council is really, really important.

9                    And for me, I think it's important  
10           that we kind of look at the next steps in a way that  
11           sets up some planning in and what that looks like,  
12           but also understanding the amount of vulnerabilities  
13           that we have from a challenge perspective.  And then  
14           what that will mean in terms of the need for, you  
15           know, upgrades to the system, technology innovations,  
16           playing a role, but what that will mean for the  
17           ratepayers as we go forward as well.

18                   I know the utilities will be working  
19           with us and others on their vulnerability  
20           assessments.  But we really need to understand that  
21           you know in -- in real time and really look at  
22           hitting those margins, and -- and surpassing those  
23           and what that means.  So I don't know if that's  
24           something that is in the next phase.  But I'd like  
25           your thoughts on that.

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2 MR. WISELY: Certainly, those things  
3 that you mentioned are all things that we need to  
4 keep in mind. And the other offices within the  
5 agency, as well as the independent system operator  
6 that makes those evaluation on the generation mix are  
7 all things that we need to keep in mind as we move  
8 forward and -- and working together as appropriate.

9 COMMISSIONER BURMAN: Thank you.

10 CHAIR CHRISTIAN: Thank you,  
11 Commissioner Burman. Moving on to Commissioner  
12 Alesi.

13 COMMISSIONER ALESI: Thank you, Mr.  
14 Chairman. Kevin, I just want to thank you for the  
15 daily updates, the regular updates are very valuable  
16 to us. And I know a lot of work goes into that. So I  
17 much appreciate it.

18 MR. WISELY: Thank you, Commissioner.

19 CHAIR CHRISTIAN: Thank you,  
20 Commissioner. Commissioner Edwards?

21 COMMISSIONER EDWARDS: Thank you very  
22 much, Kevin. And I want to thank you, too, for the  
23 daily updates. And that's, I guess, one of the  
24 reasons why I do want to have some further  
25 clarification from you, you know. So the report is

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2 very Con Ed heavy, and I know that we have other  
3 utilities.

4 And my concern is, although that  
5 you're saying in the report that there were no  
6 operational problems, it does say, and we do know  
7 from your daily reports that there were localized  
8 outages. We had some, you know, as 23,000, 14,000,  
9 5,000 by various utilities. So what I'd like to see,  
10 though, is how many from an overall perspective and  
11 then by -- by utility, how many outages did they, in  
12 fact, have?

13 What were the duration? How many  
14 complaints did we have? And how were those  
15 communication complaints resolved? Because we want  
16 to make sure that we are learning from past mistakes.  
17 I can tell you on a personal level. I was involved  
18 in a weather-related event, myself. And the  
19 communication, I will say was excellent.

20 However, I did get a complaint that I  
21 forwarded to O.C.S. where the communication was poor.  
22 So I think we have a little bit of a mixed bag and if  
23 it's deploying dry ice and if the, you know, coolers  
24 are working, I want to make sure that we really did  
25 have effective communications and coordination.

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2 Did they, you know, who did they reach  
3 out to? And I think that we can find that kind of  
4 validate some of the complaints that were there. So  
5 while I appreciate this, I would like to have a  
6 little bit more detail on this so that we can truly  
7 look under the hood, to see what happened during  
8 these last two months by utility.

9 MR. WISELY: Commissioner, we can  
10 certainly parse out that information. This  
11 presentation was meant to address the heat wave  
12 aspects. As you noted, there were a number of  
13 thunderstorm events that occurred during the heat  
14 waves and in between -- during the month of July and  
15 August, that did cause significant customer impacts  
16 that weren't related directly to loading on the  
17 system into the heat impacts of the system as this  
18 was directed.

19 So we can certainly circle back with  
20 you and parse out those different types of events  
21 that have occurred where we have had outages. As you  
22 know, during the summer months, and frankly,  
23 throughout the year we have various storm events that  
24 impact customers from different types of aspects,  
25 whether it's wind, or the heavy rain, or lightning.

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2 So and we had some of those during these heat waves.

3 But this -- this presentation was  
4 meant to really just highlight the heat aspects, but  
5 we can parse out those -- those outage -- that outage  
6 data that were heat related for you.

7 COMMISSIONER EDWARDS: Okay. Because  
8 it's a heat because you're -- if you're talking about  
9 this is related to extreme heat. Those outages were  
10 related in part by the heat. So I want to see how  
11 did we do then. Right. And if I just read this in  
12 isolation, it would look like that we did a good job.  
13 But if I look at the daily reports, I'm a little bit  
14 conflicted. You know, it doesn't actually match.

15 MR. WISELY: I can certainly follow up  
16 with you further, Commissioner.

17 CHAIR CHRISTIAN: Thank you,  
18 Commissioner.

19 COMMISSIONER EDWARDS: Thank you.  
20 That's it for me.

21 CHAIR CHRISTIAN: Thank you,  
22 Commissioner Edwards. Commissioner Howard?

23 COMMISSIONER HOWARD: Thank you. By  
24 the way, thank you, Kevin. And by the way, thank you  
25 for taking our calls on top of you just setting,

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2 sending us stuff. So, again, your responsiveness is  
3 always well appreciated. I have a couple of  
4 questions.

5 First of all, regarding the Capital  
6 Region, there were two things. Can you sort of  
7 describe in terms of performance and also wholesale  
8 pricing spikes that may have occurred during these  
9 last heat waves to the best that you can?

10 MR. WISELY: I'm not the right person  
11 to talk about the pricing --

12 COMMISSIONER HOWARD: All right okay.

13 MR. WISELY: -- aspects of this. And  
14 we can certainly get the right office to -- to  
15 provide that information for you. The Capital Region  
16 did have some extreme loading. National Grid had  
17 some issues in that region. The E.D.R.P. was run in  
18 Zone F on the 19th and 20th of July. They had some  
19 issues with the station in Rensselaer County that  
20 caused some issues in the load pocket.

21 So the E.D.R.P. was utilized to assist  
22 with that during the high heat. But we can get back,  
23 have somebody get back to you on the pricing aspect.

24 COMMISSIONER HOWARD: Yeah, I just  
25 want to note for the record that there were periods

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2 last week and early this week where wholesale prices  
3 were more expensive in the Capital Region than they  
4 were in New York City.

5 And again, you know, I guess the good  
6 news for the Capital Region that we are experiencing  
7 growth for the first time in some period. So that's  
8 good. And if the economy and some other things  
9 going, we may experience some significant growth. So  
10 it's not just a New York City related issue in terms  
11 of that.

12 Now, in terms of New York City, can  
13 you sort of describe where these peaks were? And how  
14 we -- how the relationship to the outer boroughs were  
15 particularly to Manhattan? And in previous  
16 conversation, I understand that, particularly  
17 Brooklyn, Queens actually hit new peaks?

18 MR. WISELY: That's correct.

19 Brooklyn, Queens operating district for Con Edison  
20 hit their all time. It appears that they have --  
21 they surpassed their all-time loading in those -- in  
22 that region during this event. Their previous high  
23 was in 2013.

24 You know, they were -- Con Edison, you  
25 know, in speaking specifically about New York City

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2 and the loading and the heatwave events, you know,  
3 the loading on the system was -- in heat event was  
4 typical of post or excuse me, pre-pandemic times. So  
5 we're back to those areas.

6 However, Con Edison still saw  
7 significant reduction in demand in Manhattan during  
8 the heat wave events. Not typical and has not  
9 returned to the pre-pandemic loading. Had we been at  
10 that that would have been increased stress on the  
11 system for this event. But the loading peaks, as we  
12 get into the evening hours in the outer boroughs'  
13 tract, as it, as they did, you know, pre-pandemic.

14 COMMISSIONER HOWARD: You know, it's  
15 very obvious that particularly all across the State  
16 and particularly, you know, as demographics and  
17 population shift, air conditioning load continues to  
18 increase. I also note that -- that during this last  
19 heat wave, there were a variety of New York City  
20 electric -- elected officials who believe that we  
21 needed more cooling stations to provide, you know,  
22 relief to -- to folks in the city, which also leads  
23 me to believe that we actually need more air  
24 conditioning in people's -- in people's homes. So to  
25 avoid that, so that load will continue to increase.

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2 Plus when we add to that, the need for  
3 more load to charge electric vehicles. And a  
4 conversion of -- from domestic hot water heating from  
5 -- from gas to electricity. And cooking also will  
6 add to these -- these loads. So I guess it really  
7 gets my next question is the decision, Commissioner  
8 Burman made passing reference to it. This issue of  
9 planning, you know, and I haven't talked to ConEd  
10 officials, we have the one-year and then a five-year  
11 sort of planning horizon that drives their capital  
12 spending, particularly on their T&D system.

13 I guess a question for me is and may  
14 even be, Mr. Chairman, necessary to do a proceeding,  
15 specifically on this. Is that a longer horizon  
16 planning may be absolutely necessary, particularly at  
17 all levels, but particularly for the local T&D  
18 systems as they emerge, and particularly in the State  
19 of New York where people move quicker than -- than  
20 the utilities and other infrastructure can catch up  
21 with them. And how we stay ahead of that just to  
22 meet the load growth based on demographic changes, in  
23 addition to the electrification load growth that will  
24 come simultaneously with that.

25 So I think that -- that -- that's

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2                   something we need to -- to look at very closely.  
3                   Because it's very clear that and I think ConEd has  
4                   been somewhat very upfront about this.  The need for  
5                   some very massive new Cap Ex spending on their T&D  
6                   system to accommodate more electrification and  
7                   throughput.  And it's also we're at that point in  
8                   some respects because you wouldn't put a generator on  
9                   a line, if you didn't know that it was really not  
10                  adequate to task.

11                         So what that -- what will be necessary  
12                   to be able to avoid plugging generators in, doing  
13                   voluntary reductions and the like, what that spending  
14                   will be needed and what will be needed to sustain  
15                   that, I think is really going to be critical going  
16                   forward.  And it maybe I believe, outside the scope  
17                   of a normal three year or whatever rate case, that  
18                   again, because these planning horizons now maybe need  
19                   to be longer, and the amount of spending may need to  
20                   be much greater.

21                         So I think that is the one thing.  The  
22                   other last thing I will say, and again, Commissioner  
23                   Burman made reference to it is the issue as we move  
24                   to a renewable generation system.  The amount of this  
25                   is a wrong phrase 'over build' that we will need, we

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2 cannot just merely replace megawatt for megawatt up  
3 with our current fossil based system, which is highly  
4 dispatchable, with interruptible renewables.

5 And I -- and I note that the in our --  
6 our colleagues in California this week, made note of  
7 that and indicated the particularly new offshore wind  
8 goals or largely they're not just to replace the  
9 amount of nameplate capacity they have in their  
10 system, but now preparing to over -- to build the  
11 amount of more interruptible renewables necessary to  
12 keep their system going. And I think that we will be  
13 in that same -- same boat very quickly. And I think  
14 we will need to come to grips with that.

15 MR. ROSENTHAL: If you don't mind,  
16 this is Bob Rosenthal, I can address that a little  
17 bit. So that was the entire purpose of the power  
18 grid study. It was to plan for future additional  
19 electrification on top of regular load growth.

20 It was -- it's also the purpose of the  
21 C.L.C.P.A. transmission proceedings 20-E-0197, I  
22 believe, that we've been bringing, particularly the  
23 phase two aspect of that, which is to address all of  
24 the variable, you know, energy resources that are  
25 going to be brought online and to make sure that we

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2 have the, you know, proper transmission built at the  
3 local and at the bulk level, to deliver that energy  
4 to load.

5 COMMISSIONER HOWARD: Thank you, Bob.  
6 And I do appreciate that and it just -- it needs, I  
7 think, to increase on the broader awareness that it's  
8 not a -- a nameplate per nameplate replacement. It  
9 is maybe a 3x or 4x replacement plus storage to -- to  
10 duplicate the system we have today. Thank you.

11 CHAIR CHRISTIAN: Thank you,  
12 Commissioner. Commissioner Valesky?

13 COMMISSIONER VALESKY: Thank you, Mr.  
14 Chair. I do want to make a few points. First of  
15 all, Kevin, thank you for the presentation, the  
16 outstanding work that you and your team continue to  
17 do, and I like previous speakers before me appreciate  
18 that the almost daily and certainly during the wave  
19 at least daily, if not more frequently, updates we're  
20 getting, so keep up the good work there.

21 I do want to make a few points though,  
22 and I alluded to it during the roll call earlier as  
23 to why this information presentation is before us  
24 today. The first point, just state for the record  
25 that it happens to be August 11th. We are nowhere

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2 near the end of the summer season. It's reasonable  
3 to assume that between now and September 15<sup>th</sup>, or  
4 whenever our next session is that we will have some  
5 more heat.

6 We may have another heat wave. We may  
7 have other items by which you may wish to report to  
8 the Commission at that time. So that would be point  
9 number one. I'm not sure why we're doing this today  
10 as opposed to waiting until summer is actually over.  
11 And then -- and then capturing all of the heat waves  
12 that -- that have taken place.

13 The other point I want to make, has to  
14 do with the importance of -- of process and how items  
15 appear before this Commission. So -- so for the  
16 record, the final agenda for this meeting was made  
17 public via a press release at 04:45 yesterday  
18 afternoon. I was informed as a Commissioner, as I  
19 assume my fellow Commissioners were, as well, through  
20 an email at 09:13 yesterday evening that this  
21 informational item was being added.

22 Unless I missed a subsequent press  
23 release, the public has and had no knowledge that we  
24 are actually doing this today. Like I said, perhaps  
25 there was a subsequent press release that was issued

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2            by the Department that I missed.  And if that's the  
3            case, my apologies.  I doubt it, I did not see one.  
4            Which means we're conducting this piece of business  
5            without notifying anyone other than the Commissioners  
6            themselves.

7                    The second point in regard to process  
8            is that it -- it's a little confusing about the  
9            process that we're actually following.  And my  
10           suspicion is that this was added so late, that we are  
11           not following our normal process.  So we have in  
12           front of us something called the Commissioners  
13           Session Outline.  It begins with an information  
14           presentation by Kevin Wisely.  It then states the  
15           regular agenda.

16                   And the one and only item that we have  
17           on the regular agenda is Item 201, which we'll get to  
18           shortly I'm sure, Mr. Chair, and then of course, our  
19           consent item -- Consent Agenda.  Every other  
20           presentation since I have been here, unless I'm  
21           mistaken, has been assigned an item number.  For some  
22           reason, this item has not been assigned an item  
23           number.

24                   Now, the skeptic in me might say that  
25           well since the final agenda for the meeting was

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2           already distributed at 04:45 yesterday afternoon.  
3           Perhaps if we then assign an item number, we're  
4           required to notify the public via another release.  
5           Perhaps that's the reason.  Maybe that's why on our  
6           session outline, this item is before us without  
7           having been assigned an item number.

8                   So -- and these are not questions,  
9           Kevin, for you.  These are -- these are comments,  
10          these are concerns that I have.  I think, process is  
11          important.  I think transparency is important.  I  
12          fully understand this is not a voting item.  And so  
13          as a result, perhaps that's why it's being treated a  
14          little bit differently in terms of after the regular  
15          item or the regular agenda has already been made  
16          public.  But process is important.

17                   And an important function of process  
18          is transparency.  And to me -- to me, the fact that  
19          this presentation is being given without having been  
20          noticed via a press release has a certain lack of  
21          transparency to it.  And that -- that gives me  
22          concern.  And I would hope that as we move forward  
23          that my concerns are taken into account so that in  
24          the future, we'll be able to follow what I believe is  
25          a very clear process by which we add or subtract

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2 items to a regular or a consent agenda. Thank you,  
3 Mr. Chair.

4 SECRETARY PHILLIPS: I'm sorry, this  
5 is highly irregular. But I feel I do need to address  
6 this. I want to refer you to our process that we  
7 followed in October of 2021, where we have an  
8 informational item. This is not a voting item. So  
9 there is no lack of transparency, and there's nothing  
10 inconsistent with our previous process. This is  
11 something that was done at the request of the Chair  
12 as an information item. It's not a voting item.

13 COMMISSIONER VALESKY: Well, I  
14 understand it's not a voting item, but -- and thank  
15 you for your comments, Madam Secretary. But the fact  
16 of the matter is, this item is before us, and this  
17 presentation is before us without the public having  
18 been informed.

19 CHAIR CHRISTIAN: Thank you,  
20 Commissioner Valesky. Your concerns are duly  
21 noticed.

22 COMMISSIONER VALESKY: Thank you.

23 CHAIR CHRISTIAN: And we'll discuss  
24 them further. To reiterate what Madam Secretary just  
25 shared. This was an item add at my request,

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2                   specifically given the timeliness of it and the  
3                   ongoing situation, and I thought it would be good to  
4                   have everybody be informed.  So we'll review the  
5                   process and make sure we're doing everything right.

6                                    COMMISSIONER VALESKY:  Thank you.

7                                    CHAIR CHRISTIAN:  Okay.  Commissioner  
8                   Maggiore?

9                                    COMMISSIONER MAGGIORE:  Thank you, Mr.  
10                  Chair.  I would like to just add something in  
11                  response to what Commissioner Valesky said.  I -- I  
12                  am very appreciative of the presentation.  It is  
13                  something that I had suggested several days ago and  
14                  asked yesterday during a little base touching meeting  
15                  I had with staff if this was going to be on the  
16                  agenda.  And I know at that point, it had not been  
17                  decided.

18                                   But I -- I, so Commissioner Valesky I  
19                  might have some responsibility here in terms of how  
20                  this got to the agenda today.  It was not my intent  
21                  to throw a curveball into today's meeting.  But I was  
22                  interested in the topics, Kevin that you briefed us  
23                  on.  And part of my interest is just having gotten  
24                  through this heatwave.  I was interested in sort of  
25                  putting -- I don't want to say a microscope.

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2 But taking a look at how the State  
3 dealt with the heat wave and as close to real time as  
4 possible. Commissioner Valesky, I completely  
5 understand your point that telegraphing this to the  
6 public has value and I think that the whole --  
7 there's value in having this presentation done in a  
8 public session for exactly that reason. So I just  
9 want to express my appreciation and to Commissioner  
10 Valesky mea culpa a little bit on my end for perhaps  
11 adjusting the -- or having an impact on the  
12 adjustment of -- of the agenda.

13 That said, I do have just a couple of  
14 questions for Kevin and would like to join my  
15 colleagues in thanking you for your work and also for  
16 your presentation. I -- I am interested, this --  
17 this is the about a little more than one year  
18 anniversary since I've been on the Commission. And I  
19 was not on the Commission in 2019. You had alluded  
20 to some issues that especially Con Ed had dealt with  
21 in 2019.

22 And I'm wondering if the adjustments  
23 that you walked us through that Con Ed made the  
24 lessons learned as you refer to them. How much of  
25 that is on Con Ed versus on D.P.S. or other State

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2 entities? I'm asking that in the sense of is Con Ed  
3 better prepared or is the State of New York better  
4 prepared?

5 And then a second question is, do you  
6 have any insight into how other states dealt with the  
7 heat wave as it was more or less a national heat  
8 wave. It wasn't just the heat wave effect in New  
9 York State. And what I'm trying to get at is were we  
10 as a state better prepared compared to other states  
11 or has the country more or less as a whole learned  
12 how to deal with this better?

13 MR. WISELY: Thank you, Commissioner  
14 Maggiore. So in regards to preparation and  
15 preparedness Con Edison has certainly made  
16 substantial gains since the events of July of 2019  
17 where we had the issue in Flatbush Brooklyn area  
18 where we had to isolate some areas due to the  
19 overhead system being stressed and the system being  
20 stressed.

21 D.P.S. also worked very closely with  
22 Con Ed as part of the investigation part post that  
23 event and the earlier in July event where we had a  
24 large-scale outage in midtown Manhattan that led to a  
25 number of outages. D.P.S. Con Ed worked together to

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2 understand each of those events, each of those  
3 instances and prepare recommendations and process  
4 changes and even, you know, system changes that Con  
5 Ed was worked on and had done.

6 So Con Ed executed those during this  
7 event. Many of those features the equipment and  
8 system upgrades and enhancements, you know, something  
9 that's a continual evaluation by all utilities. But  
10 certainly Con Ed's approach and preparedness, and  
11 pre-staging of their workforce and their equipment,  
12 and recognizing the fact that they need to mobilize  
13 throughout the -- their service territory to deal  
14 with the situation. So they did a good job with  
15 that.

16 The other utilities within our state  
17 footprint also did a good job. They did not have the  
18 -- as direct of impact as we do in that large  
19 metropolitan area of the Con Edison service  
20 territory.

21 In regard to the other utilities in  
22 the country, my -- my focus and my team's focus has  
23 been on New York and how we respond and deal with the  
24 multitude of storm events. So have not had time to  
25 reassess what the other utilities and other states

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2 have done in regards to recent heat wave events.

3 Because you are correct these heat waves were

4 countrywide and really globally, they had global

5 impacts. So thank you for your compliments.

6 COMMISSIONER MAGGIORE: Thank you.

7 Thank you very much.

8 CHAIR CHRISTIAN: Okay. Thank you

9 Commissioners and thank you Mr. Wisely I appreciate

10 your time today. We're going to move on to the

11 regular agenda item.

12 COMMISSIONER EDWARDS: Chair?

13 CHAIR CHRISTIAN: Yes.

14 COMMISSIONER EDWARDS: Before you do

15 that, I just need a clarification. Because I -- I

16 heard what -- what Commissioner Valesky said and I'm

17 just troubled by it a little bit, because I don't --

18 did not believe, and -- and maybe this is to

19 Secretary Phillips. I didn't think informational

20 items were on the public agenda. Am I wrong about

21 that?

22 SECRETARY PHILLIPS: You're -- you are

23 not wrong. You are -- you are correct. If you look

24 at our October 2021 session, we had a similar

25 instance where there was an information item, it was

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2           not placed on the agenda. We are required to provide  
3           notice of items that the Commission is going to be  
4           deciding.

5                   It is within the Chair's purview and  
6           it's permissible for the Commission to ask for an  
7           update on something that they're not going to vote  
8           on. And we don't necessarily have to put it on the  
9           agenda.

10                   COMMISSIONER EDWARDS: Yeah, I mean,  
11           that's what I just wanted to make sure that that was  
12           clear, because when Commissioner Valesky, I  
13           appreciate his concern. And if he want to have the  
14           information earlier, that's one thing.

15                   But I didn't want to leave it out  
16           there that we didn't notify the public because I  
17           don't think that that -- I didn't think that that was  
18           accurate that we -- I've -- I've seen that. And I  
19           have not seen that on the public agendas --

20                   COMMISSIONER VALESKY: May I --?

21                   COMMISSIONER EDWARDS: --  
22           informational items all the time. So I don't think  
23           that this is the first time, that's my point.

24                   COMMISSIONER VALESKY: May I speak,  
25           Mr. Chair? I would just -- I would just -- I'm not

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2 going to dispute what the Secretary is saying about  
3 what happened on the October session. But I will  
4 say, we have several informational items. We just, I  
5 believe, in the May or June session had three or four  
6 informational items that are assigned item numbers  
7 that we do not vote on. We receive presentations  
8 from staff.

9 CHAIR CHRISTIAN: What I would like to  
10 suggest --.

11 COMMISSIONER EDWARDS: Yeah, and  
12 that's fine. And I'm not disputing it with you  
13 either, Commissioner Valesky. My point, only point  
14 is that this is not the first time. And when I heard  
15 you say that I believed you thought that this was the  
16 first time that there have been informational items  
17 on the agenda that were not on the public, or the  
18 preliminary or final agenda.

19 And because I've been here a little  
20 bit longer, I wanted to make sure that I was correct  
21 that that was incorrect information. That's all.

22 COMMISSIONER VALESKY: Thank -- thank  
23 -- thank you, Commissioner Edwards. And my final  
24 point on the matter is anything whether it has an  
25 item or not, an item number assigned to it or not, at

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2 any point in time when it is added, this  
3 informational presentation is part of a public  
4 meeting. And now, whether this is in statute or not,  
5 is not my point.

6 My point is anything that this  
7 Commission votes on or receives -- we just received a  
8 report from Mr. Wisely. This is a public body. The  
9 people of the State of New York have a right. Now  
10 again, maybe I missed the press release after the  
11 final agenda press release went out from the Public  
12 Information Officer yesterday afternoon. I highly  
13 doubt it. I highly doubt it.

14 It's possible, but I highly doubt it.  
15 I would just suggest in the future, perhaps that's  
16 the solution. In the future when a presentation --  
17 presentational item comes before us, that has nothing  
18 to do with voting, that no decisions are going to be  
19 made. This is a public meeting. And the public has  
20 a right to know every single -- I will not even use  
21 the word item.

22 Every single thing -- I can't think of  
23 a better word at this point in time, every single  
24 spoken word, the public has a right to know about  
25 before we sit here and receive that information.

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2 That's the point I'm trying to make.

3 CHAIR CHRISTIAN: Okay. And I -- I  
4 would like to bring this --.

5 COMMISSIONER EDWARDS: And I  
6 understand, because the point, the original point I  
7 took as you believe that this was the first time. So  
8 I'm not disagreeing with you, Commissioner. What I'm  
9 saying is, this is not the first time informational  
10 items have been on the agenda and some informational  
11 items have not been on the agenda.

12 And it's a good discussion for us to  
13 have on how we should do it on a going forward basis.  
14 But this is not the first time since my tenure.

15 COMMISSIONER VALESKY: Okay. Thank  
16 you.

17 COMMISSIONER EDWARDS: I can only  
18 speak about my tenure.

19 COMMISSIONER VALESKY: Yeah. No,  
20 thank you. And I appreciate that, and I would -- in  
21 light of your comments, Commissioner Edwards I would  
22 strongly like to suggest going forward that the --  
23 when this -- should this situation occur in the  
24 future that it is included either in the original  
25 press release that is sent out by the Department or a

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2 subsequent press release that could be sent out by  
3 the Public Information Officer, again, notifying the  
4 public of anything and everything we are doing.

5 COMMISSIONER EDWARDS: I got it. I  
6 got it.

7 COMMISSIONER VALESKY: Oh, no -- no,  
8 I'm not directing --

9 COMMISSIONER EDWARDS: I got it.

10 COMMISSIONER VALESKY: No -- no, I'm  
11 not directing it at you Commissioner Edwards. I'm  
12 directing it at everyone else --

13 COMMISSIONER EDWARDS: You said --

14 COMMISSIONER VALESKY: -- in the room.

15 COMMISSIONER EDWARDS: -- Ms. Edwards,  
16 so.

17 COMMISSIONER VALESKY: Thank you. No  
18 -- no, I'm sorry.

19 COMMISSIONER EDWARDS: You repeated --  
20 .

21 COMMISSIONER VALESKY: No -- no -- no.  
22 Thank you. No -- no.

23 CHAIR CHRISTIAN: Okay.

24 COMMISSIONER VALESKY: No, it was --  
25 it was not meant directly at you, it was meant at

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2 everyone else sitting in this room.

3 COMMISSIONER EDWARDS: Oh, okay.

4 Good.

5 COMMISSIONER VALESKY: Thank you.

6 CHAIR CHRISTIAN: All right. Thank  
7 you for that lively discussion. And -- and to your  
8 credit, Commissioner Valesky, you have identified  
9 something that we will look into --

10 COMMISSIONER VALESKY: Thank you.

11 CHAIR CHRISTIAN: -- from a process  
12 perspective because again, we are --

13 COMMISSIONER VALESKY: Thank you.

14 CHAIR CHRISTIAN: -- following the  
15 process, but to the spirit that you were speaking --

16 COMMISSIONER VALESKY: Thank you.

17 CHAIR CHRISTIAN: -- is something we  
18 should be paying attention to --

19 COMMISSIONER VALESKY: Thank you.

20 CHAIR CHRISTIAN: -- which I agree.

21 COMMISSIONER VALESKY: Thank you.

22 CHAIR CHRISTIAN: Okay, so we'll move  
23 on to the regular agenda. Our first and only item on  
24 the agenda today is item 201.

25 SECRETARY PHILLIPS: The regular

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2 agenda.

3 CHAIR CHRISTIAN: The regular agenda.  
4 Item 201 Case 18-M-0084 related to the Clean Heat  
5 Program within Consolidated Edison's New York service  
6 territory. Today's presentation will be given by  
7 Kevin Manz, Chief of Efficiency and Innovation and  
8 Joseph Hitt, Utility Analyst, Dave Drexler, our  
9 managing attorney is available for questions. Kevin,  
10 please begin.

11 MR. MANZ: Thank you. Good morning,  
12 Chair Christian, and Commissioners. Item 201  
13 presents a draft order that would allow for  
14 additional funding for and the continuation of  
15 Consolidated Edison Company of New York or Con  
16 Edison's Clean Heat Program through transfers of  
17 unspent and previously authorized funding,  
18 reallocation of future authorized non-low, and  
19 moderate income, electric energy efficiency program  
20 budgets, and the authorization of a continuity  
21 funding mechanism.

22 The Commission established utility  
23 specific budgets and targets for a Statewide heat  
24 pump program in its January 2020 order authorizing  
25 utility energy efficiency and building

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2            electrification portfolios through 2025 or what's  
3            often referred to as the 2020 New Efficiency New York  
4            Order.

5                    The program was intended to promote  
6            the -- the conversion of homes to more efficient heat  
7            pump technologies for space and water heating.  The  
8            New York State Clean Heat Program was introduced in  
9            March 2020 and provides incentives to offset the  
10           costs of installing efficient heat pumps, including  
11           cold climate air source heat pumps, ground source  
12           heat pumps, and heat pump water heaters to serve  
13           space conditioning and domestic hot water needs.

14                   On February 24th, 2022 Con Edison  
15           filed a petition with regard to funding for its Clean  
16           Heat Program under Case 18-M-0084.  The company  
17           provided several updates to its petition in letters  
18           dated May 13th, June 1st, and again, on July 18th,  
19           2022.

20                   Con Edison experienced extremely high  
21           demand for the program within its service territory,  
22           particularly in the second half of 2021 and into  
23           2022.  In its petition, the company projected that it  
24           would fully expend its clean heat budget allocation  
25           of \$227 million by the end of the first quarter of

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2 2022.

3 Seeing a dramatic increase in demand  
4 for the program, Con Edison announced incentive  
5 reductions on December 1st, 2021, to begin on March  
6 1st, 2022. Also, in response to the continued  
7 program applications, Con Edison used the budget  
8 flexibility allowed under the 2020 New Efficiency New  
9 York Order to transfer future authorized budgets.

10 However, the company determined that  
11 these changes alone would not provide sufficient  
12 funding to address the volume of incentive requests,  
13 which prompted the company to file its petition to  
14 address the additional funding needed to continue  
15 operating the program.

16 In May, just after a month after  
17 filing its petition, Con Edison announced that it  
18 would no longer be accepting incentive applications  
19 for Air Source Heat Pump projects due to the  
20 unexpected surge in applications and concerns about  
21 the remaining authorized funding. The petition  
22 identifies what could be considered as three main  
23 areas of funding.

24 The first represents funding transfers  
25 that are allowed under the current budget flexibility

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2 rules established in the Commission's 2020 New  
3 Efficiency New York Order. The second area are  
4 funding transfers that require Commission  
5 authorization. And the third is request for  
6 additional funding through a deferral and surcharge  
7 mechanism that the company refers to as a continuity  
8 funding mechanism.

9 The first funding transfer identified  
10 is \$216 million of authorized non-low and moderate  
11 income or non-L.M.I. electric energy efficiency  
12 budget that the company states it will not need to  
13 meet its non-L.M.I. electric energy efficiency annual  
14 targets that were laid out by the Commission in its  
15 2020 New Efficiency New York Order. That order  
16 allowed for this type of budget transfer flexibility,  
17 so no further Commission approval would be necessary.

18 The second is a proposed transfer of  
19 \$202 million into the Clean Heat Program, which  
20 consists of the reallocation of \$156 million of  
21 authorized future budgets from non-L.M.I. electric  
22 energy efficiency programs, plus \$46 million in  
23 previously collected unspent funds, including accrued  
24 interest from pre-New York -- New Efficiency New York  
25 energy efficiency portfolios, as well as accrued

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2 interest on clean energy fund collections.

3 The third area of funding would be  
4 incremental to the currently authorized total budgets  
5 from the 2020 New Efficiency New York Order. The  
6 company requested a continuity funding mechanism to  
7 support \$32.5 million per month in program funding to  
8 continue scaling the program at recently experienced  
9 levels until the Commission acts on the New  
10 Efficiency New York interim review sometime in 2023.

11 The interim review was called for in  
12 the 2020 New Efficiency New York Order and is  
13 expected to address updates to existing and longer  
14 term budgets and targets associated with heat pump  
15 and energy efficiency programs. The company's  
16 updates filed in May, June, and July are essentially  
17 real time status updates regarding the volume of  
18 applications received to date, both in terms of  
19 applications and the corresponding total amount of  
20 incentives estimated to be paid out.

21 These updates showed a large influx of  
22 applications well beyond what the company had  
23 anticipated in its February petition. The May update  
24 also acknowledged that, due to the unexpected surge  
25 of applications, Con Edison notified the program's

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2           participating contractors that applications for Air  
3           Source Heat Pump project incentives would no longer  
4           be accepted, and this pause would be in place  
5           indefinitely.

6                   The July update added that on July  
7           11th, the company announced that large multifamily  
8           and commercial and industrial ground source heat pump  
9           project applications would be placed on a waitlist  
10          and that the company would be limiting custom ground  
11          source heat pump project incentives to a maximum of  
12          \$1 million per project until additional incentive  
13          funding could be made available.

14                  Public comments on the petition  
15          overwhelmingly support the funding mechanisms  
16          proposed by the company. Of the 65 comments  
17          submitted in response to the petition, none opposed  
18          the proposed funding transfers, and only one opposed  
19          the creation of a continuity funding mechanism. That  
20          particular commenter wrote in strong support of the  
21          fun -- of the program itself, and only opposed to the  
22          addition of a surcharge that would have bill impacts.

23                  Comments submitted by the City of New  
24          York, Environmental groups, and building and HVAC  
25          industry professionals all stressed the importance of

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2            restarting the Con Edison Clean Heat Program as  
3            quickly as possible to minimize disruption to the  
4            market and support New York's greenhouse gas  
5            emissions reduction goals.  Some commenters  
6            identified areas of concern with certain details of  
7            the program's operation.

8                    The draft order addresses these  
9            concerns by requiring modifications to Con Edison's  
10           program to make it more sustainable and transparent  
11           upon relaunching, which we will describe later in  
12           this presentation.  The draft order in front of you  
13           today would approve all of the proposed funding  
14           transfer requests, identifies and approves further  
15           necessary reallocations of approved funding based on  
16           updates to the original petition and allows for the  
17           creation of a continuity funding mechanism, however  
18           at a lower level than what was requested.

19                   The draft order acknowledges the \$216  
20           million transfer identified in the petition and  
21           confirms that this transfer is in fact allowed under  
22           the requirements and budget flexibility granted in  
23           the 2020 New Efficiency New York Order.  If approved,  
24           the draft order would also allow the \$202 million of  
25           requested transfers identified in the petition that

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2 require Commission authorization.

3 Of that \$202 million, \$156 million  
4 requires that the Commission, in essence, allow for a  
5 waiver of the requirement established in the 2020 New  
6 Efficiency New York Order to meet annual savings  
7 targets prior to moving funding between portfolios.  
8 The company could maintain its cumulative savings  
9 targets through 2025 for its non-L.M.I. electric  
10 energy efficiency portfolio, even after the \$156  
11 million transfer.

12 This is possible because the company  
13 achieved savings beyond its annual targets for these  
14 programs in 2020, and 2021, and it forecast that it  
15 could achieve savings from this portfolio of programs  
16 over the remaining years at a spending rate lower  
17 than that which was inherently approved in the 2020  
18 New Efficiency New York Order.

19 Because the waiver of the annual  
20 target requirement from the 2020 New Efficiency New  
21 York Order would free up \$156 million to be  
22 reallocated to the Clean Heat Program, while  
23 preserving the overall cumulative savings targets,  
24 which translate to the TBtu savings targets codified  
25 under the C.L.C.P.A.

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2 The draft order states that the waiver  
3 and transfer are prudent and therefore approved. The  
4 remaining \$46 million of the \$202 million is  
5 associated with unspent legacy program funds,  
6 including accrued interest on those funds. And  
7 accrued interest on C.E.F. collections that the --  
8 that the company collects from customers through the  
9 S.P.C. surcharge and pays out to NYSERDA when billed.

10 These funds are currently being held  
11 on the company's books as a regulatory liability to  
12 be used for future ratepayers' benefit. Unspent  
13 funds tied to Energy Efficiency Program budgets have  
14 been used historically to offset future energy  
15 efficiency expenditures to mitigate ratepayer  
16 impacts.

17 The draft order finds the use of these  
18 funds to be appropriate and authorizes the 46 million  
19 to be used to fund the Clean Heat Program. The  
20 updates to the petition that Con Edison provided in  
21 May, June, and July identified a larger gap in  
22 funding than was originally anticipated when the  
23 company filed its petition in February.

24 In an effort to identify additional  
25 funding and avoid additional pressures on ratepayer

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2 contributions, staff requested that the company  
3 explore any opportunities for alternative potential  
4 funding. The company, in response to a staff  
5 interrogatory, presented an option to reallocate an  
6 additional \$100 million from its future non-L.M.I.  
7 Electric Energy Efficiency Program budgets.

8 In doing so, the non-L.M.I. electric  
9 energy efficiency programs are projected to fall  
10 short of delivering on their cumulative savings  
11 targets. However, those lost savings would be made  
12 up through additional TBtu savings from the Clean  
13 Heat Program, thus maintaining the combined total  
14 cumulative savings between the two portfolios.

15 This additional transfer helps address  
16 the unexpected surge of applications and mitigates  
17 immediate ratepayer impacts, all while supporting the  
18 overall TBtu savings goals consistent with the  
19 C.L.C.P.A. The draft order states that the transfer  
20 would be appropriate given the circumstances and  
21 orders the company to reallocate \$100 million from  
22 future non-L.M.I. Electric Energy Efficiency budgets  
23 to be used in its Clean Heat Program.

24 The draft order then goes on to  
25 address the proposed continuity funding mechanism.

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2 As I mentioned previously, Con Edison originally  
3 proposed a continuity funding mechanism that would  
4 support funding of approximately \$32.5 million per  
5 month for its Clean Heat Program to continue after  
6 all transferred funds had been exhausted.

7 The proposed mechanism would allow the  
8 company to defer the cost of the program each month  
9 and recover those expenditures through a surcharge on  
10 customer bills. Applying the same amortization  
11 treatment as the Energy Efficiency Portfolio costs  
12 that are currently recovered in base rates.

13 The draft order would approve the  
14 implementation of a continuity funding mechanism in  
15 this case, however, with modifications to the level  
16 of funding that the mechanism would support. The  
17 draft order would establish a monthly allowance of  
18 \$10 million to fund the Clean Heat Program.

19 The 10 million represents a balance  
20 between continuing the market momentum that's been  
21 built to date, supporting a popular program that aids  
22 one of the central strategies to meeting the State's  
23 building electrification goals, and in consideration  
24 of customer bill impacts. The associated bill  
25 impacts are estimated to be 0.11 percent for

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2 residential customers, and 0.16 percent for  
3 commercial customers.

4 Approval of the continuity funding  
5 mechanism discussed in the draft order would allow  
6 for the Clean Heat Program to continue at a modified  
7 pace until the Commission is given an opportunity to  
8 address the role of the Clean Heat Program in the  
9 context of all other energy efficiency programs and  
10 portfolios and within a broader policy construct as  
11 part of the New Efficiency New York interim review.

12 That interim review is anticipated to  
13 kick off later this year and allow for Commission  
14 action in 2023 per the 2020 New Efficiency New York  
15 Order. Continuity funding mechanism would allow for  
16 the Clean Heat Program to relaunch and lift the  
17 program pause instituted for Air Source Heat Pump  
18 Project applications. However, there are program  
19 modifications and improvements that must first be  
20 addressed.

21 I will now turn the presentation over  
22 to Joe Hitt, who will provide more details on how the  
23 draft order addresses those program improvements.

24 Joe?

25 MR. HITT: Good morning, Chair. Good

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2            morning, Commissioners.  As Kevin noted, the Clean  
3            Heat Program was designed to build new markets for  
4            heat pump technologies that are unfamiliar to many  
5            home and building owners, and to some extent the HVAC  
6            industry.  Being unfamiliar with the technology often  
7            leads to complexities in the installation of heat  
8            pumps when compared to typical fossil fuel heating  
9            and air conditioning.

10                                While a degree of learning and  
11            adjustment for market participants is expected during  
12            the early stages of such a program, the market  
13            experience of the Con Edison Program has identified  
14            additional areas of improvement.  I will briefly  
15            review some of the improvements that have already  
16            been implemented by the company, as well as those  
17            that are discussed in the draft order before you, to  
18            be addressed by the company prior to relaunch of the  
19            program.

20                                In the Con Edison territory, a number  
21            of applications were for incentives were found to  
22            have -- have higher heating and cooling load  
23            calculations and related heat pump capacity than  
24            industry norms.  This can result in a misalignment  
25            between the equipment needed, and that which was

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2           installed and may result in inflated incentive  
3           values.

4                   To mitigate this issue, in April 2022,  
5           Con Edison announced that an additional review for  
6           high capacity residential product -- projects would  
7           be conducted effective immediately. Con Edison also  
8           introduced a building heating load per square foot  
9           threshold test to flag for supplemental review of  
10          those applications that may represent oversized  
11          systems.

12                   Department staff has also engaged with  
13          Con Edison and the Clean Heat Program's joint  
14          management committee on issues related to contractor  
15          payments since early in the program. This has  
16          resulted in improved application process times and  
17          efficient contractor payment timeliness for all  
18          utilities.

19                   Steps that have been taken are in  
20          progress include a process for finding and  
21          communicating flaws and gaps in the payment process,  
22          including case by case project review and increased  
23          communication with contractors, ongoing training for  
24          program staff and contractors, as well as a quality  
25          assurance process that provides feedback from project

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2 inspection to improve training effectiveness.

3 While improvements have been seen in  
4 this area, the unprecedented volume of applications  
5 received in response to Con Edison's announcements  
6 has further delayed contractor payment processing  
7 times in the Con Edison territory. As of July, the  
8 company reports that over 50 percent of the incentive  
9 payments owed to contractors are associated with  
10 flawed applications.

11 The company and its implementation  
12 contractor continue to work through the backlog and  
13 work with contractors to address the flawed  
14 applications. The 2020 New Efficiency New York Order  
15 called for a statewide heat pump program to be  
16 implemented consistently throughout the state to  
17 support building of a statewide heat pump industry.

18 While that intention remains, the  
19 experience in the Con -- Con Edison territory has  
20 been dramatically different than other areas of the  
21 State. As such, the draft order discusses the need  
22 for flexibility under the present circumstances to  
23 allow Con Edison to make the changes to its Clean  
24 Heat Program that are necessary to reestablish the  
25 program on a more secure and sustainable footing.

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2 The draft order describes potential  
3 modifications to the program that should be  
4 considered and discussed with market participants in  
5 consultation with, and overseen by staff, and  
6 implemented as appropriate. The draft order directs  
7 the company to focus first and foremost on improving  
8 visibility for both the company and stakeholders into  
9 clean heat projects in and entering the pipeline of  
10 projects committed to the marketplace, but not yet  
11 submitted to the program.

12 This greater visibility will both  
13 allow the company to better manage the program  
14 expenditures and aid in restoring participant's  
15 confidence in the program. The draft order also  
16 directs Con Edison to evaluate and update the  
17 program's quality assurance and quality control  
18 processes to place a greater emphasis on the pre-  
19 installation controls including contractor training  
20 for building load calculations and appropriate  
21 equipment sizing and installation.

22 The draft order provides an additional  
23 condition where Con Edison must provide more frequent  
24 and effective communication to market participants  
25 regard -- regarding the status of the Clean Heat

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2           Program.  Excuse me.  Commun -- communication process  
3           improvements should include regular and transparent  
4           tracking, reporting, and forecasting of program  
5           performance, plan changes to the programs, and the  
6           outlook for achieving overall targets.

7                   Some commenters on the petition  
8           provided input that further adjustments to the Clean  
9           Heat Program are needed and that are Statewide in  
10          scope.  The draft order recognizes comments of this  
11          broader nature should be revised for consideration in  
12          the upcoming New Efficiency New York interim review.

13                   In conclusion, the extraordinary  
14          growth experienced in the Con Edison Clean Heat  
15          Program has demonstrated that demand for building  
16          electrification support.  The funding transfers and  
17          authorizations combined with the areas of improvement  
18          described here today, and included in a draft order  
19          before you, would allow Con Edison to resume  
20          processing and accepting con -- applications, thereby  
21          minimizing further market disruptions and advancing  
22          the State's building electrification goals and  
23          mandates.

24                   That completes our presentation.  And  
25          we are available to take any questions you may have

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2 at this time.

3 CHAIR CHRISTIAN: Thank you, Joe and  
4 thank you, Kevin. I appreciate the presentation.  
5 It's always encouraging to be presented an item with  
6 limited to no opposition. So I'm encouraged by that  
7 and that we are going in the right direction, the  
8 direction that lines up well with the State's overall  
9 goals, but also meeting the unique needs of ConEd's  
10 customers.

11 So I appreciate the presentation and  
12 the overview. Thank you very much. Move on to  
13 Commissioner Burman, comments?

14 COMMISSIONER BURMAN: Thank you.  
15 Thank you so much for your presentations and the hard  
16 work that I know that has gone on behind the scenes  
17 to get this for us today. I am going to be  
18 concurring which is consistent with my prior voting  
19 on these types of items. I do have a couple of  
20 concerns.

21 I -- it is -- and -- and not concerns  
22 in like a negative way, just concerns in sort of how  
23 we move forward and what -- what does that mean and  
24 look like. So when we had initially looked at the  
25 New York State Clean Heat Program in -- in general,

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2           and we had -- and -- and I concurred, we had set,  
3           added NYSERDA to, if I'm remembering correctly, to  
4           the technical, the Statewide program, the Joint  
5           Management Committee as a -- as a voting member.

6                   And so I'm -- and I had raised  
7           concerns about that what that looks like. When I  
8           look here at the list of commenters, I really see it  
9           very heavily weighted to comments from the -- the  
10          market, the industry itself, who obviously has a  
11          vested interest in getting more dollars from the  
12          State for this program.

13                   What I don't see is anything from  
14          either NYSERDA or the Joint Management Committee as a  
15          body itself. And I do think that that can be helpful  
16          to us when we're looking at this, what I see is sort  
17          of in -- in -- in a one-off with dollars attached --  
18          fiscals attached to it. But I do think it would be  
19          helpful to have more sort of understanding of how  
20          they have grappled with these issues.

21                   Why it sort of then, you know, kind of  
22          it is -- is then left for ConEd in this case, really  
23          to step up and say, hey, you know, we run out and  
24          overprescribed and we -- we got to do something and  
25          then work with staff. So I just look at it as

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2 something that could be helpful for the Commission  
3 before it comes to us as a voting item to get a  
4 little bit more input on that.

5 But I do think that NYSERDA in  
6 particular and the Joint Management Committee has a  
7 responsibility to actually submit formal comments on  
8 -- on their thoughts on this, because it does get to  
9 the larger issue of the New York State Clean Heat  
10 Program. So I -- I just raised that really, you  
11 know, from my concern in that and the next steps.

12 The other thing that I think I -- I  
13 look at this and I am always very hesitant when we  
14 start moving dollars from one pot to another. Now,  
15 like with anything, including, you know, household  
16 budgets, et cetera, you do as the need arise, move  
17 around the dollars. But if you do it consistently,  
18 and you're moving around, it -- it starts to become  
19 perhaps challenging when to follow where the  
20 different pots are.

21 But also, at some point, we need to  
22 kind of make some determination of what should the  
23 process be, perhaps annually, perhaps you know, more  
24 frequently of reviewing the movement of dollars from  
25 one pot to another.

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2 Because this is not the first time  
3 that we've done that. And -- and I kind of feel like  
4 the -- the -- you know, it feels more like a get  
5 around of don't worry, we're not -- we're just moving  
6 around the dollars, right? So you don't have to  
7 necessarily worry, maybe we -- we -- we'll add on a  
8 little bit.

9 But for the most part you know, it's  
10 uncollected funds that we have but -- or -- or it's  
11 there allocated, but we're still collecting it. I'm  
12 uncomfortable with that, without sort of looking at a  
13 more formal review process of what that looks like,  
14 what other programs are out there that, you know, we  
15 may need to also figure out the pots of money.

16 And so we have it more structured, and  
17 more sort of the way, you know, you review your  
18 annual budget, if you're an organization and you just  
19 like the State, you know, the -- the -- the State  
20 budget. And it also looks to me like that would also  
21 be a good opportunity for us to prepare what we see  
22 as deficiencies in, you know, keep going to the well  
23 on ratepayer dollars that may need to re -- relook at  
24 that.

25 Obviously, in -- in the experience we

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2           had, we also saw that some of the initial incentive  
3           structure was extremely rich, perhaps too rich.  But  
4           what does that look like then if we're modeling it  
5           going forward?  Are we going to see -- is the -- is  
6           the answer going to be oh, good news, it was even  
7           over prescribed as soon as we got more dollars out,  
8           right?

9                   And then coming back with another  
10          petition, or is it -- what -- what does it look like  
11          to say, at some point, this cap is a hard cap.  And  
12          we -- we either no longer have this extra "monies"  
13          that can be reallocated?  Or we cannot keep then  
14          doing new funding.

15                  So I just raise that because that I  
16          see as a significant challenge for us from a fiscal  
17          responsibility perspective, which really gets at the  
18          heart of us also truly examining with various others  
19          what that looks like in terms of the dollars in this  
20          case, you know, looking at NYSERDA for that as well.

21                  We talked also, or you talked also  
22          about the surcharge.  How will that surcharge be on  
23          the bill or transparent so that folks truly  
24          understand the surcharge?

25                  MR. MANZ:  So the plan for the

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2            surcharge which would be -- it would be a component  
3            of the -- the MAC, the Monthly Adjustment Clause.  
4            And every six months it would be updated, the company  
5            would file an update for what the spend was over the  
6            previous six months and what the new surcharge would  
7            be.

8                                And that process would continue until  
9            at some point during a rate proceeding those funds  
10           would be then rolled into base rates at that point.

11                            COMMISSIONER BURMAN:  Okay.  I do  
12            think we need to think about the transparency of  
13            additional charges, in this case, the surcharge and  
14            people being able to really understand it and also  
15            see it in some fashion whether it's on the bill or on  
16            something where -- where for -- really for not just  
17            this, but there are other things that sort of you  
18            know, don't necessarily have the same transparency in  
19            terms of being able to really see it because I think  
20            that's important to us to understand that but for  
21            others as well.

22                            The other thing is for me, how are we  
23            going to be looking at ensuring that when we have  
24            commenters to our various petitions -- or excuse me,  
25            to our various proceedings, that we have really a

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2 more substantively diverse pool of commenters.

3 Now, it is because of the vast amount  
4 of proceedings that we have, it really is hard for  
5 many different stakeholders to weigh in formally and  
6 -- and weigh in really you know, deeply and to give  
7 us you know, information.

8 But I do think it's incumbent upon us  
9 to look and see what group is missing. What group  
10 needs perhaps to be part of this that could help us  
11 in, you know, understanding it, and especially when  
12 we see here just sort of how heavily weighted it is  
13 on those who are looking for the funding, rather than  
14 --

15 And again, I understand it helps the  
16 customers perhaps, but it is something that we do  
17 need to look at missing again, you know, NYSEDA, I  
18 don't see really a large consumer voice. And you  
19 know, I want to make sure that we're, whether it's in  
20 this proceeding, or others that we're really doing  
21 sort of an analysis on who's missing? Who do we need  
22 to ensure the voices that we -- that are here?

23 And then my final comment really is on  
24 you mentioned, I think you worded it as a kickoff for  
25 the review process. I think my own personal

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2 preference is that the kickoff needs to be a  
3 Commission led kickoff. Because from where I sit,  
4 these are things that are really important, and it  
5 would be helpful for staff and others to have insight  
6 into what the Commission is interested in-- in that  
7 being looked at, what -- what maybe the -- the -- the  
8 boundaries are, how it's going to be done in what you  
9 know, sort of coordinated planned way.

10 And while I understand that staff has  
11 a lot of really good ideas, I think it's incumbent  
12 upon us to have the kickoff being a Commission led  
13 proceeding that we all weigh in on in a -- in a way  
14 that actually has our voice you know, as a whole sort  
15 of done, and I think that will actually be very  
16 helpful. You know, too often, we -- we ask you to do  
17 a bunch of white papers, right?

18 White Papers, technical conferences,  
19 but too often it's -- it's done in a way that perhaps  
20 doesn't have sort of a fuller discussion of the  
21 Commission itself, to be able to, you know, give you  
22 sort of the guidelines. And so I think it might be  
23 helpful, and it will also make us really more engaged  
24 before it comes to us.

25 So I don't know if that's anything

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2 that's sort of where I'm coming from.

3 MR. MANZ: Thank you. And I -- and I  
4 just to address the last concern there I think that  
5 is the plan would be to have the Commission kick that  
6 off.

7 COMMISSIONER BURMAN: Okay, great.  
8 Thank you.

9 CHAIR CHRISTIAN: And Commissioner  
10 Burman, just to be clear, you're thinking Commission  
11 order rather than Secretary's notice, in that  
12 instance?

13 COMMISSIONER BURMAN: Yeah, I -- I  
14 have historically not been supportive of -- nothing  
15 against whoever is the Secretary, a notice from the  
16 Secretary. Historically, it used to be that the  
17 Secretary's notice was really not as substantive on -  
18 - on the Secretary's own, but obviously at the  
19 direction of the Chair.

20 And then it has -- there have been a  
21 number of times from past, you know, over my lifetime  
22 as a Commissioner where the liberties of that have  
23 increased Secretary's notice much more to a way where  
24 it's almost like a full-scale proceeding is started  
25 without the Commission's blessing.

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2 I think that -- that step, while it  
3 may make it easier to kind of get it off the ground  
4 ultimately, the engagement with the Commission who's  
5 going -- the Commission body itself who is going to  
6 actually be the ones deciding it, I think it's  
7 important to take that time obviously, can be  
8 expedited as well, but take the time to make sure  
9 that the Commission's voice is really kicking off  
10 whatever substantive proceeding it is.

11 And it -- it -- you know, I've been on  
12 record as, you know, really being focused on what is  
13 the true nature of a notice and what's the -- what --  
14 what is it that the Commission itself might be  
15 needing to do? In this case, this is a truly  
16 important proceeding substantively and like other  
17 substantive proceedings, where the Commission itself  
18 has commenced it via an order, I think it's something  
19 in this case that we should really drill down on.

20 Obviously, we have had some history on  
21 the clean heat. And to the extent that we're looking  
22 at, you know, having to potentially make  
23 modifications, especially with fiscal implications,  
24 it's really important, we, as a Commission do so --  
25 does remind me of one other thing.

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2 In this case, we're also utilizing the  
3 rationale that the funding wasn't sufficient because  
4 it took off much more positively with participation  
5 than anticipated. Now, that isn't the first time  
6 that that has happened. But it is something that we  
7 need to sort of be mindful of. And -- and that's  
8 great, right, great news.

9 But it is something that we need to be  
10 mindful of -- of understanding what it does mean if a  
11 program is over prescribed and having that  
12 conversation ahead of time. And to the flip side,  
13 we've also seen where we think everybody's going to,  
14 you know, jump into a program, and they don't, and  
15 then we need to, in real time engage.

16 If I remember correctly, this came to  
17 us in February, the petition itself, right? But  
18 before that, there was obviously, sort of, I think  
19 concern, and then even more concern after. I do  
20 think that between -- before February, whatever that  
21 date is, I -- I don't know.

22 Then February itself and now here,  
23 there could have been an opportunity for us as a  
24 Commission, to perhaps have an information item, or  
25 really engaged in a more formal way to then be able

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2           to you know, kind of give insight into what was doing  
3           -- what -- what staff and the utility was doing.

4                   I do recognize, Kevin, that the  
5           interrogatories were helpful.  However, again, it  
6           comes back to perhaps instead of a staff-led  
7           interrogatory it could have been sort of a Commission  
8           talking about it, and then saying you know, getting  
9           informed on that.  So not a criticism at all, just  
10          sort of looking at what we can do to make sure that  
11          we, because we're all very interested in this and  
12          what we can do for being more of a coordinated team.  
13          So thank you so much.  Thank you, Chair.

14                   CHAIR CHRISTIAN:  Thank you,  
15          Commissioner.  Commissioner Alesi?

16                   COMMISSIONER ALESI:  Thank you, Mr.  
17          Chairman.  I don't have any questions, specifically.  
18          It seems to be pretty straightforward in what appears  
19          to be significant support all the way around.  So I  
20          fully support the Department's recommendation and  
21          appreciate the talent and effort that has gone into  
22          this.

23                   I look forward to the 2023 reviewed by  
24          the Commission and my best guess is that we'll be  
25          pleased with the ongoing efforts to maximize the wise

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2 use of the company's unused funds in pursuit of a  
3 cleaner and healthier environment while delivering  
4 affordable and reliable service. So those are my  
5 comments and I'll be supporting it.

6 CHAIR CHRISTIAN: Thank you,  
7 Commissioner. Commissioner Edwards?

8 COMMISSIONER EDWARDS: Yes, thank you  
9 very much, Chair. I agree with Commissioner Burman's  
10 comments about the Joint Management Committee  
11 weighing in. You know, we have to do whatever we can  
12 to ensure that this Clean Heat Program is  
13 sustainable. I agree that we need to have some  
14 regular updates. And we have to remain flexible so  
15 that as things occur, we have -- we have to have the  
16 flexibility to adjust as we move forward.

17 And if this is something that needs to  
18 be done to maintain and sustain the program, then --  
19 then I support it. But I am concerned that we --  
20 that we're going to come -- that this is going to  
21 happen again. So we just have to stay closer to  
22 this. Because this is not something that we can  
23 afford to lose track of. So I am supporting this as  
24 well. Thank you.

25 CHAIR CHRISTIAN: Thank you,

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2 Commissioner. Commissioner Howard?

3 COMMISSIONER HOWARD: Thank you, Mr.  
4 Chairman. Like many programs over the last couple  
5 decades, these -- we're doing to inspire the  
6 marketplace, prime the pump, prime the heat pump in  
7 this case. The question is and particularly the  
8 issue on the air source heat pumps. Given the  
9 enormous demand, the great availability in the  
10 marketplace, decreasing prices, clearly building  
11 owners, contractors, and homeowners have now embraced  
12 them in a great way.

13 And will -- the question is at what  
14 point the -- putting on the air source issue, does it  
15 become like lighting, where we no longer need to  
16 subsidize this program, that market awareness that --  
17 that -- that we did. We changed the marketplace, or  
18 the marketplace changed. Just your question on -- on  
19 that and -- and will that -- and I think that it  
20 should be a seminal point of our re -- review process  
21 what is no longer needed to be subsidized, because  
22 the market can provide a reasonably good product for  
23 that. So I -- I know where you are on that, Kevin.

24 MR. MANZ: So I -- I can give that a  
25 shot and then Joe, if you'd like to chime in. So I

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2 think this was a very new program that when it  
3 started, it was the first kind of Statewide heat pump  
4 program that we -- that we had, and again, using,  
5 trying to get heat pumps to be used for heating,  
6 including those air source heat pumps we use for  
7 heating and not just cooling.

8 So there were some growing pains, I  
9 think, as Commissioner Burman noted, that they may  
10 have come out of the gate, Con Ed may have come out  
11 of the gate with -- with some high -- high incentives  
12 for -- for the air source heat pumps.

13 They did make that adjustment partway  
14 through and -- and dramatically reduced those, kind  
15 of again, trying to balance this cadence of  
16 continually changing things, or changing things on a  
17 6-month basis where the J.M.C. had set up a process  
18 every 6 months, some changes could go into place, no  
19 more than 2 changes a year.

20 So they -- they did once they saw an  
21 increase in the air source heat pump incentive  
22 applications, they did lower that -- that rebate  
23 level. I think that's kind of where that art comes  
24 into play of what is the right level of rebate for  
25 that technology. I think there's ways to go before

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2 that market is mature.

3 But certainly, paying attention to and  
4 -- and studying and learning as we go here, in terms  
5 of what levels are -- are probably the right level  
6 for rebates there.

7 COMMISSIONER HOWARD: You know, one  
8 thing I think is helpful analysis could be -- we do  
9 dozens of -- of metering changes in buildings every  
10 month. And from what I believe anecdotally is that  
11 particularly many of these multifamily buildings,  
12 part of that -- that -- that metering change is to  
13 accommodate air source heat pumps being installed, as  
14 opposed to central heating in -- in these renovated  
15 buildings.

16 So again, I believe that the market is  
17 pretty far along in that regard, particularly in the  
18 multi-family marketplace. So again, I think that  
19 that is important to -- to review very closely. And  
20 -- and -- and it's -- it's very difficult to say  
21 enough.

22 And it's been the history of this  
23 Commission and various programs, whether they be  
24 utility based or NYSERDA based, they seem to have  
25 gone on longer than maybe was absolutely necessary.

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2 So -- and again, I use lighting as an example that  
3 the market did change.

4 One thing I do want to -- hope that we  
5 will need, and it will be critical even -- maybe even  
6 before our -- we get to our midterm review is a  
7 thorough review of those incentives, customer-based  
8 incentives for these types of programs -- these types  
9 of devices that are being -- that had been included  
10 in the new Inflation Reduction Act recently passed by  
11 Congress, which allocates billions of dollars to heat  
12 pumps, ground source, air source, hot water.

13 And to that extent I do you want to  
14 congratulate the congress, especially our Senator  
15 Schumer for getting that across the line. I think of  
16 all the programs in the near term that are in that  
17 Act, this might be the one that we can take advantage  
18 of quickest.

19 So I think that analysis needs to be  
20 done very quickly. And as I have said, from this  
21 dais, of maybe it seems like a million times at this  
22 point, the more that we can put these sort of  
23 incentives and policy-related programs on the fisc of  
24 the federal or state government is far better than  
25 doing it through bills.

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2 Because this is an on-bill finance  
3 program that will include an additional surcharge.  
4 Again, customers will pay for this program,  
5 regardless of how its -- its benefits. And I think  
6 that we should work and particularly a quick review  
7 of what's in the federal program so we can start  
8 powering back ratepayer dollars and subsidizing them  
9 with these federal dollars.

10 And my hope would be to do that first,  
11 before we fall into the -- well, this will just allow  
12 us to do more. Let's -- let's pay as you go, again,  
13 with the federal government's funds first, and then  
14 we'll see where we go on ratepayers. Because I think  
15 you could -- this program could dramatically in --  
16 reduce the ratepayer impact, not just in ConEd, for  
17 instance, but -- but -- but Statewide.

18 So again, I think that analysis, the  
19 sooner we can do that, Mr. Chairman, the better off  
20 we will be. And -- and I maybe would hope with even  
21 in the few months that we come back with another  
22 change in this program that accommodates the federal  
23 funding as opposed to ratepayer funding. So with  
24 that thank you. But I will be supporting this.

25 CHAIR CHRISTIAN: Thank you,

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2 Commissioner. Commissioner Valesky?

3 COMMISSIONER VALESKY: Thank you, Mr.  
4 Chair. Thank you, Kevin. Thank you, Joe for your  
5 presentations. I just have one issue that I wanted  
6 to raise. And it might be a 2- or 3-part question.  
7 So if you just bear with me, I'd appreciate it. I'm  
8 curious as to what's going on in the rest of the  
9 State and with the other utilities around the State?

10 My understanding is we -- we have no  
11 such petition currently pending from any other  
12 utility. So that having been said -- to the best of  
13 your ability do you anticipate us having to take any  
14 similar action before the 2023 interim review for any  
15 other utility? And if not, I guess, the question  
16 would be, what is it about ConEd, is it the  
17 management of the program from ConEd?

18 Is it just so much more popular in  
19 ConEd's service territory than any other utility that  
20 -- that is -- that is leading us to, in all  
21 likelihood, take this action here in -- in just a few  
22 minutes?

23 MR. MANZ: So with regard to the rest  
24 of the State and the other utilities, we -- we do not  
25 have this issue with any of the other utilities at

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2 this time. Central Hudson would probably be the  
3 closest. They -- they are spending money ahead of  
4 schedule, but not to this level. So I would not  
5 anticipate, I hesitate to say this and don't want to  
6 jinx it. But I -- I --

7 COMMISSIONER VALESKY: You know, I  
8 understand. Yeah.

9 MR. MANZ: -- I hesitate to say, but I  
10 wouldn't think we'd get any more petitions like this  
11 --

12 COMMISSIONER VALESKY: Okay.

13 MR. MANZ: -- before we get to the  
14 interim review. Your second part of your question, I  
15 think was why ConEd and -- and not other areas? I --  
16 I would -- I would guess some of it has to do with  
17 their upfront rebates were higher because they're  
18 Downstate, typically, they are higher. This may have  
19 been higher than normal from the rest of the State.

20 So that probably led to it. I think  
21 also the gas constraints in the ConEd electric  
22 service territory both with ConEd in Westchester and  
23 with National Grid in the city. There were  
24 additional kickers to the rebates to try to help  
25 minimize those gas constrained areas. So I think

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2 that probably also -- also compiled there. I don't  
3 know Joe, if you have anything additional?

4 MR. HITT: Yeah. ConEd was the first  
5 to put forward integrated control incentives and  
6 decommissioning incentives to fully displace fossil  
7 fuels and on top of that with the gas moratorium  
8 areas, there was kickers for those areas too. It  
9 became very rich incentives and -- and moved the  
10 market in those areas rather quickly.

11 COMMISSIONER VALESKY: Okay. Thank  
12 you very much. I appreciate that.

13 CHAIR CHRISTIAN: Thank you,  
14 Commissioner. Commission Maggiore?

15 COMMISSIONER MAGGIORE: Thank you.  
16 Thank you for the presentation. I just have a couple  
17 of questions. The funds that would be transferred  
18 the -- the unspent legacy funds that would be  
19 transferred, if the Commission voted this item down,  
20 what would happen to those funds?

21 MR. MANZ: Those -- those unspent  
22 funds would stay on the books as a regulatory  
23 liability and continue to accrue interest until some  
24 future date where the Commission could decide how to  
25 use that for a ratepayer benefit.

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2 COMMISSIONER MAGGIORE: Okay. And the  
3 second question is this program is it open to all  
4 ConEd ratepayers? Are -- are there any types of  
5 ratepayers that are ineligible to apply for a heat  
6 pump through this program?

7 MR. MANZ: So if -- if -- if a  
8 customer is a Con Edison electric customer and pays  
9 into the program through their rates, they are  
10 eligible. So there are no -- no sectors that -- that  
11 would be ineligible. I guess, the one caveat to that  
12 might be NYPA customers that are 100 percent -- get  
13 100 percent of their demand covered by NYPA, they  
14 don't pay into any of the energy efficiency programs,  
15 including the heat pump program, because they have  
16 NYPA programs that they would lean on.

17 So I guess the -- the caveat is NYPA  
18 customers would not be eligible, but all others, yes.

19 COMMISSIONER MAGGIORE: Okay. So  
20 leaving the NYPA customers aside, and understanding  
21 that there -- that part of what we would be approving  
22 is a surcharge, does somebody who gets a heat pump  
23 who doesn't have one now end up net paying less for  
24 energy than if they don't get a heat pump?

25 MR. HITT: They will pay less for

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2 energy, if they get a heat pump, if it's used in the  
3 same manner as the fossil fuel system and the  
4 previous air conditioning system. We have seen where  
5 heat pumps have been installed and there's an  
6 increased use of air conditioning and shoulder season  
7 use. So in some cases, they may be paying more, but  
8 they're using it more.

9 MR. MANZ: So generally --

10 COMMISSIONER MAGGIORE: Okay.

11 MR. MANZ: -- generally speaking, like  
12 for like, yes, they would -- they would see --

13 COMMISSIONER MAGGIORE: Great.

14 MR. MANZ: -- total energy bill  
15 reduction.

16 COMMISSIONER MAGGIORE: Okay. Thank  
17 you. Those are my questions. I will be supporting  
18 this item. Thank you very much.

19 CHAIR CHRISTIAN: Thank you,  
20 Commissioner. So I will bring this to a call for a  
21 vote. My vote is in favor to approve the  
22 modifications to the Clean Heat Program within the  
23 ConEd service territory. Commissioner Burman, how do  
24 you vote?

25 COMMISSIONER BURMAN: I concur.

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2 CHAIR CHRISTIAN: Commissioner Alesi,  
3 how do you vote?

4 COMMISSIONER ALESI: Yes.

5 CHAIR CHRISTIAN: Commissioner  
6 Edwards?

7 COMMISSIONER EDWARDS: Vote yes.

8 CHAIR CHRISTIAN: Commissioner Howard?

9 COMMISSIONER HOWARD: Yes.

10 CHAIR CHRISTIAN: Commissioner  
11 Valesky?

12 COMMISSIONER VALESKY: Yes.

13 CHAIR CHRISTIAN: Commissioner  
14 Maggiore?

15 COMMISSIONER MAGGIORE: Yes.

16 CHAIR CHRISTIAN: Excellent. The item  
17 is approved, and the recommendations are adopted.  
18 Thank you very much. We'll now move on to the  
19 consent agenda. Do any Commissioners wish to comment  
20 on or recuse from voting on any of the items on the  
21 consent agenda today? I'll begin with Commissioner  
22 Burman.

23 COMMISSIONER BURMAN: Thank you. I  
24 just have 3 items. The first really is, I just want  
25 to mention the items related to the 161, 162, 162 --

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2           excuse me, 160 -- yes, 161 through 162(c). The  
3           Commission really has a responsibility for developing  
4           and enforcing regulations for the protection of  
5           underground facilities known as Part 753, more  
6           commonly referred to as 811 Call Before You Dig or  
7           Dig Safely.

8                    These Dig Safely programs are really  
9           important. It is 811 day. So I just want to sort of  
10          really acknowledge that New York State has 2, One-  
11          Call Notification centers covering the State, and  
12          excavators may provide notice of intent to excavate  
13          by contacting the appropriate One-Call Notification  
14          centers.

15                   I do think it's my obligation to  
16          remind folks of that, and also you know, You Dig New  
17          York, which used to be called Dig Safely New York  
18          covers all counties except the Bronx, Kings -- New  
19          York Kings, Richmond, Queens, and then Queen, Nassau  
20          in Suffolk and New York 811 covers all of New York  
21          City and Long Island.

22                   It's a crucial time for us to be very  
23          involved in safety and the critical issues we deal  
24          with. I do strongly believe that in my lifetime, as  
25          a regulator, we can get to zero incidents. But it

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2           requires all of us working together, not just PHMSA  
3           and the State regulators, but all stakeholders and  
4           utilities, as well as folks like You Dig New York and  
5           New York 811, and excavators really working well  
6           together and education.

7                   I do want to note that You Dig New  
8           York, as well as New York 811, has really leaned into  
9           what they can do even more so updating their  
10          facilities, their training facilities, you know, New  
11          York 811 has and educational bus that is really now  
12          around. And so it's really kind of -- there's a lot  
13          of activities and educational awareness that's going  
14          on.

15                   But the training is really, really  
16          key. You'll also note that we have really leaned  
17          into working with the municipalities, and really  
18          making sure that they are continually updating. I  
19          note that we have a number of them who have had  
20          violations on this session. If you looked at it  
21          historically, we didn't have that ability before  
22          under Part 753 to cite them for violations.

23                   Now that we do, obviously we see an  
24          increase, but you have to -- it's an apples to apples  
25          comparison from an increase from years prior to now.

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2 But it is something that we do need to look at to the  
3 extent that there are other maybe more direct  
4 engagement with the municipalities by us working with  
5 the relevant call -- Call-One call centers may be  
6 very helpful for us to fully understand what we can  
7 do to make sure that their workforce is continually  
8 engaged in this important initiative, so I just  
9 raised that.

10 And again, to the extent that folks  
11 are promoting 811 day, I personally would appreciate  
12 it. The other item is item 377. This is proceeding  
13 on the motion of the Commission as to the policies,  
14 requirements, and conditions for implementing a  
15 community net metering program.

16 I just really want to flag one of the  
17 -- the paragraph before the ordering clauses, talks  
18 about the Commission expecting the Department of  
19 Public Service staff to discuss potential  
20 modifications with the investor-owned electric  
21 utilities, as well as NYPA to determine if the  
22 utilities and/or NYPA should advance a proposal for  
23 the Commission's consideration.

24 And while I appreciate that, I do want  
25 to make sure that that engagement is done in a way

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2           that really recognizes where the Commission -- items  
3           that the Commission may like to see in this, and also  
4           making sure that we not just engage with the  
5           utilities and NYPA, but really the customers,  
6           consumers is really important on these important  
7           issues.

8                                And then for item -- so I'm going to  
9           be concurring on that item. For Item 378, I do just  
10          want to -- give me a second. I do just want to  
11          recognize I'm going to be also concurring here. This  
12          item is approving the petitions filed by ConEd and  
13          Orange & Rockland seeking to allow the dispatch and  
14          wholesale marketing of the output from their  
15          respective energy storage systems.

16                               I do just want to sort of make a  
17          couple of notes here. This is really on the heels of  
18          what we did and consistent with what we did with  
19          National Grid's order back on September 9th, 2021 in  
20          18-E-0130. I concurred at that time as well. I do  
21          have some concerns about the future energy storage  
22          deployment in wholesale markets and the National Grid  
23          order.

24                               And then here, in the National Grid  
25          order we talked about lessons, learning, and we would

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2 be, you know, coming back to the Commission from what  
3 we were seeing with that. Didn't really see that too  
4 much before this order came before us, and I'd like  
5 to have really a little bit more engagement.

6 But what concerns me is -- and again,  
7 concern is a strong word, too strong for -- for --  
8 you know, what I mean is that on pages 12 and 13  
9 under future energy storage deployment in wholesale  
10 markets, it talks about here that in the National  
11 Grid order, we directed the utilities to file  
12 proposals requesting Commission authorization to  
13 dispatch any utility-owned energy storage systems  
14 presently in service into the I.S.O. administrative  
15 markets.

16 But then we go on to talk about that  
17 continuing to require utilities to file petitions is  
18 at odds with the Commission's general rule  
19 established in the Energy Storage Order where we said  
20 where an existing utility-own energy storage system  
21 can be utilized to participate in wholesale market  
22 for the benefit of customers, the investor-owned  
23 utilities are encouraged to realize the maximum  
24 economies of the asset for ratepayers.

25 So we're trying to sort of align our

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2           orders to be consistent.  So here we say that the  
3           Commission authorizes the investor-owned utilities to  
4           dispatch energy storage resources into the wholesale  
5           market provided that, and we list out A through E.  
6           It's not necessarily controversial, but I do pause  
7           because that change in what we're doing needs to be,  
8           I think, flagged a little bit more and a little  
9           flushed out more from where I sit, because for some,  
10          they may not have necessarily weighed in on the  
11          petitions filed by ConEd and Orange & Rockland seeing  
12          it as just really going to be aligned with the  
13          National Grid order.

14                   And since some folks who had dissented  
15          or -- or expressed opposition to that petition, did  
16          not -- did not win, for lack of a better word, when  
17          we adopted the National Grid order, they may have saw  
18          it as useless to weigh in.  But to the -- to the  
19          extent that the specific issue and the change here  
20          goes beyond just aligning with the National Grid  
21          order, but really is going into what we're now going  
22          to require all the utilities to do.

23                   I do think it's worth us having  
24          flagged that a little bit more and making sure that  
25          we -- we're clear that this was an item that -- that

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2 -- that part of it was being taken up. So I'm going  
3 to be concurring on that. But it is something that  
4 I'm flagging, because I think it's important for us.  
5 So thank you.

6 CHAIR CHRISTIAN: Thank you,  
7 Commissioner. Commissioner Alesi?

8 COMMISSIONER ALESI: I have no  
9 comments. I'll be supporting the entire consent  
10 agenda.

11 CHAIR CHRISTIAN: Thank you,  
12 Commissioner. Commissioner Edwards?

13 COMMISSIONER EDWARDS: No comments.

14 CHAIR CHRISTIAN: Thank you,  
15 Commissioner. Commissioner Howard?

16 COMMISSIONER HOWARD: Thank you, Mr.  
17 Chairman. I just have one comment on Item 383. The  
18 Article 7 approval for the joint petition between the  
19 New York Power Authority and Niagara Mohawk in terms  
20 of rebuilding an existing power line throughout the  
21 North Country. I think nothing for those becomes  
22 more a better example of what NYPA does and how they  
23 do it, and how the investor on utilities private and  
24 capital does it.

25 The -- those portions of this power

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2 line that is owned by the New York Power Authority  
3 will pay and do not pay now and will not pay local  
4 property taxes going forward. So to the extent that  
5 the local communities would benefit for any new  
6 capital investment, it will be those communities that  
7 host the Niagara Mohawk portion of the line, not the  
8 New York Power Authority portion of the line.

9 So for those folks who particularly  
10 advocate for greater roles from the New York Power  
11 Authority investing in any number of items across the  
12 State, just realize they will not pay property taxes  
13 on any new large capital programs or anything for  
14 that matter. Additionally, in the -- and I made  
15 reference to the Inflation Reduction Act, the vast  
16 majority, the almost exclusive amount for large  
17 capital funding in that bill is in the form of tax  
18 crediting.

19 You can only get a tax credit if you  
20 pay taxes. And the New York Power Authority does not  
21 pay taxes, and by and large will not be eligible for  
22 any of the benefits that will be included in that --  
23 in that bill and a -- and a much-needed bill and --  
24 and much appreciated.

25 The last point I will want to make is

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2 that this power line is there for a very important  
3 Statewide purpose and policy goal is to unbundle  
4 lower cost energy in the North Country and be able to  
5 bring it into the balance of the State through a  
6 variety of new power line investments.

7 So what does that mean? By -- that  
8 will mean that we will have rate mod -- or bill  
9 modifications in those portions of the state that  
10 will benefit from this lack of congestion, but there  
11 will be a corresponding price increase in the  
12 locational marginal pricing in the North Country. It  
13 is the inevitable consequence of that, and I believe  
14 it's a good policy of unbundling this low-cost energy  
15 and bringing it to the balance of the market.

16 But again, just to remind everybody,  
17 there are consequences to everything. But with that,  
18 Mr. Chairman, I will be supporting the consent  
19 agenda.

20 CHAIR CHRISTIAN: Thank you  
21 Commissioner. Commissioner Valesky?

22 COMMISSIONER VALESKY: No comments.

23 CHAIR CHRISTIAN: Thank you,  
24 Commissioner. Commissioner Maggiore?

25 COMMISSIONER MAGGIORE: I have no

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2 comments. I'll be supporting the consent agenda.

3 Thank you.

4 CHAIR CHRISTIAN: Excellent. Thank  
5 you, Commissioner. So I will now do the call for a  
6 vote. My vote is in favor of the recommendations on  
7 the Consent Agenda. Commissioner Burman?

8 COMMISSIONER BURMAN: I vote in favor  
9 except 377 and 378, I will be concurring.

10 CHAIR CHRISTIAN: Okay. Thank you.  
11 Commissioner Alesi?

12 COMMISSIONER ALESI: I vote yes on all  
13 issues.

14 CHAIR CHRISTIAN: Thank you.  
15 Commissioner Edwards?

16 COMMISSIONER EDWARDS: Yes.

17 CHAIR CHRISTIAN: Thank you.  
18 Commissioner Howard?

19 COMMISSIONER HOWARD: Yes, I will be  
20 voting for the consent agenda in its entirety.

21 CHAIR CHRISTIAN: Thank you.  
22 Commissioner Valesky?

23 COMMISSIONER VALESKY: Yes on all  
24 items.

25 CHAIR CHRISTIAN: Thank you. And

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2 Commissioner Maggiore?

3 COMMISSIONER MAGGIORE: Yes, I also  
4 vote yes on the entire consent agenda. Thank you.

5 CHAIR CHRISTIAN: Thank you. That  
6 said, we have the sufficient votes to approve the  
7 items and the items are approved and the  
8 recommendations adopted. Thank you everyone. Madame  
9 Secretary, is there anything further that's to come  
10 before us today?

11 SECRETARY PHILLIPS: There is nothing  
12 further.

13 CHAIR CHRISTIAN: Thank you very much.  
14 And with that, I adjourn. Thank you all.

15 (The meeting adjourned at 12:23 p.m.)

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1 8/11/2022 - Monthly Meeting

2 STATE OF NEW YORK

3 I, HANNAH BELAIR, 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 92, 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 August, 2022.

11

12

13 HANNAH BELAIR, Reporter

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