

1 Public Service Commission - Monthly meeting - 4-19-18

2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION

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MEETING OF THE PUBLIC SERVICE COMMISSION

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Thursday, April 19, 2018
10:30 a.m.

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Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

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COMMISSIONERS:

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JOHN B. RHODES, Chair

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GREGG C. SAYRE

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DIANE X. BURMAN

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JAMES S. ALESI

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

3 CHAIRMAN RHODES: I'd like to call this
4 session of the Public Service Commission to order.

5 Secretary Burgess, are there any changes to the final
6 agenda?

7 SECRETARY BURGESS: Good morning Chair and
8 Commissioners. There are no changes to this morning's
9 agenda.

10 CHAIRMAN RHODES: Thank you. With that
11 let's move right into the agenda. The first item for
12 discussion is Item 301, Cases -- Case 18-E-0138 which is
13 the matter of Electric Vehicle Supply presented by Bridget
14 Woebee, assistant counsel. Chris Graves, our principal
15 economist is available for questions. Bridget, please
16 begin.

17 MS. WOEBEE: Morning Chair and
18 Commissioners. The order before you today institutes a
19 proceeding on motion of the Commission regarding electric
20 vehicle supply equipment and infrastructure to consider
21 the roles of New York's electric utilities when
22 encouraging greater penetration of electric vehicles and
23 the electric vehicle supply equipment throughout the
24 state.

25 In order to meet the state's -- state

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2 energy plans targets of reducing gas emissions, forty
3 percent below 1990 levels by 2030 and eighty percent below
4 1990 levels by 2050, the state's transportation sector
5 must be electrified. Through this proceeding the
6 Commission will consider cost effective ways to build
7 electric vehicle supply equipment and infrastructure and
8 determine whether utility tariff changes will be needed in
9 addition to those already being considered for residential
10 customers to accommodate and promote the deployment of
11 electric vehicles.

12 Even at low penetration rates, the
13 locations of charging stations is an important
14 consideration that will be collaboratively addressed here.
15 The proceeding will also investigate the characteristics
16 of electric vehicle charging systems and how those systems
17 might facilitate electric vehicle participation as a
18 distributed energy resource in a manner not yet captured
19 by the Reforming the Energy Vision initiative.

20 This proceeding builds upon but it does not
21 duplicate the ongoing REV efforts such as the proposed
22 E.V. readiness framework, pardon me, filed by the joint
23 utilities as part of their supplemental distributed system
24 implementation plan. The proceeding similarly supports
25 ongoing utility initiatives such as those approved in Con

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2 Edison and Niagara Mohawk's most recent orders approving
3 their rate plans and that proposed in the recently filed
4 Central Hudson joint proposal.

5 By this order, excuse me, by this order the
6 Commission directs the Department of Public Service staff
7 to convene a technical conference and obtain stakeholder
8 input to identify and address what immediate and long term
9 actions will best support electric vehicle market growth.
10 Quickly following the technical conference, the Commission
11 directs staff to issue a white paper that will address a
12 range of topics relating to electric vehicles and electric
13 vehicle supply equipment based on stakeholder input.

14 All the stakeholders will be invited to
15 comment on staff's recommendations once filed so that the
16 Commission may consider all feedback before making a
17 determination in this proceeding. If there are any
18 questions, Chris Graves of the Office of Markets and
19 Regulatory Economics and I are available to take
20 questions.

21 CHAIRMAN RHODES: Thank you, Bridget. I
22 view this institution of a proceeding as timely since
23 electric vehicles are coming of their own momentum as
24 manufacturers and as customers shift their preferences.
25 And I think instituting this proceeding is important

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2 because we need a framework that will get this right with
3 respect to the costs, the benefits and the issues for the
4 distribution grid that arise out of the penetration of
5 electric vehicles.

6 And with respect to the role, whatever that
7 is, the utilities could potentially play. Roles that need
8 to be good for New Yorkers and for customers. So I
9 support this proceeding that is about developing the
10 understanding that we need as the basis for
11 recommendations and as the basis for inviting and
12 benefiting from widespread stakeholder and expert
13 commentary. Are there any comments or questions from my
14 fellow commissioners? Commissioner Sayre?

15 COMMISSIONER SAYRE: There's a classic
16 chicken and egg problem with the move to electric
17 vehicles. People in companies don't want to buy the
18 vehicles if charging stations are not sufficiently
19 available and convenient. But companies don't want to
20 invest in charging stations if there aren't enough
21 electric vehicles on the road to support them.

22 Now we can't solve that conundrum at the
23 P.S.C. at least not entirely. But we can help make it
24 easier and more economical and stimulate this market which
25 is critically important in my view for reaching the state

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2 energy plan's targets for reducing carbon emissions.
3 There are a lot of thorny issues here several of which the
4 chair just mentioned. The extent to which we should allow
5 utilities into the charging station market, and most
6 important I think for us is how we can make these new
7 electric vehicles and facilities benefit the electric grid
8 as well as the environment.

9 We also have to keep in mind constantly how
10 we can protect nonparticipating ratepayers from any undue
11 subsidies for those who buy the electric vehicles. This
12 item appropriately starts the stakeholder process,
13 followed by a staff white paper, followed by a notice in
14 comment process. For all of these and other issues
15 related to E.V.s, I'm happy to support it.

16 CHAIRMAN RHODES: Thank you. Commissioner
17 Burman? I wasn't on -- Commissioner Burman?

18 COMMISSIONER BURMAN: Thank you. So I have
19 spent quite a bit of time in being reflective on what the
20 need was for this proceeding to move forward at this time.
21 I'm very cognizant of the fact that we have been involved
22 in looking at E.V.s across the state not just since 2013
23 and when the M.O.U. was signed. But even before that and
24 -- and many years before that being involved in it. And
25 looking at it, and obviously one of the inflection points

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2 was the V.W. settlement and what that may mean.

3 So for me it's what's the role of the
4 regulators and state regulators now in helping to move
5 forward in a thoughtful way the appropriateness of E.V.s?
6 And New York like other states in the nation and in
7 frankly internationally are undergoing significant changes
8 in the energy sector. And due to technology innovations
9 and public policies and market forces and other factors,
10 we're moving towards a cleaner and more distributed grid.
11 And we are focused on consumers having more of a role and
12 looking at being more active and helping to have a more of
13 affordability.

14 And so for me I'm also cognizant of the
15 fact that we've had many in -- inflection points. D.E.R.
16 being one of them, energy storage, rooftop solar and the
17 list goes on. And with new technological innovations, the
18 -- we will have our challenges as well as our
19 opportunities. And so for us it's to focus on what our
20 role is, not just at the state level, but in a way that
21 works and is in alignment at both the state and the
22 federal level and doesn't get sort of sucked into the
23 shiny objects. But also doesn't get caught up in being
24 afraid in moving forward in a thoughtful way, and helping
25 keeping in mind our overall role.

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2 So for me, I do think it's appropriate to
3 start this proceeding. But I do think that we need to be
4 cognizant of our alignment. Our alignment with other
5 proceedings that are going on at the state level as well
6 as at the federal level. And also not seeing this as
7 meaning that electrification is the be all and end all
8 because we have many questions that still need to be
9 answered. How does this fit into the overall picture from
10 a resiliency and reliability perspective? What is the
11 appropriate penetration?

12 How does this fit in to looking at it from
13 a cost and affordability perspective? How does this fit
14 into our overall state policies not just for the 2015
15 state energy plan but to the state energy plan for the
16 future? The 2019 one, the ones after that. And making
17 sure that we're moving forward in a thoughtful way that is
18 not focused on just the current public policy that may be,
19 but really can have lasting impact on what our core
20 objectives are on safe and reliable service and protecting
21 the grid for future as well.

22 So some of my focus really is on being
23 cognizant of the fact that we can't look at this in a
24 vacuum and we need to look at it from an alignment
25 perspective. And that we need to be cognizant of that

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2 when we do change one part of our energy grid, whether it
3 is here with looking at electrification. We also cause
4 disruption, good or bad, in some ways to other parts and
5 the whole, and so we need to look at that and be cognizant
6 of that. That goes along with looking at technology and
7 focusing on some of that.

8 You know, we looked -- we've seen that when
9 we looked at net metering and just solely focused on net
10 metering and some disruptions that that's caused. Looking
11 at it from the perspective of trying to fix rate designs
12 and seeing that there are other concerns with business
13 models. And also how does this fit in the overall picture
14 of electric and -- and natural gas and the coordination
15 between that?

16 How does this also complement the D.E.C.
17 proceedings that are going on and the comments that are
18 coming in with that? How does this fit with the ongoing
19 developments that are happening with the working groups
20 that are being -- being -- stakeholder groups that are
21 happening across the state and outside of the state on
22 transportation that -- that are focused on
23 electrification? But also outside of that, how will this
24 work?

25 We've seen how if we just do it in

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2 isolation we may wind up causing problems and then have to
3 pivot and try to fix things that we forgot to bring into
4 the equation and need to take a closer look at. So I'd
5 like us, when we move forward, to not think that this is
6 an easy road but also to keep in mind that we need to look
7 very holistically and focus on the alignment of the bigger
8 picture and the whole. And work towards what that
9 transition will be and what our role as a regulator is and
10 not get caught up in the shiny objects but really focused
11 on the alignment and our focus on our core objective as
12 regulators. And looking how it should match up.

13 And keeping in mind also that some of the -
14 - the true information that is needed is the data and --
15 that needs to come in in terms of the -- the replacement
16 issues, the infrastructure issues that are needed and what
17 that may mean from a penetration perspective. And some of
18 those core forecasting models that will need to be there.
19 And so those things are very important to get right and to
20 have true analysis on the cost and the projections are
21 very, very key and -- and critical and to look at that.

22 And also what exactly will be coming from
23 other avenues? From whether it's the V.W. settlement or
24 others and what that may mean in terms of future costs and
25 future impacts that may need to be put into the system.

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2 And then how that may trigger disruptions to other systems
3 and other changes that may need to be done on that. Those
4 -- all of those sort of side issues are very, very
5 important, so. Thank you.

6 CHAIRMAN RHODES: Thank you very much.
7 Commissioner Alesi?

8 COMMISSIONER ALESI: Thank you.

9 CHAIRMAN RHODES: So with that we will
10 proceed to move on this item, Item 301. My vote is in
11 favor of the recommendation to institute a proceeding to
12 encourage greater penetration of electric vehicles and
13 electric vehicle supply equipment in New York State as
14 described. Commissioner Sayre, how do you vote?

15 COMMISSIONER SAYRE: Aye.

16 CHAIRMAN RHODES: Commissioner Burman, how
17 do you vote?

18 COMMISSIONER BURMAN: I concur.

19 CHAIRMAN RHODES: Commissioner Alesi, how
20 do you vote?

21 COMMISSIONER ALESI: Yes.

22 COMMISSIONER SAYRE: The item is approved
23 and the recommendation is adopted. We move now to Item
24 303. We're doing a little bit of numerical leapfrogging.
25 But Item 303, Case 17-E-0814 is also an E.V. related item,

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2 and it is the tariff filing by the Consolidated Edison
3 Company of New York to modify its electric tariff to
4 expand the scope of its economic development business
5 incentive rate to include an electric vehicle quick
6 charging station program presented by Mary Ann Sorrentino,
7 acting chief electric rates and tariffs. Chris Graves
8 remains available for questions. Mary Ann, please begin.

9 MS. SORRENTINO: Good morning Chairman
10 Rhodes and Commissioners. Item 303 is a draft order
11 addressing a tariff filing made by Consolidated Edison.
12 In its tariff filing, Con Edison proposes to include an
13 electric vehicle quick charging station component in its
14 business incentive rate program. The business incentive
15 rate program offers discounted delivery rates to large
16 general service customers and is intended to attract and
17 retain businesses and jobs in New York City and
18 Westchester County.

19 The current business incentive rate
20 discount is either thirty-four or thirty-nine percent
21 depending on the delivery service rate. Con Ed's proposal
22 is intended to mitigate the high cost of operating E.V.
23 charging stations in an immature market with low station
24 utilization. Therefore, Con Ed proposes that the E.V.
25 quick charging station program be in place for a period of

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2 seven years.

3 The company's business incentive rate is
4 available to four hundred and twenty-five megawatts of
5 load. As proposed, thirty of the four hundred and twenty-
6 five megawatts would be available for the E.V. quick
7 charging station program. The delivery rate discount
8 would be available to owners of newly constructed E.V.
9 quick charging stations with a minimum aggregate charging
10 capability of one hundred kilowatts and a maximum
11 aggregate demand of two megawatts. Additionally, the
12 quick charging station must be publically accessible and
13 must receive an economic incentive from other government
14 authorities.

15 Delivery service to E.V. quick charging
16 stations will provide a new revenue opportunity for
17 electric utilities and therefore existing electric
18 ratepayers will experience financial benefits. Comments
19 on the filing were received from Tesla, consumer power
20 advocates, the City of New York and NYSERDA. Tesla
21 requests that the Commission consider waiving the
22 requirement to receive economic incentives from other
23 government authorities. They explain gaining eligibility
24 for the business incentive rate program may be difficult
25 given the lapse of the federal alternative fuel station

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2 tax credits.

3 Consumer power advocate proposes that the
4 discount be available to non-publically accessible
5 charging stations. The City of New York and NYSERDA are
6 supportive of the filing. The city indicated that the
7 E.V. quick charging station program will complement its
8 efforts in increasing access to quick charging
9 infrastructure and explained it is determining how it can
10 best use a combination of twenty million dollars in
11 capital funding already allocated to quick charging hubs
12 and future funding allocations to meet the governmental
13 economic incentive requirement.

14 NYSERDA indicated that the Con Ed's program
15 coupled with NYSERDA's incentives will likely achieve the
16 near term economics necessary for greater uptake and
17 installation of quick charging stations. The Con Ed E.V.
18 quick charging station program should be implemented
19 independent of the new generic E.V. proceeding --
20 proceeding giving time and sensitivities.

21 Volkswagen -- Volkswagen Group of America,
22 through its nonprofit subsidiary Electrify America, will
23 invest two billion dollars over a ten year period in zero
24 emission vehicle infrastructure, education and support for
25 increased adoption of Z.E.V. technology in the United

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2 States as part of an agreement to settle allegations of
3 violations of the Clean Air Act.

4 Of the two billion dollars, eight hundred
5 million is dedicated to California and one point two
6 billion will be spent outside of California. The one
7 point two billion dollar commitment is being spent in
8 three hundred million dollar increments over four thirty-
9 month cycles. Cycle one of Electrify America began in
10 2017 and provides for approximately two hundred and fifty
11 million dollars in funding for E.V. charging station
12 infrastructure.

13 The New York City metropolitan area was
14 selected as one of seventeen metro areas where Electrify
15 America will concentrate cycle one investments. Delaying
16 implementation of the Con Ed E.V. quick charging station
17 program would result in decreased uptake and a missed
18 opportunity to leverage the business incentive rate to
19 maximize new investment in Con Ed's territory. The draft
20 order adopts the E.V. quick charging station program as
21 proposed by Con Ed. This concludes my presentation. And
22 Chris and I are available for questions.

23 CHAIRMAN RHODES: Thank you, Mary Ann.
24 This strikes me as a pragmatic, reasonable, size limited
25 proposal and with appropriate requirements on

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2 accessibility et cetera of the infrastructure. It's
3 straightforward to implement and it poses no foreseeable
4 conflict with any other initiatives that we're
5 contemplating including Item 301 which we just discussed
6 and approved.

7 So to me it makes sense. I also find that
8 it is timely given the fact that it is foundational to
9 making the New York metro area eligible for these -- for
10 these meaningful Volkswagen funds. So I am going to be in
11 favor of this item. Commissioner Sayre?

12 COMMISSIONER SAYRE: I spoke earlier about
13 the electric vehicle chicken and egg problem and the issue
14 of what utilities should be permitted to do with respect
15 to charging stations. This item in my view is in the
16 nature of a toe in the water to see how one form of
17 utility participation, here being discounts for quick
18 chargers with third parties actually installing and -- and
19 operating the chargers, is going to work. And I hope it
20 works.

21 I -- I hope it -- it attracts a lot of
22 market players. And it looks like we have a good shot at
23 at least getting participation by Volkswagen. But whether
24 it works or it doesn't, the nonparticipating ratepayers
25 are protected. If nobody shows up to benefit, from the

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2 discounts, then it's no harm, no foul and we'll have to
3 try something else. But if on the other hand the program
4 is fully subscribed despite these discounts, the
5 additional revenues that Con Ed will get from the charging
6 companies will exceed the additional expenses which
7 actually benefits the nonparticipating ratepayers by
8 reducing Con Ed's revenue requirement.

9 So this is an item in my view with minimal
10 risk and some significant potential benefits. So I'm very
11 pleased to support it.

12 CHAIRMAN RHODES: Thank you. Commissioner
13 Burman?

14 COMMISSIONER BURMAN: I very much disagree.
15 I think we're oversimplifying the issues here. I don't
16 understand how this is not in conflict with -- with moving
17 forward at this time. Are we saying that failure to act
18 now is putting -- is going to cause us to not be able to
19 get the V.W. settlement monies in the New York City area?
20 Is that what we're saying? Because there's nothing in the
21 record to -- to say that we need this for the V.W.
22 settlement monies.

23 MR. GRAVES: This -- this isn't needed to
24 get the Volkswagen settlement money. But what happens is,
25 you're able to leverage the money that Electrify America

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2 wants to invest in the New York metropolitan area to get
3 more stations built so you have a bigger bang for the
4 buck. And more benefit.

5 COMMISSIONER BURMAN: Why are we not having
6 something in the record that says, regulator, we would
7 like this to be approved because we are trying to leverage
8 the money with the -- the -- that's coming, the V.W.
9 settlement money? It's a vacuum. So as it relates to the
10 V.W. settlement money and the approval here, there's
11 nothing in the record that is tying it, for me, to feel
12 comfortable on the record to say it is necessary for me on
13 the record to -- to say it's necessary at this time to do
14 that.

15 We have an open proceeding that we just
16 started instituting a proceeding on E.V., and we have a
17 second proceeding that's a petition that was just made by
18 NYPA and others that in it mentions this -- this
19 proceeding, this Con Ed B.I.R. and talks about how it's
20 aligned. And, again, it's a forty-three page petition
21 that NYPA has read and I haven't gone through it, but it
22 mentions this Con Ed B.I.R. So all of that has to get --
23 has SAPA'd and processed and -- and relevant and weighed
24 in not only to the proceeding that we just opened but
25 this. So I'm having a disconnect to understand how this

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2 relates to why it's necessary at this time for us to adopt
3 a seven-year tariff on this when we're not supposed to be
4 blindly going forward in determining the utility role.

5 To -- unless -- unless I'm harming the
6 monies for the V.W. settlement, I'm just trying to figure
7 out -- because I can only go with what's on the record.
8 And this -- this was a question that I did ask about the
9 V.W. settlement. This is not -- I'm not blindsiding you
10 at session here. We talked about my need to know on the
11 record about this.

12 MS. SORRENTINO: So I -- I think that the
13 record supports the filing as proposed by Con Ed
14 independent of the settlement. It -- it is a rate
15 discount whereby all customers served under the B.I.R. are
16 charged at the marginal rate. So there will be no
17 negative impact on existing ratepayers.

18 MR. MYERS: Yeah, Commissioner, can I add
19 to that? Warren Myers --

20 COMMISSIONER BURMAN: Thank you.

21 MR. MYERS: -- director of market and
22 regulatory economics. This is a very specific program
23 that to me is very consistent with all of our economic
24 development flex rate programs that have been around for
25 years and years. This is a way, as Commissioner Sayre

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2 said, to try to attract load that otherwise would not come
3 to the electric utility at a -- that -- that will
4 contribute to revenue requirement above the incremental
5 cost cause.

6 The extra information that staff brought to
7 you about the V.W. settlement was just -- I guess I
8 consider it on the record now, and I don't think it's a
9 very controversial fact to -- I think Mary Ann laid out
10 the facts of the program to you and you can conclude
11 whether that's an extra persuasive point. But to me this
12 is right down the middle of the plate for all of our flex
13 rate type programs.

14 COMMISSIONER BURMAN: Okay. Thank you. So
15 let us just go forward with right now we have this B.I.R.
16 potential to petition. Or actually not. It's a tariff
17 filing asking for this. And this would be a seven year
18 tariff. And part of the issue is in here it says that
19 there -- the -- if it was fully subscribed it would
20 support over eighty-five thousand electric vehicles by the
21 end of the seven year program. Now is that eighty-five
22 thousand electric vehicles from a replacement perspective,
23 or would that be new electric vehicles? So is the -- is
24 the incentive to get folks off of their current vehicles?

25 MS. SORRENTINO: The eighty-five thousand

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2 vehicles aren't differentiated as new or replacement.

3 COMMISSIONER BURMAN: Okay. All right. I
4 guess for me the question is what is the need to do this
5 now rather than some of the issue for moving it into the
6 proceeding especially since in NYPA's petition they talk
7 about looking at rate design and they talk about the
8 business incentive rate? And I'm just trying to figure
9 out, especially as it relates to the V.W. settlement and
10 the comments on -- that are out there in D.E.C. and the
11 ongoing dialogue on what the appropriate -- where the
12 appropriate monies should be spent.

13 And since in this -- in this tariff filing
14 there's also focused on economic incentives would also be
15 leveraging not just this B.I.R. but also would be
16 potentially focused on looking at federal, state and local
17 grants that might come as well.

18 MS. SORRENTINO: So my understanding of the
19 NYPA petition is for expanded eligibility of this
20 incentive to a non-demand metered service class or non-
21 demand billed service class, I should say. I think that
22 the impetus behind acting on this now is the timing
23 sensitivity of getting more vehicles on the road at really
24 no cost to Con Ed's existing electric ratepayers.

25 COMMISSIONER BURMAN: Okay. And what about

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2 Con Ed's pilot program on E.V.s? Have we had any feedback
3 on where -- where that is?

4 MR. GRAVES: Which program are you talking
5 about? They have several programs that have -- a fleet
6 project that works with residential customers. They have
7 some other pilot projects that they're doing with
8 electrifying buses. And so they've been doing outreach
9 and working with customers and, you know, the city and a
10 lot of the key players in this for a couple of years now.
11 And so this -- this proposal grew out of that of trying to
12 get the economics of the D.C. fast chargers to work
13 better.

14 COMMISSIONER BURMAN: Right. So my issue
15 is, I'm not opposed to true economic development programs
16 that will work and will help in the long run from an
17 effectiveness. It's about the measurement and the
18 verification and what is helping us in doing true, good
19 energy regulation. My concern is that we have talked
20 about a number of different programs that we have looked
21 at including E.V.s. We have a whole host of them. And
22 part of my concern, which I have been pretty consistent
23 on, is the need to be aligned and look at these things
24 holistically.

25 So I don't want to just do things in a

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2 vacuum. So when we start one proceeding, and then I'm
3 looking at approving another proceeding, which on its face
4 may be a very good one and may be appropriate, it's
5 important to me that we have a whole record that is -- has
6 all the information. And so one of the things that's in
7 my mind, missing from this, is the pieces -- the other
8 pieces of the puzzle.

9 What does it mean in terms of how much
10 money will -- will might be here from the V.W. settlement?
11 How much other leveraging of state and local and -- and
12 federal dollars may go into that? What will it mean from
13 a penetration perspective if we are going to be -- if it
14 is fully subscribed to eighty-five thousand over the seven
15 years, what does that look like? Eighty-five thousand
16 electric vehicles. While that may not be a lot in the
17 whole footprint of Con Ed's territory, I would like to see
18 how that matches up across the whole footprint.

19 Are we talking replacement? Are we talking
20 new? Are we talking when we look at the other pilots?
21 When we're talking E.V.s with the other pilot programs
22 that are going on with the buses, what are we talking
23 about when we look at other grant programs that are being
24 done? And how does it match up not just with
25 electrification but other things that we may be doing with

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2 microgrids and -- and, you know, just in general as it
3 matches up on our energy regulation?

4 And, again, what does that mean from our
5 load perspective and what may -- may be needing to do to
6 make sure that we are appropriately providing safe and
7 reliable service? So those are the things that I care
8 about. And then getting back to, is the time right to do
9 it now? Is it problematic if we wait? And my trigger
10 point is it doesn't make sense for me to say yes to this
11 at this point when we just instituted a proceeding.

12 And when I read the petition that NYPA had
13 and they mentioned this while they mentioned it
14 positively, it made me question if I had all my facts.
15 And then when I didn't understand exactly what was
16 happening with the V.W. settlement, it caused me to be
17 concerned because I can only go with what's on the record.
18 So I'm explaining to you why this information is necessary
19 for me to be comfortable in making, you know, what I
20 believe is the right choice in moving forward. So I'm
21 going to be voting no without prejudice for it to come
22 back to us. But I -- I don't feel comfortable that I have
23 all the information at this time to make the decision to
24 move forward.

25 And I'm also concerned why we would do this

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2 as a seven year tariff at this time and be locked in. Why
3 this rather than what seems to be having been done through
4 other REV pilots and other things? Why the decision here
5 was to do it through this? Was there any discussion on
6 doing it as a -- as a REV pilot? Or, again, what -- what
7 information from the REV E.V. pilots was indicating if
8 anything any positives or negatives from the E.V. REV
9 pilots as appropriate information to have? And that we
10 can see in the -- in the proceeding that we have in 301.
11 Thank you.

12 CHAIRMAN RHODES: Thank you, Commissioner.
13 Thank you, Commissioner Burman. Commissioner Alesi?

14 COMMISSIONER ALESI: Thank you, Mr.
15 Chairman. In -- in my previous life I chaired the
16 committee on economic development. And it goes without
17 saying that a number of economic incentives passed through
18 our processes. And it never bothered me to say no to a
19 bad idea, but it always bothered me when we would say no
20 to something that was a good idea. Or at least an idea
21 that would offer potential for a good outcome.

22 I think this offers the potential for a
23 good outcome. And I'd be supportive of whatever economic
24 incentives would be forthcoming to help promote this. To
25 say the least, if it frees local taxpayers, the ratepayers

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2 from any worry, that's a benefit. There's a universal
3 benefit to the clean air that would come from a program
4 like this that will hopefully grow. And it will bring us
5 closer to our ultimate goals of clean air. So I'm going
6 to support this and I think that it's an appropriate
7 proposal.

8 CHAIRMAN RHODES: Thank you, Commissioner.
9 So with that we will move to a vote on Item 303. My vote
10 is in favor of the recommendation to approve Con Edison --
11 Consolidated Edison Company of New York's tariff on
12 implement and electric vehicle quick charging station
13 program as described. Commissioner Sayre, how do you
14 vote?

15 COMMISSIONER SAYRE: Aye.

16 CHAIRMAN RHODES: Commissioner Burman, how
17 do you vote?

18 COMMISSIONER BURMAN: No without prejudice.

19 CHAIRMAN RHODES: Commissioner Alesi, how
20 do you vote?

21 COMMISSIONER ALESI: Yes.

22 CHAIRMAN RHODES: The item is approved and
23 the recommendation is adopted. So we'll move now to Item
24 302, back from 303. Case 18-E-0018 et al which are the
25 proposed amendments to the New York State Standardized

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2 Interconnection Requirements, S.I.R., for small
3 distributed generators presented by Tammy Mitchell, deputy
4 director for electric. Bridget Woebee, assistant counsel
5 remain -- remains here and is available for questions.

6 Tammy, please begin.

7 MS. MITCHELL: Good morning Chair Rhodes
8 and Commissioners. Last September, as part of the Value
9 of Distributed Energy Resources or VDER Implementation
10 Order, the Commission directed staff to consider whether
11 any changes to the New York State Standardized
12 Interconnection Rules or S.I.R. were needed to address two
13 issues. One, the integration of battery storage into the
14 interconnection process. And, second, the possible impact
15 of extending value stacked compensation to larger
16 resources up to five megawatts.

17 As the Commission directed, staff worked
18 with the utilities and project developers in the
19 interconnection policy and technical working groups on
20 these two issues and developed the recommendations. These
21 recommendations were included in staff's December filing
22 in this case along with other proposed modifications. In
23 response to staff's proposal, the utilities and developers
24 proposed additional modifications to the S.I.R.

25 The draft order and revised S.I.R. before

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2 you address both the original staff filing and the
3 stakeholders proposals related to the S.I.R. On the
4 storage issue, the revised S.I.R. now includes specific
5 rules for interconnecting distributed generation projects
6 paired with energy storage systems as well as standalone
7 storage systems operating in parallel with the
8 distribution system.

9 The developers have the flexibility under
10 these rules to propose the configurations and operating
11 modes that they determine are most economic. The only
12 limitation imposed is an overall requirement that neither
13 did the distributed generator nor the storage system may
14 exceed five megawatts A.C. And the exported energy of a
15 hybrid project may not exceed that cap.

16 On the project size issue, the order notes
17 that the current S.I.R. already permits interconnections
18 up to five megawatts. The staff filing did not identify
19 any inadequacies in the interconnection rules as they
20 exist today. With the change in Commission compensation
21 policy, however, staff recommends adding rules allowing
22 smaller projects in the queue to combine up to the five
23 megawatt cap to reduce development cost. The draft order
24 and revised S.I.R. would adopt this recommendation.

25 There are also several changes in the new

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2 S.I.R. that are not direct -- directly related to the V.D.
3 -- V.D.E.R. implementation order directives. These
4 include modifications to the technical screening criteria
5 which staff recommends as an improvement that will result
6 in a more efficient preliminary technical evaluation
7 process while ensuring the safety and reliability of the
8 electric system. This has been a significant focus of the
9 interconnection technical working group.

10 Other changes to the contracting and
11 construction scheduling rules are designed to ensure a
12 developer understands both a utility project cost and the
13 utility schedule for its part of the construction work at
14 the same time the developer signs the interconnection
15 contract. The order also includes suggestions made by
16 stakeholders in their comments on the staff filing. Among
17 these, the revised S.I.R. adopts proposals to extend the
18 time frame in which project developers are required to
19 make progress payments to allow developers to manage
20 delays in local permitting.

21 In addition, staff recommends adopting the
22 stakeholders' proposal to require distributed resources to
23 maintain commercial general liability insurance. As these
24 systems become more dispersed across the distribution
25 system and increase in size, there is a need to protect

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2 ratepayers from potential third party risk which can be
3 mitigated through insurance.

4 Lastly, the order directs staff to add
5 consideration of electric vehicle batteries to future
6 interconnection technical working group agendas. Staff
7 and stakeholders should discuss and determine how electric
8 vehicles and the associated electric vehicle supply
9 equipment and mobile inverters should be covered in the
10 S.I.R. This work, of course, will be closely coordinated
11 with the electric vehicle supply equipment and
12 infrastructure proceeding just instituted by the
13 Commission. That concludes my presentation. Bridget and
14 I are happy to answer any questions that you.

15 CHAIRMAN RHODES: Thank you, Tammy. I find
16 this to be in the nature of a smart update. I think it
17 strikes a good balance of flexibility, of transparency, of
18 protection of safety and reliability to the system and of
19 ratepayer protection. I'll go further to say that I think
20 it's testimony to the effectiveness of the interconnection
21 working groups, policy working group and the technical
22 working group. And not just to the quality of the process
23 but, importantly, to the seriousness of the consideration
24 of the issues that flows from that good process. This is
25 to me a well thought out, straightforward, good step

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2 forward, and I'm going to be in favor of it. Commissioner
3 Sayre.

4 COMMISSIONER SAYRE: This is one of several
5 recent items that help keep REV moving forward. Our
6 standardized interconnection requirements simply can't
7 stand still. Some of the changes in this item are
8 necessary because of our orders on the value of
9 distributed energy resources. Some of them come out of
10 the stakeholder process to improve the interconnection
11 process. And still others are necessary to accommodate
12 technological and market changes in areas like energy
13 storage.

14 I have absolutely no doubt that we will
15 need more changes to the S.I.R.s in the future as markets
16 develop and technologies improve. Not every party agreed
17 with every change in this item and that's okay. That's
18 what we're here for. We're here to consider all of the
19 positions and find the result that best balances the
20 public interest. These S.I.R. changes required a great
21 deal of hard work by staff and the interested
22 stakeholders. I'm pleased to support them and I echo the
23 Chair's commendation to staff and the members of the
24 working groups.

25 CHAIRMAN RHODES: Thank you, Commissioner

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2 Sayre. Commissioner Burman?

3 COMMISSIONER BURMAN: I have a couple of
4 things. First I want to thank you for your participation
5 at VERC at the conference. You -- you did a very good job
6 and I appreciate it. To the extent that this is talking
7 about energy storage, is there any particular -- and we're
8 making some changes -- is there any particular project or
9 customer that we are identifying that's currently affected
10 that will be -- have any changes, our large customer or
11 any particular large project that we envision will be
12 immediately affected or shortly affected by this? Or is
13 this just in the future? I'm just curious?

14 MS. MITCHELL: Right. So there's no
15 customer that's particularly identified as being affected,
16 but it will impact the configurations and the requirements
17 for all energy storage projects going forward.

18 COMMISSIONER BURMAN: Uh-huh. Okay. And
19 then to the extent that the parties did mention a lot of
20 different items that we saw as outside of this petition, I
21 do think it is important that we recognize, again, going
22 back to my theme on 301 is that looking at, you know, one
23 thing does -- changes and one thing does affect the larger
24 whole. And so in this, while we're looking at the S.I.R.,
25 there are many things here that will affect the larger

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2 whole.

3 And there has been a number of tension
4 points and there continue to be tension points. And
5 that's why I think it's really important the collaborative
6 nature and working through that. But also us really being
7 able to identify the necessary changes that need to happen
8 and in -- in looking ahead of the curve and not seeing
9 things in that silo. And that really is kind of what I
10 was -- and really been trying to get at from a regulatory
11 perspective is the need to align a lot of these
12 proceedings in a way that helps us to get to a more
13 holistic approach.

14 You did talk about E.V.s. And, you know, I
15 -- I am glad in some ways to see here that there's a
16 recognition that there -- there is that petition. I am
17 concerned that it seems to, again, be already making a
18 determination ahead of it. And we have not ruled on
19 anything. We have just instituted a proceeding. And
20 while we do have some E.V. pilots out there, and while
21 there was the 303 D.I.R., we do need to cognizant that
22 theirs instituting a proceeding is not the same as saying
23 yes we're doing X. And so to the extent that the
24 Commission as a whole has not adopted any particular
25 policy position, we need to be cognizant of that.

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2 But I do just want to take the opportunity
3 also since we talked about E.V.s because I -- I ended
4 without saying it to Mary Ann, Chris and to Warren, the
5 three of you did do an excellent job in your overall
6 briefing to me and here. And I did want to thank you for
7 that especially, Mary Ann in particular. Your consistent
8 ability to give pure facts to me is very welcome, and I
9 look forward to your new role. And just want you to know
10 that my drilling is in no way meant to -- to do anything
11 except to let you know exactly what I'm interested in and
12 thank you very much for your consistent hard work. And
13 the three of you working together was very much
14 appreciated. And so thank you for that. So that's it.
15 In case of any miscommunication. Sorry.

16 CHAIRMAN RHODES: Thank you very much,
17 Commissioner Burman. Commissioner Alesi?

18 COMMISSIONER ALESI: Nothing to add. Thank
19 you.

20 CHAIRMAN RHODES: Thank you very much. We
21 will now proceed to call for a vote on Item 302. My vote
22 is in favor of the recommendation to approve the revisions
23 to the S.I.R. including integrating out of these storage
24 technologies, accommodating the expansion of the value of
25 D.E.R. compensation for projects up to five megawatts,

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2 resolving technical issues relating to project screening
3 and clarifying and enhancing the application process as
4 described. Commissioner Sayre, how do you vote?

5 COMMISSIONER SAYRE: Aye.

6 CHAIRMAN RHODES: Commissioner Burman, how
7 do you vote?

8 COMMISSIONER BURMAN: I concur.

9 CHAIRMAN RHODES: Commissioner Alesi, how
10 do you vote?

11 COMMISSIONER ALESI: Yes.

12 CHAIRMAN RHODES: The item is approved and
13 the recommendation is adopted. We will now move to the
14 consent agenda. Do any of my fellow commissioners wish to
15 recuse from voting on or from commenting on any items on
16 the consent agenda?

17 COMMISSIONER BURMAN: I do.

18 CHAIRMAN RHODES: Please, Commissioner
19 Burman.

20 COMMISSIONER BURMAN: I just have to find
21 my notes. Sorry. So I would just like to -- so I would
22 just like to note for the record that I will be concurring
23 on Items 369, 371, 374 and 376. And I would just like to
24 note for the record that on 376 I am concerned with some
25 of the inconsistency in our rationale and potential

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2 concern with the onus being put on the developers and
3 concern on that.

4 And then as to 374, I would just like to
5 flag that for the utilities to the extent that I think it
6 is important that they -- that they very much take note of
7 the need to look at their dynamic load management programs
8 and make some determinations on that. And I do think it
9 is important to realize that depending on which utility
10 you are, it is not a one size fits all. And that we do
11 need to be very careful in how we look at the management
12 of our programs and understand that depending on where the
13 utility falls. And betting on the dynamics of the
14 customers that it may -- may not be able to be
15 standardized. And then we might need to examine that.
16 And that sort of -- that 374 sort of spoke to me in that
17 way. And I think that's a very, very important lesson to
18 be learned from that. So thank you. That's it.

19 CHAIRMAN RHODES: So we will now move to a
20 vote on the consent agenda with those comments and
21 clarifications. My vote is in favor of the
22 recommendations on the consent agenda. Commissioner
23 Sayre, how do you vote?

24 COMMISSIONER SAYRE: Aye.

25 CHAIRMAN RHODES: Commissioner Burman, how

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2 do you vote?

3 COMMISSIONER BURMAN: I vote in favor
4 except for where I said would, yes.

5 CHAIRMAN RHODES: Those comments that you
6 made. Thank you very much.

7 COMMISSIONER BURMAN: Thank you.

8 CHAIRMAN RHODES: Commissioner Alesi?

9 COMMISSIONER ALESI: Aye.

10 CHAIRMAN RHODES: The items are approved
11 and the recommendations are adopted. Secretary Burgess,
12 is there anything further to come before us today?

13 SECRETARY BURGESS: There's nothing --
14 there's nothing further to vote on today. There is one
15 other matter.

16 CHAIRMAN RHODES: There are two other
17 matters.

18 SECRETARY BURGESS: Two other matters for
19 today.

20 CHAIRMAN RHODES: Thank you. So we -- the
21 votes we've just taken we take with -- with great
22 seriousness and consideration. And then we have other
23 items that we simply do because it's the right thing to do
24 and a pleasure to do so. So we have one colleague in the
25 room who is retiring, and I'd like to read out a

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2 resolution of the New York State Public Service Commission
3 regarding a Mike Twergo. So you'll have to put up with
4 us, sir.

5 Whereas, Michael Twergo has served the
6 Department of Public Service, the Public Service
7 Commission and the citizens of the State of New York with
8 great distinction since April 15 -- April 5, 1982.

9 And, whereas, Michael Twergo having first
10 been appointed as a junior engineer served the department
11 in a variety of roles including assistant utility
12 engineer, senior valuation engineer, utility engineer
13 three, utility supervisor and currently as chief of
14 electric rates and tariffs.

15 And, whereas, Michael Twergo dedicated his
16 career to ensuring just and reasonable rates for utility
17 customers of New York State.

18 And, whereas, Michael Twergo brought his
19 expertise and leadership to numerous rate proceedings
20 including filings for all major New York utilities
21 including New York State Electric and Gas Corporation,
22 Rochester Gas and Electric Corporation, Central Hudson Gas
23 and Electric Corporation, Consolidated Edison Company of
24 New York, Inc., Orange and Rockland Utilities, Inc., the
25 Long Island Power Authority, countless Niagara Mohawk

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2 Corporation firing -- filings as well as numerous small
3 water companies and multiple municipal corporations.

4 And, whereas, Mr. Twergo has led -- has
5 lead and supporting roles in a long list of projects and
6 initiatives including rate case executive sponsor and the
7 most recent, New York State Electric and Gas, Rochester
8 Gas and Electric and Niagara Mohawk Power Corporation rate
9 proceedings, expert witness in the Ginna reliability
10 support services agreement. Expert witness in the
11 eligibility criteria for energy service companies
12 proceeding, lead staff involved in developing cost
13 recovery for the Clean Energy Standard.

14 And, whereas, Michael Twergo shared his
15 expert -- technical expertise and insightful analysis
16 through his thorough presentations in an untold number of
17 meetings, briefings and Commission sessions during his
18 tenor-- tenure.

19 And, whereas, Michael Twergo worked with
20 his colleagues tirelessly and has earned the admiration
21 and respect, let me emphasize, of Department of Public
22 Service staff and the Public Service Commission.

23 And, whereas, Michael Twergo will be
24 greatly missed by those who have worked with him each day
25 it is resolved that the New York State Public Service

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2 Commission expresses its deepest appreciation to Michael
3 Twergo for his leadership in the Department of Public
4 Service and his faithful service to the citizens of the
5 State of New York as demonstrated by his unwavering
6 commitment to the mission of the Commission to ensure
7 safe, secure and reliable access to electric, gas, steam,
8 telecommunications and water services for all of New
9 York's residential and business consumers. Are there any
10 remarks?

11 COMMISSIONER SAYRE: Well, yes. In -- in
12 light of your thirty-six years of service, particularly
13 concentrating on rates, I've been doing some ratemaking
14 calculations. I -- I estimate that -- that you probably
15 were involved on average in about five major rate cases a
16 year over those thirty-six years. And you've probably
17 saved the ratepayers on average about a hundred thousand
18 dollars in rates in each of those cases by your careful
19 analysis and -- and appropriate disallowances.

20 That comes to eighteen million dollars.
21 But the regulatory economist would -- would -- and -- and
22 as well as the Office of Electric Gas and Water would --
23 would be quick to tell me that's nominal dollars. That's
24 not -- that's not today's dollars. So I figured that on
25 average you made these savings over a period of half of

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2 your term of service, eighteen years up to the present and
3 on into the future in perpetuity. And when I did those
4 calculations, as well as I was able, I came up with a
5 range in the billions of dollars.

6 You know it's a shame we can't pay you on
7 commission. One percent of two billion dollars -- no,
8 never mind. We can't do it and I'm sorry about that. So
9 -- so I offer my best wishes and -- and my sorrow that we
10 can't have paid you what you were actually worth to the
11 state.

12 CHAIRMAN RHODES: Commissioner Burman?

13 COMMISSIONER BURMAN: Michael and I spoke
14 privately so I won't be longwinded here. I'm really very
15 sad that he's leaving. It is been a pleasure working with
16 him and he has been a great, great asset to the department
17 and to the state. And he can't be replaced. And we are
18 really going to miss him on a personal level and
19 professionally. And we need more of you. And we don't
20 have you. And it's a problem. And I'm kind of angry, I
21 got to tell you. And thank you very much. And enjoy.
22 And, again, thank you very, very, very much for all that
23 you've done and the way that you've done it. You've been
24 a true gem so thank you.

25 CHAIRMAN RHODES: Indeed. We also have

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2 another colleague who's reached a similar point in his
3 professional life.

4 COMMISSIONER ALESI: Mr. Chairman? May I
5 make --?

6 CHAIRMAN RHODES: Oh, yeah. Sorry. Thank
7 you, yeah.

8 COMMISSIONER ALESI: Okay. I'm sorry to
9 interrupt.

10 CHAIRMAN RHODES: No, please do.

11 COMMISSIONER ALESI: When I saw you earlier
12 in the corridor this morning I didn't know whether to
13 congratulate you or wish you well. Wasn't sure that this
14 proclamation or resolution, I should say, was a -- a
15 surprise or not. But so I kept mum on it. As you know,
16 generally, I don't speak a whole lot but in light of
17 Commissioner Sayre's comments about billions of dollars,
18 I'm not sure any of us will get a chance to collect, but
19 it's quite an incentive for me to live a little longer.
20 Maybe we'll get it, who knows.

21 All kidding aside, I can't give you any
22 advice on retirement. I've done it three times already
23 myself, so. But I do wish you well and thank you for your
24 service to the state, to the Commission, to the
25 department.

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2 CHAIRMAN RHODES: Thank you. Thank you,
3 Commissioner Alesi. And as I mentioned, we do have
4 another colleague. And, again, we have a resolution of
5 the New York State Public Service Commission. This time
6 for William Bill Saxonis. Where -- and he's not here so
7 we can really be unconstrained.

8 Whereas, William Saxonis has served the
9 Department of Public Service, the Public Service
10 Commission and the citizens of the State of New York with
11 great distinction since September 21, 1995.

12 And, whereas, Mr. Saxonis having first
13 served in the state energy office for fifteen years before
14 coming to the department was first appointment as an
15 energy efficiency analyst then served the department in a
16 variety of roles including energy efficiency analyst four,
17 and utility supervisor.

18 And, whereas, Mr. Saxonis dedicated his
19 career to energy efficiency in order to benefit all
20 customers of New York State.

21 And, whereas, Mr. Saxonis brought his
22 expertise and leadership to numerous proceedings including
23 those related to the systems benefits charges including
24 oversight of NYSERDA's S.B.C. funding and evaluation
25 matters, rate cases, demand response policies and programs

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2 in energy efficiency and generally to advance the clean
3 energy policies for the benefit of all New Yorkers.

4 And, whereas, Mr. Saxonis worked for the
5 department and was professional, well developed and of
6 high quality and reflected strong written communication
7 skills and attention to detail.

8 And, whereas, Mr. Saxonis worked with his
9 colleagues tirelessly and has earned the admiration and
10 respect of Department of Public Service staff and of the
11 Public Service Commission.

12 And, whereas, Mr. Saxonis who is a renowned
13 expert and lecturer on Duke Ellington will now be able to
14 spend more time listening and lecturing about the great
15 music of Duke Ellington.

16 It is resolved that the New York State
17 Public Service Commission expresses its deepest
18 appreciation to William Saxonis for his leadership in the
19 Department of Public Service and his faithful service to
20 the citizens of the State of New York as demonstrated by
21 his unwavering commitment to the mission of the Commission
22 to ensure safe, secure and reliable access to electric,
23 gas, steam, telecommunications and water services for all
24 of New York's residential and business customers. In
25 absentia, Bill.

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2 And I have one more item. Again, a serious
3 one. April is Safe Digging Month. And it is essential to
4 be mindful at all times of the importance of good
5 practices, good safe practices especially for excavators
6 and contractors, when they dig in the state to make sure
7 they do the right thing which means to call one of the
8 state's toll free one call centers but start -- before
9 starting any excavation or digging project.

10 And since it's important to be mindful of
11 it all year long, it's especially important when we have a
12 dig safely month to take extra care, to pay attention to
13 it and spread the word. This is a matter of life and
14 death. And we don't need any of -- any of the latter. So
15 please do your best to spread the word and remind
16 everybody it's very important. Thank you.

17 With that I adjourn this session. Thank
18 you very much.

19 (Off the record 11:40 a.m.)

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2 STATE OF NEW YORK

3 I, HANNAH ALLEN, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 45, 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 26th day of April, 2018.

11

12

13 HANNAH ALLEN, Reporter

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