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STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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REGULAR MEETING OF THE PUBLIC SERVICE COMMISSION

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Thursday, November 14, 2013  
10:39 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York 12223-1350

COMMISSIONERS:

AUDREY ZIBELMAN, Chair  
DIANE X. BURMAN  
GREGG C. SAYRE  
PATRICIA L. ACAMPORA  
GARRY BROWN

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2 CHAIR, COMMISSIONER AUDREY

3 ZIBELMAN: Good morning, everyone. Going to call  
4 the session of the Public Service Commission to  
5 order. Secretary Burgess, are there any changes to  
6 the agenda?

7 MS. BURGESS: Good morning.

8 There are no changes to the agenda this morning.

9 CHAIR ZIBELMAN: Okay. So we're  
10 going to be changing things up a bit today. We  
11 have a -- actually, a very full agenda, and we're  
12 going to be getting a -- the beginning actually  
13 with the regular agenda as opposed to the consent  
14 agenda.

15 And to begin with, today we're  
16 going to be addressing a number of issues related  
17 to storm preparedness for the utilities.

18 The -- as -- as everyone is  
19 aware, in the wake of Hurricane Sandy and -- and  
20 Irene and the other storms, the issues have --  
21 around the energy sector, at telecom sector, gas  
22 sector, water sector around storm resilience has  
23 become a very critical issue. We're almost just a  
24 year post-Sandy. The Moreland Commission took a  
25 look at preparedness and, you know, clearly we're

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2 going to be looking at in the future a world where  
3 the ability of having weather-related incidences  
4 and the need to make sure our critical  
5 infrastructure is there for us, and -- and there  
6 for New Yorkers is immense.

7 I woke this morning and -- and I  
8 look at the paper and you look at the devastation  
9 that happened in the Philippines, and it's a sad  
10 and reminder of how weather can affect people.

11 And so for us we feel it's an  
12 incredibly important in our responsibility, and  
13 certainly I believe that the regulated entities  
14 agree that the public has -- needs to have  
15 confidence. That if these incidences happen, that  
16 we are all prepared.

17 So what we're going to be doing  
18 today is identifying the steps that are going to be  
19 taken across the various sectors we regulate. And  
20 it, you know, as -- as I think about the industry,  
21 we've always recognized from the standpoint of the  
22 electric utility industry, the ability to recover  
23 from both summer storms and winter storms as  
24 critical. But, we're also finding that it's  
25 equally important for all of us, in looking at gas,

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2 telecom, waters, essential -- as well.

3 And so what we're -- what we're  
4 going to do is we're going to start with Raj. Raj  
5 is going to be putting everything into context for  
6 us, and then we're going to go through several of  
7 the sectors. We are going to be taking things a  
8 little bit out of order, just to make sure  
9 everyone's awake.

10 And, so, we're going to beginning  
11 with Item 202, then we're going to go to 301, then  
12 201, then 101 and 501.

13 So let me start then with Mr.  
14 Addepalli and, Raj, can you just give us all  
15 basically a basic context of how we're approaching  
16 this?

17 MR. ADDEPALLI: Good morning.  
18 Thank you. Good morning, Chair and Commissioners.  
19 As you said, today we'll be dealing with many items  
20 focused on utility planning and restoration for  
21 major events that effect utility service on a  
22 widespread scale.

23 We'll address some of the  
24 activities that this Commission undertook recently,  
25 and what we are to do next in order to continue to

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2 improve reliability and service to customers.

3 As you said, we'll cover not only  
4 electric but also natural gas and telecom  
5 industries in the presentations today.

6 We'll also note the current  
7 practices with the water industry. It's fair to  
8 say that each industry is at a different stage of  
9 evolution in this process.

10 As we all know, the Commission  
11 has a long history of overseeing the implementation  
12 of the electric utility emergency plans. And in  
13 reviewing the performance of electric companies  
14 relative to major outages. The requirements for  
15 electric utilities are spelled out in Part 105 of  
16 our regulations.

17 Why have we focused on the  
18 electric industry so much over the years? And for  
19 several reasons. Many are perhaps obvious to most  
20 of us, but let me state them anyway.

21 First, virtually all consumers in  
22 the state have electric service and that service is  
23 vulnerable to virtually all storm conditions.  
24 Electric utility performance affects how many  
25 customers are affected and how quickly customers

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2 get service back on.

3 Second, as we know, electric  
4 service is a foundational service on which so many  
5 other aspects of community survival are dependent.  
6 Just look at pumping at gas stations. That's an  
7 example of how other critical services depend on  
8 electricity. We have seen how they are affected on  
9 a major scale in the most recent storm in some  
10 parts of the state.

11 Third, we have vast experience  
12 with the vulnerability of electric systems to wide  
13 scale disruptions as we experienced over the past  
14 decade from hurricanes, ice storms and snow storms  
15 which caused extensive damage to above ground  
16 utility systems.

17 We all know that in recent years,  
18 the frequency and the intensity of storms have  
19 increased, and the nature of storm impacts have  
20 changed it includes significant flooding damage  
21 which has adversely impacted underground equipment.

22 Recent examples include flooding  
23 from Lee upstate and Superstorm Sandy downstate.  
24 These flooding events have exposed additional  
25 vulnerability with underground electric, gas and

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2 telecommunication systems. These shifts in damage  
3 and impacts to customers have caused us to reassess  
4 and increase our focus on two aspects. First, as  
5 you said, what can we do to make the system more  
6 resilient to begin with, to withstand these major  
7 events and to reduce the frequency and duration of  
8 outages.

9 And, second, how can utilities  
10 improve their current emergency planning and  
11 restoration procedures and protocols? On the  
12 latter, let me quickly recount the activities the  
13 Commission took in the recent past in a three-prong  
14 approach.

15 In the first prong, in the spring  
16 of 2013, we escalated a review of electric  
17 emergency plans to make them much more rigorous.  
18 This is partly in response to new legislative  
19 requirements.

20 If you recall recent legislative  
21 changes to the public service law required the  
22 Commission to approve the emergency plans to be  
23 filed by utilities starting in December 2013 and  
24 give the Commission new powers to levy  
25 administrative penalties.

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2 The electric utilities filed  
3 their annual updates to the emergency plans in  
4 April 1. They were approved by the Commission with  
5 some modifications at the August 2013 session.

6 These approved and strengthened  
7 emergency plans are a foundation for exercising  
8 this new administrative power.

9 On a second prong, in April 2013,  
10 the Commission also introduced a performance  
11 scorecard which is designed to provide the more  
12 objective gauge of utility performance and  
13 execution of the electric emergency plans.

14 The scorecard is designed to  
15 paint a picture of utility performance in emergency  
16 preparation, restoration operation and  
17 communications.

18 The scorecard is an extension of  
19 and compliments the Commission's longstanding focus  
20 on electric system reliability and performance  
21 measurement. While the existing reliable  
22 diametrics ensure minimum performance during normal  
23 operating conditions, the scorecard and the  
24 emergency plans strengthen regulatory oversight  
25 with new measurements. And with that focus,

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2 expectations and ultimately accountability for  
3 performance when utilities are required to respond  
4 in the face of abnormal conditions.

5 On a third prong, the Commission  
6 has also taken action as a result of recent outages  
7 to address the consumer protections that should be  
8 applicable to customers affected by prolonged  
9 outages, as well as whether or not customers should  
10 be billed for the period in which they were out of  
11 service.

12 At the Commission's request,  
13 staff has been working on a statewide policy of  
14 these matters. Staff received comments on its  
15 draft proposal and will discuss our recommendations  
16 in one of the items coming up.

17 Now, moving on to the status in  
18 other industries regarding the gas industry, while  
19 the Commission's regulatory regime has long  
20 required gas utilities to prepare and file gas  
21 emergency plans, we are now escalating our review  
22 of them by subjecting them to a more rigorous  
23 scrutiny because recent severe weather events, in  
24 particular flooding damage, has highlighted the  
25 need for stronger emergency planning.

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2 We have an item discussing the  
3 next steps. And regarding telecom industry where  
4 companies operate in a complex federal state  
5 jurisdictional scheme with some entities clearly  
6 subject to the Commission oversight and others  
7 operating under federal jurisdiction. And, in  
8 contrast with the electric and gas companies, the  
9 telecom providers operate in a competitive  
10 environment.

11 In this arena, we have  
12 successfully used the largely cooperative approach  
13 both with the carriers and the F.C.C. where the  
14 carriers and the department have longstanding  
15 agreements to provide information to enable the  
16 Commission to assist the state in its overall  
17 efforts to manage major events.

18 It has also become clear that we  
19 need to forge a stronger relationship between and  
20 among the telecom carriers and the electric  
21 utilities to improve cooperation and outcomes for  
22 end users.

23 Finally, regarding the water  
24 industry, the New York State Department of Health  
25 as an extension of the state and federal portable

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2 water supply health contaminant requirements is the  
3 primary state regulatory body for oversight of  
4 content and thoroughness of emergency plans for all  
5 public and private New York State portable water  
6 suppliers.

7 The department staff does have  
8 access to the major private water utilities  
9 emergency plans. During major events, D.P.S. staff  
10 monitors and assists as necessary the utilities  
11 coordination efforts to restore full service.

12 A bit earlier I said there are  
13 two major efforts underway to help improve  
14 reliability and service to customers.  
15 Besides the increased focus on improving emergency  
16 planning and restoration procedures to improve  
17 reliability and service, utilities are also  
18 increasing their focus on system resiliency.

19 How can we incorporate resiliency  
20 features in the ongoing capital budgets that could  
21 improve reliability? While utilities have been  
22 doing this exercise for several years, it has taken  
23 on increased urgency in light of recent storm  
24 experiences.

25 A case in point is the ConEdison

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2 proposal in its rate case in front of the  
3 Commission to spend about a billion dollars over  
4 the next four years to harden the system.

5 In conclusion, in today's  
6 presentations we are moving the ball forward on  
7 many fronts. We'll start with the electric utility  
8 items first and then on to the consumer  
9 protections, and then on to gas and telecom items.  
10 That concludes my brief introduction. Chair.

11 CHAIR ZIBELMAN: Thank you. And  
12 before we move on to the individual items, is  
13 anyone -- any of the other commissioners have a  
14 comment you would like? Okay. We'll move on, but  
15 I -- I think safe to say that this is always going  
16 to be a work in progress in a sense is that this is  
17 an area where we will learn and continue to learn,  
18 and -- and obviously would -- would invite the best  
19 practices to be shared not only intra inter --  
20 industry but inter-industry.

21 So with that, Mike Worden, would  
22 you want to -- let's start with Item 202.

23 MR. WORDEN: Good morning, Chair  
24 Brown. Chair -- Chair Brown.

25 CHAIR ZIBELMAN: It's okay. We

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2 look alike.

3 MR. WORDEN: Actually, I thought  
4 of doing that wrong this morning, so I --.

5 CHAIR ZIBELMAN: Had you really?  
6 Was that a nightmare you had? You're living it.

7 MR. WORDEN: It was a nightmare.

8 MR. WORDEN: Okay. So let's  
9 start over.

10 CHAIR ZIBELMAN: It was your  
11 nightmare.

12 MR. WORDEN: Item 202 is on  
13 equipment sharing. In his state of the State  
14 address this year, Governor Cuomo identified the  
15 need for sharing of long-term capital assets in  
16 critical equipment for the mutual use of New York  
17 utilities.

18 This recommendation was also part  
19 of the 2100 Commission's Report.

20 In February of 2013, you  
21 instituted a proceeding to identify inventories and  
22 to start a collaborative process with the electric  
23 and gas utilities to review the possibilities for  
24 sharing of equipment. NYPA, LIPA and NYISO were  
25 also invited to participate in the collaborative,

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2 and they did participate.

3 The joint utilities consulted  
4 with staff throughout this process. And, we  
5 actually started this with a technical conference  
6 amongst all utilities and a large group of staff  
7 members on March 13th, 2013.

8 One of the first tasks that we  
9 had was discuss what equipment should be included  
10 in this because the -- the utilities have a lot of  
11 equipment that's really not pertinent to what's  
12 going on during these storm responses.

13 So, we kind of narrowed the field  
14 and, you know, many of the utilities we found  
15 already had certain types of equipment identified  
16 that they would use for storm response things.

17 So, we looked at lessons learned  
18 that they had and then we applied it to all the  
19 utilities, and we tried to make a uniform method of  
20 recording this information so that utility X could  
21 look at what utility Y has and make sense of it.  
22 The utility filed those inventories with us on  
23 April 15th, 2013, and then they started more into  
24 this collaborative process.

25 There were several mutual aid

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2 practices reviewed as part of this development  
3 effort. The first is E.E.I.'s spare transformer  
4 equipment program. It's called the STEP program.

5 This is something that's used and  
6 it's been around the industry for quite a while,  
7 and it's used for bulk power transformers. You  
8 know, so that's something that actually ConEdison  
9 and National Grid participated in with that  
10 program. So they brought their learnings from that  
11 into this.

12 National Grid has done a lot of  
13 work of sharing inventories between National Grid,  
14 the former Niagara Mohawk and its New England  
15 operations. So, they shared the lessons they learn  
16 there how to share equipment, and they've actually  
17 moved towards standardization of a lot of  
18 equipment. And then there's a variety of mutual  
19 assistance groups out there.

20 You know, the one we talked about  
21 all the time is the New York Mutual Assistance  
22 Group. That's actually now part of a larger North  
23 American mutual assistance group, but they're  
24 taking the lessons and -- and the protocols that  
25 these groups have used in the past and then they're

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2 strengthening them. There's really been a  
3 tremendous amount of change in these mutual  
4 assistance procedures since in the -- since Sandy  
5 took place a year ago.

6 There's also actually a -- what's  
7 called a national response event, which is a  
8 national mutual assistance thing that's going on as  
9 well. We're going to come back to that a little  
10 later. The -- the collaborative utilities filed a  
11 report with the Commission on June 3rd as was  
12 required in the order, and we reviewed those  
13 recommendations.

14 And we recommend that utilities,  
15 you know, based on this report, that they use their  
16 existing storerooms to maintain adequate supplies  
17 to be shared during these major events, maintain an  
18 inventory that includes all the companies so they  
19 can see what's out there as -- as they need to do  
20 it. And then essentially they need to develop the  
21 protocols and procedures for doing the sharing with  
22 them -- within them.

23 And I can say, a lot of work has  
24 been done on that. In fact, just a couple weeks  
25 ago we were reaching out to the utilities to talk

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2 about one minor thing we were trying to clarify and  
3 it was clear that they were having meetings on a  
4 regular basis for this. So we really think they're  
5 really up and ready to go.

6 The sale of this equipment needs  
7 to follow certain uniform practices or, you know,  
8 at least to follow the uniform accounting  
9 practices. Some of the key elements is that while  
10 this is starting with New York and -- and is  
11 focused on the New York utilities, we recognize  
12 that there's a need to look beyond New York.

13 Now, we are already taking into  
14 account, you know, you have National Grid. They  
15 have got a larger footprint, okay. So that larger  
16 footprint is kind of reflected in what's going on  
17 here. Same with the Iberdrola companies. But  
18 the -- coming back to the N.R.E. -- N.R.E. thing,  
19 that's a program that's going to be run nationwide  
20 for these major Sandy-type events.

21 It's -- it's not going to be  
22 applied on the smaller events, but only on these  
23 huge things. And there's efforts underway in that  
24 to develop a material-sharing program. So that's  
25 going to be part of this national thing. I think

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2 it's going to take more time to develop than what  
3 we've seen in New York. But it's coming down the  
4 road.

5 One of the things we're asking  
6 you to do in -- in the order before you is to give  
7 the utilities Section 70 approval for this  
8 equipment that's going to be transferred under this  
9 program. We think that's necessary just to make  
10 the whole process efficient and -- and not make it  
11 too cumbersome.

12 In parallel with this effort, the  
13 utilities -- individual utilities have updated  
14 their in-house material inventories and their  
15 prearranged vendor material arrangements. All the  
16 utilities have vendor arrangements, and sometimes  
17 they have a stockpile at the utility themselves,  
18 but other times they have stockpiles that are  
19 maintained at vendors. So, that vendor sharing is  
20 going to be brought into this umbrella thing as  
21 well. So they've been doing things to strengthen  
22 that.

23 Some specific activities they've  
24 done, ConEdison's vendors now maintain a six --  
25 six-month supply of certain inventory items that

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2 are used during emergency response. In the past it  
3 was a three-month supply.

4 National Grid and Central Hudson  
5 have increased their emergency and inventories by  
6 twenty percent and ten percent respectively.

7 NYSEG and RG&E have increased  
8 their electric emergency material inventories at  
9 vendor locations by eleven percent. And finally  
10 O&R increased the quantity of each stock -- each  
11 item stocked approximately five times what was  
12 stocked -- stocked pre Sandy.

13 The next steps we have is to  
14 finalize the storeroom of locations that they're  
15 going to use for this sharing stock. Some of the  
16 companies like NYSEG has like thirteen different  
17 locations, divisions within this territory and many  
18 of them are localized like the booster divisions.  
19 It's a small thing. It doesn't have room to store  
20 tons of equipment, but each of the companies has  
21 kind of a centralized location.

22 And, so, we'll focus on those  
23 locations as how to do this. But it, you know,  
24 ultimately it's up to the utilities to -- to figure  
25 out how to manage that.

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2 The draft order before you would  
3 ask them -- the utilities or direct the utilities  
4 to final -- finalize the unified protocols  
5 procedures and third-party vendor involvement  
6 within thirty days. The procedures and protocols  
7 at a minimum must include uniform accounting  
8 policies for the sharing of the critical equipment  
9 and supplies, a documented plan for communicating  
10 inventory levels and material changes that occur  
11 throughout the year, and an amended list of  
12 critical equipment in supply storeroom locations.

13 The utilities should consider  
14 their proximity to potential neighboring utility  
15 locations, a detailed breakdown of the equipment  
16 vendor involvement, including a list of vendors  
17 who've we've invited to participate during  
18 emergency events.

19 And, finally, provisions for  
20 periodic meetings of the parties to continually,  
21 discuss and develop best practices.

22 And I can tell you, you know, all  
23 those -- that sounds like -- like a lot we're  
24 asking them to do in thirty days. They're already  
25 doing this. This is a matter of dotting the Is,

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2 crossing the Ts and presenting it to us. But a lot  
3 of this work is already underway. There was an  
4 event today. I'm convinced they would do sharing  
5 or have that ability unlike they were able to do a  
6 year ago, so.

7 One final area I want to touch on  
8 is the standardization. The draft order doesn't  
9 recommend or doesn't direct the utilities to  
10 standardize this sharing practices. But it does  
11 urge them to work towards standardizing common  
12 materials that are shared over time. You know,  
13 I've had some involvement with National Grid when  
14 they merged with the New England operation. And --  
15 and some knowledge of -- of the work that it's  
16 taken to standardize it is -- it is difficult but,  
17 you know, it became -- kind of looked for  
18 low-hanging fruit of things that can be done.

19 I think it's something worth  
20 pursuing as we go forward, so that concludes my  
21 presentation. If you have any questions I'd be  
22 happy to answer them.

23 CHAIR ZIBELMAN: Thank you. Let  
24 me open it up for questions from my fellow  
25 commissioners. I'll just start with the left,

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2 Commissioner Brown.

3 COMMISSIONER BROWN: Yeah, thank  
4 you, Mike.

5 This is -- I think it was useful  
6 getting the various utilities together talking. I  
7 think the success of this has already begun just by  
8 convening them. And, you know, obviously, I think  
9 you've made some really good findings that one  
10 central area does not make sense because if that  
11 central area is vulnerable then we've got a big  
12 problem. So a lot of good suggestions.

13 To follow up on the Chair's  
14 admonition that this is a -- is a process that  
15 we're going to have to keep going, and I mentioned  
16 this in the briefing, but it's something I'd like  
17 perhaps for us to follow up on; is certainly it was  
18 a year ago that I just got from my -- my stint  
19 watching the outages and -- and all that went with  
20 it.

21 And I think perhaps in retrospect  
22 one of the most frustrating parts of it was the  
23 whole staging processing lodging part of the -- of  
24 the whole event. Getting those crews to the area  
25 was one huge issue, but then getting them to the

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2 point where they could work in the area ended up  
3 being word of mouth, seven or eight hours of  
4 processing time, before some of the trucks could  
5 actually get there.

6 Staging areas were designed for  
7 kind of the traditional storms, and then when you  
8 had this superstorm where you got many more crews  
9 than anybody ever envisioned, I know there was a  
10 lot of creative on-the-run staging going on, which  
11 is great. But, obviously, I think we could do more  
12 there.

13 And then just finding lodging for  
14 some of these people was, you know, people were  
15 driving a hundred, a hundred and twenty-five miles  
16 to do the work which means they're not stringing  
17 lines, they're driving the trucks.

18 And all of it seemed to be done  
19 on an individual utility basis. ConEd took care of  
20 ConEd, LIPA took care of LIPA. Maybe O&R and ConEd  
21 worked together. NYSEG worked with NYSEG -- and  
22 especially where upstate where NYSEG and National  
23 Grid service territory interlocked so much and  
24 downstate where, you know, four or five different  
25 utilities served customers, I would there might be

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2 some opportunities to improve that in the future.

3 And I know that wasn't the charge  
4 this time around and I'm just suggesting it as a  
5 follow up set of work that we might -- might  
6 consider, because that was frustrating watching  
7 trucks sitting in a -- a parking lot sometimes when  
8 crews were ready to go.

9 MR. WORDEN: Yeah. We're going  
10 to talk a little bit about idle time in the next  
11 item. But I -- I think we share your concern with  
12 that. And -- and somehow we need to get the  
13 utilities to work together to try to -- to improve  
14 that process. Obviously there's been lessons  
15 learned from last year and they have implemented  
16 some of them, but, you know, I'm not sure that they  
17 shared across each other as much as it be useful to  
18 do.

19 COMMISSIONER BROWN: And I know  
20 that was not the charge of this item, so I'm saying  
21 this not as any way as a criticism but as a follow  
22 up.

23 CHAIR ZIBELMAN: I -- I think  
24 just to add a point to that, I think the whole  
25 issue as I saw it, of access and road access even

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2 with access to inventory, I think we're going to  
3 have need to continue to look at, because as I  
4 recall from reading the Moreland Report and some of  
5 the -- the concerns it raised -- got raised as is  
6 the fact that people weren't contemplating how do  
7 you deal with the fact when you roads down and you  
8 have crews trying to get in and things like that.

9 So, I think there's a broader  
10 issue of, you know, how do you get people to where  
11 they can do -- call to solve problems, and if you  
12 have inventory, how will we know. I mean, we're  
13 obviously there but are we going to coordinate with  
14 the roads and make sure that people can get to the  
15 inventory and get it out where it needs to go as  
16 well. So I'm -- I'm sure there's -- for every --  
17 for every resolution there's probably ten sets of  
18 questions that we're going to -- we're going to  
19 have to continue to think about.

20 MR. WORDEN: I -- I do know  
21 the -- the question about the logistics in -- in  
22 and of itself is something that you're talking  
23 about on this national responsive entry and trying  
24 to, you know, see how they can share that kind of  
25 stuff.

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2 But I think there's -- there are  
3 opportunities for doing that within New York as  
4 well.

5 CHAIR ZIBELMAN: Let me just turn  
6 to Commissioner Acampora.

7 COMMISSIONER ACAMPORA: Thank  
8 you.

9 Mike, if -- if you would also  
10 elaborate a little on how we deal with NYPA and  
11 LIPA and NYISO as we don't regulate them, but  
12 how -- what is their participation and, you know,  
13 the encouragement to work with the utilities on  
14 this also.

15 MR. WORDEN: Okay. You know, as  
16 a practical matter, NYISO doesn't have a big role  
17 in this because they don't really own equipment  
18 that's shared and stuff. But they do have a role  
19 in terms of coordination, what's going on and  
20 stuff. So, you know, they are participating. You  
21 know, they've been very cooperative in what they've  
22 done with this.

23 With regards to LIPA, you know,  
24 they're participating and, you know, I do think we  
25 kind of have a hook into them down the road with a

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2 change in, you know, our participation of them.

3 And, you know, we actually have talked to them some  
4 about some of the things we're doing in New York.

5 And I think they're receptive to -- to some of that  
6 stuff. And, you know, I think -- I think they're  
7 going to have some -- some new ideas, maybe  
8 different ideas.

9 And, you know, we get -- we get  
10 kind of like an old boys' club to some extent, you  
11 know. People have seen stuff going and a lot of  
12 the same people, and I think they may give a -- a  
13 fresh perspective that maybe we can learn from.  
14 And I think we're looking forward to that.

15 CHAIR ZIBELMAN: I -- I would --  
16 I would anticipate that public service -- that  
17 we're going to hear some of the practices from New  
18 Jersey as well.

19 MR. WORDEN: That's -- that's  
20 exactly what I'm saying.

21 CHAIR ZIBELMAN: And the  
22 experiences they are moving into now.

23 MR. ADDEPALLI: Just on the --  
24 let me elaborate on the ISO involvement. Last year  
25 during Sandy, obviously the ISO was monitoring all

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2 the bulk power systems and generator stations, and  
3 they have kept us up-to-date daily or even more  
4 frequently than that. And at times they have asked  
5 us for our help when generating stations were down.

6 And to the extent there were  
7 State actions that could be taken to help, they did  
8 reach out to us and we did reach out to the right  
9 authorities here. So it was a pretty cooperative  
10 working relationship.

11 MR. WORDEN: And -- and NYPA's,  
12 you know, they're totally voluntary but they've  
13 been very cooperative. They've been right in the  
14 mix of -- of this stuff. You know, it's -- it's  
15 something. It's kind of like the mutual  
16 assistance. NYPA's not really that involved in  
17 mutual assistance because they -- they don't have  
18 the kind of crews that are normally shared they've  
19 got transmission crews. But on other matters,  
20 there's stuff done in the state and they  
21 participate, and this is -- is one of them.

22 MR. ADDEPALLI: Just -- let me  
23 just elaborate on the NYPA front too last year they  
24 did help getting all the public power companies to  
25 assist, reached out beyond New York, beyond the

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2 country, in fact. And helped in the restoration  
3 operation.

4 COMMISSIONER ACAMPORA: Well,  
5 I -- I know in one instance during Superstorm  
6 Sandy, American Water Company had a problem with a  
7 large truck that somehow had landed on top of a  
8 manhole cover and was slowly sinking as everything  
9 was flooding. And they did not have the equipment  
10 and actually the Office of Emergency Management was  
11 very quick to deploy a piece of equipment to come  
12 and help out with -- with that problem.

13 So as the Chair said, this is a  
14 continuing, ongoing process. I mean, you know,  
15 every -- after every storm, we always find out new  
16 information, things we can do better. But I think  
17 we're off to a good start here. Thank you.

18 CHAIR ZIBELMAN: Commissioner  
19 Sayre.

20 COMMISSIONER SAYRE: While we're  
21 talking about follow up and, again, this is an item  
22 for the future and not something that's -- that's  
23 really directly a part of -- of this item that  
24 you've presented. I heard loud and clear from a  
25 number of telecom companies after the storm that

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2 their biggest problems were unstandardized  
3 credentials, so that, in particular, cable T.V.  
4 companies and to a lesser extent the cellular  
5 companies were having trouble getting past the  
6 police lines because they weren't being recognized  
7 as critical utilities, which -- which they are  
8 increasingly in -- in today's world.

9 And access to fuel for all  
10 utilities. I think there's some opportunities  
11 working together, not just with the electric  
12 companies, but across all of the utilities in case  
13 there is a shortage of diesel or gasoline, as there  
14 certainly was with Sandy.

15 MR. ADDEPALLI: Okay. Thank you.

16 MR. WORDEN: Yeah, I mean, that's  
17 something we -- we certainly will look at going  
18 forward.

19 CHAIR ZIBELMAN: Commissioner  
20 Burman.

21 COMMISSIONER BURMAN: Thank you  
22 for your presentation, Michael.

23 I am struck by this item and  
24 clearly, you know, this started with the initial --  
25 with the storm and -- and looking at the different

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2 items. But March 13th you entered into the  
3 collaborative working with folks. And, as you said  
4 throughout this that the utilities are already  
5 stepping up and doing many of these things. And  
6 this will be something that they will continue to  
7 have a significant focus on.

8 You know, this is very, very  
9 important, and I think the fact that you engaged --  
10 the staff engaged with the utilities and looking at  
11 what they're doing not only with their own utility  
12 but with each other and then the neighboring  
13 states, so that there can be sharing is very  
14 important.

15 Do you do actual onsite visits to  
16 these locations?

17 MR. WORDEN: We've been to many  
18 of them. We didn't do any specific ones as a  
19 result of this, but in our past travels we've --  
20 we've been to many of them.

21 COMMISSIONER BURMAN: Okay.  
22 That's very helpful I think. And -- and I just am  
23 very supportive of -- of continuing the dialogue  
24 and working with them and to the extent it is  
25 appropriate for standardization I think that's a

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2 good thing.

3 Obviously, there will be things  
4 that are not able to be standardized. And I -- and  
5 I appreciate that there's a recognition of that in  
6 working with the utilities. Good job.

7 MR. WORDEN: Thank you.

8 CHAIR ZIBELMAN: Thank you. Just  
9 a couple follow up questions.

10 Could you just elaborate on  
11 Section 70, what we're -- what we're doing there?  
12 Either you or -- or Mr. McGowan.

13 MR. WORDEN: Yeah. Mr. -- Mr.  
14 McGowan. Thank you.

15 MR. MCGOWAN: Yeah, Section 70  
16 requires the -- the Commission to approve the  
17 transfer of work systems, and during a -- a crisis  
18 where they're trying to transfer this inventory,  
19 this item recommends that the Commission give  
20 preapproval for that. So that they can more  
21 efficiently transfer these assets consistent with  
22 the public service law in a crisis event.

23 And I think the -- the entire  
24 regime that we have here facilitates that and the  
25 accounting practices will facilitate doing that in

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2 a manner that is consistent with ratepayers  
3 interests.

4 CHAIR ZIBELMAN: And that -- that  
5 would also apply to inventory of vendors?

6 MR. MCGOWAN: Yes.

7 CHAIR ZIBELMAN: Okay.

8 MR. WORDEN: This isn't high tech  
9 stuff we're -- we're generally talking.

10 CHAIR ZIBELMAN: You're talking  
11 about just raw materials.

12 MR. WORDEN: Yes.

13 CHAIR ZIBELMAN: Cable and --.

14 MR. WORDEN: Cable, poles.

15 CHAIR ZIBELMAN: Right.

16 MR. WORDEN: Trans -- small  
17 transformers not -- not the big things. Small  
18 ones.

19 CHAIR ZIBELMAN: I -- and then  
20 couple things. One is is that I think as  
21 Commissioner Burman said, I -- I do think the  
22 concept of uniformity would be great. I understand  
23 having gone through two mergers with utilities,  
24 when you have different operating companies that  
25 it's challenging because what people are used to,

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2 but if you don't start you'll never end, you'll  
3 never get there.

4 So I think we need to continue to  
5 work on where we can get that uniformity because it  
6 helps quite a bit.

7 And then it just seems to me that  
8 a lot of the concern that we're hearing, and -- and  
9 I think we -- we are, as we said, this isn't a  
10 marathon that's going to be won. We continue to  
11 run, but is around logistics. And I think we've  
12 done a great job. But I'm wondering and I'd -- I'd  
13 like staff to consider it and then come back to us,  
14 if whether or not we should be thinking about just  
15 the whole issue of logistics, not -- not just  
16 related to the electric utilities but also the  
17 telecom, moving people, lodging.

18 Have we had it to, you know,  
19 covered? Are there other things we should be  
20 doing? Maybe thinking about a -- a further  
21 technical conference next year around these areas  
22 and where we can think about a best-practice  
23 sharing, because it seems to me that that's a --  
24 that certainly doesn't matter if it's telecom,  
25 water, electric, roads, it -- it's just getting

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2 people where they need to go, so.

3 But with that, thank you very  
4 much for a well-done report. I'd like to ask for a  
5 vote then on Item 202. All in favor.

6 COMMISSIONERS: Aye.

7 CHAIR ZIBELMAN: Thank you.

8 Okay. Then turning to the next item is Item Number  
9 301. Am I right? Yes. And is that you again?

10 MR. WORDEN: That's me again.

11 CHAIR ZIBELMAN: All right.

12 MR. WORDEN: So good morning,  
13 Chair Zibelman.

14 Thank you. The scorecard was  
15 developed in the context of changes this past  
16 spring to the public service law which require  
17 increased oversight of the utility emergency  
18 planning and response, including a new authority  
19 for the Commission to assess civil pen -- penalties  
20 against the utilities. Staff has actually been  
21 considering the concept of the scorecard for  
22 several years.

23 Think this was in the aftermath  
24 of Long Island City back in 2006, and we've been  
25 working on some concepts about this, you know,

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2 since that time. But this work was accelerated and  
3 deepened by our experience with Superstorm Sandy  
4 and tropical storms Lee and Irene.

5 The scorecard is a new and  
6 quantitative tool for measuring the utility  
7 preparation for performance during and response to  
8 storms, natural disasters and other events which  
9 cause major outages.

10 It's one of the first of its kind  
11 in the country, and is an innovative response to  
12 the difficulties which may be associated with the  
13 evaluation of utility storm response.

14 I would note that it's untested,  
15 and it's likely to evolve as we gain more  
16 experience with its results. It is meant to drive  
17 future performance in utility storm response and  
18 resiliency.

19 In addition, I would note, I  
20 think Raj touched on this earlier, it would not  
21 supplant our existing reliability performance  
22 mechanisms. Those are more blue-sky things that  
23 are more controllable by the utility. We have  
24 indices for frequency and duration, safety-cady  
25 (phonetic spelling) that we're always talking about

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2 of performance. And that doesn't include the major  
3 storm events are excluded from those metrics.

4 And the reason for that is you --  
5 you lose the underlying performance if -- if you're  
6 just looking at storm events, so that's why we do  
7 that. And those metrics themselves are just not  
8 suitable for, you know, measuring performance in  
9 the storm. And I would note that this was a pretty  
10 wide effort. Staff from not only O.E.G.W. but  
11 Office of General Counsel, Office of Consumer  
12 Policy, Office of Consumer Services, Office of  
13 Accounting and Finance and Office of Regulatory  
14 Economics participated in this devolvement.

15 I want to give you a quick  
16 overview of the proposed scorecards. It's based on  
17 a total of a thousand points. You know, there was  
18 no really rhyme or reason for that, other than it  
19 made it easier to add up as opposed to being a  
20 hundred points. There are three primary categories  
21 that we have in -- in the scorecard; preparation,  
22 operational response and communication.

23 You know, obviously if a utility  
24 doesn't prepare or take steps initially before a  
25 storm is coming, when they know that it's coming

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2 or, you know, just have your plans in place then,  
3 you know, they're not going to perform as well. We  
4 found that, you know, operational response clearly  
5 is important in restoring service, but  
6 communication is also critically important. And,  
7 you know, they can do a great job in -- in  
8 restoring service and if they communicate poorly  
9 they didn't do a very good job.

10 We have a breakdown of the points  
11 just to give you a sense of the relative importance  
12 of the categories. Preparation is a hundred and  
13 fifty points, and that was increased from what the  
14 scorecard that was released for notice in response  
15 to the parties. It was previously a hundred  
16 points.

17 Operational response is five  
18 hundred and fifty points. That was previously six  
19 hundred and we took a few points out of that  
20 shifted it in preparation. And communication is  
21 three hundred points. Now, I would point out that  
22 estimated times of restoration are part of the  
23 operational response category, and that's probably  
24 one of the more significant categories we have.

25 So even though it looks like

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2 operations is more than communication, if you  
3 consider the E.T.R. stuff, they're -- they're  
4 pretty evenly balanced in terms of importance. We  
5 would calculate a scorecard result for each major  
6 storm that's -- where customers are out for three  
7 or more days. And that's consistent with the --  
8 the regulation Part 105 that we have that requires  
9 the utilities to file a report with commission  
10 whenever there are outages more than two days.

11 In the attached order, the  
12 Commission would direct the utilities to provide  
13 staff with the data that would allow staff to  
14 compute what the score is for the metrics.

15 You know, it's important to point  
16 out, we're not just looking at this thousand  
17 points, but we're looking at the various metrics  
18 within that stuff. So, you know, as we develop the  
19 scorecard, you know, it's -- it's going to be a  
20 total evaluation of, you know, how they perform in  
21 each of the different categories. Part 105 reports  
22 would still be filed within sixty days.

23 I just want to give you a quick  
24 overview of the process we've had this far.  
25 Initially, the scorecard was put out for comment in

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2 April initially. We got comments from New York  
3 City and from the joint utilities. We had a series  
4 of meetings with those two parties, and then in  
5 August we put the scorecard out for further  
6 comment.

7 Subsequent to that, we received  
8 additional comments from the joint utilities and  
9 New York City.

10 Again, we -- we met with them in  
11 an effort to try to address their concerns to the  
12 extent we could, and -- and then we had the -- the  
13 revised draft which is before you today. I'd like  
14 to just walk through the comments and tell you how  
15 we recommend they be handled.

16 For the New York City comments,  
17 really three -- three comments. First New York  
18 City would like to have more events evaluated under  
19 the scorecard than what staff requires.

20 They suggest a three-prong  
21 approach for the trigger. One is duration.  
22 Whereas we're saying three days, they'd like it to  
23 be twenty-four hours. And then they have two  
24 categories.

25 If one is a two point five

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2 percent of the customers within an operating area  
3 are out of service, it would kick in the scorecard.  
4 And then up there if service is interrupted to one  
5 percent or more of customers for twelve hours. So  
6 that's kind of a combination percentage and -- and  
7 duration.

8 You know, staff -- staff is  
9 concerned that if we implement this three-prong  
10 approach that it would be implementing the  
11 scorecard inappropriately. A lot of the measures  
12 that are in there are really geared towards these  
13 longer events. So -- and we would also, you know,  
14 probably implement the scorecard quite a few times  
15 and it would be very difficult for not only us to  
16 evaluate but for the utilities to provide the data  
17 for us.

18 You know, we looked at a period  
19 of several years and -- and we'd be using a  
20 scorecard something like eighty times. And this is  
21 really set up and geared for these larger events.  
22 So, you know, at this time we think it's  
23 appropriate to stick with the three days. I mean,  
24 we can certainly reevaluate that as we get more  
25 experience with it.

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2 One change though in response to  
3 the city that we do recommend is that we change the  
4 threshold for network outages. We currently have  
5 as part of our R.P.M. for ConEdison a metric in  
6 there for major outages. Major outages for the  
7 networks are defined as anytime there's customers  
8 out to fifteen percent or more of the network for a  
9 period of three hours or more.

10 So, what that does is it kinds of  
11 gets away from a -- a short-term, switching-type  
12 thing. And -- but it focuses on, you know,  
13 significant outages there. And fifteen percent of  
14 the network outage is in -- in ConEd's territory  
15 is -- is significant, I can assure you. Now we  
16 recognize the scorecard would have to be flexible  
17 because many of the metrics in the scorecard would  
18 not apply for a network event.

19 They don't do the same kind of a  
20 reach out for mutual assistance and all that. And  
21 that's just something we'll have to learn with  
22 and -- and deal with during those events.

23 But the communication is -- is --  
24 is critical in those kind of networks events. And,  
25 so, for that reason we recommend that lower

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2 thresholds for the networks.

3 The city also asked to add a  
4 resiliency category. Although we didn't  
5 necessarily -- they didn't suggest a metric to do  
6 that. We think the scorecard is designed to drive  
7 performance and hopefully drive improvements and  
8 resilience. And if it doesn't, if -- if it doesn't  
9 then we probably need to tweak it to -- to improve  
10 things that do -- do drive resiliency.

11 So for now we recommend leaving  
12 it as it is but recognizing it's a learning tool,  
13 if we need more we'll respond to that.

14 Finally the city wants to apply  
15 the scorecard to gas and steam restoration  
16 components. And, you know, on the surface that  
17 sounds like a good idea, because performance is  
18 important whatever industry you're in. But, you  
19 know, right now we really have the experience --  
20 more experience in electric and we're going to try  
21 to see how this thing works in electric. And, you  
22 know, down the road, you know, it's something we  
23 could consider, consider recommending to you.

24 So the time really right now is,  
25 you know, is such that we think that the focus

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2 should be remain on electric. I just want to talk  
3 through some of the comments that the joint  
4 utilities have. You know, we've had -- I will say  
5 we've had numerous meetings with the joint  
6 utilities both in response to the April one and in  
7 response to the August one.

8 We met with them, you know, like  
9 every two weeks we were meeting with them on this.  
10 And then on the odd week we were meeting with them  
11 on emergency plans. So we've been getting a lot of  
12 face time with utilities.

13 And then wires down. The new  
14 public service law that requires thirty-six on a  
15 response time for wires down for the utilities. In  
16 the scorecard we have for shorter outages, ones  
17 three to five days long, we're putting in a  
18 threshold of eighteen hours.

19 And the reason we did that is  
20 that we feel in those shorter events that they  
21 should be able to respond in that amount of time.  
22 So, you know, the scorecard is driving performance,  
23 you know, it doesn't have to just meet.

24 The -- the joint utilities also  
25 say there are too many points aside the performance

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2 which exceeds expectations. And staff doesn't  
3 agree with that.

4 You know, we're really trying to  
5 drive performance. We're not just trying to get  
6 meets expectations, so we want to try to push the  
7 utilities on -- on that. You -- they want less  
8 subjectivity in the measurement criteria and, you  
9 know, we totally agree with them. We want as  
10 little subjectivity as -- as we can. And we met  
11 with them, we tried to refine them, you know, some  
12 things that they think are subjective we don't  
13 think they're that subjective.

14 So, you know, we're trying to do  
15 that. We agree with their goal and, you know,  
16 while I'm not sure it's exactly what they want, you  
17 know, we made improvements in those areas. They  
18 wanted to increase the preparation category. They  
19 just think it's more critical than the points we  
20 previously had, and we've done that.

21 The muni call metric -- we have a  
22 metric in there for muni calls and it -- it's  
23 probably one that's on the surface appears to be  
24 more subjective than the others. We've had some  
25 ratings. We rate them as being the calls as being

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2 effective, highly effective and that does involve  
3 some judgment. But, you know, we're pretty  
4 comfortable with that.

5 We -- we have people since the  
6 muni calls started, and this was back in like 2006  
7 time period based on something that NYSEG  
8 undertook, our staff people monitor these calls all  
9 the time, they're on the poles, you know, just  
10 listening, observing, seeing how they're going.  
11 And I think our staff is really developed a pretty  
12 good feel for what are the calls are doing what  
13 they need to do, so.

14 While on the surface that it --  
15 that does require judgment and it is subjective to  
16 an extent, I think we can do a pretty good job of  
17 that. The utilities want sixty days to submit  
18 scorecard data instead of the thirty that -- that  
19 we recommend.

20 You know, this is mostly just  
21 data. We recommend you stick with the thirty days.  
22 You know, frankly, the utilities need this data in  
23 order to be able to do their evaluation with their  
24 own performance. So, you know, we feel like in  
25 order for them to do the sixty-day report they --

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2 they're going to need this data in thirty days  
3 anyways, so we would recommend sticking with that.

4 You know, and there's -- there's  
5 always an opportunity that they can ask for an  
6 extension, if there's extenuating circumstances.

7 Finally, on crewing, the  
8 utilities do not want the crewing metric to apply  
9 this -- this what we call the national response.  
10 And, you know, that's an area we -- we really don't  
11 agree with on them. That's exactly the kind of  
12 sentiment we're trying to capture here.

13 So, you know, I think some of  
14 their concern is that they don't have as much  
15 control over what's going on when it's a national  
16 response event. But, you know, they need to do  
17 what they need to do to make sure they -- they  
18 respond appropriately. The utilities want to  
19 eliminate a training metrics. We do have a  
20 training requirement in Part 105 of the regulation.

21 This training metric that we have  
22 in here actually goes beyond that, and it basically  
23 says that if the utilities -- we're not telling you  
24 what training to do beyond what's in Part 105.  
25 But, if you have training programs you need to

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2 carry them out. So it's -- it's pretty  
3 straightforward.

4 I talked earlier, I mentioned  
5 something about idle time. We had an idle time  
6 metric in this and, you know, we do have a  
7 significant concern about idle time. It's  
8 something we really need to work on, but it's not  
9 something that's -- that's very measurable. And,  
10 you know, to ask them to send people out to monitor  
11 people to -- for the purpose of this metric, we  
12 think it's probably too burdensome right now.

13 I think we need to try to figure  
14 out other ways to deal with the idle time so. So  
15 that's something we're going to be reporting on to  
16 you in the future. And then finally utilities want  
17 to use two times the -- I'm not even sure I can  
18 follow my own note on this -- they want to use a  
19 different safety metric.

20 They want to use a safety metric  
21 that's based on their actual performance. And what  
22 we've done in -- in the safety thing, you know,  
23 safety's very important. But we're focusing and we  
24 tried to narrow the focus so it's -- it's just a  
25 small window of very serious accidents that involve

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2 actually working on facilities, okay.

3 So that's the narrow focus that  
4 we have here. And we have, you know, we -- we set  
5 it at zero because, you know, we're just not  
6 comfortable saying, hey, you know, it's okay for  
7 you to have four of these kind of injuries. So  
8 that needs to be their goal, you know. You know,  
9 if they don't meet it, well, we'll deal with that  
10 going forward, but we certainly want to send a  
11 message that the goal is no serious injuries.

12 But in closing the scorecard  
13 would provide guidance to the Commission for  
14 assessing performance as well as to utilities in  
15 assessing their own performance. You know, I want  
16 to emphasize again. I know we touched on it, but  
17 this is a new undertaking. As -- as such we expect  
18 to learn more as we implement the scorecard. And I  
19 fully expect we will be reporting back to you the  
20 effectiveness of the scorecard the first time we  
21 have a significant event. So hopefully that won't  
22 be very soon. Thank you.

23 CHAIR ZIBELMAN: Thank you,  
24 Michael. So let me just start as I know that this  
25 is a -- a tremendous effort. There are any -- any

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2 company that's looking at developing a scorecard  
3 for internal purposes of managing the organization  
4 normally hires consultants and pays them hundreds  
5 of thousands of dollars to -- to help them do this  
6 type of work. And it's -- it's a huge effort to --  
7 to start thinking about it.

8 I think that one of the things  
9 that we know from good business practices, the  
10 adoption of Six Sigma across most industries, is  
11 the recognition that if we don't measure it, you  
12 won't excel. And since we're looking at excellence  
13 at a time -- the critical time, it's -- it's  
14 incredibly important for us to have a thoughtful  
15 approach on how things should go when we are in an  
16 emergency.

17 And one thing I think we all know  
18 that the utility industries cares -- cares, thinks  
19 about and often prepares -- performs at its best  
20 in -- in emergencies. But what we're dealing now  
21 with is extreme situations and the ability for the  
22 industry to adapt and to adopt practices to deal  
23 with these extreme situations requires us to step  
24 back and say, well, what are the methods, what are  
25 the outcomes we want to achieve.

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2 But to me, even though it -- this  
3 is a big step forward, I think from a -- the  
4 perspective of where we want to drive the whole  
5 process of regulation in thinking about what are  
6 the outcomes we want to achieve, it still becomes a  
7 great measure of what are the desirable outcomes  
8 and have we achieved it.

9 One of the other aspects of my --  
10 I applaud you for recognizing this, is that any  
11 time you're setting up a scorecard or a K.P.I., one  
12 of the big questions you always have to ask  
13 yourself is I know I want to have the outcome, I  
14 think these are the metrics I have to use to be  
15 able to get to that outcome.

16 But once I measure it and I'm not  
17 achieving that outcome, maybe I have the wrong  
18 metrics. And I think it's going to be very  
19 important that we all are adults and professional  
20 about this and start thinking about this as we  
21 think we've got the right metrics today, but we  
22 won't know until we start using them and applying  
23 them and determining are we measuring the right  
24 things.

25 And if we're not, then we need to

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2 all step back and say, okay, what do we want to  
3 measure because it's easy to set the outcome. It's  
4 harder to -- to see what is the drivers that are  
5 going to get us there.

6 And I think the other thing that  
7 I think that you've identified in -- as really  
8 standard in -- is to think about the eighty twenty  
9 rule, which is basically, eighty percent of the  
10 problems you're going to solve are -- are by twenty  
11 percent of the efforts.

12 And I think understanding that we  
13 can measure everything, but we don't need to  
14 measure everything. We need to find the critical  
15 few that are going to be most important to drive  
16 the results that we want to get and will continue  
17 to work toward getting that critical few. Once we  
18 get there, I think, and as we're starting to  
19 proceed in looking at gas and telecom, it will be I  
20 think valuable to think about does this process  
21 help us drive to result and have outcomes that --  
22 that people want to achieve.

23 And I think that that -- that  
24 sets the tone of where we want to go, we were all  
25 on board. We all know where we want to be -- the

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2 outcomes to be. We want to know the results we  
3 want to get, and now we're going to start thinking,  
4 well, what are the things that we need to excel at  
5 to drive those results.

6 I would think to a person every  
7 utility executive, telecom executive in this room  
8 would say I'd run my business that way, so there's  
9 probably no reason why we would -- wouldn't want to  
10 drive this aspect of our business which we realize  
11 is so critical to do the same way. So I -- I think  
12 this is a great effort.

13 I -- I hope that it becomes  
14 actually a standard that other regulatory agencies  
15 look at as to how to drive results and -- and how  
16 the utilities can start thinking about where --  
17 where does excellence lie when it comes with storm  
18 preparedness and reactions to storms.

19 So, thank you and let me open it  
20 up for further comments. Let's start Commissioner  
21 Sayre.

22 MR. SAYRE: This is a terrific  
23 effort and I applaud staff for all your work that's  
24 gone into it. And I can say this is already  
25 achieving national attention. I've had a call from

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2 one commissioner in another state who asked for a  
3 copy the minute we release it, and expressed an  
4 interest in taking the words New York off the  
5 document and slapping the name of -- of that  
6 commissioner's state on instead.

7 CHAIR ZIBELMAN: Can we charge  
8 for that?

9 COMMISSIONER BURMAN: Thank you.  
10 So, I very much appreciate the efforts of this.  
11 And I think it's a really good thing to listen to  
12 all of the efforts that are being done to get it  
13 right. I really look forward to your hard work  
14 that, I'm sorry, you're given a lot on your plate,  
15 a bowl of different things because this is  
16 untested, and it is something that is really one  
17 tool.

18 And I think it's an important  
19 tool. And I think what I'm hearing from you is we  
20 will -- staff will, is cognizant of the fact that  
21 it's untested. And looking at it in the roll-out  
22 and reporting back to the Commission how it's  
23 working, and being flexible with what's happening  
24 on the ground that may need some changes or some  
25 understanding of what it's doing.

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2 So, I think it's very -- it's a  
3 great thing because it does have an ability for us  
4 to see if things are going well and to make sure  
5 that everyone's using this one tool as well as  
6 others to get to a good result.

7 So I think this is very, very  
8 good. I'm very happy to hear that staff does -- is  
9 cognizant of the flexibility that's needed because  
10 it is a new tool and instrument that we will be  
11 using.

12 And because I know, Michael, that  
13 part of why you're so good at your job is that you  
14 really do listen to what's happening and what needs  
15 to be utilized to do some of this implementation  
16 and the roll-out. I do know that this is just for  
17 the electric utilities, and I think that that's a  
18 good thing, especially because it is new and  
19 untested.

20 I think it's very important that  
21 we don't try to fit, at this point, other  
22 utilities, you know, the round peg in the square  
23 hole. Did I get that saying right? And that we  
24 really look into Raj and your introductory comments  
25 you talked about the fact that industries are at

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2 different stages in the evolution of this process.

3 And there are reasons why we don't treat each  
4 utility the same with each sector.

5 And I think that while there may  
6 be certain things that overlap that we can look at,  
7 I think it is important to really focus on what  
8 works and -- and why we're doing some things and --  
9 and you explained very nicely, Raj, in your  
10 introduction why there was such a focus on  
11 electric. And this I think is an important tool.

12 So I appreciate it and I really  
13 do want to hear how it's working.

14 Thank you.

15 CHAIR ZIBELMAN: Thank you.

16 Commissioner Acampora.

17 COMMISSIONER ACAMPORA: Thank  
18 you, Mike, that was an excellent presentation. And  
19 I'll be honest, when I first heard about the  
20 scorecard, I really scratched my head and wondering  
21 how the heck you were ever going to get this, you  
22 know, something before us.

23 But as usual you delivered to us  
24 a very worthy product and one that has the most  
25 important component that I think is my favorite

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2 word, flexibility. So that we know that if we take  
3 those steps and we have other emergencies, that we  
4 can adjust to make sure that the scorecard, you  
5 know, will be working.

6 I do want to ask when you started  
7 doing this, did you look into see what other  
8 states, if any other state had any scorecard or  
9 process like this?

10 MR. WORDEN: We're not aware of  
11 any other state that does. We are, you know, we  
12 are aware a couple utilities in New York that had  
13 some -- some elements of this that we used as a  
14 foundation but, you know, obviously we didn't  
15 have -- you know we asked the utilities if they're  
16 aware of any in other states. We didn't really get  
17 any feedback on that.

18 COMMISSIONER BURMAN: So I really  
19 think --

20 MR. WORDEN: Statewide -- the  
21 states --.

22 COMMISSIONER BURMAN: -- it's to  
23 your credit and the staff's credit, Raj and  
24 everybody who worked on this that, you know, we do  
25 blow our own horn and New York has stepped forward

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2 as a leader in making sure that we address these  
3 emergencies with a proper matter of the scorecard,  
4 which I think as Commissioner Sayre has said, other  
5 people will hear about this and they will be  
6 excited and hopefully this will go all around the  
7 country and -- so that, again, consumers and  
8 municipalities and the public at large will be  
9 better protected and the utilities will work more  
10 efficiently. So thank you very much.

11 MR. WORDEN: Thank you.

12 CHAIR ZIBELMAN: Commissioner  
13 Brown.

14 COMMISSIONER BROWN: Thank you,  
15 Mike, for the work here. This is a tremendous  
16 tool, and I'm going to emphasize the word tool.

17 And I think you've been  
18 emphasizing that. You know, since I've been here  
19 we've had probably dozens of these events. And  
20 after the events we get a lot of review of the  
21 event and we get a lot of, both, qualitative  
22 information and a lot of statistics that it's  
23 difficult to put into context of anything.

24 And this provides us, I think,  
25 the ability to put things into a context. I'm

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2 going to ask a very facetious question which I  
3 think you know the answer to. Is the score of  
4 seven hundred eleven good or bad? We don't know  
5 that yet. And so we're not trying to develop a  
6 tool here that we know all the answers. We're  
7 developing a tool that provides us some  
8 quantitative context. We're going to have to  
9 figure out what to do with that along the way.

10 And I just also want to ask the  
11 utilities to get back to us in a hurry if they feel  
12 any pressure to respond to the scorecard and not  
13 the event. I think we want to know that very, very  
14 quickly. We want them responding to the event, and  
15 we hope that the scorecard measures their  
16 efficiency in responding to the event, not vice  
17 versa.

18 And so as we learn to use this  
19 tool, really ask the utilities not to feel  
20 pressured that the first time through that there's  
21 going to be some, you know -- Peter mentioned  
22 that -- somebody mentioned the words penalties  
23 already.

24 This -- we got a long way to go  
25 before we're going to be able to take this tool and

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2 figure out whether that's a situation that requires  
3 some action on the part of the Commission.

4 So I ask the utilities  
5 cooperation here and get back to us if they feel  
6 that -- that pressure in any way to get a seven  
7 hundred and thirteen instead of a seven hundred and  
8 nine.

9 MR. WORDEN: Thank you, Garry.

10 We -- we -- we have had  
11 discussions with them about we want to make sure  
12 this doesn't create perverse incentives, and so  
13 that's important to keep our eye on that. You  
14 know, we'll have to do that during events.

15 CHAIR ZIBELMAN: Thank you. So  
16 I -- think that the -- the -- the message of this  
17 is clear. I think we all agree on -- on --.

18 MR. ADDEPALLI: I just wanted to  
19 acknowledge that Peter McGowan was the -- one of  
20 the first staff members who floated this idea of  
21 scorecard, so.

22 CHAIR ZIBELMAN: So he's the  
23 person we're going to ask.

24 MR. MCGOWAN: We're passing the  
25 buck.

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2 CHAIR ZIBELMAN: I figure that's  
3 how we got to a thousand because I know lawyers  
4 need round numbers.

5 But so -- but I -- I do think  
6 that -- that, you know, while this is a new tool  
7 for us to be using, it's a -- it's a tool that  
8 businesses and -- and organizations and even the  
9 state uses, which is if you don't measure it you  
10 can't exceed.

11 And what we need to do is make  
12 sure we're measuring and then we're looking and --  
13 and seeing, are we measuring the right things. And  
14 I think that's -- that's what -- what happens. And  
15 the objectivity allows us now then to start looking  
16 at are these the elements and that -- that they're  
17 going to get us the outcome. So it is -- it's a  
18 tremendous effort, and I do think that it's the  
19 type of thing that people look at New York to do  
20 sort of lead by example, and that's exactly what  
21 we're doing.

22 So, with that let me ask for all  
23 those in favor of the recommendation to approve the  
24 scorecard for use as a guidance document, to assess  
25 electric utility response to significant outages as

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2 described by Michael please say aye.

3 COMMISSIONER: Aye.

4 CHAIR ZIBELMAN: There appearing  
5 no opposition, with no opposition the  
6 recommendation is adopted. Congratulations and  
7 you're off the hot seat. So --.

8 MR. WORDEN: Never.

9 CHAIR ZIBELMAN: Well, for the  
10 moment. Returning to the next item, it's the third  
11 item for discussion which is Item 201 and that's  
12 the customer outage credit policies and other  
13 consumer protection policies relating to electric  
14 and natural gas services and outages.

15 Doug Elfner, who is the director  
16 of consumer policy will be presenting this. Doug,  
17 why don't we get started.

18 MR. ELFNER: Good. Thank you,  
19 Chair Zibelman, and thank you Commissioners. Good  
20 morning.

21 Shortly after Superstorm Sandy,  
22 the Commission asked staff to develop consistent  
23 statewide policy governing customer outage credits,  
24 the application of late payment charges and other  
25 consumer protections as they relate to the long

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2 electric or natural gas service outages. As well  
3 as how the costs of those outages should be -- cost  
4 of those policies including lost revenues should be  
5 recovered.

6 The Commission noted that in  
7 response to previous prolonged outages, there had  
8 been some variation in how utilities had addressed  
9 these issues. And the commission asked for a  
10 policy to help ensure consistency among outage  
11 events and among utilities. So staff developed a  
12 proposed uniform policy and issued the proposal for  
13 comment.

14 We also presented this issue at a  
15 commission session several months ago. We  
16 subsequently received another round of comments.

17 Joint utilities were mostly  
18 concerned about the practical ability to administer  
19 these policies as well as they wanted us to be very  
20 cognizant of the costs associated with the  
21 policies.

22 New York City asks that the  
23 policies not be too narrow, be broadened to the  
24 extent possible. So, we consider all these  
25 policies. And, again, as Mike said with his --

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2 with the scorecard project, this is a real team  
3 effort, just about every office in the department's  
4 represented and contributed to this -- this  
5 product.

6 The recommendation before you is  
7 that the commission issue an order establishing  
8 policies that would be applicable as a result of  
9 prolonged electricity outages which are defined as  
10 outages lasting more than seventy-two hours.

11 That's further defined in Part  
12 105 of our regulations. And this threshold is  
13 exactly the threshold that -- that Mike spoke  
14 about, utilities respond to that -- when -- when  
15 storms satisfy that threshold, utilities have to  
16 file reports demonstrating how they performed. The  
17 scorecard could be used as a tool and also these  
18 consumer policies would be applicable.

19 The policy contemplated in the  
20 draft order has two main parts. First, utility  
21 collection activities including assessment of late  
22 payment charges and termination for nonpayment --  
23 termination of service for nonpayment. And,  
24 second, regarding credits to customers who  
25 experience the prolonged outages.

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2 Regarding the first set of  
3 issues, the order establishes minimum requirements  
4 concerning suspension of certain business-as-usual  
5 utility activities related to credit and  
6 collection.

7 For electric outages exceeding  
8 three days, collection related activities such as  
9 service termination and assessment of late payment  
10 charges would be suspended for customers who  
11 experienced outages.

12 Those suspensions would apply for  
13 a minimum of one week measured from the time when  
14 the outages began.

15 For rare events such as  
16 Superstorm Sandy where there are widespread outages  
17 exceeding three days in duration, add widespread  
18 disruption or transportation and mail delivery, the  
19 minimum protections would be broader.

20 In those rare occasions, as  
21 determined by the Commission, the business-as-usual  
22 collective practices and late payment charges would  
23 be suspended for a minimum of fourteen days for all  
24 residential customers located in the affected  
25 areas, as well as for other customers who have been

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2 affected by the emergency.

3 The purpose of these policies is  
4 to provide customers affected by prolonged outages  
5 a reasonable amount of time to recover from the  
6 outages. The draft order also provides for  
7 flexibility, recognizing that there may be  
8 circumstances in which the protections or the  
9 duration of the protections should be modified.

10 The second main issue is customer  
11 credits for electric utility customers who are out  
12 of service for a period exceeding three days  
13 resulting from an emergency. Those customers would  
14 receive a credit on their customer charge  
15 apportionable -- proportionate to the number of  
16 days that the customer was out of service.

17 The purpose of this policy  
18 regarding customer credits is to avoid the  
19 imposition of these charges to customers who did  
20 not receive service. The recommendation is also  
21 that the utilities absorb the lost revenue  
22 associated with these customer charge credits.

23 This would require adjustment of  
24 the revenue to coupling targets for electric  
25 utilities so that utility customers do not

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2 eventually pay where those are operating.

3 I'll repeat again that this  
4 policy is applicable to long outages of  
5 electricity.

6 When we began this proceedings,  
7 there was consideration of applying it to prolonged  
8 gas outages as well. As was mentioned earlier  
9 by -- by Mike and Raj, prolonged out -- gas outages  
10 are relatively infrequent. Superstorm Sandy --  
11 Sandy was by far the worst experience that we've  
12 had in decades. In that case there were  
13 approximately twenty thousand customers that were  
14 out of gas service out of a population of about  
15 four million.

16 So the recommendation is to  
17 address the consumer policies that would -- that  
18 would be applicable to prolonged gas outages on a  
19 case-by-case basis.

20 As an aside, Commissioner  
21 Acampora and others have asked what -- what other  
22 states are doing on this. We took a look at this  
23 as well and didn't find a whole lot.

24 Saw one state that has a  
25 statewide policy for providing credits for all

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2 electric customers for prolonged outages. We see a  
3 couple other utilities here and there that have  
4 similar policies, but we believe New York would be  
5 the first to have not only a credit policy but also  
6 a policy applicable to the other consumer  
7 protections.

8 So in summary, the draft order  
9 response to the Commission's request for a  
10 statewide policy, we believe the draft order is  
11 balanced, reflects policies that could be  
12 implemented by utilities and reflects policies that  
13 are easy for the public to understand.

14 In addition, adoption of the  
15 recommendation would provide regulatory certainty  
16 for utilities, as well as assurance for customers  
17 who are dealing with the aftermath of prolonged  
18 outages.

19 So we're available for questions.

20 CHAIR ZIBELMAN: Thank you, Doug.

21 And I -- let me just start with I  
22 think that from what I could tell that after -- in  
23 the aftermath of Sandy and other storms oftentimes  
24 we would see utilities making, and I don't mean  
25 this in a per -- perjoratory sense, but add --

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2 having to make ad hoc decisions on what to do and  
3 senses of equity.

4 And then, of course, when folks  
5 are in crisis the last thing they want to worry  
6 about is, you know, having to pay their electric  
7 bill. So I think having a standard approach to  
8 deal with this is -- is very important and -- and  
9 it provides that certainty. And there's -- there's  
10 that balance. It's the balance of consumers fair  
11 interest, to not have to pay for a product they're  
12 not receiving and the need to have the utilities  
13 that are -- are financially stable, and I think  
14 we've -- we've achieved a balance.

15 And this theme, as like  
16 everything else we're dealing with today, we'll  
17 continue to watch this phase, make sure it's  
18 working as intended and -- and if not, we'll --  
19 we'll look for adjustments. So thank you for your  
20 work and let me open this.

21 Commissioner Acampora, would you  
22 like to lead?

23 COMMISSIONER ACAMPORA: Be very  
24 happy to. Thank you, Doug. Could we just go back  
25 before this as to what the utilities, how you

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2 worked with the utilities on collections and if  
3 this differs that much from how things were  
4 working?

5 MR. ELFNER: Maybe Sandra will  
6 want to add something as well, but -- but this  
7 proposed policy here is very close to what we did  
8 with the utilities in Sandy. It goes beyond in  
9 terms of the credits, way beyond what we had done  
10 before then. So on the collection front activities  
11 if Sandra wants to speak on that.

12 MS. SLOANE: Sure, I'd be glad to  
13 answer that.

14 I think starting in 2008, if you  
15 remember we had about five -- am I right,  
16 Michael -- Mike, five storms I think that year? It  
17 was 2008 was the big one. And we really started  
18 looking -- working with the utilities as to what --  
19 what they were doing in the field as these events  
20 occurred.

21 And, so, we started working very  
22 closely with them to make sure that any time there  
23 was an event, they were looking out for what was  
24 going on with the customers. They need to move  
25 crews so they're not going to have trucks rolling

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2 at that point. You don't want to have collection  
3 calls going in, but at the same time you want to  
4 make sure that customers once they're back up with  
5 their electric service running, that they have an  
6 opportunity to make payment plans to be able to pay  
7 their bills.

8 COMMISSIONER ACAMPORA: So, yes,  
9 we have been working very closely with the  
10 utilities. I think that this policy simply sets  
11 forth what they've been doing anyway and clarifies,  
12 as Doug said, what's going to happen in  
13 extraordinary circumstances.

14 And, of course, we are always  
15 working with the utilities regardless of the size  
16 of an event to make sure they are implementing  
17 proper collection procedures and we'll continue to  
18 do that.

19 And customers always have an  
20 opportunity whenever their financial circumstances  
21 change, regardless of whatever it is to contact a  
22 utility and to make it -- to make payment  
23 arrangements.

24 COMMISSIONER ACAMPORA: I --  
25 think that's important that we built upon with this

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2 policy now what we've done in the past. And to the  
3 credit of the utilities and to the department, in  
4 working with them. So that this has really not  
5 been an effort that, you know, everyone had to be a  
6 lot of pushing, tugging and, you know, carrying on.

7 It's because it, you know,  
8 basically had been done, but now we have a uniform  
9 policy, which I think is really important. And,  
10 again, credit to New York to make sure that  
11 consumer protections are there for the public in  
12 general and working well with our utility  
13 businesses. Thank you.

14 CHAIR ZIBELMAN: Commissioner  
15 Burman.

16 COMMISSIONER BURMAN: I was very  
17 glad, Chair, to hear your comments on the policy  
18 and making sure that if we look at it and see how  
19 it's working out in the field.

20 I know that the consumer folks  
21 have been doing a great job working with the  
22 utilities and the customers and making sure that we  
23 are addressing the needs that are there.

24 And so, you know, I think it's a  
25 very good one in that we do have a now statewide

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2 policy so there is some certainty, but at the same  
3 time we're cognizant that we don't want to cause  
4 any negatives. At least this was supposed to be  
5 positive, and so we really are glad that staff will  
6 be focused on that. And we thank the Chair.

7 CHAIR ZIBELMAN: Commissioner  
8 Sayre. Okay.

9 So with that all those in favor  
10 then thank you, Doug and Sandra, for this and all  
11 in favor of the recommendation to direct electric  
12 and gas -- I'm missing this. All those in favor of  
13 the customer outage policies. Aye?

14 COMMISSIONERS: Aye.

15 CHAIR ZIBELMAN: And unanimous.  
16 So move forward. Thank you very much. Okay. Then  
17 the next item is Item 101 which is natural gas;  
18 emergency preparedness. And Kevin Speicher is the  
19 chief gas \*\* talking about that.

20 MR. SPEICHER: Thank you, Chair.  
21 Thank you Commissioners. Good morning.

22 Hurricane Irene and Tropical  
23 Storm Lee, Superstorm Sandy and the flooding in the  
24 Mohawk Valley have highlighted a need for more  
25 robust gas emergency plans.

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2 Hurricane -- Hurricane Irene hit  
3 the state in August of 2011 followed a week later  
4 by Tropical Storm Lee in September this caused over  
5 eleven thousand five hundred natural gas service  
6 interruptions statewide.

7 Prior to these events, it was  
8 rare for gas utilities to experience service  
9 interruptions of this scale.

10 Superstorm Sandy made landfall  
11 downstate in Octo -- in -- on October 29th, 2012.  
12 This storm caused an even larger disruption to gas  
13 service as there was over twenty thousand gas  
14 service interruptions.

15 During the -- this past July, the  
16 Mohawk River crested an devastated areas up -- in  
17 upstate particularly in Herkimer and Oneida  
18 Counties. The severe flash-flooding event caused  
19 over three thousand natural gas service outages.

20 To put these recent outages into  
21 perspective, there were about three point two  
22 million gas services in the state.

23 Although we've seen dramatic  
24 increases over historic levels of outages during  
25 these recent events, by nature the gas system is

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2 generally very resilient but is negative affected  
3 by water.

4 Flooding causes damage to gas  
5 mains and to gas services. Each service regulator  
6 that has some -- that has been submerged needs to  
7 be replaced. Appliances in affected areas need to  
8 be inspected because of potential safety hazards  
9 associated with appliances that were submerged.

10 In addition, water intrusion into  
11 gas mains and services can have lingering effects  
12 causing sporadic -- sporadic outages in the weeks  
13 and months following the event. These needed  
14 replacements and inspections add time to the  
15 restoration process.

16 For example, in addition to the  
17 twenty -- twenty-five thousand outages seen during  
18 Sandy, thirty-eight thousand service regulators  
19 needed to be replaced and approximately twenty  
20 thousand low pressure services needed to be  
21 inspected.

22 During Sandy a lot of the  
23 response and restoration was performed with mutual  
24 aid crews from across the country and Canada. One  
25 issue raised by Sandy relating to mutual aid

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2 involved waiving the requirements for the operator  
3 qualifications of individuals performing covered  
4 tasks on pipeline facilities.

5 Our gas safety regulations  
6 required the gas operators to have written  
7 procedures that prescribed the conditions under  
8 which persons may be qualified to perform certain  
9 covered tasks.

10 These regulations add complexity  
11 to mutual aid situations because they restrict a  
12 utilities ability to use personnel to those trained  
13 to their own home utilities plan but not to the  
14 plan of the operator they will be request -- they  
15 will be assisting.

16 At the November 2012 session, the  
17 Commission provided temporary relief of these  
18 requirements. This past September the safety  
19 session held a pipeline safety seminar which  
20 included over a hundred sixty-five participants  
21 including staff, services of pipeline and hazardous  
22 material safety administration and natural gas and  
23 hazardous liquid pipeline operator personnel from  
24 across the state.

25 This three-day seminar

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2 includes -- included sessions on lessons learned  
3 from recent storms and included breakout sessions  
4 in which the overall group broke into five smaller  
5 groups to discuss -- discuss lessons learned and  
6 come up with best practices for emergency response  
7 activities. After the breakout sessions, each of  
8 the five groups reported back their results.

9 Staff took the results from the  
10 seminar and combined with current state and federal  
11 requirements PENSA (phonetic spelling) including  
12 advisory bulletins specifically addressing  
13 emergency planning and response and lessons learned  
14 from the previous -- from previous weather  
15 advancing developed the list of proposed gas  
16 preparedness best practices.

17 The goal of these best practices  
18 is to have the utilities begin to address storm  
19 related issues such as system isolation, outage  
20 management, communications, training,  
21 implementation of the incident command system and  
22 mutual aid prior to the next storm. Many of these  
23 best practices are already incorporated --  
24 incorporated into current emergency plans.

25 For example, the best practices

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2 asked the utilities to -- to address issues such as  
3 qualification of mutual assistance prior to the  
4 next event. We don't want to assume that the  
5 Commission will grant relief from the operator  
6 qualifications to the next event, so we would like  
7 them to address these prior to the next event.

8 We want them to increase  
9 communications with all stakeholders including  
10 customers and mutual aid local, county and state  
11 JAS government officials and including -- include  
12 these stakeholders in emergency drills when  
13 possible. We want them to look at adding critical  
14 valves to flood-prone areas to reduce the size of  
15 isolation zones, so that interruptions of service  
16 can be minimized.

17 We ask that the Commission order  
18 each gas utility to review its emergency plan in  
19 light of the proposed best practices, make  
20 revisions and file revised plans within sixty days.

21 L.D.C.'s and interested parties  
22 will also be invited to comment on staff's proposed  
23 best practices when the amendments to the plans are  
24 filed.

25 CHAIR ZIBELMAN: Thank you. So

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2 just to -- I want to just make sure that we put  
3 this in perspective. We've been working this --  
4 all the gas utilities have emergency plans, and now  
5 what we're doing is -- is specifically looking at  
6 part of that emergency plan and planning to deal  
7 with weather events, large storms.

8 So -- and really what we've done  
9 now, and I think it's important to, I think, Raj  
10 said this at the beginning, we realize that we've  
11 been working very heavily with the electric  
12 utilities. And I think that in terms of the curve,  
13 in terms of thinking about these issues we're  
14 further along on that curve than we are with gas.

15 But that -- in -- in coming up  
16 with these best practices, what we're doing is  
17 we're really identifying what we think -- with the  
18 proposal staff is that we'll -- is that the order  
19 will identify what the Commission thinks are best  
20 practices. And they'd like utilities to come back  
21 and let us know is that right, have we hit it  
22 right, are there things that we should change. Am  
23 I -- am I getting this right? Is that how you  
24 think this would work for you?

25 MR. SPEICHER: Yes, yes.

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2 CHAIR ZIBELMAN: So -- and -- and  
3 with this, and just like we've said with everything  
4 else, we're -- we're not so arrogant to think that  
5 we've got this -- the staff is not suggesting it's  
6 so right that we've got this right the first time  
7 and that we're really -- it's our -- our thoughts  
8 based on everything that's been heard and learned,  
9 and then getting some response back.

10 So we are inviting, as I  
11 understand it, the staff will order -- will be  
12 inviting comments back and for the utilities to  
13 really put their heads in it and say this is what  
14 we think needs to be done, so that's -- that's how  
15 you're saying this --?

16 MR. SPEICHER: Yes, I -- I -- I  
17 think we have a good starting product, but we do  
18 need input from other interested parties.

19 CHAIR ZIBELMAN: Okay. And --  
20 and so I would encourage the utilities to -- to  
21 think about this this way. Again, like everything  
22 else, we're never going to get to excellence unless  
23 we start somewhere. And -- and this I think -- I  
24 think what staff is proposing is a great start, but  
25 we -- we certainly invite further comments and

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2 discussion on this item.

3 At least I do, so I appreciate  
4 all the thinking and -- because like everything  
5 else, unless you have a strawman that people can  
6 shoot at, they won't shoot at anything. And I  
7 think this starts off as a -- as a very strong  
8 approach. So thank you very much for that. With  
9 that let me open it for further comments.

10 Commissioner Brown.

11 COMMISSIONER BROWN: Yeah. I  
12 just -- Kevin, I think you -- you've kind of  
13 started this point and Mike alluded to it early  
14 but, you know, for my first five years here we had  
15 what I would describe as tree events.

16 Tree events caused by wind, tree  
17 events caused by snow, tree events caused by ice,  
18 and the good news is tree events really don't  
19 affect the gas system very much because everything  
20 is underground and most of the time it withstands.

21 Then in the last year you pointed  
22 to at least four -- or the last two years, at least  
23 four different major flooding events, and they  
24 cause a whole different set of issues, especially  
25 for the gas system.

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2 So you can't just simply take the  
3 experience from the electric system and say let's  
4 now apply it to gas because it's a whole different  
5 system and it's a whole different outage problem  
6 related as you pointed to pipes and basement damage  
7 and, you know, concerns that are there.

8 So this, I think, is about  
9 standing up for the -- trying to -- it's almost  
10 reinventing, you know, emergency plans because  
11 things that you do in the electric system just  
12 cannot be easily transferred to the gas system.

13 And this is -- this is  
14 complicated balances that you're trying to maintain  
15 between reliability and safety and -- and  
16 risk-taking and -- and what's the right thing to  
17 do.

18 So I think it's an excellent  
19 thing that we get all our gas utilities thinking  
20 about this. Maybe we'll get lucky and won't see  
21 flooding events for another five to ten years, but  
22 I don't want to count on luck.

23 And I'd rather count on planning,  
24 and I think this is a really important effort. So  
25 as the Chair points out this is a -- a starting

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2 point to get the discussion going, but I think it's  
3 an excellent starting point and really important  
4 that we think about our gas system vulnerabilities  
5 in a way we hadn't previous to what's happened in  
6 the last few years.

7 MR. SPEICHER: Thank you. And I  
8 do want to point out that the utilities were or the  
9 gas industry and -- and hazardous liquid industry  
10 were involved in the breakout sessions at -- at the  
11 seminar in September, but they did -- they have not  
12 seen this final product. So it is important for it  
13 to get their feedback also.

14 CHAIR ZIBELMAN: Commissioner  
15 Acampora.

16 COMMISSIONER ACAMPORA: Thank  
17 you, Kevin. And I agree with everything that  
18 Commissioner Brown just stated. My concern is, and  
19 I hope it's taken into consideration, that when  
20 this comes again before us with some more  
21 recommendations, is that when we've seen the  
22 devastation of a gas system that just fixing it I  
23 don't think is good enough. I think that we have  
24 new technology today, that we want to make sure  
25 that it is improved upon rather than just plain

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2 fixed the old way.

3 I think it's really important. I  
4 mean, gas is one of those issues that we said we --  
5 we can't accept anything other than zero tolerance  
6 for the safety of when there could be a gas  
7 problem.

8 MR. SPEICHER: National Grid out  
9 on Breezy Point they did a lot of replacement out  
10 there, replacing old main with new main. And they  
11 upgraded the system so that will help to keep the  
12 water out of the system. They did miles, we're not  
13 talking feet. They did miles on -- on Breezy Point  
14 we're seeing the similar type of thing and  
15 companies are well on their way to adding leak  
16 prone -- replacing leak prone pipe in flooded  
17 areas and we -- we --.

18 COMMISSIONER ACAMPORA: Yeah,  
19 we -- we know the technology has improved since  
20 some of these systems were installed many, many,  
21 many years ago. So, I would hope, again, that, you  
22 know, we use the most up-to-date technology to make  
23 sure that the system is hardened as best as  
24 possible.

25 MR. SPEICHER: Yes. And there

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2 are those other technology that's been looked at  
3 specifically that will recognize services that are  
4 under water and automatically shut off. So that's  
5 very promising.

6 COMMISSIONER ACAMPORA: Right.

7 MS. SPEICHER: It's undergoing  
8 some testing -- further testing.

9 COMMISSIONER ACAMPORA: Good.  
10 Let's lead again.

11 CHAIR ZIBELMAN: Thank you,  
12 Commissioner Sayre?  
13 Commissioner Burman.

14 COMMISSIONER BURMAN: Thank you.  
15 Kevin, I didn't know you very well until a few days  
16 ago, and I'm sorry that you probably wish that  
17 still stayed the same. But, I appreciate the work  
18 you're doing and I know that out in the field  
19 people like working with you, even though you press  
20 them hard, and I think that's a good thing.

21 I think that it's important for  
22 the process that there are now these staff  
23 recommended best practices that folks, interested  
24 parties will be able to comment on.

25 And I think this is really a

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2 question for Peter McGowan, it really seems like  
3 there's a few opportunities for comments, not only  
4 in the emergency plans but in, you know, comments  
5 that they would have to the best practices at this  
6 point.

7 MR. MCGOWAN: There is  
8 definitely -- I think this is a good evolution of  
9 this item. If we put these proposed best practices  
10 out, let -- let the industry and others comment on  
11 them.

12 At the same time we are trying to  
13 get the gas utilities to amend their gas plans and  
14 move as far as they think they should be, because  
15 in the real world we operate and we have to operate  
16 and we can't wait, and the plans are critical for  
17 them and us and other stakeholders to have in the  
18 event we have a situation.

19 So, there -- there may be further  
20 opportunity to get comments on the plans after we  
21 absorb the amended plans and the comment on the  
22 best practices.

23 COMMISSIONER BURMAN: Okay. All  
24 right. So that's actually -- that sounds like to  
25 me there's several layers then of opportunity. And

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2 if I understand it, normally the emergency plans  
3 and -- and I know it might be different for each  
4 utility, but generally when are the plans filed  
5 each year?

6 MR. SPEICHER: We require them to  
7 be reviewed annually not to exceed fifteen months,  
8 but generally that process takes place in January.

9 MS. BURMAN: Uh-huh. And do you  
10 work with them beforehand?

11 MR. SPEICHER: We -- we would get  
12 there -- we would get the amended plans thirty --  
13 at least thirty days prior to implementation so if  
14 we do have comments on that or suggestions, if  
15 they're not meeting current regulatory  
16 requirements, we would get that -- give the -- give  
17 them feedback.

18 COMMISSIONER BURMAN: Okay.  
19 Great. Great. Thank you. Appreciate it.

20 CHAIR ZIBELMAN: Commissioner  
21 Sayre.

22 COMMISSIONER SAYRE: One  
23 question. I -- I've been hearing some comments  
24 that sound like we're looking for comments from  
25 others than the utilities on our proposed best

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2 practices.

3 Just as a technical matter,  
4 looking at the ordering paragraphs, I think we  
5 might want to add some provision for comments.

6 MR. MCGOWAN: The -- this was an  
7 idea that I think Commissioner Burman has been --  
8 and I finally kind of got it. That, yeah, we  
9 should be making these best practices available.

10 So we are going to have to modify  
11 the words in the order to broaden it up to invite  
12 comments. And we'll have to figure out what  
13 service list we use, so that we serve this on a  
14 broader group. So, yes, it will be revised to make  
15 sure we accommodate that.

16 CHAIR ZIBELMAN: So, I mean,  
17 basically I think from what we've heard and I --  
18 I -- I think Kevin and staff you -- you heard this  
19 sort of the concerns where we are. I think we're  
20 all -- from what I believe it's -- it's so  
21 incredibly -- incredibly important that -- and as  
22 Commissioner Acampora said is this is one area  
23 where there has to be zero tolerance for safety  
24 problems, particularly if you think of the  
25 dreadfulness of the storm and having to worry about

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2 that. And having thought through what we do --  
3 what we need to do to be prepared and making  
4 certain that all the utilities have in place I  
5 think provides that necessary focus.

6 Again, unfortunately it's the  
7 events of the past, recognizing that the effect of  
8 flooding and we're -- we didn't -- people never  
9 thought about it because it always was trees down,  
10 that we have to deal with.

11 And I think particularly now as  
12 we look at gas extensions, as we're looking at  
13 converting from oil to gas, the importance of  
14 making certain that the gas system is safe and  
15 secure at all times has -- has become even more  
16 important all -- and greater recognition.

17 So appreciate this and I think I  
18 look forward to the comments that public parties  
19 and -- and outside parties and how do we make this  
20 the best gas system in the country.

21 So thank you very much. I'd like  
22 to take a vote then. So, all those in favor of the  
23 recommendation to direct gas utilities to review  
24 their emergency plans in light of the recommended  
25 best practices, make revisions and follow revised

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2 plans within sixty days, as well as to comment  
3 third parties on best practices as has been  
4 described by Mr. McGowan and Kevin Speicher please  
5 say aye.

6 COMMISSIONERS: Aye.

7 CHAIR ZIBELMAN: Hearing no  
8 opposition. And there being no opposition the  
9 recommendation is adopted. Thank you.

10 CHAIR ZIBELMAN: Just next --  
11 next item that we're going to talk about is with  
12 respect to telecommunications. And Mike Rowley  
13 who's our chief of the network reliability is going  
14 to be addressing what we're proposing -- what the  
15 staff is proposing to do there. So thank you,  
16 Mike, and let's go forward.

17 MR. ROWLEY: Good morning, Chair,  
18 and Commissioners.

19 Item 501 present -- provides the  
20 overview of the telecommunications network  
21 restoration following Sandy. As we've heard, Sandy  
22 was probably the most significant weather event to  
23 hit New York State. Certainly the impact in the  
24 Metropolitan New York City area and Long Island was  
25 of particular concern, you know, and as we heard

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2 earlier, that is the -- the area of -- of the state  
3 where there is the most concentrated underground  
4 telecommunications network.

5 So, it did have a severe impact  
6 on -- on not only the landline traditional  
7 telephone networks, but also the cable television,  
8 T.V. and video and voice networks and also the  
9 wireless network.

10 The slide shows some of the  
11 damage that occurred and -- and the resulting  
12 service lost. Again, there was extensive storm  
13 surge damage. This is something that we've -- I  
14 wouldn't call it a new phenomenon but it was -- it  
15 was just of a scope and scale that we were -- were  
16 not used to.

17 Water inundation caused a lot of  
18 cable and electronics damage and we did experience  
19 wind damage mostly on Long Island that took down  
20 poles and cabling causing outages. One of the  
21 bigger problems or challenges for tele-  
22 communications companies was the loss of commercial  
23 power. So, not only were they dealing with their  
24 own physical damage to their network but the  
25 reliance on commercial power caused some outages.

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2 But as we did experience, the  
3 ones that were caused by commercial power those  
4 services restored quickly thereafter when power was  
5 restored. So, the resulting service impacts, there  
6 was well over five hundred thousand landlines at  
7 peak out of service. Our subsequent analysis  
8 probably puts that up even higher to about seven  
9 hundred thousand.

10 We also saw a significant impact  
11 to the wireless network. Approximately twenty-five  
12 percent of the network in -- in the affected areas  
13 in New York City, Long Island, and Westchester were  
14 out of service at one point during the storm and --  
15 and the dates following. And that's about  
16 thirty-five hundred cell sites. Again, primarily  
17 they lose power and also the back up -- the back  
18 haul communications networks that the wireless  
19 industry relies on was -- was an issue.

20 On the cable side, there was  
21 extreme outages. Two -- you know, nearly two and a  
22 half million subscribers out at peak, but that was  
23 immediately following the storm. And -- and those  
24 restored quickly when -- when power was restored  
25 except for some of the, you know, more subscriber

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2 dropped lines and cables that had to be fixed. But  
3 that was certainly not as bad as the power loss  
4 which caused those outages.

5 Despite the damage sustained by  
6 the telecom networks and the resulting impacts,  
7 what we experienced following Sandy and -- and some  
8 of the other big storms was the massive emergency  
9 response and -- and the need for emergency  
10 communications became critical.

11 And, just as an overview, staff  
12 also oversaw some of the long term restorations  
13 following in the months after Sandy.

14 Again, the -- the areas that were  
15 primarily underground, lower Manhattan, some of the  
16 outer Burroughs and Long Island required a -- a  
17 more long-term restoration.

18 If -- if, you know, there's a  
19 silver lining to the -- to the storm it was that in  
20 some areas we saw the accelerated migration from  
21 copper to fiber which certainly will improve  
22 overall network resiliency going forward and also,  
23 you know, it allows customers more advanced  
24 services.

25 The next slide shows we tried to

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2 plot the restoration of electric with some of the  
3 telecom segments. You know, the observation here  
4 as I spoke about is the reliance of cable on power.  
5 You saw that those -- the trend in restoration  
6 followed that, mirrored that of electric. So you  
7 had a lot of outages in the beginning and then  
8 it -- it -- it -- it followed the electric  
9 restoration path.

10 As far as the industry segments,  
11 wireless, even though they took a big hit in their  
12 capacity in the beginning, we saw a rather quick  
13 restoration. That's mainly due to their ability to  
14 provide portable power when -- when they could get  
15 into access areas and also bypass some of the --  
16 the back haul problems they were experiencing.

17 Want to go to slide four, it  
18 shows some of the wireless restorations and outages  
19 by county. And you see some of the areas that were  
20 really hit hardest were -- were Suffolk, I'm sorry,  
21 Nassau and Staten Island. But as -- as the crews  
22 got in there to -- to provide portable generation  
23 we saw significant improvements in a short time.

24 The other interesting little blip  
25 there was a week later when Nor'easter Athena hit

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2 and it -- it caused additional outages and -- and  
3 companies had to shut down their -- their temporary  
4 solutions in order to protect their facilities.

5 But then as that passed, you know, the quick  
6 restoration followed.

7 Want to go to slide five now.

8 Some of the highlights that --  
9 that staff observed during the restoration, there  
10 was minimal impact on the 911 network. That's --  
11 that was key, you know, for -- for emergency  
12 responders and for the public. You know, those who  
13 did have dial tone were able to call 911 and that's  
14 in large part due to some of the initiatives that  
15 this Commission put in place over a decade ago with  
16 regard to network diversity and powering for  
17 standalone requirements for critical facilities.

18 Staff provided a lot of  
19 assistance at -- at the State of Office Emergency  
20 Management and assisting FEMA. There is a -- a  
21 huge multi-state and federal agency response.  
22 Again, the massive deployment of -- of mobile  
23 communications apparatus to -- to support their  
24 emergency response, you know, companies were  
25 requested or -- we saw a lot of deployment of the

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2 decals and the colts (phonetic spelling) and  
3 cellular charging stations, that was big. And some  
4 of the Wi-Fi hot spots that were set up in areas  
5 where, you know, there was a -- a complete lack of  
6 communication ability.

7 So staff spent, again, a  
8 considerable amount of time assisting the State of  
9 Office of Emergency Management in handling the, you  
10 know, hundreds of requests that we -- that came in  
11 for mobile assets.

12 And, you know, there's -- you --  
13 you just can't ask for these things. There's --  
14 there's a lot of coordination just to get them into  
15 the theater so-to-speak and then coordinate with  
16 the landline and the power companies to make sure  
17 that the -- the back haul support is there to -- to  
18 provide those emergency services.

19 We witnessed a significant  
20 company workforces and materials deployed following  
21 Sandy. Staff felt that companies generally did  
22 a -- did a pretty good job in that regard, but as  
23 Commissioner Sayre mentioned earlier, there was --  
24 there were some challenges.

25 In many instances, repair

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2 technicians experienced difficulties accessing  
3 damaged areas and obtaining fuel to replenish  
4 generators. There was also some issues, especially  
5 out in Long Island, in repairing some of the, you  
6 know, ancillary damage when some of the power  
7 companies or and others and -- and municipalities  
8 would cut into lines that were already fixed and,  
9 you know, the need for coordination became  
10 apparent.

11 Another positive that we saw were  
12 companies expanded their use of interim services to  
13 customers just to maintain connectivity. You know,  
14 so -- so despite their impairments to the network,  
15 connectivity was sustained with, you know, things  
16 like free call forwarding, you know, wireless home  
17 phone connect and -- and, you know, data packages  
18 were -- were given to customers, most of them free  
19 of charge, while the companies restored their  
20 network.

21 We also observed improved  
22 communication with customers during the event  
23 through the expanded use of social media, websites  
24 and texting. And then after -- after the -- the,  
25 you know, first couple of weeks and months of the

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2 storm, restoration staff then began to focus its  
3 efforts on the long-term reconstruction that was  
4 being in New York City and Long Island.

5 This -- this slide just shows  
6 some of the observations that were apparent. Some  
7 of them before the storm, but certainly highlighted  
8 during the storm and after. Resilient  
9 communication networks are essential to emergency  
10 responders and citizens during storms.

11 Just the ability to, you know,  
12 given the devastation, the ability just to connect  
13 from -- and to, you know, tell people you're okay.  
14 I mean, that's -- that's the most important thing  
15 to some people following a storm.

16 We also saw the increased  
17 interdependence of the communications and electric  
18 networks. And, you know, it used to be telephone  
19 relied on electric and -- and -- and now we're  
20 seeing that electric relies on telecommunications  
21 more than ever. So, there's mutual benefits to be  
22 had with better coordination.

23 Wireless networks, obviously,  
24 they rely heavily on the -- on their landline  
25 communications partners. So, you know, we want

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2 to -- we saw some of the diversity there that  
3 really helped during the storm.

4 And, again, you know, the  
5 communica -- we can't stress this enough, the  
6 communication and coordination between the utility  
7 segments is -- is really necessary for efficient  
8 restoration.

9 Next slide. So, following the  
10 months of, you know, early in the year we started  
11 to gather the information necessary to -- to put  
12 together a report. It included some of the, you  
13 know, real time outage information we were getting  
14 from companies, our -- our duties at the State of  
15 Office of Emergency Management. We also conducted  
16 several inspections on Long Island and New York and  
17 throughout the state of damage by our -- our field  
18 inspection unit.

19 And, then, in the spring we -- we  
20 asked companies to provide us their post-storm  
21 assessments which were received by about sixteen  
22 companies, all the major telecom, cable and  
23 wireless companies participated in that.

24 And one of the other events that  
25 was mentioned earlier that -- that was instrumental

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2 was the -- the technical conference with -- among  
3 telecommunications and electric utilities that were  
4 conducted in May and that should be 2013. Where,  
5 you know, the representatives from all these  
6 industries they just got together and talked and --  
7 and said, hey, can we do this better. And, you  
8 know, without the, you know, the regulatory stigma  
9 to it. You know, it was just an open conversation  
10 and I -- I think we're starting to see some of the  
11 benefits of that already.

12 Based on all the information that  
13 we received, we -- we came up with some of our  
14 recommendations, mostly again on emergency plans  
15 and coordination. You know, we expect that the  
16 emergency plans of not only the telephone companies  
17 but the cable and wireless segments will  
18 incorporate some of the operational improvements  
19 and lessons learned from the storm.

20 We know that the companies are  
21 reviewing their abilities to -- their -- their  
22 inventories for portable generation and manpower.  
23 And the other big thing is refueling contracts.  
24 And as Mike mentioned earlier these are -- you  
25 know, these are best done under blue-sky

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2 conditions. And we -- we know that there are some  
3 improvements there.

4 Want to go to the next one?

5 Again, the -- the coordination  
6 with electric utilities which is already under way.  
7 One of the big things that the companies addressed  
8 at that conference was the ability or -- or the  
9 need to identify critical infrastructure that might  
10 need priority restoration. And, you know, it -- it  
11 requires a real honest look at your network and,  
12 you know, to say, hey, I -- I need this cell site  
13 up, you know, if it's covering a -- a -- a big, you  
14 know, a large area, or -- or even a small area, but  
15 where that service is critical.

16 So they -- they -- we could  
17 improve some of that priority of the restoration.  
18 I think what Commissioner Brown mentioned does  
19 still occur, there is a bit of a siloing that goes  
20 on and -- and everyone's just focused on their own  
21 network. But we really need a little bit more  
22 coordination.

23 The other thing that came up and  
24 is being worked on is the sharing of outage  
25 information. Telecommunications companies, because

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2 of their reliance on electric that -- there's the  
3 good and the bad, they're able to detect outages  
4 all the way to the customer perim. So, you know, I  
5 know companies are working on protocols to work  
6 with the electric industry to improve their, you  
7 know, situational awareness when there -- when  
8 there are wide scale outages.

9 We all -- you know, companies  
10 should be reviewing their backlog capabilities.  
11 Battery backup and -- and fuel-cell technologies  
12 have -- have advanced just in the last two years  
13 and, you know, we would expect companies to pursue  
14 that. I know that some companies have already  
15 taken steps to redesign their -- their low-lying  
16 critical facilities above flood levels. Others  
17 have made investments in additional equipment but,  
18 you know, such as the generators and microwave  
19 equipment and other tools to enhance the network  
20 stability during storms.

21 Companies are also using advanced  
22 fuel-cell technologies to improve service and --  
23 and data center resiliency. And, they're doing it  
24 in a much more environmentally friendly way, so  
25 that's another positive.

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2 With regard to interaction with  
3 company -- with customers in the previous slide,  
4 you know, there are some improvements we think  
5 companies could make with regards to clarifying  
6 outage credit policies. You know, that's something  
7 that I think the -- the telephone and cable  
8 companies -- we have it defined better in our  
9 ranks. But it -- it was a little unclear with some  
10 of the cellular companies.

11 And, again, there's always  
12 improvements that's needed with -- with outage  
13 reporting, real-time outage reporting during an  
14 event. It's a little frustrating when you have to  
15 chase down companies and -- to get -- real-time  
16 information when you're -- when you're trying to  
17 support the emergency response.

18 And then finally the last  
19 slide -- so what are the next steps? We intend to  
20 post our report and have companies respond to staff  
21 on -- on the recommendations within sixty days  
22 and -- and any, you know, other initiative they've  
23 already taken to address some of the -- the issues  
24 that staff reports on.

25 We're going to continue to

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2 improve the coordination with the electric industry  
3 through the sharing of contact information. I  
4 believe that's already completed. The next phase  
5 of that work will include, you know, actually how  
6 to find the -- the coordination that's going to  
7 take place during a restoration. And, you know,  
8 what protocols are necessary to identify the  
9 critical infrastructure for priority restorations.

10 And, again, the sharing of outage  
11 information across industries would provide a -- a  
12 mutual benefit we do believe.

13 Staff will also be working with  
14 the other New York State agencies and the F.C.C. to  
15 improve network resilience and the sharing of  
16 outage information. I know Commissioner Sayre  
17 mentioned the credentialing issue. That's maybe  
18 not an issue for -- you know, we're finding within  
19 our department but we certainly at every  
20 opportunity we try to work with the New York State  
21 agencies and -- and -- and the F.C.C. to improve  
22 that.

23 That concludes my report and I  
24 would gladly take any questions.

25 CHAIR ZIBELMAN: Thank you,

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2 Michael.

3 Let me just ask with one  
4 question. Looking at these -- the -- all the  
5 various areas that you've identified where there  
6 could be opportunities for improvement. Has the  
7 staff started to think in terms of priorities? I  
8 mean, on the theory that we can't do everything at  
9 once well?

10 What -- what would be the ones  
11 that you would say -- suggest or think that are  
12 priorities to address first? I'm -- I'm not asking  
13 for the answer --

14 MR. ROWLEY: Right.

15 CHAIR ZIBELMAN: -- but have you  
16 started to think in terms of prioritization?

17 MR. ROWLEY: Well, I -- I think  
18 we're really encouraged by the participation we got  
19 with the -- with -- with the coordination with  
20 electric.

21 I think that's where we're going  
22 to get the biggest bang for the buck and, you know,  
23 if we can get improvements there I -- I don't know  
24 how many times I heard when we asked some of the  
25 companies, well, you know, how can you improve your

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2 network resiliency.

3 CHAIR ZIBELMAN: Right.

4 MR. ROWLEY: And they said, well,  
5 give me a better power break or give me better  
6 power capability. So I think that's where we  
7 try --.

8 CHAIR ZIBELMAN: Coming back to  
9 the other Michael's fault?

10 MR. ROWLEY: I wouldn't say their  
11 fault but, you know, I -- I think they -- the  
12 telecom companies do a good job in -- in the things  
13 that they can control. Like they can send as many  
14 trucks in the field, so long as there's fuel. It's  
15 the things that we would like to see them improve  
16 on is, you know, not focusing on -- only on their  
17 network but on the -- the bigger network. And I --  
18 I think, you know, with the electric utility --  
19 utilities are seeing very -- we're seeing  
20 improvement there. So it's encouraging.

21 CHAIR ZIBELMAN: Okay. Well,  
22 thank you. And first of all to the -- it's a very  
23 good report. It's comprehensive and I think  
24 it's -- you've identified a lot of areas.

25 Clearly as we move towards more

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2 digitalization of the power grid, this  
3 interconnection between the communication  
4 infrastructure and the electric infrastructure and  
5 the needs for both to be able to respond well in  
6 all situations is going to become even more  
7 important.

8 And also mindful as we're  
9 starting to think about how we support the  
10 telecommunications grid with distributed energy  
11 also plays into what we're trying to do on the  
12 electric network. So I think increasing that  
13 communication level and making sure we're not  
14 siloing or thinking between industries is going to  
15 be very important.

16 And thinking about how we use our  
17 various programs around energy efficiency and using  
18 distributed resources and how they can support  
19 effectively both industries, it becomes a -- a  
20 great tie-in for what we're looking to do around  
21 building resiliency throughout the systems, not --  
22 not just individual systems. So I think these are  
23 all good approaches.

24 I would ask that as you're  
25 soliciting comments from various parties on how we

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2 proceed, I think it is going to be useful to know,  
3 as we prioritize, where should we be prioritizing  
4 from the perspective of solving the biggest amount  
5 of problems and then working it down. And -- and  
6 perhaps it all can be done at once but it might --  
7 my fear is is that we try to take on everything and  
8 then things don't happen.

9 So I'd like to get some thoughts  
10 on that. With that let me turn it over to the  
11 other commissioners. Commissioner Sayre.

12 COMMISSIONER SAYRE: I would  
13 agree with Mike that there's a lot of bang for the  
14 buck in telecom electric coordination. Mike, you  
15 gave a lot of good examples of how, for example,  
16 cable T.V. companies know exactly what  
17 neighborhoods their cable boxes are out and could  
18 provide that data if there were a way to do it to  
19 the electric companies who without smart meters  
20 don't know with that level of granularity where  
21 their power is out.

22 Then there are other things as  
23 simple as the -- the cable and -- and telecom  
24 companies want to know where the power crews are  
25 going in their restoration effort so that they can

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2 follow behind quickly and restore service as soon  
3 as the power is out of the way, as well as keep an  
4 eye on the out-of-town crews.

5 I heard a complaint from one  
6 cable T.V. company that they lost more fiber in the  
7 course of restoration by out-of-town electric crews  
8 who were cutting away the trees and putting up the  
9 power lines because the -- the cable T.V. fiber was  
10 kind of wrapped into the tree, but it was working  
11 fine until it got cut in the restoration process.

12 And it's good to have the cable  
13 people there to -- to watch that going on. But  
14 there are significant technical roadblocks to  
15 making this work because of the -- the widely  
16 divergent outage reporting and -- and repair  
17 management systems from utility to utility and  
18 from -- from industry to industry.

19 And the -- the balancing act is  
20 going to be to expect the utilities to assign their  
21 smart operational and I.T. people to figure out how  
22 this information can flow without spending a -- a  
23 lot of megabucks on systems changes. But at the  
24 same time getting it done.

25 And, I -- I very much support the

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2 light regulatory touch that staff is now applying  
3 to this process, but it should be understood, I  
4 think, that the Commission will be ready, willing  
5 and able to -- to exert a regulatory push, if  
6 things don't move along expeditiously.

7 COMMISSIONER BROWN: Just one  
8 quick comment related to the scorecard.

9 You know, that's an interesting  
10 analysis that cable was cut to restore electricity.  
11 And our scorecard it provides an incentive to get  
12 the electricity on quicker and they get more points  
13 that way, and if they have to take out twenty-seven  
14 cable systems to do so, that's probably not exactly  
15 where we want to go.

16 MR. ROWLEY: That's -- that's  
17 exactly what I was thinking when I was hearing the  
18 earlier presentation. But, again, I -- I think  
19 with better coordination, you know, prior to the  
20 storm that, you know, that should improve it.

21 CHAIR ZIBELMAN: Thank you,  
22 we're -- we're getting worn down. You're lucky  
23 that you're at the end, Mr. Rowley.

24 So this is an informational item  
25 at this point. I think as -- as Commissioner Sayre

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2 said to look at the report. I think our -- our  
3 goal now is to -- is to get things started, make  
4 certain that we're -- we're moving into the right  
5 direction and then we'll take it from there. So  
6 thank you very much.

7 I think that's the -- the end  
8 then of the regular agenda. So we're going to be  
9 moving into the consent agenda. But before we do  
10 so a couple things I -- I wanted to -- to note  
11 because they've been matters on earlier agendas and  
12 I think it's important that we -- we update. One  
13 is the 315 area code.

14 We've learned that, you know, we  
15 had -- we had proceedings because we were concerned  
16 about the -- the potential for disruption that  
17 would be created when a new area code was added.  
18 And, we -- but at this point what we've heard from  
19 the agency that as we -- that looks at the -- works  
20 on these, the federal agencies is is that they're  
21 not worried about exhausting at this stage.

22 And, so, we're going to suspend  
23 this proceeding with the understanding that we're  
24 going to continue to work to make certain that  
25 we're -- we're not caught flat-footed. We have an

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2 approach if, in fact, that becomes an issue.

3 But -- and that we could restart the proceeding  
4 if -- if we have to and do it quickly.

5 I think at the same time one of  
6 the things there's, you know, lessons learned here  
7 for us as we worked with these agencies is  
8 understanding, and I know staff is already working  
9 on, is what's the level of our authority, what's  
10 the federal authority, how can we better improve  
11 this process so it doesn't create this disruption  
12 and concerns that we created?

13 And so even as we're working on  
14 this particular issue, there's a broader issue with  
15 just understanding how do we deal with those things  
16 better. Because there -- I think there was a lot  
17 of consternation that -- that created that became  
18 unnecessary, but more importantly, a lot of  
19 confusion as to who does what and when. So we'll  
20 be working on that.

21 The other thing that -- any  
22 comments on that from any of the other  
23 commissioners or staff?

24 COMMISSIONER BURMAN: I -- I have  
25 a comment. I think that's a very good thing. I'm

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2 very glad to hear that we're suspending this in  
3 light of the information from the feds and looking  
4 at what we can do in the future, so.

5 Thank you very much, Jerry. I  
6 appreciate it.

7 CHAIR ZIBELMAN: Thank you. And  
8 the other thing I wanted to update everyone on is  
9 we had a matter before us regarding gas  
10 odorization. There's been a settlement, and I  
11 think it's important that we identify basically, I  
12 think, a great -- a great outcome, and, Peter,  
13 would you want to just brief -- brief us on that?

14 MR. MCGOWAN: Sure. As you may  
15 recall a couple of months ago, we did reach a  
16 settlement with Talisman where we were able to get  
17 agreement for Talisman to begin to odorize their  
18 lines. There were two issues that arose as we were  
19 doing that.

20 One was how to apply our  
21 regulation, which dealt with -- which has an  
22 exception for gas that's en route to storage.

23 We are -- are thinking that what  
24 we will do is examine a rewrite of the rule. So  
25 we're in the process of doing that. But, we want

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2 to see if there are other aspects of the rule that  
3 should also be modified at the same time. So  
4 that's under works. Another issue that arose was a  
5 concern that the pipelines that -- that Talisman  
6 was handing their gas off to were not accepting  
7 odorized gas.

8 And so our staff was able to work  
9 with one of the pipelines, Dominion, and reach a  
10 settlement where Dominion is now agreeing -- the  
11 settlement is not approved yet but, you know, it's  
12 got to to FERC, that Dominion has agreed to accept  
13 odorized gas, which I think is a very positive  
14 development and hopefully will begin a trend.

15 So, I'm very encouraged that our  
16 staff took a very, you know, good proactive  
17 position. Allen Michaels, in -- in my unit, worked  
18 very closely with the gas division and came up with  
19 a good move there. So good news.

20 CHAIR ZIBELMAN: All right. And  
21 that's a great success. More work to get done but  
22 really, really fantastic outcome.

23 So, let's move to the consent  
24 agenda and I apologize to everyone for the  
25 prolonged -- this is a big agenda and I think we

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2 have some items even on the consent agenda that  
3 I -- I think are noteworthy and I'd like to just  
4 refer to.

5 And what I would do is I'm going  
6 to -- I have four or five items and I'll ask the  
7 other Commissioners to respond, and then if anyone  
8 else has comments on other items, please feel free  
9 to -- to jump in. But first is -- we have an item  
10 in front of us regarding the ConEd natural gas  
11 conversion.

12 There's a -- a rule, the -- the  
13 recommendation in this is to amend certain rules  
14 that will expedite gas conversion in New York City.  
15 This is specific to ConEd, but we actually have  
16 another docket where we're looking at what rules  
17 that may need change for gas conversion. I think  
18 of this as a -- a huge win-win.

19 As everyone is aware that New  
20 York City has amended its -- its local laws to ban  
21 the use of heavy oil. And that's a -- and a  
22 movement towards natural gas or light oil is -- is  
23 certainly hugely valuable from an environmental  
24 standpoint in terms of emissions and air quality in  
25 the city.

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2 But more importantly is it's  
3 great for economics for consumers. What we were  
4 finding and -- and this, you know, again, we're  
5 always looking at regulation from the standpoint of  
6 new circumstances, making -- reevaluating the  
7 regulations that make sense at the time.

8 And in this case it's about who  
9 pays for main ex -- extensions. And the staff and  
10 the parties are -- are recommending certain  
11 changes. Other changes that people have  
12 recommended we're not going with at this time, but  
13 I fully expect that in the more generic proceeding  
14 we're going to be taking up the what do we need to  
15 do to accelerate these expansions to -- and to make  
16 certain that our rules are consistent with the  
17 policy outcomes we're going to achieve.

18 So and that I think directionally  
19 we're absolutely there in this case. And -- but I  
20 also recognize there's more work that's being done  
21 and I applaud that. So anyone else on that  
22 particular item? The -- the next items that I -- I  
23 want to address is -- concerns submetering.

24 I know this was an item in 2012  
25 the Commission established standards for

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2 submetering to make the standards for accuracy and  
3 validity of the information consistent with the  
4 type of metering we often see with utilities. And  
5 the issue here is really getting the industry to  
6 where it needs to be so that these meters are  
7 available.

8 Particularly as we're looking at  
9 the use of load response and efficiency and the  
10 ability of customers to be able to be effectively  
11 proactive customers. The ability of them having  
12 accurate information, so that they can use it and  
13 participate in the markets is critical. So, it's  
14 really important that the submeters have that  
15 accuracy and validity.

16 At the same time we want a robust  
17 market, and we want multiple competitors. So the  
18 challenge with that is respectively making sure  
19 that the market is proceeding and that we have time  
20 to -- the market has time to respond but not so  
21 prolong it so that we don't get where we want to  
22 go. So it is my understanding that what's  
23 happening now is in the recommended order we were  
24 expecting these standards to go in place in  
25 January, where now staff is recommending a

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2 nine-month extension.

3 But at the same time, and -- and  
4 we will expect a -- I'd like to get a report and I  
5 think the staff has recommended they'll go back to  
6 us within six months to let us know how things are  
7 progressing, because, you know, having --  
8 developing a market for submetering and it's like  
9 throwing a party and nobody comes. We want to make  
10 sure that the -- the industry's there.

11 But at the same time we want to  
12 move it along and -- and have a -- a deadline that  
13 people can respond to. So, I think it's a -- a  
14 good balance but clearly we want to watch this and  
15 make sure that we're moving ahead. Any further  
16 comments on that?

17 COMMISSIONER BURMAN: I echo your  
18 comments on that.

19 And think it's very helpful that  
20 we will -- and I appreciate the, you know,  
21 consideration of coming back before the nine months  
22 are up and really looking at it. I think it's very  
23 important that we also as -- as an agency and --  
24 and as the Commission, be very mindful of the fact  
25 that we have a significant role in helping to

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2 effectively role this out.

3 And we, you know, the Commission  
4 today is looking at two items as the first time  
5 we'll be approving these new submeters. And it's  
6 very important that we make sure that we, in a  
7 timely fashion, really address future ones that  
8 come before us and make sure that we're doing all  
9 that we can if there are any blips that are going  
10 on there, that we -- we react in a positive way,  
11 sooner rather than later.

12 CHAIR ZIBELMAN: Thank you. The  
13 next item which I'm excited about is Item 372 which  
14 is pertains to charging for electric vehicles.

15 In his 2013 State-of-the-State  
16 report, Governor Cuomo actually relayed the factors  
17 that he -- he was hopeful to see a significant  
18 increase on the amount of electric vehicles in the  
19 state to -- from today.

20 And right now we're looking about  
21 from maybe three to -- three to four thousand to --  
22 in maybe in 2018 a goal of thirty to forty  
23 thousand, and maybe a million in 2025.

24 Though clearly the -- for us who  
25 were interested in energy efficiency and carbon

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2 reduction, we all recognize that there's a lot we  
3 can do in the industries we regulate, but the  
4 transportation industry also needs to be modified  
5 and electric vehicles are the best way to get there  
6 but we need to make it effective.

7 But we can't have electric  
8 vehicles without charging stations, and so we  
9 needed to at the same time create this  
10 infrastructure for charging stations.

11 Our charge on this is to  
12 determine whether or not these are regulated by us  
13 and I think we -- in this order where the staff is  
14 proposing that we declare that there is no  
15 jurisdiction under public service law, that these  
16 are not plant from the traditional definition.

17 And really at this point is not  
18 really a sale. Instead what's happening is is that  
19 we have the charging stations are providing a  
20 product. The product their charging is a service  
21 related to the charging of vehicles. It's just  
22 like a laundromat who provides drying services,  
23 they use electricity to help you dry your clothes,  
24 but they're not selling you electricity, they're  
25 selling you a service. Dryers.

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2 And so I think this clearly  
3 appropriate. At the same time this is a nascent  
4 industry and we understand as -- as those of us  
5 who've gone through competitive markets in the  
6 future, the business models that exist today could  
7 change, different things may be modified. And so  
8 in the future if, in fact, it appears that this  
9 falls within our jurisdiction and it's necessary  
10 for us to exercise it, you know, we'll be prepared  
11 to do so.

12 And lastly, you know, saying that  
13 we don't have regulate -- regulatory authority over  
14 charging station, does not diminish the authority  
15 we have over electric utilities and to make sure  
16 that the practices there are -- are appropriate  
17 towards making certain that this new industry can  
18 flourish.

19 So, in our little bit of making  
20 this industry work is we're saying that the best  
21 thing we can do at this time is stand down and  
22 allow the industry to prosper.

23 But, I'm excited about this  
24 opportunity and look forward to seeing this  
25 particular aspect of electricity grow, so. Any

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2 comments on that?

3 COMMISSIONER BURMAN: I love this  
4 item. I love your comments, and I think this is  
5 great. We have taken a step in not stepping in and  
6 having regulatory burdens, just for the sake of  
7 having them. And I applaud where we are on this.

8 So thank you very much, Chair.

9 It's exciting times.

10 COMMISSIONER BROWN: Chair, could  
11 I just make one quick comment on this?

12 CHAIR ZIBELMAN: Sure.

13 COMMISSIONER BROWN: You used the  
14 laundromat example which I think is an excellent  
15 example, but we expect at the laundromat that the  
16 connections of the washers and the dryers and all  
17 this stuff is going to be done to local code. And  
18 you know I'm very hopeful that charging stations  
19 also are required to meet local code in terms of  
20 safety for people that are plugging them in.

21 We don't need to exert  
22 jurisdiction for that to happen. That should  
23 happen through local codes. I know New York City  
24 already has one. I see in the footnote that we've,  
25 you know, there's a lot of work being done in that

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2 example. But it's a place I think we want to keep  
3 our eyes out -- open. The last thing we need is to  
4 have an accident related to a charging station  
5 because people will look at us and say where were  
6 you.

7 CHAIR ZIBELMAN: Commissioner  
8 Brown, that's a good point. And I don't want to  
9 diminish the fact that there are other regulations  
10 in place, and the fact that we're not regulating  
11 doesn't mean that we want -- want the industry to  
12 be unregulated. There are also consumer practices,  
13 weights and measures, all sorts of things that I  
14 believe would cover this under just basic law  
15 and -- and good -- good administration of business  
16 in the State.

17 But thank you.

18 Commissioner Acampora, any --  
19 anything on this item?

20 COMMISSIONER ACAMPORA: Amen.

21 CHAIR ZIBELMAN: The other item  
22 I -- I do want to note is that we have an Item 276  
23 which relates to Liberty Power. Liberty Power is  
24 an energy services company in the state.

25 Last spring the -- the Commission

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2 revoked their ability to conduct business in the  
3 State because of concerns relative to their  
4 marketing practices and violation of the Uniform  
5 Business Practices Act.

6 I recognize that the staff has  
7 been working very closely with Liberty and Liberty  
8 has come up with a -- a program to modify its  
9 marketing practices to address the concerns that  
10 have been raised. And so the recommendation is  
11 that we reinstate Liberty as an energy services  
12 company in the state with the proviso that we -- we  
13 will -- we continue to have concerns and we will  
14 monitor that, and -- and if, in fact, Liberty is --  
15 is not conforming, we will -- we will step in and  
16 be able to revoke their -- their ability to  
17 practice or to -- to function in the State again.

18 This is a, you know, obviously a  
19 difficult issue. We all want retail markets to  
20 work, but it's really important and electricity is  
21 a particular difficult issue because it's a  
22 commodity everybody needs. And unlike other  
23 commodities, the difficulty is we're not getting  
24 transparent information.

25 So, one of the things that I know

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2 staff is working on is is how do we improve this  
3 market? How do we get -- make certain that in  
4 providing a -- a retail competition it's  
5 competition that really drives value and  
6 innovation. And like all markets is transparent.

7 And so the consumers are making  
8 choices, they're making informed choices, and have  
9 the full wealth of capabilities to really affect  
10 what they're buying, how much they're buying et  
11 cetera.

12 I think that this is -- really  
13 flows into what a lot of folks are looking at and  
14 certainly what we're looking at is how do we  
15 improve these industries. How do we make customer  
16 choice real choice, and with that, you know, I  
17 would note that in addition to the fact that we are  
18 going to continue to work with Liberty and -- and  
19 observe and making sure they perform, we have this  
20 docket that we're looking at retail services.

21 And that the changes that we will  
22 be looking at in that docket, I would expect to  
23 apply to Liberty as well as anyone else.

24 And, Doug, I -- I think you're in  
25 charge of that and I assume that that's the way

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2 you're seeing it as well?

3 MR. ELFNER: You said it -- you  
4 said it perfectly.

5 CHAIR ZIBELMAN: Okay. So I  
6 applaud the efforts. I know this is hard. I know  
7 that the Liberty just really wants to get back into  
8 the State and we'd like them to be a valuable  
9 port -- part of our competitive market.

10 So, we'll go forward from there,  
11 but I would propose we go forward from there. And  
12 any other comments on this, Commissioner Acampora?

13 COMMISSIONER ACAMPORA: Well, I  
14 just liked to say I really commend the Chair for  
15 taking this head-on. It's a situation that was  
16 unpleasant. We don't want to send anyone out of  
17 business from New York, but we do have rules and we  
18 have consumer protections. And we want to make  
19 sure that the public at large is being protected  
20 and has the proper knowledge when making a  
21 decision.

22 So I know that this is going to  
23 go to another level, not this particular company,  
24 but all S-goes (phonetic spelling) to make sure  
25 that we want their products. We want the public to

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2 know about their products, but they have to do it  
3 in a proper way.

4 So I think this kind of opened  
5 the door as to where we're going to be going. And  
6 it really was an important matter. And, again, I  
7 thank the Chair for her leadership in this matter.

8 So, good job.

9 CHAIR ZIBELMAN: Any other  
10 comments in this matter? The last items I -- I  
11 want to just refer to our Items 563 and 564. They  
12 concern Verizon. 563 concerns -- is with respect  
13 to Verizon's request to sell a portion of its  
14 office building at 140 West Street, New York, New  
15 York. And 564 is Verizon's third quarter 2013  
16 service quality report which we -- we will be  
17 releasing, that Mr. Newman's staff prepared.

18 Basically the -- the issue here  
19 is as I see it is that the staff has been working  
20 with Verizon on service quality issues since 2010.  
21 We understand that telecommunications is a heavily  
22 competitive market, but there are areas of this  
23 market that remain noncompetitive and where people  
24 don't have a real alternative. It's so critical as  
25 we, you know, become increasingly into

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2 communications dependent in our society to make  
3 sure that service quality remains high, even as --  
4 particularly in the noncompetitive regions.

5 The staff report is recommending  
6 that they will continue to -- to work with utility  
7 but or tel -- with Verizon, but we are seeing  
8 service deterioration and we're not seeing  
9 improvement.

10 What I'd like to see out of this  
11 is that in addition for the staff to work with  
12 them, I'd like to have a real plan. I'd really  
13 like to understand what are the particular issues,  
14 how they're going to be addressed, what are the  
15 root causes, and what -- and what -- and the timing  
16 to get these things addressed.

17 I think it's -- we're beyond just  
18 getting reports. We -- we really need to start  
19 looking at solutions. So, I'd like the report to  
20 plan to come up with in December and I believe, you  
21 know, Verizon has -- has offered that, is that we  
22 will start seeing a real plan with real desired  
23 outcomes and that we can see execution around. So  
24 I'd -- I'd like to get that in December.

25 I also want to note if I -- in

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2 its petition to sell its office building, Verizon  
3 itself identifies it. One of the uses that intends  
4 to make of the proceeds is around improving service  
5 quality. And I applaud them for that. I think  
6 it's -- it's great because that's exactly what we  
7 would like to see, selling off an asset, funds are  
8 available, and let's plow it back into the business  
9 where it needs to plowed into.

10 So I applaud the company for  
11 volunteering that and we fully expect that that's  
12 the type of activity that we're going to get around  
13 improving service quality.

14 So, with that, you know, I, you  
15 know, again, I look forward to the December report.  
16 I'd like a tangible plan. And I, you know, and  
17 I -- I'd like us to see that in the next quarterly  
18 reports rather than deterioration is to continue to  
19 improve that. So thank you. That's all I have on  
20 the consent agenda. I -- there any more comments  
21 on those matters?

22 COMMISSIONER BROWN: On the last  
23 item on Verizon's plan, I would just like to make a  
24 request for staff to take a particular look at  
25 small business customers in connection with the

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2 plan that's filed and -- and the steps that are  
3 being taken.

4 CHAIR ZIBELMAN: Any further  
5 comment on that?

6 COMMISSIONER BURMAN: Yeah. Not  
7 on that.

8 CHAIR ZIBELMAN: Okay. Please.

9 COMMISSIONER BURMAN: I have on  
10 Item 265 and 366 both are interrelated to Fortis  
11 and Central Hudson. And I just really wanted to  
12 state that prior to my arrival at the P.S.C., the  
13 Commission, after a lengthy and thorough  
14 examination and regulatory review, determined that  
15 the joint proposal for the acquisition between  
16 Fortis and Central Hudson was appropriate.

17 However, this acquisition went  
18 through further critical review with the  
19 commencement of this petition. And I appreciate  
20 the hard work of all who not only took the time to  
21 comment, whether in support or opposition, but also  
22 for the hard work of the commission staff who  
23 reviewed all the comments and analyzed the  
24 specifics of this petition.

25 And I am very pleased to see that

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2 the item before us in 265, which continues the  
3 author -- authorizes the acquisition. I believe  
4 this will continue to ensure safe, secure and  
5 reliable access to utility service for residential  
6 and business customers. I also like that at the  
7 same time we have Item 366 which is talking about  
8 the economic development programs.

9 As staff knows, I'm very  
10 interested in the utilities and their economic  
11 development programs. And really what is being  
12 done on these programs and what, you know, what is  
13 being -- being worked with utilities to be make  
14 sure that the dollars for these economic  
15 development programs really go out the door and  
16 really had some success stories.

17 And, I'm really glad to see that  
18 now with the acquisition, Item 265, we have the 366  
19 item which allows us to now move forward on that.  
20 Since becoming a Commissioner, I've had the  
21 pleasure of visiting Central Hudson's Poughkeepsie  
22 facility and, in fact, taking the tour of the  
23 customer-call center. And it was very clear to me  
24 that the employees, especially the call-center  
25 employees, are just like the ones here, are

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2 committed to serving their customers and their  
3 communities.

4 And I'm in full support of both  
5 of these items. So thank you.

6 The other item that I wanted to  
7 speak on is Item 375, the Rochester area  
8 reliability project. I know that there's been a  
9 lot of interest in this. We've had a lot of  
10 comments from not only from the Farm Bureau but  
11 from various state representatives and local  
12 representatives including Senator Ranzenhofer who  
13 has a representative here with us today.

14 I am really, really happy that  
15 this item is now focused on opening up the record  
16 to reexamine alternatives and really this -- we are  
17 really directing the utility to report weekly to  
18 staff on its efforts.

19 I am hopeful that all the parties  
20 working together can hopefully come up with some  
21 success for the both wins on -- on both sides, and  
22 maybe there's something that can be done.

23 I know that the A.L.J. that was  
24 at -- at the session when we last looked at this  
25 had worked with the parties and really spent a

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2 considerable amount of time. It was, I think, one  
3 of his first roles in his -- in his new hat as an  
4 A.L.J. and I really was able to get a flavor for  
5 just how hard the A.L.J.'s work.

6 And I am confident that this  
7 helps us get a lot further by reopening the record  
8 and I appreciate that. And I -- and I know that,  
9 you know, this is something that we'll all be  
10 following closely. And it's very, very important.  
11 Thank you.

12 CHAIR ZIBELMAN: Thank you. Any  
13 further comments on any aspect of the consent  
14 agenda?

15 COMMISSIONER BROWN: Only thing,  
16 I'd like to recuse myself from Item 375.

17 CHAIR ZIBELMAN: Okay. Thank  
18 you. I was going to ask. Well, then with that  
19 the, all those in favor of the recommendations  
20 under consent agenda please say aye.

21 COMMISSIONERS: Aye.

22 CHAIR ZIBELMAN: Hearing no  
23 opposition and there being no opposition, the  
24 recommendations are adopted. So thank you all very  
25 much.

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Thank you for your patience and  
hearing lots of rumbling of stomachs. We'll  
adjourn.

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November 14, 2013

STATE OF NEW YORK

I, Tammy Monroe, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 134, is a true record of all proceedings had at the hearing to the best of our skill and ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 19th day of November, 2013.

Tammy Monroe, Reporter

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