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MONTHLY MEETING - 10-17-19

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MONTHLY MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, October 17, 2019  
10:31 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS:  
JOHN B. RHODES, Chair  
DIANE X. BURMAN  
JAMES S. ALESI  
TRACEY A. EDWARDS  
JOHN B. HOWARD

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2 CHAIRMAN RHODES: We're at time and I  
3 I call this session of the Public Service Commission  
4 to order.

5 Secretary Burgess, the last time I'm  
6 going to say that, are there any changes to the final  
7 agenda?

8 SECRETARY BURGESS: Good morning,  
9 Chair and Commissioners.

10 There are no changes to this morning's  
11 agenda.

12 CHAIRMAN RHODES: Thank you.

13 So with that, we'll move to the first  
14 item on the regular agenda. Item 301, Case 19-E-  
15 0122, which is the Petition of Ravenswood  
16 Development, presented by Jay Goodman, Assistant  
17 Counsel. Jeremy Rosenthal, Utility Analyst 3, is  
18 available for questions.

19 Jay, please begin.

20 MR. GOODMAN: Thank you, Chair Rhodes  
21 and Good morning Commissioners.

22 This item pertains to the request of  
23 Ravenswood Development, L.L.C., for a Certificate of  
24 Public Convenience and Necessity, or C.P.C.N.,  
25 pursuant to Public Service Law Section 68, to

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2 construct and operate an energy-storage facility in  
3 Queens, New York. Ravenswood Development also  
4 requests that its ownership and operation of the  
5 facility be subject to a lightened rate-making  
6 regulatory regime.

7 The proposed storage facility, is a  
8 battery-based system, that would be constructed in 3  
9 phases, with a total potential storage capacity, of  
10 up to 316 megawatts. Phase 1 would be 121 megawatts  
11 and is anticipated to commence operations, in March  
12 2021.

13 Ravenswood Development proposes to  
14 construct the facility, on a portion of the 27-acre  
15 Ravenswood Generating Station, that is owned by an  
16 affiliated company, Helix-Ravenswood and which  
17 currently hosts numerous active and inactive electric  
18 generation facilities. 16 fossil-peaking units owned  
19 by Helix-Ravenswood, would be -- excuse me. Would be  
20 demolished during facility construction.

21 Construction also would include a new  
22 gas-insulated substation within the Ravenswood  
23 Generation Station, that would be owned and operated  
24 by Consolidated Edison Company of New York.

25 Importantly, Ravenswood Development and not Con

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2 Edison, would bear all substation costs.

3 The energy-storage facility would  
4 participate in the wholesale energy, capacity and  
5 ancillary services markets, administered by the New  
6 York Independent System Operator, or NYISO. The  
7 facility would withdraw energy from the bulk system  
8 and store it for later injection back to the system,  
9 including during periods of peak-electric demand.

10 Public Service Law Section 68, requires an electric  
11 corporation to obtain a C.P.C.N., before it  
12 constructs electric plants such as the energy-storage  
13 facility. The Commission may grant a C.P.C.N., after  
14 a due hearing and finding that the project is  
15 necessary and convenient for the public interest --  
16 public service and is in the public interest.

17 C.P.C.N. applications also must be  
18 supported with evidence that the company is  
19 economically viable, can finance construction and  
20 operation and improvements, will be able to provide  
21 safe, adequate and reliable service, has obtained all  
22 the necessary municipal consents and has provided a  
23 certified copy of its charter. As detailed in the  
24 proposed item, Ravenswood Development has satisfied  
25 each of these requirements.

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2 I also note that the proposed storage  
3 facility would yield substantial public benefits, by  
4 providing a clean source of peak electric -- of peak  
5 capacity in New York City and supporting system  
6 reliability. It is recommended, therefore, that the  
7 Commission grant a C.P.C.N., with appropriate  
8 conditions.

9 Department of Public Service staff  
10 conducted a review under SEQR of potential  
11 environmental impacts associated with the project and  
12 found that all associated construction, demolition  
13 and operation activities, would not have a  
14 significant adverse environmental impact on visual,  
15 water, or cultural resources, or potential  
16 environmental-justice areas. These and related  
17 findings, are detailed in the proposed item before  
18 you, which recommends finding that the project would  
19 not result in significant adverse environmental  
20 impacts.

21 Finally, Commission precedent has  
22 established a lightened rate-making regulatory  
23 regime, for electric service providers, that  
24 participate in competitive wholesale markets and do  
25 not present a risk of market power, or other

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2 potential harm to captive ratepayers.

3 Ravenswood Development demonstrated  
4 that its ownership and operation of a merchant  
5 energy-storage facility would not create or enhance  
6 the potential for the exercise of market power by  
7 Ravenswood Development or its affiliates. The  
8 company does not serve captive ratepayers and it will  
9 assume all financial risk associated with the  
10 development, operation and maintenance of the  
11 proposed facility.

12 The proposed item thus recommends that  
13 Ravenswood Development be granted a lightened rate-  
14 making regulatory regime, that is comparable to the  
15 regular -- regulatory treatment afforded to other  
16 similarly-situated wholesale marked participants.

17 That concludes my presentation and I'm  
18 available to answer any questions you may have.

19 CHAIRMAN RHODES: Thank you, Jay.

20 I see this as a good outcome and as a  
21 good demonstration, that energy storage as a  
22 technology and as a commercial proposition, is ready  
23 to play a viable and critical part in transforming  
24 our energy system to one that's clean, affordable and  
25 reliable.

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2 I'm going to support this item.

3 Commissioner Burman?

4 COMMISSIONER BURMAN: Thanks.

5 First of all, I want to thank you --  
6 the two of you. I know that you've done a lot of due  
7 diligence in this and it's clear that you've taken a  
8 lot of time, in focusing on this.

9 This is the second C.P.C.N., in the  
10 last several months, where it doesn't fit the normal  
11 processes, which is not a negative. It's just  
12 recognizing that some of our regulations, you know,  
13 last time it was Section 70, this time it's Section  
14 68. We have to take a very close look and it's not  
15 necessarily the standard way we've been doing it  
16 before.

17 So, to the extent that we are also  
18 looking at these, going forward and recognizing some  
19 of them, that are uniquely situated different than  
20 they were, we should also carefully monitor that and  
21 what that means from an application of Section 68 and  
22 Section 70, so that if there are nuances that we need  
23 to be mindful of, or policy decisions that we need to  
24 be mindful of, to give direction on what we're  
25 looking at. I think it's really helpful that we do

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2 so.

3 I think that both last time, with the  
4 Trans Co matter and this time, I think we take great  
5 care to be focused on the due diligence that's needed  
6 for this, being different from others, as well and it  
7 still meets those tests. I am very happy to see the  
8 pairing of different fuels and looking at doing it in  
9 a cleaner way and the transition of what that means.

10 Here, there's going to be three  
11 different phases. Each phase will have other sort  
12 of, next steps, that may require some regulatory  
13 oversight, or input, whether it's here, or at FERC,  
14 or other, you know, agencies that that may come to.  
15 So, I am mindful that this C.P.C.N. and what we're  
16 doing, is limited in nature to the framework, under  
17 Section 68, as well.

18 I do also want to recognize, that to  
19 the extent that this is now involving the wholesale  
20 market and energy storage, we also need to be mindful  
21 of what we're doing at the state level and the impact  
22 on decisions at FERC. Today, they're going to be --  
23 they're -- they're meeting and they're deciding the  
24 compliance issues, on energy storage, as well. So,  
25 to the extent that we need to make sure that we're

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2 aligning and taking that into consideration, I think  
3 is very important.

4 I do want to just note and -- I think  
5 it's important, at least where I sit, to note that  
6 this item references a decision that the Article 10  
7 Board made. Actually, it was the Chair -- then Chair  
8 Zibelman of the Article 10 Board, made a declaratory  
9 ruling, I believe. So One Commissioner Order for the  
10 Article 10 Board, under the relevant guidelines that  
11 allowed her to do that.

12 And the Article 10 Board, at that  
13 time, was looking at Case 13-F-0287-AES and this was  
14 back in January 24, 2014, when it stated that -- that  
15 it -- the Article 10 didn't extend to standalone  
16 battery storage facilities, that were not associated  
17 with development of new electric-generating  
18 facilities. And then this item cause concern, in  
19 terms of did that section -- did -- that decision for  
20 another case, did that now apply as well to this  
21 case. Did they need to go to the Article 10 Board or  
22 not. So, a declaratory-ruling petition, was put  
23 forward to the Article 10 Board, asking if they  
24 needed Article 10 review.

25 I do agree with the decision, that it

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2 did not and that it -- now, that policy decision,  
3 that the Chair of the Article 10 Board made, you  
4 know, could be applied and that -- that folks didn't  
5 need to come back each and every time, as long as it  
6 met the framework of what that stood for. So, it's  
7 very specific on what it was.

8 It's referenced here and so, I think  
9 it's important for me to just put a note there, in  
10 that I do want to be mindful of the fact that as we  
11 go forward with more Article 10 applications and as  
12 we go forward with more things that impact energy,  
13 whether it's energy storage, or others, that to the  
14 extent that we'd also need to engage with the  
15 Commission and other relevant folks, on whether or  
16 not it's the Article 10 Board, or whether it's the  
17 Commission, or whether somehow there needs to be  
18 better alignment among us to make sure that we're  
19 giving clear signals, as well and so, it's not for me  
20 to necessarily say, since the Article 10 Board made  
21 this policy decision, therefore I must follow it.

22 What I would say, is I do think that  
23 from a regulatory certainty perspective, it makes  
24 sense and also from my own substantive review, I do  
25 agree with that decision. But I am mindful that

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2 those clear regulatory signals and engagement with  
3 the P.S.C. may need to be done.

4 I also don't want to see where we  
5 decided -- and in this case, it was appropriate from  
6 the Counsel to the Article 10 Board, who also is  
7 Counsel to the P.S.C., but -- but for this case, I  
8 wouldn't have tracked it as -- as carefully. So, I  
9 just want to flag that those policy decisions really  
10 should be important for us to engage in, before  
11 decisions are made and make sure that we're all in  
12 alignment.

13 So, that's my two cents from that.  
14 But again, I agree with the decision.

15 I do think for me, I'm very  
16 comfortable voting yes on this item. This is really  
17 a -- comes out of last December, where the Commission  
18 issued its order, establishing an energy-storage goal  
19 and deployment policy and it adopts this -- adopts  
20 many of the recommendations contained in the New York  
21 State Energy Storage Roadmap. And the storage order  
22 provided a -- a strategy to encourage the deployment  
23 of energy storage, by certain timeframes.

24 Here, the Commission's issuance of  
25 this C.P.C.N. and the granting of lightened rate-

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2 making regulation for the proposed Ravenwoods  
3 Development Energy Storage, does pair nicely with  
4 that energy storage -- the energy-storage goals and  
5 helps in moving that forward. And therefore, it is a  
6 necessary step to -- to putting in place those  
7 energy-storage policy goals.

8 So, there's going to be a lot more  
9 discussion on how that gets done, but I do think that  
10 this is aligned with that and so I support it.

11 So, thank you.

12 CHAIRMAN RHODES: Thank you.

13 Commissioner Alesi?

14 COMMISSIONER ALESI: Thank you, Mr.  
15 Chairman.

16 I see no significant negative impacts.  
17 I believe it's a reasonable and balanced approach,  
18 that we've been presented with from the Department  
19 and I'll be happy to support it.

20 CHAIRMAN RHODES: Thank you.

21 Commissioner Edwards?

22 COMMISSIONER EDWARDS: Hi. Good  
23 morning.

24 I see that it's zoned industrial and  
25 heavy manufacturing. If possible, could you just

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2 send me an aerial map, so I could see the closest  
3 residential area?

4 MR. GOODMAN: Yes.

5 COMMISSIONER EDWARDS: Okay.

6 MR. GOODMAN: Yes.

7 We'll provide you with the information  
8 that we have.

9 COMMISSIONER EDWARDS: Okay. Great.

10 Thank you.

11 MR. GOODMAN: You're welcome.

12 COMMISSIONER EDWARDS: That's all for  
13 me.

14 CHAIRMAN RHODES: Thank you.

15 Commissioner Howard?

16 COMMISSIONER HOWARD: Well, I'm very -  
17 - personally very pleased with this development and  
18 how it sets the stage for further large-scale storage  
19 -- energy storage, particularly in the downstate  
20 region.

21 I understand that the applications for  
22 additional storage, have resulted from the  
23 Commission's actions, have been quite robust and that  
24 is a great -- a -- a great view into the future and  
25 how this technology will fit in. And this particular

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2 order and our experience here, gives me really-great  
3 confidence, that certainly our near-term goals are  
4 more than achievable and should proceed at pace.

5 So, I'll be supporting this.

6 CHAIRMAN RHODES: Thank you.

7 With that, I'll proceed to call for a  
8 vote.

9 My own vote is in favor of the  
10 recommendation to issue a Certificate of Public  
11 Convenience and Necessity, with conditions and to  
12 grant a lightened rate-making regulatory regime, as  
13 discussed.

14 Commissioner Burman?

15 COMMISSIONER BURMAN: Yes.

16 CHAIRMAN RHODES: Commissioner Alesi?

17 COMMISSIONER ALESI: Yes.

18 CHAIRMAN RHODES: Commissioner

19 Edwards?

20 COMMISSIONER EDWARDS: Yes.

21 MR. RHOADES: Commissioner Howard?

22 COMMISSIONER HOWARD: Yes.

23 CHAIRMAN RHODES: The item is approved  
24 and the recommendation is adopted.

25 Thank you, Jay and Jeremy.

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2 So, I'll new -- now move to the second  
3 item for discussion, which is the Staff's report,  
4 which is Case 19-M-0382, which is the Staff's report  
5 on New York State Gas and Electric Supply readiness,  
6 for the 2019-2020 winter, presented by Tammy  
7 Mitchell, Director, Office of Electric, Gas and  
8 Water, John Sano, Utility Supervisor, Gas, Rates and  
9 Supply, Vijay Puran, Utility Supervisor, Bulk  
10 Electric Systems, Paul Darmetko, Utility Engineering  
11 Specialist 3, Electric Rates and Tariffs and Anna  
12 Senatore, Utility Consumer Program Specialist.

13 Tammy, please begin.

14 MS. MITCHELL: Good morning, Chair  
15 Rhodes and Commissioners.

16 Today staff will be briefing you on  
17 the results of our review of the readiness and the  
18 State's natural gas and electric utilities for this  
19 coming winter.

20 First, John Sano will brief you on the  
21 readiness of the State's natural gas utilities and  
22 then provide you with a projection of the average  
23 natural -- natural gas bills for the coming winter.

24 Vijay Puran will update you on the  
25 readiness of the Bulk Electric System, followed by

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2 Paul Darmetko, who will discuss the projections for  
3 electricity prices for the coming winter and Anna  
4 Senatore will conclude the panel, with a discussion  
5 of the outreach efforts related to winter bills and  
6 safety.

7 Overall, based on normal winter  
8 weather, both natural gas and electric prices are  
9 expected to be lower this winter than last. However,  
10 a recent development on the natural-gas pipeline  
11 system, which John Sano will discuss shortly, could  
12 impact deliveries, to downstate New York and will  
13 require local distribution companies to take  
14 proactive steps to mitigate potential reliability  
15 concerns. Staff is closely monitoring this situation  
16 and the action of the L.D.C.s, to mitigate potential  
17 impacts.

18 I will now turn it over to John Sano  
19 to discuss the natural-gas utilities capacity and  
20 supply projections and forecast gas prices.

21 MR. SANO: Next slide, please.

22 Thank you, Tammy.

23 Good morning Chair Rhodes and  
24 Commissioners. I am John Sano and I serve as a  
25 Utility Supervisor in the Gas, Rates and Supply

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2 section of the Office of Electric, Gas and Water.

3 I will brief you on the results of our  
4 annual review, into the readiness of the State's  
5 natural gas utilities, for the coming winter.

6 Overall the New York gas utilities are taking actions  
7 to prepare for the coming winter, despite some  
8 challenges.

9 Next slide, please.

10 The State's gas utilities, are also  
11 called local distribution companies or L.D.C.s.  
12 Based upon our review and representations of the  
13 L.D.C.s, regarding natural-gas supply readiness for  
14 the upcoming winter season, staff concludes that the  
15 L.D.C.s serving New York State, are in the process of  
16 contracting for adequate natural-gas supply, delivery  
17 capacity and storage inventory, to satisfy current  
18 firm customer demands, under designed winter  
19 conditions for this winter. This includes additional  
20 new contracts designed to replace current volumes  
21 lost, due to a concern with the Enbridge pipelines,  
22 which I will discuss in more detail.

23 Staff continues to coordinate with  
24 oil-industry representatives and the New York State  
25 Energy and Research Development Authority, or

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2 NYSERDA, to ensure that customers have access to  
3 adequate supplies of winter-heating fuels.

4 Next slide, please.

5 Each utility has a unique a unique mix  
6 of assets including pipeline-capacity, storage and  
7 liquefied natural gas, used to serve a unique mix of  
8 customers. Interruptible customers are those that  
9 have the ability to stop using natural gas, during  
10 periods of high demand, playing an important role in  
11 reducing the amount of pipeline capacity needed, to  
12 serve winter load.

13 Recent findings made by L.D.C.s in  
14 rate cases, focused on the use of demand response and  
15 non-pipe alternatives, including energy efficiency,  
16 to meet growing demand, especially in areas where  
17 local governments seek to phase out dirtier heating  
18 fuels, such as fuel oil and propane. We continue to  
19 monitor some areas of the state, where demand is  
20 growing at a faster pace and where the existing  
21 distribution system is becoming constrained,  
22 including New York City, Long Island, Westchester, as  
23 well as the Capital District and we are investigating  
24 whether certain utilities should have been more  
25 aggressive in its pursuit of alternate supplies, in

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2 order to provide a greater cushion this winter.

3 The L.D.C.s purchase -- please go back  
4 to the previous slide.

5 The L.D.C.s purchase gas to supply  
6 their customers' winter needs, in three ways and this  
7 is represented by the pie chart on this slide. The  
8 first way, is by filling their natural-gas storage  
9 facilities during the summer when demand is low. The  
10 second way is by hedging, which acts like an  
11 insurance policy, that guaranteed the volatility of  
12 the gas price will not be too high. The third way is  
13 by purchasing at the prevailing-market price, which  
14 fluctuates with market forces and is called flowing  
15 gas.

16 The price of storage gas, flowing gas  
17 and hedge gas are all forecasted to be lower than  
18 last year. The price of natural gas, though, is  
19 influenced by many factors. Weather is chief among  
20 these.

21 Next slide, please.

22 We expect the average residential  
23 customer's winter-heating bill to be about 760  
24 dollars for this winter, assuming normal weather, but  
25 this varies by utility. This is lower than last

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2 winter, due to the lower gas-commodity prices we just  
3 discussed.

4 Next slide.

5 Okay. Unlike most years, we are  
6 starting this winter season with a pipeline force  
7 situation that could impact natural-gas reliability.

8 Last month, utilities were informed by  
9 Enbridge, the owner of the Texas Eastern and  
10 Algonquin pipelines, that there would be pressure  
11 reductions this winter on both pipelines. These  
12 reductions are the result of the need for integrity-  
13 verification testing, as part of a corrective-action  
14 order from the Pipeline Hazardous Materials Safety  
15 Administration, or PHMSA, in response to 4  
16 incidents, within a 12-month period on Enbridge pipes  
17 and also, an investigation by the National  
18 Transportation Safety Board, N.T.S.B., into the most-  
19 recent incident, which occurred in -- in Kentucky, on  
20 August 1st of this year.

21 The corrective-action order forces  
22 pressure reductions, on parts of Enbridge's system up  
23 to 20 percent of normal-operating conditions.

24 The capacity reductions that result  
25 from this action, will impact deliveries in to the

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2 downstate gothels and south Manhattan gate stations.  
3 This creates an immediate reliability challenge in  
4 the Downstate New York region and is an example of  
5 how a single point of failure on the Interstate  
6 Pipeline System, can impact operations in New York.

7 Staff will be watching the Enbridge  
8 situation closely, to ensure that appropriate  
9 corrective action is taken by the L.D.C.s. Whether  
10 the Downstate L.D.C.s, part -- in particular, took  
11 appropriate contingency actions to reduce the impacts  
12 of the situation, is the subject of an ongoing  
13 investigation by staff.

14 Next side, please.

15 In conclusion, our review indicates  
16 that the L.D.C.s serving New York, are in the process  
17 of securing adequate contracts for supplies and  
18 natural gas, to meet expected firm customer  
19 requirements this winter. However, staff will  
20 continue to monitor the Enbridge situation, as well  
21 as our traditional monitoring of supply, prices and  
22 interruptible-customer compliance throughout the  
23 winter and report any situations that require  
24 Commission action.

25 Staff will also work with the L.D.C.s

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2 and interested communities, to find innovative  
3 solutions to the challenges represented by increased  
4 demand for natural gas.

5 This concludes my portion of the  
6 presentation and I'll be happy to take questions,  
7 after the panel has finished. I will not turn the  
8 presentation over to Vijay.

9 Vijay.

10 Next slide, please.

11 MR. PURAN: Thank you, John.

12 Good morning, Chair Rhodes and  
13 Commissioners. My name is Vijay Puran and I'm a  
14 Utilities Supervisor in the Department's Bulk  
15 Electric Systems Section.

16 I'm here today, to brief you on  
17 Staff's review of the Bulk Electric System's  
18 preparedness, for the upcoming 2019-2020 winter  
19 period.

20 At the outset, I would like to say  
21 that based upon our review, we conclude that the Bulk  
22 Electric System, is prepared to reliably meet the  
23 State's upcoming winter electric demands.

24 Next slide, please.

25 This chart shows the summer and winter

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2 historic peaks, since year 2000. It also shows that  
3 New York State is a summer-peaking state and  
4 therefore, has to have sufficient available  
5 capability, to meet loads well above those typically  
6 experienced during the winter.

7 Last winter's actual electric-peak  
8 load was 24,728 megawatts. This was a 1,010  
9 megawatts lower than the all-time winter peak of  
10 25,738 megawatt, which occurred in a prolonged cold  
11 spell, during the 2013-2014 winter, which we refer to  
12 as the polar vortex. The electric-peak forecast for  
13 the upcoming winter period is 24,123 megawatts.

14 Next slide, please.

15 This slide summarizes the resources  
16 expected to be available to New York, during the  
17 winter. These resources include generation, demand-  
18 response resources called special-case resources and  
19 purchases from outside of New York State.

20 These resources are offset by expected  
21 unavailability, or outage of generation resources.  
22 The New York I.S.O. expects to have 37,643 megawatts  
23 in net capacity resources available during the winter  
24 to serve the forecasted winter-peak load of 24,123  
25 megawatts.

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2 Once operating reserves, which are  
3 resources available to meet sudden system  
4 contingencies are accounted for, there remains a  
5 capacity margin of 10,900 megawatts. In short, we  
6 have sufficient capability to serve the forecasted  
7 load, during the upcoming winter.

8 Next slide, please.

9 As part of Staff's winter assessment,  
10 we reached out to major generating-facility owners in  
11 the southeast New York, who owns about 12,000  
12 megawatts of dual-fuel generation capability. The  
13 dual-fuel capability enabled generators to burn  
14 either natural gas or oil, depending on the  
15 situation, which can be driven by economics, or  
16 unavailability of one of the fuel.

17 We found that these owners are  
18 continuing to implement lessons learned during the  
19 polar-vortex winter of 2013-2014, including having  
20 increased pre-winter onsite-fuel reserves, having  
21 formed contracts with fuel-oil suppliers, conducting  
22 more aggressive replenishment plans and having more  
23 proactive pre-winter maintenance and facilities  
24 preparations.

25 Next slide, please.

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2 A winter-coordination protocol is in  
3 place, to facilitate communication between state  
4 agencies and the New York I.S.O., in circumstances  
5 where fuel supply for generating facilities may be at  
6 risk, or if a generator owner needs a fuel  
7 specification waiver from the D.E.C. to maintain  
8 reliability. The state agencies involved, are the  
9 D.P.S., D.E.C., NYSERDA and D.O.T.

10 Staff also met with the New York  
11 I.S.O. and discussed its procedures and protocols for  
12 the winter periods -- period. In recent years the  
13 New York I.S.O. has instituted various changes, to  
14 help ensure electric rely -- reliability during  
15 periods of tight natural-gas supply including closely  
16 monitoring generator-fuel levels and replenishments.

17 In addition, the New York I.S.O. has  
18 improved communications with interstate pipelines,  
19 local-gas distribution companies and neighboring  
20 I.S.O.s, during periods of tight electric-operating  
21 conditions.

22 That concludes my presentation. I'll  
23 know turn it over to Paul.

24 Thank you.

25 MR. DARMETKO: Thank you, Vijay.

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2 Good morning, Chairman Rhodes. Good  
3 morning, Commissioners. My name is Paul Darmetko and  
4 I'm a Utility Engineering Specialist, in the Electric  
5 Rates and Tariffs Section and this morning I'll be  
6 providing you with some information on how the  
7 utilities have performed at reducing the electric-  
8 supply price volatility, for their full service to  
9 residential customers.

10 I'll talk a little bit about the  
11 statewide-utility portfolio, that the utilities have  
12 in place this winter and also provide you with an  
13 estimate of what we expect the statewide full-service  
14 customer-supply rate may look like this year,  
15 compared to the last few years, if we experience  
16 normal weather.

17 Next slide.

18 This graph shows the results of the  
19 electric-utility supply-price volatility mitigation  
20 efforts, since December of 2008. It compares the  
21 average New York I.S.O. data marketplace volatility,  
22 the redline, with the volatility of the utilities  
23 residential electric-supply portfolios, the blue  
24 line. Each point represents the price volatility,  
25 over a 12-month period, as measured by the

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2 coefficient of variation.

3 The high point that you see on the  
4 graph, represents the volatility that was  
5 experienced, due to the 2014 polar vortex, which  
6 resulted in increased market prices and increased  
7 price volatility. Even though customers benefited  
8 from the hedges that the utilities had in place, the  
9 bill impacts the customers experienced, were very  
10 high.

11 As a result of lessons learned from  
12 the polar vortex, the utilities modified certain  
13 aspects of their hedging programs. These changes,  
14 including increasing the fixed-price hedge level for  
15 their residential-supply customers during the winter  
16 months, from about 55 percent, to about 70 percent on  
17 a statewide-average basis, as well as certain  
18 utilities maintaining multiple portfolios, to better  
19 hedge their customers located in different regions of  
20 their service territories.

21 As you can see, the utilities have  
22 continued to perform well, at reducing their  
23 portfolio volatility, compared to market. Similar to  
24 the last few years, this winter, the utilities have  
25 maintained, on average, a 70 percent hedge level, to

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2 mitigate market-price volatility, if it occurs.

3 Next slide.

4 This next slide compares the last few  
5 years of the statewide-average full-service  
6 residential-supply price, to what we expect the price  
7 to be this winter season, if we experience normal  
8 weather. As you can see, at this point, going into  
9 the winter, we expect that on a statewide-average  
10 basis, the full-service residential-commodity price  
11 will be about the same, if not slightly lower, than  
12 the last 4 years. However, if the weather does turn  
13 cold, or if other system conditions occur that will  
14 cause the marketplace of electricity to spike, the  
15 utilities have taken steps to protect their full-  
16 service residential customers, through their  
17 volatility-management programs.

18 That concludes my portion of the  
19 presentation. I'm going to turn it over to Anna.

20 MS. SENATORE: Thank you, Paul.

21 Good morning, Chairman Rhodes. Good  
22 morning, Commissioners.

23 My name is Anna Santore, I'm a Manager  
24 in the Department of Consumer -- I'm a Manager in the  
25 Consumer Outreach and Education Section.

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2 This report describes the --.

3 CHAIRMAN RHODES: Anna, I think you  
4 need to speak closer, or speak up.

5 Is that correct, Adam?

6 UNIDENTIFIED SPEAKER: Yes.

7 CHAIRMAN RHODES: Thank you.

8 MS. SENATORE: Sorry.

9 Can you hear me okay now?

10 CHAIRMAN RHODES: I could hear you  
11 before, but I'm looking in the back rows.

12 Are we good? Yeah?

13 Thank you.

14 MS. SENATORE: Thank you.

15 My name is Anna Senatore and I'm a  
16 Manager in the Department of Consumer Outreach and  
17 Education Section.

18 This report describes the outreach  
19 efforts being implemented by the Department's Staff  
20 and New York State Energy Utilities, to provide  
21 customers with information to help them manage their  
22 energy usage and related bills, for the 2019-2020  
23 winter season.

24 Next slide, please.

25 Both the Department and the utilities

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2 will promote messages regarding the expected pricing  
3 and the utility's actions to reduce price volatility.  
4 Messages will focus on options to manage winter  
5 bills, including bill-payment programs, such as  
6 budget billing and deferred-payment agreements and  
7 financial-assistance programs, such as the Home  
8 Energy Assistance Program.

9 Next slide -- oh. No. I'm sorry. Go  
10 back one.

11 Customers will also be encouraged to  
12 take simple, affordable measures to reduce energy use  
13 and become more energy efficient, which may help to  
14 lower their energy bills.

15 Other messages will focus on resources  
16 available to assist consumers faced with heat-related  
17 energy emergencies, safety information regarding  
18 natural gas, electricity and carbon monoxide and  
19 storm preparation.

20 Next slide, please.

21 The Department's winter-outreach  
22 program, uses a variety of methods to reach  
23 consumers, such as developing and distributing  
24 publications, which are available in English and  
25 Spanish and some of which may be available in other

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2 languages, including, Chinese, Haitian, Creole,  
3 Bengali, Korean and Russian.

4 We use the Department's websites, e-  
5 mail campaigns and our call-centers' staff, to get  
6 our messages out to utility customers. To further  
7 increase our efforts to reach New York State  
8 consumers, staff engages in grassroots outreach,  
9 which includes presentations to community groups,  
10 exhibits at public events, such as senior expos and  
11 home shows.

12 We partner with organizations in  
13 communities across the state, such as social-service  
14 providers, civic, senior, business and faith groups.  
15 We invite our network of nearly 6,000 consumer  
16 leaders, to partner with us, in educating consumers  
17 about their winter-energy costs.

18 We provide our materials free of  
19 charge and encourage our partners to distribute them  
20 to their constituents. Last year, we provided over  
21 147,000 publications to local governments, libraries  
22 and consumer groups, a 31 percent increase, compared  
23 to 2017. Factors contributing to the increase,  
24 include staff's enhanced outreach efforts, which  
25 combine the use of digital tools, to track event

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2 participation and our more-robust consumer leader  
3 list.

4 In addition to the Department's  
5 outreach program, the utilities implement outreach  
6 plans, which include customer information about  
7 mitigating price volatility, storm-preparation  
8 measures, safety, energy-efficiency tips, rebates and  
9 incentive programs and information on heating-  
10 assistance programs.

11 Some utilities are also taking  
12 advantage of smart-meter technology, to alert  
13 customers about their energy usage. As more  
14 sophisticated technology becomes available and  
15 customers have access to a breakdown of their usage  
16 data, they will also be able to take energy-saving  
17 actions to reduce their bills.

18 The utilities are using a variety of  
19 delivery vehicles, to reach their respective  
20 customers, including e-mail campaigns, text alerts,  
21 news releases, radio, paid media ads, bill inserts  
22 and bill-envelope messages, newsletters, on-hold  
23 telephone messages, website features and social-media  
24 platforms, such as Facebook, Twitter and Instagram.  
25 The utilities also work with municipal and elected

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2 officials and partner with human-service  
3 organizations and community groups. Finally, the  
4 utilities provide training to their consumer  
5 advocates and call-center staff, on winter messaging  
6 and customer assistance.

7 In conclusion, the Office of Consumer  
8 Services Winter Energy Outreach and Education  
9 Program, is designed to ensure that New York State  
10 utility customers have access to information about  
11 programs that will help them manage their winter-  
12 energy bills and educate them, on how to be more  
13 energy efficient.

14 Staff will continue to monitor the  
15 need for additional outreach and education efforts,  
16 such as developing a plan in response to the Enbridge  
17 concerns. We will work with the utilities, to make  
18 modifications as needed throughout the heating  
19 season.

20 That concludes my portion of this  
21 presentation. I will now return our presentation  
22 back to John.

23 Thank you.

24 MR. SANOS: Next slide, please.

25 Chairman Rhodes and Commissioners,

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2 this concludes our presentation. We are now  
3 available for any questions you may have.

4 CHAIRMAN RHODES: Thank you John,  
5 Vijay, Paul, Anna. Thanks for the news, which is  
6 clearly good news on the price outlooks and thank you  
7 also, for the attentive vigilance and oversight, in  
8 managing through this winter supplies and also, thank  
9 you for the good readiness to support customers with  
10 information and answer.

11 I don't have further questions, but I  
12 suspect my colleague Commissioners might. So with  
13 that, I'll turn to Commissioner Burman first.

14 COMMISSIONER BURMAN: I'm actually  
15 going to let others go first, so that I don't hog it  
16 and some of them may have similar questions to me.

17 CHAIRMAN RHODES: Thank you.

18 Commissioner Alesi?

19 COMMISSIONER ALESI: No questions. I  
20 just would make this comment.

21 Noted earlier in the report, the  
22 bullet item that said storage and replacement of fuel  
23 oil, is critical and that strikes a blow. So, I hope  
24 that we'll have a report, sometime in the near  
25 future, when that line will be eliminated largely, or

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2 at least legally, maybe.

3 That's my only comment on the report.

4 It's a good report, good news, actually.

5 Thank you.

6 CHAIRMAN RHODES: Thank you.

7 Commissioner Edwards.

8 COMMISSIONER EDWARDS: I have a few

9 questions.

10 So, on slide 4, the talk points said

11 that the L.D.C.s are in the process of contracting

12 for adequate natural-gas supply.

13 Do you know when those contracts are

14 expected to be finalized?

15 MR. SANOS: There are several that are

16 already finalized, Commissioner, but in order to make

17 sure that we have absolute reliability for the

18 winter, we have to have what's referred to as firm

19 primary-point capacity, into one of the city gates on

20 a New York facility system and both utilities have

21 gone out for a second run of proposals, to find what

22 they're still missing because they did not get 100

23 percent of what they needed.

24 So, right now, I'll tell you they

25 have, like 3/4 of what they're looking for and the

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2 last 1/4 is out for another round of requests for  
3 proposals. I'm hoping that we'll have them by the  
4 end of this month, beginning of November, but it's  
5 possible we could come up short and they are looking  
6 at other possibilities, additional demand response,  
7 things that can be done on a -- on a short term,  
8 rather than on a long-term basis and other issues.  
9 And that's what we're currently working on with them.

10 COMMISSIONER EDWARDS: Okay. Thank  
11 you.

12 On slide 5, the pie chart, the 2019-  
13 2020 winter-supply portfolio --

14 MR. SANOS: Yes.

15 COMMISSIONER EDWARDS: -- do you know  
16 how this compares to last year?

17 MR. SANOS: This has been very close  
18 the last 4, 5 years. It's almost identical. I mean,  
19 we see it 1 to 2 percent, maybe shift around.

20 It's been that way for -- actually  
21 since -- I'm saying 5 years, but it started turning  
22 towards this, where you had less -- more flowing gas  
23 than storage and hedge because of the new production  
24 zone in the northeast, that generated supplies, very  
25 close to our -- our home base, here in New York,

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2 where we previously were getting all of our gas from  
3 Canada and from the Gulf Coast and we tended to hedge  
4 a lot more, back then.

5 Volatility has been very low for the  
6 last 5 years and it started turning that way, in the  
7 last 10.

8 COMMISSIONER EDWARDS: Thank you.

9 And on page 18, is there a list of  
10 what we're going to be pushing out, versus what the  
11 utilities are going to be pushing out in a timeline?

12 MS. SENATORE: Yes.

13 We do have a -- excuse me. We do have  
14 a list of the materials we will be sending out to  
15 customers -- or not customers, but we have what we  
16 call a sale sheet, with the different publications  
17 that we have available and our schedule is to begin  
18 our outreach, as soon as the rules -- the winter  
19 rules initiate.

20 COMMISSIONER EDWARDS: So, how many  
21 times do we touch customers, on these items?

22 MS. SENATORE: My intention is to send  
23 out an e-mail campaign, three times, beginning with  
24 probably the beginning of November -- mid-November  
25 and then again, towards the end, couple weeks.

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2 COMMISSIONER EDWARDS: Is there a  
3 percentage breakout, of what's bill management versus  
4 energy efficiency, safety? Is it pretty much  
5 divided?

6 MS. SENATORE: Yeah, it is.

7 COMMISSIONER EDWARDS: Okay. What are  
8 some of the things you think that it's missing, or  
9 what could we do?

10 Let me ask it a different way. Is  
11 there anything that we could do more of, in terms of  
12 touches to customers and what topics? Like are we  
13 doing enough safety information, should we be doing  
14 more energy efficiency?

15 Like if you -- are you designing it  
16 yourself?

17 MS. SENATORE: No, I'm not.

18 COMMISSIONER EDWARDS: Okay. So, if  
19 you could --.

20 MS. SENATORE: I do work with a team  
21 of people that develop these materials and we're  
22 constantly looking at the materials, on an annual --  
23 actually on a semi-annual basis -- to see if we can  
24 make improvements. We do that, just before the  
25 winter-outreach campaign begins, to ensure that the

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2 information is current and if there's any additional  
3 information that's necessary, we either create new  
4 materials, or we work with staff, to see what other  
5 information we can provide consumers.

6 COMMISSIONER EDWARDS: Okay. So,  
7 you're flexible, then?

8 MS. SENATORE: Yes.

9 COMMISSIONER EDWARDS: Okay. Very  
10 good.

11 Thank you.

12 CHAIRMAN RHODES: Based on that, would  
13 you like to have a better understanding of that work?

14 COMMISSIONER EDWARDS: You know I do.  
15 Absolutely.

16 CHAIRMAN RHODES: Okay. So, then --  
17 so then -- because we're an equal-opportunity  
18 Commission, Anna, can you prepare, you know, a bring-  
19 up-to-speed session, with all of the Commissioners  
20 that are interested?

21 MS. SENATORE: Sure. Absolutely.

22 I'd be happy to.

23 COMMISSIONER EDWARDS: That'd be  
24 great.

25 You did offer to talk to me, too. So,

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2 I appreciate that.

3 MS. SENATORE: Yes.

4 COMMISSIONER EDWARDS: Okay. Thank  
5 you.

6 MS. SENATORE: You're welcome.

7 CHAIRMAN RHODES: Commissioner Howard?

8 COMMISSIONER HOWARD: I have a couple  
9 of questions and a couple of comments.

10 First, I want to understand, we've had  
11 1 incident with the Interstate Pipeline that has  
12 resulted in serious capacity loss. What would the  
13 potential be, if a second incident occurs during this  
14 same period?

15 MR. SANOS: Well, the action taken by  
16 the Federal Government, was because there were four  
17 incidents with this company, over 12 months. So, it  
18 wasn't just the last one. But the last one, that  
19 occurred in August, is the one that developed.

20 The purpose of the pressure reductions  
21 and the integrity verification, is -- the work is to  
22 ensure that another one doesn't happen and I couldn't  
23 sit here right now and come up with a probability of  
24 -- is it possible? It's always possible.

25 COMMISSIONER HOWARD: Less about the

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2 possibility, but just what would the potential affect  
3 be, of losing capacity on a parallel, or greater loss  
4 on this system?

5 MR. SANOS: Depending on the weather  
6 situation at the time, if we lost it, it could be  
7 very bad and we could have to go into our existing  
8 tariffs for curtailment of firm customers.

9 That's the end result we're trying  
10 avoid at all costs and --.

11 COMMISSIONER HOWARD: But -- but those  
12 issues, outside of the State of New York and under  
13 the jurisdiction, are largely outside of our control,  
14 or wholly outside our control?

15 MR. SANOS: What we're talking about  
16 right now, is outside of New York and totally out of  
17 our control. It's in the control of the Federal  
18 Government.

19 COMMISSIONER HOWARD: Thanks.

20 The next question I have, is in the  
21 event of a severe-weather condition, how long do the  
22 utilities have to react to that short-term change in  
23 weather?

24 MR. SANOS: All the utilities gas-  
25 control operations, not just the one in downstate,

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2 operate on anywhere from a 5 to 10-day weather cycle.  
3 Of course, the 5-day cycle is the most serious one  
4 and the one they're watching the -- the most closely.  
5 So, they are up to 5-days ahead, making preparations  
6 -- preparing.

7 If the weather starts to get down,  
8 especially in New York City, below 20 and 15 --  
9 towards 15 degrees, they start notifying their  
10 interruptible customers, that it's getting cold, be  
11 ready to come off because you have to, by tariff, to  
12 -- as a demand-response program and -- and -- and we  
13 need to start moving forward, to make sure everything  
14 is put in place.

15 At the same time, they'll be  
16 activating -- especially ConEd and National Grid --  
17 they start activating, to make sure the liquefied  
18 natural-gas system -- plants, are ready to come on  
19 and ready to run, as peaking units and they notify  
20 their peaking-contract customers, that they're ready  
21 to take a value.

22 So, it's usually a 5-day cycle, but  
23 they are looking out at least 10 days ahead, for  
24 weather patterns, to see if they have to prepare for  
25 something.

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2 COMMISSIONER HOWARD: This last thing  
3 has to do with both our consumer outreach and a  
4 question.

5 My understanding, is voluntary  
6 reductions by customers, under these circumstances,  
7 are rare to have any real, meaningful impact and I  
8 would hope that we could develop programs to  
9 understand, that when we do hit these supply crises,  
10 that customers at all levels, know that we're all in  
11 the same boat and they can do things themselves, to  
12 help voluntarily reduce the load.

13 The last thing I'd like to say, is  
14 that I am -- and you will hear me say this probably  
15 throughout my tenure here, I am very always concerned  
16 about the vagaries of HEAP and the Federal Government  
17 and what we can expect on an ongoing basis. It's  
18 nearly impossible for families to plan, going ahead,  
19 not knowing exactly what benefit may accrue in any  
20 given year. And as for this year, I would hope that  
21 the Federal Government would release funds, as -- as  
22 quickly as possible, so we can get these programs  
23 underway.

24 The last comment I would have to make,  
25 is I would really urge staff to conclude its work on

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2 the ongoing supply issues, as quickly as possible  
3 because the sooner we get these underlying facts out,  
4 I think we will be well-served and particularly in  
5 regard to the Enbridge situation, which throws a  
6 considerable wrinkle, in an already difficult  
7 situation.

8 So, that's my ask.

9 CHAIRMAN RHODES: Thank you.

10 Commissioner Burman?

11 COMMISSIONER BURMAN: Thank you.

12 And picking up on the HEAP issues, it  
13 is important for us to be aware of the application  
14 timelines and get that information out, not only for  
15 basic HEAP, but when the emergency HEAP funding and  
16 application process is available. It's always very  
17 important that we engage on this issue and I do echo  
18 Commissioner Howard's concerns on the HEAP funding  
19 and what we can do. It's very important.

20 I do think that we also need to be  
21 mindful with our consumer outreach, that when folks  
22 are being asked to curtail, go off demand response,  
23 for those who don't have HEAP, the pamphlets telling  
24 them how they can be more energy efficient and budget  
25 billing and other things, falls very flat and we need

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2 to be very mindful of true engagement and  
3 understanding, ahead of time, to the folks that we're  
4 reaching out to and the folks that the utilities are  
5 reaching out to because as much as we are pushing  
6 some of that -- which are good things, it can be  
7 something that doesn't -- doesn't resonate well.

8 So, last year, I did raise that I had  
9 voiced concerns about preparedness for winter and I  
10 talked about how we had, in 2014, taken a deeper  
11 dive, looking at stress tests and scenarios, in a  
12 cold winter.

13 In April of 2018, I believe, was one  
14 of the coldest Aprils on record in New York. Was it  
15 2018? And we do need to really be mindful and be  
16 prepared for those extreme days in normal winters and  
17 also be prepared for those winters, that aren't  
18 normal.

19 It's fairly simple and at the same  
20 time, extremely complicated, in preparing and being  
21 focused on the reliability and the resiliency of the  
22 grid. It has major consequences if we are not.

23 And so, one of the challenges, is  
24 looking at, as we prepare for each season, then the  
25 longer-term projections because that is something

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2 that we need to keep in mind. And I have been a  
3 broken record on my concerns, that we are not  
4 necessarily making some of the decisions we need to  
5 make, or other -- other agencies may not be making  
6 the decisions that they need to make, to make sure  
7 that we are making proper, long-term decisions and  
8 being prepared.

9 To the extent that things are out of  
10 our control, they're out of control. We need to be  
11 mindful of them. But to the extent that things are  
12 in our control and we choose not to do something, is  
13 very troubling to me.

14 Every year, there are problems with  
15 upstream pipelines and the L.D.C.s and us. The  
16 L.D.C.s take it into account in their planning. We  
17 take it into account in what we're doing and it's  
18 really a question on how many negative events are we  
19 all prepared for and what is that forecasting. And  
20 we should be looking at when we're forecasting some  
21 number of potential negative events and planning  
22 ahead of time, ahead of the season, in what that  
23 potential is and making sure that we are set because  
24 this single failure does have consequences.

25 Other failures will have significant

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2 safety and reliability consequences and we need to be  
3 mindful of that. And it's not just about -- for me,  
4 about telling the utilities that they are now  
5 responsible and to work with us in being prepared  
6 because we know, as we sit here today, as we sat here  
7 last -- or as I sat here last year, that we needed to  
8 do something from a longer-term planning process, on  
9 both the gas and the electric side and so, it is  
10 very, very, very concerning to me, that there is not  
11 a louder cry for doing what we need to do with new  
12 infrastructure and to make sure that we are prepared  
13 and we're going to own that. And I need to be very  
14 clear, that I am as concerned, even more so, than I  
15 was last year.

16 Going through the different slides, I  
17 do have a couple of questions. I will state that  
18 Tammy, you started off, talking that -- you were  
19 briefing us on the results of our investigation into  
20 the readiness of the State's natural gas and electric  
21 utilities, for the coming winter and you used the  
22 word investigation.

23 And I would push back a little bit  
24 because I think that there are several  
25 investigations, or one investigation that's gotten

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2 elongated, but this -- what we're doing, this here,  
3 is really what's done every year, annually, which is  
4 that we are engaging in looking at the readiness of  
5 our State's natural gas and electric utilities for  
6 the coming winter and that it is not termed -- the  
7 term investigation, I think, may be a little bit too  
8 strong, except to the extent that we are telling the  
9 utilities they better be prepared. And what that  
10 means, is something that I'm not necessarily so clear  
11 on.

12 Is that fair?

13 MS. MITCHELL: Yeah.

14 I think I tried to change that word,  
15 to review for this winter because there is a  
16 distinction. This is our annual review of the short-  
17 term system conditions for this winter, as opposed  
18 to, as you say, a longer-term investigation.

19 COMMISSIONER BURMAN: Okay. Great.

20 Thank you very much.

21 So -- and then on slide 3 -- thank  
22 you. There you go.

23 You made some comments at this time,  
24 on -- John, on the -- overall, that the New York gas  
25 utilities, are taking action to prepare for the

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2 coming winter, despite some challenges.

3 Like what?

4 MR. SANOS: Well, I think we already  
5 discussed the fact, that both companies, both -- both  
6 Grid companies and Con Edison, are out, trying to get  
7 additional supplies, to replace. And this is not  
8 that different from what they had to do 3 years ago,  
9 when there was another pipeline problem, in the  
10 middle of Pennsylvania, but that one was a little  
11 easier to acquire supplies in because that was just a  
12 pipe, feeding the pipes, that come into the city.

13 These are actually the pipes that come  
14 into the city now, that are being impacted. So, it's  
15 a little more difficult to go get those. So, they're  
16 actually doing the same thing they tried to do --  
17 that they actually did a few years ago.

18 In addition to that, what I wanted to  
19 do, was -- and I think you brought up about the -- I  
20 think your comments about the stress testing, are  
21 very important and one of the things I wanted to do,  
22 is just mention exactly what the training is, going  
23 on with the gas-control operations, in case a problem  
24 exists because right now, we're talking about the  
25 potential and the possible. We're not talking about

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2 something that's probable, at this point in time.

3 So, it's a concern and I try not to  
4 overly alarm people, but we want people to be aware.  
5 The -- both gas-control operations, managing the New  
6 York facility system, for -- for the entire downstate  
7 area, annually update their contingencies plans, to  
8 reflect any changes to the systems they operate and  
9 this includes making sure they know what to do in the  
10 event of a loss of supply of -- or of any one -- one  
11 facility that they have and they have step-by-step  
12 instructions that are needed to help all three of the  
13 actual service territories, for the loss of supplier  
14 and asset, to make sure they can all work together,  
15 to try to avoid having a loss of pressure at any  
16 localized part of the system.

17 This May, even before they knew about  
18 the Enbridge problem, at the -- they have a  
19 metropolitan gas-system operator seminar and all  
20 three service territories get together and they run  
21 through a tabletop exercise of multiple scenarios, on  
22 what happens and what we can do and they actually  
23 test different possibilities and contingencies.

24 MR. SANOS: As recently, as earlier  
25 this month, on the 7th of October, representatives of

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2 the company attended the Northeast Gas Association  
3 Gas Control Committee meetings, where they actually,  
4 again, went through more tabletop exercises. This  
5 time, knowing about the Enbridge situation, all the  
6 northeast -- because New England's affected by this  
7 too, through the Algonquin pipeline, they all worked  
8 together to try -- to run tabletop exercises and what  
9 to do with different types of problems that could  
10 develop and what kind of contingencies. So, they're  
11 doing this training.

12 In addition, still to come, in the  
13 beginning of November, the -- both the gas-control  
14 operations and the gas-supply operations of National  
15 Grid and Con Ed, are going to be together for another  
16 pre-winter meeting to prepare for this winter and  
17 they again, are going to do more tabletop exercises,  
18 specifically on how the Enbridge problem can impact  
19 the New York facility system. So, that's still to  
20 come and they're still planning that. By then, they  
21 should know exactly whether they've been able to  
22 replace all the supplies they needed and if not, what  
23 they need to do about it and they're going to have  
24 plans on how -- how to enact it.

25 So, I wanted to make sure you knew

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2 exactly what they were doing, along those lines.

3 COMMISSIONER BURMAN: Yeah.

4 That's -- that's very --.

5 MR. SANOS: And you brought up 1 thing  
6 about the voluntary curtailment because that's --  
7 after interruptions, if you get in to a situation,  
8 that's the first -- I want to make sure everybody  
9 knows, it was New Year's Day 2018, we had a situation  
10 with National Fuel Gas, where they lost a compressor  
11 in Pennsylvania, that not only stopped a certain  
12 amount of flow on the flowing gas, but it also  
13 prohibited them from getting maximum release, out of  
14 the storage fields. They actually called for a  
15 voluntary curtailment of non-core customers, meaning  
16 non-human needs customers. And the fact that it was  
17 New Year's Day and the fact that they asked for the  
18 voluntary curtailment, did work and it did get them  
19 through the day.

20 Now, that was only a 12 to 16-hour  
21 interruption and it's possible, something like this  
22 could be longer than that. But I just wanted to make  
23 sure people know that those situations can work, when  
24 they're needed and we do have specific instances,  
25 every year, where we lose a compressor for a certain

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2 amount of time, or problems like that occur and the  
3 gas-control operations, are ready to handle that.

4 COMMISSIONER BURMAN: Okay. I think  
5 that's really important and I appreciate you sharing  
6 that publicly. And I know we've continued to talk  
7 about these issues and the importance of them.

8 On slide 4, you talked here, about  
9 current firm-customer demands and it doesn't match  
10 up, but you did -- under design, winter conditions  
11 for this winter, you talked about the L.D.C.s serving  
12 New York State and the process of contracting a  
13 current firm.

14 So, to the extent that -- we also need  
15 to be very clear from an education and outreach  
16 perspective, on the potential for curtailments  
17 because I do think, that to the extent that we are  
18 continuing -- L.D.C.s are continuing to sign up firm  
19 customers, that vastly increases the chance,  
20 currently, that they're going to need to be  
21 curtailed. Is that correct?

22 MR. SANOS: We are talking primarily  
23 about what's there right now and what is planned  
24 already to come on, for areas where they're still  
25 adding customers.

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2 That is set for this winter. Yes.

3 COMMISSIONER BURMAN: Okay.

4 MR. SANOS: We're not talking about  
5 anything in any of the other areas, where there's  
6 issues, regarding whether they're adding customers,  
7 or not.

8 COMMISSIONER BURMAN: Okay. But it  
9 could be a potential problem?

10 MR. SANOS: I don't see -- I don't see  
11 the addition of a few extra people -- customers, that  
12 we know of, that are coming on this winter, to be any  
13 more of a problem than we already have with Enbridge.  
14 I don't think that addition of those customers is  
15 causing any more of an additional problem, than we  
16 already have with Enbridge.

17 COMMISSIONER BURMAN: Okay. That's --  
18 that's good to know.

19 And then going forward, from a long-  
20 term perspective, if we're forecasting out, more firm  
21 customers, does that present challenges, or  
22 curtailments?

23 MR. SANOS: I think that's more of a  
24 question for some of the staff investigations we're  
25 doing.

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2 COMMISSIONER BURMAN: Okay.

3 MR. SANOS: And some of them, I don't  
4 think we're at that point in time, where we are ready  
5 to be talking publicly about them.

6 COMMISSIONER BURMAN: Okay. But it is  
7 something that you're looking at?

8 MS. SANOS: It's something that we're  
9 looking at, in that -- in that realm.

10 COMMISSIONER BURMAN: Okay. That's  
11 fair.

12 Thank you.

13 To the extent that we're also working  
14 with the oil-industry representatives and the propane  
15 folks, it's really, really important, in ensuring  
16 that there's access to adequate supplies of winter-  
17 heating fuels. I think it needs to really be stated  
18 that, you know, we will have an increase, likely, in  
19 the need for switching interruptible customers off of  
20 gas, onto oil, is that correct?

21 MR. SANOS: We actually had our first  
22 pre-winter discussion, with the oil dealers last  
23 week.

24 COMMISSIONER BURMAN: Okay. All  
25 right. I think it was 2016-2017, when we did ask

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2 folks to switch off of gas and interruptible  
3 customers -- can you hear me in the back? Because I  
4 see some people -- no?

5 Sorry. Hold on. Let me just -- just  
6 let me get situated.

7 Thanks.

8 So, to the extent that -- is that  
9 better? To the extent that -- sorry.

10 To the extent that we are switching  
11 customers -- interruptible customers, off of gas and  
12 they're moving then to oil, the oil needs to be  
13 there.

14 2016-2017, I believe we had a number  
15 of customers, who were not able to switch off of gas  
16 because the oil was not there because of the demand  
17 for oil and that then produced a petition, seeking a  
18 waiver because if you don't -- if we tell you to move  
19 -- if you're told to move off of gas, you don't move  
20 to oil and you're then penalized. Or if there's  
21 enough times in certain areas, you're then moved to  
22 firm customer.

23 All of that, is set up in a way to  
24 encourage those who have chosen to sign up for  
25 interruptible, or those who can't go and get --

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2 become a firm customer, because it's not available in  
3 a movement off of gas, whether it's called upon, but  
4 then they can't necessarily get penalized, if they're  
5 not able to do that, right?

6 Have we done some projections, on --  
7 based on 2016-2017, when that happened?

8 If I remember correctly, it was about  
9 86 customers, mostly in New York City's area and  
10 mostly -- a lot of them, were hospitals and schools.  
11 I'm just wondering if we've done the projections on  
12 that and what that means, in working with the folks  
13 on that.

14 MR. SANOS: Commissioner, the -- the  
15 number of actual interruptible customers that don't  
16 comply on a year-to-year basis, are very small.

17 COMMISSIONER BURMAN: Okay.

18 MR. SANOS: The concern, was  
19 automatically switching them to firm service, or  
20 taking gas service away from them altogether, if  
21 they're -- if firm service was not possible.

22 That was, I believe, part of the  
23 Commission decision last December, to Con Edison,  
24 that they were not going to be able to do that  
25 anymore. The Commission told them, don't do it

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2 anymore. That was the Commission's order.

3 We currently have two sets of tariff  
4 filings. One from Con Ed -- one from Con Ed for both  
5 of its services -- from its service territory and one  
6 from each of the grid service territories, which I  
7 sincerely hope we'll be able to report to the  
8 Commission in the November session, so that we can  
9 have new -- some new rules in place by December 1st,  
10 to try to correct some of those issues, that I think  
11 you're bringing up.

12 COMMISSIONER BURMAN: That's fair.

13 Thank you very much. I appreciate  
14 that.

15 So, there's also talking on -- you  
16 talked about recent filings, made by the L.D.C.s in  
17 the rate cases, that focused on the issue of demand  
18 response and non-pipe alternatives, including energy  
19 efficiency to meet growing demand and especially, in  
20 areas where local governments seek to phase out  
21 dirtier heating fuels, such as fuel oil and propane.

22 How many customers who have -- if they  
23 don't have available gas and they wanted it, how many  
24 customers switched to heating pumps, or how many of  
25 them go to propane, or other?

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2 MR. SANOS: I -- I don't have that  
3 information at my fingertips.

4 COMMISSIONER BURMAN: Okay. The  
5 reason I raise it, is I think it's really important,  
6 especially when we have a focus on heat pumps and the  
7 encouragement of moving folks to heat pumps and that  
8 there are a lot of different state actions and state  
9 funding that is tied to that.

10 For me, it's about the accountability  
11 of those dollars and also, not just looking at the --  
12 the direct dollars that are going to this, but also  
13 the education and outreach and whether or not we are  
14 actually doing this and it's not actually helping.  
15 And we're spending a lot of dollars and people are  
16 still either moving to fuels that are not as clean,  
17 or they just don't have -- they just choose to either  
18 go elsewhere, or not make the investments  
19 economically that we want, whether it's an upgrade to  
20 their business or to their homes, or other things  
21 that might be helpful.

22 So, I think it's something that -- is  
23 that something that's being looked at, in the staff's  
24 report?

25 All right. So to be determined, I

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2 guess, right?

3 MS. MCCARREN: Yeah.

4 The staff investigative report, was  
5 looking at the moratoria in Westchester County and in  
6 the downstate grid regions and you know, staff was  
7 charged with looking at the reasonableness of utility  
8 actions. So, I -- I don't believe that there will be  
9 much analysis, related to customer alternatives, in -  
10 - in that effort, but it certainly could be in future  
11 efforts.

12 COMMISSIONER BURMAN: Okay. Well, I  
13 don't want to hold up the release of the report, but  
14 I do think it's really important.

15 I will, since we're talking about  
16 this, take a moment to say that I am truly concerned  
17 about the situation. I'm truly concerned that we've  
18 undertaken an investigation on the supply  
19 constraints.

20 I think that's important. However,  
21 it's done outside of -- outside of the Commission  
22 fully understanding -- at least this Commissioner  
23 fully understanding what the processes are, who's  
24 been hired, what the R.F.P.s have been. All of the  
25 different things that I think it's incumbent upon me,

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2 as -- as -- at least where I sit, that I would like  
3 to have more ability to make sure and flesh out the  
4 important issues that need to be looked at, to make  
5 sure that -- like we do when we have management  
6 audits and other things, where we put out an R.F.P.  
7 and then we, you know, sign off on who's been hired,  
8 making sure that we've looked at it, carefully.

9 I just think that -- for me, I think  
10 it's problematic that it's a silo. We don't know,  
11 you know, all the details and we don't know -- we  
12 don't have anything from a transparent perspective,  
13 to share with the public and I think that they have a  
14 right to know and they have a right to also be  
15 engaged in it, from that -- that way.

16 Some of the things that I think are  
17 important, also, is just looking at, you know, there  
18 are lots of discussions on future studies that are  
19 going to be done. Not only under gas, but the -- the  
20 future for our energy planning and you know, I think  
21 it's incumbent upon me, to say we need more details  
22 and we also need to be able to know exactly what that  
23 process is and how those who may want to be involved  
24 in it, can be involved and also, what the dollars are  
25 and where they're coming from and not just after the

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2 fact.

3 And for me, a lot of the questions  
4 that I have -- and I'm going to raise these and if  
5 it's part of the study, great. If you have an answer  
6 to it now and you could share, that is also helpful  
7 to me.

8 What is the short-term carbon impact  
9 of the inability to access additional gas?

10 Okay. That's important.

11 For me, we have had a policy, or so it  
12 seems, of limiting new natural gas and really, it  
13 seems in many ways, to wind up promoting more  
14 polluting liquid fuels, like diesel. We need to look  
15 at that and understand that. If our very reasons  
16 for, you know, focusing on no new gas, is to have a  
17 cleaner environment and we're actually going  
18 backwards, we need to understand that.

19 Also, what's the impact on local air  
20 quality? When we -- when Mayor Bloomberg undertook  
21 the oil to gas conversions in New York City, there  
22 was a significant focus on what that meant from a  
23 local air-quality perspective, projecting out to 2030  
24 if we continued on that. And so, to the extent that  
25 we are, you know, needing to look at that, I think

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2 it's important.

3 Will this stifle the growth of  
4 technologies that use gas efficiency -- efficiently,  
5 like C.H.P., or fuel cells and allow old, inefficient  
6 plants, to keep running? That's something that I  
7 think is important when we're looking at that.

8 What is the carbon impact of  
9 converting to heat pumps on Long Island and in  
10 Westchester, where most of the power is produced by  
11 oil and natural-gas fired power plants? That gets to  
12 what we're seeing from an impact perspective, if our  
13 dollars are actually helping to not only spur the  
14 market, but that the customers benefit from that  
15 environmentally, economically and that they get the  
16 fuel that they need.

17 As the constraints on the gas system  
18 grow, or dual-fuel plants model to use oil more  
19 often, or some of our energy-efficiency, or demand-  
20 response programs, if we are asking them to, you  
21 know, figure out a way to get by with less and it  
22 winds up being that, we're then encouraging, or  
23 incentivizing more oil usage, or other dirtier fuels,  
24 that's something we need to consider and be mindful  
25 of and also, if it's costing us more. That is

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2 concerning.

3 Will folks be hitting their annual  
4 emission limits more often, or earlier in the year,  
5 by this and will there be an opportunity to get  
6 waivers from the D.E.C.? We've weighed in on in, you  
7 know, the polar vortex. We've weighed in on some  
8 necessary waivers, that may need to happen. That's  
9 something that we should be actively looking at and  
10 engaging and understanding, so that people are not  
11 put in the position of having to not know, or to  
12 spend resources after the fact.

13 And when we did the petitions for the  
14 waiver for those folks in New York City, who couldn't  
15 move from gas to oil, I think it took about 2 years  
16 to wind its way through us, maybe. Maybe. I'm -- I  
17 think it was about 2 years. So, it's something that  
18 we should consider.

19 I am really glad to know that staff is  
20 working diligently with everyone, as you always do,  
21 every winter. I am really concerned.

22 I'm also concerned about the weight of  
23 this for staff and the need for appropriate resources  
24 and the need to be able to talk frankly and openly,  
25 on what some of the challenges are, not just

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2 privately, but also more publicly because I think  
3 that that helps people understand the situation.

4 I, personally, am going to be very  
5 focused on this and I want us to come up with  
6 solutions that work and figure out how to have the  
7 right mix, but I also think people shouldn't, you  
8 know, shouldn't -- it's not a one technology is the  
9 answer, one fuel is the answer. It's a variety and  
10 the most important thing to me, is keeping the lights  
11 on and when they go out, getting them back up and  
12 running fast and the cost to the customers.

13 And it's clear from our situation, not  
14 only in Westchester, but in Lansing and other places,  
15 that there is a disconnect for those folks who want  
16 fuel sources and they're not being able to get them  
17 and what that means and we should be working with all  
18 folks on that.

19 So, I appreciate this. I appreciate  
20 that we're also looking at a snapshot, in terms of  
21 whether we're -- whether we are set for this winter,  
22 for firm -- current firm customers and when we say  
23 we're set, it doesn't mean that we are not going to  
24 incur costs to do that, nor does it mean that we're  
25 not going to -- that we're going to be going

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2 backwards environmentally, to meet some of the -- the  
3 load requirements. And from a system-planning  
4 perspective, I do agree that we need more, longer-  
5 term system planning and recognizing of what we need.

6 It is no shock that there is a system  
7 failure. We're addressing that now. But again,  
8 every year, there are going to be negative events,  
9 that are going to stress the system and what that  
10 right balance is, is really important. And it's not  
11 about dealing with it this winter. It's really for  
12 all winters.

13 So, thanks. That's it.

14 CHAIRMAN RHODES: Thank you.

15 This is an item that doesn't require  
16 Commission formal action. Obviously, we've received  
17 a report and had a chance to ask questions.

18 So, I'll now move to the third item  
19 for discussion, which is item 101, Case 19-G-0678,  
20 which is the proceeding to investigate denials of  
21 service requests by National Grid, presented by Bob  
22 Rosenthal. General Counsel, Cindy McCarron, Deputy  
23 Director for Gas and Water and Mike Rieder, Chief of  
24 Gas and Water Rates and Supply, are available for  
25 questions.

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2 COMMISSIONER BURMAN: Chair, I don't  
3 mean -- I do know that some of these issues may wind  
4 up requiring some technical assistance from John  
5 Sano, in particular. I know he's leaving now, but --  
6 .

7 CHAIRMAN RHODES: Do you recommend  
8 that we ask him to stay?

9 COMMISSIONER BURMAN: A lot of it --  
10 for me, a lot of it is tied -- a lot of the questions  
11 --.

12 CHAIRMAN RHODES: We can have him come  
13 back.

14 COMMISSIONER BURMAN: Yeah. Sorry.

15 MR. R. ROSENTHAL: Good morning.

16 Let me start, by saying that it's an  
17 honor to appear before this -- this Board and I look  
18 forward to working with you in the future.

19 As you know, the Department has been  
20 investigating National Grid's decision, made with no  
21 notice, in May 2019, to impose a blanket denial of  
22 service to all new customers, in what it deemed as,  
23 quote, inactive customers. It was around this time,  
24 that National Grid staff began telling these  
25 customers, that the company would not provide gas

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2 service, until the State D.E.C. issued a permit for a  
3 downstate pipeline.

4 Later in the context of the  
5 investigation, National Grid asserted, that many of  
6 the customers denied service, were inactive for more  
7 than 24 months and that its decision to deny service,  
8 was justified because the recommencement of service  
9 would constitute an increase in demand, that the  
10 company lacked supply to safely meet.

11 To determine whether National Grid was  
12 indeed justified in denying service, with no advanced  
13 notice to certain customers, the Department focused  
14 on three issues. First, we examined the specific  
15 circumstances regarding the customers denied service,  
16 including data on the size and type of customer,  
17 which in turn helped staff determine if there were  
18 any trends, with respect to the denials.

19 Second, we examined whether it was  
20 correct for National Grid to create a 24-month  
21 filter, with respect to determining the status of an  
22 existing customer, as active or inactive and  
23 determine whether or not the associated load, was  
24 additional or pre-existing.

25 Third, we examined the materiality of

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2 the denial of service to each subgroup of customers,  
3 by estimating the peak demand for each group, against  
4 the peak load of the system and whether National Grid  
5 could meet the needs of each subgroup of customers,  
6 under its existing peak-capacity projections.

7 As far as the circumstances  
8 surrounding the service denials, we've learned that a  
9 number of customers denied service, were undertaking  
10 renovations of their homes and that in many cases,  
11 the renovations had not gone on longer than 24  
12 months. In fact, we learned that 218 customers  
13 denied service, had been inactive for less than 24  
14 months.

15 In other circumstances, we learned  
16 that National Grid denied service, to customers who  
17 had simply moved from one residence to another  
18 residence, within National Grid's service area, where  
19 the other residence had not been previously occupied,  
20 for some time.

21 With respect to National Grid's  
22 internal 24-month metric, we determined that with a  
23 system serving 1.8 million customers, it is  
24 inevitable that during any 24-month period, a  
25 relatively constant number of customer accounts would

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2 be inactive because of lengthy renovations, or for  
3 other reasons and that the company's load forecast  
4 should have presumed the presence of this customer  
5 group. That is, staff does not accept the company's  
6 view, that the recommencement of service to this  
7 existing, albeit inactive customers, would  
8 automatically mean that they were adding new load to  
9 the system.

10 We then identified 1157 existing  
11 residential and small-business customers, denied  
12 service since May 2019. Most of whom were denied  
13 service, due to being deemed inactive for more than  
14 24 months. Many of this group of customers, would  
15 likely have been offline for renovations and in  
16 staff's view, should've been considered by the  
17 company to be existing customers, that wouldn't be  
18 increasing load. These customers would also be  
19 harmed by the denial of service, with no notice,  
20 given the onset of winter and the basic need to heat  
21 their homes, or businesses.

22 We've determined that the peak-gas  
23 usage, associated with this category of customers,  
24 even if considered new load, would be extremely low,  
25 representing 0.05 percent of the peak-load

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2 associated with National Grid's system. Staff then  
3 looked at potential future constraints, regarding the  
4 company's peak-demand forecast, as well as National  
5 Grid's plan to address any potential constraints and  
6 concluded that the cumulative amount of load, could  
7 be accommodated by short-term investments and demand  
8 response and energy efficiency.

9 As such, we determined that National  
10 Grid could safely connect this subgroup of 1157  
11 customers, without negatively impacting its system.

12 And I just want to make the point,  
13 that these are customers. A customer can be a  
14 residence. It could have 3 or 4 people in it. It  
15 could be a business. So, that part of the order  
16 really is affecting 3, 4, 5,000 people.

17 As for the legal standard, the  
18 Commission has broad authority in this area, as  
19 outlined in the order and I want to highlight one  
20 section in particular, which is section 66-a sub(1)  
21 of the Public Service Law. That provision specifies,  
22 that even during a supply constraint and we're not  
23 assuming that there was one here, gas utilities must,  
24 quote, allocate the available supply of gas, in such  
25 a manner as may be necessary to avoid undue hardship.

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2 As explained in the order to show  
3 cause, at least with respect to the 1157 residential  
4 and small-business customers denied service, the  
5 Department believed that National Grid did not  
6 implement the moratorium, in a manner necessary to  
7 avoid undue hardship. The Department determined that  
8 National Grid had other options, such as demand  
9 response and energy-efficiency measures, spot-market  
10 purchases and compressed natural gas, that it  
11 could've relied on, to serve certain customers that  
12 would request service, over a reasonable period of  
13 time, before a moratorium was imposed. The order to  
14 show cause requires the company to explore those  
15 alternative supply-and-demand options.

16 National Grid made the decision to  
17 start issuing blanket denials, with no notice and  
18 that fact alone, caused customer hardship. The  
19 company acknowledged as much, in its October 15th  
20 letter to Chair Rhodes, in stating that, quote, more  
21 could've been done to communicate with customers. We  
22 agree.

23 Indeed, the company should've given  
24 its customers a reasonable period of time, such as 60  
25 days, as Con Ed had done, just months before National

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2 Grid had acted. Had that been done, those customers  
3 undergoing renovations, could've explored other  
4 options. Many probably could've finished their  
5 renovations later in the spring, or summer, during  
6 that 60-day period. Others could've finished the  
7 part of the renovations related to gas service,  
8 alone, within that 60-day period. And still, others  
9 could've installed electric heat pumps.

10 MR. R. ROSENTHAL: National Grid  
11 should have come to the P.S.C. and worked out an  
12 arrangement, that prioritized those most in-need of  
13 gas for heating purposes, but the company did none of  
14 these things.

15 While the company has cooperated in  
16 the investigation, it became clear, with winter  
17 approaching -- and it was 37 degrees in Albany, at  
18 least -- last week, one night, that a -- One  
19 Commissioner order was warranted, once staff  
20 understood the nature of the denials affecting the  
21 1157 customers and the need to undertake immediate  
22 action, to address as many customer hardships, as  
23 possible.

24 Let me finish, by saying that the  
25 order to show cause, is already having a positive

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2 effect. With respect to the 1157 customers, National  
3 Grid announced on Monday, that it would begin  
4 connecting all of those customers, immediately.  
5 Indeed, National Grid also announced, that it could  
6 serve these customers safely, through the same types  
7 of programs that we identified, in the order to show  
8 cause.

9 And that ends my formal comments and  
10 I'm happy to address any questions that you may have.

11 CHAIRMAN RHODES: Thank you, Bob.

12 So, at -- here is the proprietary of  
13 decision making, with request -- with respect to  
14 service requests and I want to note, so there's  
15 background, kind of the active working of the  
16 investigation and the associated report that we've  
17 discussed and mentioned, at several points during  
18 this session.

19 I note, of course, that there are  
20 developments that keep happening in the outside  
21 world, that keep the issues open and the work  
22 ongoing. With that said, I of course, share the  
23 public's and the Commission's deep and proper  
24 interest, in getting the findings of that report out,  
25 as soon as they're -- as soon as the work's done and

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2 as soon as they're ready.

3 And it's against that context, that  
4 the One Commissioner order exercises the Commission's  
5 duty to preserve service for existing customers and  
6 to address cases of hardship and I think the -- I  
7 obviously support the One Commissioner order and I  
8 believe it took the -- took the action in an  
9 appropriate and balanced way and I too, want to go on  
10 the record, as being encouraged by the company's  
11 swift and you know, completely resolute response, in  
12 terms of connecting the 1157 customers. That is  
13 happening and that's really -- that's -- that's --  
14 simply put, that's a very-good response.

15 Commissioner Burman?

16 COMMISSIONER BURMAN: Well, I am  
17 interested in what my other Commissioners say because  
18 I really am concerned about this approach.

19 I don't think the ends justify the  
20 means and I am concerned that -- saying that it's had  
21 a positive effect, I'm not so sure that the One  
22 Commissioner order was the catalyst for the  
23 discussion on the customers being given gas. I think  
24 that, in fairness, there's -- was ongoing discussions  
25 through the complaint process, as happens and so,

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2 that information and the evidence on that and what  
3 was going to be done, or not done and how it would be  
4 done in a way that was helpful, in showing the  
5 regulator utilities and the customers working  
6 together, I think, may have been something that  
7 would've been a better process, rather than a One  
8 Commissioner order that we're now faced, with whether  
9 we confirm it, or not.

10 I do -- I do know that it's the  
11 Chair's discretion and I -- he made his decision on  
12 that, but I would've rather have had the opportunity  
13 to have engaged, in a way that I think may have  
14 helped us have at least more of a fruitful pathway,  
15 or at least have had some input, in our understanding  
16 of -- of what was going on. I do think that this One  
17 Commissioner order speaks volumes about the need for  
18 us to address the constraint issues and the need for  
19 us, for -- clearly, we're hearing loud -- loudly,  
20 that there are a large group of customers who want  
21 and need gas and the opportunities for them to move  
22 to other fuels, if the gas is not available, are  
23 either not feasible at this time, or economically  
24 more costly and are environmentally more challenging.

25 So altogether, we need to look at

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2 that. We need to examine it and rather than being in  
3 the crisis mode, we need to address that.

4 I do think that there's been a lot  
5 over the years, on what the definition of a  
6 moratorium is. Sometimes, it looks and smells like a  
7 moratorium and it's not. And you know, what that  
8 means, is the answer that -- get to a moratorium, to  
9 the push for other, you know, solutions, other than  
10 gas. But what if that doesn't actually help, it  
11 brings us backwards and it also is still not --  
12 what's the framework?

13 So, we gave -- we talked about -- we  
14 talked about the fact that National Grid gave no  
15 notice and then it seems like the bar now, is -- Con  
16 Ed gave a 60-day notice to their customers. So  
17 therefore, that's the bar.

18 So utilities, you're on notice, that -  
19 - it sounds like it's a 60-day window that you have.  
20 However, we all know that, you know, John Sano talked  
21 about not wanting to alarm folks, right? So, what  
22 does that mean, if you're -- if you're trying to make  
23 decisions and trying to make sure that you're doing  
24 the right thing?

25 You know, frankly, if you're in a gas-

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2 constrained area, you should put all your customers  
3 on notice that you may not have gas. Is that what we  
4 want? Because that then causes more issues. Maybe  
5 that's positive because it brings out discussion, but  
6 not if then we're going to chill the conversation.

7 I frankly have to bristle at saying no  
8 notice because the Commission has had notice. The  
9 Commission has been engaged. The Commission has --  
10 goes back -- I mean, I go back and look. From my  
11 perspective, I've raised this every year, several  
12 times, not just in the planning stage, not just in  
13 the -- not just in, you know, one particular item,  
14 but throughout.

15 And we've had -- during the polar  
16 vortex -- we had a conference after the polar vortex  
17 in 2014. It's loaded with people talking about the  
18 constraint issues, the need for new infrastructure  
19 and actually, many times it was the Commissioners  
20 themselves talking about -- that that would be a  
21 positive and that we anticipate it. And frankly,  
22 some of our planning has been done in a way that  
23 publicly has said that there's no worries because we  
24 are looking at that and we are hopeful with the new  
25 infrastructure, as alleviating that, so we can't say

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2 there's an issue.

3 So, for me, I do think customers need  
4 notice and they need appropriate notice and they need  
5 -- we need to work within what that framework is.  
6 Maybe have a collaborative with the utilities, on  
7 what that means, so we're all on the same page and --  
8 and go through what that means, what that looks like,  
9 which customers get what notice, how they get that  
10 notice, when they get that notice.

11 Now, that's going to take a lot of  
12 time. If the solution is we're doing all of this  
13 because we have gas-constraint issues and you know,  
14 our obligation is to make sure that customers have  
15 their energy, then why aren't we figuring out -- I  
16 mean, it almost speaks -- this, to me, speaks like it  
17 meets all the criteria.

18 There's safety issues, if we don't  
19 have new infrastructure. There's reliability issues,  
20 if we don't have new infrastructure. There's  
21 environmental impacts that go backward, if we don't  
22 have new infrastructure. There's economic issues, if  
23 we don't have it.

24 And by the way, customer choice is not  
25 there because they're not being able to get what they

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2 ask for, when they want it.

3 And so, is the gas planning, is the  
4 electric planning, is all of this just, you know, us  
5 just not addressing the elephants in the room? We  
6 need to have those conversations and we need to work  
7 through that.

8 And frankly, I am very supportive of  
9 looking for ways to incorporate demand response,  
10 looking for ways to incorporate energy efficiency,  
11 looking for ways to increase the impact of heat  
12 pumps, but it's not a be-all and end-all. And those  
13 people who are saying that -- no pipelines, get rid  
14 of them, we don't want them, actually need to take a  
15 hard look at what the ramifications are and work  
16 through those with people because there is a -- there  
17 is a pathway for a lot of things to be there and I  
18 just want to be very clear, that -- so no one can say  
19 that I was not clear in where I stood and where I see  
20 it.

21 For me, the most important thing is  
22 maintaining the reliability and resiliency of the  
23 grid and doing it in a responsible way. Reducing  
24 carbon emissions is very important and the use of  
25 natural gas, both through direct use and for power

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2 generation, can be a very-impactful way for the state  
3 to lower their emissions profile.

4 As we sit here today, we're looking at  
5 an order to show cause because there are customers  
6 who said they want gas and they weren't able to get  
7 it and we are challenging the utility, to say -- in -  
8 - in -- in -- in some ways, I don't understand it.  
9 Why are we making it, that we're, you know, not  
10 working with them, when we also -- we can't say that  
11 it's -- it's for their failure alone. It's a  
12 combination of our own policy and state-policy  
13 actions and the failure for us to make some very bold  
14 and courageous things that need to be done.

15 And I -- I'm -- I'm very, very  
16 concerned because -- listen. It's -- it's -- it's  
17 easy to hate the utility. It's easy to blame, but we  
18 have to figure out the pathway forward and when --  
19 and to say that there is -- John Bruckner, in his  
20 letter, said that there could've been better  
21 communication. I think that that is true and we  
22 could examine what that is.

23 But then I say well, what was -- what  
24 -- the minute that that was done, the minute the  
25 first complaint was done, if we felt that under the

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2 Public Service Law, they didn't have the right to do  
3 this and that there was this -- this lack of direct  
4 notice, was a problem and they needed to go to the  
5 Con Ed's 60-day solution, well then for me, why  
6 didn't we say something then? Why didn't we put out  
7 a statement, that no -- or say directly to them?

8 So for me, the process is something  
9 that is very difficult for me to handle because it  
10 doesn't show the right pathway and if you're sitting  
11 there, trying to make decisions, you want to know  
12 what the right pathway is.

13 Every utility is wanting their  
14 customers to be happy customers. Every utility wants  
15 to solve the issues and when there are clunkiness and  
16 there are -- there are problems with that, we need to  
17 address that. We take care of that, usually, through  
18 working through how well they did with what their  
19 customer satisfaction is and what some of the things  
20 are.

21 For me, I've seen too many times,  
22 where when we have a lot of complaints that come in,  
23 that maybe fit in this global way. We don't address  
24 it. We say it's -- each complaint, we're addressing  
25 them singly.

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2 I raised it at last session, about,  
3 you know, when we had the URAC petition and we were  
4 denying it. They're asking for some relief for a  
5 global petition -- global complaints being -- looking  
6 at -- we have another one that we're denying, another  
7 URAC One and whether or not it fits substantively, on  
8 whether that rises to the level of a global  
9 complaint. We do need to work through what this  
10 means.

11 The signal that we're sending to  
12 people, is if you want to get your service, file as  
13 many complaints as you want and be very loud. What  
14 does that mean?

15 So, Lansing has been in -- has had a  
16 moratorium, since 2015. You know, is it because --  
17 like, what? What is -- is there a distinction  
18 between Lansing and their needs?

19 Now, we've -- we've had -- we have a  
20 proceeding. We have been looking at that, but it  
21 hasn't come back before us to look at. Does it take  
22 people just saying we're not going to work within the  
23 framework, we're going to be angry and we're going to  
24 demand action and that's what makes -- bubbles it up?  
25 What's the pathway?

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2 In a sense, we're also acknowledging  
3 the need for gas. We're acknowledging the need that  
4 customers have a right to demand whatever it is,  
5 whether it's -- it's gas, whether it's electric,  
6 whether it's heat pumps, that customers have the  
7 right to demand what they want.

8 I'm going to listen to some of what my  
9 Commissioners --.

10 UNIDENTIFIED SPEAKER: If what they're  
11 demanding, is mass extinction, do they have a right  
12 to demand that?

13 COMMISSIONER BURMAN: What we're going  
14 to -- I'm going to wait and see what my other  
15 Commissioners say and I am going to come back to this  
16 with some thoughts because I really am trying not to  
17 struggle.

18 I am not sitting here and saying that  
19 I think we shouldn't review this. What I am  
20 concerned about, is that what we've set up, is a  
21 situation where it is -- it is not helping and it  
22 only is causing more disruption and I did welcome the  
23 letter, before we voted on the confirming order. I  
24 welcomed it because it also showed that it's not as  
25 clear cut.

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2 The order doesn't really have much, in  
3 the way of what the staff investigation found and  
4 it's -- in many ways, it almost seems like it's a  
5 predetermination of the staff report to come, which I  
6 don't think it was intended to be, but it makes it  
7 confusing.

8 We have another item on here, that was  
9 added. 166, that was added, that is -- is saying  
10 that we're suspending the tariff filings. That was  
11 part of John Bruckner's letter and that we're saying  
12 that these filings are part and parcel to the  
13 Department of Public Service Staff's ongoing  
14 investigation and will allow time for staff to  
15 complete its supply-constraint analysis and further  
16 investigation of natural -- National Grid's service  
17 denial.

18 Staff is also reviewing moratorium  
19 best practices, to avoid customer-delay hardships.  
20 No resolution is anticipated before the effective  
21 date of the tariff amendments. Therefore the  
22 Commission directs that the filing be suspended  
23 through and including February 28th, 2020.

24 My concern with that, is that also  
25 showcases that it's not as clear cut, to say it's all

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2 on the utility for their failure because it's  
3 showing, you know, we opened a investigation that  
4 then has gotten several times more encumbered and we  
5 opened the investigation, looking at the supply  
6 constraints. There are several specific issues that  
7 need to be looked at and then there are several  
8 issues, in terms -- from -- factually, but also from  
9 the supply-constraint issue.

10 To say that we're not saying that  
11 there is a supply-constraint issue, is that area not  
12 constrained? Am I wrong on that?

13 Now, we can talk about how we  
14 challenge it, but to say that that's not a supply-  
15 constrained area, is something that I would be very  
16 confused by.

17 There are other -- there are other  
18 areas that are constrained, as well. Maybe we need  
19 to be more open about those and what that means and  
20 what the process is. And also, then look at, is it -  
21 - once it goes, we don't then go back to try to  
22 alleviate that moratorium, other than through non-  
23 piped alternatives? Those are questions I have  
24 because those are real answers.

25 And then, is it that you are -- you

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2 should just not tell your customers that we can't  
3 serve you, we can just say we're just waiting? We're  
4 waiting, we're waiting, we're waiting?

5 Does that -- what is the definition of  
6 the moratorium? Is there a certain -- if I say I  
7 want gas, I file whatever application it is, what's  
8 the timeline to get it?

9 There's a waiting list in Westchester  
10 people should be going on, more to be formally  
11 recognized, but what's the waiting list? Because if  
12 we're eventually going to serve them with some gas,  
13 let's make some analysis on what that is.

14 If -- if the analysis is that everyone  
15 on that list, is going to be looked at and we hope to  
16 have 10 percent of those going onto heat pumps, then  
17 we know it's 10 percent. We can make some economic  
18 decisions, based on that. We can look at that. We  
19 can see who voluntarily wants that, but if 90 percent  
20 or 100 percent are going to wind up -- if they wait  
21 to get gas, then why are we waiting?

22 If that's the decision, what does that  
23 mean from an infrastructure -- especially if we're  
24 hearing that energy prices are as low as they are,  
25 why aren't we taking advantage of that now?

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2 I just want to know what it is because  
3 those are decisions -- those are the investment  
4 decisions that customers need to decide, that  
5 utilities need to decide and all those other folks  
6 that weigh into that. It's just economically  
7 appropriate and to me, it's also -- if we're saying  
8 that, you know, we need to notify, let's drill down  
9 on what we're notifying them on and what our  
10 responsibility is.

11 I don't believe that the order to show  
12 cause, is what triggered them to say that they were  
13 going to be connecting customers, immediately. I  
14 think that that was already in discussion and I think  
15 that they recognized and reacted to it, in saying  
16 that.

17 That's something that I think is  
18 important for us because I don't think -- then if  
19 that's the case, then we're setting up a scenario  
20 where we are bringing orders to show causes, in a way  
21 that doesn't make sense. So, I think that it's fair  
22 to say, that there were ongoing discussions with the  
23 complaint process, about how they were going to deal  
24 with this and what they could do.

25 Plus, to the extent that we are asking

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2 them to do things from an energy efficiency and a  
3 demand-response way and other alternatives, we need  
4 to be very clear about what that's going to cost and  
5 we need to be very clear about what that means,  
6 environmentally because I do think that some of the  
7 ways that they're not going to have to meet that, is  
8 likely going to be environmentally harmful, or not as  
9 environmentally friendly as it could've been and will  
10 also be costly. And that's something that I want to  
11 have a more clear understanding of.

12 I don't want to see protracted  
13 engagement, in a way that is not helpful to the  
14 customers. We're addressing right now, some  
15 customers. But all customers need to know where they  
16 stand and what that means for our perspective and I  
17 do think it is important that we work through what  
18 the processes are.

19 If you're filing a complaint, what the  
20 expected timeline is for resolution? If it goes,  
21 from you get 1 complaint and then there's 500  
22 complaints, to a 1000 complaints, 3000 complaints,  
23 whatever that is, what triggers it for more of a --  
24 taking it out of that process and bringing it to us?  
25 Because under the complaint process, there are also

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2 rules and processes for appeal, on both the utility  
3 side and the customer side.

4 And so, right now it's very clunky to  
5 me, on are we going to also go and handle everything  
6 on a complaint-by-complaint process? Are we doing  
7 this all in the One Commission -- One -- excuse me.  
8 Order to show cause?

9 I just want to understand it. I just  
10 want folks to have reliable energy service and I want  
11 to do it, in a way that's affordable and helps in our  
12 environmental-policy goals.

13 That's it. And I'm really concerned.

14 CHAIRMAN RHODES: So, Commissioner  
15 Burman, with all due respect, can we just go once,  
16 through the Commissioners for comments, so that if  
17 you have further thoughts --.

18 COMMISSIONER BURMAN: I don't have  
19 any.

20 CHAIRMAN RHODES: Okay. Great.

21 Okay. Thank you very much.

22 Commissioner Alesi?

23 COMMISSIONER ALESI: Thank you, Mr.

24 Chairman.

25 Well, there's no doubt that this has

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2 captured the attention of quite a few people. We've  
3 seen this a 147 customers that is bolstering this  
4 case, time and time again in the news and it is  
5 tempting then, to look at Grid's assertion, that they  
6 can't service new customers because they just don't  
7 have the capacity. That's to be determined, I guess  
8 because we just listened to a report earlier, that  
9 we're in an environment where the marketplace has  
10 been fairly stable for 5 years and yet resources are  
11 unpredictable because allegedly there needs to be  
12 another pipeline.

13 But I would simply say this. For me  
14 to cast a vote on this issue, I'd have to say, I'm  
15 not voting on a pipeline. I want to be very clear on  
16 that. That issue still rests on the desks of --  
17 perhaps other places, as well, but at least New York  
18 and New Jersey both have to come together in their  
19 environmental committees, before we have a chance to  
20 even talk about that. The issue's there.

21 But what's before us here, is simply  
22 this, an order to show cause and there are four items  
23 that I'm going to be voting on today. And the reason  
24 I'm making it clear, is because I'm not taking a  
25 position on anything, other than those four items.

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2 1, is a demand that they reinstall  
3 those existing -- pre-existing customers. The other  
4 is a contingency plan and implementation plan. And  
5 finally, if penalties are due, that should be  
6 included in the efforts that will be ongoing, from  
7 this point.

8 But that is what I'm voting on today.  
9 I'm not voting on anything other than that.

10 So, I do have a very-broad view on the  
11 whole issue of resources, how they should be  
12 delivered and distributed. That's not on our table  
13 today, so I will be supporting this, in the context  
14 that I just described.

15 CHAIRMAN RHODES: Thank you very much.  
16 Commissioner Edwards?

17 COMMISSIONER EDWARDS: So Chair, I  
18 just want to thank you for issuing this One  
19 Commissioner order. I wish I could've done it, quite  
20 frankly.

21 I started asking, could I have done  
22 this, without your permission and I was --

23 COMMISSIONER BURMAN: What was the  
24 answer?

25 COMMISSIONER EDWARDS: -- I was told,

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2 no, I could not.

3 You know, I've been really troubled by  
4 this, as many of you know and I'm still troubled by  
5 it. The National Grid leadership, acknowledged that  
6 they had poor communication to customers, but they  
7 believe that they have been transparent and that the  
8 final report on capacity, when released, will  
9 vindicate the company.

10 So, I want to be very clear, everyone  
11 lost with this. There is no vindication, if there is  
12 a -- when this report comes out.

13 So, I am hoping that National Grid  
14 does not take the fact that we have capacity issues  
15 and start saying I told you so, because I -- and I'm  
16 speaking for myself. I believe that this was an  
17 intentional, chaotic, confusion, pipeline-approval  
18 strategy, that impacted their customers, who depend  
19 on reliability and that's where I come down on this.

20 I went to their website, to see what  
21 it is that they were telling customers and this came  
22 up and it says we cannot process applications for new  
23 and expanded gas service in Brooklyn, Queens and Long  
24 Island, until we receive state and federal approval,  
25 for the NESE project. You may still submit, in the

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2 meantime and we remain cautiously optimistic, that  
3 the NESE project will proceed on schedule and be in  
4 service, by the winter of 2020-2021.

5 It did not ask for my address. I was  
6 not directed anywhere. It didn't know if I had a  
7 renovation, nothing. And when I raised the issue  
8 about this, all of a sudden, this disappeared.

9 Okay. Now, could be a coincidence.  
10 Maybe not. There was no transparent communication.

11 I do not think that we own this  
12 particular issue. I think it lies squarely with  
13 their chaotic --

14 COMMISSIONER EDWARDS: -- intentional,  
15 confusing strategy.

16 Yes. We absolutely -- with all the  
17 things that I have seen, we have capacity issues.  
18 But what I want to know, is how big are they? Where  
19 is the line in the sand? Is it this year, is it next  
20 year? Where was the plan B? Because even if  
21 approved, we would still have issues today.

22 I read, you know, sometimes you have  
23 to watch people when they don't think you're paying  
24 attention. So, I went back to all of their annual  
25 reports. I read all of their annual reports. All of

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2 them. And this was not mentioned.

3 They identified top-down, bottom-up  
4 risk assessments and when I asked why this was not  
5 included in there, what I received back, is that  
6 while National Grid has included operational-risk  
7 factors in its annual report to shareholders, we have  
8 not specifically addressed the current issue. Okay.  
9 So, why not?

10 I -- I find that odd. If we have a  
11 customer in an apartment, where the building provides  
12 heat and hot water -- this is a real customer. This  
13 customer was denied service for residential, non-  
14 heating, for cooking purposes. The apartment had a  
15 pre-existing, non-heating customer. There was no new  
16 load, but they were denied.

17 When that person called the P.S.C.,  
18 they were then put back on, but what about the other  
19 people on the floor in that apartment building that  
20 do not know to call the P.S.C.? They are not aware  
21 of it. What about them? What about the most-  
22 vulnerable customers that have no idea about all of  
23 this? What about them?

24 What about the renovations? You go  
25 and you put your hard-earned money to try to improve

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2 your home and you think that you're going to have  
3 reliable service and you don't.

4 What about the small-business  
5 customers, that have saved up to open up a business,  
6 to be entrepreneurs and then they can't open up  
7 because they can't have any gas?

8 This is beyond whether there's a  
9 capacity issue. This is absolutely unacceptable.

10 So, we can go back and forth with what  
11 they communicated to the staff, what they did not  
12 communicate to the staff. We're going to get through  
13 all of that.

14 I believe that there's a capacity  
15 issue. I do. But I also have to trust the  
16 messenger, to say what is it that has to be done.

17 What do we need to do? Are there  
18 short-term things that we can do? Do we need the  
19 pipeline? Can we survive without it? What are those  
20 other things?

21 But you have to have somebody that you  
22 trust across the table, so that you can believe what  
23 it is that they're saying. And right now, I just  
24 don't.

25 I think that this was just -- it was

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2 mean. It has put all the customers in the middle and  
3 put as much pressure on everybody, in order to get  
4 this done and that's not what -- I didn't sign up for  
5 this and I'm sure none of you did either.

6 We will get to whether we have -- how  
7 big our capacity issues are. We will get there. I  
8 am sure we will get there, but doing this and  
9 flipping a switch to say, nana, I'm not -- I'm going  
10 to close -- and my grandchildren used to hold their  
11 breath and that didn't work either. Didn't work  
12 either. So, you know, I'm confident that this team  
13 will figure out what the capacities are, what it's  
14 not.

15 I don't like the pipeline issues  
16 either. I just don't. Do we need it? I have no  
17 idea and we're going to have to solve that, one way  
18 or the other. Either long term, or short term, we're  
19 going to have to get to the point, where we are being  
20 more environmentally -- do we need this as a short-  
21 term solution? I don't know. I really don't know,  
22 but this was unacceptable.

23 We could've sat around the table and  
24 figured this out and made the -- and someone -- to  
25 your point, Commissioner, someone else is going to

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2 make the hard decision, on whether we absolutely need  
3 that. But this, to me, was chaotic. It was  
4 confusing. It was mean and I don't think it was  
5 necessary.

6 Thank you.

7 CHAIRMAN RHODES: Thank you.

8 Commissioner Howard?

9 COMMISSIONER HOWARD: When I joined  
10 the Commission in July, I must admit, I had great --

11 UNIDENTIFIED SPEAKER: We can't hear.

12 COMMISSIONER HOWARD: -- sympathy for  
13 the company's position regarding capacity-storage  
14 issues.

15 CHAIRMAN RHODES: Can we --

16 UNIDENTIFIED SPEAKER: We can't hear.

17 CHAIRMAN RHODES: -- hear John, or do  
18 we --?

19 UNIDENTIFIED SPEAKER: No.

20 COMMISSIONER HOWARD: Oh. Okay.

21 Sorry.

22 CHAIRMAN RHODES: Okay.

23 COMMISSIONER HOWARD: I'll start

24 again.

25 CHAIRMAN RHODES: Yeah.

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2 COMMISSIONER HOWARD: When I joined  
3 the Commission in July, I must admit that I had a  
4 high-degree of sympathy for the company's position, on  
5 the issue of capacity shortages and their impacts on  
6 customers. However, since that time, the company's  
7 behavior and public-relations strategy, has changed  
8 my opinion.

9 Rather than comprehensively reaching  
10 out to regulators, customers, both current and  
11 prospective, to engage in meaningful, short-term  
12 solutions to mitigate impacts, the company poured  
13 large amounts of resource into a lobbying efforts to  
14 influence a regulatory proceeding. This behavior  
15 greatly-fueled public distrust, leading customers in  
16 the broader community to not believing Grid  
17 statement's on its supply resources. This waste of  
18 time and resources could clearly have been much-  
19 better used, by focusing with dealing with the  
20 problem at hand.

21 Additionally, this case points out to  
22 the enormous challenges our state faces, in  
23 fundamentally changing our energy systems. The new  
24 goals that we've all adopted, I believe are essential  
25 and extraordinary.

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2 However, we must engage all levels of  
3 our society, so these early missteps, which only  
4 produce skepticism and can set us back years to  
5 meeting our ultimate goals, are addressed. We need  
6 to keep a close eye, not only on the engineering and  
7 technical challenges ahead -- ahead, meaning in the  
8 very-near term, the median term and the longer term,  
9 but as importantly, we will have to deal with the  
10 societal implications of our actions and what they  
11 will produce because clearly the short-term customer  
12 reaction, to not having adequate gas supply, was we  
13 want more gas and that is an undeniable fact on  
14 almost every level, whether public officials,  
15 business leaders, or residential consumers  
16 themselves.

17 So, while I strongly support this  
18 order and the action that we have taken today, I do  
19 need to -- believe that we need to address a broader  
20 level of all members of the state's population, on  
21 how the goals that have been set will be achieved and  
22 what disruptions and public -- and changes in  
23 behavior, will be necessary to meet them because  
24 right now, as long as we go down this road of  
25 brinkmanship and public relations and intensive

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2 lobbying, we are going to not get where we want to  
3 go. And if we do, it'll be much more difficult and  
4 we will leave many angry and left-out people in our  
5 wake.

6 So, I will be supporting this order.

7 CHAIRMAN RHODES: Thank you.

8 I'd like to proceed to call for a  
9 vote.

10 I want to observe that comments have  
11 ranged broadly and have, you know, talked about the  
12 broader context. And that's an important discussion,  
13 but right now, we're talking about this specific  
14 item, which is this order.

15 COMMISSIONER BURMAN: Can I ask for  
16 clarification from counsel?

17 CHAIRMAN RHODES: Please. Go ahead.

18 COMMISSIONER BURMAN: I just want to  
19 clarify for the record, part of the trouble with the  
20 orders to show cause, is that it is not necessarily  
21 saying that a company has done something, but it is  
22 putting it out there, for then, the company to  
23 respond. So, there's been a lot of conversation  
24 here, seeming to lead towards a resolution, or a vote  
25 on what the company has, or has not done and order to

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2 show causes aren't supposed to be set up, even though  
3 once you put it out there, it then makes it fact.

4 Staff put forward a very -- put  
5 forward an order, with a lot of questions, in terms  
6 of -- based on staff investigation, which apparently,  
7 is still ongoing. We have not really made a  
8 decision, then, as the Commission, on that though and  
9 we're -- so, I just want to be clear on what exactly  
10 is being done because it seems like we're condemning  
11 the company and yet we're telling them, don't worry,  
12 you have an opportunity to respond.

13 So, I just want to clarify on what  
14 we're saying.

15 MR. R. ROSENTHAL: I think that the --  
16 the order, in Clause 1 through 4, which is on pages 7  
17 and 8, make very clear what we're doing here, which  
18 is traditional usage of the order-to-show-cause  
19 procedure, in which we order the company, to  
20 immediately take an action, or show cause why they  
21 can't. With respect to the 1157, they obviously have  
22 decided to take that immediate action.

23 We've also asked them to provide 2  
24 types of plans to address the additional customers  
25 that were denied service and they've -- they are

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2 given the opportunity to show cause why they cannot  
3 do that, as well. And the fourth item, is a penalty  
4 action, which -- which shows cause why penalties here  
5 are appropriate and it provides the company with the  
6 option of showing cause why they are not.

7 COMMISSIONER BURMAN: Okay. Thanks.

8 And in the order itself, we also call  
9 upon other utilities to take note of the issues and  
10 to plan accordingly?

11 MR. ROSENTHAL: I mean, that -- that -  
12 - that's correct, as far as the contingencies go.

13 COMMISSIONER BURMAN: Okay.

14 CHAIRMAN RHODES: So, with that, I'd  
15 like to call for a vote.

16 My vote -- own vote, is understandably  
17 in favor of the recommendation to confirm the One  
18 Commissioner order issued by me, on October 11th,  
19 2019, as -- as discussed.

20 Commissioner Burman, how do you vote?

21 COMMISSIONER BURMAN: No.

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

24 COMMISSIONER ALESI: Yes.

25 CHAIRMAN RHODES: Commissioner

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2 Edwards, how do you vote?

3 COMMISSIONER EDWARDS: Yes.

4 And thank you, again.

5 CHAIRMAN RHODES: Commissioner Howard,  
6 how do you vote?

7 COMMISSIONER HOWARD: Yes.

8 CHAIRMAN RHODES: The item is approved  
9 and the recommendation is adopted.

10 We will now move to the consent  
11 agenda.

12 Do any Commissioners wish to comment  
13 on, or recuse from voting on any items on the consent  
14 agenda?

15 Commissioner Burman?

16 COMMISSIONER BURMAN: I'm voting no on  
17 item 166, for the reasons that I laid out before.

18 I do think, that to the extent that  
19 this ties into the very issues that we're bringing an  
20 order to show cause against a company, I think it is  
21 problematic. It is, for us -- part of the actions  
22 that we're not taking, is we have not yet fully  
23 addressed the staff investigation, fully addressed  
24 whatever consultants investigations and given clear  
25 guidance and signals and I think it's really

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2 important, when we look at this, that we also lay out  
3 the real, you know, framework, in terms of what  
4 proper notice is, what a moratorium is, some of the  
5 very things that the order speaks to, that they're  
6 going -- we're going to do, but yet we punt it back  
7 to February of 2020. And that for me is concerning.

8 And we should be really looking at  
9 that and addressing it because the staff  
10 investigation may actually lend support to the  
11 company, or not and we shouldn't prejudge it. And  
12 so, we should have that full framework to understand  
13 it and that may also explain, or not, where the  
14 company was coming from and also the engagement that  
15 they did, or did not have with staff and other  
16 stakeholders and I think it's really important that  
17 we look at that, to the extent that it also now tees  
18 up a very-negative situation for staff, who based on  
19 some investigation, or some aspects of the  
20 investigation leading to the order to show cause and  
21 then being asked now to finalize a report.

22 I really want to caution you, that  
23 it's important that you remain independent and also,  
24 that you remain true to the four corners of the  
25 report and not try to shape it to fit the narrative

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2 that may be now out there. And it's really just -- I  
3 think we need to make sure that we take a hard look  
4 at that, so that no one could cast dispersions on the  
5 hard work of staff and that's important to me.

6 So, Item 262, which is National Grid's  
7 -- its adjustment for the authorization to adjust the  
8 calculation of discount amounts, this is an important  
9 item. It deals with the low-income community and the  
10 discounts and I really do want to thank staff, as  
11 well as the company, in working on this issue because  
12 it tries to correct a situation with the low-income  
13 discounts and making sure that we're not harming the  
14 customers and it was brought forward to us by the  
15 company, in good faith, to address that issue.

16 I do want to note that the order --  
17 and I'm going to be voting in favor of this as a  
18 concurrence, though because the order language is a  
19 little concerning to me because it talks about  
20 providing a reasonable-glide path to transition low-  
21 income customers to the appropriate discount level.  
22 The proposed 20-percent limit, provides inadequate  
23 boundary to potential annual-discount rate decreases.  
24 This limitation on the reduction and discount levels,  
25 provides vulnerable customers time to adapt to new-

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2 discount levels and mitigates the negative effects  
3 that large drops in discount levels would have, on  
4 those customers.

5 And then further, on another page, it  
6 says any changes to the calculation methodology of  
7 the bill-discount level should be addressed in the  
8 generic low-income proceeding, which I didn't know  
9 was still ongoing.

10 So, I flagged these two because that's  
11 a lot of information and while we're addressing it  
12 right now, it is something from a note -- if we're  
13 talking about notice -- a notice perspective, that  
14 there is this transition where people will see --  
15 need to be prepared for and what we're doing and if  
16 we're going to be addressing it, in the low-income  
17 generic proceeding, we should have conversations on  
18 what that looks like because you know, it's different  
19 for those folks who are financially able. But for  
20 many, that glide path, no matter how long the  
21 transition, is just not going to be there and I think  
22 we need to recognize that.

23 Sorry. My numbers are wrong.

24 With Item 263, this is an ESCO matter.

25 There are no customers and it's cleaning up, as we do

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2 others when they don't comply, but they don't really  
3 technically exist and so, we're getting rid of them.  
4 So I'm going to be voting in favor of that. But I  
5 still will raise the issue that there's still the  
6 outstanding ESCO issues that are out there, that we  
7 need to address.

8 On Item 264, with the cybersecurity  
9 protocols and protections in the energy marketplace,  
10 I'm going to be voting in concurrence with this. But  
11 I just want to raise some concerns I have with the  
12 order, in a public way.

13 There are sections of the order, that  
14 talks about the fact that folks were unhappy with the  
15 collaborative process and it wasn't just one person.  
16 It was several people. And that -- what we say in  
17 the order, is that -- excuse me. Several parties  
18 expressed dissatisfaction with the collaborate  
19 process, which led up to the filing of the present  
20 petition. But then we go on to basically tell them,  
21 that the collaborative process led up to this  
22 rulemaking, so it served as a valuable tool, which  
23 allowed stakeholders to discuss and develop these  
24 issues in real time, prior to being proposed to the  
25 Commission for approval.

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2 That's true. The collaborative  
3 process that led to the current petition before the  
4 Commission, is not determinative of the Commission's  
5 decision in this order and any party that believes it  
6 was not able to participate effectively in the  
7 collaborative process, was able to submit comments in  
8 response to the SAPA notice.

9 That falls flat for me and I  
10 understand that the collaborative process, you know,  
11 is not before us, from a substantive perspective.  
12 But if we have a lot of people who have raised issues  
13 and we basically, in an order, say to them, thank you  
14 for telling us that the collaborative process, at  
15 least as you saw it, was less than ideal, it's fine  
16 because we SAPA'd it, so you could've filed your  
17 comments.

18 The collaborative processes,  
19 especially as we move forward with a lot of  
20 opportunities for collaborative, it's really  
21 important that we hear all voices and figure out how  
22 to do it, in a way that helps to move the  
23 conversation. I understand that some of these folks  
24 may have been unhappy, no matter what. But some of  
25 them may have been able to have engaged in a way --

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2 or collaborative processes -- maybe we just need to  
3 take a look at what that means, what the expectations  
4 are and help to -- if there's a way of making it  
5 better, do that because we don't want people to feel  
6 like the collaborative process was a waste of their  
7 time and -- and that goes for staff, as well.

8 And staff has usually been extremely  
9 good about helping to make collaboratives, you know,  
10 add value, if -- if we're engaged in the right way  
11 and I want staff to have that opportunity to do that.  
12 And so, it may be something for us to take a look at.

13 What were some of the failings? How  
14 could it have been done better? There's also -- and  
15 I just want to note, there's also, in this order, a  
16 number of things that are related to the fact, that  
17 part of the reason that we need to move this order,  
18 is to get to the green-button connect.

19 I think there was a filing yesterday  
20 by some folks, including the joint utilities, who  
21 said that they were waiting for decision points in  
22 this, to be able to engage further in the green-  
23 button connect. I think that's a fair assessment.  
24 But to the extent that we also keep in mind that we  
25 don't start, sort of anew, but to the extent that we

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2 incorporate some of the concerns and the criticisms  
3 from here, into that green-button-connect  
4 collaborative, I think it's really important that we  
5 do that in a helpful way.

6 I also think it's important from a  
7 cybersecurity perspective, that we look at making  
8 sure that everyone has the tools and the flexibility.  
9 I do like the fact that we're moving to more of a  
10 risk-based approach. I think that works, but that we  
11 have to be open to alternatives.

12 In here, we seem to give a significant  
13 nod, to state entities who say that they don't want  
14 to follow certain processes because they have  
15 alternatives that seem to meet the test through the  
16 cybersecurity protocols that the states do, in  
17 recognizing the difficulty if they were to have to  
18 sign some of these.

19 And so, to the extent there may be  
20 other opportunities for some effective and still as-  
21 good alternatives that may be followed, depending on  
22 certain, you know, makeups of the -- the -- the  
23 entities that the utilities are engaged in, we should  
24 be looking at at least engaging in that and maybe  
25 that's part of the discussion for the green-button

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2 connect. So, I raise that issue.

3 265, is the URAC petition. I do agree  
4 that this didn't rise to the level of a global  
5 complaint, but I do just raise what I raised last  
6 session.

7 And then what I raised earlier, is we  
8 do need to look at how we are handling the complaint  
9 processes, how we are doing some analysis. I know  
10 staff is engaged on that. I have every expectation  
11 that they'll continue to be in any process  
12 improvements that we can do, especially because we've  
13 seen from the situation with folks wanting access to  
14 getting gas service, or other significant issues that  
15 do come and to the extent that it's not left to that  
16 one complainer having to have several people to raise  
17 it.

18 If we see that there is a problem, we  
19 should try to address it, but have the right  
20 processes in place, so that it doesn't seem like a  
21 bait and switch for anyone and also, that we have the  
22 right appeals process and maybe some more engagement,  
23 in terms of fixing some -- some situations.

24 And that's it. Thanks.

25 Sorry.

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2 CHAIRMAN RHODES: I'm sorry. Maybe  
3 I'll just check with a recap, maybe on your behalf,  
4 Kate.

5 I believe you voted no on 166, but on  
6 the others you were concurring, or yes? Is that  
7 correct?

8 SECRETARY BURGESS: Concurring on 262  
9 and 264.

10 COMMISSIONER BURMAN: Correct.  
11 Thank you.

12 CHAIRMAN RHODES: Thank you.  
13 Commissioner Alesi?

14 COMMISSIONER ALESI: Nothing.  
15 Thank you.

16 CHAIRMAN RHODES: Commissioner  
17 Edwards?

18 COMMISSIONER EDWARDS: I have nothing.

19 CHAIRMAN RHODES: Commissioner Howard?

20 COMMISSIONER HOWARD: Yeah.

21 I will be supporting this consent  
22 agenda. However, I do need to make a comment on  
23 several of the items dealing with street-lighting  
24 sales.

25 We have seen -- there's several items

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2 on this agenda, regarding the purchase of street-  
3 lighting assets by investment, or utilities by  
4 municipalities. I strongly applaud the goals of  
5 these initiatives, rapid conversion of street-light  
6 fixtures to L.E.D.s, resulting in huge sustainable-  
7 energy savings and savings to the municipal budgets.

8 However, as an observer of local  
9 governments, close to 40 years, I have concerns that  
10 adding additional infrastructure responsibilities to  
11 municipalities, who face periodic fiscal issues,  
12 might over time place the street-lighting systems in  
13 the same situations that many water and waste-water  
14 systems are currently in, due to lack of inadequate  
15 long-term funding and unable to meet these -- keep  
16 these systems in good shape.

17 The short-term goals are excellent.  
18 My only hope is that they are sustained over time.

19 Thank you.

20 CHAIRMAN RHODES: Thank you very much.

21 With that, I call for a vote.

22 My own vote is in favor of the  
23 recommendations on the consent agenda.

24 Commissioner Burman, how do you vote?

25 COMMISSIONER BURMAN: I vote yes,

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2 except how I stated earlier.

3 CHAIRMAN RHODES: Yes, except as  
4 noted.

5 Thank you.

6 Commissioner Alesi?

7 COMMISSIONER ALESI: Yes.

8 CHAIRMAN RHODES: Commissioner  
9 Edwards?

10 COMMISSIONER EDWARDS: Yes.

11 CHAIRMAN RHODES: Commissioner Howard?

12 COMMISSIONER HOWARD: Yes.

13 CHAIRMAN RHODES: The items are  
14 approved and the recommendations are adopted.

15 Secretary Burgess, is there anything  
16 further to come before us today?

17 SECRETARY BURGESS: There is nothing  
18 further to come before you today.

19 CHAIRMAN RHODES: Oh. But that's  
20 where you're wrong.

21 So, we've talked at various points  
22 today, about the hard work of the staff and the  
23 integrity of the staff and that's all true. Very  
24 true.

25 But it's especially true, in the case

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2 of this one extraordinary public servant, Kate  
3 Burgess, who's leaving us. But she's not done yet  
4 because, you know, she's still got some service miles  
5 in front of her and so, she's going off to lead the  
6 Ignatian Volunteer Corps, which is an organization  
7 that does great work and obviously, has a special  
8 place in your heart. So, that's really great.

9 It's also really great that Michele  
10 Phillips, who's in the back row, is going to be  
11 taking over and will be our secretary for the  
12 Commission, starting very shortly.

13 But this special colleague deserves  
14 some special recognition and we have, in your case,  
15 Kate, a citation by the Governor. And because it's  
16 the right thing to do, I'm going to read every  
17 special word of it.

18 Okay. This may hurt, but --

19 SECRETARY BURGESS: Thank you.

20 CHAIRMAN RHODES: -- sit there, please  
21 and absorb it.

22 Whereas, the citizens of New York are  
23 its greatest resource and we welcome the opportunity  
24 to pay tribute to exceptional individuals, whose  
25 lives and achievements have had a significant impact

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2 on others, both personal and professionally, in  
3 particular, the Empire State is proud to bestow  
4 official commendation upon those who have served  
5 their fellow New Yorkers, with dedication and  
6 excellence.

7           Whereas, it is therefore appropriate  
8 to recognize the Honorable Kathleen H. Burgess, who's  
9 distinguished efforts and invaluable contributions,  
10 as Secretary of the New York State Public Service  
11 Commission, will be remembered and deeply  
12 appreciated, as she leaves the Department and the  
13 Commission, where she has served for over 19 years  
14 and -- and whereas, Kathleen Burgess graduated from  
15 the College of the Holy Cross, in 1979 with a B.A. in  
16 Urban Studies and in 1983, she graduated from St.  
17 Johns School of Law, in Queens, with a J.D. and most  
18 recently, she earned an M.A. Degree in Pastoral  
19 Studies at St. Bernard's School of Theology. From  
20 this exceptional education, Kathleen has amassed a  
21 wealth of experience and expertise, including in the  
22 energy and utility sectors.

23           She began her state service as a  
24 Legislative Coordinator, in August of 1985 and then  
25 becoming Assistant Counsel to the Department of

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2 Public Service, that's us, in November of 1993, with  
3 a focus on communications and cable issues. And  
4 whereas, in 2007 Kathleen Burgess became an Associate  
5 Counsel with the Commission on Public Integrity, with  
6 an emphasis on ethics and she brought her ethics  
7 training back to the Department of Public Service in  
8 2011, returning as an Assistant Counsel and Ethics  
9 Officer.

10 She was promoted to Secretary of the  
11 Public Service Commission, in July 2013 and has also  
12 served as the Department's Ethics Officer and as  
13 Secretary of the New York State Electric Generation  
14 Citing and the Environment.

15 Secretary Burgess has since presided  
16 over 78 Commission sessions, not that we're counting,  
17 and over 1400 ethics reviews, thereby affecting great  
18 change with a careful consideration and utmost  
19 professionalism and integrity that she has exhibited  
20 throughout her distinguished career in state service  
21 and whereas, Secretary Burgess generously shares her  
22 wisdom, insight and good counsel to the Department,  
23 employees and colleagues, as well.

24 She has been a lifelong humanitarian,  
25 volunteer and mentor, tirelessly apportioning her

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2 energy and intellect on charitable endeavors, from  
3 the Jesuit Volunteer Corps to the Ignatian Volunteer  
4 Corps of New England. Her vision and leadership has  
5 been of the highest quality and has earned the  
6 admiration and respect of the Department of Public  
7 Service and the Public Service Commission, as well as  
8 the regulated community and all the various  
9 stakeholders, who participate in Department  
10 proceedings and whereas, Kathleen Burgess has  
11 rendered faithful and conscientious service to the  
12 people of New York, helping to improve their quality  
13 of life, protecting their safety and well-being and  
14 building a stronger Empire State.

15 This has earned her the gratitude of  
16 all who have had the good fortune to know her and  
17 work with her. Kathleen's husband Michael, her  
18 children Joseph and Katherine and her extended  
19 family, friends and colleagues, gather to honor and  
20 celebrate the highlights of her extraordinary  
21 accomplishments thus far and on behalf of all New  
22 Yorkers, I am pleased to join in the acknowledgement  
23 of her remarkable and successful tenure of the Public  
24 Service Commission.

25 Now, therefore, I, Andrew M. Cuomo,

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2 Governor of the State of New York, do hereby confer  
3 this special citation upon the Honorable Kathleen  
4 Hughes Burgess, with gratitude and best wishes for  
5 every continued success in your future endeavors.

6 Signed, Andrew Cuomo, Governor, today.

7 SECRETARY BURGESS: I am very humbled.  
8 I'm very blessed. I will say it's been a great  
9 privilege to work for this Department. It's been a  
10 special privilege to have served as Secretary.

11 I thank Gary Brown initially, who  
12 entrusted me with this responsibility because I think  
13 it is a tremendous responsibility to have this  
14 position and to Chair Zibelman, Chair Gregg Sayre,  
15 and Chair Rhodes, for allowing me to continue  
16 service.

17 And thank you, to each of you because  
18 this job is a team effort and it has been a pleasure  
19 to be a part of this team. So, thank you and thank  
20 you and thank you, Governor Cuomo. Thank you.

21 CHAIRMAN RHODES: And now, on that  
22 high note, we are adjourned.

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STATE OF NEW YORK

I, KAYLA ALLEN, 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 120, is a true record of all proceedings had at the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 24th day of October, 2019.

KAYLA ALLEN, Reporter

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